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INHOUD

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SWARTLAND MUNICIPALITY
CREDIT CONTROL AND
DEBT COLLECTION 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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SCHEDULE:
CREDIT CONTROL AND DEBT COLLECTION POLICY

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:

“account” includes—

- (a) levies, surcharges, service charges and availability charges in respect of the following services—
- (b) electricity supply;
- (c) water supply;
- (d) refuse removal;
- (e) sewerage services;
- (f) rates;
- (g) rental;
- (h) loan instalments
- (i) interest on arrears; and
- (j) any other levies and monies due and payable to the municipality;

and “municipal account” has a corresponding meaning;

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

“arrears” means any amount due and payable to the municipality which has not been paid on or before the date of payment;

“availability charges” means charges that may be levied against

SWARTLAND MUNISIPALITEIT
KREDIETBEHEER- EN
SKULDINVORDERINGSVERORDENING

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

Inhoudsopgawe

1. Woordomskrywings
2. Plig om skuld in te vorder
3. Diensverskaffing
4. Verbruikersdienste deposito
5. Renteheffings
6. Reëlings om agterstallige gelde te betaal
7. Ooreenkoms met werkgewer
8. Bevoegdheid om die verskaffing van dienste te beperk of af te sluit
9. Skuldverhaling
10. Verhaling van koste
11. Beslaglegging
12. Volle en finale vereffening
13. Konsolidasie van rekenings en toewysing van betalings
14. Deernisondersteuning
15. Delegasie
16. Klaringsertifikate
17. Appèl
18. Misdrywe en strawwe
19. Herroeping van verordeninge
20. Kort titel en inwerkingtrede

BYLAE:
KREDIETBEHEER- EN SKULDINVORDERINGSBELEID

1. Definisies

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

“agterstallige bedrae” enige bedrag verskuldig en betaalbaar aan die munisipaliteit wat nie voor of op die betaaldatum betaal is nie;

“beleid” die Kredietbeheer- en Skuldinvorderingsbeleid van die munisipaliteit, soos weerspieël in die Bylae tot hierdie verordening, welke Bylae verwys;

“beskikbaarheidsgelde” die gelde wat gehef kan word teen onroerende eiendom met of sonder verbeteringe, wat nie aan enige munisipale diensnetwerk aangesluit is nie maar waar sodanige eiendom redelikerwys aangesluit kan word;

“betaaldatum” die finale datum waarop betaling, soos getoon op die munisipale rekening, moet geskied;

“eienaar”—

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

immovable property with or without improvements, which is not connected to any municipal service works where such property can be reasonably so connected;

“consumer”—

- (a) with effect from 1 July 2015 and with regard to property zoned for residential purposes, the owner of the property shall be regarded as the consumer, irrespective of who the tenant or occupier is, provided that where a lease agreement in respect of such property exists on 1 July 2015, the tenant or occupier shall still be regarded as the consumer until expiration of the agreement, subject to the provisions of paragraphs 4(3) and (4)(4) of the policy;
- (b) with regard to any other property, the person who receives or uses municipal services or benefits there from; and
- (c) with regard to municipal property that is leased, the person who receives or uses municipal services or benefits there from;

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

“debt” means any monies owing to the municipality in respect of the rendering of municipal services, and includes monies owing in regard to property rates, housing, motor vehicle registration and licensing, terminated leases, and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality;

“default”—

- (a) if, at the end of a financial year of the municipality, an owner owes the municipality any amount of money in respect of rates or availability charges; or
- (b) if, after 31 October of a year, an owner is in arrears with payment of rates; or
- (c) where an owner is in arrears for a period of 60 days or more with payments for availability charges;

“due date” means the final date on which payment, as shown on the municipal account, must be made;

“illegal practises” any practise or trade exercised on premises which is in contravention of any National or Provincial legislation or any by-laws or regulations of the municipality;

“indigent” means a person or household as contemplated in the Indigent Policy of Swartland Municipality;

“financial year” means the period from 1st July until 30th June of each year;

“municipal manager” means the person appointed in that capacity by the council in terms of section 54A of the Act;

“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;

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

“occupier” means any person who occupies or has control over any premises;

“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;
- (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

(d) ten opsigte van openbare dienste infrastruktuur gemeld in paraagraaf (d) van die definisie van “eiendom”, beteken ’n staatsorgaan wat sodanige openbare dienste infrastruktuur besit of beheer;

met dien verstande dat ’n persoon wat hieronder gemeld word vir die doeleindes van hierdie verordening 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 staatstrustgronde;
- (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 serwituit geregistreer is, in die geval van ’n eiendom wat aan vruggebruik of ’n ander persoonlike serwituit 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;
- (e) in enige geval waar die raad nie in staat is om die identiteit van so ’n persoon te bepaal nie, ’n persoon wat geregtig is op die voordelelike gebruik van sodanige onroerende eiendom;
- (f) in die geval van onroerende eiendom waarvoor ’n huurooreenkoms van 30 jaar of langer aangegaan is, die huurder daarvan;
- (g) met betrekking tot—

(i) ’n gedeelte van grond wat op ’n deeltitelplan afgebaken is en ingevolge die Wet op Deeltitels, 1986 (Wet 95 van 1986) geregistreer is, die ontwikkelaar of beheerliggaam met betrekking tot die gesamentlike eiendom;

(ii) ’n gedeelte van grond, die persoon op wie se naam daardie gedeelte geregistreer is in ooreenstemming met die transportakte, met insluiting van die wettig aangestelde verteenwoordiger van sodanige persoon;

(iii) enige persoon, met insluiting van maar nie beperk nie tot—

(aa) ’n maatskappy geregistreer in ooreenstemming met die Maatskappylaw, 2008, (Wet 71 van 2008) ’n trust *inter vivos*, ’n trust *mortis causa*, ’n beslote korporasie geregistreer in ooreenstemming met die Wet op Beslote Korporasies, 1984 (Wet 69 van 1984), en ’n vrywillige assasijsie;

(bb) enige staatsdepartement;

(cc) enige raad of bestuursliggaam ingestel ingevolge enige wet van toepassing in die Republiek van Suid-Afrika; en

(dd) enige ambassade of ander buitelandse entiteit;

“eiendom” beteken—

- (a) onroerende eiendom geregistreer in die naam van ’n persoon, insluitend, 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 verbandeling wat teen die eiendom geregistreer is;
- (c) ’n grondbesitreg geregistreer in die naam van ’n persoon of verleen aan ’n persoon ingevolge wetgewing; of
- (d) openbare dienste-infrastruktuur;

“finansiële jaar” die periode vanaf 1 Julie tot 30 Junie van elke jaar;

“hierdie verordening” sluit die beleid wat in die Bylae tot hierdie verordening weerspieël word in;

“hulpbehoewende” ’n persoon of huishouding soos beoog in para-

<p>owns or controls that public service infrastructure;</p> <p>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—</p> <ul style="list-style-type: none"> (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; (vi) 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; (e) in any event where the council is unable to determine the identity of such a person, the person who is entitled to the beneficial use of such immovable property; (f) in the event of immovable property in respect of which a lease agreement of 30 years or longer had been concluded, the lessee thereof; (g) in respect of— <ul style="list-style-type: none"> (i) a portion of land demarcated on a sectional title plan and registered in accordance with the Sectional Titles Act, 1986 (Act No 95 of 1986), the developer or the governing body in respect of the joint property; (ii) a portion of land, the person in whose name that portion is registered in accordance with a title deed, including the lawfully appointed representative of such person; (iii) any person, including but not limited to— <ul style="list-style-type: none"> (aa) a company registered in accordance with the Companies Act, 2008 (Act No 71 of 2008), a trust <i>inter vivos</i>, a trust <i>mortis causa</i>, a close corporation registered in accordance with the Close Corporations Act, 1984 (Act No 69 of 1984), and a voluntary association; (bb) any government department; (cc) any council or governing body established in accordance with any legislation in force in the Republic of South Africa; and (dd) any embassy or other foreign entity; <p>“person” includes—</p> <ul style="list-style-type: none"> (a) a natural person; (b) a juristic person; (c) for the purposes of this by-law any industrial or commercial undertaking; and (d) an organ of State; <p>“policy” means the Credit Control and Debt collection Policy of the municipality as reflected in the Schedule to this by-law which Schedule refers;</p> <p>“premises” means any portion of land, situated within the area of jurisdiction of the municipality, and of which the outer boundaries are demarcated on—</p> <ul style="list-style-type: none"> (a) a general plan or diagram registered in accordance with the Land Survey Act, 1927 (Act No 9 of 1927) or the Deeds Registries Act, 1937 (Act No 47 of 1937); or (b) a sectional title plan registered in accordance with the Sectional Titles Act, 1986 (Act No 95 of 1986); 	<p>graaf 25 van hierdie beleid;</p> <p>“in versteek”—</p> <ul style="list-style-type: none"> (a) indien 'n eienaar aan die einde van 'n finansiële jaar van die munisipaliteit enige bedrag geld aan die munisipaliteit verskuldig is ten opsigte van belasting of beskikbaarheidsgelde; of (b) indien 'n eienaar na 31 Oktober van 'n jaar agterstallig is met betaling van belastings; of (c) indien 'n eienaar vir 'n periode van 60 dae of langer agterstallig is met betaling van beskikbaarheidsgelde; <p>“munisipale bestuurder” die persoon wat deur die raad in dié hoedanigheid aangestel is ingevolge artikel 54A van die Wet;</p> <p>“munisipale dienste” beteken “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;</p> <p>“munisipaliteit” die munisipaliteit van Swartland en sluit enige gedelegeerde amptenaar of diensverskaffer van die munisipaliteit in;</p> <p>“okkuppeerder” enige persoon wat 'n perseel bewoon of beheer het daaroor;</p> <p>“onwettige praktyke” enige praktyk of bedryf wat op 'n perseel beoefen word wat teenstrydig is met Nasionale of Proviniale wetgewing of enige verordeninge of regulasies van die munisipaliteit.</p> <p>“persoon” sluit in—</p> <ul style="list-style-type: none"> (a) 'n natuurlike persoon (b) 'n regspersoon; (c) vir die doeleindes van hierdie verordening ook enige industriële of handelsonderneming; en (d) 'n staatsinstelling; <p>“perseel” beteken enige gedeelte grond, geleë binne die regsgebied van die munisipaliteit, waarvan die buitegrense afgebaken is op—</p> <ul style="list-style-type: none"> (a) 'n algemene plan of diagram wat geregistreer is ingevolge die Opmetingswet, 1927 (Wet 9 van 1927) of die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937); of (b) 'n deeltitelplan geregistreer ingevolge die Wet op Deeltitels, 1986 (Wet 95 van 1986); <p>“rekening” sluit in—</p> <ul style="list-style-type: none"> (a) heffings, bobelasting, dienstegelde en beskikbaarheidsheffings ten opsigte van die volgende dienste— (b) elektrisiteitsvoorsiening; (c) watervoorsiening; (d) vullisverwydering; (e) riooldienste; (f) eiendomsbelasting; (g) huurgeld; (h) leningspaaiemente (i) rente op agterstallige bedrae; en (j) enige ander heffings en gelde wat aan die munisipaliteit verskuldig en betaalbaar is; <p>en “munisipale rekening” het 'n ooreenstemmende betekenis;</p> <p>“raad” die munisipale raad van die munisipaliteit van Swartland;</p> <p>“skuld” enige gelde wat aan die munisipaliteit verskuldig is ten opsigte van die lewering van munisipale dienste, en sluit geld in wat verskuldig is met betrekking tot eiendomsbelastings, behuisig, motorvoertuigregistrasie en -lisensiëring, huurkontrakte wat beëindig is en enige ander uitstaande bedrae, met inbegrip van rente wat daarop verdien is, wat aan die munisipaliteit verskuldig is;</p>
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"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;

"standard rate of interest" means a rate of interest equal to the prime rate as determined by the Reserve Bank of South Africa plus a percentage determined by council annually during the budget process;

"this by-law" includes the policy reflected in the Schedule;

"water demand management meter" means a meter designed to manage the water consumption or needs of a residential property.

2. Duty to collect debts

All debt owing to the municipality must be collected in accordance with this by-law and the policy.

3. Provision of services

New applications for services and the provision of new services must be dealt with as prescribed in the policy.

4. Consumer services deposit

The municipality shall require the payment of a deposit for the provision of services and any adjustment to the basic deposit will be determined by the debtor's municipal payment record.

5. Interest charges

The Municipality must charge and recover interest in respect of any arrear debt, as prescribed by the policy.

6. Municipal staff and Councillor arrears

6.1 Staff arrears will be dealt with in accordance with Schedule 2 of the Systems Act, and in terms of any procedures, method or actions referred to in the Policy. Notwithstanding any other procedure, method or action that may be taken in terms of the Policy, the municipality shall deduct any outstanding amount from such staff members' salary after a 3 (three) month period.

6.2 In accordance with Schedule 1, item 12A of the Systems Act, a Councillor of the municipality may not be more than 3 (three) months in arrears for municipal service fees, surcharges on fees, property rates or any other municipal taxes, levies and duties levied by the Municipality. Notwithstanding any other procedure, method or action that may be taken in terms of the Policy, the Municipality shall deduct any outstanding amount from such Councillor's remuneration after a 3 (three) month period.

7. Arrangements to pay arrears

7.1 The municipal manager may make arrangements with a consumer to pay any arrear debt under conditions as prescribed in terms of the policy.

7.2 Should any dispute arise as to the amount of the arrear debt, the consumer must nevertheless continue to make regular payments in terms of the arrangement until such time as the dispute has been resolved.

8. Agreement with employer

8.1 The municipal manager may—

- (a) with the consent of a consumer who is in arrears with payments, enter into an agreement with that person's employer to deduct from his or her salary or wages—
 - (i) any outstanding amounts due by the consumer to the municipality; or

"standaardrentekoers" beteken 'n rentekoers gelyk aan die prima koers plus 'n persentasie wat jaarliks tydens die begrotingsproses deur die raad bepaal word;

"verbruiker" die persoon, met insluiting, maar nie beperk nie, tot die eienaar, huurder of okkuperdeer van eiendom wat munisipale dienste ontvang, gebruik of voordeel daaruit trek;

"Wet" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

2. Plig om skuld in te vorder

Alle skuld verskuldig aan die munisipaliteit moet ooreenkomsdig hierdie verordening en die beleid ingevorder word.

3. Dienstverskaffing

Nuwe aansoeke om dienste en die verskaffing van nuwe dienste moet ooreenkomsdig die voorskrifte vervat in die beleid hanteer word.

4. Verbruikersdienste deposito

Die munisipaliteit vereis dat 'n deposito betaal word vir die verskaffing van dienste. Enige aanpassing van die basiese deposito sal bepaal word deur die debiteur se munisipale betalings rekord.

5. Renteheffings

Die munisipaliteit sal rente hef en verhaal ten opsigte van enige agterstallige skuld ooreenkomsdig die voorskrifte van die beleid.

6. Agterstallige rekeninge van Munisipale Personeel en Raadslede:

6.1 Agterstallige rekeninge van personeellede sal aangespreek word soos vervat in Skedule 2 van die Munisipale Stelsels Wet en in terme van die prosedures, metodes en aksies soos uiteengesit in die beleid. Die munisipaliteit sal enige uitstaande bedrag van 'n personeellid se munisipale rekening van daardie persoon se salaris verhaal na 'n tydperk van 3maande.

6.2 In ooreenstemming met Skedule 1, item 12A van die Munisipale Stelsels Wet mag 'n raadslid van die munisipaliteit nie 'n rekening ooploof wat langer as 3 maande agterstallig is nie met betrekking tot munisipale diensfoote, addisionele fooiheffings, eiendomsbelasting of enige ander munisipale belastings, heffings of pligte soos bepaal deur die munisipaliteit. Neteenstaande enige ander prosedure, metode of aksie wat geneem kan word volgens die beleid sal die Munisipaliteit enige uitstaande bedrag verhaal van die Raadslid se vergoeding na 'n tydperk van 3 maande.

7. Reëlings om agterstallige gelde te betaal

7.1 Die munisipale bestuurder mag reëlings met 'n verbruiker tref om enige agterstallige skuld te betaal ooreenkomsdig die voorwaardes van die beleid.

7.2 Indien 'n geskil ontstaan oor die bedrag van die agterstallige skuld, moet die verbruiker steeds voortgaan om ingevolge die ooreenkoms gereelde betaling te maak tot tyd en wyl die geskil besleg is.

8. Ooreenkoms met werkgewer

8.1 Die munisipale bestuurder mag

- (a) met die toestemming van 'n verbruiker wie se betalings agterstallig is, ooreenkoms met sy of haar werkgewer aangaan om van sy of haar salaris af te trek—

- (i) enige uitstaande bedrae wat deur die verbruiker aan die munisipaliteit verskuldig is; of

- (ii) regular monthly amounts as may be agreed; and
- (b) provide special incentives for—
 - (i) employers to enter into such agreements; and
 - (ii) consumers who consent to such agreements.

9. Power to restrict or disconnect supply of services

- 9.1 The municipality may restrict or disconnect the supply of any service to any premises whenever such consumer—
- (a) fails to make payment on the due date;
 - (b) fails to comply with an arrangement;
 - (c) fails to comply with a condition of supply imposed by the municipality;
 - (d) damages the infrastructure of the municipality for the supply of such service or tampers with any meter used regarding that service.
- 9.2 The municipality may re-connect the restricted or discontinued services only—
- (a) after the arrear debt, and all costs as prescribed in the policy have been paid in full and any other conditions have been complied with; or
 - (b) after an arrangement with the consumer has been concluded for payment of the amounts contemplated in sub paragraph (a); and
 - (c) payment by the consumer of all levies as determined in the municipality's Tariff Policy with regard to tampering of damaging of metering equipment.
- 9.3 The municipality may restrict, disconnect or discontinue any service in respect of any arrear debt.

10. Recovery of debt

- 10.1 Subject to section 7, the municipal manager must, with regard to rates, and may, with regard to other debt—
- (a) by legal action recover any debt;
 - (b) recover debt from any organ of state with due consideration of the provisions of Chapter 3 of The Constitution of the Republic of South Africa, 1996; and
 - (c) may refer debt to third party debt collection agencies.

11. Recovery of costs

- 11.1 Where costs are incurred by or on behalf of the municipality in order to recover monies owed to it, the municipal manager may recover such costs, including but not limited to—
- (a) costs and administration fees where payments made to the municipality by negotiable instruments are dishonored by banks when presented for payment;
 - (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
 - (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this by-law;
 - (d) any losses the municipality may suffer as a result of tampering with municipal equipment or meters; and
 - (e) any collection commission incurred.

12. Attachment

The municipal manager may, in order to recover debt, approach a competent court for an order to attach movable or immovable property of a consumer.

- (ii) gereelde maandelikse bedrae soos ooreengekom; en
- (b) spesiale aansporings bied vir—
 - (i) werkgewers om sulke ooreenkomste aan te gaan; en
 - (ii) verbruikers wat instem tot sulke ooreenkomste.

9. Bevoegdheid om die verskaffing van dienste te beperk of af te sluit

- 9.1 Die munisipaliteit mag die verskaffing van enige diens na enige perseel beperk of afsluit wanneer sodanige verbruiker—
- (a) versium om op die betaaldatum te betaal;
 - (b) versium om 'n ooreenkoms na te kom;
 - (c) versium om aan 'n verskaffingsvooraarde soos deur die munisipaliteit opgelê, te voldoen;
 - (d) die infrastruktuur vir die verskaffing van sodanige diens beskadig of met 'n meter met betrekking tot daardie diens peuter.
- 9.2 Die munisipaliteit mag slegs die verskaffing van enige van die beperkte of gestaakte dienste heraansluit en herstel—
- (a) nadat die agterstallige skuld, sowel as al die koste wat in die beleid voorgeskryf word, ten volle betaal is en enige ander voorwaardes nagekom is; of
 - (b) nadat 'n ooreenkoms met die verbruiker aangegaan is vir die betaling van die bedrae bedoel in subartikel (a); en
 - (c) na die betaling van alle heffings soos in die munisipaliteit se Tariefbeleid bepaal in die geval van peuterig of beskadiging van metertoerusting deur die verbruiker verantwoordelik vir sodanige skade of peuterig.

9.3 Die munisipaliteit mag enige diens ten opsigte van enige agterstallige skuld beperk, afsluit of staak.

10. Skuldverhaling

- Onderworpe aan artikel 7 moet die munisipale bestuurder met betrekking tot eiendomsbelastings, en mag hy of sy met betrekking tot enige ander skuld—
- (a) skuld deur regsoptrede verhaal;
 - (b) skuld van enige staatsorgaan verhaal met inagneming van die bepalings van Hoofstuk 3 van die Grondwet van die Republiek van Suid-Afrika, 1996; en
 - (c) skuld na derdeparty-skuldinvorderingsagentskappe verwys.

11. Verhaling van koste

- 11.1 Waar kostes deur of namens die munisipaliteit aangegaan is ten einde gelde wat aan die munisipaliteit verskuldig is te verhaal, mag die munisipale bestuurder sodanige kostes verhaal, met inbegrip van die volgende maar nie beperk daar toe nie—
- (a) koste- en administrasiegeld waar betalings wat deur middel van verhandelbare dokumente aan die munisipaliteit gemaak word deur 'n bank geweier word wanneer dit vir betaling aangebied word;
 - (b) regs- en administratiewe koste, ingesluit prokureurs- en kliëntkoste en opsporingskoste aangegaan om skuld te verhaal;
 - (c) beperkings-, afsluitings- en heraansluitingskoste, waar enige diens beperk of afgesluit is as gevolg van nie-voldoening aan hierdie verordening;
 - (d) enige verliese wat die munisipaliteit mag ly as gevolg van peuterig met munisipale toerusting of meters; en
 - (e) enige invorderingskommissie wat aangegaan is.

12. Beslaglegging

Ten einde skuld te verhaal, mag die munisipale bestuurder 'n hof met die nodige jurisdiksie nader vir 'n bevel om op 'n verbruiker se roerende of onroerende eiendom beslag te lê.

13. Full and final settlement payments

13.1 Any amount tendered in defrayment of a debt, shall be accepted at any cash receiving office of the municipality.

13.2 No offer of payment in full and final settlement of a debt, when such amount is less than the outstanding amount may be accepted, unless confirmed in writing by the municipal manager.

13.3 Notwithstanding paragraph 13.2, the payment so offered must nevertheless be credited against the consumer's account, without prejudice to the municipality's rights.

14. Consolidation of accounts and appropriation of payments

14.1 The following steps shall apply in accordance with Section 102 of the Act—

- (a) any separate accounts of persons liable for payments to the municipality may be consolidated at the sole discretion of the municipality;
- (b) a payment by such a person may be credited against any account of that person; and
- (c) any of the debt collection and credit control measures provided for in this policy may be implemented in relation to any arrears on any of the accounts of such a person.

14.2 Paragraph 14.1 shall not apply where there is a dispute between the municipality and a person referred to in those subsections concerning any specific amount claimed by the municipality from that person.

15. Indigent support

Financial assistance may be granted by the municipality to a person that meets the criteria as laid down in the Indigent Policy of the municipality.

16. Delegation

The municipal manager may delegate his or her powers in terms of this by-law to any official or service provider of the municipality.

17. Clearance certificates

On the sale of any property the municipality shall issue the required clearance certificate as prescribed in the policy.

18. Appeal

A person whose rights are affected by a decision of the municipality in terms of delegated powers, may appeal against that decision by giving written notice of the appeal and the reasons therefor 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.

19. Offences and penalties

19.1 A person who—

- (a) obstructs or hinders any councilor or official of the municipality in the execution of his or her duties under this by-law or the policy;
- (b) unlawfully uses or interferes with municipal equipment or consumption of services supplied;
- (c) tampers with any municipal equipment or breaks any seal on a meter or damages a meter;
- (d) fails to comply with a notice served in terms of this by-law or the policy;
- (e) refuses an official of the municipality access to any premises; or
- (f) gives false information regarding the supply of services or with regard to an application for assistance as an indigent;

shall be guilty of an offence and on conviction liable to the payment of a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

13. Volle en finale vereffening

13.1 Enige bedrag aangebied ter betaling van skuld moet ontvang word by enige betaalkantoor van die munisipaliteit.

13.2 Geen aanbod ter volle en finale vereffening van skuld mag aanvaar word waar sodanige bedrag minder is as die uitstaande bedrag nie, tensy dit skriftelik deur die munisipale bestuurder bevestig is.

13.3 Nieteenstaande subartikel (2) moet betaling wat so aangebied word teen die verbruiker se rekening gekrediteer word sonder benadeling van die munisipaliteit se regte.

14. Konsolidasie van rekeninge en toewysing van betalings

14.1 Die volgende bepalings is in ooreenstemming met Artikel 102 van die Wet

- (a) enige afsonderlike rekeninge van persone verantwoordbaar vir betalings aan die munisipaliteit mag gekonsolideer op diskresie van die munisipaliteit.
- (b) 'n betaling deur so persoon kan gekrediteer word teen enige van die rekeninge van daardie persoon.
- (c) enige van die skuld invorderings en kredietbeheer maatreëls soos vervat in hierdie beleid kan geïmplementeer word in verband met enige agterstallige rekening van so persoon.

14.2 Paragraaf 14.1 is nie van toepassing in die geval waar daar 'n dispuut is tussen die munisipaliteit en 'n persoon soos verwys in daardie subartikels met betrekking tot enige spesifieke bedrag geëis deur die munisipaliteit van daardie persoon.

15. Deernisondersteuning

Finansiële hulp mag deur die munisipaliteit verleen word aan 'n persoon wat voldoen aan die vereistes soos vervat in die Deernisbeleid van die Munisipaliteit.

16. Delegasie

Die munisipale bestuurder mag sy of haar magte ingevolge hierdie verordening aan enige amptenaar of diensverskaffer van die munisipaliteit deleger.

17. Uitklaringsertifikate

Met die verkoop van enige eiendom moet die munisipaliteit die verlange uitklaringsertifikaat uitrek soos voorgeskryf in die beleid.

18. 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 kennis 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.

19. Misdrywe en strawwe

19.1 'n Persoon wat—

- (a) 'n amptenaar of raadslid van die munisipaliteit verhinder of verhoed om sy pligte ingevolge hierdie verordening of die beleid uit te voer;
- (b) munisipale toerusting onwettig gebruik of inmeng met die verskaffing van dienste;
- (c) met enige munisipale meter peuter, dit beskadig of enige seël op enige meter breek;
- (d) versuim om te voldoen aan 'n kennisgewing ingevolge hierdie verordening of beleid bestel;
- (e) 'n amptenaar van die munisipaliteit toegang tot enige perseel weier; of
- (f) vals inligting verstrek met betrekking tot die verskaffing van dienste of aansoek om deernisondersteuning,

pleeg 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevengenisstraf of sodanige gevengenisstraf sonder die keuse van 'n boete of met beide sodanige boete en gevengenisstraf.

20. Repeal of by-laws

The provisions of any by-laws of the municipality relating to credit control and debt collection are hereby repealed insofar as they relate to matters provided for in these by-laws.

21. Short title and commencement

This by-law shall be known as the Credit Control and Debt Collection By-law and shall come into effect on 1 July 2017.

SCHEDULE

SWARTLAND MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION POLICY

In terms of section 96 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000) the municipality of Swartland hereby adopts the following Credit Control and Debt Collection Policy:

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CHAPTER 1: DEFINITIONS AND OBJECTIVES

1. Objectives of the policy

1.1 The objectives of this policy are to—

- (a) focus on all outstanding debt due and payable to the municipality;

20. Herroeping van verordeninge

Die bepalings van enige verordening van die munisipaliteit in verband met kredietbeheer en skuld invordering word herroep sover as wat dit verwant is met die sake soos vervat in die beleid.

21. Kort titel en inwerkingtreding

Hierdie verordening staan bekend as die Kredietbeheer- en Skuldinvorderings verordening en sal op 1 Julie 2017 in werking tree.

BYLAE

SWARTLAND MUNISIPALITEIT

KREDIETBEHEER- EN SKULDINVORDERINGSBELEID

Ingevolge artikel 96 van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) aanvaar die munisipaliteit van Swartland hiermee die volgende Kredietbeheer- en Skuldinvorderingsbeleid:

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23. Prima facie getuienis

24. Klaringsertifikate

HOOFSTUK 1: DEFINISIES EN OOGMERKE

1. Oogmerke van die beleid

1.1 Die oogmerke van hierdie beleid is om—

- (a) te fokus op alle uitstaande skuld wat aan die munisipaliteit verskuldig en betaalbaar is;

- (b) provide for innovative, cost effective, efficient and appropriate methods for credit control, debt collection and indigent relief;
- (c) promote a culture of good payment habits and to create a sense of responsibility towards the payment of municipal accounts and reduction of municipal debt; and
- (d) to provide for the subsidisation of services to indigent households.

CHAPTER 2: CUSTOMER CARE AND MANAGEMENT

2. Communication and the conveyance of information

- 2.1 In order to give effect to the provisions of section 95(a), (b) and (c) of the Act, the municipality may—
- (a) establish a customer care forum where members of the community and members of the council may meet;
 - (b) hold ward meetings where representatives of the municipality and other service providers may consult with ward members and their ward representative; and
 - (c) implement measures to ensure that consumers of municipal services or any other service, ratepayers and residents in general, are properly informed with regard to the delivery of services and in particular the costs of the provision of services.

3. Measuring of municipal services and defective meters

- 3.1 The municipality must ensure the measurement of electricity and water provided to consumers through accurate and verifiable metering systems.
- 3.2 Meters must, as far as possible, be read at intervals of one month or a period as determined by the municipality.
- 3.3 If for any reason meters cannot be read or have not been read, the municipality shall be entitled to render an account based on the estimated consumption calculated on the last 3months' average consumption preceding the date on which the meter was last read, provided that the difference between the actual usage and estimated usage must be set off as soon as a metered reading is obtained.
- 3.4 It may be assumed that the electricity or water usage registered by a meter has in fact been delivered, provided that for any period that a meter is out of order, the electricity or water so delivered may be calculated on the basis of the average usage over the three months preceding the period in question.

- 3.5 A consumer may request a special meter reading against payment of the prescribed tariff.
- 3.6 Defective metering equipment shall be dealt with in terms of the municipality's by-laws relating to water services and electricity supply.

- 3.7 The provisions of the by-laws mentioned in sub paragraph (6) with regard to ownership of metering equipment apply with the necessary changes.

4. Municipal accounts

- 4.1 The municipality shall render a monthly account to a consumer of municipal services.
- 4.2 The account shall reflect the following—
- (a) all outstanding amounts and the balance brought forward;
 - (b) amounts owing;
 - (c) total amount due; and
 - (d) meter readings where applicable.

- 4.3 In respect of accounts rendered to a consumer who is not the owner of the relevant property, and where a lease agreement exists between the owner and the tenant, the municipality shall switch the account to the owner of the property upon expiration of the lease agreement.

- (b) voorsiening te maak vir innoverende, kostedoeltreffende, doelmatige en gepaste metodes vir kredietbeheer, skuldinvordering en verligting aan hulpbehoewendes;
- (c) 'n kultuur van goeie betaalgewoontes te bevorder en om 'n gevoel van verantwoordelikheid teenoor die betaling van munisipale rekenings te skep en om munisipale skuld te verminder; en
- (d) om voorsiening te maak vir die subsidiëring van dienste aan hulpbehoewende huishoudings.

HOOFSTUK 2: KLANTESORG EN -BESTUUR

2. Kommunikasie en die oordra van inligting

- 2.1 Ten einde uitvoering aan die bepalings van artikel 95(a), (b) en (c) van die Wet te gee, kan die munisipaliteit—
- (a) 'n klantesorgforum daarstel waar lede van die gemeenskap en lede van die raad mekaar kan ontmoet;
 - (b) wyksvergaderings hou waar verteenwoordigers van die munisipaliteit en ander diensverskaffers met wykslede en hul wyksverteenvoerdigers kan beraadslaag; en
 - (c) maatreëls instel om seker te maak dat verbruikers van munisipale dienste of enige ander diens, belastingbetalers en inwoners in die algemeen, behoorlik ingelig word met betrekking tot dienslewering en in besonder die koste van die verskaffing van dienste.

3. Meting van munisipale dienste en defektiewe meters

- 3.1 Die munisipaliteit moet die meet van elektrisiteit en water wat aan verbruikers voorsien word deur middel van akkurate en verifieerbare metingstelsels verseker.
- 3.2 Meters moet so ver moontlik met tussenposes van een maand of 'n tydperk wat deur die munisipaliteit bepaal word, gelees word.

- 3.3 Indien meters om enige rede nie gelees kan word nie of nie gelees is nie, sal die munisipaliteit geregtig wees om 'n rekening te lever gebaseer op die geskatte verbruik bereken op grond van die gemiddelde verbruik van die drie maande voor die datum waarop die meter die laaste keer gelees is, met dien verstande dat die verskil tussen die werklike verbruik en die geskatte verbruik verreken word sodra 'n gemeterde lesing verkry is.

- 3.4 Dit word aanvaar dat die elektrisiteits- of waterverbruik wat deur 'n meter geregistreer is, in werklikheid gelewer is, met dien verstande dat vir enige tydperk wat die meter buite werking was, die elektrisiteit of water wat so gelewer is, bereken kan word op grond van die gemiddelde verbruik oor die drie maande voor die betrokke tydperk.

- 3.5 'n Verbruiker kan 'n spesiale meterlesing teen 'n voorgeskrewe tarief versoek.

- 3.6 Defektiewe meettoerusting sal hanteer word ingevolge die munisipaliteit se verordeninge met betrekking tot die voorsiening van water- en elektrisiteitsdienste.

- 3.7 Die bepalings van die verordeninge genoem in subparagraph (6) met betrekking tot die eienaarskap van meettoerusting is met die nodige wysigings van toepassing.

4. Munisipale rekening

- 4.1 Die munisipaliteit sal maandeliks 'n rekening lever aan die verbruiker van munisipale dienste.
- 4.2 Die rekening sal die volgende weerspieël—
- (a) alle uitstaande bedrae en die saldo wat oorgedra is;
 - (b) verskuldigde bedrae;
 - (c) totale bedrag betaalbaar; en
 - (d) meterlesings waarvan van toepassing.

- 4.3 Met betrekking tot rekeninge voorsien aan verbruikers wie nie die eienaar is van die relevante eiendom nie, en waar 'n huur ooreenkoms bestaan tussen die eienaar en huurder, sal die munisipaliteit die rekening oordra na die eienaar van die eiendom wanneer die huur ooreenkoms verval.

- 4.4 An account contemplated in sub paragraph (3) shall be switched to the owner of property if—
- change in ownership takes place; or
 - a tenant or occupier fails to pay his or her account on three occasions, irrespective of the period of lease.
- 4.5 The provisions of sub paragraph (4)(b) shall also apply in the case of non-residential consumers.
- 4.6 Where the owner of a block of flats fails to pay his or her account, the municipality shall notify the tenants of such failure and grant the owner 14 days to settle the account, failing upon which the municipality may restrict or discontinue services to the premises.
- 4.7 Deposits previously paid by a tenant or occupier shall upon switching of an account in terms of subsections (3) and (4) be refunded to the relevant tenant or occupier after calculation of the final outstanding balance.
- 4.8 The municipality shall supply an owner who rents property with a copy of the monthly account provided to the tenant or occupier of the property. The cost of such a duplicate account, to be determined annually by Council, may be debited against the owner's account, provided that e-mail accounts will be rendered at no cost.
- 4.9 An owner who leases property must, at the request of a tenant or occupier, provide such tenant or occupier with a copy of the monthly account rendered to him or her by the municipality.
- 4.10 The provisions of sub paragraphs (3) and (4) shall not apply to—
- occupiers of municipal property in terms of a lease agreement; or
 - state owned property where one department pays the rates and another pays the services account.

5. Enquiry, dispute and appeal

5.1 Enquiry—

- A consumer may request the municipality to review an account.
- While such an account is under review, the consumer must pay an amount equal to the average usage for the preceding three months where the history of that account is available.
- Where such history is not available, the consumer must pay an estimated amount before the due date until the matter has been resolved.
- The municipality must resolve the matter within 10 working days of receipt of such a request and inform the consumer concerned of the outcome of such an investigation.
- Failure to pay the amount determined in terms of subparagraph (1)(b) or (c) on or before the due date may result in the restriction or disconnection of the consumer's services.

5.2 Dispute—

- A consumer may dispute any part or all of an account received in which case Section 102 of the Act shall apply.
- The provisions of subparagraph (1)(b) and (c) apply with the necessary changes in case of a dispute.

5.3 Appeal—

- A person who feels aggrieved by a decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice in terms of Section 62 of the Act to the municipal manager within 21 days of the date of the notification of the decision.
- The grounds for appeal must be clearly indicated by the aggrieved person; and

- 4.4 'n Rekening soos beoog in sub-paragraaf 3 sal oorgedra word aan die eienaar indien—
- 'n veranderinge in eienaarskap plaasvind
 - 'n huurder of inwoner nalaat om hul rekening te betaal op drie geleenthede, ongeag die duur van die ooreenkoms.
- 4.5 Die bepalings van sub-paragraaf (4)(b) is ook van toepassing op nie-residensiele verbruikers.
- 4.6 Indien die eienaar van 'n woonstel blok versuim om sy/haar rekening te betaal sal die munisipaliteit die huurdere inlig van so geval en 14 dae gracie aan die eienaar toestaan om die rekening te vereffen. Sou die 14 dae verstryk sonder dat betaling geskied mag die munisipaliteit dienslewering aan die inwoners beperk of staak.
- 4.7 Deposito's voorheen betaal deur huurdere of okkuperders sal met die oordra van 'n rekening soos neergelê in subartikels (3) en (4) terugbetaal word aan die relevante huurder of okkuperder na berekening van enige uitstaande bedrae.
- 4.8 Die munisipaliteit sal 'n kopie van die maandelikse rekening soos gelewer aan huurdere verskaf aan die eienaars wat eiendom verhuur. Die koste van so duplikaat rekening, soos jaarliks bepaal deur die Raad, mag gehef word teen die eienaar se rekening. Die e-pos van rekeninge sal gelewer word met geen kostes verbonde.
- 4.9 'n Eienaar wat eiendom verhuur is verplig om op aanvraag van 'n huurder, die huurder te voorsien van 'n kopie van die maandelikse rekening soos gelewer deur die munisipaliteit.
- 4.10 Die bepalings van sub paragraaf (3) en (4) is nie van toepassing op—
- huurdere van munisipale eiendom in terme van 'n huur ooreenkoms nie.
 - eiendom in staatsbesit waar een departement die eiendomsbelasting betaal en 'n ander die diensterekening betaal nie
- ### 5. Navrae, dispute en appèl
- #### 5.1 Navrae:
- 'n Verbruiker kan die munisipaliteit versoek om 'n rekening te hersien.
 - Terwyl sodanige rekening hersien word, moet die verbruiker 'n bedrag betaal gelyk aan die gemiddelde verbruik vir die voorafgaande drie maande waar die geskiedenis van daardie rekening beskikbaar is.
 - Waar sodanige geskiedenis nie beskikbaar is nie, moet die verbruiker voor die betaaldatum 'n geskakte bedrag betaal totdat die aangeleentheid opgelos is.
 - Die munisipaliteit moet die aangeleentheid binne 10 werksdae na ontvang van so 'n versoek oplos en die betrokke verbruiker van die uitslag van 'n ondersoek verwittig.
 - Versuim om voor of op die betaaldatum die bedrag soos bepaal in subparagraph (1)(b) of (c) te betaal, kan meebring dat die verbruiker se dienste beperk of afgesluit sal word.
- #### 5.2 Dispute:
- 'n Verbruiker mag 'n dispoot aanteken oor enige gedeelte of die totale rekening wat ontvang is, in welke geval Artikel 102 van die Wet van toepassing sal wees.
 - Die bepalings van subparagraph (1)(b) en (c) is van toepassing met die nodige veranderinge in die geval van 'n dispoot.
- #### 5.3 Appèl:
- 'n Persoon wat veronreg voel deur 'n besluit van die munisipaliteit ingevolge gedelegeerde gesag mag appèl aanteken teen daardie besluit deur ingevolge Artikel 62 van die Wet binne 21 dae na die datum van kennisgewing oor die besluit skriftelik aan die munisiale bestuurder kennis te gee van die appèl.
 - Die redes vir die appèl moet duidelik deur die gegriefde persoon uiteengesit word; en

- (c) Where applicable, the fees for testing of any metering equipment must be included.

6. Payment facilities

6.1 The municipality shall provide and maintain strategically situated, accessible payment offices and cash points throughout its area of jurisdiction.

6.2 The following alternative payment facilities shall also be provided/be available—

- (a) electronic bank transfers (A.C.B. system);
- (b) internet transfers;
- (c) direct depositing of money into the municipality's approved bank account;
- (d) payments at different accredited business undertakings and other agencies; and
- (e) where available, credit- and debit cards to a maximum of R5 000 per account per month in respect of residential property.

6.3 Where any of the alternative payment facilities are used, the onus is on the person using such facilities to provide proof of payment, and the municipality does not accept liability for the non-receipt of such payments, or for incorrect allocations which are due to a mistake on the part of such person.

6.4 Where payment of the money due is made by way of a direct deposit into the municipality's approved bank account, the consumer must submit proof of the deposit not later than the due date.

7. Consolidation of accounts and appropriation of payments

7.1 The municipality, in terms of section 102 of the Act, considers all separate accounts of a consumer to be consolidated regardless of the fact that separate accounts for such owner or tenant may be rendered and includes all pre-paid services for which no account is rendered.

7.2 Payments received by the municipality may be appropriated in the order as determined by the municipality annually during the budget process.

7.3 Payments received shall be appropriated in terms of oldest debt first by means of instalments as determined annually by the council in order to prevent prescription.

CHAPTER 3: CREDIT CONTROL AND DEBT COLLECTION MEASURES

8. Application for municipal services

8.1 No person may receive or consume municipal services without approval of the municipality.

8.2 The municipality may render services to consumers in terms of special agreements where circumstances require special measurements.

8.3 A consumer who wants to receive or use municipal services must apply in writing for approval in terms of paragraph 8(1).

8.4 In respect of non-residential property, if the owner is not the consumer, he or she must consent in writing to the supply of the services requested.

8.5 Upon approval of an application for the provision of services, the municipality must inform the applicant of—

- (a) the different levels or standards of services and the applicable tariffs or fees payable in respect of each level of service;
- (b) the due date for payment of all amounts owed to the municipality;
- (c) the service hours of cashiers where payments may be made and the conditions for payment at vendor points;
- (d) the various alternative payment facilities and the conditions and requirements relating thereto;

- (c) Waar van toepassing, moet die gelde vir die toets van enige meet-toestel ingesluit word.

6. Betaalfasiliteite

6.1 Die munisipaliteit sal strategies geleë toeganklike betaalkantore en kassiersbetaalpunte regoor sy regsgebied voorsien en in stand hou.

6.2 Die volgende alternatiewe betaalfasiliteite sal ook voorsien word of beskikbaar wees—

- (a) elektroniese bankoordragte (A.C.B.-stelsel);
- (b) internetoordragte;
- (c) regstreekse deponering van geld in die munisipaliteit se goedgekeurde bankrekening;
- (d) betalings by verskillende geakkrediteerde besigheidsondernemings en ander agentskappe.
- (e) waar beskikbaar; krediet en debiet kaart faciliteite vir bedrae van tot R5 000 per munisipale rekening per maand met betrekking tot residensiële eiendom.

6.3 Waar van enige van die alternatiewe betaalfasiliteite gebruik gemaak word, berus die onus op die persoon wat van sodanige faciliteite gebruik maak om bewys van betaling te lever en aanvaar die munisipaliteit nie aanspreeklikheid vir nie-ontvangs van sodanige betalings of vir foutiewe toewysings nie indien sodanige foutiewe toewysings te wyte is aan 'n fout deur sodanige persoon.

6.4 Waar die betaling van die gelde wat verskuldig is by wyse van regstreekse deposito in die munisipaliteit se goedgekeurde bankrekening gedoen word, moet die verbruiker nie later as die betaaldatum bewys van die deposito indien.

7. Konsolidasie van rekenings en toewysing van betalings

7.1 Ingevolge Artikel 102 van die Wet beskou die munisipaliteit alle afsonderlike rekenings van 'n verbruiker as gekonsolideer, ongeag die feit dat afsonderlike rekenings gelewer kan word en sluit alle voorafbetaalde dienste waarvoor geen rekening gelewer word nie, in.

7.2 Betalings wat deur die munisipaliteit ontvang word, sal toegewys word soos jaarliks tydens die begroting bepaal.

7.3 Betalings wat ontvang word, sal toegewys word in terme van oudste skuld eerste ten einde verjaring van skuld te stuit of paaiemingsgewys soos jaarliks deur die raad bepaal.

HOOFTUK 3: KREDIETBEHEER- EN SKULDINVORDERINGSMAATREËLS

8. Aansoek vir munisipale dienste

8.1 Niemand mag sonder goedkeuring van die munisipaliteit munisipale dienste ontvang of verbruik nie.

8.2 Die munisipaliteit mag ingevolge spesiale ooreenkomsdiens aan verbruikers lever waar omstandighede spesiale maatreëls vereis.

8.3 'n Verbruiker wat munisipale dienste wil ontvang of gebruik, moet skriftelik aansoek doen op die voorgeskrewe vorm vir goedkeuring ingevolge paragraaf 8(1).

8.4 Waar die verbruiker nie die eienaar van die betrokke eiendom is nie, moet die eienaar skriftelik toestemming verleen tot die levering van munisipale dienste soos versoek.

8.5 Na goedkeuring van 'n aansoek om die voorsiening van dienste moet die munisipaliteit die aansoeker verwittig van—

- (a) die verskillende vlakke of standarde van dienste en die toepaslike tariewe of gelde wat ten opsigte van elkevlak van diens betaalbaar is;
- (b) die datum vir die betaling van alle bedrae wat aan die munisipaliteit verskuldig is;
- (c) die diensure van kassiere waar betalings gemaak kan word en die voorwaardes vir betaling by verkooppunte;
- (d) die verskillende alternatiewe betaalfasiliteite en die voorwaardes en vereistes ten opsigte daarvan;

- (e) the municipality's right to terminate or restrict water or electricity services in case of non-payment of an account (or any part thereof) or tampering with municipal metering equipment;
- (f) the consumer's responsibility for any damages caused to metering equipment or other municipal property;
- (g) his or her obligation to pay for services despite possible non-delivery of an account;
- (h) the owner will be held responsible for the occupier's/tenant's arrears for municipal services;
- (i) the municipality's right to consolidate accounts of the consumer;
- (j) the municipality's right to install a prepayment meter, on a property where the electricity supply has been disconnected for non-payment or tampering in which case the meter remains the property of the municipality
- (k) the installation of pre-paid meters, with the written permission of the owner, is encouraged but those debtors whose electricity supply has been disconnected three times for non-payment, will be compelled to install a pre-paid meter before the supply is reconnected. All energy dispensers are installed at the owner's or tenant's expense;
- (l) the municipality's right to install a water demand management meter, on a property for non-payment or tampering in which case the meter remains the property of the municipality;
- (m) the right to withhold or to limit units purchased for a prepayment meter or to offset a portion of any payment against arrears as result of non-payment of debt owed to the municipality;
- (n) the municipality's right to levy interest on amounts not paid by the due date as stipulated on an account;
- (o) the municipality's right to attach movable and immovable property;
- (p) the municipality's assistance to indigents; and
- (q) the municipality's client service charter.

8.6 The municipality will only be obliged to provide a specific level of a municipal service requested—

- (a) if it is already provided by the municipality in the normal course of events; and
- (b) if the municipality possesses the means and capacity to provide such a level of service.

8.7 A consumer may at any time apply to change the level of a municipal service originally approved, provided that the level of service requested is available and that the costs and disbursements incidental to such change be borne by the applicant.

8.8 In the case of an illiterate or similarly disabled person, the municipality must ensure that he or she is aware of and understands the contents of the application form and that he or she is assisted with the completion thereof.

8.9 Where the municipality—

- (a) refuses an application for the provision of municipal services or a specific service or level of service; or
- (b) is not in a position to provide such municipal service or level of a service on the date on which it is requested; or
- (c) is not in a position to provide such municipal service or level of a service at all;

it must inform the applicant of such refusal or inability to provide the service and the reasons therefor.

- (e) die munisipaliteit se reg om water- of elektrisiteitsdienste te beëindig of te beperk in geval van nie-betaling van 'n rekening (*of enige gedeelte daarvan*) of peuterig met munisipale meettoerusting;
- (f) die verbruiker se verantwoordelikheid vir enige skade wat aan meettoerusting of ander munisipale eiendom aangerig word;
- (g) sy of haar verpligting om vir dienste te betaal ten spye van die moontlike nie-lewering van rekening;
- (h) die eienaar sal verantwoordelik gehou word vir agterstallige rekeninge vir munisipale dienste van okkupeerdeurs/huurders.
- (i) die munisipaliteit se reg om die rekeninge van n verbruiker te konsolideer.
- (j) die munisipaliteit se reg om 'n meter vir voorafbetaalde dienste te installeer op 'n eiendom waar die elektrisiteitsvoorsiening as gevolg van nie-betaling of peuterig afgesluit is in welke geval die meter die eiendom van die munisipaliteit bly;
- (k) die installering van voorafbetaalde meters, met die skriftelike toestemming van die eienaar, word aangemoedig. Let wel dat verbruikers wie se elektrisiteit voorsiening op drie geleenthede ont-koppel word as gevolg van nie-betaling verplig sal wees om 'n voorafbetaalde elektrisiteitsmeter te installeer voordat verdere elektrisiteit voorsiening sal geskied. Die koste van die installering sal gedra word deur die eienaar of huurder.
- (l) die munisipaliteit se reg om 'n water aanvraag bestuurmeter aan te bring by eiendom as gevolg van wanbetaling of peuterig met toerusting in welke geval die meter die eiendom van die munisipaliteit bly;
- (m) die reg om eenhede wat vir voorafbetaalde meters gekoop is terug te hou of te beperk of om 'n gedeelte van enige betaling te verreken teen agterstallige bedrae as gevolg van die nie-betaling van bedrae wat aan die munisipaliteit verskuldig is;
- (n) die munisipaliteit se reg om rente te hef op bedrae wat nie teen die betaaldatum vereffen is nie, soos uiteengesit op 'n rekening;
- (o) die munisipaliteit se reg op beslaglegging van roerende en onroerende eiendom;
- (p) die munisipaliteit se hulp aan hulpbehoewendes; en
- (q) die munisipaliteit se handves vir kliëntediens.

8.6 Die munisipaliteit sal slegs verplig wees om 'n spesifieke vlak van munisipale dienste wat versoek is te lewer—

- (a) indien dit reeds in die gewone verloop van sake deur die munisipaliteit gelewer word; en
- (b) indien die munisipaliteit die middele en kapasiteit besit om sodanige vlak van diens te lewer.

8.7 'n Verbruiker mag te eniger tyd aansoek doen om die vlak van munisipale dienste wat aanvanklik goedgekeur is te verander met dien verstande dat die vlak van diens wat versoek word, beskikbaar is en dat die koste en betalings met betrekking tot sodanige verandering deur die persoon gedra word.

8.8 In die geval van 'n ongeletterde of dienoorlopend gestremde persoon, moet die munisipaliteit seker maak dat die persoon bewus is van, en die inhoud van 'n aansoekvorm begryp en dat hy of sy bygestaan word met die voltooiing daarvan.

8.9 Indien die munisipaliteit—

- (a) 'n aansoek vir die voorsiening van munisipale dienste of 'n spesifieke diens of vlak van diens weier; of
- (b) nie in 'n posisie is om sodanige munisipale diens of vlak van diens op die datum waarop dit versoek word, te lewer nie;
- (c) nie in 'n posisie is om hoegenaamd sodanige munisipale diens of vlak van diens te lewer nie;

moet die munisipaliteit die aansoeker verwittig van sodanige weiering of onvermoë om die diens te lewer sowel as die redes daarvoor.

8.10 An approval for the provision of services or any undertaking or arrangement in terms of this policy does not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act but is deemed to be incidental credit as envisaged in terms of section 4(6)(b) read with section 5(2) and (3) of the National Credit Act, 2005.

9. Liability for payment

9.1 A consumer who receives, uses or benefits from the services offered or rendered by the municipality in terms of its functions as listed in Schedules 4B or 5B of the Constitution, is responsible for the payment of any monies due and payable to the municipality in respect of such consumption or benefit.

9.2 If for any reason service charges have not been levied, the municipality shall be entitled to render an account as from the date of registration of such property in the Deeds Office.

9.3 Rental payable in respect of the letting of state-financed housing and other municipal property is payable by—

- (a) the person with whom the lease was concluded; or
- (b) the person who applied to rent the premises, where no agreement of lease was concluded; or
- (c) if no such person can be identified, the head of the household occupying such premises; or
- (d) any other person who accepts responsibility for the payment of rental due, irrespective of whether such a person occupies the premises or not.

9.4 The person or persons with whom a loan agreement or an instrument of debt has been concluded is responsible for repayment of housing loans.

9.5 Where an account is not paid in full, any lesser amount offered and accepted by the municipality shall not be regarded as full and final settlement of such account unless the municipal manager in writing accepts such lesser amount as being in full and final settlement of the account in question.

9.6 Non-delivery of an account or an error or omission in an account shall not exempt a consumer from payment of any amounts owing to the municipality.

10. Due date

Accounts for rates or services offered or rendered by the municipality become due and payable as follows—

10.1 Rates—

- (a) rates become due and payable on the 1st day of July of each year for which such rates are determined;
- (b) the municipality shall recover the rates levied in twelve equal instalments which shall be payable on the date indicated on the account statement;
- (c) by prior arrangement the municipality will recover the rates levied in a single amount, which is payable on the date determined by the municipality in respect of annual payments at end of October in the year in which the amount is levied.
- (d) where property becomes taxable after the 1st July of a financial year of the municipality, the rates levied shall become due and payable on the date of notice to such owner of his or her liability for payment thereof;
- (e) the provisions of sub paragraphs (b) and (c) will apply with the necessary changes in respect of rates levied in terms of sub paragraph (d);
- (f) applications to pay rates in a single amount must be submitted to the municipality before 31 May of each year.

8.10 'n Goedkeuring vir die verskaffing van dienste of enige onderneiming of reëling ingevolge hierdie beleid kom nie neer op 'n kredietfasilitet wat beoog word ingevolge artikel 8(3) van die Nasionale Kredietwet nie, maar word beskou as toevallike krediet soos beoog ingevolge artikel 4(6)(b) gelees saam met artikel 5(2) en (3) van die Nasionale Kredietwet, 2005.

9. Aanspreeklikheid vir betaling

9.1 'n Verbruiker wat die dienste wat deur die munisipaliteit aangebied of gelewer word ingevolge sy funksies soos gelys in Bylae 4B en 5B van die Grondwet ontvang, gebruik of daaruit voordeel trek, is verantwoordelik vir die betaling van enige geldte wat aan die munisipaliteit verskuldig en betaalbaar is ten opsigte van sodanige verbruik of voordeel.

9.2 Indien diensteheffings om enige rede nie gehef is nie, is die munisipaliteit geregtig om 'n rekening te lewer vanaf die datum waarop sodanige eiendom by die Aktekantoor geregistreer is.

9.3 Huurgeld ten opsigte van die verhuring van staatsgefinsioneerde behuising en ander munisipale eiendom, is betaalbaar deur—

- (a) die persoon met wie die huurooreenkoms gesluit is; of
- (b) die persoon wat aansoek gedoen het om die perseel te huur, ingeval geen huurooreenkoms aangegaan is nie; of
- (c) indien geen sodanige persoon geïdentifiseer kan word nie, die hoof van die huishouding wat so 'n perseel okkuper; of
- (d) enige ander persoon wat verantwoordelikheid aanvaar vir die betaling van huurgeld wat verskuldig is, ongeag of so 'n persoon die perseel okkuper al dan nie.

9.4 'n Persoon met wie 'n leningsooreenkoms of skuldakte gesluit is, is verantwoordelik vir die terugbetaling van behuisingslenings.

9.5 Waar 'n rekening nie ten volle vereffent word nie, sal enige mindere bedrag wat aangebied word en deur die munisipaliteit aanvaar word, nie geag word as volle en finale betaling van sodanige rekening te wees nie, tensy die munisipale bestuurder die betaling van sodanige mindere bedrag skriftelik aanvaar as die volle en finale betaling van die betrokke rekening.

9.6 Die nie-lewering van 'n rekening of 'n fout of weglatting op 'n rekening sal nie 'n verbruiker vrystel van die betaling van enige bedrae wat aan die munisipaliteit verskuldig is nie.

10. Betaaldatum

Rekenings vir eiendomsbelastings of dienste wat deur die munisipaliteit aangebied of gelewer is, word soos volg verskuldig en betaalbaar—

10.1 Eiendomsbelastings:

- (a) eiendomsbelastings word verskuldig en betaalbaar op 1 Julie van elke jaar waarvoor sodanige eiendomsbelasting bepaal word;
- (b) die munisipaliteit verhaal die eiendomsbelasting wat gehef word in twaalf gelyke paaimeente, wat betaalbaar sal wees op die datum soos op die rekeningstaat aangedui;
- (c) deur vooraf reëling sal die munisipaliteit die eiendomsbelasting wat gehef word, as 'n enkele bedrag verhaal, welke bedrag betaalbaar is op die datum soos bepaal deur die munisipaliteit en ten opsigte van jaarlikse betalings, einde van Oktober van die jaar waarin die bedrag gehef word;
- (d) waar eiendom na 1 Julie van die finansiële jaar van die munisipaliteit belasbaar word, sal die eiendomsbelasting wat gehef word, verskuldig en betaalbaar wees op die datum van kennisgewing aan sodanige eienaar van sy of haar aanspreeklikheid vir die betaling daarvan;
- (e) die bepalings van subparagraph (b) en (c) sal van toepassing wees met die nodige veranderinge ten opsigte van belastings wat ingevolge subparagraph (d) gehef word;
- (f) aansoeke om eiendomsbelastings as 'n enkelbedrag te betaal, kan voor 31 Mei van elke jaar by die munisipaliteit ingediend word.

10.2 Availability charges—

- (a) availability charges become due and payable on the 1st day of July of each year for which such fees are determined;
- (b) the municipality will recover the availability charges levied in twelve equal instalments which will be payable on or before the last working day of each month in respect of which payment must be made;
- (c) where the levy becomes payable after the 1st July of a financial year, the levy shall become due and payable on the date of notice to such owner of his or her liability for payment thereof.

10.3 Municipal services—

Moneys payable in respect of municipal services are due and payable on the date indicated as such on the account delivered each month and payment must be made on or before the last working day of the month in which such account was delivered.

10.4 Rental or loan instalment—

Payment of rental or loan instalments due in respect of state-financed housing or other municipal property must be made on the dates and in accordance with the provisions contained in the relevant lease and loan agreements.

10.5 Other fees or instalments—

Payment of moneys other than those contemplated in sub paragraphs (1) to (5) must be made on the date indicated on the account which date will be no more than 30 days after the rendering of the particular service.

11. Accounts in arrears

11.1 Rates:

- (a) where rates which are payable in a single amount remain unpaid after the due date, the Director: Financial Services shall serve a written notice on the owner demanding payment thereof within 14 days from the date of notification.
- (b) upon failure to comply with a notice contemplated in sub paragraph (a), the Director: Financial Services shall, subject to the provisions of paragraph 15, institute legal proceedings to recover such rates.
- (c) where an owner, who pays rates in monthly instalments, defaults on payments the Director: Financial Services shall, by written notice, withdraw his or her right to pay monthly instalments in which event the full amount of outstanding rates shall become due and payable immediately.
- (d) where rates payable in monthly instalments are not paid in full after expiry of the period of 12 months from the date on which such rates became due and payable, the Director: Financial Services shall act in terms of sub paragraphs (a) and (b).
- (e) the provisions of sub paragraphs (a) and (b) shall apply with regard to recovery of rates as contemplated in sub paragraph (c).

11.2 Availability charges:

The provisions of sub paragraphs (c) and (d) apply with the necessary changes to an owner who defaults on payments in respect of availability charges.

11.3 Municipal Services:

- (a) Where a consumer fails to pay any amount or portion thereof in respect of municipal services on the due date, the municipality may—
 - (i) disconnect the electricity supply to the premises concerned;

10.2 Beskikbaarheidsgelde:

- (a) beskikbaarheidsgelde word verskuldig en betaalbaar op 1 Julie van elke jaar waarvoor sodanige gelde bepaal word;
- (b) die munisipaliteit sal die beskikbaarheidsgelde wat gehef word, in twaalf gelyke paaienteente verhaal, wat betaalbaar sal wees voor of op die laaste werksdag van elke maand ten opsigte waarvan sodanige betaling gemaak moet word;
- (c) waar die gelde na 1 Julie van 'n boekjaar betaalbaar word, sal die gelde verskuldig en betaalbaar word op die datum van kennisgewing aan sodanige eienaar van sy of haar aanspreeklikheid vir die betaling daarvan.

10.3 Munisipale dienste:

Gelde wat ten opsigte van munisipale dienste betaalbaar is, is verskuldig en betaalbaar op die datum wat as sodanig aangedui word op die rekening wat elke maand gelewer word en betaling moet gedoen word voor of op die laaste werksdag van die maand waarin sodanige rekening gelewer is.

10.4 Huurgeld of leningspaaienteente:

Die betaling van huurgeld of leningspaaienteente verskuldig ten opsigte van staatsgefinsioneerde behuising of ander munisipale eiendom, moet gedoen word op die datums en in ooreenstemming met die bepalings vervat in die betrokke huur- of leningsooreenkoms.

10.5 Ander gelde of paaienteente:

Die betaling van gelde anders as die bedrae genoem in subparagraaf (1) tot (5) moet geskied op die datum aangedui op die rekening, welke datum nie meer as 30 dae na die lewering van die spesifieke diens sal wees nie.

11. Agterstallige rekenings

11.1 Eiendomsbelasting:

- (a) waar eiendomsbelasting wat as 'n enkelbedrag betaalbaar is, na die betaaldatum onbetaal bly, moet die Direkteur: Finansiële Dienste 'n skriftelike kennisgewing beteken aan die eienaar van die eiendom waarin die eienaar aangesê word om die verskuldigde bedrag binne 14 dae vanaf die datum van die kennisgewing te betaal.
- (b) indien die eienaar versuim om die kennisgewing, soos genoem in subparagraaf (a), te gehoorsaam, moet die Direkteur: Finansiële Dienste, onderworpe aan die bepalings van paragraaf 15, geregtelike stappe instel om sodanige eiendomsbelasting te verhaal.
- (c) indien 'n eienaar, wat eiendomsbelasting in maandelikse paaienteente betaal, in verstek raak met betalings, moet die Direkteur: Finansiële Dienste deur middel van skriftelike kennisgewing sy of haar reg om belastings in maandelikse paaienteente te betaal, terugtrek. In so 'n geval word die volle uitstaande bedrag ten opsigte van eiendomsbelasting onmiddellik verskuldig en betaalbaar.
- (d) indien eiendomsbelasting wat in maandelikse paaienteente betaalbaar is, na die verstryking van 'n tydperk van 12 maande na die datum waarop sodanige eiendomsbelasting verskuldig en betaalbaar geword het, nie ten volle betaal is nie, moet die Direkteur: Finansiële Dienste optree ingevolge subparagrafe (a) en (b).
- (e) die bepalings van subparagrafe (a) en (b) sal van toepassing wees ten opsigte van die verhaling van eiendomsbelastings soos beoog in subparagraaf (c).

11.2 Beskikbaarheidsgelde:

Die bepalings van subartikels (c) en (d) is met die nodige aanpassings van toepassing op 'n eienaar wie in verstek raak met betaling van beskikbaarheidsgelde.

11.3 Munisipale Dienste:

- (a) Indien verbruiker versuim om op die betaaldatum enige bedrag, of gedeelte daarvan wat aan die munisipaliteit verskuldig is te betaal, mag die munisipaliteit
 - (i) die elektrisiteitsvoorsiening na die betrokke perseel afsluit;

<ul style="list-style-type: none"> (ii) restrict the water supply to such premises by installing a water demand management meter on the service connection which will allow the passage of at least 6 kilolitre water per month or as permitted by such management meter; (iii) install a prepayment meter where the electricity supply has been disconnected for non-payment; (iv) withhold or limit units purchased for a prepayment meter or to offset a portion of any payment against arrears as result of non-payment of debt owed to the municipality; <p>(b) Notice to a consumer in respect of an account in arrears or outstanding debt may be given via direct electronic media which include but is not limited to: e-mail, SMS or any other available method of electronic communication;</p> <p>(c) The municipality may enter into an agreement with a consumer who is unable to pay his or her account or portion thereof in terms of which he or she will be permitted to pay the outstanding amount in monthly instalments as determined annually by council.</p> <p>(d) Where applicable, the municipality may enter into an agreement with the consumer's employer in terms of section 103 of the Act.</p> <p>(e) Upon failure to comply with the conditions in sub paragraph (c) or (d), the municipality may cancel the agreement and institute any of the debt collection measures provided for in sub paragraph (2)(a).</p> <p>(f) Where a consumer is served with an account of which the amount payable is exceptionally high as a result of— <ul style="list-style-type: none"> (i) an act or omission on the part of the municipality; or (ii) a leakage of water from a water installation or electricity installation on the premises which is not part of the municipality's service connection; the municipality may enter into an agreement with the consumer to pay the amount owed in monthly instalments.</p> <p>(g) Where a period exceeding 30 days after the due date has expired and no agreement, as envisaged in sub paragraph (c) has been entered into, the Director: Financial Services shall, subject to the provisions of paragraph 15 institute legal proceedings against the consumer for the recovery of the debt.</p> <p>(h) Where a basic levy, availability charge, rates or any other cost is levied on premises of which the owner cannot be traced, the Municipal Manager, and the Director: Financial Services in consultation with the Internal Auditor and the Executive Mayor may cease such levies, provided that if the owner is traced, such levies may be recovered retrospectively.</p>	<ul style="list-style-type: none"> (ii) die voorsiening van water na sodanige perseel beperk deur water aanvraag bestuurmeter op die diensaansluiting te installeer, wat minstens 6 kiloliter water per maand sal deurlaat, of soos toegelaat deur sodanige bestuurmeter; (iii) n voorafbetaal meter installeer waar die voorsiening van elektrisiteit weens nie-betaling afgesluit is; (iv) eenhede wat vir vooraf betaal meter gekoop word terughou of beperk, of gedeelte van enige betaling verreken teen bedrae wat agterstallig is weens die nie-betaling van bedrae wat aan die munisipaliteit verskuldig is. <p>(b) Kennisgewing aan n verbruiker in verband met enige agterstallig rekening of uitstaande skuld mag via direkte elektroniese media geskied wat insluit, maar nie beperk is nie tot: e-pos, SMS of ander beskikbare metodes van elektroniese kommunikasie;</p> <p>(c) Die munisipaliteit mag ooreenkoms aangaan met verbruiker wat nie in staat is om sy of haar rekening of gedeelte daarvan te betaal nie, ingevolge waarvan hy of sy toegelaat sal word om die uitstaande bedrag in maandelikse paaiemende af te betaal soos jaarliks deur die raad bepaal.</p> <p>(d) Waar van toepassing, kan die munisipaliteit ingevolge artikel 103 van die Wet ooreenkoms met die verbruiker se werkewer gaan.</p> <p>(e) Indien daar versuim word om aan die bepalings in subparagraph (c) of (d) te voldoen, kan die munisipaliteit die ooreenkoms kanselleer en enige stappe vir skuldinvordering waarvoor in paragraaf (2)(a) voorsiening gemaak word, instel.</p> <p>(f) Indien 'n rekening aan 'n verbruiker gelewer word waarvan die betaalbare bedrag uitsonderlik hoog is as gevolg van— <ul style="list-style-type: none"> (i) 'n handeling of versuim aan die kant van die munisipaliteit; of (ii) 'n lekkasie van water uit 'n waterpypleiding of 'n elektrisiteitsinstallasie op die perseel wat nie deel vorm van die munisipaliteit se diensaansluiting nie; kan die munisipaliteit ooreenkoms met die verbruiker aangaan om die verskuldigde bedrag in maandelikse paaiemende af te betaal.</p> <p>(g) Indien agterstallige bedrae ten opsigte van munisipale dienste vir tydperk van meer as 30 dae na die betaaldatum verskuldig is, en geen ooreenkoms soos beoog in subparagraph (c) aangegaan is nie, moet die Direkteur: Finansiële Dienste, onderworpe aan die bepalings van paragraaf 15 geregtelike stappe teen die verbruiker instel om die skuld te verhaal.</p> <p>(h) Waar 'n basiese heffing, beskikbaarheidsfooi, belasting of enige ander heffing plaasvind op 'n eiendom waarvan die eienaar nie opgespoor kan word nie mag die Munisipale Bestuurder en Directeur Finansiële Dienste in konsultasie met die Interne Ouditeur en Uitvoerende Burgermeester sulke heffings opskort met die voorstelling dat indien die eienaar opgespoor sou word, sulke heffings terugwerkend verhaal sal word.</p>
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11.4 Rentals or loan instalments:

- (a) Interest payable on rentals or loan instalments in arrears shall be levied in accordance with the provisions contained in such lease or loan agreements.
- (b) Where rentals or loan instalments are not paid on or before the due date, a notice demanding payment thereof, together with interest, shall be served on the person responsible for payment.
- (c) The municipality may enter into an agreement to pay the arrears by way of monthly instalments subject to the conditions contained in sub paragraph 2(b) which terms shall apply with the necessary changes.
- (d) Where no agreement has been concluded to pay the arrears and such arrears are in excess of 30 days, the Director: Financial Services shall take the steps in terms of sub paragraph (2).

11.4 Huurgeld of leningspaaiemente:

- (a) Rente wat op agterstallige huurgeld of leningspaaiemente betaalbaar is, sal gehef word ooreenkomsdig die voorwaarde vervat in sodanige huur- of leningsooreenkoms.
- (b) Waar huurgeld of leningspaaiemente nie voor of op die betaaldatum saam met die rente betaal word nie, sal brief van aanmaning gestuur word aan die persoon wat verantwoordelik is vir betaling.
- (c) Die munisipaliteit mag n ooreenkoms aangaan om die agterstallige bedrae in maandelikse paaiemende te betaal, onderworpe aan die voorwaarde vervat in subparagraph 2(b), welke voorwaarde met die nodige veranderinge van toepassing sal wees.
- (d) Indien 'n ooreenkoms om die agterstallige bedrae te betaal nie aangegaan is nie, en sodanige agterstallige bedrae meer as 30 dae uitstaande is, moet die Direkteur: Finansiële Dienste die stappe neem soos uiteengesit in subparagraph (2).

11.5 Other fees or instalments:

The provisions of paragraph 11.4 shall apply with the necessary changes.

12. Levyng of interest

12.1 The standard rate of interest must be levied and collected in respect of all amounts due and payable for each month, provided that for the purposes of calculation, a portion of a month shall be regarded as a month.

12.2 Interest is levied from the first working day following the date on which the amounts in arrears are payable.

12.3 Waiving of such interest may be authorised by the Director: Financial Services, Municipal Manager and Internal Auditor, in consultation with the Executive Mayor.

13. Disconnection and re-connection of services

13.1 Services disconnected in terms of paragraph 8(1) shall only be re-connected upon payment of—

- (a) the amount in arrears together with interest or if an agreement for the payment thereof has been concluded in terms of paragraph 8(2)(b);
- (b) the re-connection fees;
- (c) any other fees as determined in terms of the municipality's Tariff Policy.

13.2 The onus shall always be on the debtor to request reconnection and to prove that the full amount required was paid or that an agreement was entered into for the payment thereof.

13.3 Restricted or disconnected services will be restored within a reasonable period of time after the debtor produces proof of payment of the required amount and subject to the municipality's capacity at the time to restore such service.

13.4 Services disconnected in terms of paragraph 21 shall only be re-connected upon payment of—

- (a) the re-connection fees;
- (b) the cost of damages to equipment;
- (c) the cost of re-placement of damaged equipment; and
- (d) any other fees as determined in the municipality's tariff policy.

13.5 No standby service shall be rendered for re-connection of services in case of non-payment or tampering with metering equipment.

14. Payment of deposit

14.1 A consumer, as contemplated in paragraphs (b) and (c) of the definition of 'consumer' in section 1 of this by-law, shall on application for the provision of municipal services, pay a deposit as determined by the municipality prior to delivery of the required services.

14.2 The municipality may increase the deposit where a consumer, as contemplated in sub paragraph 14.1, fails to pay his or her total outstanding debt for municipal services or where services are disconnected or restricted in terms of paragraph 9.1.

14.3 The increase shall be equal to the average consumption by the owner over a period of twelve months.

14.4 Where a consumer, as contemplated in sub paragraph 14.1, moves to other premises within the area of jurisdiction of the municipality, the deposit may be increased if such move requires a higher deposit.

14.5 Upon termination of services on request of a consumer, or when accounts are switched in terms of paragraph 4, the deposit may be utilised to extinguish or reduce debt owed by the owner and the remainder, if any, be refunded.

14.6 The municipality may annually increase a deposit held in terms of sub paragraph 14.1 which increase shall be equal to the average of the services consumed over a period of twelve months.

11.5 Ander gelde of paaiememente:

Die bepalings van paragraaf 11.4 is met die nodige veranderinge van toepassing.

12. Hefting van rente

12.1 Rente teen die standaardkoers sal gehef en gevorder word ten opsigte van alle verskuldigde en betaalbare bedrae vir elke maand wat die bedrae agterstallig is, met dien verstande dat vir die doel van die berekening, 'n gedeelte van 'n maand geag word as 'n maand te wees.

12.2 Rente word gehef vanaf die dag wat volg op die datum waarop die agterstallige bedrae betaalbaar geword het.

12.3 Kwytskelding van sodanige rente kan gemagtig word deur die Direkteur: Finansiële Dienste, Munisipale Bestuurder in oorelog met die Interne Ouditeur en Uitvoerende Burgemeester.

13. Afsluiting en heraansluiting van dienste

13.1 Dienste wat ingevolge paragraaf 8(1) afgesluit is, sal slegs heraangesluit word na die betaling van—

- (a) die agterstallige bedrae tesame met rente of volgens 'n ooreenkoms vir die afbetaling daarvan indien 'n ooreenkoms ooreenkommstig paragraaf 8(2)(b) aangegaan is;
- (b) die heraansluitingsgelde;
- (c) enige ander gelde soos bepaal ooreenkommstig die tariefbeleid van die munisipaliteit.

13.2 Die onus berus op die verbruiker om 'n heraansluiting aan te vra met 'n bewys dat die volle bedrag betaal is of 'n bewys dat 'n ooreenkoms aangegegaan is vir die betaling daarvan.

13.3 Dienste wat beperk of verwyder is sal hervat word binne 'n rede-like periode van tyd nadat die verbruiker 'n bewys van betaling vir die relevante bedrag indien, onderhewe aan die munisipaliteit se kapasiteit om die diens te hervat op daardie tydstip.

13.4 Dienste wat ooreenkommstig paragraaf 21 afgesluit is, sal slegs na betaling van die volgende heraangesluit word—

- (a) die heraansluitingsgelde;
- (b) die koste van skade aan toerusting;
- (c) die koste van die vervanging van beskadigde toerusting; en
- (d) enige ander gelde soos bepaal in die tariefbeleid van die munisipaliteit.

13.5 In die geval van nie-betaling of peutering met meettoerusting sal geen bystandsdiens vir die heraansluiting van dienste gelewer word nie.

14. Betaling van verbruikersdienste deposito's

14.1 'n Verbruiker, soos bedoel in paragrawe (b) en (c) van die definisie van "verbruiker" in artikel 1 van hierdie verordening, wat aansoek doen vir die lewering van munisipale dienste, moet deposito, soos bepaal deur die munisipaliteit, betaal voor die verlangde dienste gelewer word.

14.2 Die munisipaliteit mag die deposito verhoog waar n verbruiker soos bedoel in sub paragraaf (1) versuim om sy volle uitstaande skuld vir munisipale dienste te betaal of waar dienste afgesluit word of beperk word ooreenkommstig paragraaf 11(2).

14.3 Die verhoging sal gelykstaande wees aan die gemiddelde verbruik oor 'n tydperk van 12maande.

14.4 Wanneer 'n verbruiker soos bedoel in subartikel (1) van een perseel binne die regssgebied van die munisipaliteit na 'n ander perseel binne die regssgebied verhuis, kan die deposito verhoog word indien sodanige verhuisind 'n hoër deposito vereis.

14.5 Wanneer dienste op versoek van verbruiker beëindig word, of wanneer rekenings oorgeskakel word ingevolge paragraaf 4, mag die deposito gebruik word om bedrae wat deur die verbruiker verskuldig is te delg en die orige gedeelte, indien enige, sal terugbetaal word.

14.6 Die munisipaliteit kan te eniger tyd enige deposito ingevolge sub paragraaf (1) verhoog, welke verhoging gelykstaande sal wees aan die gemiddelde verbruik oor 'n tydperk van 12 maande.

14.7 The deposit will be forfeited and applied towards any unpaid municipal accounts in those instances where a consumer vacates the premises.

14.8 The municipality is not liable for the payment of interest on deposits held.

15. Institution of legal proceedings

15.1 The institution of legal proceedings includes, but is not limited to—

- (a) the issuing of summons for payment of amounts in arrears;
- (b) the attachment of rent payable in respect of a property where applicable;
- (c) the attachment of a consumer's remuneration;
- (d) the attachment and sale in execution of movable property;
- (e) the attachment and sale in execution of immovable property;
- (f) the eviction of an occupier of any municipal property.

15.2 The institution of legal proceedings must be undertaken with due consideration of all legal requirements and in compliance with the applicable regulations and rules.

15.3 Where a consumer's debt is less than R500.00 and older than 90 days, the Director: Financial Services may decide whether—

- (a) an account should be handed over for collection; or
- (b) legal proceedings should be instituted against the consumer.

15.4 The Director: Financial Services may determine where debt is more than R500.00 and older than 90 days, which of the judicial measures listed in sub paragraph 15.3 will be the most appropriate and effective in each case.

16. Writing off of outstanding debt

This will be dealt with on a case by case basis.

CHAPTER 4: GENERAL PROVISIONS

17. Collection cost

All legal costs, collection commission, and any other expenses incurred by the municipality in order to recover monies owing by a consumer, shall be debited against that owner or tenant's account and collected from him or her.

18. Dishonoured payments

18.1 The municipality shall impose costs and administration fees on the account of the consumer where any payment by means of a negotiable instrument is dishonoured by a bank.

18.2 Where cheque payment has been dishonoured for a third time within a financial year, no future payments per cheque shall be accepted.

19. Access to premises

Authorised officials of the municipality or of a service provider shall have access at all reasonable hours to premises for the purposes of implementation of this policy provided that such official must provide the necessary identification upon request.

20. Safe accommodation of service connections and appliances

A consumer shall be responsible for the safe accommodation of any service connections, meters, stopcocks, as well as appliances and equipment for the safeguarding of services on their premises, and shall be liable for any costs or losses incurred, or damages suffered by the municipality in respect thereof.

21. Unauthorised use of services

21.1 A consumer who—

- (a) uses or gains access to municipal services without approval in terms of paragraph 8(1); or

14.7 Deposito's sal verbeur word ter betaling van agterstallige rekening in die gevalle waar verbruikers 'n eiendom ontruim.

14.8 Die munisipaliteit is nie aanspreeklik vir die betaling van rente op deposito's wat gehou word nie.

15. Instelling van geregtelike stappe

15.1 Die instelling van geregtelike stappe sluit in, maar is nie beperk nie tot—

- (a) dagvaarding vir betaling van agterstallige bedrae;
- (b) die beslaglegging van huur betaalbaar op 'n eiendom waarvan toepassing;
- (c) die beslaglegging op 'n verbruiker se vergoeding;
- (d) die beslaglegging en verkoop in eksekusie van roerende eiendom;
- (e) die beslaglegging en verkoop in eksekusie van onroerende eiendom;
- (f) die uiteensetting van 'n okkupeerder vanaf munisipale eiendom.

15.2 Die instelling van geregtelike stappe moet geneem word met ingeneming van alle wetlike vereistes en die nakoming van die toepaslike regulasies en reëls.

15.3 Indien skuld minder as R500 en 150 dae of ouer is, kan die Direkteur: Finansiële Dienste besluit of—

- (a) 'n rekening vir invordering oorhandig moet word; of
- (b) geregtelike stappe teen hom of haar ingestel moet word.

15.4 Die Direkteur: Finansiële Dienste kan bepaal, indien die skuld meer is as R500 en ouer is as 150 dae, welke van die geregtelike stappe wat in subparagraaf (1) genoem word, die mees aangewese en doeltreffende stap vir elke geval sal wees.

16. Afskrywing van agterstallige skuld

Sal afgehandel word op 'n gevalle basis.

HOOFSTUK 4: ALGEMENE BEPALINGS

17. Koste van invordering

Alle regskostes, invorderingskommissies en enige ander uitgawes wat deur die munisipaliteit aangegaan word om geld te wat deur verbruiker verskuldig is in te vorder, sal teen sy of haar rekening gedepteer word en van hom of haar verhaal word.

18. Gedishonoreerde betalings

18.1 Die munisipaliteit sal koste- en administrasiefooie op die rekening van 'n verbruiker hef indien enige betaling deur middel van 'n verhandelbare instrument deur 'n bank gedishonoreer word.

18.2 Indien 'n betaling per tjek vir die derde keer binne 'n finansiële jaar deur die bank gedishonoreer word, sal betalings per tjek nie verder aanvaar word nie.

19. Toegang tot persele

Gemagtigde amptenare van die munisipaliteit of 'n diensverskaffer sal gedurende alle redelike ure toegang hê tot persele met die doel om hierdie beleid te implementeer en sodanige amptenaar moet die nodige identifikasie beskikbaar stel indien daar toe versoek.

20. Veilige akkommodasie van diensaansluitings en apparaat

'n Verbruiker sal verantwoordelik wees vir die veilige akkommodasie van enige diensaansluitings, meters, afsluitkranse, sowel as diensbeveiligingstoestelle en -toerusting op hulle persele en sal aanspreeklik wees vir enige kostes of verliese of skade wat die munisipaliteit ten opsigte daarvan mag aangaan of ly.

21. Ongemagtigde gebruik van dienste

21.1 'n Verbruiker wat—

- (a) munisipale dienste gebruik of toegang daar toe verkry sonder goedkeuring in ooreenstemming met paragraaf 8(1); of

- (b) tampers with, breaks or damages any seal, or removes any appliance or equipment which had been installed to measure, provide or restrict the supply of services,

shall be held liable for payment of any unauthorised consumption of services.

21.2 The municipality has the right to disconnect water or electricity supply to premises—

- (a) if such services are used without approval as contemplated in sub paragraph 21.1 (a); and
- (b) if metering equipment has been wilfully damaged or tampered with as contemplated in sub paragraph 21.1 (b).

21.3 Without prejudice to the municipality's right to institute criminal proceedings, a consumer who tampers with or damages any appliance or equipment as contemplated in sub paragraph 21.1 (b) shall be liable to pay the costs as contemplated in paragraph 13.4.

21.4 In the case of tampering with or damaging of any metering equipment, the owner shall be regarded as being responsible for such tampering with or damaging thereof unless he or she can prove otherwise.

22. Signing and certification of documents

Any order, notice or other document which needs to be signed or certified by the municipality shall be regarded as sufficiently signed and certified if done by the municipal manager or a duly authorised official of the municipality.

23. *Prima facie* evidence

In lawsuits initiated by the municipality, the mere submission of a certificate reflecting the amount due and payable to the municipality and signed by the municipal manager or a an official authorised thereto, may be accepted by the court as *prima facie* evidence that the amount is due.

24. Clearance certificates

24.1 On the sale of any property the municipality shall withhold the required clearance certificate in terms of section 118(1) of the Act until all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

24.2 All payments shall be allocated to the seller's municipal accounts and all refunds shall be made to such seller.

24.3 No interest shall be paid in respect of such payments.

24.4 The clearance certificate validation period is 60 days and the amount due shall be calculated as follows—

- (a) applications received on 30 June shall include 3 (three) months' advance payments;
- (b) applications received on 1st July shall include—
 - (i) rates and availability charges in advance for the full financial year; and
 - (ii) 3 (three) months advance payments for water, electricity, sewerage and refuse removal.
- (c) all other applications shall include 3 (three) month's advance payments.

24.5 Payments in terms of sub paragraphs (a) to (c) shall include all outstanding debt on the property.

24.6 In terms of section 118(3) of the Act, an amount due for municipal services, surcharges on fees, property rates and other municipal taxes, levies fees and charges is a charge upon the property in terms of which the amount is owed and enjoys preference over any mortgage bond registered against the property.

- (b) met enige seël of enige toestel of toerusting wat geïnstalleer is om dienste te meet, te verskaf of te beperk, peuter, dit breek of beskadig, sal aanspreeklik gehou word vir betaling vir enige ongemagtige verbruik van dienste.

21.2 Die munisipaliteit het die reg om water- of elektrisiteitsvoorsiening af te sluit na persele—

- (a) indien sodanige dienste gebruik word sonder goedkeuring soos beoog in subparagraph (1)(a); en
- (b) indien meettoerusting opsetlik beskadig is of mee gepeuter is soos beoog in subparagraph (1)(b).

21.3 'n Verbruiker wat met enige toestel of toerusting peuter of dit beskadig, soos beoog in subparagraph (b), sal aanspreeklik gehou word vir die kostes soos beoog in paragraaf 13(2) sonder benadeling van die munisipaliteit se reg om geregteleke stappe te neem.

21.4 In die geval van peutering met of beskadiging van enige meettoerusting sal die eienaar van die perseel geag word verantwoordelik te wees vir sodanige peutering of beskadiging tensy die teendeel deur hom of haar bewys word.

22. Ondertekening en sertifisering van dokumente

'n Bevel, kennisgewing of ander dokument wat deur die munisipaliteit onderteken of gesertifiseer moet word, word geag behoorlik onderteken en gesertifiseer te wees indien dit deur die munisipale bestuurder of 'n behoorlik gemagtigde amptenaar van die munisipaliteit gedoen is.

23. *Prima facie*-getuienis

In regsgedinge wat deur die munisipaliteit aanhangig gemaak word, kan die blote voorlegging van sertifikaat wat die bedrag verskuldig en betaalbaar aan die munisipaliteit reflekter, en onderteken deur die munisipale bestuurder of deur gemagtigde amptenaar, deur die hof aanvaar word as *prima facie*-getuienis dat die bedrag verskuldig is.

24. Uitklaringsertifikate

24.1 Met die verkoop van enige eiendom sal die munisipaliteit die vereiste uitklaringsertifikaat ingevolge artikel 118(1) van die Wet terughou tot alle bedrae wat met betrekking tot daardie eiendom vir munisipale dienste, bykomende bedrae, eiendomsbelasting en ander munisipale belastings, heffings en belastings verskuldig geword het gedurende die twee jaar voor die datum van aansoek om die sertifikaat, ten volle betaal is.

24.2 Alle betalings sal aan die verkoper se munisipale rekenings toegewys word en alle terugbetalings sal aan sodanige verkoper gedoen word.

24.3 Geen rente sal met betrekking tot sodanige betalings betaal word nie.

24.4 Die uitklaringsertifikaat is vir 'n tydperk van 60 dae geldig en die bedrag wat verskuldig is, sal soos volg bereken word—

- (a) aansoeke wat op 30 Junie ontvang word, moet 3 (drie) maande se vooruitbetalings insluit;
- (b) aansoeke wat op 1 Julie ontvang word, moet die volgende insluit—
 - (i) eiendomsbelastings en beskikbaarheidsheffings vooruit vir die volle boekjaar; en
 - (ii) 3 (drie) maande se vooruit betalings vir water, elektrisiteit, riolo en vullisverwydering.
- (c) alle ander aansoeke sal 3 (drie) maande se vooruitbetalings insluit.

24.5 Betalings met betrekking tot subparagraph (a) tot (c) sal alle uitstaande skuld op die eiendom insluit.

24.6 Ingevolge artikel 118(3) van die Wet is 'n bedrag verskuldig vir munisipale dienste, bykomende bedrae, eiendomsbelastings en ander munisipale belastings en heffingsgelde 'n heffing teen die eiendom in terme waarvan die bedrag verskuldig is en voorkeur geniet bo enige verband wat teen die eiendom geregistreer is.

24.7 The amount owing shall be for the account of the registered owner regardless of who incurred the debt.

24.8 The municipality may, after obtaining an appropriate court order, sell any property in execution to recover outstanding debt.

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24.7 Die verskuldigde bedrag sal vir die rekening van die geregtigheidsestreerde eienaar wees, ongeag wie die skuld aangegaan het.

24.8 Die munisipaliteit kan, nadat 'n toepaslike hofbevel verkry is, enige eiendom in eksekusie verkoop om uitstaande skuld te verhaal.

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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;

“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;

“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;

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

“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;

SWARTLAND MUNISIPALITEIT
VERORDENING INSAKE EIENDOMSBELASTING

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

Inhoudsopgawe

1. Woordomskrywings
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 okkuperders
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 inwerkingtredie

1. Woordomskrywings

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 munisipalteit 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 munisipalteit se Eiendomsbelasting Beleid;

“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 Eiendomtydsdeling, 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 aandeleblokmaatskappy soos bedoel in die Wet op Beheer van Aandeleblokke, 1980 (Wet 59 van 1980), die aandeleblokmaatskappy soos omskryf in gemelde wet.

"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
 - (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;

"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;

- (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 infrastrukturum gemeld in paragraaf (d) van die definisie van "**eiendom**", 'n staatsorgaan wat sodanige openbare dienste infrastrukturum 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 gevallen 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 staatstrustgronde;
 - (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 serwituit geregistreer is, in die geval van 'n eiendom wat aan vruggebruik of 'n ander persoonlike serwituit 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 infrastrukturum;

"finansiële jaar" die tydperk wat op 1 Julie in 'n jaar 'n aanvang neem tot
30 Junie van die volgende jaar;

"jaarliks" eenkeer elke finansiële jaar;

"kategorie"—

- (a) ten opsigte van 'n eiendom, 'n eiendomskategorie 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;

"korting" 'n korting op die belastingbedrag wat op die eiendom betaalbaar is;

"markwaarde" ten opsigte van 'n eiendom, die waarde van die eiendom wat ooreenkomsdig artikel 46 van die Wet bepaal word;

"munisipale bestuurder" 'n persoon wat ingevolge artikel 54A van die Wet op Munisipale Stelsels, 2000, (Wet 32 van 2000) aangestel is;

"munisipaliteit" die munisipaliteit van Swartland en sluit enige gedelegeerde amptenaar of diensverskaffer van die munisipaliteit in;

- (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;

“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;

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

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

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

(2) The criteria for differential rates as determined by the municipality in accordance with section 3(3)(b)(i) of the Act must be contained in the policy.

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

“okkuperde” 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 okkuper al dan nie;

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

- (a) enige beperkings opgelê deur—

- (i) ’n titelvoorraarde;
- (ii) ’n bepaling van ’n dorpsbeplannings- of grondgebruikskema; 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 waaroor 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 reggebied.

4. Algemene beginsels

(1) Belasting word gehef as ’n bedrag in die rand gebaseer op die markwaarde van alle belasbare eiendom in sy reggebied.

(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 eienaar 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

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

(2) Die kriteria vir gedifferensieerde belasting soos deur die munisipaliteit bepaal ingevolge artikel 3(3)(b)(i) van die Wet moet in die belastingbeleid vervat word.

6. Kennisgewing van belasting

(1) Die munisipaliteit moet ’n besluit om belasting te hef, jaarliks, binne 60 dae na die besluit, in die Provinciale Koerant asook ’n koe-

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.

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 therefor 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 *Extraordinary Provincial Gazette* 7825 on 12 June 2015 is hereby repealed.

rant 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 okkuperder

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

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, hetsoos as gevolg van 'n fout of weglatting 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 weglatting ontdek is terugverkend tot die datum waarop die eiendomsbelasting vir die eerste keer ooreenkomsdig die huidige waardasierol gehef is.

(2) Waar die fout voorgekom het as gevolg van valse inligting wat deur die eienaar van die eiendom verstrek 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 versuum 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 afle wat die belasting op enige eiendom mag affekteer, hetsoos vir homself of vir iemand anders;
- (b) weier of versuum om veranderings 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 *Buitengewone Provinciale Koerant* 7402 op 12 Junie 2015 word hiermee herroep.

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 2017.

2 June 2017

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14. Kort titel en inwerkingtrede

Hierdie verordening staan bekend as die Swartland Munisipaliteit se Verordening insake Eiendomsbelasting en tree in werking op 1 Julie 2017.

2 Junie 2017

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