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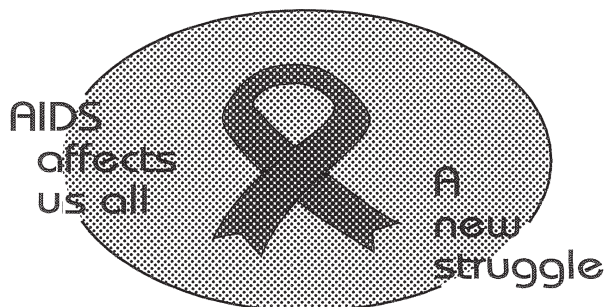
BISHO/KING WILLIAM'S TOWN

20 July 2026
20 Julie 2026

No: 5690

PART 1 OF 2

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PROVINCIAL NOTICE 1660 OF 2026

INXUBA YETHEMBA

UMASIPALA WASEKHAYA / PLAASLIKE MUNISIPALITEIT / LOCAL MUNICIPALITY

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"A coherent developmental municipality putting people first and providing a better life for all its citizens"

**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT:
MUNICIPAL PROPERTY RATES ACT, 2004 AS AMENDED (ACT NO.29 of 2014).**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2014 as amended; that at its meeting of **30/06/2026**, the Council resolved by way of council resolution number **C1276/26** to levy the rates on property reflected in the schedule below with effect from 01 July 2026 to 30 June 2027. **IYM NOTICE NUMBER 88/2026.**

PROPERTY RATES TARIFFS		2026 / 2027
TOWN AREAS		
(a) Residential Properties	R15 000 Exemption on valuation of all Residential Properties	0.018486846
(b) Industrial Properties		0.013858325
(c) Business and Commercial Properties		0.013858325
(e) Mining Properties		0.013858325
(f) Public Service Purpose Properties		0.026923938
(g) Public Service Infrastructure Properties	30% of valuation not rateable	0.003468488
(h) Public Benefit Organisation	EXEMPTED	0.000000000
(i) Vacant Land		0.018486846
(i) None Profit Organisations	EXEMPTED	0.000000000
(i) Protected Areas	EXEMPTED	0.000000000
(i) Public Worship	EXEMPTED	0.000000000
(i) Municipal Properties	Non-Rateable	0.000000000
FARMING AREAS		
(a) Residential Properties	R15 000 Exemption on valuation of all Residential Properties	0.018486846
(c) Business and Commercial Properties		0.013858325
(d) Agricultural Properties		0.000865259
(g) Public Service Infrastructure Properties	30% of valuation not rateable	0.003468488
(f) Public Service Purpose Properties		0.026923938
(h) Public Benefit Organisation	EXEMPTED	0.000000000
(i) None Profit Organisations	EXEMPTED	0.000000000
(i) Protected Areas	EXEMPTED	0.000000000
(i) Public Worship	EXEMPTED	0.000000000
(i) Municipal Properties	Non-Rateable	0.000000000

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy is available for inspection on the municipality's offices, website (www.iym.gov.za) and all public libraries.

MR. MKHULULI WHITEY MATHEW MBEBE

MUNICIPAL MANAGER

1 J.A. CALATA STREET

CRADOCK

5880

**FINAL INXUBA YETHEMBA MUNICIPALITY:
CREDIT CONTROL AND DEBT COLLECTION BY-LAW, 2026-2027**



**ADOPTED BY COUNCIL ON THE: 30 June 2026
Council Resolution No: C1276/26
Provincial Gazette:**

Promulgated on:

CREDIT CONTROL AND DEBT COLLECTION BY-LAW, 2026

To provide for the debt control and the collection of all money due and payable to the Municipality; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Municipality is entitled in terms of section 229 of the Constitution of the Republic of South Africa, 1996, to impose rates on property and surcharges on fees for services provided by or on its behalf within its area of jurisdiction;

WHEREAS the Municipality is entitled in terms of section 75A of the Local Government: Municipal Systems Act, No. 32 of 2000 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 the Municipality is obliged in terms of section 96 of the Systems Act to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation;

AND WHEREAS the Municipality is obliged in terms of section 98 of the Systems Act to adopt By-laws to give effect to the Municipality's credit control and debt collection policy, its implementation and enforcement;

NOW THEREFORE the municipal council of the INXUBA YETHEMBA Local Municipality, acting in terms of section 156 read with Schedule 4 (Part B) and Schedule 5 (Part B) of the Constitution, and read with section 98 and 11 of the Systems Act, hereby makes the following By-law:

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CHAPTER 1 INTERPRETATION

Definitions

1. In this By-law, unless the context indicates otherwise—

"Account" means written notification in the form of a statement of account in respect of municipal services, rates, sundry and other charges, addressed to a person liable for payment thereof.

"Agent" means a person authorised by the customer to act on his or her behalf;

"Authorised official" means a person authorised to implement the provisions of this By-law, including but not limited to—

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) municipal Police Officers as contemplated in the South African Police Services Act, 1995 (Act No. 68 of 1995); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality: Provided that for the purposes of search and

seizure, where such person is not a peace officer, such person must be accompanied by a peace officer.

"Bulk customer" means a customer who consumes large amounts of electricity for commercial or industrial purposes.

"CFO" means a person employed by the Municipality in terms of section 57 of the Systems Act as the Chief Financial Officer of the Municipality, and includes any person to whom the Chief Financial Officer has delegated or sub-delegated a power, function or duty in accordance with the system of delegation developed by the municipal manager in terms of section 79 of the Municipal Finance Management Act and section 59 of the Systems Act.

"Collection charges" means the charges which the Municipality is entitled to recover in terms of section 75A(1) of the Systems Act, and includes the administrative cost–

- (a) of reminding any ratepayer or customer of arrears.
- (b) for the termination, restriction or reinstatement of any municipal service to a defaulting ratepayer or customer.
- (c) of any notice rendered, sent, delivered or published to a ratepayer or customer in terms of this By-law or any other law.
- (d) of any merchant fee; and
- (e) in respect of any other charge which the Municipality is by law entitled to recover;

"Constitution" means the Constitution of the Republic of South Africa, 1996, as amended;

"Consolidated account" means a monthly account reflecting municipal service fees, charges, surcharges on fees, property rates, sundry charges and other municipal taxes, levies and duties and all consolidations in terms of section 102 of the Act;

"Customer" means any person with whom the Municipality or its authorised agent has entered into an agreement for the provision of any municipal service to the premises of which such person is an owner, including any person who is authorised by the owner to

enter into such an agreement with the Municipality in respect of the owner's premises;
"Due date" means the date on which a customer's account becomes payable, which in the case of monthly accounts is twenty-one days from the date of the account, and in the case of annual accounts is the 31st of October each year;

"Fee" means a prescribed amount charged by the Municipality to a customer for the provision of any municipal service;

"Municipal council" or **"council"** means the INXUBA YETHEMBA municipal council, a municipal council referred to in section 157(1) of the Constitution;

"Municipal Finance Management Act" means the Local Government: Municipal Finance

Management Act, 2003 (Act No. 56 of 2003);

"Municipal manager" means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council.

"Municipal service" means a service provided by the Municipality in terms of its powers and functions to or for the benefit of the local community, irrespective of whether or not –

(a) such service is provided by the Municipality itself or by engaging an external mechanism contemplated in section 76 of the Systems Act; or

(b) any fees, charges or tariffs are levied in respect thereof;

"Occupier" means any person who occupies any premises or part thereof, without regard to the title under which such person occupies the premises concerned.

"Owner" – (a) in relation to a property referred to in paragraph

(a) of the definition of **"property"**, means a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of **"property"**, means a person in whose name the right is registered;

(c) in relation to a land tenure right referred to in paragraph (c) of the definition of **"property"**, means a person in whose name the right is

registered or to whom it was granted in terms of legislation, excluding permission to occupy;

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of **"property"**, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of **"publicly controlled"**; and

(e) includes a person whom the Municipality may for the purpose of this By-law regard as the owner of a property in the following cases:

(i) a trustee, in the case of property in a trust excluding state trust land; (ii) an executor or administrator, in the case of a property in a deceased estate;

(iii) a trustee or liquidator, in the case of a property in an insolvent estate or the owner of which is in liquidation.

(iv) a judicial manager, in the case of a property in the estate of a person under judicial management.

(v) a curator, in the case of a person in the estate of a person under curatorship.

(vi) a person in whose favour a usufruct or other personal servitude is registered, in the case of property that is subject to a usufruct or other personal servitude.

(vii) a lessee, in the case of a property that is registered in the name of the

Municipality and is let by it to such lessee.

(viii) a buyer, in the case of a property that was sold by the Municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer; or

(ix) a child or children in charge of the property in the case of child headed households;

"Person" means a natural or juristic person, including an organ of state;

"Policy" means the Credit Control and Debt Collection Policy adopted by the council, as amended from time to time;

"Premises" means any piece of land, with or without any building or structure thereon where—

(a), the external surface boundaries of which are delineated on—

- (i) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937; or
- (ii) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

(b) a municipal service is rendered on land which is not specified on a plan;

"Property" means—

(a) immovable property registered in the name of a person, including, in the case of sectional title scheme, a sectional title unit registered in the name of a person; (b) a right registered against immovable property in the name of a person; (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation, excluding a permission to occupy; or

(d) public service infrastructure;

"Publicly controlled" means owned by or otherwise under the control of an organ of state, including a—

- (a) public entity listed in the Public Finance Management Act, 1999 (Act 1 of 1999);
- (b) municipality; or
- (c) municipal entity as defined in the Systems Act;

"Rates" means a municipal rate on property envisaged in section 229 (1)(a) of the Constitution levied by the Municipality in terms of the Rates Act;

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

"Sundry charge" means an amount charged to a customer which is not directly linked to a property and which includes but is not limited to—

- (a) charges arising from damages to municipal property and equipment;
- (b) monies awarded to the Municipality through court orders and judgments;
- and (c) fines;

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

"Tenderer" means a contractor, service provider or supplier who has submitted a tender for the provision of services or the delivery of goods to the Municipality.

Interpretation of By-law

2. (1) If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

(2) This By-law must be read in conjunction with the Policy.

Objects of By-law

3. The objects of this By-law are to—

- (a) give effect to the Municipality's Credit Control and Debt Collection Policy, and its implementation and enforcement in terms of section 156(2) of the Constitution read with sections 96 and 98 of the Systems Act;
- (b) provide for the collection of monies due and payable to the Municipality; and
- (c) provide for matters incidental thereto.

Application of By-law

4. This By-law applies throughout the Municipality's area of jurisdiction in respect of any amounts payable to—

- (a) the Municipality for rates or the provision of any municipal service.

- (b) any service provider of the Municipality in respect of any municipal service provided by the service provider concerned on behalf of the Municipality; or (c) any other amount payable to the Municipality.

CHAPTER 2 REQUIREMENTS FOR THE PROVISION OF MUNICIPAL SERVICES

Registration for the provision of municipal services

5. (1) An applicant for a municipal service must comply with the registration process prescribed by the Municipality in the Policy for the provision of such service, which includes but is not limited to—

- (a) the submission of a written application for the provision of such service on a form prescribed by the Municipality for that purpose;
- (b) furnishing any information or documentation required by the CFO for the purpose of registering for such service;
- (c) entering into a service agreement with the Municipality; and
- (d) the payment of a deposit of an amount prescribed by the CFO to be held by the Municipality as consolidated security in respect of all municipal services provided by the Municipality to the applicant.

(2) If an applicant is an existing customer of the Municipality in respect of any other municipal service on premises in respect of which any amount is in arrears, such applicant must —

- (a) pay the arrears in full; or
- (b) at the discretion of the Municipality, make suitable arrangements with the Municipality for the payment of such arrears, before an application for a new service in terms of this By-law may be considered.

Deposits

6. (1) The payment of a deposit mentioned in paragraph 5(1)(d) is subject to the criteria determined by the CFO in accordance with the Policy and is due and payable at—

(a) the time of application for municipal services; and

(b) any other time deemed necessary by the Municipality.

(2) Payment of a deposit must be made in cash unless otherwise provided for in terms of the Policy.

(3) Deposits paid by a customer to the Municipality shall be held as a consolidated deposit and used as security for any or all of the charges or amounts included in the account.

(4) The Municipality may at any time and at its sole discretion require a customer to increase the security furnished in terms of paragraph 5(1)(d).

(5) Interest on cash deposits held by the Municipality as security shall accrue as prescribed in terms of the Policy at a rate determined by Council in terms of section 75A of the Systems Act, and the deposit plus interest accrued must be taken into account upon closure or termination of a customer's account.

Service agreement between the Municipality and a customer

7.(1) The Municipality may not approve an application for the provision of any municipal service, unless the applicant has signed an agreement on a form prescribed by the Municipality for that purpose accepting the terms and conditions for the provision of such service, all of which are deemed to be incorporated into this By-law.

(2) Where the purpose for or extent to which any municipal service used has changed, the onus and obligation rests on the customer to advise the Municipality of such change.

Measurement of consumption

8.(1) The Municipality must conduct or cause to be conducted an accurate measurement of the municipal services consumed by a customer at intervals determined in terms of the

electricity policy: Provided that nothing in this section prevents the Municipality from making an estimate of the consumption of municipal services for any relevant period if–

- (a) the reading of the meter could not be obtained in respect of the period in question; (b) no meter has been installed to measure the consumption on the premises concerned; or
- (c) for any other reason the meter could not be accessed to be read.

(2) Irrespective of the fee payable for the consumption of municipal services being based on measured or estimated consumption, the customer concerned remains liable for the payment of the prescribed fee in respect thereof.

Review of existing service agreements

9. (1) The Municipality may review the terms and conditions of any existing service agreement with a customer to take into account any change in law or the circumstances surrounding the provision of any municipal service by the Municipality, and require such customer to enter into a new service agreement with the Municipality based on the resultant changes in law or circumstances.

(2) Subsections 6(4) and 6(5) apply to any deposit or security payable by a customer in respect of a new service agreement referred to in subsection (1).

Termination of service agreements

10. (1) Subject to sections 17 and 26, an agreement for the provision of any municipal service may be terminated by–

- (a) a customer by giving notice in writing of not less than 14 days to the Municipality of such customer's intention to do so; or
- (b) the Municipality, after due compliance with any applicable law and the rules of natural justice, by giving notice in writing of not less than 14 days to a customer, if the customer concerned has –

- (i) not used the municipal service during the preceding six months and has not made any request to the Municipality for the retention of the agreement;
- (ii) in relation to the municipal service concerned, breached or failed to comply with any specific term or condition for the provision of such service, and has failed to remedy such breach or rectify such failure after service on such customer of a notice to do so in terms of section 11;
- (iii) failed to pay any prescribed fee, collection charge or interest due and payable in respect of the municipal service concerned;
- (iv) made an arrangement with another service provider to provide the municipal service concerned to the customer; or
- (v) vacated the premises to which the agreement concerned relates.

(2) If a customer to whom a notice has been given in terms of paragraph (1)(b) makes written representation to the CFO within the period stipulated in that notice as to why the agreement concerned should not be terminated, the agreement must not be terminated until the CFO has responded in writing to the written representation made by the customer concerned.

Notice of compliance

11. If a customer breaches or fails or refuses to comply with any provision of this By-law, a written notice must be served on such customer to comply with the relevant provision of this By-law within a stipulated period in order to avoid the service agreement to which the non-compliance relates being terminated in terms of paragraph 10(1)(b).

CHAPTER 3 ACCOUNT ADMINISTRATION

Accounts

12.(1) The Municipality must maintain proper and accurate accounts which must be rendered and administered by it in accordance with the Policy, this By-law, as well as any other applicable law.

(2) Failure by the Municipality to render an account does not relieve a customer of an obligation to pay any amount that is due and payable by such customer in terms of this By-law.

(3) The Municipality may, in accordance with the section 102 of the Systems Act–

- (a) consolidate any separate accounts of a customer liable for payments in terms of this

By-law to the Municipality;

- (b) credit any payment by such customer against any account of that customer; and

- (c) implement any of the debt collection and credit control measures provided for in this By-law or the Policy in relation to any arrears on any of the accounts of the customer.

(4) In the event of separate accounts being consolidated as contemplated in subsection (3), the total amount due and payable by a customer shall constitute a consolidated debt, and any payment made by a customer of an amount less than the total amount due will, subject to section 23, be allocated in the reduction of the consolidated debt in the order prescribed by the CFO in his or her sole discretion.

(5) Any amount paid by a customer in excess of an existing debt may be–

- (a) held in credit for the customer in anticipation of future rates and fees for municipal services or for the purposes contemplated in section 20(1)(b), without any interest accruing on such amount;

- (b) refunded either as a whole or a portion thereof to the customer concerned, subject to the right of the Municipality to withhold payment until it is satisfied that payment of such refund is not in contravention of any law; or

- (c) refunded to the conveyancing attorney if the property has been transferred.
- (6) Any interest accruing on the deposit paid by a customer in terms of this By-law must be credited to the account of such customer.
- (7) Should the Municipality become aware that the customer has since vacated the premises supplied as his or her address in terms of this By-law, the Municipality must, after deducting any outstanding amounts due to it from the deposit of such customer, place the balance thereof in an account retained for such customer for a period of time determined in the Policy from the date on which the customer's disappearance became known to the Municipality.
- (8) After the expiry of the period mentioned in subsection (7), the balance of the deposit, together with interest thereon, will be forfeited to the Municipality, unless the CFO is not satisfied that this is just and equitable to do so.

Account information

13. (1) Without limiting the amount of information which may be included by the Municipality in a customer's account, any account rendered by the Municipality to a customer must contain at least the following information–

- (a) the consumption or estimated consumption as determined for the relevant consumption period;
- (b) the period to which the consumption or estimated consumption relates;
- (c) the amount due based on the consumption or estimated consumption;
- (d) the amount due and payable for any other municipal service;
- (e) the amount due and payable for any sundry charge;
- (f) the amount in arrears, if any;
- (g) the interest payable on any arrears, if any;
- (h) collection charges insofar as they may be relevant;
- (i) the final date for payment; and
- (j) the methods, places and approved agents where payments may be made.

Account administration and monitoring

- 14.** The Municipality must, subject to section 7, implement reasonable measures to ensure –
- (a) accurate metering of consumption at fixed intervals;
 - (b) limited delay between service connection and the first and subsequent rendering of accounts;
 - (c) accurate and up-to-date information contained in accounts rendered to customers;
 - (d) accurate monthly accounts with the application of the appropriate and correct prescribed fees, rates and other related amounts due and payable;
 - (e) timely dispatch of accounts to correct addresses furnished by customers;
 - (f) adequate provision and the efficient operation of facilities for payment throughout the Municipality's area of jurisdiction;
 - (g) where necessary, the appointment of agents to accept payments on behalf of the Municipality; and
 - (h) appropriate and reasonable hours of business in order to facilitate account payments.

Responsibility for payment of account

- 15.** (1) It is the responsibility of the customer to ensure that his or her account is paid timeously and that such account does not fall into arrears.
- (2) Where a customer is a tenant of the property concerned, the owner of the property shall be held jointly and severally liable with the tenant for debts on the property.
- (3) Subsection (2) does not apply to the payment of rates, which payment shall be the sole responsibility of the owner or owners of such property.

Disputes and enquiries in respect of accounts rendered by the Municipality

- 16.** (1) A customer may lodge a written dispute with the Municipality to challenge the correctness or accuracy of any amount due and payable by such customer reflected in an account rendered by the Municipality in terms of this By-law: Provided that such dispute

must be lodged with the Municipality before or on the due date for payment specified in the account concerned.

(2) A customer must, pending resolution of the dispute, continue to make regular monthly payments in respect of rates, if applicable, or in respect of any municipal service, as the case may be, based on the average monthly fees for the preceding three months prior to the dispute arising, plus interest if applicable, until the dispute is resolved.

(3) Where a customer fails to lodge a dispute within the period mentioned in subsection (1), any

correspondence received from the customer after such period concerning the correctness or accuracy of an account, will be treated as an enquiry and – (a) the account will not be suspended; and

(b) such enquiry must be accompanied by the payment of at least an amount equal to the average amount per month that was due and payable in respect of the service concerned during the preceding three months.

(4) If an objection or appeal is lodged against the value of property in terms of sections 50 and

54 of the Rates Act, on publication of a new or supplementary valuation roll in terms of section 49 of the Rates Act, a customer must still make payment to the Municipality based on the rates payable in respect of the property concerned on the previous valuation roll prior to the lodgement of the objection or appeal.

(5) Any amount not in dispute must be paid in full by the customer and municipal services may be disconnected or restricted where such amounts remain unpaid.

(6) An authorised official must register the dispute or enquiry and take reasonable steps to ensure that the dispute or enquiry is addressed within a reasonable period.

(7) The CFO must –

(a) investigate or cause the dispute or enquiry to be investigated within 30 days, or as soon as possible after the such dispute or enquiry received; and

(b) inform the customer, in writing, of his or her finding as soon as possible after conclusion of the investigation, instructing that either such customer's account

will be credited with an amount found to have been overpaid or, alternatively, that any amount found to be due and payable must, subject to section 23, be paid within a reasonable period from the date on which the customer is notified thereof, unless an appeal is lodged within that period in terms of subsection (7).

- (8) Except for instances where the right of appeal is specifically afforded to a customer in terms of any other law, a customer may, subject to section 34, lodge an appeal in writing with the municipal manager in terms of section 62 of the Systems Act against a decision referred to in subsection (6), within 21 days of the date of notification of the decision.
- (9) The Municipality must inform the customer concerned in writing of the decision on the appeal, instructing that any amount found to be overpaid will be credited to such customer's account or, alternatively, that any amount found to be due and payable must be paid within seven days from the date on which the customer is notified thereof.
- (10) The Municipality will only supply records of documents to the customer for the last 5 years.

Failure to pay accounts on due date

17. (1) The Municipality must take the necessary steps to recover payment of any accounts which remain unpaid after the due date for the payment thereof.

(2) Where—

(a) a tenant or an occupier occupies a property in respect of which arrears are owing; or (b) an agent acts for an owner in respect of whose property arrears are owing, the Municipality may recover from such tenant, occupier or agent such monies as are owing by the tenant, occupier or agent to the owner, as payment of the arrears owed by such owner.

(3) The Municipality may recover the amount in whole or in part despite any contractual obligation to the contrary on the tenant, occupier or agent.

- (4) The amount the Municipality may recover from the tenant, occupier or agent is limited to the amount of the rent or other money due and payable, but not yet paid by the tenant, occupier or agent to the owner.
- (5) Should the tenant, occupier or agent refuse to pay over any monies to the Municipality in terms of this section, the services of the tenant, occupier or agent may be disconnected.
- (6) Before resorting to litigation for the recovery of arrears, the Municipality may send a final demand notice, which may appear on the account addressed to the defaulting customer, calling upon such customer to make payment within a stipulated period, failing which legal steps may be taken for the recovery thereof.
- (7) Failure by the Municipality to send a final demand notice does not relieve a customer from paying the arrears.

Rates and municipal service charges upon the property

18. The rates, taxes, levies and duties on property and municipal service charges are a charge upon the property, and the Municipality may take any of the following actions to secure payment thereof:

- (a) terminate or restrict the provision of any municipal service in terms of section 19; (b) allocate the whole or a portion of any payment of an account, or the whole or a portion of a pre-payment for future accounts as contemplated in paragraph 12(5)(a), as payment for arrear municipal service fees or rates;
- (c) subject to section 118 (1) of the Systems Act, withhold the issuing of a prescribed rates or revenue clearance certificate until all amounts due in connection with the property concerned for municipal service fees, surcharges on fees, rates and other municipal taxes, levies and duties for the period contemplated in paragraph 118(1)(b) of the Systems Act have been fully paid;
- (d) unilaterally disconnect the supply of electricity supplied by way of an electricity dispenser to any premises where such premises are charged with an overdue amount in terms of an applicable consolidated bill, or refuse to supply any

person with any card or token for the operation of an electricity dispenser serving any premises charged with an overdue amount in terms of any consolidated bill;

(e) refuse to register new customers for services on the property until the previous debt is paid; or

(f) in respect of the consolidated debt, recover arrears from tenants or occupiers of the property in respect of which the consolidated debt is owing, or from the agents as contemplated in sections 28 and 29 of the Rates Act.

Termination or restriction of a municipal service

19. (1) The Municipality must undertake regular maintenance of the relevant municipal infrastructure to ensure continuous and undisturbed supply of municipal services to its customers.

(2) The provisions of subsection (1) must not be interpreted as preventing the Municipality from terminating or restricting the provision of any service in terms of the prescribed termination and restriction procedures set out in the Policy to any premises if the customers, heirs or trustees in respect of the municipal service concerned –

(a) fails to make full payment of arrears on or before the final date for the payment thereof, and the customer fails to sign an acknowledgement of debt in terms of section 26 in respect of the arrears concerned before termination or restriction;

(b) fails to pay any instalment payable in terms of an agreement referred to in paragraph (a) before or on the due date;

(c) fails to comply with any condition of provision imposed by the Municipality in respect of the service concerned;

(d) obstructs the efficient provision of the service concerned to another customer; (e) provides the service concerned to a person who is not entitled thereto or permits such provision to continue;

- (f) causes a situation relating to any service which, in the opinion of the Chief Financial Officer, is dangerous or constitutes a contravention of any applicable law, including the common law;
 - (g) tampers with an electricity or in any way reinstates without the Municipality's knowledge or consent the provision of a previously terminated or restricted service;
 - (h) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act No. 24 of 1936) or is subject to an administration order granted in terms of section 74 of the Magistrate's Court Act, 1944 (Act No. 32 of 1944), and there is a failure to enter into a new service agreement within 14 days of the Municipality requiring such service agreement in terms of section 9 read with section 18 of this By-law; or
 - (i) fails to notify the Municipality within 30 days from date of death of the customer.
- (3) The Municipality must send a disconnection notice to a customer informing such customer–
- (a) that the provision of the service concerned will be, or has been disconnected on the date specified in such notice; and
 - (b) of the steps which can be taken to have the service reinstated.
- (4) The notice of disconnection may be included on the bill or any other notice issued in terms of this By-law.
- (5) If a customer intends to terminate or transfer an account for municipal services, the customer must provide the Municipality with notice of such intention within the time period provided for in the Policy.

Reinstatement of the supply of a municipal service

20.(1) Where the supply of a municipal service to a customer has been terminated or restricted by the Municipality in terms of section 19, the supply of such service to the customer concerned may not be reinstated either fully or partially until –

- (a) the full amount of arrears, including interest and collection charges, if any, have been paid;
 - (b) an agreement for payment of arrears contemplated in paragraph (a) has been entered into in terms of section 26;
 - (c) the full amount of arrears in respect of any agreement referred to in paragraph (b), including interest and collection charges, if any, and any increased deposit, where required, have been paid; or
 - (d) any other condition considered by the CFO to be appropriate, including payment of additional security, has been complied with.
- (2) Once all the conditions stipulated in subsection (1) have been met, a reconnection order must be issued by the authorised official to the effect that every applicable condition contemplated in subsection (1) has been complied with and that the municipal service concerned may be reconnected.

Interest charges

21.(1) Subject to the provisions of sections 9 and 55 of the Rates Act, read with paragraph 64 (2) (g) of the Municipal Finance Management Act, all arrears in respect of accounts for rates and municipal services bear interest equivalent to the rate of interest as determined in terms of the Rates Regulations or any other applicable legislation.

(2) Interest calculated on arrears may only be reversed as determined by the Municipality in terms of the Policy.

Administration charges

22. A prescribed administration charge may be levied by the Municipality against the account of a customer in respect of any action taken by or on behalf of the Municipality in terms of this By-law or the Policy.

Municipality's discretion in appropriation of payments received

23.(1) Subject to subsection 12(3), the Municipality may appropriate monies received in respect of any debt contemplated in this By-law at its sole discretion, irrespective of any instruction issued by the customer directing how such monies are to be appropriated.

(2) If any amount due and payable to the Municipality in terms of this By-law has not been paid in full, any lesser amount tendered to and accepted by any municipal employee does not constitute payment in full and final settlement of the full amount, unless the lesser amount was accepted in full and final settlement in writing under a power delegated or sub-delegated to such employee in terms of section 59 of the Systems Act.

Actions for the recovery of outstanding amounts

24. (1) The Municipality may recover charges, costs and interest on any outstanding amount, which may include but are not limited to—

- (a) costs and administration fees where payments to the Municipality by negotiable instruments are dishonoured by banks when presented for payment;
- (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this by-law; (d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
- (e) any collection commission incurred.

(2) Subject to section 18, if an amount payable to the Municipality in respect of an account for rates or service charges remains outstanding, wholly or in part, after the due date for the payment thereof—

- (a) the defaulting customer may be listed with a credit bureau; and
- (b) may be handed over to a debt collector or an attorney for collection.

- (3) In the event of an overdue account being handed over to a debt collector or an attorney for collection, the customer concerned is liable for any interest and collection charges raised in respect thereof.
- (4) An action taken in terms of this By-law may not be suspended or withdrawn unless the arrears, any charge, cost, interest thereon, and additional security, if required by the Municipality, have been paid in full.
- (5) Subject to Schedule 2 item 10 of the Systems Act, any amount in arrears on an account of a municipal staff member may be deducted by the Municipality from such municipal staff member's salary, as the case may be.
- (6) The Municipality may enter into an agreement with any councillor whose account is in arrears to deduct any amount in arrears from the councillor's allowance.
- (7) Charges, costs and interest recovered in terms of subsection 1 may be levied against the arrear account of the customer.
- (8) The amount or manner of calculation of the interest charged or the amount or manner of calculation of collection charges must be passed by the municipal council with a supporting vote of a majority of its members in terms of section 75A of the Systems Act.

Agreement with Employer

25. (1) Subject to section 103 of the Systems Act, the Municipality may, with the consent of the customer, enter into an agreement with the customer's employer to deduct from the salary or wages of the customer—

- (a) any outstanding amount due by that customer to the Municipality;
- or
- (b) regular monthly amounts as may be agreed upon.

Acknowledgements of debt

26.(1) Any customer who is indebted to the Municipality may be required to sign a written acknowledgement of debt on a form prescribed by the Municipality for that

purpose setting out the terms which are agreeable to the Municipality for the payment of such debt.

- (2) If the amount payable by a customer in terms of an acknowledgement of debt contemplated in subsection (1) is payable in instalments, any payment received from such customer in an amount less than the total amount due may be allocated in reduction of the consolidated debt of such customer in the order prescribed in the Policy, notwithstanding any instruction to the contrary by the customer concerned.
- (3) A customer may be required to arrange a debit order for the payment of arrears in respect of which an acknowledgement of debt contemplated in subsection (1) has been signed by the customer concerned.
- (4) Subject to subsection (5), no acknowledgement of debt may provide for payment over a period longer than 24 months.
- (5) (a) An acknowledgement of debt providing for payment over a period in excess of 24 months, may be accepted by the Municipality in terms of delegated authority, if special circumstances which the customer could not reasonably have prevented or avoided, prevail and which, in the opinion of the CFO, warrant a longer period of payment; and (b) Documentary proof of any special circumstances as contemplated in paragraph (a) must be furnished by a customer on request by the Municipality.
- (6) The Municipality must, in exercising its discretion in terms of subsection (5), have regard to a customer's—
 - (a) credit record;
 - (b) consumption of services;
 - (c) ability to afford the proposed instalments, taking into account the customer's financial situation;
 - (d) level of service;
 - (e) previous breaches of agreements for the payment of arrears in instalments; and
 - (f) any other relevant factors.

- (7) If a customer fails to comply with the terms of an acknowledgement of debt contemplated in subsection (1), the total outstanding amount, including the arrears, any interest thereon, any collection charges, and payment of a higher deposit if required by the Municipality, will immediately become due and payable, and the additional security, if so required, must be provided, without further notice.
- (8) If a customer fails to comply with the terms of an acknowledgement of debt contemplated in subsection (1) that was signed after receipt of a disconnection notice for water or electricity services, or both as the case may be, the municipal service concerned may be disconnected without further notice, in addition to any other action taken against or which may be taken by the Municipality against the customer concerned.
- (9) The Municipality may not accept an acknowledgement of debt by a customer if that customer has failed to honour a previous acknowledgement of debt for the payment of arrears to the Municipality, unless the CFO otherwise decides on good cause shown.
- (10) Once an acknowledgement of debt contemplated in subsection (1) is signed, the amount in arrears must be reflected as a current amount.

CHAPTER 4 ASSISTANCE TO THE POOR AND IRRECOVERABLE DEBTS

Assistance to the poor

27.(1) The Municipality may, in terms of the qualifying criteria set out in the Policy, grant assistance to any person who is regarded by the Municipality as poor based on the qualifying criteria as determined by the Municipality from time to time in the Policy.

(2) The person who qualifies for assistance in terms of subsection (1) must be prepared to convert to pre-payment metering whenever required by the Municipality to do so.

(3) The Municipality must conduct regular audits of persons who are receiving assistance in terms of subsection (1) to ensure that they still meet the criteria for such

qualification and, if not, take the necessary steps for the withdrawal of such assistance, subject to due compliance with the Constitution and the rules of natural justice.

Irrecoverable debts

28. (1) Where a debt owing to the Municipality is considered irrecoverable in terms of the criteria set out in the Policy, and provided that there is sufficient provision to cover bad debts due to the Municipality, the CFO must write off such debt in accordance with the Policy.

(2) The CFO must report to the council at its next meeting all amounts that have been written off as irrecoverable in terms of subsection (1), and all such information must also be included in the monthly budget statements which must be rendered by the municipal manager in terms of section 71 of the Municipal Finance Management Act.

CHAPTER 5 MISCELLANEOUS

Municipality's right of access to premises

29.(1) In accordance with the Policy and section 101 of the Systems Act, an authorised official may access any premises at any reasonable time in order to read, inspect, install or repair any meter or service connection, or to disconnect, stop or restrict the provision of any service.

(2) Should access to the premises be unreasonably denied or prevented, a disconnection penalty fee may be raised in the account, over and above any penalty which may be imposed in terms of section 35.

Transmission of documents

30. Where any account, notice or other document issued by the Municipality in terms of this By-law is required to be given or delivered by the Municipality to any person, such communication may be posted by ordinary mail to the last known address of the customer; emailed to the customers e-mail account provided; messaged (sms'd) to the

customers cell phone number; or be given or delivered in terms of Section 115 of the Systems Act or the Electronic Communications Act, 2005 (Act 36 of 2005).

***Prima facie* evidence of documentation**

31. For the purposes of the recovery of any amount due and payable to the Municipality in terms of this By-law—

- (a) a copy of any relevant account; and
- (b) an extract from the Municipality's records containing the details of such account and certified by an authorised official as being correct,

shall constitute *prima facie* evidence of the information contained in such documents.

Update of customer details

32. A customer must furnish the Municipality with updated information details of the customer when a change of such information occurs, which includes but is not limited to—

- (a) contact details of the customer;
 - (b) details of executors or administrators of deceased estates;
 - (c) deregistration of a company, close corporation or trust if the company, close corporation or trust is the account holder; and
 - (d) details of deceased—
 - (i) company directors;
 - (ii) members of close corporations;
- and (iii) trustees of Trusts.

**CHAPTER 6 PROCUREMENT OF GOODS AND SERVICES BY THE
MUNICIPALITY**

Procurement of goods and services by the Municipality

33. (1) When submitting a tender for the provision of goods or services to the Municipality, every tenderer must prove to the satisfaction of the Municipality that all accounts for municipal services for which the tenderer and each of its directors, members, owners, partners or trustees are liable, have been paid in accordance with the requirements contained in the Policy and the Municipality's Supply Chain Policy.

(2) the Municipality may at its sole discretion check whether all the municipal accounts of its supplier of goods or services are up to date and if found to be in arrears, any amount payable to the supplier may be set off against the arrear amount.

(3) Where a contractor's place of business is out of the jurisdiction of the Municipality, a Revenue Clearance Certificate from the relevant Municipality must be produced.

(4) Where a contractor, or its directors, members, owners, partners or trustees, is indebted to the Municipality for rates or any service charges and payments are due to that contractor in respect of goods or services provided to the Municipality, or in terms of any contractual arrangement with the Municipality, the arrear amount owing may be set off against such payments.

CHAPTER 7 GENERAL Appeals

34. (1) A person whose rights are affected by a decision taken by an authorised official in terms of this By-law may appeal against the decision in terms of the Appeals provision contained in Section 62 of the Systems Act by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority.

(3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

- (5) The appeal authority must furnish written reasons for its decision on all appeal matters.
- (6) All appeals lodged are done so in terms of the Systems Act and not in terms of this By-law.

Offences and penalties

35.(1) Any person who contravenes or fails to comply with section 29 of this By-law is guilty of an offence and is liable upon conviction to a fine or imprisonment for a period not exceeding one year.

(2) Any person who fails to furnish the Municipality with updated information details in terms of section 32 may result in the Municipality– (a) withholding the provision of services of; or

(b) imposing a sundry charge on
the customer concerned.

Delegations

36.(1) Subject to the Constitution and applicable national and provincial laws, any– (a) power, excluding a power referred to in section 160(2) of the Constitution;

(b) function; or

(c) duty,

conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of sub-section (1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Systems Act, subject to the criteria set out in section 50(2) of the said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the–

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

Repeal of laws and savings

- 37.** (1) The provision of any by-laws relating to the control of credit and debt collection by the municipality are hereby repealed insofar as they relate to matters provided for in these bylaws;
- (2) Provided that such provision shall be deemed not to have been repealed in respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

Short title and commencement

- 38.** This By-law is called the Credit Control and Debt Collection By-law, 2025-26 and takes effect on the date of publication thereof in the *Provincial Gazette* or as otherwise indicated in the notice thereto.

ANNEXURES**ANNEXUER A: APPLICATION FOR MUNICIPAL SERVICES****ANNEXURE B: APPLICATION FOR REGISTRATION AS INDIGENT CUTOMER**

ANNEXURE C: COPY OF MONTHLY MUNICIPAL ACCOUNT

ANNEXURE A: APPLICATION FOR MUNICIPAL SERVICES

APPLICATION FOR MUNICIPAL SERVICES

TYPE OF APPLICATION

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Domestic Commercial/ industrial institutional

TYPE OF CUSTOMER

Individual owner CC partner Pty (Ltd) lessee

PARTICULAR OF APPLICANT			
Name of corporate entity			
Registration number of corporate entity			
Surname		Initials	
Id number			
Marital status			
If married- in or out of community property			
Occupation			
Tel No.			
Cell No.			
Address of applicant(for purposes of account delivery)			
Physical address		Postal address	
Next on kin			

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1. Name		Tell No.	
Address			
2. Name		Tell No.	
Address			

Employer's Details			
Name		Tell No.	
Physical		Period in	

Address		service	
Credit references			
1. Name of company		Account No.	
Address		Tell No.	
2. Name of company		Account No.	
Address		Tell No.	
Particular of owner (if not applicant)			
Name of corporate entity			

Registration number corporate entity			
Surname		initials	
Id number			
Occupation			
Tell no.			
Cell no.			
Physical address		Postal address	
Property to which municipal service must be provided			
Suburb			
Zone			
Stand no.			
Street name			
Street number			
Number of person over the age of 18 years living on the property			
Type of municipal service to be provided			
Water supply service	Communal stand pipes		
	Yard connection		
	In house connection		
Sanitation services	Night soil removal		
	Water borne sewerage		
Electricity services	Per-paid		
	Other		

Refuse removal services		
Date on which provision of services should commence		
Payment details		
Cash including cheque & credit card)		

Debit order		
Stop order		
Other method or electronic transfer		
Bank details	Branch	
	Account No.	

A CERTIFIED COPY OF THE APPLICANT'S IDENTITY DOCUMENT/ POWER OF ATTORNEY MUST

BE ATTACHED TO THE APPLICATION

I/ we hereby –

- (a) apply for the provision of municipal services to be provided to the above property;
- (b) accept the conditions applicable to the provision of municipal services as set out the municipality's policy, by-laws and conditions supply of any service provider of the municipality;
- (c) declare that I was informed that the documents referred to in (b) are available for inspection at the office of the municipality during office hours;
- (d) declared that this application form and implications thereof was explained me;
- (e) declared that all payments due and payable by me in pursuance of the application shall promptly be paid by me on the due date; and
- (f) declared that the information provided in this application form is true or correct.

Applicant

Municipality/ Authorized agent

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 _____ Date

 Signature of owner (if not applicant)

 Date

CERTIFICATION BY MUNICIPALITY

The consequences of the above declaration made by the applicant were explained to him/her/ it and he/she/it indicated that the contents of the application were understood.

Municipal/ authorized agent

Date

FOR OFFICE USE ONLY

Deposit paid	Date	
	Amount	
	Receipt number	
Account number		
Commencement date of service		
Area code		

ANNEXURE B: APPLICATION FOR REGISTRATION AS INDIGENT CUSTOMER

Surname		Initials		ID number		Marital status		If married - in/ out of community property		Occupation		Tell No.		Cell No.		Address of applicant		Physical address		Postal address		Number of properties owned by applicant and all members of the household		Details of properties if applicable		Property 1		Physical address		Name of owner		Name of bondholder		Account number		Deed registration number			

APPLICATION FOR REGISTRATION AS INDEGENT CUSTOMER

Note: an application for municipal services must be completed or updated on submission of this application.

	Type of structure	
Property 2	Physical address	
	Name of owner	
	Name of bondholder	
	Account number	
	Deed registration number	
	Type of structure	

Is property/ properties or a portion thereof leased to a third person? (yes / no).			
If leased, rent received			
Number of all members in household			
Combined gross income of all members of the household per month			
Details of all members of household over the age of 18 years resident at the:			
Property			
1. surname		2. Surname	
Full name		Full name	
ID number		ID number	
Employed(yes/no)		Employed (yes/no)	
Salary including Benefit, if relevant		Salary including Benefit, if relevant	
3. surname		4. Surname	

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Full name		Full name	
ID number		ID number	
Employed (yes/no)		Employed (yes/no)	
Salary including		Salary including	
Benefit, if relevant		Benefits, if relevant	
Details of any other income received by household (i.e. such as old age pension, disability pension, welfare, etc.)			
1. type of income		2.type of income	
Institution		Institution	
Amount		Amount	
Reference number		Reference number	
3. type of income		4. type of income	
Institution		Institution	
Amount		Amount	
Reference number		Reference number	
5. type of income		6. type of income	
Institution		Institution	
Amount		Amount	
Reference number		Reference number	
Details of monthly expenses of household:			
1. Groceries		2. School fees	
3.Clothes		4.	

5.		6.
7.		8.
9.		10.

Details of current debt of householder: (including insurance policies and credit purchases)

1. Institution

Account number

Amount owing

3. Institution

Account number

Amount owing

5. Institution

Account number

Amount owing

Details in respect of legal or other actions taken against me in respect of current expenses/ debt of the household: (i.e. administration orders, sequestration, other court orders, listed with a credit agency, etc.)

1. Institution

Type of action

Case number

Amount owing

3.Institution
Case number
Type of action
Amount owing
5. Institution
Type of action
Case number
Amount owing
The following document must be attached – 1. Documentary proof of income (such as a letter from the customer's employer, a salary advice, a pension card, unemployment fund card, etc.)
2. an affidavit declaring unemployment or income; and 3. Latest municipal account in the possession of customer; and 4. A certified copy of applicant's identity document.

A. I hereby –

1. Apply for registration as an indigent customer for a period of one year;
2. Accept the conditions applicable to this application as set out the municipality's policy, by-laws and condition of supply of any service provider of the municipality;
3. Declare that I was informed that the documents referred to (2) are available for inspection of the office of the municipality during office hours;
4. Declare that this application form and implication thereof was explained to me;
5. Declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date; and
6. Declare that the information provided in this application form is true and correct.

B. I further declare and accept that the following specific conditions shall apply to this application –

1. The municipality or its authorized agent may send authorized representatives to premises or household applying for registration as an indigent customer to conduct an on-site audit of information provided prior to approval of application or any time thereafter.
2. An application shall be approved for a period of 12 months only.
3. the municipality or its authorized agent may on approval of an application or any time thereafter –
 - 3.1 install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality or its authorized agent; and
 - 3.2 limit the water supply services of an indigent customer to a basic supply of not less than 6(six) kilolitres per month.
4. an indigent customer may annually re-apply for registration as an indigent customer, failing which his assistance will cease automatically
5. The municipality or its authorized agent gives no guarantee of renewal.

6. the municipal council may annually as part of its budgetary process determine the municipal services and levels thereof that will be subsidized in respect of indigent customers in accordance with national policy, but subject to principle of sustainability and affordability.
7. any other municipal services rendered by the municipality or its authorized agent or municipal services consumed in excess of the quantities specified in 6 above shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption . Normal credit control procedures shall apply in respect of such excess consumption.
8. Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be suspended, without interest accumulating in respect of such arrears, for the period that a customer remains registered an indigent customer.
9. Suspended arrears shall become due and payable by the customer in monthly instalments as determined by the municipality or its authorized agent, or deregistration.
10. Arrears suspended for a period of 2(two) to years of longer shall not be recovered from a customer on the de-registration.
11. the municipality or its authorized agent may undertake regular random audits to –
 - 11.1 verify the information provided by indigent customers;
 - 11.2 record any change in the circumstances of indigent customer; and
 - 11.3 make recommendations on the de-registration of the indigent customer.
12. any customer who provide or provided false information in the application form and/ or any other documentation and information in connection with the application –

12.1 shall automatically, without notice be de-registered as an indigent customer from the date on which the municipality or its authorized agent become aware that such information is false; and

12.2 shall be held liable for the payment of all services received;

12.3 in addition to any other legal actions the municipality or its authorized agent may take

against such a customer.

13. an indigent customer must immediately request deregistration by the municipality or its authorized agent if him or her circumstances has changed to the extent that he or she no longer meets the qualifications set out in the by-laws.
14. an indigent customer shall automatically be de-registered in an annually application is not made or if such application is not approved.
15. an indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he/she no longer meet qualifications set out in the by-laws.
16. an indigent customer may at any time request de-registration.

Applicant

Municipality/ authorized agent

Date

Date

CERTIFICATION BY MUNICIPALITY

The consequences of the above declaration made by the applicant were explained to him/her and he/she indicated that the contents of the APPLICATION were understood.

Municipality/ authorized agent
Date

FOR OFFICE USE ONLY

Account number	
Date of receipt application	
First verification	
Date	
Site visit (yes/no)	
Name of verifier	
Indicated information not Verified	
Recommendation	
APPLICATION APPROVED/ NOT APPROVED	
Second verification	
Date	
Site visit (yes/no)	
Name of verifier	
Designation of verifier	

INXUBA YETHEMBA LOCAL MUNICIPALITY



BY-LAW RELATING TO MUNICIPAL TARIFFS

2026/27

SPECIAL COUNCIL APPROVED: 30 June 2026
COUNCIL RESOLUTION NO: C1276/26
PROVINCIAL GAZETTE:

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TARIFF BY-LAW 2018

To provide for the adoption and implementation of a tariff policy; for the general power to levy and recover fees, charges and tariffs and for matters incidental thereto.

PREAMBLE

- Section 229(1) of the Constitution authorises a municipality to impose:
 - a) Rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
 - b) If authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls.
- In terms of section 75A of the Local Government: Municipal Systems Act a municipality may:
 - a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - b) recover collection charges and interest on any outstanding amount.
- In terms of section 74(1) of the Local Government: Municipal Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements and which complies with the provisions of the Local Government: Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
- In terms of section 75(1) of the Local Government: Municipal Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
- In terms of section 75(2) of the Local Government: Municipal Systems Act, 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.
- The Municipal Council of the Inxuba Yethemba Local Municipality, acting in terms of section 156 of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), hereby adopts the following By-Law:

1. DEFINITIONS

“agricultural consumers” means consumers engaged in agriculture as defined in the scheme regulations made in terms of section 8 of LUPPO,

“annual budget” means the budget approved by the municipality for any particular financial year and includes any adjustments to such budget;

“availability charges” means a monthly charge that the municipality may levy against immovable property with or without improvements, which is not connected to any municipal service works where such property can be reasonably so connected;

“an availability charge” shall mean an amount payable by the consumer in respect of a service which is available but not connected to the property concerned. In contrast hereto a 'charge' shall mean the minimum amount payable by the consumer in respect of a particular service irrespective of the extent to which the service is used during any given period of time.

For subdivisions or group housing developments, where the developer provides the internal civil services, availability charges for all erven approved and subdivided within the development for water, electricity, refuse removal and sanitation (where applicable) become payable 12 months after the issue of the Completion Certificate in terms of GCC 2010. If an individual erf within the development is transferred before the 12 month period has expired, availability charges for that specific erf will become payable for water and sewer as on the date of transfer, the submission of a building plan or the request for a Certificate of Registered Title. The date of the completion certificate must be confirmed by the director responsible for the specific service and which certificate a copy must be submitted immediately on receipt to the financial department.

“Constitution” means the Constitution of the Republic of South Africa;

“community services” means services rendered by the municipality, which include, but are not limited to, environmental health, street cleaning, grass cutting and the operation of community halls and cemeteries;

“consumer” means the occupier of any premises to which the municipality has agreed to supply or is supplying municipal services, or if there is no occupier, then any person who has entered into a service agreement with the municipality for the supply of municipal services to such premises, or, if there be no such person, then the owner of the premises;

“cost related two to four parts tariff” means a tariff that consists of two to four parts, name management, capital, maintenance and operating costs that are recovered by grouping certain components together (e.g. management, capital and maintenance costs may be grouped together and be recovered by a fixed charge) independent of consumption for all classes of consumers, while the variable costs may be recovered by a unit charge per unit consumed.

“Council” means the Council of Inxuba Yethemba local municipality;

“Customer Care, Credit Control and Debt collection By-Law and Policy” means the municipal Customer care, Credit Control and Debt Collection By-Law and Policy adopted by the municipal council as required by section 96(b), 97 and 98 of the Municipal Systems Act;

“commercial consumers” include but are not limited to shops, offices, liquor stores, governmental institution (unless otherwise stated), supermarkets, public garages, gathering places (unless otherwise stated), nurseries, places of entertainment, service stations, hairdressing salons, caravan parks, banks, hotels, hospitals, clinics, guesthouses, boarding houses and doctor and dentist consulting rooms and suchlike business undertakings;

“community service” means the services referred to in paragraph 5(1)(c) [that the Council has classified as such] and in respect of which the tariffs are set at a level that the costs of the services are not recovered fully from public service charges and are of a regulatory nature;

“domestic consumers” means residential properties, group housing, town houses, semi-detached houses and suchlike properties;

“due date” –

(i) in relation to accounts payable monthly on a recurring basis, the 15th day of the month which follows on the month during which an account is rendered;

(ii) in relation to accounts payable annually, 30th September unless otherwise provided by any other law; and

(iii) in all other instances, as and when demand for payment is made by the Municipality;

"economic services" means services such as refuse removal and bulk disposal that the municipality renders for consumers and municipalities within the region and of which tariffs have been calculated with the intention that the total costs of the services are recovered from users;

"educational and communal institutions" include but are not limited to schools, colleges, pre-primary schools not operated by a registered charity or welfare organisation, libraries, museums, churches, hospitals, clinics, correctional institutions, school hostels and community halls;

"flat rates" means the unit charge.

"the Finance Act" means the Local Government : Municipal Finance Management Act, 2003 (Act No 56 of 2003);

"fixed costs" means costs which do not vary with consumption or volume produced and as more fully set out in paragraph 6(3)(i);

"indigent households" means households that are registered at the municipality as such and meet the municipality's criteria in terms of its credit control and debt collection policy and occupying a property within the jurisdiction of the municipality and "poor households" shall have a corresponding meaning;

"industrial consumers" include but are not limited to industrial undertakings, factories, warehouses, workshop, scrap yards, wine cellars, abattoirs, dairy processing plants, fish markets and suchlike consumers;

"inclining block tariff" means a tariff based on consumption levels that are categorised into blocks, the tariff level being increased as consumption levels increase;

"interest" means an amount calculated at a rate determined by the municipality on a municipal account in arrears;

"local community" or "community" in relation to the municipality, means that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic, non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality and visitors and other people residing outside the municipality who, because of their presence, make use of services or facilities provided by the municipality;

"LUPO" means the Land Use Planning Ordinance (Cape Ordinance 15 of 1985, as amended);

"major services" means those services contemplated in section 9

"minor tariffs" means all tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of services, other than major services, supplied, and includes services incidental to the provision of the major services, but does not include tariffs for major services;

"month" means one of 12 months of a calendar year;

"Municipal Offices" refers to the main administrative office of the municipality situated at 1 J A Calata street, Cradock.

"MEC for local government" means the Member of the Executive Committee responsible for local government in the Eastern Cape Province;

"municipality" means Inxuba Yethemba Local Municipality, a category B municipality as envisaged in terms of section 155(1) of the Constitution and established according to Section 116 of the Municipal Structures Act, 1998 and the Systems Act 32 of 2000 through the merger of Cradock TLC & Middelburg in 2000 and also the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the municipality;

"municipal council" or "council" means the Inxuba Yethemba local municipal council, a municipal council referred to in section 157(1) of the Constitution;

"municipal manager" means a person appointed in terms of section 54A of the Municipal Systems Act and Section 82 of the Municipal Structures Act, 1998 (Act No 117 of 1998) as the head of administration of the municipal council;

"municipal services" means all municipal services and charges for which payment is required by the municipality

"Municipal Finance Management Act" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), as amended from time to time;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended from time to time;

"occupier" means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes:

- a) Any person in actual occupation of those premises
- b) Any person legally entitled to occupy those premises
- c) In the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
- d) Any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and
- e) The owner of those premises

"organ of state" means an organ of state as defined in section 239 of the Constitution;

"outside municipal area" means tariffs that apply to consumers who are not residing within the municipal boundaries, but who are making use, on application, of certain municipal services;

"owner" in relation to a property, means the person in whose name the property is registered in the Deeds Registry and such owner's successors;

"public benefit organisations" means public benefit organizations as defined in Section 30 of the Income Tax Act No 58 of 1962;

"resident" means a person who ordinarily resides in the municipal area;

"special agreements" means special tariff agreements entered into with categories of consumers making significant economic contributions to the community and create job opportunities;

"sport and recreation facilities" means properties used exclusively for sport and recreation purposes including school sport fields which are metered separately for water and electricity consumption;

"person" includes a legal person and an organ of state;

"premises" means any erf, immovable property or property which is capable of receiving municipal services whether it is receiving such services or not and whether occupied or not;

"regulatory tariff" means the tariff is only of a regulatory nature and the municipality may recover the full or a portion of the cost associated with rendering the service;

"single tariff" means a tariff consisting of a fixed cost per unit consumed, resulting in the recovery of all costs through unit charges at the level of breakeven consumption and on which profits on trading services may be allowed subject to Council approval;

"tariff policy" means a tariff policy adopted by the municipal council in terms of this By-law

"tariff" means fees and charges levied by the municipality in respect of any function or service provided by the municipality to the local community and includes a surcharge on such tariff but excludes the levying of rates by the municipality in terms of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004).

"tariffs for major services" means tariffs set for the supply and consumption or usage of major services;

"trading services" means services such as electricity that the municipality renders to consumers and of which the tariffs are calculated that profits may be made thereon;

"total costs" means the sum-total of all fixed and variable costs related to a service;

"units consumed" means the number of units a particular service consumed and are measured in terms of the units of measurements contemplated in section 9 of this By-law; and

"variable costs" means costs that vary with increased or decreased consumption or volume produced.

"VAT" means Value-Added Tax in terms of the Value-Added Tax Act, 1991, as amended;

In this tariff by-law a word or expression derived from a word or expression defined in section 1 has a corresponding meaning unless the context indicates that another meaning is intended.

If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

2. APPLICATION OF BY-LAW

This by-law shall only apply in respect of municipal services rendered by the municipality itself, or by an external mechanism in terms of a service delivery agreement, within the municipal area.

3. OBJECTIVES AND PRINCIPLES OF THE TARIFF FRAMEWORK FOR MUNICIPAL SERVICES

1. The tariff principles set out in Section 74(2) of the Act as well as the principles adopted by the municipality in its annual tariff policy shall apply.
2. With the exception of the indigent relief measures approved by the municipality, service tariffs should be viewed as user charges and not as taxes. The ability of the relevant consumers or users of the services to which such tariffs relate to pay for such services, should not be considered as relevant criteria.
3. Tariffs must reflect reasonable costs associated with the rendering of the service, in order to facilitate the financial sustainability of the service. Sustainability will be achieved by ensuring that:
 - (a) cash inflows cover cash outflows which means that sufficient provision for the asset replacement reserve and bad debts will be made
 - (b) access to the capital market is maintained which will be achieved by providing for the repayment of capital, maintaining sufficient liquidity levels and making profits in order to subsidise property rates and general services
 - (c) service providers retain a fair rate of return on their investments
4. Services must be rendered in a manner that is economical, efficient and indicative of an effective use for resources.
5. Tariffs should be applied consistently and in an equitable manner to all consumers within the municipal area.
6. Tariffs for the following services must as far as possible recover the expenses associated with the rendering of each service concerned and, where feasible, generate a modest surplus as determined in each annual budget:
 - (a) Supply of electricity
 - (b) Refuse (solid waste) removal services
7. Tariffs may differentiate between different categories of consumers, municipal services and service standards as long as such differentiation does not amount to unfair discrimination.
8. Poor households must have access to at least basic services through
 - a) Tariffs that cover only operating and maintenance costs;
 - b) Special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service;
 - c) Any other direct or indirect method of subsidisation of tariffs to poor households;
9. Tariffs may make special provisions for certain categories of commercial and industrial consumers in order to promote local economic development.
10. Provision must be made for surcharges on tariffs in appropriate circumstances.
11. Efficient and effective use of resources must be encouraged by providing for penalties to prohibit or restrict exorbitant use.
12. The extent of subsidisation of tariffs must be disclosed and will include the extent of subsidisation of the indigent and incentives for local development.

13. In the case of directly measurable services, namely electricity, the consumption of such services must be properly metered and meters must be read, wherever possible, on a monthly basis, and the charges levied must be proportionate to the quantity of the service consumed.
14. The municipality may differentiate between types of property in order to determine availability charges, which will be contained in the tariffs, as approved in each annual budget.
15. In considering the costing of electricity and refuse services, the municipality must take due cognisance of the high capital cost of establishing and expanding such services and of the resultant high fixed costs, as opposed to variable costs of operating these services.
16. The municipality's tariffs for electricity services are determined to ensure:
 - (a) That those consumers who are mainly responsible for peak demand and therefore for the incurring by the municipality of the associated demand charges from Eskom, have to bear the costs associated with these charges.
 - (b) that for the purposes of paragraph (a) demand meters are installed to measure the maximum demand of such consumers during certain periods; and
 - (c) that such consumers pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.
17. The tariff policy must include any further enforcement mechanisms or incentive schemes that the municipality may wish to impose in addition to those contained in the Customer care, Credit Control and Debt Collection By-Law and Policy.
18. Vat is excluded from all tariffs and will be added to these tariffs when applicable.

3) TARIFF PRINCIPLES

1. In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.
2. The following tariff principles will apply:
 - a) Service tariffs imposed by the municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the financial ability of the relevant user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the relief measures for poor households and deserving categories of users approved by the municipality from time to time).
 - b) The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region.
 - c) Tariffs for the four major services rendered by the municipality, namely:
 - (i) electricity
 - (ii) water
 - (iii) sewerage (waste water)
 - (iv) refuse removal (solid waste),

shall as far as possible recover the expenses associated with the rendering of each service concerned. The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.

- d) The municipality shall, as far as circumstances reasonably permit, ensure that the tariffs levied in respect of the four major services further generate an operating surplus each financial year as the council may determine at the time that the annual operating budget is approved. Such surpluses shall be applied in relief of property rates and for the partial financing of general services or for the future capital expansion of the service concerned, or both. The modesty of such surplus shall prevent the service tariffs concerned from being viewed as concealed taxes.

- e) The municipality shall develop, approve and at least annually review an indigent support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- f) In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.
- g) The municipality's tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be disclosed to users.
- h) The municipality shall ensure that its tariffs shall be readily understandable by all users affected by the tariff policy.
- i) The municipality shall ensure that it renders its services cost effectively in order to ensure the best possible cost of service delivery.
- j) In the case of directly measurable services, namely electricity and water, the consumption of such services shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.
- k) In addition, the municipality shall levy monthly availability charges for the services concerned, and these charges shall be fixed for each type of property as determined in accordance with the detailed policies set out below. Generally, consumers of water and electricity shall therefore pay two charges: one, relatively minor, which is unrelated to the volume of consumption and is levied because of the availability of the service concerned; and another directly related to the consumption of the service in question.
- l) In considering the costing of its water, electricity and sewerage services, and the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services. The municipality shall plan the management and expansion of the services carefully in order to ensure that both current and reasonably expected future demands are adequately catered for, and that demand levels which fluctuate significantly over shorter periods are also met. This may imply that the services may at times or for certain periods operate at less than full capacity, and the costs of such surplus capacity must also be covered in the tariffs which are annually levied.
- m) The Municipality shall, by adopting what is fundamentally a two-part tariff structure, namely a fixed minimum charge coupled with a charge based on consumption, address the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.
- n) Part of the municipality's tariff policy for electricity services will be to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, will have to bear the costs associated with these charges. To this end the municipality shall install demand meters to measure the maximum demand of such consumers during certain periods. Such consumers shall therefore pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

3. The following considerations shall also apply:

- a) Free services will only be possible if the National Government pay to the municipality an equitable share subsidy which covers the full costs of the free services.

- b) All users of municipal services will be treated equitably. Save for poor households and deserving categories of users, the various categories of customers will pay the same charges based on the same cost structure.
 - c) The amount payable by consumers will be in proportion to usage of the service.
 - d) Indigent households must at least have access to basic services through life line tariffs or direct subsidisation.
 - e) Tariffs must reflect the total cost of services.
 - f) Within limits, customers should be free to choose from a range of applicable tariffs.
 - g) Tariffs must be set at a level that facilitates the sustainability of services. Sustainability will be achieved by ensuring that:
 - (i) Cash inflows cover cash outflows. This means that sufficient provision for working capital and bad debts will be made.
 - (ii) Access to the capital market is maintained. This will be achieved by providing for the repayment of capital, maintaining sufficient liquidity levels and making profits on trading services.
 - h) Provision will be made in appropriate circumstances for a surcharge on a tariff. This will be required during a national disaster and periods of drought when a restriction of usage is required.
 - i) Efficient and effective use of resources will be encouraged by providing for penalties to prohibit exorbitant use.
 - j) The extent of subsidisation of tariffs will be disclosed.
 - k) VAT is excluded from all tariffs and will be additional to these tariffs when applicable.
4. A property used for multiple purposes must, for purposes of these tariffs be assigned to a category determined by the council for properties used for a purpose corresponding with the dominant use of the property if the Municipality cannot readily make an apportionment in relation to the services concerned and the categories of users.
5. In order to provide the Municipality with appropriate security for payment of amounts owing to it from time to time for services rendered, the Council shall impose a system of deposits payable by customers. The deposits shall be set with due regard to the potential financial risk associated with the amounts owing from time to time. The level of the deposits shall be revised annually and the Municipality may introduce transitional arrangements in respect of existing users.

6. Public Transport

A 5km stage distance with 15 km base distance will be used. The Fare will be calculated as follows:

Total transport Fare = Policy Percentage x (Minimum wage /40) x Base Fare x Base Rate x Shape FactorStages

Fares will be linked to the Minimum Wage of Urban Domestic Workers employed more than 27 hours per month

4. ADOPTION AND IMPLEMENTATION OF THE TARIFF POLICY

5.

- b) The municipality shall adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery

agreements and which complies with the provisions of the Municipal Systems Act, the Municipal Finance Management Act and any other applicable legislation.

- c) The tariff policy adopted in terms of subsection 4(a) must be reviewed annually by the municipality.
- d) The municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

5. GENERAL POWER TO LEVY AND RECOVER FEES, CHARGES AND TARIFFS

1. The municipality has the power to:
 - a) Levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - e) Recover collection charges and interest on any outstanding amount.
 1. Fees, charges and tariffs referred to in subsection 1(a) are levied by resolution passed by the municipal council with a supporting vote of the majority of its members.
 2. After a resolution contemplated in terms of subsection 1(c) has been passed, the Municipal manager must, with no delay-
2. Conspicuously display a copy of the resolution for a period of at least 30 days at the Municipal Offices and at such other places within the municipality to which the public has access as the Municipal manager may determine;
3. Publish in a newspaper of general circulation in the municipality a notice stating-
 - a) That a resolution as contemplated in subsection 1(c) has been passed by Council;
 - b) That a copy of the resolution is available for public inspection during office hours at the Municipal Offices and at the other places specified in the notice; and
 - c) The date on which the determination will come into operation; and
4. Seek to convey the information referred to in paragraph 3 to the local community by means of radio broadcasts covering the area of the municipality.
5. The municipal manager must forthwith send a copy of the notice referred to in paragraph 3 to the MEC for local government concerned.

6. DIFFERENTIATION BETWEEN CONSUMERS AND GRANTING OF EXEMPTION

1. In accordance with the principles embodied in the Constitution and the provisions of sections 74(3) and 75 of the Local Government Municipal Systems Act, 2000, the municipality may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas, however, such differentiation must at all times be reasonable and must be fully disclosed in each annual budget.
2. The municipality may, in writing exempt a consumer, category of consumers, or other persons from complying with a provision of this by-law, subject to any conditions it may impose;
3. The municipality may not grant exemption from any section of this by-law that may result in:
 - (a) the wastage or excessive consumption of electricity;
 - (b) the evasion or avoidance of electricity restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment of services;
 - (e) the installation of pipes and fittings which are not acceptable in terms of the municipality's prescribed standard; or
 - (f) Any Act, or any regulation made under it, not being complied with.
4. The municipality may at any time after giving written notice of at least 30 days, withdraw any exemption given under subsection (2).

7. CATEGORIES OF CONSUMERS

1. The tariff structure of the municipality may make provision for the following categories of consumers:
 - a) Residential
 - b) Industrial
 - c) Business
 - d) Agricultural
 - e) Mining
 - f) Organ of State used for Public Services
 - g) Municipal services
 - h) Public Service Infrastructure
 - i) Multipurpose properties
 - j) Public Benefit Organisations
 - k) Consumers who do not fall under any of abovementioned categories and with whom special agreements were entered into
 - l) sport and recreation facilities
 - m) educational institutions;
2. Where there is a substantial difference between the infrastructure used to provide a service to a specific group of users within a category or standard of services provided, the Council may, after considering a report by the Municipal Manager or the relevant Head of Department, determine differentiated tariffs within a specific category.
3. The differentiation must be based on one or more of the following elements:
 - a) Infrastructure costs
 - b) Volume usage
 - c) Availability and service standards.
4. If, for purposes of determining the tariff applicable to a particular user or category of users, the user or category of users has not specifically by definition been included under a defined category of users, the municipality's Director: Civil Engineering Services shall, by applying the closest match principle, determine the category under which the user or category of users fits in best taking into account the nature of the service concerned and the user or category of users involved.

8. SERVICE AND EXPENDITURE CLASSIFICATIONS AND COST ELEMENTS

- 1) Service classification

The Chief Financial Officer shall, subject to the guidelines provided by the National Treasury of the Department of Finance and Mayoral Committee of the council, make provision for the following classification of services.
- (a) Trading services
 - (i) Water.
 - (ii) Electricity.
 - (iii) Camping facilities.
- (b) Economic services
 - (i) Refuse removal.
 - (ii) Sewerage disposal.
- (c) Community services

- (i) Air pollution.
- (ii) Fire fighting services.
- (iii) Local tourism.
- (iv) Town planning.
- (v) Municipal public works, only in respect of the needs of municipalities in the discharge of their responsibilities and to administer functions specially assigned to them under the Constitution or any other law.
- (vi) Storm water management system in built-up areas.
- (vii) Trading regulations.
- (viii) Fixed billboards and the display of advertisements in public places.
- (ix) Cemeteries.
- (x) Control of public nuisances.
- (xi) Control of undertakings that sell liquor to the public.
- (xii) Facilities for accommodation, care and burial of animals.
- (xiii) Fencing and fences.
- (xiv) Licensing of dogs.
- (xv) Licensing and control of undertakings that sell food to the public.
- (xvi) Local amenities.
- (xvii) Local sport facilities.
- (xviii) Municipal parks and recreation.
- (xix) Municipal roads.
- (xx) Noise pollution.
- (xxi) Pounds.
- (xxii) Public places.
- (xxiii) Street trading/street lighting.
- (xxiv) Traffic and parking.
- (xxv) Building control.
- (xxvi) Licensing of motor vehicles and transport permits.
- (xxvii) Nature reserves.

(d) Subsidised services

- (i) Libraries and museums.
- (ii) Proclaimed roads
- (iii) Municipal Public Transport

2) Expenditure classification

Expenditure will be classified in the following categories.

(a) Subjective classification:

- (i) Salaries, wages and allowances;
- (ii) Bulk purchases;
- (iii) General expenditure;

- (iv) Repairs and maintenance;
- (v) Capital charges (interest and redemption)/depreciation;
- (vi) Contribution to fixed assets;
- (vii) Contribution to funds:
- (viii) Bad debts;
- (ix) Working capital; and
- (x) Statutory funds.
- (xi) Contribution to reserves;
- (xii) Gross expenditure;
- (xiii) Less charge-out;
- (xiv) Net expenditure;
- (xv) Income; and
- (xvi) Surplus/Deficit.

(b) Objective classification:

- (i) Cost centres will be created to which the costs associated with providing the service can be allocated:
 - (aa) Department. (bb) Section/service. (cc) Division/service.
- (ii) The subjective classification of expenditure each with a unique vote will be applied to all cost centres.

3) Cost elements

The following cost elements will be used to calculate the tariffs of the different services:

- (a) Fixed costs which consist of the capital costs (interest and redemption) on external loans as well as internal advances and or depreciation whichever are applicable to the service and any other costs of a permanent nature as determined by the Council from time to time.
- (b) Variable cost: This includes all other variable costs that have reference to the service.
- (c) Total cost: consist of the fixed cost and variable cost.

9. TARIFF TYPES

In determining the type of tariff applicable to the type of service the municipality shall make use of the following seven options or a combination of the same.

(1) Single tariff: this tariff shall consist of a cost per unit consumed. All costs will be recovered through unit charges at the level where income and expenditure breaks even. Subject to a recommendation by the Chief Financial Officer the council may decide to approve profits on trading services during the budget meeting. Such profits will be added to the fixed and variable cost of the service for the purpose of calculating the tariffs.

(2) Cost related two to three part tariff: this tariff shall consist of two to three parts. Management, capital, maintenance and operating costs will be recovered by grouping certain components together e.g. management, capital and maintenance costs may be grouped together and be recovered by a fixed charge, independent of consumption for all classes of consumers, while the variable costs may be recovered by a unit charge per unit consumed. Three part tariffs will be used to calculate the tariff for electricity and to provide for maximum demand and usage during limited demand.

(3) Inclining block tariff: this tariff is based on consumption levels being categorised into blocks, the tariff being determined and increased as consumption levels increase. The first step in the tariffs will be calculated at break-even point.

Subsequent steps will be calculated to yield profits and to discourage excessive use of the commodity.

(4) Declining block tariff: this tariff is the opposite of the inclining block tariff and decreases as consumption levels increase. The first step will be calculated by dividing the fixed and variable cost and profit determined by council from time to time by the volume consumed. This tariff will only be used for special agreements.

(5) Regulating tariff: this tariff is only of a regulatory nature and the municipality may recover the full or a portion of the cost associated with rendering the service.

(6) Time-of-use tariff: this tariff is based on fixed charges and seasonally and time differentiated energy and demand charges.

(7) Stage based public transport tariff based on a 5km stage distance with 15km as the base distance.

10. TARIFF STRUCTURES AND METHODS OF CALCULATIONS

(1) Calculation of tariffs for major services

- a) In order to determine the tariffs which must be charged for the supply of the four major services (water, electricity, refuse removal and sewerage) the municipality shall identify all the operational costs of the undertakings concerned, including specifically the following:
 - i) Cost of bulk purchases in the case of water and electricity.
 - ii) Purification costs (water and sewer)
 - iii) Distribution costs.
 - iv) Distribution losses in the case of electricity and water.
 - v) Depreciation expenses.
 - vi) Maintenance of infrastructure and other fixed assets.
 - vii) Administration and service costs, including:
 - (aa) service charges levied by other departments such as finance, human resources and legal services;
 - (bb) reasonable general overheads, such as the costs associated with the office of the municipal manager;
 - (cc) adequate contributions to the provisions for bad debts and obsolescence of stock;
 - (dd) all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from property rates and general revenues, and shall not be included in the costing of the major services of the municipality).
- (2) The intended surplus to be generated for the financial year, such surplus to be applied:
- (i) as an appropriation to capital reserves; and/or
 - (ii) generally in relief of rates and general services.
- (3) The cost of approved indigent relief measures.
- (4) The municipality shall provide the first 50kWh of electricity per month and the first 6 kl of water per month free of charge to consumers who have registered as indigents in terms of the municipality's indigent relief programme. The municipality shall further consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigents to the extent that the council deems such relief affordable in terms of each annual budget.
- (5) Tariffs for pre-paid meters shall be less than the ordinary consumption tariffs levied on the category of consumer concerned.

The following tariff structure will, where possible, be used to determine tariffs:

11. WATER

1) Tariff structure

- a) Fixed costs plus rising block tariffs will apply to all consumers excluding:
 - i) Schools, Colleges and Technicons.
 - ii) Children's Homes.
 - iii) Sports Bodies.
 - iv) Old Age Homes.
 - v) Municipal Buildings.
 - vi) Farms.
- b) The rising block tariffs will apply: 0 – 6 kl
>6 – 12 kl
>12 – 30 kl
>30-50 kl
>50kl
- c) the implementation of the emergency tariffs will depend on the level of the Garden Route Dam and as determined in the Drought Management Policy.

2) Method of calculation

- a) Domestic consumers using less than 6 kl per month will receive free water.
- b) The fixed costs of the service shall consist of the costs indicated as such by the council.
- c) The number of users and estimated volume consumed per category will be used to determine the fixed tariff per category.
- d) Where properties are not connected to the water service but can reasonably be connected to the service an availability tariff will be payable. See (ff) for private developments
- e) Where council decide to make a profit on the service the profit will be added to the fixed and variable cost before tariffs are calculated.

12. ELECTRICITY

1) Tariff structure

- a) Maximum demand (KVA) plus fixed tariff plus kWh consumed.
- b) Fixed tariff plus kWh consumed.
- c) Unit tariff (KWh consumed) (Pre-payment meters).

2) Method of calculation

- a) Guidelines issued by the National Electricity Regulator from time to time will form the basis of calculating tariffs.
- b) To recover the capital cost of supplying electricity through a fixed charge will make electricity unaffordable to many low consumption users. Cross subsidisation between and within categories of consumers will be allowed based on the load factors of the categories and consumers within the category. Portions of the fixed costs will be recovered through an energy or time-of-use charge. To apply the abovementioned principle the cost allocation basis, cost groupings, tariff components and tariff types reflected in the following tables will be used.

c)

Cost groupings	Underlying cost-allocation bases		
	Capacity costs: expressed as Rands/kVa/month	Variable costs: expressed as Cents/kWh	Customer specific costs: expressed as rands/customer/ month
Purchase cost	X	X	
Capital costs	X	X	X
Support costs	X		X

Tariff types	Tariff components			
	Fixed charge (rands/ customer/mo nth)	Energy charge (cents/kWh)	Time-of-use energy charge expressed as (cents/kWh)	Capacity charge expressed as (rands/kVa/ month)
One-part single energy rate tariff (Lifeline tariff)		X		
Two-part tariff	X	X		
Two-part time-of- use tariff	X		X	
Three-part tariff	X	X		X

3. The one-part single energy rate tariff:

For the one-part single energy rate tariff, all costs are expressed in a single cents/kWh charge. The recommended methodology for allocating costs into this tariff is as follows:

- a) The rands/kVa/month cost must be allocated into a cents/kWh charge through consideration of the average load factor of the types of customer who are likely to use the one-part single energy rate tariff.
- b) The rands/customer/month fixed cost should also be allocated into the cents/kWh charge and allocated to the kWh purchase costs in such a way as to ensure that at a level of monthly consumption of 400 kWh, the full amount of the fixed costs would have been recovered through the cents/kWh charge.
- c) The qualification criteria to be placed on one part tariff -where the average of consumption is less than 400kWh per month, is as follows;:
 - i) All Households that are defined as indigent household consumers as per the credit control policy of Council.
 - ii) All consumers which have been identified as permanently inhabited households and meet the following criteria;
 - (aa) Reside for a minimum period of 9 months per year in the dwelling.
 - (bb) A consumer must submit a sworn affidavit form before any Commissioner of Oath to this effect.
 - (cc) A new affidavit must be handed in annually before 1 July of each financial in order to remain on the one part tariff.
- 4. The two-part tariff:
 - a) The rands/kVa/month charge must be allocated into a cents/kWh charge through consideration of the average load factor of the types of customer who are likely to choose the two-part tariff. This reallocated charge must then be added to the kWh purchase charge.
 - b) The rands/customer/month charge is not reallocated into other tariff elements.
 - c) The tariff then consists of a fixed monthly charge plus a variable charge related to metered kWh consumption.
 - d) This is applicable to all conventional household credit meters where households have an average consumption of less than 400kWh per month and where households are categorised as non-permanent household and don't meet the criteria as given in paragraph c)(iii) above.
- 5. The two-part time-of-use tariff:
 - a) The rands/kVa/month charge must be reallocated into different time-of-use cents/kWh charges through consideration of the load curve of the customer in relation to the load curve of the supplier. Such reallocated charges must then be added to the kWh purchase charges, as appropriate.

- b) The rands/customer/month charge is not reallocated.
- 6. The three-part tariff:
 - a) The rands/kVa charge recovers the capital cost elements. Some of this cost must be reallocated into different tariff elements.
 - b) The cents/kWh charge therefore recovers the full variable costs as well as a portion of the reallocated rands/kVa costs.
 - c) The rands/customer/month charge is not reallocated.
- 7. The three-part time-of-use tariff:
 - a) As with the standard three-part tariff, a portion of the rands/kVa/month charge is reallocated into the various time-of-use cents/kWh charges. The amount of the reallocation takes place with regard to the customer's load factor. The time- variation of the capacity costs is taken into account in the reallocation of the rands/kVa charge into the various time-of-use cents/kWh charges.
 - b) The cents/kWh charge therefore recovers the full variable costs as well as a portion of the reallocated rands/kVa charges.
 - c) The rands/customer/month charge is not reallocated.
- 8. Where council decide to make a profit on the service the profit will be added to the fixed and variable cost before tariffs are calculated.
- 9. Where properties are not connected to the electricity service but can reasonably be connected to the service an availability tariff will be payable. The tariff will be calculated by adding a surcharge of 50% to the fixed costs applicable to connected consumers per category.

13. REFUSE REMOVAL

- 1) Tariff structure
 - a) Plastic bags per week (volume).
 - b) Containers per week (volume) (240 litre) (1,1m³).
 - c) Bulk Refuse Containers
 - d) Truck load <2000kg.
 - e) Truck load >2000kg.
- (2) Method of calculation

- a) The costs per unit of measurement will be determined by dividing the total costs of the service by the total volume of refuse disposed of during the year. The total cost of the service includes the removal cost plus the operating cost associated with the service. The unit charge per cubic meter will be converted to a cost per black bag. A cost per month will be calculated for domestic consumers based on the average number of bags removed per week.
- b) The cost associated with the removal of bulk containers will be determined by calculating how many of the smallest removal units will be absorbed by a specific container.
- c) A monthly rental for the usage of a bulk container will be determined by discounting the purchase price of a bulk container over 5 years at an interest rate applicable to municipal loans.
- d) After council has consulted with owners or occupiers of commercial and industrial undertakings which do not make use of the standard black bags or mass containers, tariffs will be determined based on the estimated volume that will be removed per month.
- e) Opportunity costs for once-off removals will be calculated by recovering the costs of the volume removed plus a percentage surcharge as determined by council.
- f) A refuse removal tariff will be raised and is payable by all owners or occupiers of each developed property connected to the water and electricity distribution network of the council or any other service provider or those who have applied to be connected whether such owner or occupier uses the refuse removal service or not or those who are not connected to the distribution networks to whom a refuse removal service is rendered on request.
- g) No refuse removal tariffs will be raised where council has not introduced a refuse removal service.

14. SEWERAGE/EMPTYING OF CONSERVANCY TANKS

- 1) Tariff structure
 - a) Number of cisterns or urinals.
 - b) Volume of suction tanker lorry.
 - c) Formula driven waterborne tariff.
- (2) Method of calculation

- a) Where properties are not connected to the sewerage system but can reasonably be connected to the service an availability tariff will be payable. The tariff will be equal to the unit tariff applicable to domestic households. See (ff) for private developments
- b) A unit charge per consumer will be charged. The tariff will be calculated by dividing the total cost by the total number of basic erven. A basic erf will be deemed to be 1 200m².
- c) An additional charge per 100m² will be charged according to the following table:

1 – 1 200	Basic charge plus % increase as approved by Council.
1 201 – 3 400	Basic charge plus % increase as approved by Council.
3 401 – 10 000	Charge for category 1201 – 3 400 plus % increase as approved by Council.
10 001 – 20 000	Charge for category 3 401- 10 000 plus % increase as approved by Council.
over 20 000	maximum of range between 10 0001 – 20 000

- d) The cost of emptying conservancy tanks will be based on the volume removed and the cost associated therewith.
- e) Industries classified as WET industries shall pay a tariff based on the formula outlined in Provincial Gazette No 6687 dated 15 January 2010.

15. DEPOSITS

On approval of an application and before a service is made available, the municipality may require the applicant to pay a deposit as required in terms of the municipality's Customer Care, Credit control and Debt collection by-law.

16. TARIFF TYPES

1. In determining the type of tariff applicable to the type of service, the municipality may use the following options, including, but not limited to:
 - a) Single tariff
 - b) Inclining block tariff
 - c) Cost related two-to-four part tariff
 - d) Availability charges, provided that once the municipality has provided a connection, normal tariffs as payable for the respective services provided, will be payable
2. The municipality may also use a combination of any of the options contemplated in subsection (1).

17. UNITS OF MEASUREMENT AND METHOD OF CALCULATION

1. The units of measurement and the method of calculation to determine tariffs must be revised annually as part of the budget process and must be reflected in the municipality's tariff policy.
2. Subject to section 2(12), directly measurable services, such as electricity, must be properly metered and meters must be read, wherever circumstances reasonably permit, on a monthly basis.

18. MINOR TARIFFS

All minor tariffs shall be approved by the Council in each annual budget and shall, when deemed appropriate, be subsidised by property rates and general revenues, particularly when:

- a) the tariffs will prove uneconomical when charged to cover the cost of the service concerned
- b) the cost cannot be determined accurately, or
- c) The tariff is designed purely to regulate.

18. CALCULATION OF MINOR TARIFFS

- 1) All minor tariffs (being tariffs in respect of services and facilities other than the major services referred to in paragraph 3(4)) shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.
- 2) All minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.
 - a) The following services shall be considered as subsidised services, Burials and cemeteries
 - b) Rentals for the use of municipal sports facilities
 - c) Municipal swimming pool
 - d) Municipal public transport

- 3) The following services shall be considered as community services, and no tariffs shall be levied for their use:
- a) Municipal museum and art gallery
 - b) Disposal of garden refuse at the municipal tip site
 - c) Municipal reference library
 - d) Municipal lending library (except for fines set out below)
 - e) Municipal botanical garden, and all other parks and open spaces.
- 4) The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:
- a) Maintenance of graves and garden of remembrance (cremations)
 - b) Housing rentals
 - c) Rentals for the use of municipal halls and other premises (subject to the proviso set out below)
 - d) Building plan fees
 - e) Sales of plastic refuse bags
 - f) Sales of refuse bins
 - g) Cleaning of stands
 - h) Electricity, water, sewerage: new connection fees
 - i) Sale of livestock and plants
 - j) Photostat copies and fees
 - k) Clearance certificates for purposes of property transfers
 - l) Town planning fees.
- 5) The following charges and tariffs shall be considered as regulatory or punitive,
- a) Fines for lost or overdue library books
 - b) Advertising sign fees
 - c) Pound fees
 - d) Electricity, water: disconnection and reconnection fees

- e) Penalty and other charges imposed in terms of the approved policy on credit control and debt collection
 - f) Penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.
 - g) Industrial Effluent
 - h) All tariffs as approve in terms of the drought relief program.
- 6) Market-related rentals shall be levied for the lease of municipal properties.
- a) In the case of rentals for the use of municipal halls and premises, if the municipal manager is satisfied that the halls or premises are required for non-profit making purposes and for the provision of a service to the community, the municipal manager may allow a discount of 50% on the rental that would otherwise have applied.
 - b) The municipal manager shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields, and in so determining shall be guided by the likelihood of the municipality sustaining damages as a result of the use of the facilities concerned.
- 7) Tariff structure:
- a) The unit of measurement as reflected in the separate list of tariffs approved annually will be used to determine regulatory community and subsidised services.
- 8) Method of calculation
- a) These tariffs will be adjusted annually by increasing the tariff that applied during the previous financial year by a percentage increase as determined by the majority councillors present at the meeting where the budget is approved.
- 9) Overdue Amounts

- a) The Municipality shall be entitled to levy an administration fee on a month to month basis on all overdue accounts subject to such maximum amount per month as the Council may determine.
- b) The Municipality may at its discretion enter into a repayment schedule with a consumer in respect of overdue amounts, which repayment schedule will be incorporated into an acknowledgment of debt in favour of the Municipality and signed by the consumer. Upon signature of such an acknowledgment of debt, the consumer will become liable for payment of an administration fee in such amount as the Council may determine for attending on the debtor and entering into the acknowledgment of debt with the consumer.

19. PHASING IN OF TARIFFS, FEES AND LEVIES

Where newly calculated tariffs, fees and levies differ substantially from the current tariffs, fees and levies, the Council may resolve to phase in the differences over a period of time.

20. GENERAL MATTERS

Delegations

- 1. Subject to the Constitution and applicable national and provincial laws, any-
 - a) Power, excluding a power referred to in section 160(2) of the Constitution;
 - b) Function; or
 - c) Duty conferred, in terms of the By-law, upon the Council, or on any of the municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor or staff member, to an entity within, or a staff member employed by the municipality.
- 2. The delegation in terms of subsection 1(c) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Municipal Systems Act, subject to section 59(2) of said Act.
- 3. Any delegation contemplated in this section must be recorded in the System of Delegations, which must contain information on the-
 - a) Entity or person issuing the delegation or sub-delegation;
 - b) Recipient of the delegation or sub-delegation; and
 - c) Conditions attached to the delegation or sub-delegation.

21. NOTIFICATION OF TARIFFS, FEES AND SERVICE CHARGES

- 1) The tariffs will be approved as part of the annual budget.
- 2) The tariffs will come into effect as and when determined by the Council.

22. ADJUSTMENT OF ACCOUNTS

Where incorrect debits were raised, the accounts under query will be rectified as necessary

23. LEGAL REQUIREMENTS

1) WATER SERVICES ACT NO. 108 OF 1997

a) SECTION 10 : NORMS AND STANDARDS FOR TARIFFS

A municipality, in its capacity as a water services institution, must apply a tariff for water services which is not substantially different from any norms and standards which the Minister of Water Affairs and Forestry, with the concurrence of the Minister of Finance, has prescribed in terms of the present Act.

b) SECTION 21: BYLAWS

A municipality, in its capacity as water services authority, must make bylaws which contain conditions for the provision of water services, and which provide for at least the following (inter-alia):

- (a) the standard of the services;
- (b) the technical conditions of supply, including quality standards, units or standards of measurement, the verification of meters, acceptable limits of error and procedures for the arbitration of disputes relating to the measurement of water services provided;
- (c) the determination and structure of tariffs in accordance with Section 10 of the present Act.

If the municipality, in its capacity as water services authority, has imposed conditions under which water services are provided, such conditions must be accessible to consumers and potential consumers.

If the municipality, in its capacity as water services authority, provides water for industrial use, or controls a system through which industrial effluent is disposed of, it must make bylaws providing for amongst others at least the following:

- (1) the standards of the service;
- (2) the technical conditions of provision and disposal;
- (3) the determination and structure of tariffs.

Annexure A INDUSTRIAL EFFLUENT CHARGES

The charge for industrial effluent per kilolitre for the disposal of effluent that does not comply with residential effluent standards and may include effluent discharged into a stormwater system shall be determined in accordance with the following formula:

$$T_c = X + Y(COD_i/COD_w) + Z + \text{Penalty}$$

Where	T_c	=	Extraordinary treatment cost to consumer per kl
	X	=	Conveyance cost per kl
		=	C_c / V_A
	Conveyance	=	The transport of effluent or any liquid waste in the bulk or external sewer network from the point of discharge to the inlet of the of the treatment works
	C_c	=	The operation and maintenance expenditure towards the conveyance of the waste water in kl per annum
	V_A	=	Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kl per annum
	Y	=	Variable treatment costs per kl
		=	C_T / V_A
	Variable	=	These costs are defined as expenditure that does

Treatment Costs	vary significantly with volume and COD loading
C_T	= The operation and maintenance expenditure towards the treatment of the waste water in kl per annum
V_A	= Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kl per annum
COD_i	= Average of each industria, inclusive of both biodegradable and non-biodegradable portion of COD
COD_w	= Average of works (weighted for more than one works), inclusive of both biodegradable and non-biodegradable portion of COD
Z	= Fixed Costs per kl = C_F / V_A
Fixed Costs	= These costs are defined as expenditure that does not vary significantly during a particular financial year and which is not affected by COD loading
C_F	= Fixed cost expenditure towards the treatment of the waste water in kl per annum
V_A	= Adjusted volume (Adjusted volume means total volume corrected for infiltration) in kl per annum
Penalty	= Penalty per kl charged in addition to the effluent charge based on volume and COD, for prohibited effluents, for instances where COD_i of the effluent exceeds 3000 mg/L or where any other quality parameter exceeds the maximum value allowed according to Annexure A of the by-laws, as contained in the permit for the industry = $P \times (\text{value measured}/\text{maximum allowed})$ If value measured is lower than maximum value $P = 0$, except in the case of pH were $P = 0$ if pH is between 6 and 10 and the Penalty = $P \times (\text{value measured}/10)$ if the pH is above 10 and = $x\{[6+(6-\text{value measured})]/6\}$ if it is below 6
P	= Unit penalty charge as determined by Council

**INXUBA YETHEMBA LOCAL MUNICIPALITY
TARIFF BY-LAW****14. ENFORCEMENT MEASURES**

The municipality may, subject to the provisions of the Customer Care, Credit control and Debt Collection By-law, have the right to recover any amount due for the consumption of services in terms of this By-law from the owner of the property, where a tenant or other occupier of such property fails to do so.

15. REPEAL OF BY-LAWS

The provisions of any By-law previously promulgated by the municipality are hereby repealed as far as they relate to matters provided for in this By-law.

16. SHORT TITLE AND COMMENCEMENT

This By-law is called the Inxuba Yethemba Local Municipality: Tariff By-law 2025, and takes effect on the date of the publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.

INXUBA YETHEMBA

UMASIPALA WASEKHAYA / PLAASLIKE MUNISIPALITEIT / LOCAL MUNICIPALITY



PROPERTY RATES BY-LAW

2026 / 2027

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

Notice No. 88/2026

Date: **30 June 2026**

Inxuba Yethemba Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of council resolution number **C1276/26** adopted the Municipality's Property Rates By-law set out hereunder.

INXUBA YETHEMBA LOCAL MUNICIPALITY

MUNICIPAL PROPERTY RATES BY-LAW

1. PREAMBLE

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

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

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

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

2. 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 Inxuba Yethemba Local Municipality;

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

'Rates Policy' means the Inxuba Yethemba Local Municipality's property rates policy adopted by the Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

3. OBJECTS

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

4. THE RATES POLICY

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

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

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

The Rates Policy is available at head offices, satellite offices and libraries in Cradock and Middelburg.

5. CATEGORIES OF RATEABLE PROPERTIES

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

6. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

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

7. ENFORCEMENT OF THE RATES POLICY

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

8. SHORT TITLE AND COMMENCEMENT

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

MR. MKHULULI WHITEY MATHEW MBEBE
MUNICIPAL MANAGER
INXUBA YETHEMBA MUNICIPALITY
1 J.A. CALATA STREET
CRADOCK
5880
048 801 5043

PROVINCIAL NOTICE 1661 OF 2026

**INXUBA YETHEMBA
MUNICIPALITY SOLID WASTE
DISPOSAL BY-LAW**

Under of section 156 of the Constitution of the Republic of South Africa, 1996 (, the Inxuba yethemba Municipality, enacts as follows:-

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1. Definitions

In this By-law, unless the context otherwise indicates –

“attendant”, means an employee of the municipality or agent of the municipality duly authorised to be in charge of the disposal site;

"municipality" means the Municipality of Inxuba Yethemba established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"owner" also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and also includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;

"premises" means residential-, business-, and industrial premises and includes any land, whether vacant, occupied or with buildings thereon, forming part of a piece of land laid out as a township, irrespective of being proclaimed as a township;

"removal "day" means the day fixed by the municipality for removal of waste from premises and depending on the case may be multiple removals per week;

"waste" includes -

- (a) "business waste" which means any matter or substance arising out of the use of business premises but does not include, hazardous waste, material, domestic waste or garden waste;
- (b) "domestic waste" which means any fruit or vegetable peels, fruit or vegetable waste, general domestic waste which is of such size that it may be deposited in a refuse bin but does not include garden waste;
- (c) "garden waste" which means waste originating from a gardening activity such as grass cutting, leaves, plants flowers or similar waste of such size that it can be placed in a refuse bin;
- (d) "hazardous waste" which means any waste, matter or substance which may be hazardous or harmful to the environment and residents or which may pollute the environment including asbestos, motor oils or lubricants, or any other waste, matter or substance which constitutes hazardous waste as envisaged in the Hazardous Substances Act, 1973, Act 15 of 1973;
- (e) "offensive waste" means any waste, matter or substance which may be harmful to the environment and residents and includes, but is not limited to-
 - (i) animal products, animal carcasses and meat as defined in the Meat Safety Act, (Act 40 of 2000) and in the Red Meat Regulations promulgated under GN 1072 of 17 September 2004;
 - (ii) fruit or vegetables or any by-product obtained from such fruit or vegetables;
 - (iii) perishable foodstuffs; and
 - (iv) health care waste as defined in the Western Cape Health Care Waste Management Act, 2007, (Act 7 of 2007).;
- (f) "materials" which means any stone, rock, sand, building materials or building rubble or any other type of composite or artificial materials such as plastic pipes and similar materials as well as materials which are utilised in the erection of buildings or structures or any other materials which constitute materials;

"waste bin" means a mobile container with a capacity determined by the municipality, or alternatively plastic bags, which the municipality may make available to each premises;

"waste management activities" means the generation, reduction and minimisation of waste, waste handling, which includes the separation, storage, collection, and transfer of waste, and waste treatment, which includes the recovery of waste, recovery being the recycling, reclamation and re-use of waste, and disposal of waste, and any word to which a meaning has been assigned in the Environment Conservation Act, 1989 (Act 73 of 1989) and in the Directions with regard to the Control and Management of General Communal and General Small Waste Disposal Sites issued under the Act and published per GN R91 in Government Gazette No. 23053 dated 1st February 2002, bears that meaning.

2. Purpose of by-laws

This by-law strive to promote the achievement of a safe and healthy environment for the benefit of residents within the area of jurisdiction of the municipality, and to

provide for procedures, methods and practices to promote waste management activities such as, but not limited to, the dumping of waste and the management of solid waste disposal sites.

3. Applicable legislation

The directions in terms of section 20(5)(b) of the Environment Conservation Act, 1989 (Act 73 of 1989) with regard to the Control and Management of General Communal and General Small Waste Disposal Sites as published in GN 91 in GG 23053 of 1 February 2002 apply.

4. Duties and powers of municipality

(1) The municipality as the primary service provider in the municipal area has a duty to the local community to progressively ensure efficient, affordable, economical and sustainable access to waste management services in its area or a part of its area.

(2) This duty is subject to -

- (a) the duty of members of the local community as users of the municipality's waste management services or any other person making use of the municipality's waste management services to pay for the provision of the services, the prescribed charges, which must be priced in accordance with any nationally prescribed norms and standards for rates and tariffs; and
- (b) the right of the municipality to differentiate between geographical areas when providing types of waste management services, without compromising on service equity in line with the Constitution.

(3) The municipality must as far as is reasonably possible and subject to the provisions of this by-law provide, at a cost to users of the services prescribed by the municipality –

- (a) for the collection of waste on a regular basis, except waste in its area, which is so situated that the cost of collecting it would be unreasonably high; and
- (b) access to facilities for the recovery and disposal of waste.

(4) The municipality must notify all users of its waste management services of any decisions taken in terms of this By-law.

5. Compulsory use of service

(1) No one except the municipality or a person authorised by the municipality may remove any refuse from any premises or dispose thereof.

(2) Each owner of premises must, where a service is rendered, make use of the service provided by the municipality for the removal or disposal of refuse, in respect of refuse originating from such premises.

(3) The tariff as fixed by the municipality shall be payable to the municipality by the owner, irrespective whether the service is being used, or not.

(4) The provisions of this section do not apply to an owner of residential premises who occasionally wishes to dispose of garden refuse generated on such premises.

(5) A person who contravenes the provisions of subsections (1), (2) and (3) commits an offence.

6. Establishment and control of disposal site

The municipality may establish and control a disposal site, or may appoint agents or may contract some other person or body to control, manage and operate a disposal site

on behalf of the municipality in accordance with the provisions of this by-law and the provisions of any other legislation that may be applicable.

7. Access to disposal site

- (1) Only a person wishing to dump waste who has paid the prescribed fees or who is in possession of a written permission issued by the municipality which permits him or her to dump such waste at a disposal site and a person having obtained the written consent of the municipality to recycle any materials or objects on such a site, is entitled to enter the disposal site or to be on the site.
- (2) Notwithstanding anything to the contrary contained in this by-law, any employee of the municipality or anybody acting on behalf of the municipality and duly authorised thereto, may enter a disposal site at any time in exercising his or her duties.
- (3) A person making use of the disposal site or entering the disposal site, do so at his or her own risk and the municipality accepts no responsibility for the safety of such person or any damages or losses sustained by such person.
- (4) A person who enters a disposal site or who is found on such a site in contravention of the provisions of this section commits an offence.

8. Off-loading of waste

- (1) A person who wishes to dump waste at a disposal site, must off-load such waste at such a place within the borders of the disposal site and in such a manner as the attendant may direct.
- (2) The municipality may-
 - (a) set aside any part of a disposal site where only waste of a particular kind may be dumped or deposited;
 - (b) limit the type or size of vehicle from which waste may be dumped or deposited at any disposal site;
 - (c) limit the quantity of waste in general or the quantity of a particular type of waste which may be dumped or deposited at any disposal site; and
 - (d) determine the days when and hours during which dumping may take place at any disposal site.
- (3) Any requirement imposed in terms of this by-law must be indicated to the public by means of an appropriate notice erected at the entrance of the disposal site concerned and any instruction issued by an official of the municipality or a person acting on behalf of the municipality in charge of access control at the dumping site, shall be strictly complied with.
- (4) Notwithstanding the provisions of subsection (2) the municipality reserves the right not to permit the dumping of hazardous or offensive waste at a disposal site.
- (5) A person who contravenes any of the provisions of this section commits an offence.

9. Ownership of waste

- (1) Waste dumped at a disposal site, becomes the property of the municipality and no person who is not duly authorised by the municipality to do so may remove or interfere with such waste.
- (2) A person who contravenes subsection (1) commits an offence.

10. Categories of waste

The municipality may, for the purposes of this by-law, categorise waste into different categories.

11. Separation of waste

The municipality may, for the purposes of this by-law, require that waste be separated into different kinds and nature of waste.

12. Provision of waste bins

- (1) The municipality may –
 - (a) provide waste bins, or alternatively plastic bags, for the disposal of waste generated on premises; and
 - (b) authorise the use of bins and lids constructed of rubber or other material where the design and construction has been approved by the municipality.
- (2) Waste bins other than plastic bags provided in terms of subsection (1) remain the property of the municipality.
- (3) The municipality may prescribe special waste bins for the reception and storage of such types of waste as the municipality may specify and may by written notice on the owner of premises require the owner to provide at his or her own expense such number of special waste bins as are specified in the notice.
- (4) Where any waste bin provided on premises is –
 - (a) of a size likely to hinder the efficient removal of waste there from by the servants of the municipality;
 - (b) is insufficient for the reception of all waste which is to be removed from such premises by the municipality;
 - (c) dilapidated; or
 - (d) likely to cause a nuisance,the municipality may by notice, require the owner of the premises to provide, at his or her own expense, an additional number of waste bins or such other means of storing receptacles as may be necessary to comply with the provisions of this by-law.
- (5) A waste bin shall be replaced as and when it is necessary, provided that where such waste bin has to be replaced as a result of theft or damage caused through the negligence of the owner, such owner shall be held liable for the cost of replacing it.
- (6) No person may dispose of any waste by placing it anywhere else than in a waste bin provided or approved by the municipality.
- (7) In respect of a group development the municipality may provide less waste bins per household subject to the following conditions –
 - (a) a central refuse collection point must be provided by the managing body;
 - (b) the managing body must apply in writing for the reduction of waste bins issued to the development;
 - (c) the reduced number of bins must be approved by the municipality; and
 - (d) the managing body shall be held liable for payment of the account for waste removal.
- (8) A person who contravenes a provision of subsection (6) or who fails to comply with a notice issued in terms of subsections (3) and (4) commits an offence.

13. Location of waste bins

(1) The owner of premises must provide adequate space on the premises where a waste bin or other receptacle for the purpose of depositing waste or a specific category of waste are kept, and the space must –

- (a) comply with requirements imposed by the municipality by notice to the owner;
- (b) where applicable, be constructed in accordance with the requirements of any applicable building regulations and be so located that the waste bin or receptacle is not visible from a street or public place;
- (c) where applicable, be so located as to permit convenient access to and egress from such place for a waste collection vehicle; and
- (d) be in a location convenient for the use by users or occupants of the premises so as to discourage littering or the unhealthy accumulation of waste.

(2) In the case of multi-storey buildings, the municipality may approve the installation of refuse chutes of an approved design and specification, and subject to the submission and approval of the plans for such installation.

(3) The owner of premises must place or cause the waste bins to be placed in the space provided and must at all times keep it there.

(4) A person who contravenes a provision of subsection (1) or (3) commits an offence.

14. Maintenance of waste bins

(1) The occupier of premises must ensure that a waste bin other than plastic bags is –

- (a) at all times maintained in good order and repair;
- (b) emptied and cleansed when full, so that its contents do not become a nuisance or provide grounds for complaint;
- (c) protected against unauthorised disturbance or interference at all times when waste is not being deposited into it or discharged from it.

(2) No person may remove a waste bin from any premises to which it has been allocated or destroy or damage it, or permit it to be removed, destroyed or damaged.

(3) A person who contravenes any provision of this section commits an offence.

15. Collection of waste

(1) The municipality may indicate a position within or outside the premises where waste bins must be placed for the collection and removal thereof and may require certain kinds of waste, such as garden waste, to be bundled or packaged and be placed in that position at the times and for a period as the municipality may require.

(2) The municipality shall on removal days collect only waste placed in waste bins or other containers approved by it or which is bundled or packaged in a manner approved by the municipality.

(3) Where a particular kind of waste as stipulated by the municipality is not collected by the municipality from premises, the owner of the waste must arrange for the collection and transport of the waste as often as may be necessary to prevent undue accumulation or any nuisance arising there from, to a waste disposal or processing site under the control of the municipality, or to such other place as may be approved by the municipality.

(4) The municipality may decide on separate times on which particular categories of waste are to be collected.

(5) The municipality may –

- (a) cause collections to be made at regular periods daily or otherwise, and may alter dates of collection;
 - (b) increase the number of collections as it may deem necessary or desirable; or
 - (c) make additional collections should it be desirable.
- (6) In the event of any additional collection being required by the owner of premises, the additional collection will be subject to the approval of the municipality and each additional collection must be paid for by the owner of premises from which the waste is collected at the tariff prescribed by the municipality.
- (7) The municipality may, upon application by the owner of premises, approve alternative arrangements for removal of waste from such premises.
- (8) A person who contravenes the provisions of section (1) or (3) commits an offence.

16. Access to premises

Except where otherwise approved by the municipality, the owner of premises must ensure that access from the nearest public road to the waste storage area on a premises is independent and unimpeded, and an owner who fails to do so, commits an offence.

17. Right of entry

- (1) Any duly authorised employee of the municipality is entitled to enter premises in respect of which the municipality's waste management services are rendered at any reasonable time on any day, or at any other time at which the service is ordinarily rendered for any of the following purposes:
- (a) for collecting and supervising the collection of waste;
 - (b) for replacing waste bins; or
 - (c) for inspecting the means of access to the premises, or the space where waste bins are kept so as to ensure that they are accessible and convenient for the collectors.
- (2) The owner of the premises may not refuse access to the premises by an employee of the municipality, provided that such employee carries an identification card issued by the municipality and produces it upon request of an owner.
- (3) An owner of premises commits an offence if he or she –
- (a) denies access to the premises to an authorised employee of the municipality in the performance of his or her duties; or
 - (b) obstructs or impedes such employee of the municipality in the performance of his or her duties.

18. Dumping and littering

- (1) No person may –
- (a) except by permission of the owner or of the person or authority having control thereof; or
 - (b) unless authorised by law to do so, dump, accumulate, place, deposit or leave any waste whatsoever, whether for gain or otherwise, or cause or allow to be dumped, accumulated, placed, deposited or left such waste on or in –
 - (i) any road, highway, street, lane, public footway or pavement or any road verge;
 - (ii) any commonage land, village green, park, recreation ground or other open space to which the public have access;

- (iii) any drain, watercourse, flood prone areas, tidal or other water in or abutting on any such road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or
 - (iv) private or municipal land.
- (2) Should a person do any of the acts contemplated in subsection (1), the municipality may by written notice require any of the following persons to dispose of, destroy or remove the waste within the period stated in the notice:
 - (a) the person directly or indirectly responsible for dumping, accumulating, placing, depositing, or leaving the waste;
 - (b) the owner of the waste, whether or not he is responsible for dumping, accumulating, placing, depositing, or leaving the waste; or
 - (c) the owner of the premises on which the waste was dumped, accumulated, placed, deposited, or left, whether or not he or she is responsible therefore.
- (3) If a person fails to comply with the requirements of a written notice, the municipality may dispose of, destroy or remove the waste and may recover the cost of doing so from the person or persons to whom the notice was issued.
- (4) If waste has been deposited in or on any land in contravention of subsection (1) and –
 - (a) in order to remove or prevent pollution of land, water or air or harm to human health, it is necessary that the waste be forthwith removed or other steps taken to eliminate or reduce the consequences of the deposit or both; and
 - (b) there is no occupier of the land; or
 - (c) the owner neither made nor knowingly permitted the deposit of the waste, the municipality may remove the waste or take other steps to eliminate or reduce the consequences of the deposit and is entitled to recover the cost incurred by it–
 - (i) from the owner of the land unless he or she proves that he or she neither made nor knowingly caused nor knowingly permitted the deposit of the waste; or
 - (ii) from any person who deposited or knowingly caused or knowingly permitted the deposit of any of the waste.
- (5) Any waste removed by the municipality belongs to the municipality and may be dealt with as the municipality deems fit.
- (6) A person who contravenes a provision of subsection (1) commits an offence.

19. Burning of waste

No person may burn waste without the written approval of the municipality.

20. Charges

Fine (R1000.00)

- (1) The municipality may fix the charges payable to it for the removal of waste from premises or the dumping of waste at a disposal site under the control of the municipality.
- (2) A person who fails or refuses to pay the charges contemplated in subsection (1) commits an offence.

21. Exemptions

- (1) A 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 by-law.
- (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) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

22. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
 - (a) creating conditions for a local community to participate in the affairs of the municipality; and
 - (b) promoting the waste management activities of the municipality.
- (2) A liaison forum may consist of –
 - (a) a member or members of an interest group, or an affected person, in the spirit of section 2(4)(f) – (h) of the National Environmental Management Act, 1998 (Act 107 of 1998);
 - (b) a member or members of a community in whose immediate area a solid waste disposal site exists or may come to be established;
 - (c) a designated official or officials of the municipality;
 - (d) a councillor; and
 - (e) such other person or persons the municipality may decide on.
- (3)
 - (a) The municipality may, when considering an application for consent, permit or exemption certificate in terms of this by-law, where applicable, request the input of a liaison forum.
 - (b) A liaison forum, person or persons contemplated in subsection (2), or any other person may, on own initiative, having regard to the provisions of section 31 of the National Environmental Management Act, 1998, submit an input to the municipality for consideration.

23. Authentication and service of order, notice or other document

- (1) An order, notice or other document requiring authentication by the municipality must be sufficiently signed by the Municipal Manager shall be deemed to be duly issued if it is signed by the Municipal Manager.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an

acknowledgment of the posting thereof from the postal service is obtained;

- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate.
- (3) Service of a copy shall be deemed to be service of the original.
- (4) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

24. Appeal

A person whose rights are affected by a decision 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.

25. Penalties

A person who has committed an offence in terms of this by-law is liable upon conviction to a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and, 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, 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.

26. Revocation of by-laws

The provisions of any by-laws 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 by-law, 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.

27. Short title and commencement

This by-law may be cited as the Solid Waste Disposal By-law, and commences on the date of publication thereof in the Provincial Gazette.

Hereby certify that the admission of guilt fines listed in Column 2 above as submitted by the Inxuba Yethemba Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magisterial District of:

CRADOCK AND MIDDELBURG

This determination replaces any previous determination for the said

Signed

.....

..... Magistrate: Cradock

.....

DATE

Signed

.....

..... Magistrate: Middelburg

.....

DATE

Council resolution number: **C1276/26.**

INXUBA YETHEMBA MUNICIPALITY
BY-LAW RELATING TO PREVENTION OF PUBLIC NUISANCES AND
PUBLIC NUISANCES ARISING FROM THE KEEPING OF ANIMALS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Inxuba Yethemba Municipality enacts as follows: -

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- 30. Liaison forums in Community
- 31. Repeal of by-laws
- 32. Short title and commencement

1. Definitions

In this by-law, unless the context otherwise indicates –

“agent”, in relation to the owner of a property, means a person appointed by the owner of the property-

- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person, but excluding any pet;

“bird” means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person;

“cattery” means any establishment where cats are bred or boarded;

“district municipality” means the Eden District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“drunk” means a person who, by reason of the alcohol which he or she has consumed, has lost control of his or her mental or physical faculties, or both, to such an extent as to render him or her incapable of comporting him- or herself, or of performing any act in which he or she is engaged, with safety to him- or herself or with that regard to the rights of others which the law demands;

“kennel” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

“municipality” means the Inxuba Yethemba Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“municipal manager” is the person appointed by the municipality in terms of Section 82 of the Municipal Structures Act, Act 117 of 1998, and includes a person –

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility;

“owner” –

- (a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;
- (b) in relation to property includes an occupier, lessee, servitude holder, trustee, executor, curator or assignee, agent or administrator of such property;

“**pet**” means a tame animal which is kept in a household;

“**pet parlour**” means an establishment where pets are groomed;

“**pet shop**” means an establishment where pets are kept for trading purposes;

“**poultry**” means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock or peahen or bird whether domesticated or wild;

“**premises**” means –

- (a) land or a portion of land, including a public place, whether or not a building or structure has been constructed or erected on such land or portion thereof; or
- (b) a building, structure, tent or caravan and the land on which it is situated and includes any vehicle, carriage, ship or boat;

“**public nuisance**” means any act or omission or condition on any premises or public place, including any building, structure or growth thereon, which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely affects the safety of people, and “**nuisance**” has the same meaning;

“**public place**” means any land, square, building, park, recreation ground or open space which: –

- (a) is vested in the municipality;
- (b) the public has the right to use; or
- (c) 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;

“**responsible authority**” means the Inxuba Yethemba Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;

“**street**” means any road, street or thoroughfare or any section or part thereof which is commonly used by the public or to which the public has a right of access;

“**structure**” means any container, stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for human shelter, business purposes or the keeping or enclosing of animals.

2. Objectives and application of by-law

(1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Inxuba Yethemba area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions.

(2) In the implementation of this by-law, the municipality also recognises the infrastructural, social and economic disparities and inequalities resulting from the previous local government dispensation and shall strive to overcome such disparities and inequalities by supporting the new goals for local government as laid down in section 152 of the Constitution.

(3) Sections 4(1), 14(1), 15(1), and 21(1) do not apply to –

- (a) premises which are legally used for bona fide agricultural purposes; or
- (b) premises identified by the municipality where the keeping of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.

- (4) A person who keeps animals on premises contemplated in subsection (3) is not exempt from the provisions relating to the inception or bringing about of a public nuisance.

CHAPTER 1

GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES

3. Behaviour and conduct

- (1) No person may –
- (a) do work on or use any premises in such a manner that it interferes with the convenience or comfort of other people or that it becomes a source of danger to any person;
 - (b) subject to any approval in terms of the relevant Town Planning Scheme Regulations, carry on any trade, business, profession or hobby which causes discomfort or annoyance to other people;
 - (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse, building rubble, garden refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons;
 - (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;
 - (e) allow any building or structure or any portion thereof to fall into a dilapidated, neglected or unsightly state;
 - (f) use any stoep, verandah or alley of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
 - (g) enclose any stoep or verandah of any shop or business premises by any means otherwise than by such means as approved by the municipality;
 - (h) disturb the comfort, convenience, peace or quiet of other people by the use of electrical appliances or machinery whether malfunctioning or not;
 - (i) be foul, misuse or damage public toilets;
 - (j) carry or convey in any street or public place, any objectionable material- or thing, which is or may become offensive or dangerous, unless such material or thing is suitably covered;
 - (k) allow any erf to be overgrown to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community;
 - (l) erect, or allow to be erected or use on any premises any structure in a manner that causes a nuisance to people; or
 - (m) by an action allow that a nuisance be created or continued;
 - (n) bathe or wash him- or herself or any animal, article or clothing in a public stream, pool, water trough, hydrant, fountain or at any place which has not been set aside by the municipality for such purpose;
 - (o) at any time disturb the public peace by making unseemly noises in any manner whatsoever;
 - (p) cause a nuisance by-
 - (i) loitering in any street or public place;
 - (ii) being drunk or under the influence of drugs;

- (iii) soliciting or importuning any person for the purposes of prostitution or any other immoral act;
 - (iv) continuing to beg from a person or closely follow a person after such person has given a negative response to such begging;
 - (v) playing loud music or the use of music instruments on any premises;
 - (q) advertise wares or services by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
 - (r) in any street or public place use any abusive or threatening language;
 - (s) cleanse or wash any vehicle or part in any street or public place;
 - (t) discharge any fire-arm, airgun or air pistol on any premises except premises or land zoned for agricultural purposes and which does not form part of a general plan for a township.
- (2) (a) In the event of a contravention of section 3(1)(a) to (m), the municipality may issue a notice on the owner, occupier or alleged offender to terminate the action or to abate the nuisance created. In the event of non-compliance with such order and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith may be recovered from the person responsible for the nuisance or the owner or occupier of the premises whether or not such owner or occupier is responsible therefore.
- (b) Where any vacant or developed premises or land in the vicinity of a street is used by unauthorised persons or where any of the materials or things mentioned in subsection (1)(c) are dumped or deposited on such premises, the municipality may serve a written notice on the owner or occupier requiring him or her to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence must be so constructed that it will effectively prevent the entry of unauthorised persons and the dumping of materials and things.
- (3) For the application of this by-law, any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.
- (4) Any person who contravenes or fails to comply with any provisions of this section or fails to comply with any notice lawfully given there under is guilty of an offence.

CHAPTER 2

GENERAL PROVISIONS RELATING TO KEEPING OF ANIMALS

4. Permission to keep animals

- (1) No person may keep or permit to be kept on any premises any animals, excluding pets, without the written permission of the municipality.
- (2) Any person who applies for a permit to keep a wild animal must, when submitting an application contemplated in subsection (1), furnish the municipality with a captivity permit issued by the Department of Economic Affairs, Environment and Tourism.

(3) The municipality may determine the number of bee hives, as well as the kind, number and gender of animals that may be kept and the areas within which the keeping of such animals will be prohibited.

(4) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.

(5) A person who contravenes subsection (1) or who fails to comply with a determination in subsection (3) commits an offence.

5. Plans for structures and management

The municipality may require from applicants who apply to keep animals that they must submit an application form and a detailed site plan according to specifications set by the municipality.

6. Consideration of application and imposition of conditions

(1) The municipality may, after consideration of –

- (a) the input or comments obtained in terms of section 4(3);
- (b) the location, geographical features or size of the premises in respect of which the application is submitted;
- (c) the documents and site plans submitted in terms of section 5; or
- (d) any other information relating to the application including, but not limited to, grazing, fencing, availability of water, etc. refuse to grant consent or grant consent.

(2) Where consent is refused, the municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right of appeal in terms of section 27.

(3) Where consent is granted, the municipality may impose conditions.

7. Visibility of structures on premises

(1) All structures in which animals are kept must be suitably screened from any street.

(2) A person who fails to comply with subsection (1) commits an offence.

8. Wavering of requirements and withdrawal of authorisations

The municipality may after considering conditions particular to the property and provided that no objection is received from the owners or occupants of surrounding premises, waive any or all of the requirements of this part and impose other conditions and may withdraw any consent granted in terms of section 6(3) if any of the conditions imposed are not adhered to.

9. Validity of authorisations

All authorisations to keep animals granted in terms of any by-law or regulation repealed are deemed to have been granted in terms of this by-law.

10. Duties of owner or keeper of animal

(1) The owner or keeper of an animal –

- (a) may not cause or allow an animal to interfere with the comfort, convenience, peace or quiet of other people;
- (b) must provide such animal with shelter, water and proper food ;

- (c) must maintain the premises on which an animal is kept in good repair and in a neat condition in order to prevent the occurrence of a public nuisance; and
 - (d) must exercise control over his or her animals in order to prevent damage to property or gardens;
 - (e) may not leave or allow any animal to be on any section of a public road or leave such animal in a place from where it may stray onto such section of a public road.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

11. Animals kept in unsatisfactory manner

- (1) Whenever animals kept on any premises are a public nuisance, the municipality may by written notice require the owner or occupier of such premises to remove the cause of and to abate such nuisance.
- (2) The municipality may prescribe the steps that need to be taken or the work that must be done to remove the cause of and to abate any nuisance.
- (3) Any activities undertaken by the owner in terms of a notice contemplated in subsection (1) will be for such owner's own account.
- (4) If an owner fails to comply with a notice issued in terms of subsection (1) the municipality may take the steps required and recover the cost thereof from such owner.
- (5) A person who fails to comply with a notice contemplated in subsection (1) commits an offence.

12. Destruction of animals

- (1) The municipality may order the euthanization or destruction of an animal which is –
- (a) dangerous or ferocious; or
 - (b) injured or diseased to such an extent that it would be humane to do so.
- (2) An animal to be destroyed in terms of subsection (1) must be euthanized by a registered veterinary surgeon or destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible.
- (3) A person who fails to comply with an order contemplated in subsection (1) or who contravenes subsection (2) commits an offence.

13. Hawking of animals

- (1) No person may hawk an animal in a street or public place or from a movable structure or vehicle.
- (2) A person who contravenes subsection (1) commits an offence.

CHAPTER 3

PROVISIONS RELATING TO KEEPING OF DOGS, CATS AND PETS

Part 1 – General Provisions relating to dogs, cats and pets

14. Number of dogs and cats

- (1) Subject to the provisions of section 15, no person may, without the permission of the municipality, keep on any premises –
- (a) more than two dogs; and
 - (b) more than two cats.

(2) An application for permission in terms of subsection (1) must be submitted on an application form obtainable from the municipality and must contain an exposition of the breed, gender and number of dogs or cats applied for.

(3) A restriction imposed under section 17 on the number of animals that may be kept on premises does not apply for a period of 10 weeks after the birth of a litter from an animal kept in terms of a permit.

(4) A person who contravenes subsection (1) commits an offence.

15. Breeders of dogs and cats

(1) A breeder of dogs or cats who wishes to keep more than two dogs or cats must obtain permission from the municipality.

(2) The municipality may require the submission of plans and specifications of structures in which it is proposed to keep the dogs or cats as well as a site plan indicating all existing or proposed structures and fences on the premises.

(3) A person who fails to obtain the permission of the municipality as required in subsection (1) commits an offence.

16. Breeders of pets

(1) A person who breeds pets must obtain the approval of the municipality.

(2) The provisions of section 15(2) are with the necessary adjustment applicable to an application in terms subsection (1).

(3) A person who contravenes subsection (1) commits an offence.

17. Conditions and restrictions

The municipality's consent in terms of sections 4, 14(1), 15(1) and 16(1) may be subject to any conditions that the municipality, in consultation with another responsible authority, may deem fit to impose.

18. Withdrawal of permission

(1) Where a person contravenes or fails to adhere to a condition or restriction set in terms of section 17, the municipality may, after hearing that person, withdraw its consent and may order the removal of animals from the premises for care and safekeeping by an animal welfare organisation or pound.

(2) Any costs incurred by the municipality for the removal and safekeeping of animals in terms of subsection (1), will be recovered from the owner or keeper of such animals.

19. Dogs or cats in streets or public places

(1) Subject to the provisions of the Public Amenities By-law, the owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is on a leash or the cat is under physical control.

(2) Except in the event of a blind person being led by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.

(3) A person who contravenes any of the provisions of subsection (1) or (2) commits an offence.

Part 2 – Specific provisions relating to dogs

20. Control of dogs

- (1) No person who owns or keeps a dog may –
- (a) permit a bitch on heat to be in a street or public place without supervision;
 - (b) urge a dog to attack, worry or frighten any person or animal unless in self-defence;
 - (c) keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
 - (d) permit a dog –
 - (i) to trespass on private property;
 - (ii) to constitute a hazard to traffic using any public road;
 - (iii) to constitute source of danger or injury to a person outside the premises on which such dog is kept; or
 - (iv) to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed in a conspicuous place.
 - (e) keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by–
 - (i) barking, yelping, howling or whining;
 - (ii) charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - (iii) by behaving in any other manner.
- (2) The municipality may seize and impound a dog which is found in a street or public place in contravention with the provisions of this by-law.
- (3) A dog impounded in terms of subsection (2) may be released to the owner upon payment of a fee determined by the municipality.
- (4) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER 4
DOG KENNELS, CATTERIES, PET SHOPS
AND PET PARLOURS

21. Permission to operate

- (1) No kennel, cattery, pet shop or pet parlour may be operated without the permission of and subject to conditions imposed by the municipality.
- (2) The person operating a kennel, cattery, pet shop or pet parlour may not conduct the business in such a manner so as to cause any nuisance or annoyance to other people.
- (4) A person who contravenes subsection (1) or (2) commits an offence.

CHAPTER 5
CO-OPERATION BETWEEN MUNICIPALITIES

22. Service delivery agreements

In order to achieve optimal service delivery in terms of this by-law, the municipality may enter into agreements with the district municipality with which legislative and executive powers is shared.

23. Powers of municipality in case of omission by District Municipality

If the service delivery referred to in section 22 is impeded by the refusal or omission by the district municipality to execute any of the arrangements envisaged in an agreement in terms of section 22 the municipality may, subject to the principles of cooperative government as set out in section 41 of the Constitution of the Republic of South Africa, 1996, proceed to give effect to such arrangement and any expenses incurred by the municipality in giving effect to such an arrangement may be recovered from the district municipality.

CHAPTER 6 GENERAL PROVISIONS

24. Right of entry and inspection

- (1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law; provided that a private dwelling may not be entered for routine inspection purposes.
- (2) When entering premises in terms of subsection (1), the employee must on request by any person, identify him- or herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

25. Service of documents and process

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person –
 - (a) when it has been delivered to him personally;
 - (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
 - (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c); or
 - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document is authorised or required to be served on a person, it is not necessary to name him or her but it will be sufficient if he or she is described as the owner, occupier or holder of a right.

26. Transitional provisions

A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in section 4(2) may not replace animals that die or are disposed of and must gradually reduce the number of animals that may be kept.

27. Appeal

A person whose rights are affected by a decision 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.

28. Penalties

Fine (R2000.00)

A person who has committed an offence in terms of this by-law is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment and a further amount equal to any costs and expenses incurred by the municipality as result of any contravention.

29. Exemptions

Notwithstanding the provisions of this by-law, the municipality may exempt any person and class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

30. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
 - (a) creating conditions for a local community to participate in the affairs of the municipality; and
 - (b) promoting a safe and healthy environment;
- (2) A liaison forum may consist of –
 - (a) a member of members of an interest group, or an affected person;
 - (b) a designated official or officials of the municipality; and
 - (c) a councillor.
- (3)
 - (a) the municipality may, when considering an application for an approval, or exemption certificate in terms of this by-law, request the input of a liaison forum.
 - (b) a liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the municipality for consideration.

31. Repeal of by-laws

The provisions of any by-laws 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 by-law, 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.

32. Short title and commencement

This by-law is called the Prevention of Public Nuisances and Keeping of Animals By-law and will come into operation on the date of publication thereof in the Provincial Gazette.

Hereby certify that the admission of guilt fines listed in Column 2 above as submitted by the Inxuba Yethemba Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magisterial District of:

CRADOCK AND MIDDELBURG

This determination replaces any previous determination for the said

Signed

.....
..... Magistrate: Cradock

.....
DATE

Signed

.....
..... Magistrate: Middelburg

.....
DATE

Council resolution number: **C1276/26.**

INXUBA YETHEMBA

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"A coherent developmental municipality putting people first and providing a better life for all its citizens"

INXUBA YETHEMBA LOCAL MUNICIPALITY STORMWATER MANAGEMENT BY-LAWS

DRAFT DOCUMENT

Date: 15 March 2021

Prepared By;	Prepared For;
DIRECTOR TECHNICAL SERVICES	ACTING MUNICIPAL MANAGER

INXUBA YETHEMBA LOCAL MUNICIPALITY

STORMWATER MANAGEMENT BY-LAWS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Inxuba Yethemba Local Municipality, enacts as follows: -

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1. Definitions

In this by-law, unless the context otherwise indicates –

“built-up area” means that portion of the area of jurisdiction of a municipality which has by actual survey been subdivided into erven or farms or is surrounded by surveyed erven or farms, and includes the public roads abutting thereon or an area where there is a permanent concentration of people, buildings and other man-made structures and activities;

“development” means the construction of a new building on a vacant erf;

“floodplain” means land adjoining a watercourse which is predisposed to flooding up to the 100-year recurrence interval;

"municipality" means the Inxuba Yethemba Local Municipality established in terms of *Section 12 of the Municipal Structures Act, 117 of 1998*, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**private stormwater system**” means a stormwater system which is owned, operated or maintained by a person and not the municipality;

“**pollute**” bears the meaning assigned to it in the *National Water Act, 1998 (Act 36 of 1998)*;

“**stormwater**” means water resulting from natural rainfall or the accumulation thereof, and includes –

- a) groundwater and spring water ordinarily conveyed by the stormwater system; and
- b) sea water within estuaries,

but excludes water in a drinking water or waste water reticulation system;

“**stormwater system**” means both the constructed and natural facilities, including roads, pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use or disposal of stormwater;

“**watercourse**” bears the meaning assigned to it in the *National Water Act, 1998 (Act 36 of 1998)*;

“**organ of state**” bears the meaning assigned to it in *section 239 of the Constitution*.

2. Purpose of by-law

The purpose of this by-law is to regulate stormwater management and activities that may have an adverse impact on the development, operation and maintenance of the stormwater system.

3. Application of by-law

(1) This by-law –

- a) binds an organ of state; and
- b) applies to stormwater systems in built-up areas.

(2) In the application and enforcement of this by-law, the municipality may take into consideration the realities of the Inxuba Yethemba Local area, the different customs, cultures, circumstances, geographical areas, kinds of premises, levels of development and conventions, and the municipality may use the devices provided for in this by-law, including the application of different norms, standards and guidelines, and the granting of exemptions.

4. Prohibited conduct

- (1) No person may, except with the written consent of the municipality-
- (a) discharge, place or permit to enter into the stormwater system –
 - i. anything other than stormwater;
 - ii. anything likely to damage the stormwater system or interfere with the operation thereof;
 - iii. anything likely to pollute the water in the stormwater system;
 - (b) discharge from any place, or place onto any surface, any substance other than stormwater, where that substance could reasonably be expected to find its way into the stormwater system;
 - (c) undertake any action that is likely to destroy, damage, alter, endanger or interfere with the free flow of water or the stormwater system, or the operation thereof, which action includes, but is not limited to –
 - i. obstructing or reducing the capacity of the stormwater system;
 - ii. opening a pipe, culvert or canal which forms part of the stormwater system;
 - iii. constructing or erecting any structure or thing over or in such a position or in such a manner as to destroy, damage, endanger or interfere with the stormwater system or the operation thereof;
 - iv. draining, abstracting or diverting any water directly from the stormwater system;
 - v. filling, excavating, shaping, landscaping, opening up or removing the ground above, within, under or immediately next to any part of the stormwater system;
 - vi. changing the design or the use of, or otherwise modify any feature of the stormwater system which alone or in combination with other existing or potential land uses, may cause an increase in flood levels or create a potential flood risk; or
 - vii. any activity which alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk.
- (2) When an incident contemplated in subsection (1) (a) or (b) occurs without the consent of the municipality–
- a) if the incident is not the result of natural causes, the person responsible for the incident; or
 - b) the owner of the property on which the event took place or is taking place, must immediately report the incident to the municipality, and take, at own cost, all reasonable measures to contain and minimise the effects of the incident, which measures include, but are not limited to, the undertaking of cleaning up operations including the rehabilitation of the environment.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

5. Application and conditions which municipality may impose

- 1) A person who wishes to obtain the consent of the municipality as contemplated in section 4, must submit an application form obtainable from the municipality.*
- 2) When considering an application, the municipality may require the applicant to provide the municipality, at own cost, with impact studies such as, but not limited to, environmental impact studies or environmental impact investigations which are required by environmental legislation.
- 3) The municipality may also require the applicant to establish and provide documentation indicating flood lines.

6. Stormwater systems on private land

- (1) An owner of property on which a private stormwater system is located –
 - (a) may not carry out any activity which may impair the effective functioning of the stormwater system or which could reasonably be expected to impair the effective functioning of the stormwater system; and
 - (b) must, at own cost, keep the stormwater system functioning effectively, including undertaking, on written instruction by the municipality, the refurbishment and reconstruction thereof if the municipality has reasonable grounds for issuing such instruction.
- (2) Subsection (1)(b) does not apply where the municipality has accepted responsibility for any of the duties contained in a maintenance agreement or in terms of a condition of a servitude.
- (3) Should an owner fail or refuse to comply with an instruction by the municipality made in terms of subsection (1)(b), the municipality may undertake measures to refurbish or reconstruct the stormwater system, and the municipality may recover from the owner all reasonable costs incurred as a result of action taken.
- (4) An owner who contravenes a provision of subsection (1)(a) or who fails or refuses to comply with an instruction contemplated in subsection (1)(b) commits an offence.

7. Powers of municipality

- (1) The municipality may at all reasonable times enter upon any premises or any portion thereof with the aim of carrying out any inspection or test to determine the current status of a stormwater system.
- (2) The municipality may, for the purpose of providing and maintaining infrastructure for a stormwater system –

- (a) on any premises, construct, expand, alter, maintain or lay any drain, pipe or other structure related to the stormwater system on or under any immovable property, and may do any other thing necessary or desirable or incidental, supplementary or ancillary to such construction, expansion, alteration or maintenance;
 - (b) drain stormwater or discharge water from any municipal infrastructure into any watercourse;
 - (c) repair and make good any damage done in or damage resulting from a contravention of section 4(1)(a)(ii) or 4(1)(c), such as, but not limited to –
 - i. demolishing, altering or otherwise dealing with any building, structure or other thing constructed, erected or laid in contravention of section 4(1)(c)(iii);
 - ii. filling in, removing and making good any ground excavated, removed or placed in contravention of section 4(1)(c)(v);
 - (d) remove anything –
 - i. (discharged or permitted to enter into the stormwater system or watercourse in contravention of section 4(1)(a) or (b);
 - ii. damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
 - (e) seal off or block any point of discharge from any premises, irrespective of whether the point is used for lawful purposes;
 - (f) cancel any consent granted in terms of section 5 if any condition under which the consent was granted is not complied with;
 - (g) by written notice, instruct any owner of property –
 - i. to retain stormwater on such property or to lay, at the cost of such owner, a stormwater drain pipe or gutter to a suitable place indicated by the municipality, irrespective of whether the course of the pipe or gutter will run over private property or not;
 - ii. to allow the owner of a higher lying property to lay a stormwater drain pipe or gutter over his or her property for the draining of concentrated stormwater;
 - (h) discharge stormwater into any watercourse, whether on private land or not.
- (3) Should an owner of property fail to comply with an instruction contemplated in subsection (2)(g)(i), the municipality may undertake measures to retain such stormwater or to lay such stormwater drain pipe or gutter.
- (4) Where it seems that any action or neglect by a person or owner of property may lead to a contravention of a provision of this by-law, the municipality may notify, in writing, such person or owner to comply with such requirement as may be necessary to prevent the occurrence of such contravention.
- (5) The municipality may recover all reasonable costs incurred as a result of action taken –

- a) in terms of subsection (2)(c) or (d), from the person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred; or
 - b) in terms of subsection (3), from the owner of the property.
- (6) Any drain, pipe or structure provided in terms of subsection (2)(a) vests in the municipality.
- (7) A person commits an offence if he or she –
- (a) fails to comply with a notice contemplated in subsection (2)(g);
 - (b) threatens, resists, hinders, obstructs or otherwise interfere with, or who uses foul or abusive language towards or at an employee or contractor of the municipality in the exercise of any powers or performance of any duty or function in terms of this by-law; or
 - (c) impersonates an employee or contractor of the municipality.

8. Raising of levies

- 1) If an owner of property or any person on behalf of an owner of property submits an application for the development or rezoning or subdivision of any property or for special consent in relation to the use of any property which necessitates the installation of storm water services infrastructure or which may increase the burden on the existing storm water services infrastructure, the municipality may raise a once off storm water services development levy.
- 2) The levy referred to in subsection (1) shall be payable by the owner upon such terms and conditions as may be determined by the municipality when approving the rezoning, subdivision or application for special consent and such levy will be determined in the municipality's annual schedule of tariffs.
- 3) The levy referred to in subsection (1) will be payable by the owner to the municipality within the period and on such conditions as may be imposed by the municipality.

9. Discharges from swimming pools, fountains or reservoirs

- 1) No person may discharge or cause the discharge of any water from a swimming pool, fountain or reservoir, either directly or indirectly onto any public street or public place, or to any site other than onto the site upon which such pool, fountain or reservoir is situated without the written permission of the municipality.
- 2) Any person who contravenes the provisions of subsection (1) is guilty of an offence.

10. Authentication and service of notices and other documents

- 1) A notice or other document requiring authentication by the municipality must be signed by the municipal manager and when issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by the municipal manager.
- 2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been served –
 - i. when it has been delivered to that person personally;
 - ii. when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - iii. when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - iv. if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - v. if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
 - vi. in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
 - vii. when it has been delivered, at the request of that person, to his or her e-mail address.
- 3) Service of a copy is deemed to be service of the original.
- 4) When any notice or other document must be authorised or served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.
- 5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

11. Appeal

A person whose rights are affected by a decision 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.

12. Exemptions

- 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 by-law.
- 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) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- 4) If any condition of an exemption is not complied with, the exemption lapses immediately.

13. Penalties

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine of **R2000.00** or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

14. Repeal of by-laws

The provisions of any by-laws 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 by-law.

15. Short title and commencement

This by-law may be cited as the Inxuba Yethemba Local Municipality Stormwater Management By-laws, and commences on the date of publication thereof in the Provincial Gazette.

Hereby certify that the admission of guilt fines listed in Column 2 above as submitted by the Inxuba Yethemba Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magisterial District of:

CRADOCK AND MIDDELBURG

This determination replaces any previous determination for the said

Signed

.....
..... Magistrate: Cradock

.....
DATE

Signed

.....
..... Magistrate: Middelburg

.....
DATE

LOCAL GOVERNMENT NOTICE**INXUBA YETHEMBA MUNICIPALITY**

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996], the Liquor Trading Hours By-law that comes into operation on the date of publication thereof.

LIQUOR TRADING HOURS BY-LAWS**PREAMBLE**

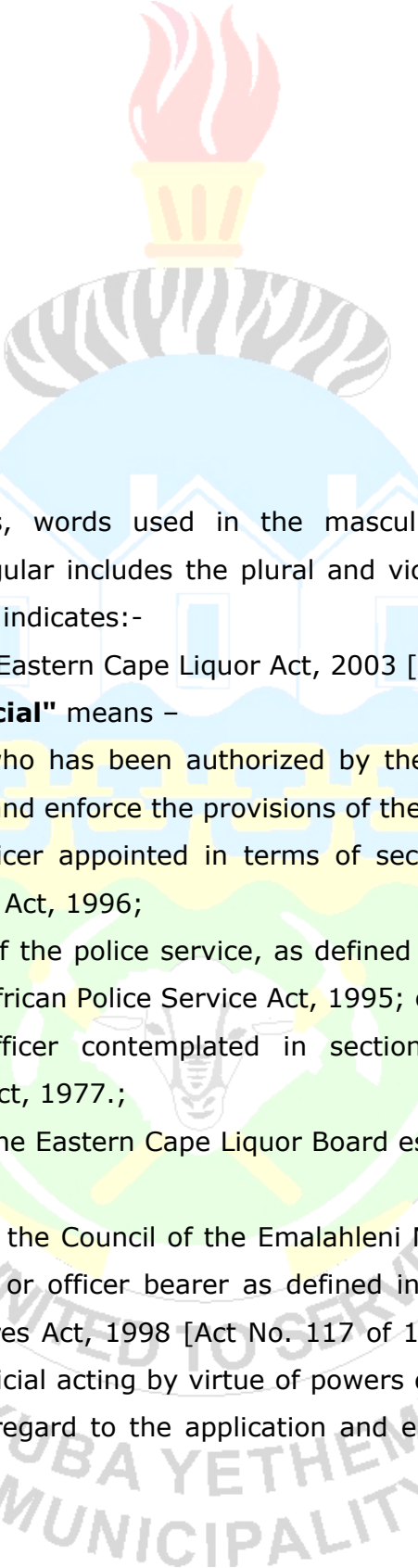
WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996];

AND WHEREAS the Council of the Municipality in the exercise of its functions has an obligation in terms of section 42 of the Eastern Cape Liquor Act, 2003 [Act No. 10 of 2003] to regulate the hours during which liquor may be sold and regulate the operating hours of premises where on-site consumption of liquor takes place in the demarcated municipal area and to provide for incidental matters;

NOW THEREFORE be it enacted by the Council as follows:

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- [2] Application of By-Laws
- [3] Report by Ward Committee
- [4] Hours of Trading

- 
- [5] Exemptions
 - [6] Enforcement
 - [7] Appeal
 - [8] Offences
 - [9] Penalties
 - [10] Repeal of by-laws

SCHEDULES

[1] DEFINITIONS

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates:-

"Act" means the Eastern Cape Liquor Act, 2003 [Act No. 10 of 2003];

"authorized official" means –

- [a] an official who has been authorized by the Council to administer, implement and enforce the provisions of these by-laws;
- [b] a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996;
- [c] a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995; or
- [d] a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977.;

"Board" means the Eastern Cape Liquor Board established by section [4] of the Act;

"Council" means the Council of the Emalahleni Municipality or any other political structure or officer bearer as defined in the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998] or official including the authorized official acting by virtue of powers delegated to it or him by the Council with regard to the application and enforcement of these by-laws;

"community" means those residents, governing body of schools or places of worship occupying premises within a 100m radius from the premises in respect of which an application for registration and/or a license or authorization in terms of the Act is made;

"Municipal Manager" means the Municipal Manager of the Municipality appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 and includes any person acting in this position;

"liquor trading establishment" means any fixed property from which liquor is sold or supplied to the public for consumption;

"official" means an official of the Municipality;

"premises" includes any place, land, building or conveyance or any part thereof which is registered or seeking to be registered in order to permit and allow trading in liquor;

"Regulations" means the regulations made under the Act and published in Provincial Notice No. 17 of 2004, dated 28 May 2004 as may be amended from time to time;

"trading hours" means the time when a liquor trading establishment opens to the time that such establishment ceases to trade and, in the case of on-site consumption establishments, the time when they cease to operate and must close in accordance with **SCHEDULE 1** of these by-laws;

"trader" means a person trading in liquor from a liquor trading establishment ;

"ward committee" means a committee as contemplated in the Local Government: Municipal Structures Act, 1998.

[2] **APPLICATION OF BY-LAWS**

These by-laws are applicable in respect of all premises situated within the area of jurisdiction of the Municipality where trading in liquor is conducted or is intended or permitted to be conducted in terms of any Town

Planning Zoning Scheme of the Municipality or made applicable to the Municipality and/or consent usage granted by the Municipality and/or any title deed conditions applicable to such premises.

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Licensing objectives with particular attention to:

- a) no selling of alcohol to underage people
- b) no drunk and disorderly behaviour on the premises area
- c) vigilance in preventing the use and sale of illegal drugs at the retail area
- d) no violent and anti-social behaviour
- e) no any harm to children.

[3] REPORT BY WARD COMMITTEE

- [1]** A ward committee must, upon receipt of a notice of application for registration in terms of section 22[2][d][i] of the Act, hold a consultative meeting with the owners of immovable property and businesses and with residents in the immediate vicinity of the premises in respect of which the application applies and record in writing all comments [if any] with regard to such application;
- [2]** The councillor responsible for the ward in respect of which an application contemplated in subsection [1] has been made must submit a report to the Municipality within 30 days of referral of such application to the ward committee concerned and such report must contain:
 - [a]** the details of the consultative process with the community, including the –
 - [i]** dates when the consultation took place; and
 - [ii]** names and addresses of persons who were consulted.
 - [b]** comments on the application;
 - [c]** details of objections received in respect of such application, if

CONTINUES ON PAGE 130 OF BOOK 2

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PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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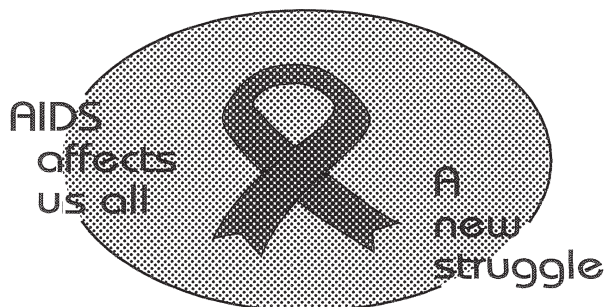
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20 July 2026
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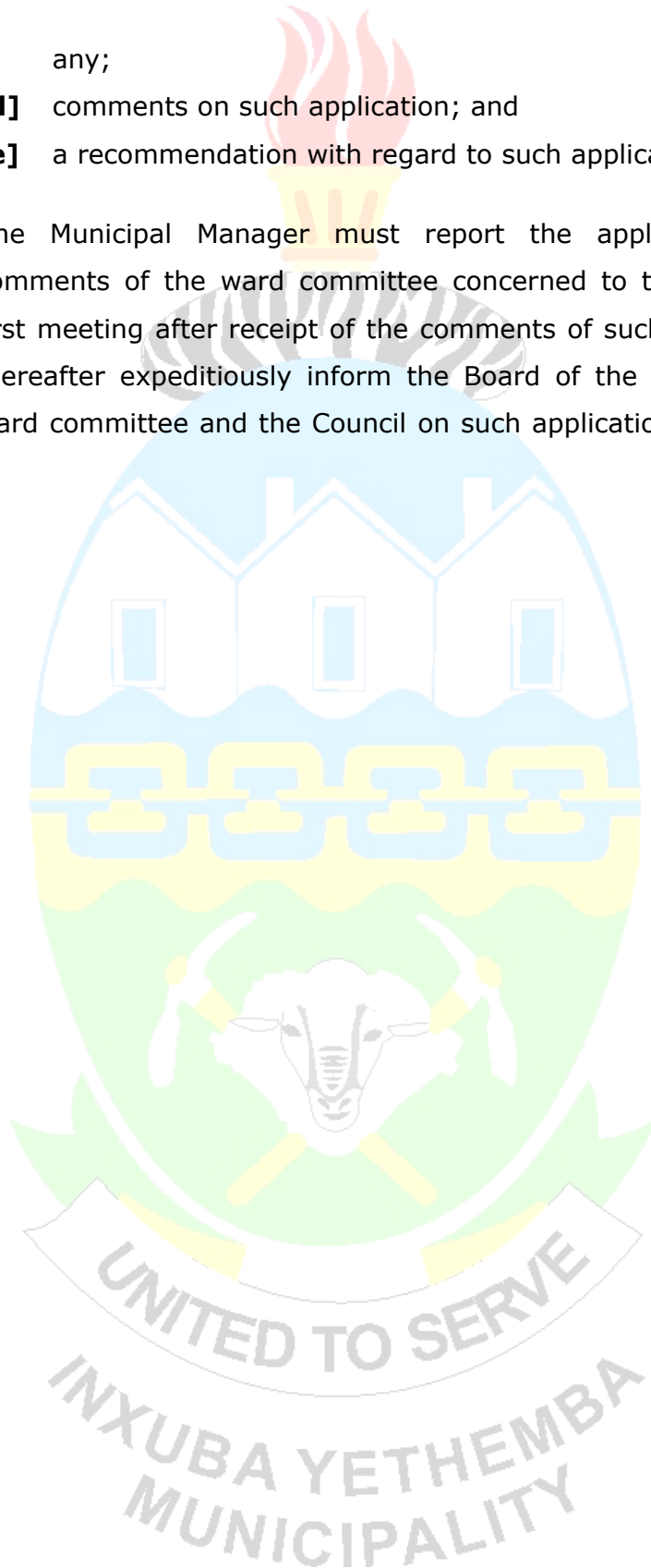
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any;

[d] comments on such application; and

[e] a recommendation with regard to such application.

- [3]** The Municipal Manager must report the application and the comments of the ward committee concerned to the Council at its first meeting after receipt of the comments of such Committee and thereafter expeditiously inform the Board of the resolution of the ward committee and the Council on such application; provided that



the Municipal Manager must provide the applicant with reasons within seven days of such referral to the Council if the application and comments of the ward committee could not, for any reason whatsoever, be considered by the Council.

- [4]** The Council may, when considering an application, appoint an official to conduct further investigation and obtain any further information that it deems necessary from any person deemed necessary by the Council; provided that the Municipal Manager must notify the applicant within seven days of such referral by the Council.
- [5]** An official appointed in terms of subsection [4] must complete the investigation within such period as Council may have deemed necessary and report his findings to the Council at its next meeting.
- [6]** The Council must consider the findings contemplated in subsection [5] and thereafter take the steps contemplated in subsection [3].

[4] HOURS OF TRADING

- [1]** The trading hours, as listed in Column 2 of **SCHEDULE 1** to this by-law of the different kinds of registrations, as contemplated in section 20 of the Act, as listed in Column 1 of the **SCHEDULE 1**, have been determined by the Municipality and may be reviewed by the Municipality from time to time.
- [2]** Subject to section 6, no trader may sell liquor to a person at a time other than those hours stipulated as trading hours under subsection provided that nothing contained in these by-laws –
 - [a]** prevents liquor trading premises from remaining open outside liquor trading hours exclusively for the sale of goods other than liquor; and

[b] Permits a trader to sell liquor to a person who is under the age of eighteen years, or to allow a person under the age of eighteen years to consume liquor on liquor trading premises.

[3] A trader who contravenes subsection [2] commits an offence.

[5] EXEMPTIONS

[1] The Municipality may grant written consent to a trader to sell liquor at hours other than those hours stipulated as trading hours in section 5[1] and a trader who wishes to sell liquor at such hours must, before he sells such liquor, obtain such written consent of the Municipality.

[2] A trader who wishes to obtain the consent of the Municipality must complete a form similar to the APPLICATION FOR CONSENT TO SELL LIQUOR OUTSIDE TRADING HOURS FORM as contained in **SCHEDULE 2** and submit the form and other particulars as the Municipality may request, to the Office of the Municipal Manager.

[3] The Municipality may, after consideration of the application, refuse to grant consent or grant consent and should the Municipality grant consent, it may do so subject to any condition or restriction it may deem necessary, which consent and condition or restriction, if imposed, must be entered in item C of the form contained in **SCHEDULE 2**.

[4] A trader who has been granted consent in terms of subsection [3] must display, in a conspicuous place on the premises regarding which the consent has been granted and during those times for which the consent has been granted, a copy of the form on which the consent of the Municipality has been entered.

[5] A trader who contravenes subsection [1] or [4], or who sells liquor in contravention of a condition or restriction imposed in terms of subsection [3], or who displays a forged form, commits an offence.

[6] ENFORCEMENT

- [1]** The Municipality may appoint, authorize and mandate such officials as it may deem necessary to implement and enforce these by-laws.
- [2]** Each official appointed in terms of subsection [1] must be issued with an identity card containing –
- [a]** a photograph of that official;
 - [b]** the date of the Council resolution authorizing his appointment;
 - [c]** his designation; and
 - [d]** a brief reference to his duties and obligations in terms of these by-laws;
- [3]** An official, acting within the powers vested by these by-laws must, on demand by a member of the public, produce proof of identity and the capacity in which such official purports to carry out his duties;
- [4]** An official, acting in terms of the authorization or mandate contemplated in subsection [1] may –
- [a]** at all reasonable times, enter upon premises on which a business is being or is intended to be carried on; and
 - [b]** request any person to provide such reasonable information as the official deems necessary.
- [5]** For purposes of these by-laws, an official appointed in terms of this section will be regarded as the authorized official.

[7] APPEAL

- [1]** A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

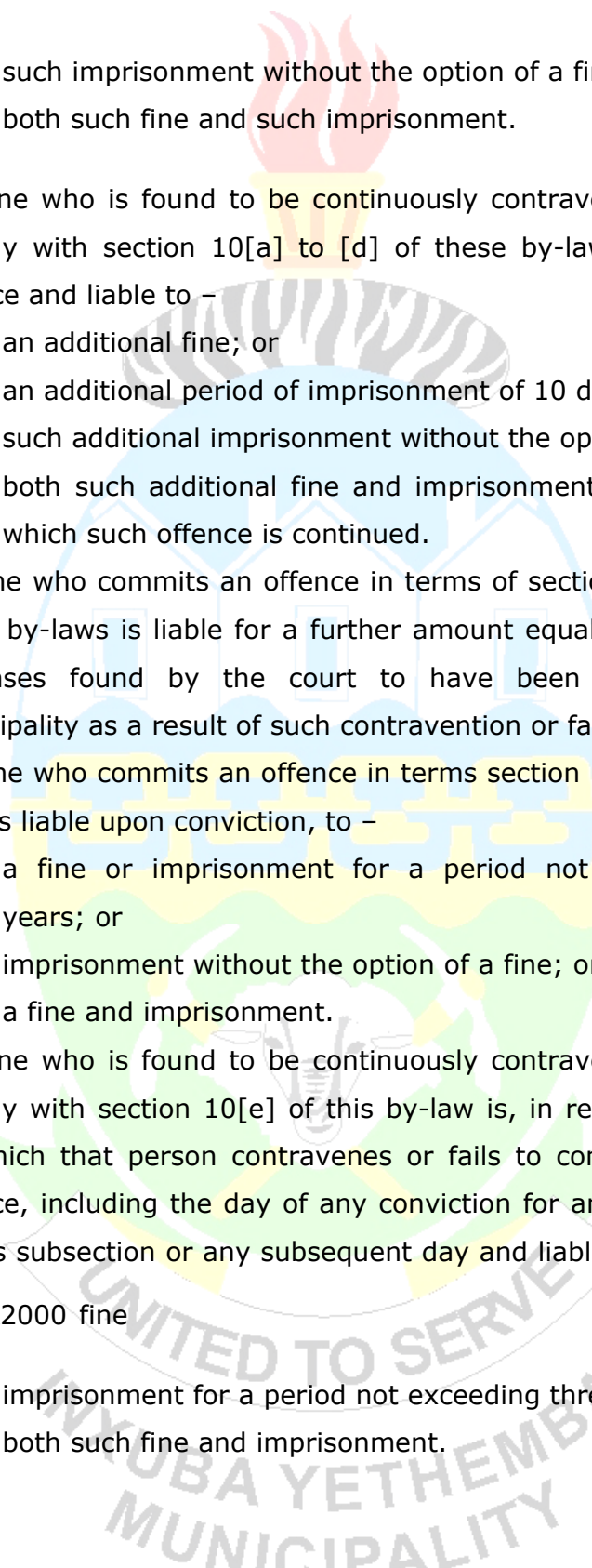
- [2] The Municipal Manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- [3] When the appeal is against a decision taken by –
- [a] the authorised official, the Municipal Manager is the appeal authority;
 - [b] the Municipal Manager, the Mayor is the appeal authority; or
 - [c] a political structure or political officer bearer, or a Council of the Municipality is the appeal authority.
 - [d] The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

[8] OFFENCES

- [1] Anyone commits an offence if he –
- [a] hinders or interferes with an authorized official in the execution of his official duties in terms of the Act;
 - [b] falsely professes to be an authorized official;
 - [c] intentionally furnishes false or misleading information when complying with a request of an authorized official;
 - [d] fails to comply with a reasonable request of an authorized official;
 - [e] fails, refuses or neglects to comply with the trading hours referred to in **SCHEDULE 1**.

[9] PENALTIES

- [1] Anyone who commits an offence contemplated in section 6[1] to [5] and 10[a] to [d] of these by-laws is, upon conviction, liable to –
- [a] a fine or imprisonment for a period not exceeding six months;
- or

- 
- [b] such imprisonment without the option of a fine; or
- [c] both such fine and such imprisonment.
- [2] Anyone who is found to be continuously contravening or failing to comply with section 10[a] to [d] of these by-laws is guilty of an offence and liable to –
- [a] an additional fine; or
- [b] an additional period of imprisonment of 10 days; or
- [c] such additional imprisonment without the option of a fine; or
- [d] both such additional fine and imprisonment for each day on which such offence is continued.
- [3] Anyone who commits an offence in terms of section 10[a] to [d] of these by-laws is liable for a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.
- [4] Anyone who commits an offence in terms section 10[e] of these by-laws is liable upon conviction, to –
- [a] a fine or imprisonment for a period not exceeding three years; or
- [b] imprisonment without the option of a fine; or
- [c] a fine and imprisonment.
- [5] Anyone who is found to be continuously contravening or failing to comply with section 10[e] of this by-law is, in respect of each day on which that person contravenes or fails to comply, guilty of an offence, including the day of any conviction for an offence in terms of this subsection or any subsequent day and liable on conviction to
- [a] R2000 fine
or
- [b] imprisonment for a period not exceeding three months; or
- [c] both such fine and imprisonment.

- [3]** Anyone who is convicted of a contravention of section 10[e] of this by-law within a period of five years after he was convicted of contravening this by-law is liable to –
- [a]** imprisonment for a period of six years; or
 - [b]** double the fine for contravening this by-law; or
 - [c]** to both such fine and imprisonment.

[10] REPEAL OF BY-LAWS

- [1]** Any by-laws adopted by the Municipality or of a municipality now forming an administrative unit of the Municipality and relating to crèches or nursery schools or any facilities in respect to or with regard to any matter regulated in these by-laws are hereby repealed.
- [2]** Anything done under the provisions of the by-laws repealed by subsection [1] is deemed to have been done under the corresponding provision of these by-laws and such repeal will not affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.

SCHEDULE 1

[1] TYPE OF REGISTRATION	[2] TRADING HOURS
Section 20[a] - Registration in terms of the Liquor Act for the retail sale of liquor for consumption off the premises where the liquor is being sold. <i>[bottle store, retail shop, wholesaler, house shop]</i>	Monday to Saturday 08:30 to 20:00 Sunday 09:00 to 13:00
Section 20[b] - Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold. <i>[restaurant, night club, sports club, pool bar, hotel, pub]</i>	Sunday to Thursday 10:00 to 24:00 Friday-Saturday 10:00 to 02:00
Section 20[c] - Registration in terms of the Liquor Act for the retail sale of liquor on and off the premises on which the liquor is being sold. <i>[taverns, shebeens]</i>	<u>Off-consumption</u> Monday to Saturday 08:30 to 20:00 Sunday 09:00 to 13:00 <u>On-consumption</u> Sunday to Saturday 10h00 to 24:00
Section 20[d] - Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events. <i>[beer festival, fete, fundraising event]</i>	Trading hours to be determined by resolution of the Council in respect of each application
Section 20[e] - Registration in terms of the Liquor Act for licensed wholesale warehouse.	Monday to Saturday 08:00 to 17:00 Sunday 09:00 to 13:00
Section 20[e] - Registration in terms of the Liquor Act for licensed micro-manufacturing	Trading hours to be determined by resolution of the Council in respect of each application

SCHEDULE 2**[Section 6[2]]****APPLICATION TO SELL LIQUOR OUTSIDE TRADING HOURS****A. APPLICANT**

Name:

Identity Number:

Address:

Telephone number:

B. PERSONAL PARTICULARS

Address [street name and number] of the premises on which the liquor will be sold or supplied:

Dates and hours on which liquor will be sold or supplied [Be specific, e.g. 14:00 to 23:00 on 3 June, 2005]:

Reason why this application is made:

Anticipated volume of liquor that will be consumed:.....

Nature of liquor that will be sold or supplied:

Other particulars [as requested by the Council]:

Signed Date
[Applicant]

C. CONSENT

Issuing Local Authority:

OFFICIAL
DATE
STAMP

CONDITIONS AND RESTRICTIONS IN TERMS OF SECTION 5[3]

Times and date on which liquor may be supplied or sold:

Other conditions or restrictions:

.....
.....
.....

Hereby certify that the admission of guilt fines listed in Column 2 above as submitted by the Inxuba Yethemba Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magisterial District of:

CRADOCK AND MIDDELBURG

This determination replaces any previous determination for the said

Signed

.....

..... Magistrate: Cradock

DATE

Signed

.....

..... Magistrate: Middelburg

DATE

Council resolution number: **C1276/26**.



INXUBA YETHEMBA MUNICIPALITY

ELECTRICITY SUPPLY BY-LAW, 2021

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CHAPTER 1 - GENERAL

1. Definitions

In this by-law, unless inconsistent with the context-

“accredited person” means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

“applicable standard specification” means the standard specifications as listed in Schedule 1 attached to this by-law;

“authorized official” means an employee of the Municipality or any other person who is duly authorized thereto in writing by the Municipality to perform any act, function or duty in terms of, or exercise any power under this bylaw;

“certificate of compliance” means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

“consumer” in relation to premises means:

- (a) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or
- (b) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (c) if there is no such person or occupier, the owner of the premises;

“council” means a Municipal Council as defined hereunder in these Definitions;

“credit meter” means a meter where an account is issued subsequent to the consumption of electricity;

“electrical contractor” means an electrical contractor as defined in the Regulations;

“electrical installation” means an electrical installation as defined in the Regulations;

“high voltage” means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{ kV}$. [SANS 1019];

“low voltage” means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an A.C. voltage of 1000V (or a D.C. voltage of 1500 V). [SANS 1019]

“the law” means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

“medium voltage” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1 \text{ kV} < U_n \leq 44 \text{ kV}$. [SANS 1019]

“meter” means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

“motor load, total connected” means the sum total of the kW input ratings of all the individual motors connected to an installation;

“motor rating” means the maximum continuous kW output of a motor as stated on the maker's rating plate;

“motor starting current” in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energized at its rated voltage with its starter in the starting position and the rotor locked;

“Municipal Council” or **“Council”** means a Municipal Council referred to in section 157(1) of the Constitution and shall include Inxuba Yethemba Municipality

“Municipality” means Inxuba Yethemba Municipality or any legal entity duly authorized by the Inxuba Yethemba Municipality to provide an electricity service within the jurisdiction of the Inxuba Yethemba Municipality;

“occupier” in relation to any premises means-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on that person's own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or such person's whereabouts are unknown;

“owner” means

- (a) any person in whom the legal title to a premises is vested;
- (b) in a case where the person in whom the legal title is vested is deceased or insolvent, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator, judicial manager or other legal representative;
- (c) in the case where Council is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to :
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986, and without restricting the above, the developer or the body corporate in respect of the common property; or

- (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such person;
- (f) any legal person including, but not limited to:
 - (i) a company registered in terms of the Companies Act, 1973, Trust inter vivos, Trust mortis causa, a Closed corporation registered in terms of the Closed Corporations Act, 1984 or a voluntary association;
 - (ii) any Department of State;
 - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa; and
 - (iv) any Embassy or other foreign entity; and
- (g) a lessee of municipal property who will be deemed to be the owner for the purpose of rendering a municipal account;

“person” includes a legal person;

“point of consumption” means a point of consumption as defined in the Regulations;

“point of metering” means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorized official of the Municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;

“point of supply” means the point determined by the Municipality or any duly authorized official of the Municipality at which electricity is supplied to any premises by the Municipality;

“premises” means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

“prepayment meter” means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

“Regulations” means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

“safety standard” means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

“service connection” means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

“service protective device” : means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

“standby supply” means an alternative electricity supply not normally used by the consumer;

“supply mains” means any part of the Municipality's electricity network;

“tariff” means the Municipality's tariff of charges for the supply of electricity, and

“**token**” means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and *vice versa*;

“**voltage**” means the root-mean-square value of electrical potential between two conductors.

2. **Other terms**

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

3. **Headings and titles**

The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2 - GENERAL CONDITIONS OF SUPPLY

4. **Provision of Electricity Services**

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality.

5. **Supply by agreement**

No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement such person shall be liable for the cost of electricity used as stated in section 45 of this bylaw.

6. **Service of notice**

1. Any notice or other document that is served on any person in terms of this by-law is regarded as having been served-

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

2. When any notice or other document must be authorized or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

3. Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

7. **Compliance with notices**

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

8. **Application for supply**

1. Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
2. An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorized official of the Municipality, which may specify any special conditions to be satisfied in such case.

9. **Processing of requests for supply**

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

10. **Way-leaves**

1. The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorizing the laying or erection of a service connection thereon.
2. If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

11. **Statutory Servitude**

1. Subject to the provisions of subsection (3) the Municipality may within its municipal area:
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
2. If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall

pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.

3. The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

12. **Right of admittance to inspect, test and/or do maintenance work**

1. The occupier of premises in a Municipality must give an authorized official of the Municipality access at all reasonable hours to or over the premises to:
 - (a) do anything which is authorized or required to be done by the Municipality under this by-law or any other law;
 - (b) inspect and examine any service mains and anything connected therewith;
 - (c) enquire into and investigate any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and to make any necessary survey in connection therewith;
 - (d) ascertain whether there is or has been a contravention of the provisions of this by-law *or any other law*, and
 - (e) enforce compliance with the provisions of this by-law *or any other law*,
2. An employee of the Municipality authorized thereto by such Municipality may, by notice in writing served on the owner or occupier of any premises, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such premises for any purpose referred to in sub-section (1).
3. The Municipality may gain access to or over any premises without serving the notice required in terms of sub-section (2) and after gaining access may take whatever action as may, in its opinion, be necessary:
 - (a) in consequence of the existence of a state of war;
 - (b) due to the occurrence of any calamity, emergency or disaster; or
 - (c) should the Municipality have reasonable suspicion that the provisions of this by-law or any other law are being contravened.
4. The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law except where the Municipality is authorized to execute on the premises concerned any work at the cost of such person or some other person or to execute on such premises any work and recover the cost thereof from such person or some other person.

13. **Refusal or failure to give information**

No person shall refuse or fail to give such information which may be reasonably required by any duly authorized official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

14. **Refusal of admittance**

No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official of the Municipality in the performance of such official's duty under this by-law or of any duty connected therewith or relating thereto.

15. **Improper use**

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and re-connection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

16. **Electricity tariffs and fees**

Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

17. **Deposits**

The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

18. **Payment of charges**

1. The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.
2. All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
3. A consumer's obligation to pay for electricity supplied shall not be relieved by
 - (a) failure to render an account;
 - (b) an error or omission in an account; or
 - (c) application of the incorrect tariff; and
 - (d) in the case of (c), the onus shall be on the consumer to establish whether or not an account rendered is in accordance with the appropriate tariff scale.
4. Where a duly authorized official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and such official is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
5. After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

19. **Interest on overdue accounts**

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

20. **Principles for the resale of electricity**

1. Unless otherwise authorized by the Municipality, no person shall sell or supply electricity, supplied to such person's premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub-meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Municipality.
2. The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favorable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

21. **Right to disconnect supply**

1. The Municipality shall have the right to disconnect the supply of electricity to any premises:
 - (a) without notice where -
 - (i) there is grave risk to person or property if the supply is not disconnected; or
 - (ii) there is evidence of tampering as envisaged in Section 26 of this by-law; or
 - (b) subject to 14(fourteen) days written notice where -
 - (i) the person liable to do so fails to pay any charge due to the Municipality in connection with any supply of electricity which such person may have received from the Municipality in respect of such premises; or
 - (ii) any of the provision of this by law and/or the Regulations are being contravened and the person responsible has failed to remedy the default after such notice has been given, and
 - (iii) after any such disconnection, the fee as prescribed by the Municipality shall be paid
2. In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.
3. Where access to inspect metering equipment has been denied and where due notice was left with the consumer to provide access to the metering equipment has not been complied with.
4. Where, in the opinion of the Engineer, the electrical installation in any premises is not in accordance with the by-law or the Code of Practice or where in his opinion there is any defect in such installation or substation or in any appliance used in or on such premises which is likely to cause injury to life or damage to property, he may, by notice, call upon the consumer to bring the installation,

substation or appliance into conformity with the by-laws or wiring regulations or to remove the defect within such period specified in the notice. Upon the failure of the consumer to comply with such notice within the period specified, the Engineer shall have the right to disconnect the supply of the electricity to such premises.

22. **Non-liability of the Municipality**

The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality. The consumer shall have the right to appeal against any ruling by the Municipality in terms of this provision.

23. **Leakage of electricity**

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

24. **Failure of supply**

The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

25. **Seals of the Municipality**

The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorized official of the Municipality, and no person not being an official of the Municipality duly authorized thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks. In such cases where seals or locks have been broken, the consumer will be liable for a tampering fee as prescribed in Section 16.

26. **Tampering with service connection or supply mains**

1. No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or load control or any other equipment of the Municipality.
2. Where prima facie evidence exists of a consumer and/or any person having contravened sub-section(1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.
3. Where a consumer and/or any person has contravened sub-section(1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of the estimated consumption resulting from such contravention.

27. **Protection of Municipality's supply mains**

1. No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed –
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such

- a position or in such a manner as to interfere with or endanger the supply mains
- (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.
- 2. The Municipality may subject to obtaining an order of court demolish, alter or other wise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
 - 3. The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.
28. **Prevention of tampering with service connection or supply mains**
If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.
29. **Unauthorized connections**
No person other than a person specifically authorized thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.
30. **Unauthorized re-connections**
 - 1. No person other than a person specifically authorized thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.
 - 2. Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.
31. **Temporary disconnection and re-connection**
 - 1. The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent re-connection.

2. In the event of the necessity arising for the Municipality to effect a temporary disconnection and re-connection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee herein before referred to.
 3. The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.
32. **Temporary supplies**
It shall be a condition of the giving of any temporary supply of electricity, as described in section 8.(2) of this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.
33. **Temporary work**
Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may consider desirable and necessary.
34. **Load reduction**
 1. At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
 2. The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorized official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
 3. Notwithstanding the provisions of sub-section (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (2).
35. **High, Medium and low voltage switchgear and equipment**
 1. In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorized official of the Municipality, be paid for by the consumer.
 2. All such equipment installed on the consumer's premises shall be compatible with the Municipality's electrical performance standards.
 3. No person shall open, close, isolate, link, earth or otherwise operate high or medium voltage Municipal switchgear or equipment without giving reasonable prior notice to an authorized official of the Municipality.

4. In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Municipality shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointments.
 5. In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorized official of the Municipality.
36. **Substation accommodation**
- The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorized official of the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.
37. **Wiring diagram and specification**
1. When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for approval before the work commences.
 2. Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high or medium voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.
38. **Standby supply**
- No person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.
39. **Consumer's electricity generation equipment**
1. No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality.
 2. Application for such consent shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
 3. The electricity generation equipment shall be so designed and installed that it is impossible for the Service Provider's supply mains to be energized by means of a back-feed from such equipment.
 4. The position of the installed generating equipment shall not interfere with the supply mains, the generating equipment must be installed entirely on the consumer's premises.

5. The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.
 6. Where by special agreement with the Municipality, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.
 7. Under normal operating conditions, any export of surplus energy from the consumer to the Municipality's network shall be subject to special agreement with the Municipality.
 8. In the event of a general power failure on the Municipality's network, protection equipment shall be installed by the consumer, subject to the Municipality's approval, so as to ensure that the consumer's installation is isolated from the Municipal network until normal operating conditions are restored.
 9. The cost of any specialized metering equipment will be for the consumer's account.
40. **Circular letters**
The Municipality may from time to time issue Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.
41. **Technical Standards**
The Municipality may from time to time issue Technical Standards detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3 - RESPONSIBILITIES OF CONSUMERS

42. **Consumer to erect and maintain electrical installation**
Every consumer shall maintain the electrical installation, sub station and all appliances on the premises owned or occupied by him in good order and repair and shall be responsible for the safekeeping of all meters, service fuses, service mains and other electrical apparatus and fittings belonging to the Council which are placed or installed in his premises. The consumer shall be responsible for any loss of or damage to any apparatus and equipment belonging to the Council which directly or indirectly results from a failure on his part to exercise all reasonable care in safe guarding the same, or is caused by any willful or negligent act or omission of the consumer or of his employee or agent or any person who is upon the said premises with the consent, tacit or otherwise, of the consumer, or given on his behalf and the consumer shall pay to the Council on demand the cost of making good or of repairing any such loss or damage as ascertained and certified by the Engineer.
43. **Fault in electrical installation**
 1. If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply.
 2. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.

3. The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

- (a) In cases where the premises have been vacated for a period exceeding six months or where damage to metering equipment and associated hard wiring has been ascertained, it will be a requirement that the owner of the premises produces a valid electrical certificate of compliance.

44. **Discontinuance of use of supply**

A consumer wishing to discontinue using the electricity supply shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which such consumer shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

45. **Change of occupier**

1. A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which such consumer shall remain liable for such supply.
2. If the person taking over occupation of the premises desires to continue using the electricity supply, such person shall make application in accordance with the provisions of section 5 of this by-law, and if application for a supply is not made within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and such person shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.
3. Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, such person shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

46. **Service apparatus**

1. The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
2. If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render re-connection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
3. Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
4. The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 4 - SPECIFIC CONDITIONS OF SUPPLY

47. Service connection

1. The consumer shall bear the cost of the service connection, as approved by the Municipality.
2. Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality and the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
3. The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorized official of the Municipality.
4. A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
5. The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
6. The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorized official of the Municipality.
7. Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.
8. Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
9. Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
10. In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

48. Metering accommodation

1. The consumer shall, if required by the Municipality or any duly authorized official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

2. Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
3. The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
4. Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a cause of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
5. The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5 - SYSTEMS OF SUPPLY

49. Load requirements

Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

50. Load limitations

1. Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorized official of the Municipality.
2. Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorized official of the Municipality.
3. No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

51. Interference with other persons' electrical equipment

1. No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
2. The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
3. Should it be established that undue interference is in fact occurring, the consumer shall, at the consumer's own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

52. **Supplies to motors**

Unless otherwise approved by the Municipality or any duly authorized official of the Municipality the rating of motors shall be limited as follows:

1. Limited size for low voltage motors -

The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

2. Maximum starting and accelerating currents of three-phase alternating current motors -

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent	Maximum permissible starting current	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
mm ²	A	kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

3. Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

53. **Power factor**

1. If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
2. Where, for the purpose of complying with sub-section (1), it is necessary to install power factor corrective devices, such corrective devices shall be

connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

3. The consumer shall, at his/her own cost, install such corrective devices.

54. **Protection**

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

CHAPTER 6 - MEASUREMENT OF ELECTRICITY

55. **Metering**

1. The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
2. Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 59(2) of this by-law, in which case the consumption for the period shall be estimated.
3. Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
4. The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
5. No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorized official of the Municipality.

56. **Accuracy of metering**

1. A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
2. The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall -
 - (a) in the case of a credit meter, adjust the account rendered;
 - (b) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering;

in accordance with the provisions of sub-section (6).

3. The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.

4. In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
5. Where any meter is found to have ceased to register or to have registered inaccurately to an extent of more than two and half percent the quantity of electricity to be paid for by the consumer from the date of reading of the meter prior to its failure to register or becoming faulty up to the time of its repair shall, unless the consumer is able to establish to the satisfaction of the Municipality that a lesser or greater quantity of electricity was in fact consumed, be estimated by the Municipality on the basis of :
 - (i) the average monthly consumption of electricity upon the premises served by the meter during the period of up to twelve months prior to the last registered, or the date on which it ceased to register accurately or, if this is not possible
 - (ii) the quantity of electricity consumed upon such premises during the corresponding month or months of the previous year or, if this is also not possible
 - (iii) the average monthly consumption upon the premises served by the meter over a period of twelve months after its repair, where consumption is measured using a credit meter, or on the average consumption of similar consumers within the same area, where supply is via an electricity dispenser.
6. When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
7. When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. Any such adjustment shall be free of interest as indicated in section 56(5). The application of this section does not bar a consumer from claiming back over payment for any longer period where the consumer is able to prove the claim in the normal legal process.
8. Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
9.
 - (a) Prior to the Municipality making any upward adjustment to an account in terms of sub-section (6), the Municipality shall -
 - (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why the account should not be adjusted as notified.

- (b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (c) The Municipality shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
- (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Municipality shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

57. **Reading of credit meters**

1. Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.
2. If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
3. When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
4. If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
5. If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period and shall be free of interest up to the date on which the correction is found to be necessary. The application of this section does not prevent a consumer from claiming back over payment for any longer period where the consumer is able to prove the claim in the normal legal process.

58. **Prepayment metering**

1. No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
2. Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
3. When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
4. The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
5. Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against the consumer in connection with any service rendered, the Municipality may block the person from

purchasing electricity until the arrears have been paid, as set out in the section 5 agreement for the supply of electricity.

6. The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7 - ELECTRICAL CONTRACTORS

59. **Electrical Contractors**

In addition to the requirements of the Regulations the following requirements shall apply:

1. Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorized official of the Municipality may at such official's discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorized official of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
2. The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorized official of the Municipality in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

60. **Contractor Liability**

The Municipality shall not be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8 - COST OF WORK

61. **Repair of damage**

The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

CHAPTER 9 - PENALTIES

62. Penalties

1. Any person who contravenes or fails to comply with any of the provisions of this by-law shall be guilty of an offense will be fine **R2000.00**.
2. Any person who continues to commit an offense after notice has been served on him/her to cease committing such offense or after he/she has been convicted of such offense shall be guilty of a continuing offense.
3. Any person convicted of an offense under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offense, to an additional fine not exceeding two hundred rands or additional imprisonment for a period not exceeding ten days 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 offense is continued.
4. Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

CHAPTER 10 - REPEAL OF BY-LAWS

63. Repeal of By-Laws

The By-laws specified in the first column are hereby repealed to the extent set out in the second column.

TITLE OF BY-LAW	EXTENT OF REPEAL
The Standard Electricity Supply By-law published under P.N. 537/1988	The whole

APPLICABLE STANDARD SPECIFICATIONS

“applicable standard specification” means

- SANS 1019: Standard voltages, currents and insulation levels for electricity supply
- SANS 1607: Electromechanical watt-hour meters,
- SANS 1524: Parts 0,1 & 2 - Electricity dispensing systems,
- SANS IEC 60211: Maximum demand indicators, Class1.0,
- SANS IEC 60521: Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),
- SANS 0142: Code of practice for the wiring of premises;
- NRS 047: National Rationalised Specification for the Electricity Supply - Quality of Service
- NRS 048: National Rationalised Specification for the Electricity Supply - Quality of Supply, and
- NRS 057: Electricity Metering: Minimum Requirements

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"A coherent developmental municipality putting people first and providing a better life for all its citizens"

INXUBA YETHEMBA LOCAL MUNICIPALITY ELECTRICITY SUPPLY BY-LAWS

DRAFT DOCUMENT

Date: 03 September 2021

Prepared By;	Prepared For;
DIRECTOR TECHNICAL SERVICES	ACTING MUNICIPAL MANAGER

Hereby certify that the admission of guilt fines listed in Column 2 above as submitted by the Inxuba Yethemba Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magisterial District of:

CRADOCK AND MIDDELBURG

This determination replaces any previous determination for the said

Signed

.....
..... Magistrate: Cradock DATE

Signed

.....
..... Magistrate: Middelburg DATE

Council resolution number: **C1276/26**.

INXUBA YETHEMBA LOCAL MUNICIPALITY: CEMETERIES BY-LAW**By-law published in Provincial Gazette number 4184 dated 11 February 2019**

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Inxuba Yethemba Local Municipality, enacts as follows: -

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SCHEDULE

1. Definitions

In this by-law, unless inconsistent with the context: -

“authorised official” means a person appointed by the Council to be in control of a cemetery;

“category of persons” means families, specific religious denominations, or groups of persons with special requirements for interment of human remains;

“cemetery” means any place, whether public or private, wherein human remains have been or are intended to be interred and includes a crematorium;

“certificate of reservation” means a certificate of proof that a site for a grave, or sites for graves, had been reserved in respect of a person or category of persons;

“council” means the council of the Inxuba Yethemba Local Municipality;

“fees” means the fees determined by the Council in terms of its Tariff By-law, promulgated by the Council in terms of section 75 of the Local Government: Municipal Systems Act, No 32 of 2000, or pending such promulgation, a decision by the Council in terms of section 75A of that Act to levy and recover fees, charges or tariffs;

“funeral” has the same meaning as interment and includes a cremation;

“municipal manager” means the official appointed by the Council in the capacity of municipal manager in terms of section 82 of the Structures Act, Act 117 of 1998, and

“interment” means the burial under the ground or any other means of interment, and includes any other manner of disposal of human remains.

2. Purpose

To regulate the establishment of and control over cemeteries and matters relating to the interment of human remains

3. Establishment of cemeteries

- (1) The Council may establish cemeteries within its municipal area.
- (2) No person may—
 - (a) establish a cemetery within the municipal area without the prior approval of the Council, or
 - (b) knowingly inter or cause to be interred any human remains in a cemetery which has been opened or established without such approval.
- (3) The Council may reserve any area as a cemetery for the interment of the deceased of any person or category of persons; provided that such reservation does not grant the right to any person to be interred in a specific place in a cemetery.
- (4) In the case of a reservation in terms of subsection (4), the authorised official will issue a certificate of reservation in respect of such person or category of persons.

4. Taking over of cemeteries by the Council

- (1) The Council may take over any cemetery within its municipal area.
- (2) In cases where cemeteries that are privately owned are taken over, the taking over of the cemetery concerned is by agreement with the owner of the cemetery.
- (3) Upon the taking over of a cemetery in terms of this section—
 - (a) the ownership of all movable and immovable property and other assets connected with such cemetery will, subject to any trusts or conditions, vest in the municipality;
 - (b) all revenue and other moneys payable to and recoverable in respect of such cemetery will be payable to and recoverable by the Council; and

- (c) all other privileges and rights and all liabilities and obligations in respect of such cemetery will devolve upon the municipality which may continue to prosecute and defend all legal proceedings instituted in respect of such cemetery and may do all things necessary or expedient in connection with such proceedings.

(4) The municipality will apply to the Registrar of Deeds for the transfer to and registration in the name of the municipality such property or right.

5. Use of disused cemeteries owned by the Council

(1) The Council may, notwithstanding any condition of title, use any cemetery or portion thereof which has been closed or disused for a period of not less than twenty years for such purpose as will not desecrate the ground, any human remains or any gravestone stones or similar structures in such cemetery or portion.

(2) The Council may, notwithstanding any condition of title, reverently remove to another cemetery the human remains, gravestones and other similar structures in any cemetery or portion thereof which has been closed or disused for a period of not less than twenty years and all rights, powers and privileges had, possessed or enjoyed by any person in respect of such cemetery shall thereupon cease.

(3) When the Council desires to act in terms of subsection (1) or (2), the municipal manager must -

- (a) publish the Council's intention to do so for public comment in a manner that allows the public an opportunity to make representations in regard to the matter, and
- (b) if any objections are lodged in accordance with the publication contemplated by paragraph (a)—
 - (i) transmit all such objections to the Council together with any apposite comments thereon and a copy of such advertisement, and
 - (ii) obtain the Council's authority to so use or remove, as the case may be.

6. Use of disused cemeteries not owned by the Council

Closed or disused cemeteries not owned by the Council, will not be dealt with in any manner unless the Council has acted in accordance with the provisions of section 4(3).

7. Authority for interment

(1) No person may inter or cremate any human remains without the consent of the authorised official.

(2) Consent in terms of subsection (1) will not be granted, unless—

- (a) proof that the interment or cremation is lawful has been submitted to the authorised official;
- (b) the fees determined by the Council has been paid, and
- (c) if applicable, a reservation certificate has been submitted to the authorised official.

(3) The authorised official may, in terms of the provisions of the Council's Tariff By-law, allow the interment or cremation of human remains free of charge.

8. Hours of interment

Except with the written permission of the authorised official, no person may inter human remains in a cemetery between the hours of sundown and sunup.

9. Register of funerals

The authorised official will keep a register of funerals and graves in which each interment must be entered immediately after interment.

10. Demarcation of grave sites

The authorised official will demarcate grave sites according to a plan approved by the municipal manager.

11. General provisions regarding cemeteries

No person may—

- (a) enter or exit a cemetery except through the gates provided for the purpose;
- (b) without the written permission of the authorised official, carry out any business, display any advertisement or distribute leaflets in a cemetery;
- (c) sit, stand or climb over any grave, gravestone or similar structure, gate, wall, fence or building in a cemetery;
- (d) without the written permission of the authorised official, bring in any animal or animal-drawn vehicle into a cemetery;
- (e) damage, mar, remove or deface, any grave, gravestone, wall, building, plant, fence or other infrastructure in a cemetery; or
- (f) remain in a cemetery after the cemetery has closed for the day in terms of a notice at the entrance or entrances to the cemetery,

12. Removal of gravestones or other structures

If a gravestone or other structure must be removed for the purposes of a funeral, the holder of the reservation certificate or a duly authorised representative in respect of such site, must remove the necessary items at least eight working hours before the

interment must take place.

13. Graves to be identified

In each case where an interment has been authorised by the authorised official, the authorised official must place an identification marker on the gravesite, and no person may inter human remains in any other grave than a grave so indicated by the authorised official.

14. Provisions relating to graves

- (1) The measurements to which graves must comply, will be determined by the authorised official in terms of specifications approved by the municipal manager.
- (2) In cases where deeper, longer or wider graves are required, application for permission must be made to the authorised official, and an additional fee may be payable.
- (3) The authorised official may, on application, at the payment of a fee, and at the discretion of the authorised official, allow the remains of more than one person to be interred in one grave.
- (4) No person may –
 - (a) inter human remains in a grave that does not comply with the measurements specified in terms of sub-section (1);
 - (b) where deeper, longer or wider graves are required as set out in sub-section (2), without the written permission of the authorised official;
 - (c) without the written permission of the authorised official allow the remains of more than one person to be interred in one grave.

15. Provisions relating to burials

- (1) No one may, without the prior written approval of the authorised official, conduct any religious service according to the customs of any denomination in any area of the cemetery that has been reserved for the use of another denomination.
- (2) No one may allow a hearse, while it is in the cemetery, to deviate from the roads, and a hearse must vacate the cemetery as soon as possible after the funeral for which it was used.
- (3) Anyone attending a funeral, must comply with the directions of the authorised official in regard to the route that must be followed within the cemetery.

16. Provisions relating to gravestones and similar structures

- (1) No one may erect, carry out any work on, or remove any gravestone or similar structure without the prior written approval of the authorised official, and then only in accordance with the conditions and requirements determined by the authorised official.
- (2) No one may act in terms of subsection (1) unless the fees have been paid.

- The authorised official may refuse to grant approval in terms of subsection (1) if the erection of, work on or epitaph on the gravestone or similar structure may be offensive to users of the cemetery or visitors to the cemetery.

17. Offences and penalties

A person who contravenes the provisions of section 3(2)(a), 3(2)(b), 7(1), 8, 11(a)-(f), 12, 13, 14(4)(a)-(c), 15(1)-(3) and 16(1)-(2) is guilty of an offence and is liable to a fine as approved by the Chief Magistrate of the District in a fine schedule or to imprisonment for a period not exceeding three years and in addition, the payment of a further amount which, in the opinion of the court, is equal to the expenditure incurred by the municipality as a result of such contravention.

18. Prohibited conduct

- (1) No person may in a place of interment:
 - (a) commit or cause a nuisance;
 - (b) ride an animal or cycle except with the approval of the caretaker;
 - (c) with the exception of a blind person making use of a guide dog, bring into or allow an animal to wander inside such cemetery;
 - (d) plant, uproot, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;
 - (e) hold or take part in a demonstration;
 - (f) interrupt a funeral or an official or workman employed by the municipality during the performance of his or her duties;
 - (g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled to make under this by-law;
 - (h) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other erection;
 - (i) use water for any form of gardening without the permission of the caretaker;
 - (j) leave or dump any rubbish, soil, stone, debris or litter;
 - (k) in any way damage, destroy or deface a grave, memorial, wall, building, fence, railing, path or other construction or any part thereof;
 - (l) solicit any business, order or exhibit, or distribute or leave a tract, business card or advertisement;
 - (m) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
 - (n) enter an office, building or fenced place except in connection with lawful business;
 - (o) expose a corpse or a part thereof;
 - (p) exceed the prescribed speed limit of 20 km per hour;
 - (q) allow or cause any animal to enter, with the exception of a caretaker living on site and who is keeping pets with the prior approval of the municipality;
 - (r) bring in any alcohol or consume any alcohol;
 - (s) be in possession of any fire arms or traditional weapons except in the case of a police or military funeral;
 - (t) overnight; or
 - (u) erect any shelter.
- (v) A person who contravenes any of the provisions of subsection (1)

- commits an offence.
- (w) The municipality may impound an animal found in any place of interment.

**INXUBA YETHEMBA LOCAL MUNICIPALITY: CEMETERIES BY-LAW:
OFFENCES AND FINES**

Section Contravened	Description of offence	Proposed Fine (Column (1))	Approved Fine Column (2)
3(2)(a)r/w17	Establishing a cemetery within the municipal area without the prior approval of the Council.	No fine. Must appear.	No fine. Must appear.
3(2)(b) r/w17	Knowingly inter or cause to be interred any human remains in a cemetery which has been opened or established without the prior approval of the Council.	2000	2000
7(1) r/w17	Interring or cremating any human remains without the consent of the authorised official.	2000	2000
8 r/w17	Interring human remains in a cemetery between the hours of sundown and sunup without the written permission of the authorised official.	2000	2000
11(a) r/w17	Enter or exit a cemetery except through the gates provided for the purpose	500	500
11(b) r/w17	Carry out any business, display any advertisement or distribute leaflets in a cemetery without the written permission of the authorised official	500	500
11(c) r/w17	Sit, stand or climb over any grave, gravestone or similar structure, gate, wall, fence or building in a cemetery	500	500
11(d) r/w17	Bring in any animal or animal-drawn vehicle into a cemetery without the written permission of the authorised official	500	500
11(e) r/w17	Damage, mar, remove or deface, any grave, gravestone, wall, building, plant, fence or other infrastructure in a cemetery	1000	1000

11(f) r/w17	Remain in a cemetery after the cemetery has closed for the day in terms of a notice at the entrance or entrances to the cemetery	500	500
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Hereby certify that the admission of guilt fines listed in Column 2 above as submitted by the Inxuba Yethemba Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magisterial District of:

CRADOCK AND MIDDELBURG

This determination replaces any previous determination for the said

Signed

.....
 Magistrate: Cradock

.....
 DATE

Signed

.....
 Magistrate: Middelburg

.....
 DATE

Council resolution number: **C1276/26.**

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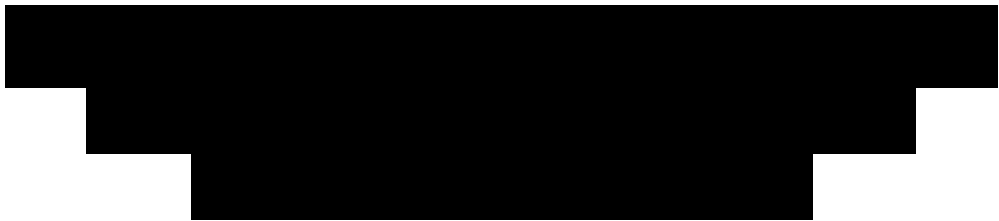
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Closing times for **ORDINARY WEEKLY** **2026** **EASTERN CAPE PROVINCIAL GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **18 December**, Thursday for the issue of Monday **29 December 2025**
- **24 December**, Wednesday for the issue of Monday **05 January 2026**
- **05 January**, Monday for the issue of Monday **12 January 2026**
- **12 January**, Monday for the issue of Monday **19 January 2026**
- **19 January**, Monday for the issue of Monday **26 January 2026**
- **26 January**, Monday for the issue of Monday **02 February 2026**
- **02 February**, Monday for the issue of Monday **09 February 2026**
- **09 February**, Monday for the issue of Monday **16 February 2026**
- **16 February**, Monday for the issue of Monday **23 February 2026**
- **23 February**, Monday for the issue of Monday **02 March 2026**
- **02 March**, Monday for the issue of Monday **09 March 2026**
- **09 March**, Monday for the issue of Monday **16 March 2026**
- **16 March**, Monday for the issue of Monday **23 March 2026**
- **23 March**, Monday for the issue of Monday **30 March 2026**
- **27 March**, Friday for the issue of Monday **06 April 2026**
- **02 April**, Thursday for the issue of Monday **13 April 2026**
- **13 April**, Friday for the issue of Monday **20 April 2026**
- **20 April**, Monday for the issue of Monday **27 April 2026**
- **23 April**, Thursday for the issue of Monday **04 May 2026**
- **04 May**, Monday for the issue of Monday **11 May 2026**
- **11 May**, Monday for the issue of Monday **18 May 2026**
- **18 May**, Monday for the issue of Monday **25 May 2026**
- **25 May**, Monday for the issue of Monday **01 June 2026**
- **01 June**, Monday for the issue of Monday **08 June 2026**
- **08 June**, Monday for the issue of Monday **15 June 2026**
- **12 June**, Friday for the issue of Monday **22 June 2026**
- **22 June**, Monday for the issue of Monday **29 June 2026**
- **29 June**, Monday for the issue of Monday **06 July 2026**
- **06 July**, Monday for the issue of Monday **13 July 2026**
- **13 July**, Monday for the issue of Monday **20 July 2026**
- **20 July**, Monday for the issue of Monday **27 July 2026**
- **27 July**, Monday for the issue of Monday **03 August 2026**
- **03 August**, Monday for the issue of Monday **10 August 2026**
- **07 August**, Friday for the issue of Monday **17 August 2026**
- **17 August**, Monday for the issue of Monday **24 August 2026**
- **24 August**, Monday for the issue of Monday **31 August 2026**
- **31 September**, Monday for the issue of Monday **07 September 2026**
- **07 September**, Monday for the issue of Monday **14 September 2026**
- **14 September**, Monday for the issue of Monday **21 September 2026**
- **18 September**, Friday for the issue of Monday **28 September 2026**
- **28 September**, Monday for the issue of Monday **05 October 2026**
- **05 October**, Monday for the issue of Monday **12 October 2026**
- **12 October**, Monday for the issue of Monday **19 October 2026**
- **19 October**, Monday for the issue of Monday **26 October 2026**
- **26 October**, Monday for the issue of Monday **02 November 2026**
- **02 November**, Monday for the issue of Monday **09 November 2026**
- **09 November**, Monday for the issue of Monday **16 November 2026**
- **16 November**, Monday for the issue of Monday **23 November 2026**
- **23 November**, Monday for the issue of Monday **30 November 2026**
- **30 November**, Monday for the issue of Monday **07 December 2026**
- **07 December**, Monday for the issue of Monday **14 December 2026**
- **11 December**, Friday for the issue of Monday **21 December 2026**
- **18 December**, Friday for the issue of Monday **28 December 2026**

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 Tel. (040) 635-0052.