



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

7402

Friday, 12 June 2015

Buitengewone Provinsiale Koerant

7402

Vrydag, 12 Junie 2015

Registered at the Post Office as a Newspaper

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(*Copies are obtainable at Room M21 Provincial Legislature Building, 7 Wake Street, Cape Town 8001.)

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As 'n nuusblad by die Poskantoor Geregistreer

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

Plaaslike Owerheid

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**SWARTLAND MUNICIPALITY
BY-LAW RELATING TO PUBLIC NUISANCES**

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

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1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and 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, pig, 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, and includes a 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;

“district municipality” means the West Coast 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 or drug 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;

“drug” means any dependence-producing substance, any dangerous dependence-producing substance or any undesirable dependence-producing substance;

“municipality” means the Swartland Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes

**SWARTLAND MUNISIPALITEIT
VERORDENING INSAKE OPENBARE OORLASTE**

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Swartland Munisipaliteit soos volg:-

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1. Woordoms krywing

In hierdie verordening, geniet die Engelse teks voorrang en in die geval van teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenis-

“aanstootlike materiaal” tuinvullis, afval, afvalmateriaal, rommel, afvalyster, voorwerp of ding, uitgediende masjinerie, motorwrakke asook uitgediende onderdele daarvan, rommel van enige bouwerkzaamhede, of enige vullis wat op enige grond of perseel gestort word, met inbegrip van nuwe of gebruikte boumateriaal wat nie nodig is in verband met bona fide-boubedrywighede wat op enige gronde aan die gang is nie, en omvat dit enige vaste stof, vloeistof of gas wat aanstootlik of gevaarlik of nadelig vir die gesondheid is of kan word, of wat wesenlik inbreuk maak of kan maak op die gewone gerief van ’n persoon;

“agent” in verband met die eienaar van eiendom, beteken ’n persoon wat deur die eienaar aangestel is om -

- (a) huur of ander betalings ten opsigte van die eiendom namens die eienaar te ontvang; of
- (b) om betalings namens die eienaar ten opsigte van die eiendom te maak;

“dier” ’n lid van die perdefamilie, bees, skaap, bok, vark, pluimvee, kameel, hond, kat of ander huisdier of voël of ’n wilde dier of reptiel wat in gevangenskap verkeer of onder die beheer van iemand is, of insekte soos, maar nie beperk tot bye wat deur ’n persoon aangehou of beheer word, en sluit ’n troeteldier in;

“distriksmunisipaliteit” die Weskus Distriksmunisipaliteit gestig ingevolge Artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige politieke struktuur, politieke ampsbekleider, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleider, raadslid, agent of werknemer;

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 54A of the Municipal Systems Act, Act 32 of 2000, and includes a person –

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

“objectionable material” means garden litter, waste, waste material, rubble, scrap metal, article or thing, disused machinery, motor car wrecks as well as the disused parts thereof, refuse from building operations, or any refuse being deposited on any land or premises, including new or used building materials not required in connection with bona fide building operations in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes or may interfere with the ordinary comfort or convenience of a person;

“owner” –

- (a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;
- (b) in relation to public nuisances in terms of this by-law-
 - (i) a person in whom the legal title to premises is vested;
 - (ii) the tenant of such premises;
 - (iii) in cases where the person in whose name property is registered is insolvent or deceased, or mentally disturbed or whose estate has been designated for profit of his creditors, the person in whom the administration of the premises is vested as trustee, executor, curator or proxy or administrator;
 - (iv) in cases where the owner as described above is absent, the agent of such person; and
 - (v) in any case where the premises is inhabited in terms of a servitude or similar right, the inhabitant of such property.

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

“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, street 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 a person or which may adversely affect the safety of people, and **“nuisance”** has the same meaning;

“public place” means any land, square, building, park, beach, 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;

“street” means any street, road, cycle path, thoroughfare or any other place, including –

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been –
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;

“dronk” ’n persoon wat weens die alkohol of dwelmmiddel wat hy of sy ingeneem het beheer oor sy of haar geestes- of fisiese vermoëns, of beide, tot so ’n mate verloor het dat hy of sy nie in staat is om hom- of haarself te gedra nie, of nie in staat is om enige handeling op so ’n wyse te verrig dat dit nie ’n gevaar vir hom- of haarself inhou nie;

“dwelmmiddel” ’n afhanklikheidsvormende stof, ’n gevaarlike afhanklikheidsvormende stof of ’n ongewenste afhanklikheidsvormende stof; **“eienaar”**

- (a) met betrekking tot ’n dier, ook iemand wat in besit is van of belas is met die sorg, bewaring of beheer van ’n dier;
- (b) met betrekking tot openbare oorlaste ingevolge hierdie verordening-
 - (i) ’n persoon in wie die eiendomsreg van ’n perseel gevestig is;
 - (ii) die huurder van ’n perseel;
 - (iii) waar die persoon in wie se naam die eiendom geregistreer is oorlede of insolvent is of geestelik versteurd is of wie se boedel aangewys is vir wins van sy krediteure, die persoon in wie die administrasie van die perseel vestig as trustee, kurator, gevolmagtigde of administrateur;
 - (iv) waar die persoon soos bo beskryf afwesig is, die agent van sodanige persoon; en
 - (v) waar die perseel ingevolge ’n serwituu of soortgelyke reg besit word, die besitter daarvan.

“munisipaliteit” die Swartland Munisipaliteit gestig ingevolge Artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

“munisipale bestuurder” die persoon wie as die munisipale bestuurder van die munisipaliteit aangestel is ingevolge die bepalings van artikel 54A van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000 en sluit enige persoon in-

- (a) wat in sodanige pos waarneem; en
- (b) aan wie die munisipale bestuurder enige magte, funksie of pligte deleger het in soverre dit die uitvoering van daardie magte, funksie of pligte aangaan;

“openbare oorlas” enige handeling, versuim of toestand op ’n perseel, openbare plek of openbare straat met inbegrip van enige gebou, struktuur of gewas daarop wat aanstootlik of gevaarlik is of wat wesenlik inbreuk maak op die normale gemak, gerief, vrede of rus van ’n persoon of wat die veiligheid van ’n persoon nadelig kan beïnvloed en **“oorlas”** het dieselfde betekenis;

“openbare plek” enige plein, gebou, park, strand, ontspanningsoord of oop terrein wat -

- (a) by die munisipaliteit berus;
- (b) die publiek die reg het om te gebruik, of
- (c) getoon word op ’n algemene plan van ’n dorpsgebied in ’n akteregistrasiekantoor van ’n landmeter-generaal en wat verskaf is vir of gereserveer is vir die gebruik van die publiek of die eienaars van erwe in sodanige dorpsgebied;

“perseel”

- (a) grond, hetsy publiek of privaat, of ’n gedeelte grond met of sonder ’n gebou of struktuur daarop of
- (b) ’n gebou, struktuur, tent of woonwa saam met die grond waarop dit staan insluitende enige voertuig, rytuig of vaartuig;

“pluimvee” enige hoender, gans, volstruis, eend, duif, kalkoen, makou, tarentaal, pou of voël hetsy dit makgemaak of wild is.;

“straat” enige straat, pad, fietspad, of deurgang of enige ander plek wat insluit-

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadje of soortgelyke voetgangergedeelte van ’n padreserwe;
- (c) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop;
- (d) enige ander voorwerp wat ’n deel uitmaak van sodanige pad, straat of deurgang, wat te enige tyd-
 - (i) aan die publiek opgedra is;
 - (ii) sonder onderbreking deur die publiek gebruik is vir ’n tydperk van minstens dertig jaar;

- (iii) declared or rendered such by the municipality; or
- (iv) constructed by a local authority, and
- (v) any land, with or without buildings or structures thereon, which is shown as a street on –
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office;
 unless such land is on such plan or diagram described as a private street;

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

2. Objectives of by-law

The municipality, being aware of the constitutional right of every person to a safe and healthy environment, adopts this by-law with the aim of promoting a safe and healthy environment for all people in the Swartland area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions.

CHAPTER 1

GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES

3. Behaviour and conduct

- (1) Despite the provisions of any other by-law, no person may –
 - (a) do work on or use any premises in such a manner that it interferes with the convenience or comfort of a person or that it becomes a source of danger to any person;
 - (b) subject to any approval in terms of the relevant zoning scheme regulations, carry on any trade, business, profession or hobby which causes discomfort or annoyance to a person;
 - (c) deposit, leave, spill, drop, place or allow 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 a person or allow it to be deposited, left, spilt or dropped;
 - (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 or veranda 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 crates, containers or merchandise in a manner that causes a nuisance or annoyance to a person;
 - (g) disturb the comfort, convenience, peace or quiet of other people by the use of electrical appliances or machinery whether malfunctioning or not;
 - (h) defoul, misuse or damage public toilets or any other public facility or installation;
 - (i) 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;
 - (j) allow any erf to be overgrown with grass, shrubs or other vegetation to such an extent that it may be used as a shelter by vagrants, wild animals, snakes or vermin or may threaten the safety of a person;
 - (k) erect, or allow to be erected or use on any premises any structure in a manner that causes a nuisance to a person; or

- (iii) deur die munisipaliteit tot sodanig verklaar of gemaak is; of
- (vi) deur 'n plaaslike owerheid aangelê is; en
- (v) enige grond, met of sonder geboue of strukture daarop, wat as 'n straat aangetoon word op–
 - (aa) enige onderverdelingsplan of diagram deur die munisipaliteit of ander bevoegde owerheid goedgekeur en waarvolgens gehandel is; of
 - (bb) enige algemene plan soos omskryf in die Opmetingswet, 9 van 1927, wat in 'n registrasiekantoor of die Landmeter-Generaal se kantoor geregistreer is of gebêre word, tensy sodanige grond op sodanige plan of diagram as 'n private straat beskryf word.

“**struktuur**” enige houer, stal, skuur, varkhok, kraal, voëlhok, kamp, pluimveehok, duiwehok of gebou of struktuur bedoel vir menslike skuiling, sakedoeleindes of vir die aanhou van diere;

“**troeteldier**” enige mak dier wat normaalweg in 'n huishouding aangehou word vir kameraadskap of vermaak;

“**voël**” enige duif, pou, fisant, patrys, kanarie, budjie, papegaai, volstruis en enige ander mak of wilde voël wat in gevangenskap is of onder beheer van iemand is.

2. Oogmerke

Die munisipaliteit, bewus van die grondwetlike reg wat elke persoon het op 'n veilige en gesonde omgewing, neem hierdie verordening aan met die doel om 'n veilige en gesonde omgewing vir alle inwoners in die Swartland gebied te bevorder deur 'n omgewing te skep waarin die algemene publiek vrede en harmonie kan geniet.

HOOFSTUK 1

ALGEMENE BEPALINGS INSAKE OPENBARE OORLASTE

3. Gedrag en optrede

- (1) Ondanks die bepalings van enige ander verordening mag niemand –
 - (a) werk op enige perseel uitvoer of 'n gebou of grond gebruik op 'n wyse wat inbreuk maak op die gerief of gemak van 'n persoon of wat 'n bron van gevaar vir 'n persoon uitmaak nie;
 - (b) onderworpe aan goedkeuring ingevolge die toepaslike soneringskema regulasies, enige handel, besigheid, beroep of stokperdjie beoefen wat ongerief of ergernis vir 'n persoon veroorsaak nie;
 - (c) enige vrugte- of groenteskille, gebreke bottels, glas, vullis, bourommel, tuinvullis of afval wat aanstootlik is of waarskynlik ergernis, gevaar of besering sal veroorsaak aan 'n persoon in of op enige perseel, straat of openbare plek stort, ophoop, uitgooi, neergooi of plaas, of toelaat dat dit gestort, uitgeregooi, neergegeregooi of geplaas word nie;
 - (d) toelaat dat die omheining van enige perseel in 'n vervalte, gevaarlike, onooglike of verwaarloosde toestand raak nie;
 - (e) toelaat dat 'n gebou of struktuur of enige gedeelte daarvan op enige perseel in 'n vervalte, gevaarlike, verwaarloosde of onooglike toestand raak nie;
 - (f) enige stoep of veranda van enige winkel of besigheidperseel of onbeboude grond wat aan sodanige winkel of besigheidperseel grens, gebruik of laat gebruik of toelaat dat dit gebruik word vir die doel om enige goedere, kratte, houers, artikels of handelsware op te berg, op te stapel, te stort of weg te doen nie op 'n wyse wat 'n oorlaste vir 'n persoon veroorsaak nie;
 - (g) die gerief, gemak, vrede en rus van 'n persoon versteur deur die gebruik van elektriese toebehore of enige masjinerie of toerusting, ongeag of dit nie behoorlik funksioneer of nie;
 - (h) 'n openbare toilet of enige ander openbare fasiliteit of installasie bemors, misbruik of beskadig nie;
 - (i) enige materiaal of ding wat aanstootlik of gevaarlik is of kan word, deur of in 'n straat of openbare plek dra of vervoer nie tensy sodanige aanstootlike materiaal of ding met geskikte materiaal bedek is;
 - (j) toelaat dat enige erf oorgroei word met bosse, onkruid of gras of ander plantegroei, tot so 'n mate dat dit as skuilplek gebruik kan word deur rondlopers, knaagdiere, slange of ongediertes of die veiligheid van 'n persoon mag bedreig nie;
 - (k) enige struktuur op enige perseel oprig of toelaat dat dit opgerig word op 'n wyse dat dit 'n oorlaste vir 'n persoon is nie;

- (l) by an action or omission, directly or indirectly, allow that a nuisance be created or continued;
 - (m) dump, accumulate or lace or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water, furrow, sewer, thoroughfare, public square or commonage except at such place or places as the municipality may from time to time set aside or approve for such purposes provided, however, that the municipality may permit public garages, workshops and other concerns, to keep, store, repair, dismantle or reassemble any motor vehicle or other vehicles or apparatus on premises approved by the municipality;
 - (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) cause a nuisance by-
 - (i) loitering in any street or public place;
 - (ii) being drunk or under the influence of drugs;
 - (iii) offering or making available to another person his or her services for the purpose of committing an act of indecency in any street or public place;
 - (iv) allowing that premises to which the public has access, to be used for the purpose of any act of indecency;
 - (v) continuing to beg from a person or closely follow a person or continue to force himself or herself on a person for the rendering of any type of service after such person has given a negative response to such begging or offer for services;
 - (vi) playing loud music or the use of music instruments on any premises;
 - (vii) advertise wares or services by means of a megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
 - (p) in any street or public place use any abusive or threatening language or making disturbing noises;
 - (q) 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) and (o)(iv), the municipality may issue a notice on the owner, occupier or alleged offender to terminate the action or to abate the nuisance created.
- (b) 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.
- (3) For the application of this by-law, any action or condition on any premises that endangers the safety of a person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.

CHAPTER 2

PUBLIC NUISANCES CAUSED BY THE KEEPING OF ANIMALS

4. Duties of owner or keeper of animals

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 a person;
- (b) must provide such animal with shelter, veterinary care, water and proper food to prevent the animal from causing a public nuisance;

- (l) deur 'n handeling of versuim, regstreeks of onregstreeks, toelaat dat 'n openbare oorlas ontstaan of voortgesit word nie;
 - (m) aanstootlike materiaal in of op enige erf, straat, riool, watersloot, vuilriool, deurgang, openbare plek of perseel aflaai, ophoop of plaas of laat aflaai, ophoop of plaas of toelaat dat dit daarin daarop afgelaai, opgehoop of geplaas word nie, behalwe op 'n plek of plekke wat die munisipaliteit vir sodanige doeleindes afsonder of goedkeur; met dien verstande dat die munisipaliteit toestemming aan openbare garages, werksinkels en ander ondernemings kan verleen vir die hou, opberging, herstel, aftakeling of hermontering van enige motorvoertuig of ander voertuig of apparaat op persele wat deur die munisipaliteit goedgekeur is;
 - (n) in 'n openbare stroom, rivier, fontein, dam of watersloot swem of hom of 'n dier of kledingstuk of 'n ander artikel of ding op 'n plek wat nie deur die munisipaliteit vir enige sodanige doel afgesonder is, was nie;
 - (o) 'n openbare oorlas veroorsaak deur-
 - (i) in enige straat of openbare plek te drentel of leeg te lê nie;
 - (ii) dronk of onder die invloed van dwelmmiddels te wees nie;
 - (iii) sy of haar dienste in 'n straat of openbare plek aan 'n ander persoon aan te bied met die oog op die pleging van 'n onsedelike daad nie;
 - (iv) toe te laat dat 'n perseel waartoe die publiek toegang het gebruik word vir die doeleindes van die pleging van onsedelike daad nie;
 - (v) aan te hou bedel by 'n persoon of 'n persoon aanhou volg of aanhou om hom of haar aan 'n persoon op te dring vir die lewering van enige tipe diens nadat so 'n persoon negatief op die bedelary of op die aanbod om dienslewering gereageer het;
 - (vi) harde musiek te speel of musiekinstrumente op enige perseel gebruik nie;
 - (vii) ware of dienste te adverteer deur middel van 'n megafoon, luidspreker of dergelike toestel of deur aanhoudend te skreeu, op 'n ghong te slaan, toeters te druk of klokke te lui nie;
 - (p) in enige straat of openbare plek beledigende of dreigende taal besig of steurende geluide maak nie;
 - (q) 'n vuurwapen op enige perseel, behalwe 'n perseel of grond wat gesoneer is vir landboudoeleindes en wat nie deel vorm 'n algemene plan van 'n dorpsgebied nie, afvuur nie.
- (2) (a) Waar 'n oortreding van artikel 3(1)(a) tot (m) en (o)(iv) plaasvind mag die munisipaliteit 'n kennisgewing op die eienaar of okkupeerder of beweerde oortreder beteken om binne 'n bepaalde tyd die handeling of versuim te staak of die oorlas uit die weg te ruim.
- (b) By versuim om aan sodanige kennisgewing gevolg te gee sonder inkorting van die munisipaliteit se reg om vervolging in te stel, mag die munisipaliteit alle nodige maatreëls tref om die oorsaak of bron van sodanige oorlas te verwyder en enige koste in verband daarmee verhaal van die persoon wat verantwoordelik is vir die oorlas, of die eienaar of okkupeerder van die perseel waarop die oorlas ontstaan of voortgesit word, ongeag of die eienaar of okkupeerder daarvoor verantwoordelik is aldan nie.
- (3) Vir die toepassing van hierdie verordening word enige handeling of toestand wat die veiligheid van 'n persoon of eiendom in gevaar stel of wat onooglik, ergerlik, hinderlik, aanstootlik of rusversteurend is vir 'n persoon, as 'n openbare oorlas beskou.

HOOFSTUK 2

OORLASTE VEROORSAAK DEUR DIE AANHOU VAN DIERE

4. Pligte van die bewaarder van diere

Die eienaar van 'n dier of die persoon in beheer daarvan –

- (a) mag nie veroorsaak of toelaat dat 'n dier die gerief, gemak, vrede en rus van 'n persoon versteur nie;
- (b) moet sodanige dier van slaapplek, skuiling, veteriniere sorg, water en behoorlike kos voorsien om te voorkom dat die dier 'n openbare oorlas veroorsaak;

- (c) must maintain the premises and all accompanying appurtenances on which an animal is kept in good repair and in a neat condition in order to prevent the occurrence of a public nuisance;
- (d) must exercise control over his or her animals in order to prevent damage to property or gardens; and
- (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.

5. 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 or to comply with any condition or instruction imposed in terms of subsection (2).
- (2) The municipality may prescribe the steps that need to be taken or the work that must be done, at the cost of the owner or occupier, to comply with the notice contemplated in terms of subsection (1).
- (3) If a person fails to comply with a notice issued in terms of subsection (1) the municipality may take the steps required, including the seizure and impoundment of such animals, and recover the cost thereof from such owner.

6. Euthanasiation of animals

- (1) The municipality may order the euthanasiation or destruction of an animal found in or on a public street or public place, and which is –
 - (a) dangerous or ferocious to the extent that a person's life or property is endangered; or
 - (b) injured or diseased to the extent that it would be humane to do so.
- (2) An animal to be euthanised or destroyed in terms of subsection (1) must be euthanised 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.

7. Visibility of structures on premises

All structures in which animals are kept on premises must be suitably screened from any street.

8. Hawking or selling of animals

No person may hawk or sell an animal in a street or public place or from a movable structure or vehicle.

CHAPTER 3

PROVISIONS RELATING TO KEEPING OF DOGS

9. Dogs in streets or public places

- (1) Subject to the provisions of the Public Amenities by-law, the owner or keeper of a dog may not bring or allow it in a street or public place unless the dog is on a leash, provided that the municipality may designate places or areas where the owner or keeper of dogs may allow such dog or dogs to be without a leash.
- (2) Except in the event of a blind person being lead 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.

10. Control of dogs

- (1) No person 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 –

- (c) moet ten alle tye die perseel waarop 'n dier aangehou word en alle gepaardgaande toebehoere in skoon en netjiese toestand hou om te voorkom dat 'n openbare oorlas ontstaan;
- (d) moet beheer oor sy of haar diere uitoefen ten einde skade aan eiendom of tuine te verhoed; en
- (e) mag nie 'n dier sonder toesig op enige gedeelte van 'n openbare pad laat, of toelaat dat dit op 'n openbare pad is nie en mag dit ook nie op enige plek laat vanwaar dit op enige deel van 'n openbare pad mag afdwaal nie.

5. Diere wat op 'n onbevredigende wyse aangehou word

- (1) Wanneer ookal diere wat op enige perseel aangehou word 'n openbare oorlas veroorsaak, mag die munisipaliteit deur skriftelike kennisgewing die eienaar of okkupeerder van sodanige perseel aansê om die oorsaak van sodanige oorlas te verwyder of om te voldoen aan enige instruksie of voorwaarde opgelê ingevolge subartikel (2).
- (2) Die munisipaliteit mag die stappe voorskryf wat geneem moet word of die werk wat gedoen moet word op koste van die eienaar of okkupeerder om te voldoen aan die voorwaardes en instruksies ingevolge 'n kennisgewing bedoel in subartikel (1).
- (3) Indien 'n eienaar of okkupeerder versuim om die stappe ingevolge subartikel (1) te neem, mag die munisipaliteit die nodige stappe neem om die oorlas te verwyder, insluitende die beslaglegging op en skut van sodanige diere, en die kostes van die eienaar verhaal.

6. Afmaak van diere

- (1) Die munisipaliteit mag die afmaak van 'n dier gelas wanneer dit in of op 'n openbare plek of openbare straat aangetref word en dit –
 - (a) gevaarlik of boosaardig is tot so 'n mate dat die lewe of eiendom van 'n persoon bedreig word; of
 - (b) sodanig beseer of siek is dat dit wenslik sou wees om dit te doen.
- (2) Wanneer 'n dier ingevolge subartikel (1) afgemaak word, moet dit gedoen word deur 'n geregistreerde veearts of met sodanige instrumente of toestelle as wat nodig mag wees en op 'n wyse wat so min lyding as moontlik veroorsaak.

7. Sigbaarheid van strukture op persele

Alle strukture waarin diere op 'n perseel aangehou word moet toepaslik afgeskerm word van enige straat.

8. Handeldryf met diere

Niemand mag handeldryf met 'n dier in 'n straat of openbare plek of vanaf 'n mobiele struktuur of voertuig nie.

HOOFSTUK 3

BEPALINGS MET BETREKKING TOT DIE AANHOU VAN HONDE

9. Honde in strate of openbare plekke

- (1) Onderworpe aan die bepalings van die Verordening insake Openbare Geriewe, mag die eienaar of bewaarder van 'n hond dit nie in 'n straat of openbare plek bring of dit toelaat om daar te wees nie tensy die hond aan 'n leiband gehou word, met dien verstande dat die munisipaliteit plekke of gebiede kan aanwys waar honde onder toesig van die eienaar of persoon in beheer daarvan toegelaat word om sonder leiband te wees.
- (2) Behalwe in die geval van 'n blinde persoon wat deur 'n gidshond begelei word, moet 'n persoon in beheer van 'n hond in 'n straat of openbare plek die ontlasting van sodanige hond verwyder deur dit in plastiek of papier toe te draai en te plaas in 'n houer wat vir rommel of afval voorsien is.

10. Beheer oor honde

- (1) Niemand mag –
 - (a) toelaat dat 'n hitsige teef sonder toesig in 'n straat of openbare plek is nie;
 - (b) 'n hond aanspoor om enige persoon of dier aan te val, lastig te val of bang te maak nie, tensy daar in selfverdediging opgetree word;
 - (c) 'n hond aanhou indien die perseel waarop die hond aangehou word nie behoorlik en voldoende omhein is om sodanige hond binne te hou wanneer dit nie aan 'n leiband is nie.
 - (d) toelaat dat 'n hond –

- (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.
- (e) keep any dog which interferes with the comfort, convenience, peace or quiet of a person 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.

CHAPTER 4 CO-OPERATION BETWEEN MUNICIPALITIES

11. Service delivery agreements

Whereas the keeping of animals on premises may cause a health nuisance, the municipality may enter into agreements with the district municipality with which legislative and executive powers is shared, in order to achieve optimal service delivery in terms of this by-law,

12. Powers of municipality

If the service delivery referred to in section 11 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 11, the municipality may, subject to the principles of cooperative government as set out in 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 5 GENERAL PROVISIONS

13. Right of entry and inspection

- (1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area at a reasonable time in order to determine whether there is compliance with the provisions of this by-law.
- (2) When entering premises in terms of subsection (1), the employee must on request by any person, identify him- or herself.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.

14. Service of documents

- (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 or her personally;
 - (b) when it has been left at his or her place of residence or business in the Republic with a person apparently over the age or sixteen years;
 - (c) when it has been posted by registered or certified mail to his or her 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 or her 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.

- (i) op private eiendom oortree nie;
 - (ii) 'n gevaar skep vir verkeer wat enige openbare pad gebruik nie;
 - (iii) 'n bron van gevaar of besering is vir 'n persoon buite die perseel waarop sodanige hond aangehou word nie; of
 - (iv) 'n bron van gevaar is vir die munisipaliteit se werknemers wat sodanige perseel betree met die doel om hul pligte uit te voer nie.
- (e) 'n hond aanhou wat die gewone gemak, gerief, vrede of rus van 'n persoon versteur deur –
- (i) te blaf, te kef, te tjank of te huil;
 - (ii) af te storm op enige voertuie, diere, pluimvee, duiwe of persone buite enige perseel waar die hond aangehou word, of
 - (iii) deur hom op enige ander wyse te gedra nie.
- (2) Die munisipaliteit kan op 'n hond wat strydig met die bepalings van hierdie verordening in 'n straat of openbare plek gevind word, beslag lê en skut op 'n plek deur die munisipaliteit bepaal.
- (3) 'n Hond wat kragtens subartikel (2) geskut is, kan aan die eienaar of bewaarder daarvan vrygestel word teen betaling van 'n bedrag soos deur die munisipaliteit bepaal.

HOOFSTUK 4 SAMEWERKING TUSSEN MUNISIPALITEITE

11. Dienslewingsreëlings

Aangesien die aanhou van diere op 'n perseel ook tot 'n gesondheidsoorlas kan lei, mag die munisipaliteit, ten einde optimale dienslewering ingevolge hierdie verordening te verseker, ooreenkomste aangaan met die distriksmunisipaliteit waarmee wetgewende en uitvoerende gesag gedeel word.

12. Bevoegdhede van die munisipaliteit

Indien die dienslewering waarna in artikel 11 verwys word belemmer word deur die weiering of versuim van die distriksmunisipaliteit om enige van die reëlings wat in 'n ooreenkoms ingevolge artikel 11 voorsien is, uit te voer of na te kom, mag die munisipaliteit, onderworpe aan die bepalings van die Grondwet van die Republiek van Suid-Afrika rakende samewerkende regering, voortgaan en uitvoering gee aan sodanige reëlings en enige uitgawes wat in verband daarmee aangegaan word, van die distriksmunisipaliteit verhaal.

HOOFSTUK 5 ALGEMENE BEPALINGS

13. Reg van toegang en inspeksie

- (1) Enige gemagtigde werknemer van die munisipaliteit mag op 'n redelike tyd enige perseel binne die munisipale gebied inspekteer, ten einde te bepaal of daar aan die bepalings van die verordening voldoen word.
- (2) Wanneer 'n perseel ingevolge subartikel (1) betree word, moet die gemagtigde werknemer op versoek van die persoon in beheer van die perseel homself of haarself identifiseer.
- (3) Die gemagtigde werknemer mag vergesel word van 'n persoon van wie dit redelikerwys verwag word om te help met die uitvoer van die inspeksie.

14. Betekening van dokumente

- (1) Wanneer enige kennisgewing, bevel of ander dokument gemagtig is of nodig is om bedien te word op 'n persoon ingevolge hierdie verordening, word dit geag behoorlik aan sodanige persoon beteken te wees-
 - (a) wanneer dit persoonlik aan hom of haar afgelewer is;
 - (b) wanneer dit by sy of haar plek van inwoning of besigheid in die Republiek gelaat is by 'n persoon wat duidelik ouer as sestien jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan sy of haar laaste bekende woon- of besigheidsadres in die Republiek en 'n erkenning van die versending verskaf word;
 - (d) indien sy of haar adres in die Republiek onbekend is, wanneer dit aan sy of haar agent of verteenwoordiger in die Republiek bedien is op so 'n manier soos bepaal deur paragraaf (a), (b) of (c), of
 - (e) indien sy of haar adres en agent in die Republiek onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom, indien enige, waarop dit betrekking het.

- (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.

15. 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.

16. Offences and Penalties

- (1) It is an offence to-
- furnish false information to an authorised person in respect of any issue pertaining to this by-law;
 - to refuse to co-operate with the request of an authorised person made in terms of this by-law; or
 - to hinder or obstruct an authorised person in the execution of his or her duties in terms of this by-law.
- (2) A person who contravenes any provision of this by-law, or fails to comply with any provision, or fails to comply with a notice issued in terms of any provision of this by-law, commits an offence and shall on conviction be liable 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.

17. 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.

18. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
- creating conditions for a local community to participate in the affairs of the municipality; and
 - promoting a safe and healthy environment;
- (2) A liaison forum may consist of –
- a member or members of an interest group, or an affected person;
 - a designated official or officials of the municipality; and
 - 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.

19. Repeal of by-laws

The following by-laws are hereby repealed in its entirety-

- By-law relating to the Keeping of Bees – Swartland Municipality as published in Provincial Gazette No. 5859 of 19 April 2002;
- Standard By-law relating to the Keeping of Animals – Malmesbury Municipality as published per PN 428/1997;
- By-law relating to the Keeping of Dogs – Swartland Municipality as published in Provincial Gazette No. 5958 of 19 April 2002;
- By-law relating to The Prevention and Suppression of Nuisances – Swartland Municipality a published in Provincial Gazette No. 6067 of 19 September 2003;

- (2) Wanneer enige kennisgewing, bevel of ander dokument soos die voorgenoemde gemagtig is of bedien moet word aan 'n persoon sal dit nie nodig wees om hom of haar by naam te noem nie, en sal dit voldoende wees as hy of sy daarin beskryf word as die eenaar, okkupeerder of houer van 'n reg.

15. Appèl

Iemand wie se regte geraak word deur 'n besluit wat deur die munisipaliteit gedelegeer is, mag ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000 teen die besluit appèl aanteken by wyse van skriftelike kennisgewing van die appèl en die redes daarvoor aan die munisipale bestuurder binne 21 dae van die datum van kennisgewing van die besluit.

16. Strafbepalings

- (1) Dit is 'n misdryf om-
- vals inligting aan 'n gemagtigde persoon te voorsien in verband met enige saak betreffende hierdie verordening;
 - te weier om op versoek van 'n gemagtigde persoon wat ingevolge hierdie verordening gerig is, saam te werk; of
 - om 'n gemagtigde beampte te hinder of te dwarsboom in die uitvoering van sy of haar pligte.
- (2) 'n Persoon wat enige van die bepalings van hierdie verordening oortree of versuim om daaraan te voldoen, of versuim om aan 'n kennisgewing uitgereik ingevolge enige bepaling van hierdie verordening te voldoen, pleeg 'n misdryf en kan by skuldigbevinding –
- 'n boete of gevangenisstraf opgelê word, of sodanige boete of gevangenisstraf, of beide sodanige boete en sodanige gevangenisstraf; en
 - in die geval van 'n voortgesette misdryf, 'n bykomende boete of 'n bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die keuse van 'n boete of beide sodanige bykomende boete en gevangenisstraf vir elke dag waarop sodanige misdryf voortduur; en
 - 'n verdere bedrag gelyk aan enige koste en uitgawes wat die hof bevind deur die munisipaliteit aangegaan is weens sodanige oortreding of versuim.

17. Vrystellings

Nieteenstaande die bepalings van die verordening, mag die munisipaliteit enige persoon of kategorie van persone vrystel van enige of al hierdie vereistes en mag dit enige ander vereistes oplê wat nodig mag wees.

18. Gemeenskapskakelforums

- (1) Die Munisipaliteit mag skakelforums in 'n gemeenskap instel vir die doel om –
- geleentheid vir die gemeenskap te skep om deel te neem aan die aangeleentheid van die munisipaliteit; en
 - die handhawing van 'n veilige en gesonde omgewing te bevorder.
- (2) 'n Skakelforum mag bestaan uit –
- 'n lid of lede van 'n belangegroep, of geaffekteerde persoon;
 - 'n aangewese beampte of beamptes van die munisipaliteit; en
 - 'n raadslid.
- (3) (a) die munisipaliteit mag, wanneer 'n aansoek om toestemming, permit of vrystellingsertifikaat oorweeg word ingevolge hierdie verordening, die insette van 'n skakelforum versoek.
- (b) 'n skakelforum of enige persoon of persone bedoel in subartikel (2) mag op eie inisiatief, 'n inset aan die munisipaliteit vir oorweging stuur.

19. Herroeping van Verordeninge

Die volgende verordeninge word hiermee in geheel herroep-

- Verordening insake die Aanhou van Bye – Swartland Munisipaliteit soos afgekondig in Provinsiale Koerant No. 5859 van 19 April 2002;
- Standaardverordening insake die Aanhou van Diere – Malmesbury Munisipaliteit soos afgekondig per PK 428/1997;
- Verordening insake die Aanhou van Honde – Swartland Munisipaliteit soos afgekondig in Provinsiale Koerant 5859 van 19 April 2002;
- Verordening insake Voorkoming en Onderdrukking van Oorlaste – Swartland Munisipaliteit soos afgekondig in Provinsiale Koerant No. 6067 van 19 September 2003;

- (e) By-law relating to the Keeping of Poultry – Malmesbury Municipality as published per PN 428/1997;
- (f) Additional By-law relating to the Keeping of Poultry – Malmesbury Municipality as published per PN 15 of 9 January 1998;

20. Short title and commencement

This by-law shall be known as the By-law relating to Public Nuisances and shall come into operation on the date of publication thereof in the Provincial Gazette.

59651

12 June 2015

- (e) Verordening insake die Aanhou van Pluimvee – Malmesbury Munisipaliteit soos afgkondig per PK 428 van 28 November 1997;
- (f) Addisionele Verodening insake Aanhou van Pluimvee – Malmesbury Munisipaliteit soos afgkondig per PK 15 van 9 Januarie 1998;

20. Kort titel en inwerkingtrede

Hierdie verordening staan bekend as die Verordening insake Openbare Oorlaste en tree in werking op die datum waarop dit in die Provinsiale Koerant gepubliseer word.

59651

12 Junie 2015

**SWARTLAND MUNICIPALITY
PROPERTY RATES BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Swartland Municipality enacts as follows—

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1. Definitions

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and, 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;

“**agricultural property**” in relation to the use of a property, means property that is primarily used for agricultural purposes, but without derogating from section 9 of the Act, excludes any portion thereof that is used commercially for the hospitality of guests and excludes the use of the property for the purposes of ecotourism or for the trading in or hunting of game;

“**annually**” means once every financial year;

“**category**”—

- (a) means a category of property determined in terms of section 8(2) of the Act;
- (b) in relation to owners of property, means a category of owners determined in terms of section 15(2) of the Act;

“**conservation area**” means—

- (a) a protected area listed in terms of section 10 of the Protected Areas Act, No 57 of 2003;
- (b) a nature reserve established in terms of the Nature and Environmental Conservation Ordinance, No 19 of 1974; or
- (c) any land which is zoned as open space zone II or III in terms of the municipality’s zoning scheme regulations, provided that such protected areas, nature reserves or land, with the exception of tourism facilities that may have been erected thereon, are exclusively utilised for the preservation of fauna and flora and the products of such land are not being traded for commercial gain;

“**council**” means the municipal council of Swartland municipality;

“**exclusion**” in relation to a municipality’s rating power, means a restriction of that power as provided for in sections 16 and 17 of the Act;

“**exemption**” in relation to the payment of a rate, means an exemption granted in terms of section 15(1) of the Act;

“**financial year**” means the period starting from 1 July in a year to 30 June of the next year;

“**land tenure right**” means a land tenure right as defined in section 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991);

“**local community**” means—

- (a) that body of persons comprising—
 - (i) the residents of the municipality;
 - (ii) the ratepayers of the municipality;
 - (iii) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality; and

**SWARTLAND MUNISIPALITEIT
VERORDENING INSAKE EIENDOMSBELASTING**

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Swartland Munisipaliteit soos volg—

Inhoudsopgawe

1. Woordomsrywings
2. Bevoegdheid om belasting te hef
3. Aanvaarding en implementering van beleid
4. Algemene beginsels
5. Gedifferensieerde belasting
6. Kennisgewing van belasting
7. Verhaling van belasting van huurders of okkupeerders
8. Verhaling van belasting van agente
9. Regstelling van foute en weglatings
10. Maatreëls vir toepassing
11. Appèl
12. Misdrywe en strawwe
13. Herroeping van verordeninge
14. Kort titel en inwerkingtrede

1. Woordomsrywings

In hierdie verordening geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en tensy die konteks anders aandui, beteken—

“**agent**” met betrekking tot die eienaar van eiendom, ’n persoon deur die eienaar van die eiendom aangewys om—

- (a) huur of ander betalings ten opsigte van die eiendom namens die eienaar te ontvang; of
- (b) om betalings ten opsigte van die eiendom namens die eienaar te maak;

“**belasting**” ’n munisipale belasting op eiendom soos beoog in artikel 229(1)(a) van die Grondwet en belastings het ’n ooreenstemmende betekenis;

“**belasbare eiendom**” eiendom waarop ’n munisipaliteit ingevolge artikel 2 van die Wet belasting moet hef, met die uitsluiting van eiendom wat ten volle van die hef van belasting uitgesluit word ingevolge artikel 17 van die Wet;

“**beleid**” die munisipaliteit se Eiendomsbelasting Beleid soos vervat in die Bylae tot hierdie verordening, welke Bylae verwys;

“**bewaringsgebied**”—

- (a) ’n beskermde gebied soos gelys by artikel 10 van die Wet op Beskermde Gebiede, Nr 52 van 2003;
- (b) ’n natuurreservaat gestig ingevolge die Ordonnansie op Natuur- en Omgewingsbewaring, Nr 19 van 1974; of
- (c) enige grondgebied wat as oop ruimte sone II of III ingevolge die munisipaliteit se soneringskemaregulasies gesoneer is; met dien verstande dat sodanige beskermde gebiede, natuurreservate of grondgebiede, met uitsondering van toerisme-fasiliteite wat daarop opgerig mag wees, uitsluitlik gebruik word vir die bewaring van die fauna en flora en die produkte van sodanige grondgebiede nie vir kommersiële gewin verhandel word nie.

“**die Wet**” beteken die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Nr 6 van 2004) en enige wysiging daarvan;

“**eienaar**”—

- (a) ten opsigte van eiendom gemeld in paragraaf (a) van die omskrywing van “**eiendom**”, ’n persoon in wie se naam eienaarskap van die eiendom geregistreer is;
- (b) ten opsigte van ’n reg gemeld in paragraaf (b) van die omskrywing van “**eiendom**” ’n persoon in wie se naam die reg geregistreer is;
- (bA) met betrekking tot ’n tyddeelbelang soos bedoel in die Wet op die Beheer van Eiendomsdeling, 1983 (Wet 75 van 1983), die bestuursvereniging soos bedoel in die regulasies uitgevaardig ingevolge artikel 12 van gemelde wet soos gepubliseer per goewermentskennisgewing R327 van 24 Februarie 1984;
- (bB) met betrekking tot ’n aandeel in ’n aandeelblokmaatskappy soos bedoel in die Wet op Beheer van Aandeelblokke, 1980 (Wet 59 van 1980), die aandeelblokmaatskappy soos omskryf in gemelde wet.

- (iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality; and

- (b) includes the poor and other disadvantaged sections of such body of persons;

“market value” means the value of the property determined in accordance with section 46 of the Act;

“mining property” means a property used for mining operations as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“multiple purposes” means the use of a property for more than one purpose subject to section 9 of the Act;

“municipal property” is property registered or which vests in the name of Swartland municipality;

“municipality” means the Municipality of Swartland established in terms of section 12 of the Local Government: Municipal Structures Act, 1998, (Act No 117 of 1998);

“municipal manager” means a person appointed in terms of section 54A of the Local Government: Municipal Systems Act, 2000, (Act No 32 of 2000);

“occupier” means a person in actual occupation or control of a property whether or not that person has a right to occupy the property;

“owner”

- (a) in relation to 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;

- (bA) in relation to a time sharing interest contemplated in the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983), means the management association contemplated in the regulations made in terms of section 12 of the Property Time-sharing Control Act, 1983, and published in Government Notice R327 of 24 February 1984;

- (bB) in relation to a share in a share block company, the share block company as defined in the Share Blocks Control Act, 1980 (Act No. 59 of 1980);

- (bC) in relation to buildings, other immovable structures and infrastructure referred to in section 17(1)(f) of the Act, means the holder of the mining right or the mining permit;

- (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; or

- (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 by the definition in the Act of the term **“publicly controlled”**; provided that a person mentioned below shall for the purposes of this by-law be regarded by the municipality as the owner of a property in the following cases–

- (i) a trustee, in the case of a property in a trust excluding state trust land;

- (ii) an executor or administrator in a deceased estate;

- (iii) a trustee or liquidator in an insolvent estate or in liquidation;

- (iv) a judicial manager in the estate of a person under judicial management;

- (v) a curator in the estate of a person under curatorship;

- (vi) a usufructuary or other person in whose name a usufruct or other personal servitude is registered that is subject to a usufruct or other personal servitude;

- (vii) a buyer, in the case of a property that was sold and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

- (viii) a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such right;

“permitted use” means the limited purposes for which the property may be used in terms of–

- (a) any restrictions imposed by–

- (i) a condition of title;

- (ii) provision of a town planning or land use scheme; or

- (bC) met betrekking tot geboue, ander onroerende strukture en infrastruktuur soos bedoel in artikel 17(1)(f) van die Wet, die houer van ’n mynboureg of mynboupermit;

- (c) ten opsigte van ’n grondbesitreg gemeld in paragraaf (c) van die omskrywing van **“eiendom”** ’n persoon in wie se naam die reg geregistreer is of aan wie dit ingevolge wetgewing toegestaan is; of

- (d) ten opsigte van openbare dienste infrastruktuur gemeld in paragraaf (d) van die definisie van **“eiendom”**, ’n staatsorgaan wat sodanige openbare dienste infrastruktuur besit of beheer, soos beoog by die definisie in die Wet van die term “openbare beheerde”, met dien verstande dat ’n persoon wat hieronder gemeld word vir die doeleindes van dié Wet in die volgende gevalle as die eienaar van ’n eiendom deur ’n munisipaliteit beskou sal word–

- (i) ’n trustee, in die geval van ’n eiendom in ’n trust, met uitsluiting van staatstrugronde;

- (ii) ’n eksekuteur of administrateur in ’n bestorwe boedel;

- (iii) ’n trustee of likwidateur, in ’n insolvente boedel of in likwidasie;

- (iv) ’n geregtelike bestuurder, in die boedel van ’n persoon onder geregtelike bestuur;

- (v) ’n kurator in die boedel van ’n persoon wat onder kuratorskap verkeer;

- (vi) ’n vruggebruiker of ander persoon in wie se naam ’n vruggebruik of ander persoonlike serwituut geregistreer is, in die geval van ’n eiendom wat aan vruggebruik of ’n ander persoonlike serwituut onderworpe is;

- (vii) ’n koper, in die geval van ’n eiendom wat verkoop is en waarvan besit gegee is aan die koper hangende registrasie van eienaarskap in die naam van die koper;

- (viii) ’n huurder van eiendom waarop ’n grondbesitreg van toepassing is en wat aan die houer van sodanige reg verhuur word;

“eiendom”–

- (a) onroerende eiendom geregistreer in die naam van die persoon, met inbegrip van, in die geval van ’n deeltitelskema, ’n deeltiteleenheid wat in die naam van ’n persoon geregistreer is;

- (b) ’n reg geregistreer teen onroerende eiendom in die naam van ’n persoon, met uitsluiting van ’n eiendomsverband wat teen die eiendom geregistreer is;

- (c) ’n grondbesitreg geregistreer in die naam van ’n persoon of wat ingevolge wetgewing aan ’n persoon verleen word; of

- (d) openbare dienste infrastruktuur;

“finansieële jaar” die tydperk wat op 1 Julie in ’n jaar ’n aanvang neem tot 30 Junie van die volgende jaar;

“grondbesitreg” ’n grondbesitreg soos omskryf in artikel 1 van die Wet op Opgradering van Grondbesitregte, 1991 (Wet 112 van 1991);

“hierdie verordening” ook die Eiendomsbelastingbeleid soos vervat in die Bylae;

“jaarliks” eenkeer elke finansieële jaar;

“kategorie”–

- (a) ten opsigte van ’n eiendom, ’n eiendoms-kategorie bepaal ingevolge artikel 8(2) van die Wet;

- (b) ten opsigte van die eienaars van eiendom, ’n kategorie eienaars bepaal ingevolge Artikel 15(2) van die Wet;

“kleinhoewe” ’n gebied wat hoofsaaklik landelik of soortgelyk gesoneer is met die doel om kleiner landelike eiendomme te akkommodeer wat gebruik mag word vir landbou- en residensiële doeleindes deur persone wat ’n landelike leefstyl verkies;

“korting” ’n korting op die belastingbedrag wat op die eiendom betaalbaar is;

“landbou eiendom” met betrekking tot die gebruik van eiendom, eiendom wat primêr vir landbou-doeleindes gebruik word, maar sonder om afbreuk te doen aan die bepalings van artikle 9 van die Wet, word enige deel daarvan wat kommersieël gebruik word vir die akkommodasie van gaste uitgesluit asook die gebruik van die eiendom vir die doeleindes van ekotoerisme of die handel in of die jag van wild;

“markwaarde” ten opsigte van ’n eiendom, die waarde van die eiendom wat ooreenkomstig artikel 46 van die Wet bepaal word;

“meerdoelige doeleindes” ten opsigte van ’n eiendom, die gebruik van ’n eiendom vir meer as een doel soos bedoel in artikel 9 van die Wet;

(iii) any legislation applicable to any specific property or properties; or

(b) any alleviation of any such restrictions;

“**policy**” means the municipality’s Property Rates Policy reflected in the Schedule to this by-law which policy refers;

“**property**” means—

(a) immovable property registered in the name of a person, including, in the case of a 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, excluding a mortgage bond registered against the property;

(c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or

(d) public service infrastructure;

“**public service infrastructure**” means publicly controlled infrastructure of the following kinds:

(a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;

(b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;

(c) power stations, power substations or power lines forming part of an electricity scheme serving the public; and

(d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;

(e) railway lines forming part of a national railway system;

(f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;

(g) runways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as the obstacle free zone surrounding these, which must be vacant for air navigation purposes;

(h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;

(i) any other publicly controlled infrastructure as may be prescribed; or

(j) a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i);

“**public service purposes**” in relation to the use of a property means property owned and used by an organ of state as—

(a) hospitals or clinics;

(b) schools, pre-schools, early childhood development centres or further education and training colleges;

(c) national and provincial libraries and archives;

(d) police stations;

(e) correctional facilities; or

(f) courts of law,

but excludes property contemplated in the definition of “public service infrastructure”;

“**rate**” means a municipal rate on property envisaged in section 229(1) (a) of the Constitution and “**rates**” has a corresponding meaning;

“**rateable property**” means property on which a municipality may, in terms of section 2 of the Act levy a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Act;

“**rebate**” means a discount on the amount of the rate payable on the property;

“**reduction**” means the lowering of the amount for which the property was valued and the rating of the property at that lower amount;

“**residential property**” means property included in a valuation roll in terms of section 48(2)(b) of the Act as residential in respect of which the primary use or permitted use is for residential purposes, without derogating from section 9 of the Act;

“**small holding**” means an area predominantly zoned rural or any other equivalent zoning, with the purpose to accommodate smaller rural properties that may be used for agricultural and residential purposes for people seeking a rural lifestyle;

“**the Act**” means the Municipal Property Rates Act 6 of 2004;

“**this by-law**” includes the Property Rates Policy as reflected in the Schedule.

“**munisipale bestuurder**” ’n persoon wat ingevolge artikel 54A van die Wet op Munisipale Stelsels, Wet 32 van 2000 aangestel is;

“**munisipale eiendom**” eiendom wat geregistreer of gevestig is in die naam van die Munisipaliteit Swartland;

“**munisipaliteit**” die munisipaliteit van Swartland en sluit enige gedelegeerde amptenaar of diensverskaffer van die munisipaliteit in;

“**mynbou eiendom**” eiendom wat vir mynboudoeleindes gebruik word soos omskryf in die Wet op Petroleumprodukte en Ontwikkeling, 2002 (Wet 28 van 2002);

“**okkupeerder**” ten opsigte van ’n eiendom, ’n persoon wat in werklike okkupasie of beheer daarvan is, ongeag of sodanige persoon die reg het om die eiendom te okkupeer al dan nie;

“**openbare diensinfrastruktuur**” infrastruktuur wat van owerheidsweë beheer word vir die volgende doeleindes—

(a) nasionale, provinsiale of ander openbare paaie waarop goedere, dienste of arbeid oor munisipale grense beweeg;

(b) water- of rioolpype, kanale of ander geleikanale, damme, watervoorsieningsreservoirs, waterbehandelingsaanlegte of waterpompe wat deel vorm van ’n water- of riool skema wat die publiek bedien;

(c) kragstasies, substasies of kraglyne wat deel vorm van ’n elektrisiteitskema wat die publiek bedien;

(d) gas of vloeistof aanlegte of raffinaderye of pypeleidings vir gas of vloeibare brandstof wat deel vorm van ’n skema wat sodanige brandstowwe vervoer;

(e) spoorlyne wat deel vorm van ’n nasionale spoorwegsisteem;

(f) kommunikasietorings, maste, sentrales of lyne wat deel vorm van ’n kommunikasiestelsel wat die publiek bedien;

(g) aanloopbane, blaaië en die lugverkeerbeheereenheid by ’n nasionale of provinsiale lughawe, insluitend die vakante grond bekend as die obstruksievrye sone wat dit omring, wat vakant moet wees vir lugnavigasiedoeleindes;

(h) breekwaters, seemure, kanale, hawekomme, kaaimure, hawehowe, paaie spoorweë of infrastruktuur wat gebruik word vir die voorsiening van water, ligte, krag, riool of soortgelyke dienste vir hawens of navigasietoerusting wat behels ligtorings, boeie, bakens of enige ander toerusting of stelsel wat gebruik word vir die veilige en doeltreffende navigasie van vaartuie;

(i) enige ander infrastruktuur wat van owerheidsweë beheer word soos voorgeskryf mag word; of

(j) ’n reg geregistreer teen onroerende eiendom ten opsigte van infrastruktuur in sub paragrafe (a) tot (i);

“**openbare diensdoeleindes**” met betrekking tot die gebruik van eiendom, eiendom wat deur ’n staatsorgaan besit en gebruik word vir—

(a) hospitale of klinieke;

(b) skole, voorskole, vroeë kinderjare ontwikkelingsentrums of verdere onderwys en opleidingskolleges;

(c) nasionale en provinsiale biblioteke en argiewe;

(d) polisiestasies;

(e) korrektiewe fasiliteite;

(f) howe;

maar uitgesluit eiendom bedoel in die definisie van “openbare diensinfrastruktuur”;

“**plaaslike gemeenskap**” ten opsigte van ’n munisipaliteit beteken—

(a) daardie groep persone wat bestaan uit—

(i) die inwoners van die munisipaliteit;

(ii) die belastingbetalers van die munisipaliteit;

(iii) enige burgerlike organisasies en nie-regerings-, privaatsektor of arbeidsorganisasies of -liggame wat gemoeid is met plaaslike aangeleenthede binne die munisipaliteit; en

(iv) besoekers en ander mense wat buite die munisipaliteit woon wat op grond van hul teenwoordigheid in die munisipaliteit gebruik maak van die dienste of fasiliteite wat deur die munisipaliteit voorsien word; en

(b) sluit meer spesifiek die armes en voorheen benadeeldes van sodanige groep persone in;

“**raad**” die munisipale raad van Swartland munisipaliteit;

“**residensiële eiendom**” eiendom wat ingevolge artikel 48(2)(b) van die Wet as residensiële ingesluit is in ’n waardasielyst ten opsigte waarvan die primêre gebruik of toegelate gebruik vir residensiële doeleindes is sonder om afbreuk te doen aan artikel 9 van die Wet;

2. Power to levy property rates

The municipality levies property rates in terms of—

- (a) section 229(1)(a) of the Constitution;
- (b) the Act; and
- (c) this by-law.

3. Adoption and implementation of policy

The municipality must adopt and implement a rates policy in accordance with the Act for the levying of rates on rateable property in its area.

4. General principles

- (1) Rates are levied as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll.
- (2) Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners.
- (3) Different rates may be levied for different categories of rateable property.
- (4) Relief in respect of payment for rates shall not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction.
- (5) All ratepayers with similar properties must be treated equally.
- (6) The ability of a person to pay rates must be taken into account.
- (7) Provision must be made for the promotion of local economic development and sustainable local government.
- (8) Rates shall be based on the value of all rateable property and the amount required by the municipality to balance the operating budget.

5. Differential rating

Subject to the Act, the municipality may levy different rates on different categories of property.

6. Notification of rates

- (1) A resolution levying rates in a municipality must be annually promulgated, within 60 days of the date of the resolution, by publishing the resolution in the *Provincial Gazette* and in a newspaper or newspapers circulating in the area of the municipality.
- (2) The resolution must—
 - (a) contain the date on which the resolution levying rates was passed;
 - (b) differentiate between categories of properties; and
 - (c) reflect the cent amount in the Rand rate for each category of property.

7. Recovery of rates in arrears from tenants or occupiers

Subject to the provisions of section 28 of the Act, the municipality may recover rates which are unpaid after the due date by the owner of a property, in whole or in part from the tenant or occupier of such property.

“toegelate gebruik” ten opsigte van ’n eiendom, die beperkte doeleindes waarvoor die eiendom gebruik mag word ingevolge—

- (a) enige beperkings opgelê deur—
 - (i) ’n titelvoorwaarde;
 - (ii) ’n bepaling van ’n dorpsbeplannings- of grondgebruik-skema; of
 - (iii) enige wetgewing van toepassing op enige spesifieke eiendom of eiendomme; of
- (b) enige versagting van enige sodanige beperkings;

“uitsluiting” ten opsigte van ’n munisipaliteit se bevoegdheid om belasting te hef, ’n beperking van daardie mag soos bepaal in artikels 16 en 17 van die Wet;

“vrystelling” ten opsigte van die bepaling van belasting, ’n vrystelling wat ingevolge Artikel 15 van die Wet toegestaan word;

“vermindering” die verlaging van die bedrag waarvoor die eiendom gewaardeer is en die hef van ’n belasting op die eiendom op sodanige laer bedrag.

2. Bevoegdheid om belasting te hef

Die munisipaliteit hef belasting ingevolge—

- (a) artikel 229(1)(a) van die Grondwet;
- (b) die Wet; en
- (c) hierdie verordening.

3. Aanvaarding en implementering van beleid

Ingevolge die Wet moet die munisipaliteit ’n belastingbeleid aanvaar en implementeer vir die heffing van eiendomsbelasting in sy regsgebied.

4. Algemene beginsels

- (1) Belasting word gehef as ’n bedrag in die rand gebaseer op die markwaarde van alle belasbare eiendom in sy regsgebied.
- (2) Kriteria word bepaal vir die bepaling van kategorieë van eiendomme en eienaars asook vir die doeleindes van heffing van gedifferensieerde belasting op kategorieë eiendomme of eienaars.
- (3) Belasting mag verskil na gelang van die kategorie van belasbare eiendom.
- (4) Verligting ten opsigte van betaling van belasting sal nie aan enige kategorie eiendom of eenaar op individuele basis toegestaan word nie, behalwe by wyse van vrystelling, korting of vermindering.
- (5) Belastingbetalers met soortgelyke eiendomme moet gelykwaardig behandel word.
- (6) ’n Persoon se vermoë om belasting te betaal moet in ag geneem word.
- (7) Voorsiening moet gemaak word vir die bevordering van plaaslike ekonomiese ontwikkeling asook volhoubare plaaslike regering.
- (8) Belasting sal gebaseer word op die waarde van alle belasbare eiendom en die bedrag wat die munisipaliteit benodig om die operasionele begroting te balanseer.

5. Gedifferensieerde belasting

Onderhewig aan die Wet mag die munisipaliteit gedifferensieerde belastings hef ten opsigte van verskillende kategorieë eiendomme.

6. Kennisgewing van belasting

- (1) Die munisipaliteit moet ’n besluit om belasting te hef, jaarliks, binne 60 dae na die besluit, in die *Provinsiale Koerant* asook ’n koerant of koerante wat in die gebied van die munisipaliteit gesirkuleer word, publiseer.
- (2) Die besluit moet—
 - (a) die datum waarop die besluit geneem is bevat;
 - (b) onderskei tussen kategorieë van eiendomme; en
 - (c) die sent- in- die rand tarief vir elke kategorie eiendom aandui.

7. Verhaling van agterstallige belasting van huurder of okkupeerder

Onderhewig aan die bepalings van artikel 28 van die Wet, mag die munisipaliteit agterstallige belasting in geheel of gedeeltelik verhaal van die huurder of okkupeerder van daardie eiendom.

8. Recovery of rates in arrears from agents

Subject to the provisions of section 29 of the Act, the municipality may recover the amount due for rates in whole or in part from the agent of the owner.

9. Correction of errors and omissions

- (1) Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- (2) Where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied in terms of the municipality's Credit Control and Debt Collection By-law.

10. Enforcement mechanisms

If an owner of a property fails to pay rates in the prescribed manner, the Director: Financial Services must recover from such owner the rates due in accordance with the provisions of the municipality's Credit Control and Debt Collection By-law.

11. Appeal

A person whose rights are affected by a delegated 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. Offences and penalties

A person who—

- (a) makes a false application or declaration which will affect the rates payable on any property whether on his or her own behalf or that of someone else;
- (b) refuses or fails to report any amendments to an application or declaration, referred to in paragraph (a), to the municipality after such occurrence; or
- (c) interferes or hinders an official of the municipality in the execution of his or her duties in terms of this by-law, commits an offence and upon conviction shall be liable to payment of a fine or imprisonment or to such imprisonment or to both such fine and such imprisonment.

13. Repeal of by-laws

The Rates By-law promulgated in *Provincial Gazette* 7825 on 11 July 2014 is hereby repealed.

14. Short title and commencement

This By-law shall be known as the Swartland Municipality Property Rates By-law and shall become effective on 1st July 2015.

8. Verhaling van agterstallige belasting van agent

Onderhewig aan die bepalings van artikel 29 van die Wet mag die munisipaliteit agterstallige belasting op eiendom in geheel of gedeeltelik verhaal van die agent van die eienaar.

9. Regstelling van foute of weglatings

- (1) Waar belasting wat op 'n spesifieke eiendom gehef is, verkeerd bepaal is, hetsy as gevolg van 'n fout of weglating aan die kant van die munisipaliteit of valse inligting wat deur die betrokke eienaar verskaf is of 'n oortreding van die toegelate gebruik van die betrokke eiendom, sal die belasting wat verskuldig is aangepas word vir die tydperk vanaf die datum waarop die fout of weglating ontdek is terugwerkend tot die datum waarop eiendomsbelasting vir die eerste keer ooreenkomstig die huidige waardasierol gehef is.
- (2) Waar die fout voorgekom het as gevolg van valse inligting wat deur die eienaar van die eiendom verstrekkend is of as gevolg van 'n oortreding van die toegelate gebruik van die betrokke eiendom, sal rente op die onbetaalde gedeelte van die aangepaste belasting wat verskuldig is, gehef word ingevolge die munisipaliteit se Kredietbeheer en Skuldinvorderingsverordening.

10. Meganismes vir toepassing

Indien 'n eienaar van eiendom versuim om sodanige eiendomsbelasting op die voorgeskrewe manier te betaal, moet die Direkteur: Finansiële Dienste die verskuldigde belasting van sodanige eienaar verhaal ingevolge die munisipaliteit se Kredietbeheer en Skuldinvorderingsverordening.

11. Appèl

'n Persoon wie verontreg voel deur 'n besluit van die munisipaliteit ingevolge gedelegeerde magte, mag teen daardie besluit appelleer deur binne 21 dae van die datum van die inkennisstelling van die besluit aan die munisipale bestuurder skriftelik kennis te gee van die appèl en die redes daarvoor ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000.

12. Misdrywe en strawwe

'n Persoon wat—

- (a) 'n vals aansoek indien of verklaring aflê wat die belasting op enige eiendom mag affekteer, hetsy vir homself of vir iemand anders;
- (b) weier of versuim om veranderinge aan 'n aansoek of verklaring soos beoog in par (a) aan die munisipaliteit te rapporteer; of
- (c) 'n beampte van die munisipaliteit belemmer om sy of haar pligte uit te voer of daarmee inmeng, pleeg 'n misdryf en sal by skuldigbevinding onderhewig wees aan die oplegging van 'n boete of gevangenisstraf of tot beide sodanige boete en gevangenisstraf.

13. Herroeping van verordeninge

Die Eiendomsbelastingverordening gepromulgeer in *Provinsiale Koerant* 7825 op 11 Julie 2014 word hiermee herroep.

14. Kort titel en inwerkingtrede

Hierdie verordening staan bekend as die Swartland Munisipaliteit se Verordening insake Eiendomsbelasting en tree in werking op 1 Julie 2015.

SCHEDULE**SWARTLAND MUNICIPALITY
PROPERTY RATES POLICY**

In terms of section 3 of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), the Municipality of Swartland hereby adopts the following Property Rates Policy–

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12. Multipurpose use of property
13. Costs of exemptions, rebates, reductions and phasing in of rates
14. Payment arrangements
15. Utilisation of property

1. Purpose of the policy

The purpose of the policy is–

- (a) to comply with the provisions of section 3 of the Act; and
- (b) to determine criteria to be applied for–
 - (i) the levying of different rates for different categories of properties;
 - (ii) exemptions;
 - (iii) reductions and rebates; and
 - (iv) rate increases or decreases;
- (c) to determine or provide criteria for the determination of–
 - (i) categories of properties for the purpose of levying different rates; and
 - (ii) categories of owners of properties or categories of properties, for the purpose of granting of exemptions, rebates and reductions;
- (d) to determine how the municipality's powers must be exercised in relation to multipurpose properties;
- (e) to identify and quantify in terms of cost and benefit to the community–
 - (i) exemptions, rebates and reductions;
 - (ii) exclusions; and
 - (iii) rates on properties to be phased in;
- (f) to take into account the effect of rates on the poor;
- (g) to take into account the effect of rates on organisations conducting particular public benefit activities and registered in terms of the Income Tax Act for tax exemptions because of those activities, in the case of property owned and used by such organisations for those activities;
- (h) to take into account the effect of rates on public service infrastructure;
- (i) to allow the municipality to promote local economic and social development;
- (j) to identify all rateable property;

BYLAE**MUNISIPALITEIT SWARTLAND
EIENDOMSBELASTING BELEID**

Ingevolge artikel 3 van die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet 6 van 2004), aanvaar die Munisipaliteit van Swartland die volgende Eiendomsbelasting Beleid–

Inhoudsopgawe

1. Doel van die beleid
2. Beleidsbeginsels
3. Die hef van belasting
4. Kategorieë van eiendomme
5. Kategorieë van eienaars
6. Differensiële belasting
7. Vrystellings
8. Kortings
9. Aansoeke om vrystelling of korting
10. Verminderings
11. Belastingaanpassings
12. Meerdoelige gebruik van eiendomme
13. Koste van vrystellings, kortings, verminderings, infasering van belasting
14. Betalingsreëlings
15. Gebruiksaanwending van eiendom

1. Doel van die beleid

Die doel van die beleid is:

- (a) om te voldoen aan die bepalings van artikel 3 van die Wet;
- (b) om kriteria te bepaal wat toegepas moet word vir–
 - (i) die hef van verskillende koerse vir verskillende kategorieë van eiendomme;
 - (ii) vrystellings;
 - (iii) verminderings en kortings; en
 - (iv) belastingverhogings of verlagings;
- (c) om kriteria vir die vasstelling van die volgende te bepaal of te voorsien–
 - (i) kategorieë van eiendomme vir die doel van die hef van verskillende belasting; en
 - (ii) kategorieë van eienaars van eiendomme of kategorieë van eiendomme vir die doel van die bestaan van vrystellings, kortings en verminderings;
- (d) om te bepaal hoe die munisipaliteit se magte ten opsigte van meerdoelige eiendomme uitgeoefen moet word;
- (e) om die volgende vir die munisipaliteit te identifiseer en te kwantifiseer in terme van koste en die voordeel vir die gemeenskap–
 - (i) vrystellings, kortings en verminderings;
 - (ii) uitsluitings; en
 - (iii) belasting op eiendomme wat ingefaseer moet word;
- (f) om die uitwerking van belasting op die armes in aanmerking te neem;
- (g) om die uitwerking van belasting op organisasies wat bepaalde openbare weldaadsaktiwiteite verrig en geregistreer is ingevolge die Inkomstebelastingwet vir belasting vrystellings as gevolg van die aktiwiteite, in die geval van eiendom wat deur sodanige organisasies vir sodanige aktiwiteite besit en gebruik word, in aanmerking te neem;
- (h) om die uitwerking van belasting op die openbare dienste infrastruktuur in aanmerking te neem;
- (i) om die munisipaliteit in staat te stel om plaaslike ekonomiese en maatskaplike ontwikkeling te bevorder;
- (j) om alle belasbare eiendom te identifiseer;

- (k) to ensure that any exemptions, rebates or reductions provided for in this policy comply and be implemented in accordance with a national framework that may be prescribed after consultation with organised local government; and
- (l) to ensure that the municipality does not grant relief in respect of the payment of a rate–
 - (i) to a category of owners of properties, or to the owners of a category of properties, other than by way of an exemption, a rebate or a reduction provided for in this policy and granted in terms of section 15 of the Act; or
 - (ii) to the owners of properties on an individual basis.

2. Policy principles

- (1) The levying of a rate on a property is an exclusive power of the municipality which will be applied optimally and expansively within the municipality and with due regard to the total income pool of the municipality.
- (2) The rating of property will be done impartially, fairly, equitably and without bias, and these principles also apply to the setting of criteria for exemptions, reductions and rebates contemplated in section 15 of the Act.
- (3) The rating of property will be implemented in a way that–
 - (a) is developmentally orientated;
 - (b) supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality; and
 - (c) supports local and social economic development.
- (4) Property rates may be levied to correct the imbalances of the past and to minimise the effect of rates on the poor.
- (5) Rates will be levied in proportion to the market value of the property.
- (6) The rates tariff will be based on the value of all rateable properties and the amount required by the municipality to balance the operating budget after taking into account profits generated on trading and economic services and the amounts required to finance exemptions, rebates, reductions and phasing in of rates as approved by the council.
- (7) Trading and economic services must be ring fenced and tariffs and service charges calculated in such a manner that the income generated covers the cost of the services or generates a profit.
- (8) Property rates may be used to finance community services.
- (9) Profits on trading and economic services may be used to subsidise community services.
- (10) The provision for working capital and bad debts must relate to the requirements for community services and not to those of trading and economic services.
- (11) The income base of the municipality must be protected by limiting reductions, exemptions and rebates.

3. Levying of rates

- (1) Subject to the provisions of sub paragraph (2), the municipality must levy rates on all rateable property in its area of jurisdiction at a rate to be fixed in terms of section 14 of the Act.

- (k) om te verseker dat vrystellings, kortings en verminderings waarvoor in hierdie beleid voorsiening gemaak word voldoen aan en geïmplementeer word volgens 'n nasionale raamwerk wat voorgeskryf kan word na raadpleging van georganiseerde plaaslike bestuur; en
- (l) om te verseker dat die munisipaliteit nie 'n verligting toestaan ten opsigte van die betaling van belasting–
 - (i) aan 'n kategorie van eienaars van eiendomme, of aan die eienaars van 'n kategorie van eiendomme, anders as by wyse van 'n vrystelling, korting of vermindering waarvoor in hierdie beleid voorsiening gemaak word en toegestaan word ingevolge artikel 15 van die Wet nie; of
 - (ii) aan die eienaars van eiendomme op 'n individuele basis nie.

2. Beleidsbeginsels

- (1) Die heffing van belasting op 'n eiendom is 'n uitsluitlike reg van die munisipaliteit wat optimaal en omvattend binne die munisipaliteit en met oorweging van die totale inkomstebron van die munisipaliteit aangewend sal word.
- (2) Die belasting van eiendomme sal onafhanklik, regverdig, billik en sonder voorkeur gedoen word en dié beginsels sal ook toegepas word by die bepaling van kriteria vir vrystellings, verminderings en kortings soos bepaal in artikel 15 van die Wet.
- (3) Die hef van eiendomsbelasting moet op so 'n wyse toegepas word dat–
 - (a) dit ontwikkelingsgerig is;
 - (b) volhoubare plaaslike regering daardeur bevorder word deurdat 'n stabiele en konstante bron van inkomste tot die diskresionêre beheer van die munisipaliteit gestel word; en
 - (c) ekonomiese en maatskaplike plaaslike ontwikkeling daardeur bevorder word.
- (4) Eiendomsbelasting sal gehef word om ongelykhede van die verlede reg te stel en die effek van belasting op behoeftiges te minimaliseer.
- (5) Belasting sal gehef word in verhouding tot die markwaarde van die eiendom.
- (6) Die belastingtarief sal gebaseer word op die waarde van alle belasbare eiendomme en die bedrag wat die munisipaliteit nodig het om die bedryfsbegroting te balanseer, met inagneming van die surplus wat uit die handels- en ekonomiese dienste verkry is en die bedrae wat vereis word om vrystellings, kortings, verminderings en infasering van belasting, soos deur die raad goedgekeur, te finansier.
- (7) Handels- en ekonomiese dienste sal afgebaken word en tariewe en dienskosse sal op so 'n wyse bereken word dat die inkomste wat gegeneer word, die koste van die dienste dek of 'n surplus genereer.
- (8) Eiendomsbelasting sal gebruik word om gemeenskapsdienste te finansier.
- (9) Winste uit handels- en ekonomiese dienste mag gebruik word om gemeenskapsdienste te subsidieer.
- (10) Die voorsiening van bedryfskapitaal en slegte skulde moet verband hou met gemeenskapsdienste en mag nie voorsienings in verband met handels- en ekonomiese dienste insluit nie.
- (11) Die inkomstebasis van die munisipaliteit moet beskerm word deur vrystellings, kortings en verminderings te beperk.

3. Die hef van belastings

- (1) Onderworpe aan die bepalings van subparagraaf (2) moet die munisipaliteit belastings op alle belasbare eiendom in sy regsgebied hef teen 'n koers wat ooreenkomstig die bepalings van artikel 14 van die Wet vasgestel word.

- (2) Rates may not be levied—
- as contemplated in terms of section 17 of the Act;
 - on property of the municipality;
 - on public services infrastructure which is the property of a municipal entity;
 - property referred to in section 7(2)(a)(iii) and (iv) of the Act; and
 - property exempted in terms of paragraph 7 hereof.

4. Categories of property

Properties may be categorised as follows according to the use of the property, the permitted use of the property, or a combination of the two-residential properties;

- residential properties;
- vacant residential property;
- industrial properties;
- business properties;
- properties in rural areas zoned for business or in terms of which consent uses have been approved in terms of the municipality's zoning scheme regulations;
- agricultural properties such as—
 - farm properties and smallholdings used for bona fide farming and residential purposes; and
 - farm properties registered in the name of an agricultural society which are affiliated to the SA Agricultural Union;
- state-owned properties, excluding state-owned property contemplated in sub paragraph (l) below;
- municipal property, registered in the name of the Swartland municipality or properties of which the ownership vests in the municipality;
- public service infrastructure properties;
- informal settlements including those on land which are not subdivided into residential erven;
- property—
 - acquired through the Provision of Land and Assistance Act, 1993 (Act No 126 of 1993), or the Restitution of Land Rights Act, 1994 (Act No 22 of 1994); or
 - which is subject to the Communal Property Association Act, 1996 (Act No 28 of 1996);
- conservation areas;
- properties on which national monuments are proclaimed;
- properties owned by the following public benefit organisations and used for the corresponding public benefit activities listed in Part 1 of the Ninth Schedule to the Income Tax Act, No 58 of 1962—
 - welfare and humanitarian organisations;
 - cultural organisations;
 - sporting organisations;
 - conservation, environmental and animal welfare organisations;
 - healthcare organisations; and
 - education and development.
- properties used for multiple purposes in terms of the municipality's zoning scheme regulations; and
- properties in geographical areas as determined by the municipality for the purpose of differential rates.

5. Categories of owners

- (1) In terms of section 15(2) of the Act the following categories of owners will be recognised—
- owners who qualify for indigent support in terms of the municipality's Credit Control and Debt Collection policy;
 - owners of property situated within an area affected by—
 - a disaster within the meaning of the Disaster Management Act, 2002 (No 57 of 2002); or
 - any other adverse social or economic conditions;

- (2) Geen belastings mag gehef word nie—
- soos bepaal in artikel 17 van die Wet;
 - op die munisipaliteit se eiendom;
 - op openbare dienste infrastruktuur wat die eiendom is van 'n munisipale entiteit;
 - op eiendomme vermeld in artikel 7(2)(a)(iii) en (iv) van die Wet; en
 - op eiendomme wat kragtens paragraaf 7 hiervan vrygestel is.

4. Kategorieë van eiendomme

Eiendomme mag soos volg gekategoriseer word ooreenkomstig die gebruik daarvan, die toegelate gebruik daarvan of 'n kombinasie van die twee-

- residensiële eiendomme;
- vakante residensiële eiendom;
- industriële eiendomme;
- sake-eiendomme;
- eiendomme in landelike gebied wat gesoneer is vir besigheidsdoeleindes of eiendom ten opsigte waarvan vergunningsgebruik ingevolge die munisipaliteit se soneringskemaregulasies goedgekeur is;
- landbou-eiendomme soos—
 - plaaseiendom en kleinhoewes wat gebruik word vir bona fide-boerdery en residensiële doeleindes; en
 - plaaseiendom geregistreer in die naam van 'n landbouvereniging wat by die SA Landbou-Unie geaffilieer is.
- staatseiendom, uitgesluit staatseiendom vermeld in subparagraaf (l) hieronder;
- munisipale eiendom wat in die Swartland munisipaliteit se naam geregistreer is of by die munisipaliteit berus;
- openbare diensinfrastruktuur eiendomme;
- informele nedersettings, insluitend die wat voorkom op grond wat nie in residensiële erwe onderverdeel is nie;
- eiendom—
 - verkry deur die Wet op Voorsiening van Grond en Bystand, 1993 (Wet Nr 126 van 1993) of die Wet op die Herstel van Grondregte, 1994 (Wet Nr 22 van 1994); of
 - wat onderworpe is aan die Wet op Gemeenskaplike Eiendomsassosiasie, 1996 (Wet Nr 28 van 1996);
- bewaringsgebiede;
- eiendomme waarop nasionale monumente geproklameer is;
- eiendomme wat deur die volgende openbare weldaadsorganisasies besit word en vir die ooreenstemmende openbare weldaadsaktiwiteite soos vermeld in Deel 1 van die Negende Skedule tot die Inkomstebelastingwet, Nr 58 van 1962 gebruik word—
 - welsyn en humanitêre organisasies;
 - kulturele organisasies;
 - sportorganisasies;
 - bewarings-, omgewings- en dierebeskermingsorganisasies;
 - gesondheidsorganisasies; en
 - onderwys en ontwikkeling.
- eiendomme wat vir meerdoelige doeleindes gebruik word ooreenkomstig die munisipaliteit se soneringskemaregulasies; en
- eiendomme geleë in geografiese gebiede soos deur die munisipaliteit bepaal vir die doeleindes van differensiële belasting.

5. Kategorieë van eienaars

Vir die doeleindes van die beleid sal die volgende kategorieë van eienaars in terme van artikel 15(2) van die Wet erken word-

- eienaars wat vir deernishulp kwalifiseer ooreenkomstig die Kredietbeheer en Skuldinvorderingsbeleid van die munisipaliteit;
- eienaars van eiendomme wat binne 'n gebied geleë is wat geaffekteer is deur—
 - 'n ramp soos omskrywe in die Rampbestuurswet, 2002 (Nr 57 van 2002); of
 - enige ander ernstige sosiale en ekonomiese omstandighede;

- (c) owners of residential properties of which the market value is lower than an amount determined by the municipality; and
- (d) owners of residential properties who are 65 years or older.

6. Differential rates

- (1) In terms of section 8 of the Act the municipality may levy differential rates for different categories of rateable property.
- (2) A rate equal to 25%, or such lesser rate as the municipality may determine, of the rate applicable to residential properties may be levied in respect of–
 - (a) agricultural property; and
 - (b) that portion of a property in the category “multiple purposes” which has been apportioned for agricultural purposes in terms of section 15(2) of the Act.
- (3) The differential rates currently applicable to geographical areas as contemplated in paragraph 4(p) shall however be phased out over a maximum period of seven years with effect from 1 July 2015.

7. Exemptions

- (1) To reduce the rates burden and cost of service charges all municipal properties are exempted from property tax, including municipal property which is leased.
- (2) The following properties will also be exempt from rates–
 - (a) property assigned to the category contemplated in paragraph 4(m); provided that–
 - (i) the organisation which owns such a property, is registered for tax exemption in terms of the Income Tax Act;
 - (ii) a valid certificate issued by the SA Revenue Services confirming such registration is submitted; and
 - (iii) an application for exemption from rates for the ensuing financial year is submitted annually on or before 30 September.
 - (b) property registered in the name of a public benefit organisation (welfare and humanitarian) which is used for the following public benefit activities–
 - (i) the care for, or counseling of abandoned, abused, neglected, orphaned or homeless children or the provision of education programmes relating to such children;
 - (ii) the care for, or counseling of poor and needy persons where more than 90% of the persons to whom the care or counseling is provided are over the age of 60 years;
 - (iii) the care for, or counseling of physically or mentally abused and traumatised persons or the provision of education programmes relating to such persons;
 - (iv) the provision of disaster relief;
 - (v) the rescue or care of persons in distress;
 - (vi) the provision of poverty relief;
 - (vii) rehabilitative care, counseling or education of prisoners, former prisoners and convicted offenders and persons awaiting trial;
 - (viii) the rehabilitation, care or counseling of persons addicted to a dependence-forming substance or the provision of preventative and education programmes regarding addiction to dependence-forming substances;
 - (ix) conflict resolution, the promotion of reconciliation, mutual respect and tolerance between the various peoples of South Africa;
 - (x) the promotion or advocacy of human rights and democracy;
 - (xi) the protection of the safety of the general public;
 - (xii) the promotion or protection of family stability;
 - (xiii) the provision of legal services for poor and needy persons;
 - (xiv) the provision of facilities for the protection and care of children under school-going age of poor and needy parents;
 - (xv) the promotion or protection of the rights and interests of, and the care of, asylum seekers and refugees;
 - (xvi) community development for poor and needy persons and anti-poverty initiatives, including–

- (c) eienaars van residensiële eiendomme waarvan die markwaarde laer is as 'n bedrag wat deur die munisipaliteit vasgestel is; en
- (d) eienaars van residensiële eiendomme wie 65 jaar en ouer is.

6. Differensiële belasting

- (1) In terme van artikel 8 van die Wet mag die munisipaliteit differensiële belasting hef op verskillende kategorieë belasbare eiendom.
- (2) 'n Belastingkoers gelykstaande aan 25%, of enige ander laer koers waarop die munisipaliteit mag besluit, van die koers betaalbaar ten opsigte van residensiële eiendomme, mag gehef word op–
 - (a) landbou-eiendomme; en
 - (b) daardie gedeelte van 'n eiendom in die kategorie “meerdoelige doeleindes” wat in terme van artikel 15(2) van die Wet vir landboudoeleindes toegewys is.
- (3) Die differensiële tariewe wat tans van toepassing is op geografiese gebiede soos bedoel in paragraaf 4(p) sal egter uitgefaseer word oor 'n maksimum tydperk van 7 jaar vanaf 1 Julie 2015.

7. Vrystellings

- (1) Om die belastinglas en koste van diensheffings te verminder, word alle munisipale eiendomme vrygestel van eiendomsbelasting insluitende munisipale eiendom wat verhuur word.
- (2) Die volgende eiendomme sal ook vrygestel word van eiendomsbelasting–
 - (a) eiendom toegeken aan die kategorie soos bepaal in paragraaf 4(m), mits–
 - (i) die organisasie wat sodanige eiendom besit, vir belastingvrystelling geregistreer is in terme van die Wet op Inkomstebelasting;
 - (ii) 'n geldige sertifikaat, uitgereik deur die SA Inkomstediens, bevestig dat sodanige registrasie toegestaan is; en
 - (iii) 'n aansoek om belastingvrystelling vir die volgende finansiële jaar jaarliks voor of op 30 September ingedien is.
 - (b) eiendom geregistreer in die naam van 'n openbare weldaadorganisasie (welsyn en humanitêr) wat vir die volgende openbare weldaadsaktiwiteite aangewend word–
 - (i) die sorg vir of berading van, of die voorsiening van opvoedingsprogramme met betrekking tot verlate, mishandelde, verwaarloosde, wees- of hawelose kinders;
 - (ii) die sorg vir of berading van arm en behoeftige persone waar minstens 90% van die persone aan wie die sorg of berading voorsien word, bo die ouderdom van 60 jaar is;
 - (iii) die sorg vir of berading van, of die voorsiening van opvoedingsprogramme met betrekking tot fisies of emosioneel mishandelde en getraumatiseerde persone;
 - (iv) die voorsiening van rampverligting;
 - (v) die redding van of sorg aan persone in nood;
 - (vi) die voorsiening van armoedeverligting;
 - (vii) rehabilitatiewe sorg of berading of onderrig van gevangenes, voormalige gevangenes en veroordeelde misdadigers en verhoorafwagende persone;
 - (viii) die rehabilitasie, sorg vir of berading van persone verslaaf aan 'n gewoontevormende middel of die voorsiening van voorkomende en opvoedingsprogramme met betrekking tot verslawing aan gewoontevormende middels;
 - (ix) konflikbeslegting, die bevordering van versoening, wedersydse respek en verdraagsaamheid tussen die verskillende volke van Suid-Afrika;
 - (x) die bevordering van of voorspraak vir menseregte en demokrasie;
 - (xi) die beskerming van die veiligheid van die algemene publiek;
 - (xii) die bevordering of beskerming van gesinstabiliteit;
 - (xiii) die voorsiening van regshulp aan arm en behoeftige persone;
 - (xiv) die voorsiening van fasiliteite vir die beskerming van en sorg vir kinders onder skoolgaande ouderdom van arm en behoeftige ouers;
 - (xv) die bevordering of beskerming van die regte en belange van, en die sorg aan asielsoekers en vlugtelinge;
 - (xvi) gemeenskapsontwikkeling vir arm en behoeftige persone en teen-armoede inisiatiewe, waarby ingesluit is–

- (aa) the promotion of community based projects relating to self-help, empowerment, capacity building, skills development or anti-poverty;
- (bb) the provision of training, support or assistance to community based projects contemplated in paragraph (aa); or
- (cc) the provision of training, support or assistance to emerging micro enterprises to improve capacity to start and manage businesses, which may include the granting of loans on such conditions as may be prescribed by the minister by way of regulation; and
- (dd) the promotion of access to media and a free press.
- (c) property registered in the name of a public benefit organisation (cultural) which is used for the following public benefit activities—
- (i) the advancement, promotion or preservation of the arts, culture or customs;
- (ii) the promotion, establishment, protection, preservation or maintenance of areas, collections or buildings of historical or cultural interest, national monuments, national heritage sites, museums, including art galleries, archives and libraries; and
- (iii) the provision of youth leadership or development programmes.
- (d) property registered in the name of a public benefit organisation (sport) which is used for the administration, development, co-ordination or promotion of sport or recreation in which the participants take part on a non-professional basis as a pastime.
- (e) property registered in the name of a public benefit organisation (conservation, environmental and animal welfare) which is used for the following public benefit activities—
- (i) engaging in the conservation, rehabilitation or protection of the natural environment, including flora, fauna or the biosphere;
- (ii) the care of animals, including the rehabilitation or prevention of the ill-treatment of animals; and
- (iii) the promotion of education and training programmes relating to environmental awareness, greening, clean-up or sustainable development projects.
- (f) property registered in the name of a public benefit organisation (healthcare) which is used for the following public benefit activities—
- (i) the provision of healthcare services to poor and needy persons;
- (ii) the care or counseling of terminally ill persons or persons with a severe physical or mental disability, and the counseling of their families in this regard;
- (iii) the prevention of HIV infection, the provision of preventative and education programmes relating to HIV/AIDS;
- (iv) the care, counseling or treatment of persons afflicted with HIV/AIDS, including the care or counseling of their families and dependants in this regard;
- (v) the provision of blood transfusion, organ donor or similar services; and
- (vi) the provision of primary healthcare education, sex education or family planning.
- (g) property registered in the name of an agricultural society affiliated to or recognised by the South African Agricultural Union, which is used for the purposes of such a society shall be exempt from rates, provided that the owner thereof applies annually on or before 30 September for exemption for the ensuing financial year.
- (aa) die bevordering van gemeenskapsgebaseerde projekte met betrekking tot selfhelp, bemagtiging, uitbreiding van vermoëns, vaardigheidsontwikkeling of teen-armoede;
- (bb) die voorsiening van opleiding, ondersteuning of bystand aan gemeenskapsgebaseerde projekte soos in paragraaf (aa) gemeld; of
- (cc) die voorsiening van opleiding, ondersteuning of bystand aan opkomende mikro-ondernemings om kapasiteit te verbeter ten einde besighede tot stand te bring en te bestuur, wat kan insluit die voorsiening van lenings op die voorwaardes wat die minister by wyse van regulasie voorskryf; en
- (dd) die bevordering van toegang tot media en 'n vrye pers.
- (e) eiendom geregistreer in die naam van 'n openbare weldaadsorganisasie (kultureel) wat vir die volgende openbare weldaadsaktiwiteite gebruik word—
- (i) die bevordering, aanmoediging of bewaring van die kuns, kultuur of gewoontes;
- (ii) die bevordering, vestiging, beskerming, bewaring of instandhouding van gebiede, versamelings of geboue van historiese of kulturele belang, nasionale monumente, nasionale erfenisterreine, museums, insluitend kunsgalerye, argiewe en biblioteke; en
- (iii) die voorsiening van jeugleierskap- en ontwikkelingsprogramme.
- (d) eiendom geregistreer in die naam van 'n openbare weldaadsorganisasie (sport) wat gebruik word vir die administrasie, ontwikkeling, koördinasie of bevordering van sport of rekreasie waaraan die deelnemers op 'n nie-professionele basis as 'n tydverdryf deelneem.
- (e) eiendom geregistreer in die naam van 'n openbare weldaadsorganisasie (bewaring, omgewings- en dierebeskerming) wat vir die volgende openbare weldaadsaktiwiteite gebruik word—
- (i) deelname aan die bewaring, rehabilitasie of beskerming van die natuurlike omgewing, insluitend flora, fauna en die biosfeer;
- (ii) die versorging van diere, insluitend die rehabilitasie of voorkoming van die mishandeling van diere; en
- (iii) die bevordering van, en opvoedings- en opleidingsprogramme met betrekking tot, omgewingsbewustheid, vergroening, skoonmaak of volhoubare ontwikkelingsprojekte.
- (f) eiendom geregistreer in die naam van 'n openbare weldaadsorganisasie (gesondheidsorg) wat vir die volgende openbare weldaadsaktiwiteite gebruik word—
- (i) die voorsiening van gesondheidsorgdienste aan arm en behoeftige persone;
- (ii) die sorg vir of berading aan persone wat terminaal siek is of persone met 'n ernstige fisiese of geestelike aantasting, insluitend die berading van hulle gesinne in die verband;
- (iii) die voorkoming van MIV-infeksie of die voorsiening van voorkomende en opleidingsprogramme met betrekking tot MIV/VIGS;
- (iv) die sorg, berading of behandeling van persone aangetas deur MIV/VIGS, insluitend die sorg of berading vir hulle gesinne en afhanklikes in die verband;
- (v) die voorsiening van bloedoortappings-, orgaanskenkings- of soortgelyke dienste;
- (vi) die voorsiening van primêre gesondheidsorgopvoeding, geslagsvoorligting of gesinsbeplanning.
- (g) eiendom geregistreer in die naam van 'n landbouvereniging wat by die Suid-Afrikaanse Landbou-Unie geaffilieer of deur die Unie erken word en wat vir die doeleindes van sodanige vereniging gebruik word, sal vrygestel word van belasting, mits die eienaar daarvan jaarliks op of voor 30 September aansoek om vrystelling doen vir die daaropvolgende finansiële jaar.

- (h) property which have been assigned to the following categories—
- (i) “informal settlements” in terms of paragraph 4(j);
 - (ii) “conservation areas” in terms of paragraph 4(k), or that portion of a property in the category “multiple purposes” which, in terms of section 9 of the Act, has been apportioned for conservation area purposes in accordance with paragraph 4(o);
 - (iii) “public service infrastructure” in terms of paragraph 4(i);
 - (iv) residential property with a market value of R100 000 or less, which has been assigned to the category contemplated in paragraph 5(1)(d). (The R15 000 exemption as contemplated in section 17(1)(h) of the Act shall be deemed to be excluded from the amount of R100 000.)

8. Rebates

- (1) The municipality may grant rebate to industrial enterprises that promote local, social and economic development in its area of jurisdiction.
- (2) The following criteria shall apply—
 - (a) job creation in the municipal area;
 - (b) social upliftment of the local community; and
 - (c) creation of infrastructure for the benefit of the community.
- (3) For purposes of rebate an industrial enterprise shall be considered to be an enterprise which is lawfully conducted from premises zoned for industrial purposes in terms of the municipality’s zoning scheme and which employs at least 25 or more fulltime employees on such premises.
- (4) Rebate shall be phased out within five years from the date on which the rebate was granted for the first time.
- (5) Rebate may be granted on application subject to—
 - (a) the submission of a business plan indicating how the local, social and economic development objectives of the municipality are going to be complied with;
 - (b) the submission of a continuation plan certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plans to continue to achieve the objectives; and
 - (c) an assessment and confirmation by the municipal manager that the company qualifies.
- (6) Rebate may be granted in respect of the following properties—
 - (a) property assigned to the category contemplated in paragraph 4(m); provided that—
 - (i) the organisation which owns such a property, is registered for tax exemption in terms of the Income Tax Act;
 - (ii) a valid certificate issued by the SA Revenue Services confirming such registration is submitted; and
 - (iii) an application for exemption from rates for the ensuing financial year is submitted annually on or before 30 September.
 - (b) property registered in the name of a public benefit organisation (education and development) which is used for the following public benefit activities—
 - (i) the provision of education by a school as defined in the South African Schools Act, 1996, (Act No 84 of 1996);
 - (ii) the provision of higher education by a higher education institution as defined in terms of the Higher Education Act, 1997, (Act No 101 of 1997);
 - (iii) adult basic education and training, as defined in the Adult Basic Education and Training Act, 2000, (Act No 52 of 2000), including literacy and numeracy education;
 - (iv) further education and training provided by a public further education and training institution as defined in the Further Education and Training Act, 1998, (Act No 98 of 1998);
 - (v) training for unemployed persons with the purpose of enabling them to obtain employment;
 - (vi) the training or education of persons with a severe physical or mental disability;
 - (vii) the provision of bridging courses to enable educationally disadvantaged persons to enter a higher education institution as envisaged in subparagraph (ii);

- (h) eiendom wat aan die volgende kategorieë behoort—
- (i) “informele nedersettings” ingevolge paragraaf 4(j);
 - (ii) “bewaringsgebiede” ingevolge paragraaf 4(k), of daardie gedeelte van ’n eiendom wat in terme van artikel 9 van die Wet as bewaringsgebied toegewys is in die kategorie “meerdoelige doeleindes” ingevolge paragraaf 4(o);
 - (iii) “openbare dienste infrastruktuur” ingevolge paragraaf 4(j); en
 - (iv) residensiële eiendom met ’n markwaarde van R100 000 of minder, wat aan die kategorie behoort soos bepaal in paragraaf 5(1)(d). (Die R15 000 vrystelling soos bepaal in artikel 17(1)(h) van die Wet sal beskou word as uitgesluit van die bedrag van R100 000.)

8. Kortings

- (1) Diemunisipaliteitkan kortingsstoetanaan nywerheidsondernemings wat plaaslike, maatskaplike of ekonomiese ontwikkeling binne die munisipale jurisdiksiegebied bevorder.
- (2) Die volgende kriteria sal in aanmerking geneem word—
 - (a) werkskepping in die munisipale gebied;
 - (b) maatskaplike opheffing van die plaaslike gemeenskap; en
 - (c) daarstel van infrastruktuur tot voordeel van die gemeenskap.
- (3) Vir kortingsdoeleindes sal nywerheidsondernemings geag word ’n onderneming te wees wanneer dit ingevolge die munisipaliteit se soneringskema wettiglik op ’n perseel wat vir nywerheidsdoeleindes gesoneer is, bedryf word en wat minstens 25 of meer voltydse werknemers by sodanige perseel in diens het.
- (4) Kortings moet binne vyf jaar vanaf die datum waarop die korting vir die eerste keer toegestaan is, uitgefaseer word.
- (5) Kortings sal op aansoek toegeken word onderhewig aan—
 - (a) die indien van ’n besigheidsplan waarin daar aangedui word hoe die plaaslike, sosiale en ekonomiese doelwitte van die munisipaliteit bereik gaan word;
 - (b) die indien van ’n voortsettingsplan, gesertifiseer deur die maatskappy se ouditeure waarin aangedui word dat die doelwitte binne die eerste jaar na totstandkoming bereik is en hoe dit voortgesit gaan word;
 - (c) ’n assessering en bevestiging deur die munisipale bestuurder dat die maatskappy kwalifiseer.
- (6) Kortings kan toegestaan word op die volgende eiendomme—
 - (a) eiendom toegeken aan die kategorie soos bepaal in paragraaf 4(m), mits—
 - (i) die organisasie wat sodanige eiendom besit, vir belastingvrystelling geregistreer is volgens die Wet op Inkomstebelasting;
 - (ii) ’n geldige sertifikaat uitgereik deur die SA Inkomstediens bevestig dat sodanige registrasie toegestaan is; en
 - (iii) ’n aansoek om belastingvrystelling vir die daaropvolgende jaar jaarliks voor of op 30 September ingedien word.
 - (b) eiendom geregistreer in die naam van ’n openbare weldaadsorganisasie (onderwys en ontwikkeling) wat vir die volgende openbare weldaadsaktiwiteite gebruik word—
 - (i) die voorsiening van onderwys deur ’n skool soos in die Suid-Afrikaanse Skolewet, 1996 (Wet Nr 84 van 1996), omskryf;
 - (ii) die voorsiening van hoër onderwys deur ’n inrigting vir hoër onderwys soos in die Wet op Hoër Onderwys, 1997 (Wet Nr 101 van 1997), omskryf;
 - (iii) basiese onderwys en opleiding vir volwassenes soos in die Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000 (Wet Nr 52 van 2000), omskryf, wat geletterdheids- en gesyferdheidsopleiding insluit;
 - (iv) verdere onderwys en opleiding deur ’n openbare inrigting vir verdere onderwys en opleiding voorsien soos in die Wet op Verdere Onderwys en Opleiding, 1998 (Wet Nr 98 van 1998), omskryf;
 - (v) opleiding vir werklose persone met die doel om hulle in staat te stel om werk te kry;
 - (vi) die opleiding van of onderwys aan persone met ’n ernstige fisiese of geestelike aantasting;
 - (vii) die voorsiening van oorbruggingskursusse om onderrigbenadeelde persone in staat te stel om toegang tot inrigtings vir hoër onderwys soos in subparagraaf (ii) beoog, te verkry;

- (viii) the provision of educare or early childhood development services for pre-school children;
- (ix) training of persons employed in the national, provincial and local spheres of government, for purposes of capacity building in those spheres of government;
- (x) the provision of school buildings or equipment for public schools and educational institutions engaged in public-benefit activities contemplated in subparagraphs (a) to (h);
- (xi) career guidance and counseling services provided to persons for purposes of attending any school or higher education institution as envisaged in subparagraphs (i) and (viii);
- (xii) the provision of hostel accommodation to students of a public benefit organisation, institution, board or body;
- (xiii) programmes addressing needs in education provision, learning, teaching, training, curriculum support, governance, whole school development, safety and security at schools, preschools or educational institutions as envisaged in subparagraphs (i) to (viii);
- (xiv) educational enrichment, academic support, supplementary tuition or outreach programmes for the poor and needy.
- (c) property assigned to the categories as contemplated by paragraphs 4(f) and 4(l).
- (d) properties used for public service purposes;
- (e) dwelling units categorised in paragraph 5(1)(b) and subject to compliance with the following requirements—
- (i) application for rebate must be submitted annually before 30 September;
 - (ii) applicant must be the registered owner of the property;
 - (iii) the owner must occupy the property; and
 - (iv) in the case of a semidetached house of which a section is rented out the rebate will only apply to that portion occupied by the owner.
- (f) properties categorised in paragraph 5(1)(a) of which the owners qualify for indigent support in terms of the municipality's credit control and debt collection policy, to an amount equal to the rate payable on the first R100 000 of the valuation of such a property, subject to the conditions contained in the said policy. (Such owner shall be liable for payment of rates in respect of the valuation of the particular property in excess of R100 000, provided that the R15 000 exemption as contemplated in section 17(1)(h) of the Act shall be excluded from the R100 000.)
- (g) residential properties categorised in paragraph 5(1)(e), to an amount equal to the rates payable on the first R200 000 of the valuation of such property, provided that the owner—
- (i) must be older than 64 years and shall qualify for such rebate with effect from the financial year during which such owner turns 65 years, provided that applications must be submitted to the municipality annually before 30 September;
 - (ii) must be the registered owner of the residential property concerned and must occupy such property; and
 - (iii) qualifies for only the most beneficial of any rebates for which he or she qualifies in terms of this policy.
(The R15 000 exemption as contemplated in section 17(1)(h) of the Act shall be excluded from the R200 000.)
- (7) Applications for rebate must be accompanied by the following—
- (a) certified copy of the identity document of the owner or any other proof of the owner's age; provided that no age requirement will apply if the owner is a disabled person in receipt of a disability grant; and
 - (b) proof of a disability grant where applicable.
- (viii) die voorsiening van onderrig en versorging of vroeë kindontwikkelingsdienste vir voorskoolse kinders;
- (ix) opleiding van persone in die nasionale, provinsiale en plaaslike regeringsfere, vir doeleindes van kapasiteitsbou in daardie regeringsfere;
- (x) die voorsiening van skoolgeboue of toerusting vir openbare skole en opvoedkundige inrigtings betrokke by openbare weldaadsaktiwiteite in subparagrafe (i) tot (viii) bedoel;
- (xi) beroepsvoorligting en beradingsdienste voorsien aan persone vir doeleindes van die bywoon van skole of inrigtings vir hoër onderwys in subparagrafe (i) en (ii) beoog;
- (xii) die voorsiening van koshuisverblyf aan studente van 'n openbare weldaadsorganisasie, instituut, raad of liggaam;
- (xiii) programme wat die behoeftes in onderrigvoorsiening, onderrig, leer, opleiding, kurrikulumondersteuning, beheer, heelskoolontwikkeling, veiligheid en sekuriteit by skole, voorskoolse of opvoedkundige instansies soos beoog in subparagrafe (i) tot (viii) aanspreek;
- (xiv) opvoedingsverryking, akademiese ondersteuning, bykomende onderrig of uitreikingsprogramme vir die armes en behoeftiges.
- (c) eiendomme toegedeel tot die kategorieë volgens die bepalings van paragrafe 4(f) en 4(l);
- (d) eiendom wat gebruik word vir openbare diensdoeleindes;
- (e) wooneenhede gekategoriseer in paragraaf 5(1)(b) en onderhewig aan ooreenstemming met die volgende vereistes—
- (i) aansoek om korting moet jaarliks voor 30 September ingedien word;
 - (ii) applikant moet die geregistreerde eienaar van die eiendom wees;
 - (iii) die eienaar moet die eiendom bewoon; en
 - (iv) in die geval van 'n skakelhuis waarvan 'n gedeelte uitverhuur word, sal die korting slegs van toepassing wees op die gedeelte wat deur die eienaar bewoon word.
- (f) eiendomme ingedeel soos beoog in paragraaf 5(1)(a) waarvan die eienaars kwalifiseer vir deernishulp ooreenkomstig die kredietbeheer en skuldinvorderingsbeleid van die munisipaliteit, tot 'n bedrag gelykstaande aan die belasting betaalbaar op die eerste R100 000 van die waardasie van sodanige eiendom, onderworpe aan die voorwaardes soos in daardie beleid vervat. (Die uitwerking hiervan sal wees dat so 'n eienaar steeds aanspreeklik sal wees vir betaling van eiendomsbelasting ten opsigte van die waardasie van die betrokke eiendom wat meer as R100 000 is. Die R15 000 vrystelling soos bedoel in artikel 17(1)(h) van die Wet sal uitgesluit word van die R100 000.)
- (g) residensiële eiendom, ingedeel in die kategorie soos beoog in paragraaf 5(1)(e), tot 'n bedrag gelykstaande aan die belasting betaalbaar op die eerste R200 000 van die waardasie van sodanige eiendom, met dien verstande dat die eienaar—
- (i) ouer as 64 jaar moet wees en vir sodanige korting sal kwalifiseer met ingang vanaf die finansiële jaar waarin sodanige eienaar die ouderdom van 65 jaar bereik met dien verstande dat aansoek jaarliks voor 30 September by die munisipaliteit ingedien moet word.;
 - (ii) die geregistreerde eienaar van die betrokke residensiële eiendom moet wees en dit self bewoon; en
 - (iii) sal kwalifiseer slegs vir die mees voordelige van enige kortings waarvoor hy of sy ingevolge hierdie beleid mag kwalifiseer.
(Die R15 000 vrystelling soos bedoel in artikel 17(1)(h) van die Wet sal uitgesluit word van die R200 000.)
- (7) Aansoek om korting moet deur die volgende vergesel word—
- (a) 'n gesertifiseerde afskrif van die identiteitsdokument van die eienaar of enige ander bewys van die eienaar se ouderdom, met dien verstande dat geen ouderdomsbepering van toepassing sal wees indien die eienaar 'n gestremde persoon is wat 'n ongeskiktheidstoelaag ontvang nie; en
 - (b) bewys van 'n ongeskiktheidstoelaag waar van toepassing.

9. Application for exemption or rebate

- (1) Application for exemption or rebate must be made on the prescribed form obtainable from the Director: Financial Services.
- (2) The following information must be furnished on the prescribed form—
 - (a) personal particulars of the applicant;
 - (b) postal address of the applicant;
 - (c) erf or lot number of the property in respect of which application is made, as depicted in the municipality's valuation records;
 - (d) a description of the purpose for which such property is used; and
 - (e) any other particulars which the municipality may require.
- (3) All applications for exemption or rebate must be considered by the Director: Financial Services or his delegatee.
- (4) The Director: Financial Services or his delegatee may refuse an application for exemption of tax or a rebate on tax if—
 - (a) the information furnished on the application form is incomplete, incorrect or false; or
 - (b) the application form is not received on or before the due date determined for such applications.

10. Reductions

- (1) Reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act may be granted where the value of a property is affected by fire damage, demolition or floods.
- (2) The reduction will be subject to a certificate issued by the municipal valuator.

11. Rate adjustments

- (1) The municipality may adjust rates annually during the budget process.
- (2) Rate adjustments must be used to finance operating costs of community services.
- (3) The following annual adjustments will be made in respect of community services—
 - (a) all salary and wage adjustments as agreed at the National Bargaining Council;
 - (b) an inflation adjustment for general expenditure, repairs and maintenance and contributions to funds; and
 - (c) additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- (4) Extraordinary expenditure not foreseen during the previous budget period and approved by the council during a budget review process will be financed by an adjustment in property rates.
- (5) All adjustments in the property rates must be communicated to the local community in terms of the council's policy on community participation.

12. Multipurpose use of property

Rates on properties which have been assigned to the category "multiple purposes" shall be levied at the rate as contemplated in section 9(2) of the Act.

13. Costs of exemptions, rebates, reductions and phasing in of rates

- (1) During the budget process the Director: Financial Services must inform council of all the costs associated with the suggested exemptions, rebates and reductions as well as the cost of phasing in of rates and grants in lieu of rates.
- (2) Provision must be made in the operating budget for—
 - (a) the full potential income associated with property rates; and
 - (b) the full costs associated with exemptions, rebates, reductions, phasing in of rates and grants in lieu of rates.

9. Aansoek om vrystelling of korting

- (1) Aansoek om vrystelling moet op die voorgeskrewe vorm gedoen word wat beskikbaar is by die Direkteur: Finansiële Dienste.
- (2) Die volgende besonderhede moet op die voorgeskrewe vorm verstrekk word—
 - (a) persoonlike besonderhede van aansoeker;
 - (b) posadres van aansoeker;
 - (c) erfnummer van die eiendom waarvoor aansoek gedoen word, soos aangedui in die munisipaliteit se waardasierekords;
 - (d) 'n beskrywing van die doel waarvoor die betrokke eiendom gebruik word; en
 - (e) enige ander besonderhede wat die munisipaliteit mag benodig.
- (3) Alle aansoeke om vrystelling of korting op belasting moet deur die Direkteur: Finansiële Dienste of sy gedelegeerde oorweeg word.
- (4) Die Direkteur: Finansiële Dienste of sy gedelegeerde mag die goedkeuring van 'n aansoek om vrystelling of korting op belasting weier indien—
 - (a) die besonderhede wat op die aansoekvorm verstrekk is, onvolledig, foutief of vals is; en
 - (b) die aansoekvorm nie betyds voor die sperdatum wat vir aansoeke bepaal word, ontvang is nie.

10. Verminderings

- (1) Vermindering in die munisipale waardasie soos bedoel in artikel 15(1)(b) van die Wet sal toegestaan word waar die waarde van die eiendom wesenlik verminder word weens brandskade, sloping of vloedskade.
- (2) Die vermindering sal onderworpe wees aan 'n sertifikaat wat deur die munisipale waardeerder vir die doel uitgereik is.

11. Belastingaanpassings

- (1) Die munisipaliteit mag belasting jaarliks tydens die begrotingsproses aanpas.
- (2) Belastingaanpassings moet gebruik word om die bedryfskoste van gemeenskapsdienste te finansier.
- (3) Die volgende jaarlikse aanpassings sal ten opsigte van gemeenskapsdienste gemaak word—
 - (a) alle salaris- en loonaanpassings soos ooreengekom deur die Suid Afrikaanse Plaaslike Regerings Bedingingsraad;
 - (b) 'n inflasie-aanpassing vir algemene uitgawes, herstelwerk en onderhoud, en bydraes tot statutêre fondse; en
 - (c) addisionele depresiasiekostes of rente en delgingstekorte wat geassosieer word met die bates wat gedurende die vorige finansiële jaar geskep is.
- (4) Buitengewone uitgawes wat nie gedurende die vorige begrotingstydperk voorsien is nie en wat gedurende 'n begrotingsherzieningsproses deur die raad goedgekeur is, sal deur die aangepaste eiendomsbelasting gefinansier word.
- (5) Alle aanpassings in eiendomsbelasting sal ingevolge die raad se beleid insake gemeenskapsdeelname aan die plaaslike gemeenskap bekend gemaak word.

12. Meerdoelige gebruik van eiendomme

Belasting op eiendomme wat in die kategorie "meerdoelige doeleindes" ingedeel is, sal bereken word teen die koers soos beoog word deur artikel 9(2) van die Wet.

13. Koste van vrystellings, kortings, verminderings, infasering van belasting

- (1) Die Direkteur: Finansiële Dienste moet die raad gedurende die begrotingsproses in kennis stel van al die koste geassosieer met die voorgestelde vrystellings, kortings, verminderings, infasering van belasting en toelaes in die plek van belasting.
- (2) Voorsiening moet in die bedryfsbegroting gemaak word vir:
 - (a) die volledige potensiële inkomste geassosieer met eiendomsbelasting; en
 - (b) die volle koste geassosieer met kwytskeldings, kortings, verminderings, infasering van belasting en toelaes in die plek van belasting.

14. Payment arrangements

The following matters shall be dealt with in terms of the municipality's credit control and debt collection policy—

- (a) the date on which rates become due;
- (b) the due date for payment of rates which are levied monthly as well as annually;
- (c) interest on taxes in arrears; and
- (d) steps against defaulters.

15. Utilisation of property

Where it is necessary to determine the use of property, the permitted use of such a property, as contemplated in section 8(1)(b) of the Act, shall be decisive.

59652

12 June 2015

14. Betalingsreëlings

Die volgende sake sal ingevolge die munisipaliteit se kredietbeheer- en skuldinvorderingsbeleid hanteer word—

- (a) die datum waarop belasting verskuldig word;
- (b) die laaste datum waarop belasting wat maandeliks sowel as jaarliks betaalbaar is, betaal moet word;
- (c) rente op agterstallige belastings; en
- (d) optrede teen wanbetalers.

15. Gebruiksaanwending van eiendom

Waar dit nodig mag wees om te bepaal vir welke doel 'n eiendom gebruik word, sal die toegelate gebruik van sodanige eiendom, soos bepaal deur artikel 8(1)(b) van die Wet, bepalend wees.

59652

12 Junie 2015

**SWARTLAND MUNICIPALITY
BY-LAW RELATING TO COLLECTIONS**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Swartland municipality, enacts as follows:-

Table of contents

1. Definitions
2. Purpose and principles
3. Approval
4. Conditions
5. Appeal
6. Offences and penalties
7. Repeal
8. Short title and commencement

1. Definitions

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

“**collection**” means the collection of money from door-to-door or face-to-face by means of lottery, cash contributions, debit agreement or any other payment agreement or the collection of goods, including, but not limited to food, clothing, animals or any other user items;

“**collector**” means a person who physically undertakes the collection of money or goods and includes the person who is the organiser of supervisor of such collection;

“**municipality**” means the municipality of Swartland 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;

“**nuisance**” means any act or omission which interferes with the ordinary comfort, convenience, peace or quiet of a person or which may adversely affect the safety of a person;

“**officer**” means –

- (a) a traffic officer appointed under section 3 of the National Road Traffic Act, 1996 (Act 93 of 1996);
- (b) a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995), or
- (c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

“**public place**” means any 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;

“**public road**” means any road, street or thoroughfare or any other place and includes-

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk;
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is restricted.

**MUNISIPALITEIT SWARTLAND
VERORDENING INSAKE INSAMELINGS**

Ooreenkomstig die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal die munisipaliteit van Swartland hiermee soos volg:-

Inhoudsopgawe

1. Woordomskrywing
2. Oogmerke en beginsels
3. Toestemming
4. Voorwaardes
5. Appèl
6. Oortredings en boetes
7. Herroeping
8. Kort titel en inwerkingtrede

1.

In hierdie verordening, tensy uit die samehang anders blyk, beteken –

“**beampte**” –

- (a) ’n verkeersbeampte aangestel kragtens artikel 3 van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);
- (b) ’n lid van die Suid-Afrikaanse Polisie diens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisie diens, 1995 (Wet 68 van 1995); en
- (c) ’n vredesbeampte beoog by artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977);

“**insamelaar**” ’n persoon wat fisies die insameling van geld of goedere onderneem en sluit in die persoon wat die insameling organiseer of daaroor toesig hou;

“**insameling**” die insameling van geld van deur-tot-deur of van aangesig tot aangesig by wyse van uitloting, kontantbydraes, debietooreenkoms of enige ander betalingsooreenkoms of die insameling van goedere wat insluit, maar nie beperk nie is tot voedsel, klere, diere of ander gebruiksartikels;

“**munisipaliteit**” die munisipaliteit van Swartland gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

“**oorlas**” enige handeling of versuim wat inbreuk maak op die normale gemak, gerief, vrede of rus van ’n persoon of wat die veiligheid van ’n persoon nadelig kan beïnvloed;

“**openbare pad**” enige straat, pad, fietspad, of deurgang of enige ander plek wat insluit-

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadjie of soortgelyke voetgangergedeelte van ’n padreserwe;
- (c) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop;
- (d) enige ander werk of voorwerp wat ’n deel uitmaak van of verbind is met of behoort tot daardie pad, straat, deurgang, voetpad of sypaadjie;
- (e) enige perseel, met of sonder geboue of strukture daarop, wat gebruik word of daargestel is as ’n openbare parkeerarea of openbare parkeerplek vir die parkering van motorvoertuie ongeag of toegang tot sodanige parkeerplek of parkeerarea gratis is al dan nie;

- (f) any other object belonging to such road, street or thoroughfare, which has at any time been—
- (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and
 - (v) any land, with or without buildings or structures thereon, which is shown as a street on—
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office, unless such land is in such plan or diagram described as a private street;

2. Purpose and principles

In recognition of the right of individuals and organisations to undertake collections, the municipality with this by-law intends to provide rules and guidelines to prevent persons or organisations undertaking collections to create a nuisance to any person and to manage and co-ordinate collections to protect the general public against exploitation.

3. Approval

- (1) Notwithstanding the provisions of section 21 of the By-law relating to Roads and Streets, no person may without the written permission of the municipality, within the area of jurisdiction of the municipality-
- (a) in a public road, or public place;
 - (b) from door-to-door; or
 - (c) face-to-face
- collect money or goods or attempt to collect or permit to be collected or organise or in any way assist in the organisation of such collection.
- (2) An application for the consent in terms of subsection (1) must be submitted to the municipality in writing with the following information –
- (a) the full name, address and occupation of the person responsible or persons jointly responsible for such collection;
 - (b) the purpose for which such collection is made or the fund to which the proceeds thereof are devoted;
 - (c) a copy of the authorisation or registration detail of the authority or organisation authorising the person to undertake a collection.
 - (d) the place or area where such collection is to be made;
- (3) An approval granted in terms of subsection (1) shall be valid for the period indicated in the application or such other period as approved by the municipality and a copy of the approval must be produced on demand of an officer or a member of the public.
- (4) The municipality has the right to revoke an approval granted in terms of subsection (1) if any of the conditions of approval in terms of section 4 are breached or not complied with, provided that the municipality shall give written notice of the proposed cancellation and give the person notified reasonable time to respond.
- (5) Where a collector commits an offence in terms of this by-law, the approval shall be revoked without any notice.

- (f) enige ander voorwerp wat 'n deel uitmaak van sodanige pad, straat of deurgang, wat te enige tyd-
- (i) aan die publiek opgedra is;
 - (ii) sonder onderbreking deur die publiek gebruik is vir 'n tydperk van minstens dertig jaar;
 - (iii) deur die munisipaliteit of ander bevoegde owerheid tot sodanig verklaar of gemaak is; of
 - (iv) deur 'n plaaslike owerheid aangelê is; en
 - (v) enige grond, met of sonder geboue of strukture daarop, wat as 'n straat aangetoon word op-
 - (aa) enige onderverdelingsplan of diagram deur die munisipaliteit of ander bevoegde owerheid goedgekeur en waarvolgens gehandel is; of
 - (bb) enige algemene plan soos omskryf in die Opmetingswet, 9 van 1927, wat in 'n registrasiekantoor of die Landmeter-Generaal se kantoor geregistreer is, tensy sodanige grond op sodanige plan of diagram as 'n private straat beskryf word;

“openbare plek” enige plein, gebou, park, ontspanningsterrein, of oop ruimte wat-

- (a) in die munisipaliteit gesetel is;
- (b) die publiek die reg het om te gebruik ongeag of toegang tot sodanige plek gereguleer word; of
- (c) aangedui word op 'n algemene plan van 'n woonbuurt wat geliasseer is by 'n akteskantoor of 'n Landmeter-Generaal se kantoor en wat daargestel of gereserveer is vir gebruik deur die publiek of die eienaars van erwe in sodanige woonbuurt;

2. Oogmerke en beginsels

Met inagneming van die reg van individue of organisasies om fondsinamelings te reël, beoog die munisipaliteit met hierdie verordening om reëls en riglyne daar te stel om te voorkom dat persone of organisasies wat insamelings onderneem 'n oorlas vir enige persoon veroorsaak asook vir die bestuur en koördinerende van insamelings ter beskerming van die algemene publiek teen uitbuiting.

3. Toestemming

- (1) Nieteenstaande die bepalings van artikel 21 van die Verordening insake Paaie en Strate mag niemand, sonder die skriftelike goedkeuring van die munisipaliteit, binne die regsgebied van die munisipaliteit-
- (a) in 'n openbare pad of openbare plek;
 - (b) van deur-tot-deur; of
 - (c) van aangesig tot aangesig
- geld of goedere insamel of probeer insamel of toelaat dat dit ingesamel word of sodanige insameling organiseer of op enige wyse behulpsaam wees met die organiserende daarvan nie.
- (2) 'n Aansoek om toestemming ooreenkomstig subartikel (1) moet skriftelik by die munisipaliteit ingedien word en daarin moet vermeld word –
- (a) die volle naam, adres en beroep van die persoon wat vir sodanige insameling verantwoordelik gaan wees of van die persone wat gesamentlik daarvoor verantwoordelik gaan wees;
 - (b) die doel waarvoor sodanige insameling gehou gaan word of die fonds waarvoor die opbrengs daarvan aangewend gaan word;
 - (c) 'n afskrif van die magtiging of registrasiebesonderhede uitgereik deur die betrokke owerheid of instansie wat die persoon magtig om 'n insameling te onderneem; en
 - (d) die plek of gebied waar sodanige insameling gehou gaan word asook die tydperk en tye waartydens insameling gehou gaan word;
- (3) Toestemming wat ingevolge subartikel (1) verleen word sal geldig wees vir die tydperk soos aangedui in die aansoek of vir sodanige ander tydperk wat deur die munisipaliteit goedgekeur word en 'n afskrif van die goedkeuring moet op aanvraag van 'n beampte of 'n lid van die publiek getoon word;
- (4) Die munisipaliteit het die reg om toestemming verleen ingevolge subartikel (1) te kanselleer indien enige van die goedkeuringvoorwaardes ingevolge artikel 4 verbreek word of nie nagekom word nie, met dien verstande dat die munisipaliteit die verantwoordelike persoon skriftelik in kennis sal stel van die voor-genome kansellering en die persoon redelike tyd gee om vertoë te rig.
- (5) Indien 'n insamelaar 'n misdryf ingevolge hierdie verordening pleeg sal die goedkeuring sonder kennisgewing gekanselleer word.

4. Conditions

- (1) Where cash contributions are to be received in a receptacle such receptacle shall bear a label indicating the purpose or the fund to which the proceeds are devoted.
- (2) Where contributions are to be recorded on lists, such lists shall state –
 - (a) that collection is being made with the consent of the municipality;
 - (b) the purpose or the fund to which the proceeds shall be devoted; and
 - (c) the name and address of the person supervising such collection;
- (3) A collector shall not cause a nuisance to any member of the public.

5. 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.

6. Offences and penalties

A person who contravenes any provision of sections 3 or 4 or fails to comply therewith or who contravenes a provision of subsection (2) commits an offence and shall on conviction be liable to—

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.
- (2) It is an offence-
- (a) to furnish false information to an officer in respect of any issue pertaining to this by-law;
 - (b) to refuse to co-operate with the request of an officer made in terms of this by-law; or
 - (c) to hinder or obstruct an officer in the execution of his or her duties in terms of this by-law;
 - (d) to fail to comply with the provisions or conditions of a notice issued in terms of this by-law; or
 - (e) if a collector places inappropriate pressure on a person to contribute after such person has reacted negatively to his or her request.

7. Repeal

The By-law Relating to Street and Door-to-Door Collections published in Provincial Gazette No. 5859 dated 19 April 2002 is hereby repealed as a whole.

8. Short title and commencement

This by-law shall be known as the Swartland Municipality: By-law Relating to Collections and shall come into operation on the date of publication thereof in the Provincial Gazette.

4. Voorwaardes

- (1) Waar kontantbydraes in 'n houer ontvang gaan word, moet elke sodanige houer 'n etiket daarop hê wat die doel of die fonds aandui waarvoor die opbrengs aangewend gaan word.
- (2) Waar bydraes op lyste aangeteken gaan word, moet die volgende op sodanige lyste vermeld word –
 - (a) dat sodanige insameling met die toestemming van die munisipaliteit gehou word;
 - (b) die doel of die fonds waarvoor die opbrengs aangewend gaan word; en
 - (c) die naam en adres van die persoon wie toesig hou oor die insameling;
- (3) 'n Insamelaar mag nie'n oorlas vir enige lid van die publiek veroorsaak nie.

5. Appèl

Enigiemand wie se regte deur 'n besluit wat in verband met hierdie verordening deur die munisipaliteit geneem is, geraak word, kan ingevolge artikel 62 van die Wet op Plaaslike Regering : Munisipale Stelsels, Wet 32 van 2000, teen sodanige besluit appelleer deur binne 21 dae van die datum van die kennisgewing van die besluit skriftelike kennis van die appèl en redes aan die Munisipale Bestuurder te gee.

6. Oortedings en boetes

- (1) 'n Persoon wat enige bepaling of voorwaardes van artikel 3 of 4 oortree of versuim om daaraan te voldoen, of 'n bepaling van subartikel (2) oortree is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met hoogstens –
 - (a) 'n boete of gevangenisstraf, of sodanige boete of gevangenisstraf, of beide sodanige boete en sodanige gevangenisstraf; en
 - (b) in die geval van 'n voortgesette misdryf, 'n bykomende boete of 'n bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die keuse van 'n boete of beide sodanige bykomende boete en gevangenisstraf vir elke dag waarop sodanige misdryf voortduur; en
 - (c) 'n verdere bedrag gelyk aan enige koste en uitgawes wat die hof bevind deur die munisipaliteit aangegaan is weens sodanige oortreding of versuim.
- (2) Dit is 'n misdryf-
 - (a) indien vals inligting aan 'n gemagtigde persoon voorsien word in verband met enige saak betreffende hierdie verordening;
 - (b) om te weier om aan 'n versoek van 'n beamppte wat ingevolge hierdie verordening gerig is, te voldoen;
 - (c) om 'n beamppte te hinder of te dwarsboom in die uitvoering van sy of haar pligte;
 - (d) om te versuim om te voldoen aan die bepalings of voorwaardes van 'n kennisgewing wat ingevolge hierdie verordening uitgereik is; of
 - (e) indien 'n insamelaar hom of haar aan 'n persoon opdring vir bydrae nadat so 'n persoon negatief op die versoek daarvoor gereageer het.

7. Herroeping

Die Verordening insake Straat- en Huis-tot-Huis Kollekte afgekondig in Provinsiale Koerant 5859 gedateer 19 April 2002 word hiermee in geheel herroep.

8. Kort titel en inwerkingtrede

Hierdie verordening staan bekend as die Swartland Munisipaliteit: Verordening insake Insamelings en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

**SWARTLAND MUNICIPALITY
TARIFF BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Swartland municipality, enacts as follows:-

Contents

1. Definitions
2. Adoption and implementation of policy
3. Contents of the tariff policy
4. Application and enforcement of the policy
5. Repeal
6. Short title and commencement

1. Definitions

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and, unless the context otherwise indicates –

“**agricultural consumer**” includes but is not limited to farms, smallholdings and agricultural show grounds;

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

“**break even**” occurs where the volume sales are equal to the fixed and variable cost associated with the provision of the service;

“**charitable and welfare institutions and organisations**” include but are not limited to any institution managed on a non profitable basis by a church association or a registered charity organisation such as –

- (a) old age homes;
- (b) pre-primary schools;
- (c) care facility for pre-primary children;
- (d) old age facility;
- (e) care facilities for the homeless; and
- (f) children’s homes.

“**commercial consumer**” includes but is not limited to business undertakings, shops, offices, liquor stores, supermarkets, public garages, gathering places, nurseries, places of entertainment, service stations, hairdressing salons, banks, hotels, guesthouses, boarding houses and doctor and dentist consulting rooms;

“**community service**” means services classified as such by the municipality in respect of which the tariffs are of a regulatory nature, and set at a level where the costs are not recovered fully from public service charges;

“**council**” means the municipal council of the Swartland municipality;

“**councillor for financial matters**” means the councillor of the municipal council responsible for financial matters;

“**cost recovery tariff**” a tariff which must cover the total cost in respect of the service delivered by the municipality which may include a profit to ensure financial sustainability;

“**domestic consumer**” includes but is not limited to: residential premises, group housing, town houses, semi-detached houses and flats;

“**economic service**” means services classified as such by the municipality for which tariffs are determined with the intention to recover the total costs of the services from consumers;

“**educational and community institution**” includes but is not limited to schools, colleges, or pre-primary schools that are not operated by a registered charity or welfare organisation, libraries, museums, churches, hospitals, clinics, correctional institutions, school hostels and community halls;

“**fixed costs**” means costs which do not vary with consumption or volume produced;

“**indigent household**” means households that are registered as such in terms of the municipality’s Credit Control and Debt Collection By-law;

“**industrial consumers**” includes but is not limited to: industrial undertakings, factories, warehouses, workshops, scrap yards, stores, wine cellars, abattoirs, dairy processing plants and fish markets;

“**in season**” means the period from the 1st December of a year up to 31 January of the following year and from the Monday before the Easter weekend up to and including Easter Monday;

“**lifeline tariff**” means a unit charge calculated by dividing the total cost associated with the service by the volume consumed (units);

“**municipality**” means the municipality of Swartland and includes any delegated official or service provider of the municipality;

**SWARTLAND MUNISIPALITEIT
TARIEWEVERORDENING**

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Swartland munisipaliteit soos volg:-

Inhoudsopgawe

1. Woordomskrywing
2. Aanvaarding en implementering van tariefbeleid
3. Inhoud van die tariefbeleid
4. Toepassing en afdwinging van die tariefbeleid
5. Herroeping
6. Kort titel en inwerkingtrede

1. Woordomskrywing

In hierdie verordening geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en tensy die konteks anders aandui, beteken –

“**beleid**” die Tariefbeleid wat deur die munisipaliteit aanvaar is en vervat is in die Bylae tot hierdie verordening, welke Bylae verwys;

“**beskikbaarheidsgelde**” beteken ’n maandelikse heffing wat die munisipaliteit mag hef teen onroerende eiendom, met of sonder verbeterings, wat nie by enige munisipale dienswerke aangesluit is nie, maar waar sodanige eiendom redelikerwys aldus aangesluit kan word;

“**binnesisoen**” die periodes vanaf 1 Desember van ’n jaar tot en met 31 Januarie van die daaropvolgende jaar en vanaf Maandag voor Paasaweek tot en met Paas Maandag;

“**die Wet**” die Plaaslike Regering: Munisipale Stelsels Wet, Wet 32 van 2000;

“**ekonomiese diens**” die dienste wat deur die munisipaliteit as sodanig geklassifiseer is en waarvan die tariewe sodanig bereken is dat minstens die totale koste van die diens van ’n verbruiker verhaal kan word;

“**gelykbreek**” die punt waar die totale inkomste van verkope gelyk is aan die vaste en veranderlike koste wat met die lewering van ’n diens geassosieer word;

“**gemeenskapsdiens**” die dienste wat deur die Raad as sodanig geklassifiseer is, en waarvan die tariewe sodanig bereken is dat die koste van die dienste nie ten volle verhaal kan word nie en bloot van ’n regulerende aard is;

“**handelsdienste**” die dienste wat as sulks deur die munisipaliteit geklassifiseer is, en waarvan die tariewe sodanig bereken is dat die munisipaliteit ’n wins by die lewering van die dienste maak;

“**handelsverbruiker**” sluit in maar is nie beperk nie tot sake-ondernemings, winkels, kantore, drankwinkels, supermarkte, openbare garages, vergaderplekke, kwekerie, vermaaklikheidsplekke, diensstasies, haarkapper salonne, banke, hotelle, gastehuse, losieshuse, dokters- en tandarts spreekkamers;

“**hierdie verordening**” sluit in die Tariefbeleid soos vervat in die Bylae;

“**huishoudelike verbruiker**” sluit in maar is nie beperk nie tot woonhuse, groepluise, meenthuise, skakelhuse en woonstelle;

“**hulpbehoewende huishoudings**” huishoudings wat as sulks by die munisipaliteit geregistreer is en wat aan die kwalifikasies soos bepaal in die Kredietbeheer en Skuldinvoeringsverordening voldoen;

“**inwoner**” ’n persoon wat gewoonlik in die regsgebied van die munisipaliteit woonagtig is;

“**landbouverbruiker**” ingesluit maar is nie beperk nie tot plase, kleinhoues en landbou skougronde;

“**liefdadigheids- en welsyninrigtings en organisasies**” sluit in maar is nie beperk nie tot enige inrigting wat deur ’n kerkgenootskap of ’n geregistreerde welsynsorganisasie op ’n nie-winsbejag grondslag bedryf word soos –

- (a) ouetehuse;
- (b) pre-primêre skole;
- (c) versorgingsoorde vir voorskoolse kinders;
- (d) bejaardesorgfasiliteite;
- (e) huisvesting of versorgingsfasiliteite vir haweloses; en
- (f) kinderhuse;

“**lewenslyntarief**” ’n eenheidstarief wat bereken word deur die totale koste van die diens deur die volume verbruik (eenhede) te deel;

“**munisipaliteit**” die munisipaliteit van Swartland en sluit enige gedelegeerde amptenaar of diensverskaffer van die munisipaliteit in;

“**municipal services**” means “*municipal services*” as defined in section 1 of the Act, and includes a function or a combination of functions listed in Schedules 4B and 5B of The Constitution of the Republic of South Africa, 1996, and any other service rendered by the municipality;

“**policy**” means the Tariff Policy adopted by the municipality as reflected in the Schedule to this by-law which Schedule refers;

“**resident**” means a person who is an ordinary resident in the municipal area;

“**special agreement**” means a special tariff agreement entered into with a consumer who makes a significant economic contribution to the community and who creates job opportunities;

“**special refuse**” means perishable foodstuffs emanating from abattoirs, fish processing plants, fruit processing plants, etc.

“**sport and recreation facilities**” include but are not limited to –

- (a) properties used exclusively for sport and recreation purposes;
- (b) school sport fields which are metered separately for water and electricity consumption; and
- (c) caravan parks;

“**the Act**” means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);

“**this by-law**” includes the Credit Control and Debt Collection Policy as reflected in the Schedule;

“**total cost**” means the sum of all fixed and variable costs associated with a service;

“**trading services**” means services classified as such by the municipality for which tariffs are determined with the intention to make a profit on the delivery of the services;

“**two-part tariff**” means a tariff in respect of a service as determined by Council which will be levied separately to recover the fixed and variable costs where the fixed costs are calculated by dividing the total fixed costs by the number of customers per category and the variable costs are calculated by dividing the total variable costs by the volume consumed;

“**units consumed**” means the number of units consumed of a particular service and which are measured in terms of the tariff structure reflected in paragraph 9;

“**variable costs**” means costs that vary with consumption or volume produced.

2. Adoption and implementation of tariff policy

- (1) The municipality 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 which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, No 56 of 2003 and any other applicable legislation.
- (2) The municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

3. Contents of the policy

The municipality’s tariff policy shall –

- (a) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the municipality may wish to adopt;
- (b) specify the manner in which the principles referred to in section 74(2) are to be implemented in terms of the tariff policy;
- (c) specify the basis of differentiation, if any, for tariff purposes between different categories of consumers, service providers, services and service standards as long as such differentiation does not amount to unfair discrimination; and
- (d) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and Policy.

4. Application and enforcement of the policy

- (1) The policy shall apply to all tariffs determined by the municipality during the annual budget process; provided that the municipality may determine tariffs during the course of a financial year when –
 - (a) a new service is introduced;

“**munisipale dienste**” “*munisipale dienste*” soos omskryf in artikel 1 van die Wet, en sluit ’n funksie of ’n kombinasie van funksies in soos gelys in Bylae 4B en 5B van Die Grondwet van die Republiek van Suid-Afrika, 1996, en enige ander diens wat deur die munisipaliteit gelewer word;

“**nywerheidsverbruiker**” sluit in maar is nie beperk nie tot nywerheidsondernemings, fabriek, pakhuis, werksinkels, skrootwerwe, store, wynkelders, slagpale, melkverwerkingsaanlegte en vismarkte;

“**opvoedkundige en gemeenskapsinrigting**” sluit in maar is nie beperk nie tot skole, kolleges of pre-primêre skole wat nie deur ’n geregistreerde liefdadigheids- of welsynsorganisasie bedryf word nie, biblioteke, museums, kerke, hospitale, klinieke, korrektiewe instellings, skoolkoshuise en gemeenskapsale;

“**raad**” die munisipale raad van Swartland munisipaliteit;

“**raadslid vir finansiële aangeleenthede**” die raadslid van die munisipaliteit wie verantwoordelik is vir finansiële aangeleenthede;

“**spesiale afval**” bederfbare voedselprodukte afkomstig van slagpale, vis verwerkings aanlegte, vrugte inmaakaanlegte, ens.

“**spesiale ooreenkoms**” ’n spesiale tarief-ooreenkoms wat met ’n verbruiker aangegaan word wat ’n beduidende ekonomiese bydrae tot die gemeenskap maak en werk skep;

“**sport- en ontspanningsfasiliteite**” sluit in maar is nie beperk nie tot –

- (a) enige eiendom wat hoofsaaklik vir sport- en ontspanningsdoeleindes gebruik word;
- (b) skoolsportvelde wat vir doeleindes van water- of elektrisiteitsvoorsiening afsonderlik gemeter word; en
- (c) woonwaparke;

“**twee-deeltarief**” ’n tarief ten opsigte van ’n diens soos deur die Raad besluit, wat afsonderlik gehê word om die vaste en veranderlike koste van ’n diens afsonderlik te verhaal, waar die vaste koste bereken word deur die totale bedrag van die vaste koste van die diens deur die totale aantal kliënte te deel, en die veranderlike koste bereken word deur die totale bedrag van die veranderlike koste deur die volume wat verbruik is, te deel;

“**kosteverhalende tarief**” ’n tariefstruktuur wat die totale uitgawe moet dek ten opsigte van die diens wat deur die munisipaliteit gelewer word waarby wins ingesluit mag word om finansiële volhoubaarheid te verseker;

“**verbruikte eenhede**” die getal eenhede van ’n bepaalde diens wat verbruik is en wat gemeet word ingevolge die tariefstruktuur wat in paragraaf 9 beoog word;

2. Aanvaarding en implementering van tariefbeleid

- (1) Die munisipaliteit moet ’n tariefbeleid aanvaar en implementeer vir die heffing van gelde vir ’n munisipale diens wat deur die munisipaliteit gelewer word, of wat gelewer word deur middel van diensleweringsooreenkomste wat aan die bepalings van die Stelselwet, die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur (MFMA) Wet 56 van 2003 en enige ander toepaslike wetgewing voldoen.
- (2) Die munisipaliteit is nie geregtig om tariewe op te lê behalwe ingevolge ’n geldige tariefbeleid nie.

3. Inhoud van die tariefbeleid

Die munisipaliteit se tariefbeleid moet –

- (a) die beginsels ingevolge artikel 74(2) van die Wet weerspieël asook enige beginsels vir die oplegging van tariewe wat die munisipaliteit mag aanvaar, spesifiseer;
- (b) die wyse uiteensit waarop die beginsels waarna in paragraaf (a) verwys word ingevolge die tariefbeleid geïmplementeer moet word;
- (c) die grondslag vir onderskeid, indien enige, vir tariefdoeleindes tussen die verskillende kategorieë verbruikers, debiteure, diensverskaffers, dienste en diensstandaarde spesifiseer mits sodanige onderskeid nie op onbillike diskriminasie neerkom nie;
- (d) sodanige verdere toepassingsmeganismes, indien enige, wat die munisipaliteit mag opleë, bykomend tot daardie vervat in die Kredietbeheer- en Skuldinvorderingsverordening.

4. Toepassing en afdwinging van die tariefbeleid

- (1) Die beleid is van toepassing op alle tariewe deur die munisipaliteit goedgekeur tydens die jaarlikse begrotingsproses, met dien verstande dat die munisipaliteit gedurende die loop van ’n finansiële jaar tariewe kan bepaal indien –
 - (a) ’n nuwe diens ingestel word;

- (b) no tariff for an existing service has previously been imposed; or
 (c) it is necessary to correct a tariff already imposed.
- (2) Payment of tariffs shall be enforced through this by-law, the Credit Control and Debt Collection By-law and any other enforcement mechanisms determined by the municipality.

5. Repeal of by-laws

The Tariff By-law published in Provincial Gazette 7825 on 11 July 2104 is hereby repealed.

6. Short title and commencement

This By-Law shall be known as the Tariff By-Law of Swartland Municipality and shall become effective on 1 July 2015.

SCHEDULE

SWARTLAND MUNICIPALITY TARIFF POLICY

In terms of section 74 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000) the Municipality of Swartland adopts the following Tariff Policy –

Table of contents

1. Objectives of policy
2. Tariff principles
3. Categories of consumers
4. Service classification
5. Expenditure classification
6. Cost elements
7. Tariff types
8. Tariff structure and methods of calculations
9. Notification of tariffs, fees and service charges

1. Objectives of policy

The objectives of this policy are –

- (a) to comply with the provisions of section 74 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and
- (b) to give guidance to the councillor responsible for finance regarding tariff proposals to be submitted to council annually during the budget process.

2. Tariff principles

The following principles shall apply –

- (a) restricted free services to consumers and financial assistance to indigent households shall be considered only in as far as it can be financed from –
 - (i) financial allocations by the National Government; and
 - (ii) a grant for that purpose by the municipality, which shall be determined annually during the budget process.
- (b) all consumers of municipal services must be treated equitably and the various categories of consumers must pay the same charges based on the same cost structure;
- (c) the amount payable by consumers must be in proportion to usage of the service;
- (d) indigent households must at least have access to basic services through lifeline tariffs or direct subsidisation;
- (e) tariffs must reflect the total cost of services unless stated otherwise in this policy document;
- (f) where provided for in this policy, consumers may choose a tariff from a range of applicable tariffs;
- (g) tariffs must be set at a level that facilitates the sustainability of services by ensuring that –
 - (i) cash inflows cover cash outflows which mean that sufficient provision for working capital and bad debts must be made; and
 - (ii) access to the capital market is maintained by providing for the repayment of capital, maintaining sufficient liquidity levels and making profit on trading services.

- (b) geen tarief vir 'n bestaande diens voorheen gehef is nie; of
 (c) dit nodig is om 'n tarief wat reeds gehef is, reg te stel.
- (2) Betaling van tariewe sal afgedwing word deur middel van hierdie verordening, die Kredietbeheer- en Skuldinvorderingsverordening, asook enige ander maatreëls vir afdwinging deur die munisipaliteit bepaal.

5. Herroeping

Die Tariefverordening gepubliseer in Provinsiale Koerant 7825 van 11 Julie 2014 word hiermee herroep.

6. Kort titel en inwerkingtrede

Hierdie verordening staan bekend as die Tariewe Verordening van Swartland Munisipaliteit en tree in werking op 1 Julie 2015.

BYLAE

SWARTLAND MUNISIPALITEIT TARIEFBELEID

Ingevolge artikel 74 van die Plaaslike Regering: Wet op Munisipale Stelsels, Wet 32 van 2000 aanvaar Swartland munisipaliteit die volgende Tariefbeleid –

Inhoudsopgawe

1. Oogmerke van die beleid
2. Tariefbeginsels
3. Kategorieë verbruikers
4. Klassifikasie van dienste
5. Uitgaweklassifikasie
6. Koste elemente
7. Tarief tipes
8. Tariefstruktuur en metodes van berekening
9. Kennisgewing van tariewe, fooie en diensteheffings

1. Oogmerke van die beleid

Die oogmerke van hierdie beleid is –

- (a) om aan die bepalings van artikel 74 van die Wet te voldoen; en
- (b) om leiding te gee aan die raadslid wat verantwoordelik is vir finansies, aangaande tariefvoorstelle wat aan die raad gedurende die jaarlikse begroting gedoen moet word.

2. Tariefbeginsels

Die volgende beginsels sal toegepas word –

- (a) beperkte gratis dienste aan verbruikers en finansiële bystand aan hulpbehoewende huishoudings sal oorweeg word, slegs in sover dit gefinansier kan word uit –
 - (i) finansiële toekennings deur die Nasionale Regering aan die munisipaliteit vir dié doel; en
 - (ii) 'n bewilliging vir dié doel deur die munisipaliteit wat jaarliks tydens die begrotingsproses bepaal sal word.
- (b) alle verbruikers van munisipale dienste sal billik behandel word. Die verskillende kategorieë van verbruikers moet billike tariewe betaal wat op dieselfde kostestruktuur gebaseer is;
- (c) die bedrag wat verbruikers betaal moet in verhouding met hul gebruik van daardie dienste wees;
- (d) geïdentifiseerde hulpbehoewende huishoudings moet minstens tot basiese dienste toegang hê deur lewenslyntariewe of direkte subsidies;
- (e) tariewe moet die totale koste van die diens weerspieël, tensy anders aangedui in hierdie beleidsdokument;
- (f) waar in hierdie beleid uitdruklik aldus bepaal, sal 'n verbruiker die keuse hê om 'n tarief uit 'n aantal toepaslike tariewe te kies;
- (g) tariewe moet vasgestel word teen vlakke wat die finansiële volhoubaarheid van die diens ondersteun. Volhoubaarheid kan bereik word deur toe te sien dat –
 - (i) kontant invloei die kontant uitvloeï dek, wat beteken dat voldoende voorsiening vir bedryfskapitaal en slegte skuld gemaak moet word; en
 - (ii) toegang tot die kapitaalmark moet gehandhaaf word deur voorsiening vir die terugbetaling van lenings te maak, likiditeitsvlakke te handhaaf en winste op handelsdienste te maak.

- (h) provision shall be made in appropriate circumstances for a surcharge on a tariff which will apply when a restriction of use is required which may include national disasters and periods of droughts;
- (i) efficient and effective use of resources shall be encouraged by providing for penalties to prohibit exorbitant use;
- (j) the extent of subsidisation of tariffs shall be disclosed;
- (k) VAT is excluded from all tariffs and shall be additional to these tariffs when applicable.

3. Categories of consumers

- (1) The tariff structure may provide for the following categories of consumers –
 - (a) domestic consumers;
 - (b) commercial consumers;
 - (c) industrial consumers;
 - (d) agricultural consumers;
 - (e) municipalities;
 - (f) consumers with whom special agreements were made;
 - (g) consumers in certain geographical areas;
 - (h) sport and recreation facilities;
 - (i) educational and communal institutions; and
 - (j) charitable and welfare institutions and organisations.
 - (k) Government.
- (2) The municipality may differentiate between different categories of consumers, debtors, service providers, services, service standards and other matters.
- (3) The differentiation shall be based on one or more of the following elements –
 - (a) infrastructure costs;
 - (b) volume usage; or
 - (c) availability and service standards.

4. Service classification

The municipality may, subject to the guidelines provided by the National Treasury and the Mayor Committee, 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) sewage disposal
- (c) *community services*
 - (i) air pollution
 - (ii) fire fighting services
 - (iii) local tourism
 - (iv) town planning
 - (v) municipal public works
 - (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 and control of undertakings that sell food to the public
 - (xv) local amenities
 - (xvi) local sport facilities
 - (xvii) municipal parks and recreation
 - (xviii) municipal roads
 - (xix) noise pollution
 - (xx) pounds

- (h) voorsiening moet in gepaste omstandighede vir 'n toeslag op 'n tarief vir 'n diens gemaak word, wat sal nodig wees gedurende 'n nasionale ramp en in tydperke van droogte wanneer beperkinge op gebruik nodig is;
- (i) doeltreffende en effektiewe gebruik van hulpbronne sal aangemoedig word deur boetes om buitensporige gebruik te beperk in te stel;
- (j) die mate van subsidiëring van tariewe sal openbaar gemaak word;
- (k) tariewe is deurgaans BTW uitgesluit, dus is BTW addisioneel tot hierdie tariewe waar van toepassing.

3. Kategorieë van verbruikers

- (1) Afsonderlike tariewe kan vir die volgende kategorieë van verbruikers ingestel word –
 - (a) huishoudelike verbruikers;
 - (b) handelsverbruikers;
 - (c) nywerheidsverbruikers;
 - (d) landbouverbruikers;
 - (e) munisipaliteite;
 - (f) verbruikers met wie spesiale ooreenkomste aangegaan is;
 - (g) verbruikers in bepaalde geografiese gebiede;
 - (h) sport- en ontspanningsfasiliteite;
 - (i) opvoedkundige en gemeenskapsinrigtings;
 - (j) liefdadigheids- en welsynsinrigtings en organisasies; en
 - (k) Staat.
- (2) Die munisipaliteit mag onderskei tussen verskillende kategorieë verbruikers, debiteure, diensverskaffers, dienste, diensstandaarde en ander sake.
- (3) Onderskeiding moet gebaseer word op een of meer van die volgende elemente –
 - (a) infrastruktuur koste;
 - (b) volume verbruik; of
 - (c) beskikbaarheid en diensstandaarde.

4. Klassifikasie van dienste

Die munisipaliteit mag, onderworpe aan die riglyne van die Nasionale Tesourie en die Uitvoerende Burgemeester voorsiening maak vir die volgende klassifikasie van dienste:

- (a) *handelsdienste*
 - (i) water
 - (ii) elektrisiteit
 - (iii) kampeergeriewe
- (b) *ekonomiese dienste*
 - (i) vullisverwydering
 - (ii) sanitasie afvoer
- (c) *gemeenskapsdienste*
 - (i) lugbesoedeling
 - (ii) brandweerdienste
 - (iii) plaaslike toerisme
 - (iv) stadsbeplanning
 - (v) munisipale openbare werke
 - (vi) stormwaterbestuurstelsels in beboude gebiede
 - (vii) handelsregulasies
 - (viii) reklameborde en die vertoon van advertensies op openbare plekke
 - (ix) begraaflase
 - (x) beheer oor openbare steurnisse
 - (xi) beheer oor ondernemings wat drank aan die publiek verkoop
 - (xii) fasiliteite vir die akkommodasie, omsien na en begrawing van diere
 - (xiii) omheining en heinings
 - (xiv) lisensieëring en beheer van ondernemings wat voedsel aan die publiek verkoop
 - (xv) plaaslike geriewe
 - (xvi) plaaslike sportgeriewe
 - (xvii) munisipale parke en ontspanning
 - (xviii) munisipale paaie
 - (xix) geraasbesoedeling
 - (xx) skutte

- (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

5. Expenditure classification

Expenditure may be classified as:

- (a) Subjective classification which includes –
 - (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 –
 - (aa) bad debts;
 - (bb) working capital; and
 - (cc) statutory funds
 - (viii) contribution to reserves
 - (ix) gross expenditure
 - (x) less charge-out
 - (xi) net expenditure
 - (xii) income; and
 - (xiii) surplus/deficit

This classification of expenditure each with a unique vote must be applied to all cost centres.

- (b) Objective classification in terms of which the following cost centres must be created to which the costs associated with providing the service can be allocated –
 - (i) department
 - (ii) section/service
 - (iii) division/service

6. Cost elements

The following cost elements may be used to calculate the tariffs for the different services –

- (a) fixed costs which consist of the capital costs (interest and redemption) on external loans as well as internal advances or depreciation whichever are applicable to the service, and any other costs of a permanent nature as determined by the municipality;
- (b) variable cost which includes all other variable costs that have reference to the service; and
- (c) total cost which consists of the fixed cost and variable cost;
- (d) a cost recovery tariff; or
- (e) a combination of any of abovementioned tariffs.

7. Tariff types

In determining the type of tariff applicable to the type of service the municipality may make use of the following five options or a combination thereof –

- (a) a single tariff which shall consist of a cost per unit consumed and which will be recovered through unit charges at the level where income and expenditure breaks even. Subject to a recommendation by the Director: Financial Services the municipality may approve profits on trading services which will be added to cost of the service for the purpose of calculating the tariffs.
- (b) cost related two-to-three part tariff which shall consist of two to three parts –
 - (i) management, capital, maintenance and operating costs may be grouped together and be recovered by a fixed charge, independent of consumption for all classes of consumers;
 - (ii) variable costs may be recovered by a unit charge per unit consumed; and
 - (iii) three part tariffs may be used to calculate the tariff for electricity and to provide for maximum demand and usage during periods of limited demand.

- (xxii) openbare plekke
- (xxiii) straathandel/straatbeligting
- (xxiv) verkeerbeheer en parkering
- (xxv) boubeheer
- (xxvi) lisensiering van voertuie en voertuigbestuurspermitte
- (xxvii) natuurreservate

5. Uitgawe klassifikasie

Uitgawes sal in die volgende kategorieë geklassifiseer word:

- (a) Subjektiewe klassifikasie wat insluit –
 - (i) salarisse, lone en toelaes
 - (ii) grootmaat aankope
 - (iii) algemene uitgawes
 - (iv) herstelwerk en onderhoud
 - (v) kapitaaloonkoste (rente en delging) / waardevermindering
 - (vi) bydrae tot vaste bates
 - (vii) bydrae tot fondse –
 - (aa) slegte skuld;
 - (bb) bedryfskapitaal; en
 - (cc) statutêre fondse
 - (viii) bydrae tot reserwes
 - (ix) bruto uitgawes
 - (x) uit-debitering
 - (xi) netto uitgawes
 - (xii) inkomste; en
 - (xiii) surplus/tekort

Die klassifikasie van uitgawes, elk met 'n unieke posnommer, sal op alle koste-eenhede toegepas word.

- (b) Objektiewe klassifikasie in terme waarvan die volgende koste-eenhede geskep word waarheen die koste verbonde aan die verskaffing van 'n diens toegedeel kan word-
 - (i) departement
 - (ii) afdeling/diens
 - (iii) onderafdeling/diens

6. Koste elemente

Die volgende koste elemente mag gebruik word om tariewe vir die verskillende dienste te bereken –

- (a) vaste koste wat bestaan uit die kapitaaloonkoste (rente en delging) op eksterne lenings sowel as interne voorskotte of waardevermindering wat ook al van toepassing is op die diens of enige ander koste van 'n permanente aard soos deur die munisipaliteit bepaal.
- (b) veranderlike koste wat insluit alle veranderlike koste in verband met die lewering van die diens;
- (c) totale koste wat bestaan uit die vaste koste plus veranderlike koste;
- (d) 'n kosteverhalende tarief; of
- (e) 'n kombinasie van enige van bogenoemde tariewe.

7. Tarief tipes

In die vasstelling van 'n toepaslike tarief vir 'n diens, sal die munisipaliteit gebruik maak van die volgende vyf moontlikhede of 'n kombinasie daarvan –

- (a) 'n enkeltarief wat sal bestaan uit 'n koste per eenheid verbruik en wat verhaal word deur eenheidspryse op die vlak waar kostes en inkomste gelykbreek. Onderhewig aan 'n aanbeveling van die Direkteur: Finansiële Dienste kan die munisipaliteit besluit om winste op bepaalde dienste te maak, wat by die koste van die diens gevoeg word vir die doeleindes van die berekening van die tarief.
- (b) koste verbandhoudend twee-tot-driedeel tarief wat sal bestaan uit twee tot drie dele –
 - (i) bestuur-, kapitaal-, onderhoud- en lopende koste mag saam gegroepeer en verhaal word deur 'n vaste tarief, onafhanklik van verbruik vir alle klasse van verbruikers;
 - (ii) veranderlike koste kan verhaal word deur 'n eenheidstarief per eenheid verbruik; en
 - (iii) die drie-deel tariewe sal slegs gebruik word om tariewe vir elektrisiteit te bereken en om voorsiening te maak vir maksimum aanvraag en verbruik tydens periodes van beperkte aanvraag.

- (c) inclining block tariff which is based on consumption levels being categorised into blocks, with the tariff increasing as consumption levels increase. The first step in the tariffs will be calculated at break-even point and subsequent steps will be calculated to yield a result that would discourage excessive use of the commodity.
- (d) declining block tariff which 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 by the volume consumed and will only be used for special agreements;
- (e) a cost recovery tariff; or
- (f) a regulating tariff which is of a regulatory nature and the municipality may recover the full cost or a portion thereof associated with rendering the service.

8. Tariff structure and methods of calculations

The following tariff structure shall be applied to determine tariffs –

- (1) Water
 - (a) Tariff structure-
 - (i) fixed tariff per consumer plus a single tariff per unit used (kilolitres used);
 - (ii) single tariff per consumer; or
 - (iii) a cost recovery tariff;
 - (b) Method of calculation-
 - (i) the fixed costs of the service shall consist of the costs indicated as such by the municipality;
 - (ii) the number of consumers shall be used to determine the fixed costs per consumer;
 - (iii) where a fixed cost per consumer is charged, the unit charge shall be calculated by dividing the variable cost by the volume consumed;
 - (iv) where a fixed cost per consumer is not charged, the unit charge shall be calculated by dividing the total cost by volume consumed;
 - (v) if for any reason a meter cannot be read or has not been read, the municipality shall be entitled to render an account based on the estimated consumption calculated on the last known 3 months' average consumption preceding the date on which the meter was last read;
 - (vi) where a property is not connected to the water reticulation system but can reasonably be so connected, an availability charge equal to the unit tariff per kiloliter, as determined annually by Council;
 - (vii) profit made on the service shall be added to the fixed and variable cost before tariffs are calculated.
- (2) Electricity
 - (a) Tariff structure –
 - (i) kWh – Active Energy;
 - (ii) kVA – maximum demand (thermic or block) register in a half an hour period;
 - (iii) kVA_{rh} – Reactive Energy;
 - (iv) peak, standard and off-peak time periods – according to bulk purchase tariff structure;
 - (v) high and low consumption seasons – according to bulk purchase tariff structure;
 - (vi) allocation of holiday season – according to bulk purchase tariff structure;
 - (b) Method of calculation –
 - (i) the guidelines and policy issued by the National Electricity Regulator shall form the basis for calculating tariffs;
 - (ii) cross subsidisation between and within categories of consumers may be allowed based on the load factors of the categories and consumers within the category;
 - (iii) portions of the fixed costs will be recovered through an energy or time-of-use charge.

- (c) toenemende bloktarief gebaseer op verbruiksvlakke wat gekategoriseer word in blokke, met tariewe wat vermeerder soos wat die verbruik vermeerder. Die eerste trap sal bereken word by die gelykbreekpunt en opeenvolgende trappe sal bereken word om 'n resultaat te lewer wat oormatige gebruik van die kommoditeit sal ontmoedig.
- (d) afnemende bloktarief wat die teenoorgestelde is van die toenemende bloktarief en neem af soos wat verbruik toeneem. Die eerste trap sal bereken word deur die vaste en veranderlike koste en wins deur die totale volume gebruik te deel en sal slegs gebruik word tydens spesiale ooreenkomste;
- (e) 'n kosteverhalende tarief;
- (f) 'n regulerende tarief wat slegs regulerend van aard is en die munisipaliteit mag die volle of slegs 'n gedeelte van die kostes verbonde aan die lewering van die diens verhaal.

8. Tariefstruktuur en metodes van berekening

Die volgende tariefstruktuur sal gebruik word om tariewe te bepaal –

- (1) Water
 - (a) Tariefstruktuur-
 - (i) vaste tarief per verbruiker plus 'n enkel tarief per eenheid verbruik (kiloliters verbruik);
 - (ii) enkeltarief per verbruiker; of
 - (iii) kosteverhalende tarief.
 - (b) Metode van berekening-
 - (i) die vaste koste van die diens sal bestaan uit die kostes wat as sulks deur die munisipaliteit aangewys word;
 - (ii) die aantal verbruikers sal gebruik word om die vaste komponent van die tarief per verbruiker te bereken;
 - (iii) waar 'n vaste koste per verbruiker verhaal word sal die eenheidstarief bereken word deur die veranderlike koste deur die volume verbruik te deel;
 - (iv) waar die raad nie 'n vaste koste per verbruiker verhaal nie sal die eenheidstarief bereken word deur die totale koste deur die volume verbruik te deel;
 - (v) waar verbruik nie gemeet is nie of nie gemeet kan word nie, sal die munisipaliteit geregtig daarop wees om die koste te bepaal bereken volgens die laaste 3 maande se gemiddelde verbruik voor die datum waarop die meter die laaste keer gelees is;
 - (vi) waar 'n eiendom nie by die waternetwerk aangesluit is nie en redelikewys daarby aangesluit kan word, sal beskikbaarheidsgelde betaalbaar wees gelyk aan 'n eenheidstarief per kiloliter soos jaarliks deur die Raad bepaal;
 - (vii) wins op die lewering van die diens gemaak sal by die vaste en veranderlike koste of kosteverhalende tarief getel word voordat tariewe bereken word.
- (2) Elektrisiteit
 - (a) Tariefstruktuur –
 - (i) kWh – Aktiewe Energie;
 - (ii) kVA – Maksimum aanvraag (termies of blok) geregistreer oor 'n halfuur;
 - (iii) kVA_{rh} – Reaktiewe Energie;
 - (iv) piek, standaard en afpiek tydperke – volgens grootmaat aankoop tariefstruktuur;
 - (v) hoë en lae verbruik seisoene – volgens grootmaat aankoop tariefstruktuur;
 - (vi) toedeling van vakansiedae – volgens grootmaat aankoop tariefstruktuur.
 - (b) Metode van berekening –
 - (i) die riglyne en beleid wat deur die Nasionale Elektrisiteitsreguleerder uitgereik word, sal die basis vorm waarvolgens tariewe bereken word;
 - (ii) gebaseer op die lasfaktor van die kategorieë en die verbruikers binne die verskillende kategorieë sal kruissubsidiëring tussen en binne kategorieë van verbruikers toegelaat word;
 - (iii) gedeeltes van die vaste koste sal deur die energie en tyd-van-gebruik kostes verhaal word;

(iv) in applying the abovementioned principle, the cost allocation basis, cost groupings, tariff components and tariff types reflected in the following tables shall be used-

| Tariff types | Fixed charge Rands/ consumer/ Month | Active Energy charge cents / kWh | Seasonally Time-of-use Energy charge Peak Standard Off-peak | Capacity-charge Rands / kVA / month | Reactive energy charge cents / kWh |
|---|-------------------------------------|----------------------------------|---|-------------------------------------|------------------------------------|
| One part | | X | | | |
| One part Block 1 Block 2 | | X X | | | |
| Two part | X | X | | | |
| Two part Block 1 Block 2 Block 3 Block 4 | X | X X X X | | | X X X X |
| Three part | X | X | | X | |
| Three part time-of-use Peak High season Standard Off-peak Peak Low season Standard Off-peak | X | | X X X X X | | X |
| Four part time-of-use Peak High season Standard Off-peak Peak Low season Standard Off-peak | X | | X X X X X | X | X |
| Three part Net-Metering Import Export | X | X X | | | |

(aa) The one-part single energy rate tariff –

All costs allocated to a consumer category which normally makes use of a one-part single energy rate tariff shall be expressed in a single cents/kWh charge, calculated as follows –

- (i) the maximum demand costs (rands/kVA/month) of all consumers that will normally use a single tariff will be calculated by considering the average load factor applicable to the type of consumers and added to the variable cost;
- (ii) the fixed cost (rand per consumer per month) and the energy cost (kWh) shall be added to the variable cost;
- (iii) the total cost (maximum demand, fixed and energy costs) allocated to consumers which normally uses a one-part-single-energy tariff shall be calculated at a break-even point comparable with the number of kWh units determined by Eskom;
- (iv) the total cost will be expressed in a cents/kWh tariff.

(bb) The two-part tariff –

- (i) a portion of the fixed cost equal to the operating and administrative cost of the Electricity Department shall be recovered through a rands per consumer per month charge;
- (ii) the remaining portion of the fixed cost will be added to the variable cost and recovered through a unit charge (cent/kWh charge);
- (iii) the tariff consists of a fixed monthly charge plus a variable charge related to metered kWh consumption.

(iv) om bostaande beginsel toe te pas sal die koste-toedelingsbasis, kostegroepering, tariefkomponente en tarieftipes wat in die volgende tabel gereflekteer word, gebruik word-

| Tarief tipe | Vaste Koste Rand/ Verbruiker/ Maand | Aktiewe Energie tariewe Sent/ kWh | Seisoen gebonde Tyd van Gebruik Energie tariewe Piek Standaard Afpiek | Kapasiteits-tarief Rand/ kVA/ maand | Reaktiewe energie tarief Sent/ kWh |
|--|-------------------------------------|-----------------------------------|---|-------------------------------------|------------------------------------|
| Een deel | | X | | | |
| Een deel Blok 1 Blok 2 | | X X | | | |
| Twee deel | X | X | | | |
| Twee deel Blok 1 Blok 2 Blok 3 Blok 4 | X | X X X X | | | X X X X |
| Drie deel | X | X | | X | |
| Drie deel tyd van gebruik Piek Hoë seisoen Standaard Afpiek Lae seisoen Standaard Afpiek | X | | X X X X X | | X |
| Vier deel tyd van gebruik Piek Hoë seisoen Standaard Afpiek Lae seisoen Standaard Afpiek | X | | X X X X X | X | X |
| Drie deel Netto Meter Invoer Uitvoer | X | X X | | | |

(aa) Die een-deel enkel energietarief –

Alle kostes wat aan 'n verbruikers kategorie toegedeel word, wat normaalweg van 'n een-deel enkel energietarief gebruik maak, word in 'n sent/kWh tarief uitgedruk en soos volg bereken –

- (i) die maksimum aanvraagkoste (rand/kVA/maand) van alle verbruikers wat normaalweg van enkeltariewe gebruik maak word bereken deur die gemiddelde lasfaktor van die tipe verbruikers in aanmerking te neem en word by die veranderlike kostes getel;
- (ii) die vaste koste (rand/verbruiker/maand) en energiekoste (kWh) word ook by die veranderlike koste getel;
- (iii) die totale koste (aanvraag, vaste en aankoopkoste) wat aan een-deel enkel energietarief verbruikers toegedeel word, moet verhaal word by 'n gelykbreekpunt wat vergelykbaar is met die aantal kWh eenhede soos vasgestel deur Eskom;
- (iv) die totale koste sal uitgedruk word in 'n sent/kWh tarief.

(bb) Die twee-deel tarief –

- (i) 'n gedeelte van die vaste koste wat gelykstaande is aan die bedryfs- en administratiewe kostes van die Elektrisiteitsdepartement word verhaal deur 'n rand/verbruiker/maand heffing;
- (ii) die oorblywende gedeelte van die vaste koste word by die veranderlike koste getel en deur middel van 'n eenheidstarief (sent/kWh heffing) verhaal;
- (iii) die tarief sal gevolglik bestaan uit 'n vaste maandelikse heffing plus 'n veranderlike heffing wat verband hou met die gemeterde kWh verbruik.

- (cc) The three-part tariff –
- (i) a portion of the fixed cost as described in sub paragraph (2)(bb)(i) shall be recovered through a rand/consumer/ month charge;
 - (ii) the remaining portion of the fixed cost shall be recovered through a unit charge (cent/kWh) and maximum demand charge (rand/kVA/month);
 - (iii) the maximum demand charge (rand/kVA cost) shall be recovered through the capacity charge where applicable;
 - (iv) the cent/kWh charge shall recover the total variable cost plus portions of re-allocated fixed and demand charges (rand/consumer/month and rand/kVA costs) where applicable.
- (dd) Time-of-use tariff –
- (i) time-of-use tariffs offered shall be based on the peak, standard and off-peak tariffs and time periods of the supply authority to maintain cost recovery in the event of load profile shifting. Transmission and distribution network charges may be recovered through rand/kVA charges;
 - (ii) the cents/kWh charge recovers the full variable costs as well as a portion of the reallocated rands/kVA charges where applicable;
 - (iii) the rands per consumer per month charge is not reallocated;
 - (iv) the structure of the time-of-use tariff will be calculated according to the purchase structure;
 - (v) the time-of-use tariff will only be offered in areas where similar tariffs are available to the municipality;
 - (vi) where a profit is made on the service it will be added to the fixed and variable cost before tariffs are calculated;
 - (vii) where a property is not connected to the electricity reticulation system but can reasonably be so connected, an availability tariff equal to the fixed costs calculated in accordance with the provisions of sub paragraph (2)(b) shall be payable.
- (ee) Net metering –
- (i) net-metering import tariff (energy supplied to the consumer) cent/kWh charges shall be based on the average cost of supply including a portion of operating cost, surplus and purchase cost allowing for time-of-use tariff variations;
 - (ii) net-metering export tariff (energy supplied by the consumer) cent/kWh charges shall not exceed the average cost of purchase allowing for time of use tariffs applicable during the time period of supply;
 - (iii) a portion of the fixed cost equal to the operating and administrative cost of the Electricity Department shall be recovered through a rands/consumer/month charge.
- (3) Waste removal
- (a) Unit of measurement-
 - (i) number of premises whether built on or not, is a basic unit;
 - (ii) bulk waste removal;
 - (iii) cost recovery tariff
 - (iv) special waste;
 - (v) gate levies/coupons
- (cc) Die drie-deel tarief
- (i) 'n gedeelte van die vaste koste soos beskryf in subparagraaf (2)(bb)(i) word deur middel van 'n rand/verbruiker/maand heffing verhaal;
 - (ii) die oorblywende gedeelte van die vaste koste word deur middel van die eenheidstarief (sent/kWh heffing) en maksimum aanvraag heffing (rand/kVA/maand) verhaal;
 - (iii) die maksimum aanvraagskoste (rand/ kVA koste) word deur die kapasiteitstarief verhaal waar van toepassing;
 - (iv) die sent/kWh heffing verhaal die volle veranderlike kostes en gedeeltes van die hertoegewysde vaste en aanvraagkoste (rand/verbruiker/maand en rand/kVA kostes) waar van toepassing.
- (dd) Tyd-van-gebruik tarief –
- (i) tyd-van-gebruik tariewe wat aangebied word, is gebaseer op die piek-, standaard- en afpiektariewe en tydperiodes van die voorsieningsowerheid om kosteverhaling te handhaaf in geval van lasprofielverskuiwing. Transmissie- en verspreidingsnetwerkkoste kan deur rand/kVA heffings verhaal word;
 - (ii) die sent/kWh heffing verhaal die volle veranderlike kostes en 'n gedeelte van die hertoegedeelde rand/kVA heffing waar van toepassing;
 - (iii) die rand/verbruiker/maand heffing word nie hertoegewys nie;
 - (iv) die struktuur van die tyd-van-gebruik tarief sal bereken word volgens die aankoopstruktuur;
 - (v) die tyd-van-gebruik tarief sal slegs aangebied word in areas waar soortgelyke tariewe beskikbaar is;
 - (vi) waar 'n wins op die lewering van die diens gemaak word, sal dit by die vaste en veranderlike koste getel word voordat tariewe bereken word;
 - (vii) waar 'n eiendom nie by die elektrisiteitsnetwerk aangesluit is nie en redelikerwys daarby aangesluit kan word sal beskikbaarheidsgelde betaalbaar wees gelyk aan die vaste koste bereken ooreenkomstig die bepaling van subparagraaf (2)(b).
- (ee) Netto-meter –
- (i) netto-meter invoertarief (energie verskaf aan die verbruiker) sent/kWh heffing sal gebaseer word op die gemiddelde koste van voorsiening insluitend 'n gedeelte van die bedryfskoste, surplus en aankoopkoste in ag genome tyd-van-gebruik tarief-variasies;
 - (ii) netto-meter uitvoertarief (energie verskaf deur die verbruiker) sent/kWh sal nie die gemiddelde koste van aankoop oorskry nie in ag genome tyd-van-gebruik tariewe wat van toepassing is tydens die periode van voorsiening;
 - (iii) 'n gedeelte van die vaste koste gelyk aan die bedryfs- en administratiewe koste van die Elektrisiteitsdepartement sal deur 'n rand/verbruiker/maand heffing verhaal word.
- (3) Afvalverwydering
- (a) Tariefstruktuur –
 - (i) aantal persele beboud en onbeboud 'n basiese eenheid;
 - (ii) grootmaat afvalverwydering;
 - (iii) kosteverhalende tarief;
 - (iv) spesiale afval; en
 - (v) hekgelde/koepons.

- (b) Method of calculation –
- (i) a cost recovery tariff equal to the unit tariff applicable to domestic consumers shall be levied on each premises whether built upon or not;
 - (ii) a unit tariff per premise, whether residential or other institution, shall be levied which will be calculated by dividing the total cost by the total number of premises;
 - (iii) where more than one dwelling unit, as defined in the municipality's scheme regulations, are situated on premises (such as semi-detached units or blocks of flats), each such dwelling unit shall be regarded as separate premises for the purposes of this paragraph;
 - (iv) for each business on premises a compulsory waste removal tariff shall be charged that will be adjusted according to volume of waste removed. The waste unit for business is two plastic bags or two 85 litre waste bins or a 240 litre wheely bin per week. For residential premises it is unlimited.
 - (v) a waste tariff equal to the unit tariff levied in terms of sub paragraph (b)(ii) & (iv) in respect of the removal of waste on premises situated within the urban fringe areas of the towns of Malmesbury, Moorreesburg, Riebeek-Wes, Riebeek-Kasteel, Darling, Yzerfontein, Abbotsdale, Kalbaskraal, Chatsworth, Riverlands and Koringberg and Ongegund shall be applicable to waste removal once a week per premises.
 - (vi) with regard to premises situated outside the above mentioned urban fringe areas, or the occasional removal of refuse, a tariff based on a levy per load or part thereof shall be levied;
 - (vii) the tariff for special waste shall be levied by adding the cost of air space occupied, measured in tons, to the actual cost to treat and cover such waste;
 - (viii) the coupon prices for waste delivered personally at waste sites, shall be determined according to vehicle capacity, the air space occupied as well as the cost to cover such waste daily;
 - (ix) waste tariffs shall be levied monthly.
- (c) Where a waste removal service is available, whether such service is used or not, an availability tariff equal to the monthly tariff applicable to residential and business premises shall be levied
- (4) Sanitation:
- (a) Unit of measurement –
 - (i) number of toilets;
 - (ii) formula based water flow tariff; or
 - (iii) a cost recovery tariff.
 - (b) Method of calculation –
 - (i) an availability charge may be levied at a tariff equal to the unit tariff applicable to residential consumers where a property is not connected to the sewerage reticulation system but can reasonably be so connected;
 - (ii) a unit charge per consumer may be charged; the tariff will be calculated by dividing the total cost by the total number of premises connected to the sewerage reticulation system;
 - (iii) where more than one dwelling unit, as defined in the municipality's zoning scheme regulations, is situated on premises (such as a semi-detached dwelling or a block of flats etc.), each such a dwelling unit shall for the purpose of this paragraph, be considered to be separate premises;
 - (iv) a surcharge of 15% shall be levied for each additional toilet in respect of consumers mentioned in paragraphs 3(1)(b) to 3(1)(k).

- (b) Metode van berekening –
- (i) 'n kosteverhalende tarief gelykstaande aan die eenheidstarief wat op huishoudelike verbruikers van toepassing is, sal gehef word vir elke perseel beboud of onbeboud;
 - (ii) 'n eenheidstarief per perseel, hetsy residensiël of enige ander instansie, sal gehef word wat bereken sal word deur die totale koste deur die totale aantal persele te deel;
 - (iii) waar meer as een wooneenheid, soos gedefinieer in die munisipaliteit se soneringskema regulasies, op 'n perseel geleë is (soos 'n skakelhuis of 'n blok woonstelle), sal elke sodanige wooneenheid vir doeleindes van hierdie paragraaf, geag word 'n afsonderlike perseel te wees;
 - (iv) vir elke besigheid op 'n perseel sal 'n verpligte basiese afvalverwyderingstarief gehef word wat aangepas sal word volgens die hoeveelheid afval verwyder. Die afvaleenheid vir besighede is twee plastiek sakke of twee 85 liter afvaldromme of 'n 240 liter wheely bin per week. Vir residensiële persele is dit onbeperk;
 - (v) 'n afvaltarief gelykstaande aan die eenheidstarief wat ooreenkomstig die bepalings van subparagraaf (b)(ii) en (iv) vasgestel is met betrekking tot afvalverwydering vanaf persele geleë binne die stedelike randgebiede van die dorpsgebiede van Malmesbury, Moorreesburg, Riebeek-Wes, Riebeek Kasteel, Darling, Yzerfontein, Abbotsdale, Kalbaskraal, Chatsworth, Riverlands, Koringberg en Ongegund sal van toepassing wees op een keer per week se afvalverwydering per perseel.
 - (vi) met betrekking tot die verwydering van afval op persele wat buite die voormelde stedelike randgebiede geleë is, of die verwydering by geleentheid van afval sal 'n tarief gebaseer op 'n vordering per vrag of gedeelte van 'n vrag wat verwyder moet word, gehef word;
 - (vii) die tarief vir spesiale afval word bereken deur die koste van die lugspasie wat in beslag geneem word gemeet in tonnemaat, by die werklike koste om dit dadelik te behandel en te bedek te tel;
 - (viii) die koepon pryse vir afval self gelewer by vullisterreine word bepaal volgens voertuig kapasiteit, die lugspasie asook die koste om dit daagliks te bedek;
 - (ix) afvaltariewe sal maandeliks gehef word.
- (c) Waar 'n afvalverwyderingsdiens beskikbaar is, ongeag of afval verwyder word of nie, sal beskikbaarheidsgelde betaalbaar wees gelyk aan die maandelikse tarief soos van toepassing op 'n residensiële- of besigheidsperseel.
- (4) Sanitasie:
- (a) Tariefstruktuur –
 - (i) aantal toilette;
 - (ii) formule gebaseerde watervloetarief; of
 - (iii) 'n kosteverhalende tarief.
 - (b) Metode van berekening –
 - (i) waar 'n eiendom nie by die rioolnetwerk aangesluit is nie en redelikerwys daarby aangesluit kan word sal beskikbaarheidsgelde betaalbaar wees. Die tarief sal gelykstaande wees aan die eenheidstarief wat op residensiële verbruikers van toepassing is;
 - (ii) 'n eenheidstarief per verbruiker sal gehef word; die tarief sal bereken word deur die totale koste deur die totale aantal persele wat by die rioolnetwerk aangesluit is, te deel;
 - (iii) waar meer as een wooneenheid, soos gedefinieer in die munisipaliteit se soneringskema regulasies, op 'n perseel geleë is (soos 'n skakelhuis of 'n blok woonstelle), sal elke sodanige wooneenheid vir doeleindes van hierdie paragraaf, geag word 'n afsonderlike perseel te wees;
 - (iv) 'n toeslag van 15% sal gehef word vir elke addisionele toilet ten opsigte van verbruikers in die kategorieë waarna in paragrafe 3(1)(b) tot 3(1)(k) verwys word;

- (v) the tariff payable for the removal of the contents of a conservancy tank shall be equal to the unit tariff levied in terms of sub paragraph 4(b)(i) in respect of conservancy tanks in use on premises situated within jurisdictional area of the municipality; where a third suction is done in the same month during Easter Weekend or school holidays, such suction shall be done at no cost while a fourth suction in the same month shall be done at actual cost.
- (vi) a tariff, based on a charge per load to be removed, may be levied for the emptying of conservancy tanks on premises situated outside the urban fringe areas or for the occasional removal of the contents of a septic tank on such premises;
- (vii) charges payable in terms of sub paragraph (vi) must be levied by the Incident program monthly;
- (viii) where requests by any consumer to whom a waste removal service is received by Emergency Services after ordinary office hours, the actual cost shall be levied by the Incident program;
- (ix) industries classified as wet industries (water intensive industries) shall pay a treatment cost based on the following formula in addition to a tariff per cistern:

$$B = 0,85 V[R \times \text{COD}] / 1000$$

$$B = \text{Treatment cost}$$

$$V = \text{Volume of water used in kiloliter}$$

$$R = \text{Cost of treating of 1 Kilogram COD in R/kilogram COD}$$

$$\text{COD} = \text{Chemical oxygen demand in milligram per litre}$$
- (x) industries classified as wet industries and equipped with a flow measurement device to record the effluent volume, the following shall apply:

$$B = V[R \times \text{COD}] / 1000$$

$$B = \text{Treatment cost}$$

$$V = \text{Volume of effluent in kiloliter}$$

$$R = \text{Cost of treating of 1 Kilogram COD in R/kilogram COD}$$

$$\text{COD} = \text{Chemical oxygen demand in milligram per litre}$$
- (xi) sewerage tariffs shall be levied monthly.
- (c) Where property is not connected to any water bearing sanitation system or a sanitation pumping system, but can reasonably so connected, a monthly availability charge equal to the fixed cost calculated in terms of sub paragraph (1)(b), shall be levied, provided that such availability charge shall not be applicable not premises where french drains exist.
- (5) Community services
- (a) Tariff structure –
- (i) the tariff structure as reflected in table 1 below shall be used to determine regulatory community and subsidised services.
- (b) Method of calculation –
- (i) these tariffs may be adjusted annually by a percentage as determined by the council during its budget process, or by a recalculation of the estimated actual cost.
- (v) die tarief betaalbaar vir die verwydering van die inhoud van 'n riooltenk is gelyk aan die eenheidstarief wat ooreenkomstig die bepalinge van subparagraaf 4 (b) (i) vasgestel is met betrekking tot riooltenks in gebruik op persele geleë binne die jurisdiksiegebied van die munisipaliteit; waar 'n derde pompings in dieselfde maand gedoen word gedurende Paasaweek asook skoolvakansies, sal sodanige pompings teen geen verdere koste gelewer word, maar sal 'n vierde pompings in dieselfde maand teen werklike koste gelewer word;
- (vi) met betrekking tot die verwydering van die inhoud van riooltenks in gebruik op persele wat buite die stedelike randgebied geleë is, of die verwydering by geleentheid van die inhoud van 'n septiese tenk sal 'n tarief gebaseer op 'n vordering per vrag wat verwyder moet word, gehef word;
- (vii) gelde betaalbaar in terme van subparagraaf (vi) moet maandeliks deur die Incident program gehef word;
- (viii) waar versoeke deur enige verbruiker aan wie 'n afvaldiens gelewer word na gewone kantoorure deur Nooddienste ontvang word, sal die werklike koste deur die Incident program op die gewone toepaslike tarief gehef word;
- (ix) industrieë wat as nat nywerhede (water intensiewe nywerhede) geklassifiseer is, sal bo en behalwe 'n tarief per toilet 'n behandelingskoste betaal wat op die volgende formule gebaseer is:

$$B = 0,85 V[R \times \text{CSB}] / 1000$$

$$B = \text{Behandelingskoste}$$

$$V = \text{Volume waterverbruik in kiloliter}$$

$$R = \text{Koste van behandeling van 1kg CSB in R/kilogram CSB}$$

$$\text{CSB} = \text{Chemiese suurstofbehoefte in milligram per liter}$$
- (x) industrieë wat as nat nywerhede geklassifiseer is en wat met 'n vloeiemtingsapparaat toegerus is om die volume van riool te meet:

$$B = V[R \times \text{CSB}] / 1000$$

$$B = \text{Behandelingskoste}$$

$$V = \text{Volume riool in kiloliter}$$

$$R = \text{Koste van behandeling van 1kg CSB in R/kilogram CSB}$$

$$\text{CSB} = \text{Chemiese suurstofbehoefte in milligram per liter}$$
- (xi) riooltariewe sal maandeliks gehef word. en betaalbaar wees deur die verbruiker.
- (c) Waar 'n eiendom nie by 'n waterdraende sanitasiesistelsel of 'n sanitasie pompstelsel aangesluit is nie en redelikerwys daarby aangesluit kan word sal beskikbaarheidsgelde betaalbaar wees gelyk aan die vaste koste bereken ooreenkomstig die bepalinge van subparagraaf (1)(b), met dien verstande dat sodanige heffing nie van toepassing sal wees op persele waar syperiole bestaan nie.
- (5) Gemeenskaps- en gesubsidieerde dienste
- (a) Tariefstruktuur –
- (i) Die tariefstrukture soos uiteengesit in tabel 1 hieronder sal gebruik word vir die vasstelling van regulerende gemeenskap en gesubsidieerde dienste.
- (b) Metode van berekening –
- (i) hierdie tariewe sal jaarliks tydens die begrotingsvergadering aangepas word met 'n aantal persentasiepunte of deur die beraamde werklike koste te herbereken.

Table 1

| FUNCTION | UNIT OF RETURN |
|---|---|
| 1. SUNDRY SERVICE CHARGES | |
| 1.1 Information regarding valuation of properties. | Fixed amount per enquiry per property. |
| 1.2 Issuing of valuation certificate of a property. | Fixed amount per certificate. |
| 1.3 Issuing of valuation certificate of a property. | Fixed amount per certificate. |
| 1.4 Issuing of second duplicate account. | Fixed amount per duplicate account. |
| 1.5 Photocopying: A4 size A3 size | Fixed amount per photocopy. |
| 1.6 Copies of building plans and area maps. | Fixed amount per copy. |
| 1.7 Computerised area maps. | Fixed amount per map for A0, A1, A2, A3 and smaller sizes respectively. |
| 1.8 Dishonouring charges payable when bank dishonours a cheque and debit order – ACB system | Amount equal to the costs levied by the bank plus 15% admin cost. |
| 1.9 Fax: Received and/or sent. | Fixed amount per fax. |
| 1.10 Cleaning of erven | Actual cost plus 15% |
| 1.11 Application for open burning | |
| 1.12 Application for pesticide spraying | |
| 2. LETTING OF TOWN HALLS AND COMMUNITY HALLS | |
| 2.1 Hall reservations taking into account various uses thereof. | Fixed amount per reservation. |
| 2.2 Hall reservations, including kitchen by standing users. | Fixed amount per annum. |
| 2.3 Use of side wards additional to main hall. | Fixed amount per reservation. |
| 2.4 Use of kitchen additional to main hall or side ward. | Fixed amount per reservation. |
| 2.5 Use of refreshment room additional to main hall or side ward. | Fixed amount per reservation. |
| 2.6 Use of facilities one day prior to date of reservation. | Fixed amount per reservation. |
| 2.7 Deposit payable in respect of the use of the hall and the facilities. | Fixed amount per reservation. |
| 2.8 Cancellation of reservation. | 10% of the rental payable to cover administration costs shall be recovered from the deposit paid. |
| 3. LIBRARY FEES | |
| 3.1 Fine for the late return of books or CDs. | Fixed amount per week or portion of a week per item. |
| 3.2 Fine for late return of a video or DVD | Fixed amount per day or portion of a day per video. |
| 3.3 Lost lender tickets. | Fixed amount per ticket. |
| 3.4 Booking of library material- • material in stock • material not in stock | Fixed amount per booking. Fixed amount per booking. |

Tabel 1

| FUNKSIE | EENHEID VAN OPBRENGS |
|---|---|
| 1. DIVERSE DIENSGELDE | |
| 1.1 Inligting insake waardasies van eiendomme. | Vaste bedrag per navraag per eiendom. |
| 1.2 Uitreiking van waardasiesertifikaat van 'n eiendom. | Vaste bedrag per sertifikaat. |
| 1.3 Uitreiking van waardasiesertifikaat van 'n eiendom. | Vaste bedrag per sertifikaat. |
| 1.4 Uitreiking van tweede duplikaat-rekening. | Vaste bedrag per duplikaat rekening. |
| 1.5 Maak van fotostate. A4 grootte A3 grootte | Vaste bedrag per fotostaat Vaste bedrag per fotostaat |
| 1.6 Afdrukke van bouplanne en dorpskaarte. | Vaste bedrag per afdruk |
| 1.7 Gerekenariseerde dorpsplanne. | Vaste bedrag per plan onderskeidelik A0, A1, A2, A3 en kleiner groottes. |
| 1.8 Dishonoreringsgelde betaalbaar wanneer tjeks deur bank gedishonoreer word. | Bedrag gelyk aan die koste gehef deur die bank. |
| 1.9 Faksimilees: Ontvang en/of afstuur. | Vaste bedrag per faksimilee. |
| 1.10 Skoonmaak van erwe | Werklike koste plus 15% |
| 1.11 Aansoek om oopverbranding | |
| 1.12 Aansoek om plaag- en onkruidbespuiting | |
| 2. VERHUUR VAN STADSAAL EN GEMEENSKAPSALE | |
| 2.1 Saalbesprekings met onderskeid t.o.v. die verskeie gebruike daarvan. | Vaste bedrag per bespreking. |
| 2.2 Saalbesprekings deur staande verbruikers, kombuis ingesluit. | Vaste bedrag per jaar. |
| 2.3 Gebruik van sysale addisioneel tot hoofsaal. | Vaste bedrag per bespreking. |
| 2.4 Gebruik van kombuis addisioneel tot hoofsaal of sysale. | Vaste bedrag per bespreking. |
| 2.5 Gebruik van verversingskamer addisioneel tot hoofsaal of sysale. | Vaste bedrag per bespreking. |
| 2.6 Gebruik van geriewe een dag voor besprekingsdatum. | Vaste bedrag per bespreking. |
| 2.7 Deposito betaalbaar t.o.v. gebruik van saal en bykomstige geriewe. | Vaste bedrag per bespreking. |
| 2.8 Kanselliasie van bespreking. | 10% van huurgeld betaalbaar vir administrasiekoste word van deposito verhaal. |
| 3. BIBLIOTEEKGELDE | |
| 3.1 Boetes vir die laat terugbesorg van boek, plaat, CD, kasset of kunsafdruk. | Vaste bedrag per week of gedeelte van week per item |
| 3.2 Boete vir die laat terugbesorg van video of DVD | Vaste bedrag per dag of gedeelte van 'n dag per video. |
| 3.3 Verlore lener kaartjies | Vaste bedrag per kaartjie |
| 3.4 Bespreking van biblioteekmateriaal- • Materiaal in voorraad • Materiaal nie in voorraad nie | Vaste bedrag per bespreking Vaste bedrag per bespreking |

| FUNCTION | UNIT OF RETURN |
|--|---|
| 4. ELECTRICAL SERVICE CONNECTION | |
| 4.1 Service connections up to 30 metres 10 mm ² x 2 core with standard credit meter. | Fixed amount per 30 metre Estimated cost based on a 30 metre connection plus a % levy for administrative costs. Fixed amount per metre |
| 4.2 Additional cable per meter – maximum 50 ampère (household). | |
| 4.3 Service connections more than 30 metres 16 mm ² x 2 core with standard credit meter. | Fixed amount per 30 metre Estimated cost based on a 30 metre connection plus a % levy for administrative costs. |
| 4.4 Additional cable per metre – maximum 60 ampère (household) and 80 ampère (business). | Fixed amount per metre |
| 4.5 Service connections up to 30 metres 16 mm ² x 4 core with standard credit meter. | Fixed amount per metre Estimated actual cost based on a 30 metre connection plus a % levy for administrative costs. |
| 4.6 Additional cable per meter – maximum 3 x 40 ampère household and 3 x 80 ampère business | Fixed amount per metre |
| 4.7 Service connections more than 30 metres 16 mm ² with standard meter | Estimated actual cost plus % levy for administrative costs. |
| 4.8 Service connections up to 30 metres 16 mm ² x 4 core with standard meter | Estimated actual cost based on a 30 metre connection plus a % levy for administrative costs. |
| 4.9 Service connection more than 30 metres 16 mm ² x 4 core with standard meter | Estimated actual cost plus % levy for administrative costs |
| 4.10 Erven with installed service connections. | Fixed amount per connection. |
| 4.11 Single Relay – in areas where the geyser load management system is implemented, the applicant is responsible to install a load management relay for the control of the geyser | Fixed amount per single relay |
| 4.12 Double Relay - in areas where the geyser load management system is implemented, the applicant is responsible to install a load management relay for the control of the geyser | Fixed amount per double relay |
| 4.13 Repair of cable and additional joint | Fixed amount per cable joint |
| 4.14 Additional levy i.r.o tampering- In the case where tampering to electrical equipment caused an incorrect electricity usage registered through the meter, an additional levy for the upgrading of a connection will be payable by the registered consumer before reconnection. I.r.o. indigent households, the consumers will pay this additional levy before the service will be restored. | Fixed amount |
| 4.15 Tampering Fees: In the case of tampering with electricity meters or where a consumer restored his or her own meter by breaking a seal, a tampering fee per meter is payable by the registered consumer before reconnection. | Fixed amount |
| 5. SALE OF PREPAID ELECTRICAL METERS | |
| 5.1 Pre-paid Single phase meter (programming included) – to service connection kWh maximum 100amp. | Fixed amount per application Actual purchase price plus % levy of administrative costs |
| 5.2 Pre-paid Three phase meter (programming included) to service connection kWh maximum 100amp. | Fixed amount per application Actual purchase price plus % levy of administrative costs |
| 5.3 Pre-paid 1-phase split meter (programming included) | Amount based on quotation |
| 5.4 Pre-paid 3-phase split meter (programming included) | Amount based on quotation |

| FUNKSIE | EENHEID VAN OPBRENGS |
|---|--|
| 4. ELEKTRIESE DIENSAANSLUITINGS | |
| 4.1 Diensaansluitings tot 30 meter 10 mm ² x 2 aar met standaard kredietmeter. | Vaste bedrag per 30 meter Beraamde koste gebaseer op 'n 30 meter aansluiting plus % toeslag vir administrasiekoste. |
| 4.2 Addisionele kabel per meter – maksimum 50 ampère (huishoudelik). | Vaste bedrag per meter |
| 4.3 Diensaansluiting meer as 30 meter 16 mm ² x 2 aar met standaard kredietmeter. | Vaste bedrag per 30 meter Beraamde koste gebaseer op 'n 30 meter aansluiting plus % toeslag vir administrasiekoste. |
| 4.4 Addisionele kabel per meter – maksimum 60 ampère (huishoudelik) en 80 ampère (besigheid). | Vaste bedrag per meter |
| 4.5 Diensaansluiting tot 30 meter 16 mm ² x 4 aar met standaard kredietmeter. | Vaste bedrag per meter Beraamde koste gebaseer op 'n 30 meter aansluiting plus % toeslag vir administrasiekoste. |
| 4.6 Addisionele kabel per meter – maksimum 3 x 40 ampère (huishoudelik) en 3 x 80 ampère (besigheid). | Vaste bedrag per meter |
| 4.7 Diensaansluiting meer as 30 meter 16 mm ² met standaard meter. | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 4.8 Diensaansluiting tot 30 meter 16 mm ² x 4 aar met standaard meter. | Beraamde werklike koste gebaseer op 'n 30 meter aansluiting plus % toeslag vir administrasiekoste. |
| 4.9 Diensaansluiting meer as 30 meter 16 mm ² x 4 aar met standaard meter. | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 4.10 Erwe met geïnstalleerde diensaansluiting | Vaste bedrag per aansluiting. |
| 4.11 Enkel oordraer – in areas waar die warmwatersilinder lasbestuurstelsel geïmplementeer is, is die aansoeker verantwoordelik om 'n lasbestuurstelsel te installeer vir beheer van die warmwatersilinder. | Vaste bedrag per enkel oordraer |
| 4.12 Dubbel oordraer - in areas waar die warmwatersilinder lasbestuurstelsel geïmplementeer is, is die aansoeker verantwoordelik om 'n lasbestuurstelsel te installeer vir beheer van die warmwatersilinder. | Vaste bedrag per dubbel oordraer |
| 4.13 Herstel van kabel en addisionele las | Vaste bedrag per kabellas |
| 4.14 Addisionele heffing t.o.v. peuterling- In geval waar gepeuter aan elektriese toerusting foutiewe elektrisiteitsgebruik veroorsaak het wat deur die meter geregistreer is, sal 'n addisionele heffing vir die opgradering van 'n aansluiting betaalbaar wees deur die geregistreerde verbruiker voor heraansluiting. T.o.v. behoeftige huishoudings sal verbruikers die addisionele heffing betaal voordat die diens herstel sal word. | Vaste bedrag |
| 4.15 Peuterfooi: In geval van gepeuter met elektrisiteitsmeters of waar 'n verbruiker sy of haar eie meter herstel het deur 'n seël te breek, is 'n peuterfooi per meter betaalbaar deur die geregistreerde verbruiker voor heraansluiting. | Vaste bedrag |
| 5. VERKOPE VAN VOORAFBE-TAALDE ELEKTRIESE METERS | |
| 5.1 Voorafbetaalde Enkelfase meter (programming ingesluit) aan diensaansluiting kWh maksimum 100 amp. | Vaste bedrag per aansoek Werklike aankoopprys per aansoek plus % heffing van administratiewe koste |
| 5.2 Voorafbetaalde Driefase meter (programming ingesluit) aan diensaansluiting kWh maksimum 100 amp. | Vaste bedrag per aansoek Werklike aankoopprys per aansoek plus % heffing van administratiewe koste |
| 5.3 Voorafbetaalde 1-fase splitmeter (programming ingesluit) | Bedrag gebaseer op kwotasie |
| 5.4 Voorafbetaalde 3-fase splitmeter (programming ingesluit) | Bedrag gebaseer op kwotasie |

| FUNCTION | UNIT OF RETURN |
|---|---|
| 6. SUNDRY SERVICES: ELECTRICITY DEPARTMENT | |
| 6.1 Call-out fee payable for private queries and problems (municipal electrical supply or connections not included) • Office hours • After hours and Saturdays • Public holidays and Sundays | Fixed amount per call |
| 6.2 Application by consumers for circuit breakers with a higher or lower rating per phase | Fixed amount per call |
| 6.3 Services connections- connection for residential and business | Fixed amount per connection |
| 6.4 Testing of credit meter on request of consumer for accuracy: Single phase, three phase and maximum demand | Fixed amount per application |
| 6.5 Additions to service connections kWh maximum 100amp to- • Single phase credit meter with circuit breaker • Three phase credit meter with circuit breaker | Fixed amount per application |
| 7. ELECTRICITY DEPOSIT | |
| 7.1 Electricity deposit included in consumer services deposit (water, electricity, refuse removal and sewage). | Fixed amount per consumer |
| 7.2 Business – new consumers | Double the amount of the average of the municipal account for three consecutive months i.r.o. electricity, water, sewerage and refuse removal. The deposit for newly erected buildings will be based on an estimate of the expected charges i.r.o. the mentioned services. |
| 8. WATER SERVICES CONNECTIONS | |
| 8.1 15 mm connection – low cost housing | Cost will be determined as per contract |
| 8.2 15 mm connection – other connections | Estimated actual cost plus % levy for administrative costs. |
| 8.3 22 mm connection | Estimated actual cost plus % levy for administrative costs. |
| 8.4 Connections 22 mm private development | Estimated actual cost plus % levy for administrative costs. |
| 8.5 Testing of water meters | Estimated actual cost plus % levy for administrative costs. |
| 8.6 Damages to service connections and reticulation – costs to be recovered | Estimated actual cost plus % levy for administrative costs. |
| 8.7 Tampering fee: In the case of tampering with water meter installations or where a consumer restored his or her own meter by breaking a seal, a tampering fee per meter is payable by the registered consumer before re-connection. | Fixed Amount |
| 9. SERVICES DEPOSIT | |
| 9.1 Deposit included in consumer services deposit (water, electricity, refuse removal, sewage). | Fixed amount per consumer |
| 9.2 Letting of a municipal stand pipe | Fixed amount per letting |
| 10. SANITATION SERVICE CONNECTIONS | |
| 10.1 100 mm connections | Estimated actual cost plus % levy for administrative costs. |
| 10.2 150 mm connections | Estimated actual cost plus % levy for administrative costs. |
| 10.3 Damages to service connections and reticulation – costs to be recovered. | Estimated actual cost plus % levy for administrative costs. |

| FUNKSIE | EENHEID VAN OPBRENGS |
|--|---|
| 6. DIVERSE DIENSTE: ELEKTRISITEITSDIENST | |
| 6.1 Uitroepfooi betaalbaar vir privaat navrae en probleme (munisipale elektrisiteitsvoorsiening of aansluitings uitgesluit) • Kantoorure • Na-ure en Saterdag • Openbare vakansiedae en Sondae | Vaste bedrag per uitroep |
| 6.2 Aansoek deur verbruikers vir stroom-brekers met 'n hoër of laer vermoë per fase | Vaste bedrag per uitroep |
| 6.3 Diensaansluitings- aansluiting vir residensieel en besigheid | Vaste bedrag per aansluiting |
| 6.4 Toets van diensmeter op versoek van verbruiker vir akkuraatheid- Enkelfase, driefase, maksimum aanvraag | Vaste bedrag per aansoek |
| 6.5 Toevoegings tot diensaansluitings kWh maksimum 100 amp na • Enkelfase kredietmeter met stroombreker • Driefase kredietmeter met stroombreker | Vaste bedrag per aansoek |
| 7. ELEKTRISITEITSDIENST | |
| 7.1 Elektrisiteitsdeposito ingesluit in verbruikersdienste deposito (water, elektrisiteit, vullisverwydering en riool) | |
| 7.2 Besigheid – nuwe verbruikers | Dubbel die bedrag van die gemiddelde munisipale rekening vir drie opeenvolgende maande t.o.v. elektrisiteit, water, riool en vullisverwydering. Die deposito vir nuut opgerigte geboue word gebaseer op 'n skatting van die verwagte koste t.o.v. genoemde dienste. |
| 8. WATER DIENSAANSLUITINGS | |
| 8.1 15 mm aansluitings – lae koste behuising | Koste sal bepaal word volgens kontrak |
| 8.2 15 mm aansluiting – alle ander aansluitings. | Beraamde werklike koste plus % heffing vir administratiewe koste |
| 8.3 22 mm aansluiting | Beraamde werklike koste plus % heffing vir administratiewe koste |
| 8.4 Aansluitings 22mm privaat ontwikkeling | Beraamde werklike koste plus % heffing vir administratiewe koste |
| 8.5 Toets van watermeters | Beraamde werklike koste plus % heffing vir administratiewe koste |
| 8.6 Beskadiging van diensaansluitings en netwerk – koste moet verhaal word. | Beraamde werklike koste plus % heffing vir administratiewe koste |
| 8.7 Peuterfooi: In geval van peustering met die watermeterinstallasie of waar 'n verbruiker sy of haar eie meter herstel het deur 'n seël te breek, is 'n peuterfooi per meter betaalbaar deur die geregistreerde verbruiker voor heraansluiting. | Vaste bedrag |
| 9. DIENSTEDEPOSITO | |
| 9.1 Deposito ingesluit in verbruikers- dienste deposito (water, elektrisiteit, vullisverwydering, riool) | Vaste bedrag per verhuring |
| 9.2 Huur van munisipale staanpyp | Vaste bedrag per verhuring |
| 10. SANITASIE DIENSAANSLUITINGS | |
| 10.1 100 mm aansluitings | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 10.2 150 mm aansluitings | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 10.3 Beskadiging van diensaansluitings en netwerke – koste moet verhaal word | Beraamde werklike koste plus % toeslag vir administrasiekoste. |

| FUNCTION | UNIT OF RETURN |
|--|--|
| 11. SUNDRY SERVICES SANITATION | |
| 11.1 Emptying of sewerage tanks | Fixed sanitation levy as applicable to residential or business premises excluding premises where french drains exist. |
| 11.2 Emptying of sewerage tanks (farms) | Actual cost per suction |
| 11.3 Emptying of sewerage tanks after ordinary office hours: Monday – Thursday from 17h00 Friday from 15h45 – Monday morning at 08h00. | Actual cost per suction |
| 11.4 Partial connections (pumping). | Fixed cost per suction divided by two |
| 11.5 Industrial effluent per kg (COD) | Estimated actual cost plus % levy for administrative costs |
| 11.6 Selling of treated waste water – all consumers, excluding Rooiheuvel JV treated waste water per kl. | As per agreement according the following components- operating cost and energy cost as determined by the municipality annually |
| 11.7 Selling of treated waste water – Only for Rooiheuvel JV – they are responsible for the maintenance, repair and replacement of assets as well as for the operating cost – contract conditions. | Fixed amount as determined by the municipality annually |
| 11.8 Sewerage blockages. | Estimated actual cost plus % levy for administrative costs – |
| 11.9 Sewerage blockages (after hours) Monday – Thursday from 17:00 Friday from 15:45 to Monday morning at 08:00. | Estimated actual cost plus % levy for administrative costs |
| 12. SANITATION DEPOSIT | |
| 12.1 Deposit included in consumer services deposit (water, electricity, refuse removal, sewage). | Fixed amount per consumer. |
| 13. SUNDRY ENGINEERING SERVICES | |
| 13.1 Construction of single motor vehicle entrance. | Estimated actual cost plus % levy for administrative costs. |
| 13.2 Construction of double motor vehicle entrance. | Estimated actual cost plus % levy for administrative costs. |
| 13.3 Construction of motor vehicle entrance with storm water grid. | Estimated actual cost plus % levy for administrative costs. |
| 13.4 Tarring and patch work. | Estimated actual cost plus % levy for administrative costs. |
| 14. CEMETERY FEES | |
| 14.1 Single grave site – purchase price. | Fixed amount per site. |
| 14.2 Single grave – children under 12 years. | Fixed amount per site. |
| 14.3 Reservation of site. | Estimated actual cost plus % levy for administrative costs. |
| 14.4 Digging of grave – 1.8m | Fixed amount per grave. |
| 14.5 Covering of grave. | Estimated actual cost plus % levy for administrative costs. |
| 14.6 Pointing out of grave site. | Fixed amount per site. |
| 14.7 Digging of double depth grave – 2.7m | Estimated actual cost plus % levy for administrative costs. |
| 14.8 Opening of double depth grave. | Estimated actual cost plus % levy for administrative costs. |
| 14.9 Construction of brick lining: • single grave • extra deep grave | Estimated actual cost plus % levy for administrative costs. |
| 14.10 Wall of remembrance – purchases of storage space. | Estimated actual cost plus % levy for administrative costs. Fixed amount per urn. |
| 15. SWIMMING POOL FEES | |
| 15.1 Per ticket and per Class I or Class II swimming pool | Fixed amount per ticket. |
| 15.2 Per seasonal ticket per Class I or Class II swimming pool | Fixed amount per ticket. |
| 15.3 For galas – during the week per Class I or per Class II swimming pool | Fixed amount per gala per Class I an II swimming pool |
| 15.4 For 2/3 camp gatherings (max 3 hours) per Class I or Class II swimming pool. | Fixed amount per 2/3 camp gatherings per Class I and II swimming pool. |
| 15.5 Season fee for clubs and schools 1 – 6 days per week per Class I or Class II swimming pool | Fixed amount per club or school per Class I or Class II swimming pool |
| 15.6 Uplifting projects (non-exclusive usage max of 30 persons per day) per Class I or Class II swimming pool | Fixed amount per event per Class I or Class II swimming pool |
| 15.7 Churches, Youth, Crèches, Sport Clubs – per person per Class I or Class II swimming pool | Fixed amount per ticket. |

| FUNKSIE | EENHEID VAN OPBRENGS |
|--|---|
| 11. DIVERSE DIENSTE SANITASIE | |
| 11.1 Uitsuig van riooltenks | Vaste sanitasie heffing soos van toepassing op residensiële of besigheidspersele uitgesluit persele waarop 'n sytelriool bestaan. |
| 11.2 Uitsuig van riooltenks (plase) | Werklike koste per vraag gehief. |
| 11.3 Uitsuig van riooltenks na gewone kantoorure Maandag – Donderdag vanaf 17:00 Vrydag vanaf 15:45 – Maandagoggend 08:00 | Werklike koste per uitsuig. |
| 11.4 Gedeeltelike aansluiting (uitsuig) | Vaste bedrag per uitsuig gedeel deur twee. |
| 11.5 Nywerheidsafloop per kg (CSB) | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 11.6 Verkoop van gesuiwerde rioolwater – alle verbruikers, uitgesluit Rooiheuvel JV gesuiwerde rioolwater per kiloliter | Per ooreenkoms volgens die volgende komponente- bedryfskoste en energiekoste soos jaarliks deur die munisipaliteit bepaal. |
| 11.7 Verkoop van gesuiwerde rioolwater – slegs vir Rooiheuvel JV – hulle is verantwoordelik vir instandhouding, herstel en vervang van aanwinste sowel as vir bedryfskoste – kontrak-voorwaardes | Vaste bedrag soos jaarliks deur die munisipaliteit bepaal. |
| 11.8 Rioolverstopings | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 11.9 Rioolverstopings (na-ure) Maandag – Donderdag vanaf 17:00 Vrydag vanaf 15:45 – Maandagoggend 08:00 | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 12. SANITASIEDEPOSITO | |
| 12.1 Deposito ingesluit by verbruikersdienste deposito (water, elektrisiteit, vullisverwydering en riool). | |
| 13. DIVERSE INGENIEURSDIENSTE | |
| 13.1 Maak van enkel motoringang | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 13.2 Maak van dubbel motoringang | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 13.3 Maak van motoringang met stormwater-wegvoer | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 13.4 Teer en lapwerk | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 14. BEGRAAFPLAASSELDE | |
| 14.1 Enkelgrafperseel – koopprys | Vaste bedrag per perseel. |
| 14.2 Enkelgraf – kinders onder 12 jaar | Vaste bedrag per perseel. |
| 14.3 Reservering van perseel | Vaste bedrag per perseel. |
| 14.4 Grawe van graf – 1.8m | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 14.5 Toegooi van graf | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 14.6 Uitwys van grafperseel | Vaste bedrag per perseel. |
| 14.7 Grawe van dubbeldiepte graf – 2.7m | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 14.8 Oopmaak van dubbeldiepte graf | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 14.9 Bou van baksteenvoering: • enkelgraf • ekstra dieptegrav | Beraamde werklike koste plus % vir administrasiekoste. |
| 14.10 Muur van herinnering: Koop van berging-spasie | Vaste bedrag per ashouer. |
| 15. SWEMBADGELDE | |
| 15.1 Per kaartjie per Klas I of Klas II swembad | Vaste bedrag per kaartjie. |
| 15.2 Per seisoenkaartjie per Klas I of Klas II swembad | Vaste bedrag per kaartjie. |
| 15.3 Vir galas – tydens die week per Klas I of Klas II swembad | Vaste bedrag per kaartjie per Klas I en II swembad. |
| 15.4 Vir 2/3-kamp byeenkomste (maks 3 ure) per Klas I of Klas II swembad | Vaste bedrag vir 2/3-kamp byeenkomste per Klas I en II swembad . |
| 15.5 Seisoenfooi vir klubs en skole 1-6 dae per week per Klas I of Klas II swembad | Vaste bedrag per klub of skool per Klas I en II swembad. |
| 15.6 Opheffingsprojekte (nie-eksklusiewe gebruik maks 30 persone per dag) per Klas I of Klas II swembad | Vaste bedrag per byeenkoms per Klas I en II swembad. |
| 15.7 Kerke, Jeug, Crèches, Sportklubs – per persoon per Klas I of Klas II swembad | Vaste bedrag per kaartjie. |

| FUNCTION | UNIT OF RETURN |
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| 16. BUILDING PLAN FEES | |
| 16.1 Approval of building plan fees. | Fixed amount per m ² . |
| 16.2 Approval of building plan fees: rural areas. | Fixed amount per m ² . |
| 16.3 Approval: Minimum building plan fees. | Fixed amount per building plan. |
| 16.4 Building plan fees: low cost housing. | Fixed amount per building plan. |
| 16.5 List of approved building plans (annual fees). | Fixed amount per building plan. |
| 16.6 Approval: building plan fees (architectural design manual) per R/m ² . | Fixed amount per m ² . |
| 16.7 Minor building work/boundary walls. | Fixed amount per building plan. |
| 16.8 Boundary walls – per running metre. | Fixed amount per running metre. |
| 16.9 Extension of validity period. | Fixed amount per application. |
| 16.10 Extension of validity period after 12 months per m ² . | Fixed amount per m ² . |
| 16.11 Additional building fees – building without approval. | Tariff determined by council based on actual cost. |
| 16.12 Issue of certificate of occupation i.t.o. A20 NBR for buildings where the total floor space is 500 square metres or less. | Fixed amount per application. |
| 16.13 Issue of certificate of occupation i.t.o. A20 NBR for buildings where the total floor space is more than 500 square metres. | Fixed amount per application. |
| 17. LAND USE APPLICATIONS AND SUB-DIVISIONS: TARIFFS | |
| 17.1 Advertising signs | Fixed amount per sign. |
| 17.2 Application fees – advertising signs erected without approval | Fixed amount per sign. |
| 17.3 Penalty – advertising signs erected without approval | Fixed amount per penalty. |
| 17.4 Show house signs (payable per annum) | Fixed amount per sign. |
| 17.5 Show house deposit | Fixed amount per application. |
| 17.6 Application for re-zoning (not applicable to sub divisional area) | Fixed amount per application. |
| 17.7 Application for re-zoning (applicable to sub divisional area) additional amount per land use (open spaces and roads excluded) | Fixed amount per application. |
| 17.8 Application for consent uses. | Fixed amount per application. |
| 17.9 Applications for extension of the validity period of approvals for re-zoning and consent uses. | Fixed amount per application. |
| 17.10 Applications for sub-division: • up to 10 erven | Fixed amount per sub division up to 10 erven. Fixed amount per sub division above 10 erven. |
| • above 10 erven | |
| 17.11 Sub divisions above 10 erven. | Fixed amount per sub division above 10 erven. |
| 17.12 Application for extension of period of sub division | Fixed amount per application. |
| 17.13 Applications for departures: • erven < 500 m ² • erven 501 m ² – 750 m ² • erven > 750 m ² | Fixed amount per application. |
| 17.14 Application for departure in terms of section 15(1)(a)(i) of Ord 15/1985. | Fixed amount per application. |
| 17.15 Applications for removal of restricting provisions. | Fixed amount per application. |
| 17.16 Cost of advertisements and postage in regard to the advertising of applications for rezoning, sub-division, consent uses and departures. | Estimated actual costs plus % levy for administration costs. |
| 17.17 Issue of section 31 certificate (ord. 15/85). | Fixed amount per certificate. |
| 17.18 Amendment of approved conditions (application fee will only be applicable if application requires a public participation process). | Fixed amount per amendment. |
| 17.19 Approval of a constitution. | Fixed amount per approval. |
| 17.20 Approval of an architectural design manual. | Fixed amount per approval. |
| 17.21 Amendment of a constitution or an architectural design. | Fixed amount per amendment. |
| 17.22 Fine for unauthorised land use | Fixed amount per fine. |
| 17.23 Issuing of zoning certificate. | Fixed amount per certificate. |
| 17.24 CD for SDF. | Fixed amount per CD. |
| 17.25 CD for Zoning Scheme Regulations. | Fixed amount per CD. |
| 17.26 Application providing the reasons for the decision to the applicant taken by the Valuation Appeal Board – regarding the Property Rates Act (6 of 2004) section 53(2) | Fixed amount per application. |
| 17.27 Amendment of SDF | Fixed amount per amendment. |

| FUNKSIE | EENHEID VAN OPBRENGS |
|---|---|
| 16. BOUPLANGELDE | |
| 16.1 Goedkeuring van bouplangelde. | Vaste bedrag per m ² . |
| 16.2 Goedkeuring van bouplangelde-landelike gebiede. | Vaste bedrag per m ² . |
| 16.3 Goedkeuring: Minimum bouplangelde. | Vaste bedrag per bouplan. |
| 16.4 Bouplangelde: lae koste behuising. | Vaste bedrag per bouplan. |
| 16.5 Lys van goedgekeurde bouplanne (jaarlikse fooie). | Vaste bedrag per bouplan. |
| 16.6 Goedkeuring: bouplanfooie (argitek-toniese ontwerp-handleiding) per R/ m ² . | Vaste bedrag per m ² . |
| 16.7 Ondergeskikte bouwerk/grensmure. | Vaste bedrag per bouplan. |
| 16.8 Grensmure – per meter. | Vaste bedrag per meter. |
| 16.9 Verlenging van geldigheidsduur. | Vaste bedrag per aansoek. |
| 16.10 Verlenging van geldigheidsduur na 12 maande per m ² . | Vaste bedrag per m ² . |
| 16.11 Addisionele bouplanfooie – bouwerk sonder goedkeuring. | Tarief soos deur raad bepaal, gebaseer op werklike koste. |
| 16.12 Uitreiking van okupasiesertifikaat ingevolge A20 NBR vir geboue waar die totale vloeroppervlak 500m ² en kleiner is. | Vaste bedrag per aansoek. |
| 16.13 Uitreiking van okupasiesertifikaat ingevolge A20 NBR vir geboue waar die totale vloeroppervlak 500m ² en groter is. | Vaste bedrag per aansoek. |
| 17. GRONDGEBUIKAANSOEKE EN ONDERVERDELINGS: TARIWE | |
| 17.1 Advertensieborde | Vaste bedrag per bord. |
| 17.2 Aansoekfooie – advertensieborde opgerig sonder goedkeuring | Vaste bedrag per aansoek. |
| 17.3 Boete – advertensieborde opgerig sonder goedkeuring. | Vaste bedrag per aansoek. |
| 17.4 Skouhuis borde (jaarlikse betaalbaar). | Vaste bedrag per aansoek. |
| 17.5 Skouhuis deposito. | Vaste bedrag per aansoek. |
| 17.6 Aansoek om hersonering (nie van toepassing op onderverdeelde areas nie). | Vaste bedrag per aansoek. |
| 17.7 Aansoek om hersonering (van toepassing op onderverdeelde areas) addisionele bedrag per landgebruik (oop ruimtes en paaië uitgesluit) | Vaste bedrag per aansoek. |
| 17.8 Aansoek om vergunningsgebruik. | Vaste bedrag per aansoek. |
| 17.9 Aansoek om verlenging van geldigheidsduur van goedkeurings vir hersonering en vergunningsgebruik. | Vaste bedrag per aansoek. |
| 17.10 Aansoek om onderverdeling – • tot 10 erwe • bo 10 erwe | Vaste bedrag per onderverdeling tot 10 erwe Vaste bedrag per onderverdeling bo 10 erwe |
| 17.11 Onderverdeling van meer as 10 erwe. | Vaste bedrag per erf bo 10 erwe. |
| 17.12 Aansoek om verlenging van geldigheidsduur van goedkeurings vir onderverdeling. | Vaste bedrag per aansoek. |
| 17.13 Aansoek om afwykings: • erwe < 500 m ² • erwe 501 m ² – 750 m ² • erwe > 750 m ² | Vaste bedrag per aansoek. |
| 17.14 Aansoek om afwykings ingevolge artikel 15(1)(a)(i) van Ord 15/1985. | Vaste bedrag per aansoek. |
| 17.15 Aansoek om opheffing van beperkende voorwaardes. | Vaste bedrag per aansoek. |
| 17.16 Advertensiekoste en posgeld t.o.v. adverteer van hersonering, onder-verdeling, vergunnings-gebruik en afwykende gebruiksaansoek. | Beraamde werklike koste plus % toeslag vir administrasiekoste. |
| 17.17 Uitreik van afdeling 31 sertifikaat (ord. 15/85). | Vaste bedrag per sertifikaat. |
| 17.18 Wysiging van goedgekeurde voorwaardes (aansoekfooie sal slegs toepaslik wees as aansoek 'n openbare deelnameproses vereis). | Vaste bedrag per aansoek. |
| 17.19 Goedkeuring van 'n grondwet. | Vaste bedrag per goedkeuring. |
| 17.20 Goedkeuring van 'n argitektoniese ontwerp-handleiding. | Vaste bedrag per goedkeuring. |
| 17.21 Wysiging van 'n grondwet of argitektoniese ontwerp. | Vaste bedrag per wysiging |
| 17.22 Boete vir ongemagtigde grondgebruik. | Vaste bedrag per boete. |
| 17.23 Uitreiking van soneringsertifikaat. | Vaste bedrag per sertifikaat. |
| 17.24 CD vir ROR. | Vaste bedrag per CD. |
| 17.25 CD vir Sonering Skemaregulasies. | Vaste bedrag per CD. |
| 17.26 Aansoek met redes vir besluit aan die aansoeker geneem deur die Waardasie Appèlraad rakende Wet op Eiendomstariewe (6 van 2004) afdeling 53(2). | Vaste bedrag per aansoek. |
| 17.27 Wysiging van ROR. | Vaste bedrag per wysiging. |

| FUNCTION | UNIT OF RETURN |
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| 18. CARAVAN PARK AND CHALETS: TARIFFS | |
| 18.1 Camping sites for caravans and/or tents (out of season): • limited to 4 persons per site. • more than 4 persons per site. | Fixed amount for 4 persons per night. Fixed amount for each additional person per night. |
| 18.2 Camping sites for caravans and/or tents (in season): • limited to 4 persons per site. • more than 4 persons per site. | Fixed amount for 4 persons per night. Fixed amount for each additional person per night. |
| 18.3 Chalets (out of season) – • limited to 6 persons per chalet | Fixed amount for 6 persons per night. |
| 18.4 Chalets (in season) – • limited to 6 persons per chalet | Fixed amount for 6 persons per night. |
| 18.5 Entrance fees for visitors • entrance fees for motor vehicles plus entrance fees per person. | Fixed amount per person. |
| 18.6 Camping site without any facilities for cyclists with one-person tents. | Fixed amount per application per night. |
| 18.7 Storage place for caravans. | Fixed amount per storage place. |
| 18.8 Rental for lapa. | Fixed amount per occasion. |
| 18.9 Fees washing machines. | Fixed amount per wash. |
| 18.10 Fees payable at reservation Chalets – December/January Easter week-end Other periods Camping sites – December/January Easter week-end | 100% of amount payable for reserved period 100% of amount payable for reserved period |
| 18.11 Cancellation of reservations of chalets/ camping sites. | 100% of amount payable for reserved period The amount payable for the reserved period less 10% forfeit fee. |
| 18.12 Rebate for pensioners and groups: Pensioners- Groups: 10 – 15 caravans 16 – 25 caravans 26 – 50 caravans More than 50 caravans | 40% for persons 60 years and older during “out of season” period. 10% rebate. 15% rebate. 20% rebate. 25% rebate. |
| 19. AD HOC LETTING OF SITES AND SPORTS FACILITIES | |
| 19.1 Letting of circus sites. | Fixed amount per reservation per day. |
| 19.2 Letting of open spaces for church services. | Fixed amount per reservation per day or part of a day. |
| 19.3 Letting of site for merry-go-round. | Fixed amount per reservation per day. |
| 19.4 Letting of hawkers’ sites. | Fixed amount per site. |
| 19.5 Cancellation of sports grounds lease | Actual cost plus 15% of seasonal fees |
| 20. TRAFFIC DEPARTMENT: TARIFFS FOR TRAFFIC SERVICES | |
| 20.1 Escorting of vehicles through town. | Fixed amount per hour per officer. |
| 20.2 Rendering of services to bodies such as sporting clubs, funeral escorts, festivals and similar services, etc. | Fixed amount per hour per officer per occasion. |
| 21. HARBOUR AND FISH MARKET, YZERFONTEIN: TARIFFS | |
| 21.1 Use of harbour facilities – all boats. | Fixed amount per service. |
| 21.2 Entrance fees for motor vehicles. | Fixed amount per motor vehicle. |
| 21.3 Entrance fees payable in regard to the use of the fish market facilities. | Fixed amount per service. |

9. Notification of tariffs, fees and service charges

- (1) The municipality must give notice of all tariffs approved at the annual budget meeting at least 30 days prior to the date that the tariffs become effective.
- (2) A notice stating the purport of the council resolution and the date on which the new tariffs shall become operational, must be displayed by the municipality at a place designated for that purpose.

| FUNKSIE | EENHEID VAN OPBRENGS |
|--|---|
| 18. WOONWAPARK EN CHALETS: TARIËWE | |
| 18.1 Kampeertreïnpersele vir woonwaens en/of tente (buite seisoen): • beperk tot 4 persone per perseel • meer as 4 persone per perseel | Vaste bedrag vir 4 persone per nag. Vaste bedrag vir elke addisionele persoon per nag. |
| 18.2 Kampeertreïnpersele vir woonwaens en/of tente (binne seisoen): • beperk tot 4 persone per perseel • meer as 4 persone per perseel | Vaste bedrag vir 4 persone per nag. Vaste bedrag vir elke addisionele persoon per nag. |
| 18.3 Chalets (buite seisoen) – • Beperk tot 6 persone per chalet. | Vaste bedrag vir 6 persone per nag. |
| 18.4 Chalets (binne seisoen) – • Beperk tot 6 persone per chalet | Vaste bedrag vir 6 persone per nag. |
| 18.5 Toegangsgelde vir besoekers- • toegangsgelde vir motorvoertuig plus toegangsgelde vir persone | Vaste bedrag per motorvoertuig |
| 18.6 Staanplek sonder enige geriewe vir fietsryers met eenman tente. | Vaste bedrag per persoon. Vaste bedrag per persoon per nag. |
| 18.7 Woonwastoorplek | Vaste bedrag per stoorplek. |
| 18.8 Huur van lapa | Vaste bedrag per geleentheid. |
| 18.9 Huur wasmasjiene | Vaste bedrag per was. |
| 18.10 Gelde betaalbaar by bespreking Chalets – Desember/Januarie Paasaweek Ander tydperke Kampeertreïnpersele – Desember/Januarie Paasaweek | 100% van gelde betaalbaar vir bespreekte tydperk. 100% van gelde betaalbaar vir bespreekte tydperk. 100% van gelde betaalbaar vir bespreekte tydperk. |
| 18.11 Kansellasië van bespreking van chalets / kampeertreïnpersele | 100% van gelde betaalbaar vir bespreekte tydperk. |
| 18.12 Afslag vir pensioenarisse en groepe: Pensioenarisse- Groepe: 10-15 karavane 16-25 karavane 26-50 karavane Meer as 50 karavane | Bedrag betaalbaar minus 10% kansellerings-fooi. 10% afslag 10% afslag 15% afslag 20% afslag 25% afslag |
| 19. AD HOC VERHURING VAN TERREINE EN SPORTTEREINE | |
| 19.1 Verhuur van sirkusterrein. | Vaste bedrag per bespreking per dag. |
| 19.2 Verhuur van oop terrein vir kerkdienste. | Vaste bedrag per bespreking per dag of deel van dag. |
| 19.3 Verhuur van terrein vir mallemeule. | Vaste bedrag per bespreking per dag. |
| 19.4 Verhuur van smousstaanplekke | Vaste bedrag per staanplek. |
| 19.5 Kansellasië van sportgronde verhurings | Werklike koste plus 15% van seisoenfooi |
| 20. VERKEERSDEPARTEMENT: TARIËWE VIR VERKEERSDIENSTE | |
| 20.1 Begeleiding van voertuie deur die dorp. | Vaste bedrag per geleentheid. |
| 20.2 Voorsiening van dienste aan instansies bv. sportliggame; begrafnisbegeleidings, feeste, ens. | Vaste bedrag per uur per geleentheid. |
| 21. HAWA EN VISMARKTARIËWE: YZERFONTEIN | |
| 21.1 Gebruik van hawefasiliteite – Alle bote. | Vaste bedrag per diens. |
| 21.2 Toegangsgelde vir motorvoertuie. | Vaste bedrag per motorvoertuig. |
| 21.3 Toegangsgelde betaalbaar t.o.v. gebruik van vismarkfasiliteite. | Vaste bedrag per diens. |

9. Kennisgewing van tariewe, fooie en diensteheffings

- (1) Die munisipaliteit moet ten minste 30 dae voor die inwerkingtreding van alle fooie en diensgelde tariewe wat tydens die begrotingsvergaderings goedgekeur is, kennis gee.
- (2) Die munisipaliteit moet op 'n aangewese plek 'n kennisgewing vertoon wat die inhoud van die raadsbesluit en die datum waarop die tariewe in werking tree, bevat.

