

Provincial Gazette

Free State Province



Provinsiale Koerant

Provinsie Vrystaat

Published by Authority

Uitgegee op Gesag

NO. 87	FRIDAY, 22 MARCH 2013	NO. 87	VRYDAG, 22 MAART 2013
PROCLAMATIONS		PROKLAMASIES	
40	Declaration of Township: Langenhovenpark, Extension 18 2	40	Dorpsverklaring: Langenhovenpark: Uitbreiding 18 2
41	Declaration of Township: Ngwathe, Extension 4 7	41	Dorpsverklaring: Ngwathe, Uitbreiding 4 7
PROVINCIAL NOTICES		PROVINSIALE KENNISGEWINGS	
153	Removal of Restrictions Act, 1967 (Act No. 84 of 1967): Bloemfontein (Bainsvlei): P lot 37, Quaggafontein Small Holdings 10	153	Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967): Bloemfontein (Bainsvlei): Hoewe 37, Quaggafontein Kleinplase 10
154	Removal of Restrictions Act, 1967 (Act No. 84 of 1967): Bethlehem, Extension 33: Erf 2435 11	154	Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967): Bethlehem, Uitbreiding 33: Erf 2435 11
155	Removal of Restrictions Act, 1967 (Act No. 84 of 1967): Langenhovenpark (Extension 2): Erf 697 11	155	Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967): Langenhovenpark (Uitbreiding 2): Erf 697 11
156	Removal of Restrictions Act, 1967 (Act No. 84 of 1967): Welkom, Extension 3: Erven 4084, 4083 and 4084 12	156	Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967): Welkom, Uitbreiding 3: Erwe 4080, 4083 en 4084 12
COOPERATIVE GOVERNANCE TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICES			
	Mangaung Metropolitan Municipality 13		
	Kopanong Local Municipality 53		

PROCLAMATIONS

[NO. 40 OF 2012]

DECLARATION OF TOWNSHIP: LANGENHOVENPARK, EXTENTION 18

By virtue of the powers vested in me by section 14(2) of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969), I, S.M. Mlamleli, Member of the Executive Council of the Province responsible for Cooperative Governance, Traditional Affairs and Human Settlements hereby declare the area represented by General Plan S.G. No. 1382/2008, as approved by the Surveyor General on 24 July 2008 to be an approved township under the name Langenhovenpark, Extension 18, subject to the conditions as set out in the Schedule.

Given under my hand at Bloemfontein this 6th day of February 2013.

**S.M. MLAMLELI
MEMBER OF THE EXECUTIVE COUNCIL:
COOPERATIVE GOVERNANCE, TRADITIONAL
AFFAIRS AND HUMAN SETTLEMENTS**

CONDITIONS OF ESTABLISHMENT AND OF TITLE

The township is Langenhovenpark Extension 18, and is situated on Portion 10 (of 1) of the Farm Spitskop 2671, Bainsvlei, Administrative District of Bloemfontein and consists of 9 erven numbered 1578 - 1586 and a street numbered 1587, as indicated on General Plan S.G. No. 1382/2008.

A. CONDITIONS OF ESTABLISHMENT

A.1 Streets

- a. The Township Owner shall at his costs, provide streets from which access will be given to all erven in the township. Such streets shall be graded, tarred and provided with kerbing by and at the cost of the Township Owner, in accordance with plans and specifications as agreed upon by the Township Owner and the Local Municipality.
- b. The Township Owner shall at his costs, provide a complete stormwater drainage system for the township, in accordance with specifications as agreed upon by the Township Owner and the Local Municipality. The said system shall include drainage pipes or drainage canals which is of a size adequate to collect and drain the stormwater caused by rain falling in the township to a point beyond the boundaries of the township approved by the Minister.

PROKLAMASIES

[NO. 40 VAN 2012]

DORPSVERKLARING: LANGENHOVENPARK: UITBREIDING 18

Kragtens die bevoegdheid my verleen by artikel 14(2) van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969) wysig ek, S.M. Mlamleli, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Samewerkende Regering, Tradisionele Sake en Menslike Nedersettings, hierby die gebied voorgestel deur Algemene Plan L.G. No. 1382/2008 soos goedgekeur deur die Landmeter-Generaal op 24 Julie 2008, tot 'n goedgekeurde dorp onder die naam Langenhovenpark, Uitbreiding 18, onderworpe aan die voorwaardes soos in die Bylae uiteengesit.

Gegee onder my hand te Bloemfontein op hede die 6^{de} dag van Februarie 2013.

**S.M. MLAMLELI
LID VAN DIE UITVOERENDE RAAD
SAMEWERKENDE REGERING
TRADISIONELE SAKE EN MENSLIKE NEDERSETTINGS**

STIGTINGS- EN EIENDOMSVOORWAARDES

Die dorp is Langenhovenpark Uitbreiding 18, en is geleë op Gedeelte 10 (van 1) van die Plaas Spitskop 2671, Bainsvlei, Administratiewe Distrik Bloemfontein en bestaan uit 9 erwe genommmer 1578 – 1586 en 'n straat genommmer 1587, soos aangedui op Algemene Plan L.G. No 1382/2008.

A. STIGTINGSVOORWAARDES

A.1 Strate

- a. Die Dorpseienaar voorsien op sy koste, strate wat toegang tot alle erwe in die dorp verleen. Sodanige strate word deur en op koste van die Dorpseienaar gevorm, geteer en van randstene voorsien ooreenkomstig planne en spesifikasies soos tussen die Dorpseienaar en die Plaaslike Munisipaliteit ooreengekom.
- b. Die Dorpseienaar voorsien op sy koste, 'n volledige stormwaterdreineringsstelsel vir die dorp ooreenkomstig spesifikasies soos tussen die Dorpseienaar en die Plaaslike Munisipaliteit ooreengekom. Bedoelde stelsel sluit ook in afvoertype of kanale van 'n omvang wat voldoende is om die stormwater wat in die dorp ontstaan, te versamel en in af te voer tot op 'n punt buite die grense van die dorp.

<p>c. Upon completion of the streets and stormwater drainage system and after expiry of any period of retention and after proclamation of the township, the Local Municipality shall be responsible for the maintenance and upkeep thereof.</p> <p>A.2 Electricity</p> <p>The Township Owner shall arrange with the Local Municipality and/or supplier of electricity in the area, for the supply of electricity to the township on such conditions as agreed upon.</p> <p>A.3 Water</p> <p>The Township Owner shall arrange with the Local Municipality for the supply of water to the township on such conditions as agreed upon.</p> <p>A.4 Sanitary Services and the Removal of Household Refuse</p> <p>a. The Township Owner shall at his cost, provide on conditions agreed upon with the Local Municipality, a complete waterborne sewerage system and an installed sewerage main with pumps if necessary, of an adequate capacity, to ensure the complete disposal of all sewage effluent emanating from the township into the existing sewage purification works.</p> <p>b. The Township Owner is responsible for a proportional contribution towards the necessary extensions to and/or upgrading of the sewage purification works in order to handle the additional sewage effluent as stipulated in the development agreement between the Township Owner and the Local Municipality.</p> <p>c. The Township Owner shall arrange with the Local Municipality for the removal of household refuse in the township.</p> <p>A.5 Arbitration</p> <p>In the event of a dispute arising between the Township Owner and the Local Municipality on the interpretation of and the compliance with any of conditions A.1 to A.5, either of the parties shall have the right to appeal to the Member of the Executive Council of the Province responsible for Cooperative Governance, Traditional Affairs and Human Settlements whose decision shall be final.</p> <p>A.6 Precautionary Measures</p> <p>All Erven</p>	<p>c. Na voltooiing van die strate en stormwaterafvoerstelsel en na verstryking van enige retensie tydperk en na proklamasie van die dorp, is die Plaaslike Munisipaliteit verantwoordelik vir die instandhouding en onderhoud daarvan.</p> <p>A.2 Elektrisiteit</p> <p>Die Dorpseienaar tref reëlings met die Plaaslike Munisipaliteit en/of die leweransier van elektrisiteit in die gebied, vir die voorsiening van elektrisiteit aan die dorp op sodanige voorwaardes as wat onderling ooreengekom word.</p> <p>A.3 Water</p> <p>Die Dorpseienaar tref reëlings met die Plaaslike Munisipaliteit vir die voorsiening van water aan die dorp op sodanige voorwaardes as wat onderling ooreengekom word.</p> <p>A.4 Saniteitsdiens en Verwydering van Huishoudelike Afval</p> <p>a. Die Dorpseienaar voorsien op sy koste, op voorwaardes soos met die Plaaslike Munisipaliteit ooreengekom, 'n volledige watergedrewe rioolstelsel en 'n geïnstalleerde rioolpypleiding met pompe indien nodig, van voldoende kapasiteit om alle rioolafval wat in die dorp ontstaan, in die riolsuiweringswerke te stort.</p> <p>b. Die Dorpseienaar is verantwoordelik om 'n proporsionele bydrae te lewer vir die nodige uitbreidings aan en/of opgradering van die riolsuiweringswerke ten einde die bykomstige rioolafval te hanteer soos uiteengesit in die ontwikkelingsooreenkoms tussen die Dorpseienaar en die Plaaslike Munisipaliteit.</p> <p>c. Die Dorpseienaar tref reëlings met die Plaaslike Munisipaliteit vir die verwydering van huishoudelike afval in die dorp.</p> <p>A.5 Arbitrasie</p> <p>Indien daar 'n geskil tussen die Dorpseienaar en die Plaaslike Munisipaliteit mag ontstaan betreffende die vertolking en uitvoering van enige van voorwaardes A.1 tot A.5, het enigeen van die partye die reg om hom op die Lid van die Uitvoerende raad van die Provinsie verantwoordelik vir Samewerkende Regering, Tradisionele Sake en Menslike Nedersettings te beroep, wie se beslissing afdoende is.</p> <p>A.6 Voorkomende Maatreëls</p> <p>Alle Erwe</p>
--	--

The erf lies in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the Local Municipality, must show measures to be taken, in accordance with recommendations obtained in the geotechnical report for the township to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the Local Municipality that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

A.7 Classification

The erven of the township are classified in the undermentioned use zones and are further subject to the conditions of title as set out in paragraph B hereunder:

Use Zone	Erven Numbers	Conditions of Title
Special Residential	1578 - 1585	B1 and B2
General Residential	1586	B1 and B3
Street	1587	

B. CONDITIONS OF TITLE

The Conditions of Title mentioned in paragraph A.8, are as follows and have been imposed by the Minister in terms of the provisions of the Township Ordinance, 1969 (Ordinance 9 of 1969):

B.1 In favour of the Local Municipality

- a. This erf is subject to a servitude, of 2,5 metres wide along any of the boundaries except the street boundary and, in the case of a panhandle erf, the entire access portion of the erf, for the installation of municipal service mains over or under the erf. The officials of the Local Municipality shall at all times have free access thereto for the purposes of construction, maintenance and repair of the services: Provided that the Township Owner and the Local Municipality shall have the right to store all material required for the above-mention purposes, temporarily on the erf until such time as the installation of the services has been completed.
- b. No building shall be erected within 7m from the street boundary providing entrance to the erf, or within 2,5m from any other boundary of the erf: Provided that the Local Municipality may permit the erection of a building less than 2,5m but not less than 1m from one side boundary of the erf. Provided further that the Local Municipality may permit the erection of detached outbuildings without building lines on the side- and/or back boundary of the erf, provided that no windows or other openings may front towards such boundary or boundaries and provided that finishing to a building on such boundary/boundaries is of acceptable standard. The Local Municipality shall not permit aforementioned relaxations on boundaries already under layed by installed municipal services.

Die erf is geleë in 'n gebied met bodemeienskappe wat geboue en strukture nadelig kan beïnvloed en skade tot gevolg kan hê. Bouplanne wat by die Plaaslike Munisipaliteit gedien word, moet maatreëls aantoon in ooreenstemming met aanbevelings vervat in die geotegniese verslag wat vir die dorp opgestel is, om moontlike skade aan die geboue en strukture as gevolg van die ongunstige funderingstoestande te beperk, tensy bewys gelewer word aan die Plaaslike Munisipaliteit dat sodanige maatreëls onnodig is of dieselfde doel op 'n meer doeltreffende wyse bereik kan word.

A.7 Indeling

Die erwe van die dorp word in die hierondervermelde gebruiksones verdeel en is verder onderworpe aan die eiendomsvoorwaardes soos in paragraaf B hieronder, uiteengesit.

Gebruiksone	Erf nommers	Eiendomsvoorwaardes
Spesiale Woon	1578 - 1585	B1 en B2
Algemene Woon	1586	B1 en B3
Straat	1587	

B. EIENDOMSVOORWAARDES

Die Eiendomsvoorwaardes wat in paragraaf A.8 vermeld word, is soos volg en is deur die Minister ingevolge die Bepalings van die Ordonnansie op Dorpe, 1969 (Ordonnansie 9 van 1969) opgelê:

B.1 Ten gunste van die Plaaslike Munisipaliteit

- a. Hierdie erf is onderhewig aan 'n serwituuat van 2,5 meter wyd vir die installering van munisipale diensgeleidings oor of onder die erf langs enige van die grense, behalwe die straatgrens en in die geval van 'n pypsteelerf, die totale breedte van die toe-gangsgedeelte van die erf. Die amptenare van die Plaaslike Munisipaliteit het te alle tye vrye toegang daartoe vir die doel van konstruksie, instandhouding en herstel van die dienste: Met dien verstande dat die Dorpseienaar en die Plaaslike Munisipaliteit die reg besit om alle materiaal vir bogenoemde doel, tydelik op die erf te berg tot tyd en wyl die installering van die diensgeleidings voltooi is.
- b. Geen gebou word nader as 7m vanaf die straatgrens wat toegang tot die erf verleen, opgerig nie of nader as 2,5m van enige ander grens van die erf nie: Met dien verstande dat die Plaaslike Munisipaliteit mag toelaat dat 'n gebou nader as 2,5m, maar minstens 1m vanaf een sygrens van die erf, opgerig mag word. Met dien verstande verder dat die Plaaslike Munisipaliteit mag toelaat dat losstaande buitegeboue sonder boulyne op die sy- en/of agtergrens van die erf opgerig mag word, op voorwaarde dat geen vensters of ander openinge op sodanige grens of grense mag front nie en op voorwaarde dat die gebouafwerking op sodanige grens/grense van aanvaarbare standaard is. Die Plaaslike Munisipaliteit mag nie bogenoemde verslapping toelaat op grense wat reeds deur munisipale diensgeleidings onderlê word nie.

- c. No work connected with the erection of or alteration to buildings on this erf, shall be undertaken before site and building plans depicting the layout, constructions, material and finish thereof, have been approved by the Local Municipality in terms of its Building Regulations.
- d. The owner of this erf shall be obliged without compensation to accept material necessary to create a safe slope where such an erf is lower than the street level and should such erf be higher than the street level he will likewise allow the construction of a safe slope, unless he prefers in both cases to build supporting walls to the satisfaction of the Local Municipality and within a period of time as required by the Local Municipality.

B.2 In favour of the Local Municipality

- a. This erf shall be used for residential purposes only and only one dwelling for one family and the necessary outbuildings shall be erected on the erf. Provided that:
 - (i) subject to the prior approval of the Local Municipality, a profession may be exercised on the erf.
- b. No building of a height exceeding two storeys, may be erected on this erf without the approval of the Local Municipality.
- c. The total coverage of all buildings on the erf shall not exceed 50%.

B.3 In favour of the Local Municipality

- a. The density of the erf may not exceed 20 residential units per hectare.
- b. No building on this erf shall be occupied for the purpose for which it is erected, unless the prescribed covered and paved parking, which shall include the necessary movement space, is provided for the use of the occupants in the proportion of at least one parking bay per dwelling unit, plus at least one open parking bay for visitors for every two dwelling units: Provided that a further 20% of the area of the erf shall be set aside, developed and maintained as open space to the satisfaction of the Local Municipality and within a period to be determined by the Local Municipality.

- c. Geen werk aan die oprigting of verandering van geboue op hierdie erf word onderneem, alvorens perseel- en bouplanne wat die uitleg, konstruksie, material en afwerking daarvan aandui, ooreenkomstig die Plaaslike Munisipaliteit se Bouregulasies, deur die Plaaslike Munisipaliteit goedgekeur is nie.
- d. Die eienaar van hierdie erf sal sonder vergoeding verplig wees om die nodige materiale te ontvang wat nodig mag wees ten einde 'n behoorlike helling daar te stel waar sodanige erf laer as die straatvlak geleë is en indien sodanige erf hoër as die straatvlak geleë is sal hy ewe-eens die konstruksie van 'n veilige helling toelaat, tensy hy in beide gevalle verkies om stutmure tot bevrediging van die Plaaslike Munisipaliteit en binne sodanige tydperk as wat die Plaaslike Munisipaliteit vereis, te bou

B.2 Ten gunste van die Plaaslike Munisipaliteit

- a. Hierdie erf word slegs vir woondoeleindes gebruik en slegs een woonhuis vir een gesin, tesame met die nodige buitegeboue, word op die erf opgerig: Met dien verstande dat:
 - (i) met die voorafverkreë goedkeuring van die Plaaslike Munisipaliteit, 'n beroep op die erf beoefen mag word.
- b. Geen gebou hoër as twee verdiepings, mag op hierdie erf opgerig word sonder die toestemming van die Plaaslike Munisipaliteit nie.
- c. Die totale dekking van alle geboue op die erf mag nie 50% oorskry nie

B.3 Ten gunste van die Plaaslike Munisipaliteit

- a. Die digtheid van die erf mag nie 20 wooneenhede per hektaar oorskry nie.
- b. Geen bewoning mag in enige gebou op hierdie erf geskied nie, tensy bedekte en geplaveide parkerings, tesame met die nodige beweegruimte voorsien word vir die gebruik van die bewoners in die verhouding van minstens een parkeerplek vir elke wooneenheid plus minstens een onbedekte besoekersparkeerplek vir elke twee wooneenhede. Met dien verstande dat 'n verdere 20% van die oppervlakte van die erf as 'n oop terrein afgesonder, ontwikkel en instand gehou word tot bevrediging van die Plaaslike Munisipaliteit en binne 'n tyd deur die Plaaslike Munisipaliteit bepaal.

c. A site development plan, drawn to a scale 1:500, or such other scale as may be approved by the Local Municipality, shall be submitted to the Local Municipality for approval prior to the submission of any building plan. No building may be erected on the erf before such site development plan has been approved by the Local Municipality and the whole development on the erf shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the Local Municipality: Provided further that alterations and additions to buildings which to the opinion of the Local Municipality shall have no influence on the whole development of the erf, shall not be considered as amendments to the plan. Such site development plan shall show at least the following:

c.1 the siting, height, coverage, number of dwelling units and where applicable, the floor area ratio of all buildings and structures;

c.2 open spaces, children's play-areas, screen walls or other acceptable ways of screening off, (if such are proposed) and landscaping if required by the Local Municipality;

c.3 vehicle entrances to and exits from the erf and any proposed subdivision thereof, to any existing or proposed public street;

c.4 if the erf is to be subdivided, the proposed lines of subdivision;

c.5 access to buildings and parking areas;

c.6 building restriction areas (if any);

c.7 parking places and, where required by the Local Municipality, the vehicle and pedestrian traffic system;

c.8 elevation treatment of all buildings and structures; and

c.9 if it is envisaged not to develop the whole erf simultaneously, the grouping of the dwelling units and the programming of the development of the property, shall be clearly indicated on the plans.

DEFINITIONS

For the purposes of these conditions the following terms shall mean:

"Coverage": The ratio between the total floor area of a building, measured at its largest horizontal level and the area of the erf, expressed as a percentage.

"Township Owner": Carlos Nunes CC or his successors in township title.

"Storey": Also includes the ground floor of a building.

c. 'n Terreinontwikkelingsplan, opgestel op 'n skaal van 1:500 of sodanige ander skaal wat die Plaaslike Munisipaliteit mag goedkeur, moet vir goedkeuring aan die Plaaslike Munisipaliteit voorgelê word voor die indiening van enige bouplanne. Geen geboue mag opgerig word voordat sodanige ontwikkelingsplan deur die Plaaslike Munisipaliteit goedgekeur is nie, en die hele ontwikkeling op die erf moet in ooreenstemming met die goedgekeurde ontwikkelingsplan wees: Met dien verstande dat die plan van tyd tot tyd met die skriftelike toestemming van die Plaaslike Munisipaliteit, gewysig mag word: Met dien verstande verder dat wysigings of toevoegings tot geboue wat na die mening van die Plaaslike Munisipaliteit geen invloed sal hê op die hele ontwikkeling van die erf nie, nie beskou moet word as wysigings van die plan nie. Sodanige ontwikkelingsplan moet ten minste die volgende aandui:

c.1 die plasing, hoogte, dekking, getal wooneenhede en waar van toepassing, die vloeroppervlakte-verhouding, van alle geboue en strukture;

c.2 oopruimtes, kinderspeelreine, skermure of ander aanvaarbare metodes van afskerming en belandskapping, indien vereis deur die Plaaslike Munisipaliteit;

c.3 voertuigange tot en uitgange vanaf die erf en enige voorgestelde onderverdeling daarvan na enige bestaande of voorgestelde openbare straat;

c.4 indien die erf onderverdeel word, die voorgestelde onderverdelingslyne;

c.5 toegang tot geboue en parkeerareas;

c.6 boubeperkingsgebiede (indien enige);

c.7 parkeerplekke en indien vereis deur die Plaaslike Munisipaliteit, voertuig- en voetgangersverkeerstelsels;

c.8 die aansigbehandeling van alle geboue en strukture; en

c.9 indien dit beoog word om nie die hele erf gelyktydig te ontwikkel nie, moet die groepering van wooneenhede op die erf en die voorgestelde onderverdelingslyne van sodanige groepe duidelik op die plan aangedui word.

WOORDOMSKRYWING

Vir die doeleindes van hierdie voorwaardes beteken:

"Dekking": Die verhouding van die totale vloeroppervlakte van 'n gebou, op sy grootste horisontale vlak gemeet tot die oppervlakte van die erf, uitgedruk as 'n persentasie.

"Dorpseienaar": Carlos Nunes CC of sy opvolger in dorpstitel.

"Verdieping": Sluit ook die grondvloer van 'n gebou in.

<p>“Bulk Factor”: The figure by which the area of an erf is to be multiplied in order to determine the maximum permissible floor space measured over the outer walls of a building on the erf.</p> <p>“Profession”: the activities of an architect, land surveyor, veterinary surgeon (the provision of overnight facilities for animals excluded), auditor and accountant, tailor, watchmaker and such other activities may be permitted by the Local Municipality and which do not constitute a nuisance or damage the residential character of the neighbourhood: Provided that in each individual case, not more than three persons are employed in connection with such an activity.</p> <p>“Group Housing”: the planning of 3 or more dwellings on a common property in a combined architectural unit in such a way that each has a private garden and a private yard in spite of any common open space arising out of such groupings with a height restrictions of 2 storeys.</p> <p>“Local Municipality” : The Mangaung Local Municipality</p>	<p>“Vloeroppervlakte Faktor” : Die syfer waarmee die oppervlakte van die erf vermenigvuldig moet word om die maksimum toelaatbare vloeroppervlakte, gemeet op die buitemure van ‘n gebou, op die erf te bepaal.</p> <p>“Beroep” : die aktiwiteite van ‘n argitek, landmeter, bourekenaar, stadsbeplanner, geneesheer, veearts (voorsiening van oornagverblyf fasiliteite vir diere uitgesluit), ouditeur en rekenmeester, kleremaker, horlosiemaker en sodanige ander aktiwiteite as wat die Plaaslike Munisipaliteit mag toelaat en wat nie steurend is of afbreuk doen aan die residensiële karakter van die omgewing nie: Met dien verstande dat daar in elke afsonderlike geval nie meer as drie persone in verband met so ‘n aktiwiteit, werksaam mag wees nie.</p> <p>“Groepbehuising”: die beplanning van 3 of meer woonhuise op ‘n gemeenskaplike perseël in ‘n gesamentlike argitektoniese geheel, sodat elkeen ‘n privaat tuin en ‘n privaat werf het ten spyte van enige gemeenskaplike mure wat uit die beplanning ontstaan en ten spyte van enige gemeenskaplike oopruimtes wat uit sodanige groeperings ontstaan met ‘n hoogtebeperking van 2 verdiepings.</p> <p>“Plaaslike Munisipaliteit” : Die Mangaung Plaaslike Munisipaliteit</p>
--	--

[NO. 41 OF 2013]

[NO. 41 VAN 2013]

DECLARATION OF TOWNSHIP: NGWATHE, EXTENSION 4

DORPSVERKLARING: NGWATHE, UITBREIDING 4

By virtue of the powers vested in me by section 14(2) of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969), I, S.M. Mlamleli, Member of the Executive Council of the Province responsible for Cooperative Governance, Traditional Affairs and Human Settlements hereby declare the area represented by General Plan S.G. No. 130/2011, as approved by the Surveyor General on 10 October 2011, to be an approved township under the name Ngwathe, Extension 4, subject to the conditions as set out in the Schedule.

Kragtens die bevoegdheid my verleen by artikel 14(2) van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969) wysig ek, S.M. Mlamleli, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Samewerkende Regering, Tradisionele Sake en Menslike Nedersettings, hierby die gebied voorgestel deur Algemene Plan L.G. No. 130/2011 soos goedgekeur deur die Landmeter-Generaal op 10 Oktober 2011, tot ‘n goedgekeurde dorp onder die naam Ngwathe, Uitbreiding 4, onderworpe aan die voorwaardes soos in die Bylae uiteengesit.

Given under my hand at Bloemfontein this 6th day of March 2013.

Gegee onder my hand te Bloemfontein op hede die 6^{de} dag van Maart 2013.

S.M. MLAMLELI
MEMBER OF THE EXECUTIVE COUNCIL:
COOPERATIVE GOVERNANCE, TRADITIONAL
AFFAIRS AND HUMAN SETTLEMENTS

S.M. MLAMLELI
LID VAN DIE UITVOERENDE RAAD
SAMEWERKENDE REGERING
TRADISIONELE SAKE EN MENSLIKE NEDERSETTINGS

CONDITIONS OF ESTABLISHMENT

The township Ngwathe Extension 4 is situated on Portion 1 of the Farm Langland 517, Administrative District of Kroonstad, Province Free State, consisting of 200 erven numbered 1795-1994 and streets as indicated in the General Plan SG 130/2011

A. CONDITIONS OF ESTABLISHMENT

A.1 Since this land is subject to unfavourable foundation conditions for houses should be designed by a Professional Civil Engineer as prescribed by the National Building Regulations and such Engineer must pay attention to the Geological Engineers Report with reference to the soil conditions of the township which report is available at the Local Municipal offices.

A.2 The erven of this town are classified in the following groups and are further subject to the conditions of title as set out in paragraph B:

Groups	Erven	Conditions of Title
Residential	1795 – 1989	B1, B2
Business	1991	B1, B3
Community Facility		
Community Centre	1990	B1, B4
Public Open Space	1992 - 1994	B1, B5

B. CONDITIONS OF TITLE

The conditions of title mentioned in paragraph A.3, are applicable and as follows:

IN FAVOUR OF THE NGWATHE LOCAL MUNICIPALITY

B.1 The erf shall be subject to a servitude of 2 meter wide along any of its boundaries, except the street boundary, as well as any other servitude which is shown on the General Plan of the township for the installation of municipal service connections over and under the erf and the officials of the Local Municipality shall at all times have free access thereto for the purpose of the construction, maintenance and repair of services. Relaxation of 2-meter servitudes can be implied by the Municipality on one of the side boundaries.

STIGTINGSVOORWAARDES

Die dorp Ngwathe Uitbreiding 4 is geleë op Gedeelte 1 van die Plaas Langland 517, Administratiewe Distrik van Kroonstad, Vrystaat Provinsie, bestaande uit 200 erwe genommer 1795-1994 en strate soos aangedui op Algemene Plan SG 130/2011

A. STIGTINGSVOORWAARDES

A.1 Aangesien die gebied onderhewig is aan ongunstige funderingstoestande moet foundasies vir geboue deur 'n Professionele Siviele Ingenieur ontwerp word, soos voor geskryf deur die Nasionale Bouregulasies en sodanige Ingenieur moet ag slaan op die Geologiese Ingenieursverslag, met betrekking tot die grond toestande van die dorpsgebied, wat ter insae lê by die Plaaslike kantore.

A.2 Die erwe van hierdie dorp word in die hierondervermelde gebruikstreke ingedeel en is verder onderworpe aan die titel voorwaardes soos uiteengesit in paragraaf B:

Groepe	Erwe	Titelvoorwaardes
Residensieel	1795 – 1989	B1, B2
Besigheid	1991	B1, B3
Gemeenskap Fasiliteit		
Gemeenskap Sentrum	1990	B1, B4
Publieke Openbare Oopruimte	1992 - 1994	B1, B5

A. TITELVOORWAARDES

Die titelvoorwaardes soos vermeld in paragraaf A.2, is van toepassing en as volg:

TEN GUNSTE VAN DIE NGWATHE PLAASLIKE MUNISIPALITEIT

B.1 Hierdie erf is onderhewig aan 'n serwituut van 2 meter wyd langs enige van sy grense, uitgesluit die straatgrens, sowel as enige ander serwituut wat op die Algemene Plan van die dorp aangedui is, vir die aanlê van munisipale diensgeleidings oor of onder die erf, en die amptenare van die Plaaslike Munisipaliteit het ten alle tye vrye toegang daartoe vir die doel van die konstruksie, instandhouding en herstel van die dienste. 2 meter Serwituute kan verslap word deur die Munisipaliteit op een van die sygrense.

<p>B.2 Buildings on this erf may primarily be used for residential purposes. The following uses may be permitted with the consent of the Local Municipality namely places of instruction, social halls, sport and recreational purposes, institutions and medical suites and special uses.</p> <p>Permissible coverage: 60%</p> <p>B.3 Buildings on this erf may primarily used for business purposes. The following uses may be permitted with the consent of the Local Municipality, namely residential uses, places of public worship, places of instruction, social halls, sports and recreational purposes, institutions and industries. Noxious industries are prohibited on this erf.</p> <p>Permissible coverage: 70%</p> <p>Provision of parking:</p> <p>Business: 4 parking spaces per 100m² gross leasible area (gla).</p> <p>B.4 Buildings on this erf may primarily be used for places of public worship, places of instructions, social halls, sports and recreational purposes and institutions. Residential buildings and use of the erf for special purposes may only be permitted with the consent of the Local Municipality.</p> <p>Permissible coverage: 70%</p> <p>Provision of parking: Church- 1 parking space per 10 seats Crèche- 1 parking per 20m² gross floor space.</p> <p>Loading facilities must be provided to the satisfaction of the Local Municipality.</p> <p>B.5 This erf is situated in the zone "Public Open Space" and may only be used for parks, sport and recreational facilities and buildings for such uses. Residential buildings and buildings for special uses may only be permitted with the consent of the Local Authority.</p> <p>In this conditions the following meanings are applicable:</p> <p>"Residential Buildings": means a building designed or used primarily for human habitation and associated uses.</p>	<p>B.2 Geboue wat op die erf opgerig word, mag hoofsaaklik vir residensiële doeleindes gebruik word. Die eiendom mag slegs met die toestemming van die Plaaslike Munisipaliteit vir openbare godsdiensteoefening, plek van onderrig, gemeenskapsale, sport en ontspanning, inrigtings, mediese suites en spesiale doeleindes gebruik word.</p> <p>Toelaatbare dekking; 60%</p> <p>B.3 Geboue wat op hierdie erf opgerig word, mag hoofsaaklik vir besigheidsdoeleindes gebruik word. Die eiendom mag slegs met die toestemming van die Plaaslike Munisipaliteit vir residensiële doeleindes, godsdiensteoefening, onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings of industrie gebruik word. Hinderlike industrieë is verbode op die erf.</p> <p>Toelaatbare dekking; 70%</p> <p>Voorsiening van parkering: Besigheid: 4 parkeerplek per 100m² bruto verhuur bare vloeroppervlak (bvo)</p> <p>B.4 Geboue wat op die erf opgerig word, mag hoofsaaklik vir openbare godsdiensteoefening, onderrig, gemeenskapsale, sport- en ontspanning of inrigtings gebruik word. Die eiendom mag slegs met die toestemming van die Plaaslike Munisipaliteit vir residensiële en spesiale doeleindes gebruik word.</p> <p>Toelaatbare dekking; 70%</p> <p>Voorsiening van parkering: Kerk- 1 parkeerplek per 10 sitplekke Crèche- 1 parkeerplek per 20m² bruto vloeroppervlak. Laaigeriewe moet tot bevrediging van die Plaaslike Munisipaliteit voorsien word.</p> <p>B.5 Hierdie erwe mag hoofsaaklik gebruik word vir parke, sport- en ontspanningsfasiliteite en geboue wat vir verwante doeleindes gebruik word. Die eiendom mag slegs met die toestemming van die Plaaslike Munisipaliteit vir residensiële en spesiale doeleindes gebruik word.</p> <p>In hierdie voorwaardes is die volgende definisies van toepassing:</p> <p>"Residensiële geboue": 'n gebou ontwerp vir of hoofsaaklik gebruik vir bewoning deur mense en die gebruike daarmee geassosieer.</p>
--	---

“Business Purposes”: means the use of a building and/or land for offices, showrooms, restaurants and shops, cafe, industry or public garage.

“Community Centre”: means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any her institution, whether public or private.

“Public Open Space”: means any land used or reserved in the scheme for use by the public as open space, park garden, playground, recreation ground or square.

“Besigheidsdoeleindes”: die gebruik van ‘n gebou en/of grond vir kantore, uitstallokale, restaurante en winkels, kafee, industrie of openbare garage.

“Gemeenskapsentrum” ‘n gebou wat ontwerp is of hoofsaaklik gebruik word as liefdadigheidsinrigting, hospitaal, verpleeginrigting, sanatorium of kliniek, of enige ander inrigting, hetsy openbare of privaat.

“Openbare Oop Ruimte” beteken enige grond wat gebruik of gereseveer is in hierdie skema vir die gebruik van die publiek as ‘n openbare ruimte, park, tuin, speelgrond, Ontspanningsgrond of plein.

PROVINCIAL NOTICES

[NO. 153 OF 2013]

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967): BLOEMFONTEIN (BAINSVLEI): REMOVAL OF RESTRICTIONS PERTAINING TO PLOT 37, QUAGGAFONTEIN SMALL HOLDINGS

Under the powers vested in me by section 2 of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I, S.M. Mlamleli, Member of the Executive Council of the Province responsible for Cooperative Governance, Traditional Affairs and Human Settlements, hereby alter the conditions of title in Deed of Transfer T17542/2008 pertaining to Plot 37, Quaggafontein Small Holdings, Bloemfontein (Bainsvlei) by the removal of condition 1. on page 2 in the said Deed of Transfer, subject to the following conditions:

- The conditions imposed by Mangaung Metro Municipality.
- The registration of the subdivision at the office of the Registrar of Deeds within 24 months from the date on the letter of approval.
- The conditions imposed by the Department of Police, Roads and Transport
- That an application for rezoning pertaining to the proposed subdivision be submitted within 6 months from the date on the letter of approval and that no development may take place before the approval of the application for rezoning.
-

PROVINSIALE KENNISGEWINGS

[NO. 153 VAN 2013]

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967): BLOEMFONTEIN (BAINSVLEI): OPHEFFING VAN BEPERKINGS TEN OPSIGTE VAN HOEWE 37, QUAGGAFONTEIN KLEINPLASE

Kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), wysig ek, S.M. Mlamleli, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Samewerkende Regering, Tradisionele Sake en Menslike Nedersettings, hierby die titelvoorwaardes in Transportakte T17542/2008 ten opsigte van Hoewe 37, Quaggafontein Kleinplase, Bloemfontein (Bainsvlei) deur die opheffing van voorwaarde 1. Op bladsy 2 van die genoemde Transportakte; onderworpe aan die volgende voorwaardes:

- Die voorwaardes gestel deur Mangaung Metro Munisipaliteit.
- Die registrasie van die onderverdeling in die Kantoor van die Registrateur van Aktes binne 24 maande na datum van die goedkeuringsbrief.
- Die voorwaardes gestel deur die Departement van Polisie, Paaie en Vervoer.
- Dat ‘n aansoek vir hersonering ten opsigte van die voorgestelde onderverdeling ingedien word binne 6 maande vanaf die datum op die goedkeuringsbrief en dat geen ontwikkeling mag plaasvind alvorens die aansoek vir hersonering goedgekeur is nie.

[NO. 154 OF 2013]

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967):
BETHLEHEM, EXTENSION 33: REZONING: ERF 2435**

Under the powers vested in me by section 2 of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I, S.M. Mlamleli, Member of the Executive Council of the Province responsible for Cooperative Governance, Traditional Affairs and Human Settlements hereby alter:

The Town-Planning Scheme of Bethlehem by the rezoning of erf 2435, Bethlehem, Extension 33, from "Single Residential" to "Medium Density Residential", subject to the following conditions:

The conditions imposed by Dihlabeng Local Municipality.
The registration of the following condition against the Title Deed of erf 2435, Extension 33, Bethlehem:

"A maximum of four (4) townhouses may be developed on this erf."

[NO. 155 OF 2013]

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967):
LANGENHOVENPARK (EXTENSION 2): REMOVAL OF
RESTRICTIONS: ERF 697**

Under the powers vested in me by section 2 of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I, S.M. Mlamleli, Member of the Executive Council of the Province responsible for Cooperative Governance, Traditional Affairs and Humans Settlements, hereby alter the conditions of title in Deed of Transfer T1883/2012 pertaining to Erf 697, Langenhovenpark, Extension 2, by the removal of conditions B.1.(d), B2(a)(i), B2(a)(ii) and B2(e) on pages 2, 3 and 4 in the said Deed of Transfer.

[NO. 154 VAN 2013]

**WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN
1967): BETHLEHEM, UITBREIDING 33: HERSONERING: ERF 2435**

Kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), wysig ek, S.M. Mlamleli, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Samewerkende Regering, Tradisionele Sake en Menslike Nedersettings hierby:

Die Dorpsaanlegskema van Bethlehem deur die hersonering van erf 2435, Bethlehem, Uitbreiding 33, vanaf "Enkelwoon" na "Medium Digtheid Woon", onderworpe aan die volgende voorwaardes:

Die voorwaardes gestel deur Dihlabeng Plaaslike Munisipaliteit.
Die registrasie van die volgende voorwaarde teen die Titellakte van erf 2435, Uitbreiding 33, Bethlehem:

"n Maksimum van vier (4) meenthuise mag op die erf ontwikkel word".

[NO. 155 VAN 2013]

**WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN
1967): LANGENHOVENPARK (UITBREIDING 2): OPHEFFING VAN
BEPERKINGS: ERF 697**

Kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), wysig ek, S.M. Mlamleli, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Samewerkende Regering, Tradisionele Sake en Menslike Nedersettings, hierby die titelvoorwaardes in Transportakte T1883/2012 ten opsigte van Erf 697, Langenhovenpark, Uitbreiding 2, deur die opheffing van voorwaardes B.1.(d), B2(a)(i), B2(a)(ii) en B2(e) op bladsye 2, 3 en 4 van genoemde Transportakte.

[NO. 156 OF 2013]

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967):
WELKOM, EXTENSION 3: REMOVAL OF RESTRICTIVE
CONDITIONS AND REZONING: ERVEN 4080, 4083 AND 4084**

Under the powers vested in me by section 2 of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I, S.M. Mlamleli, Member of the Executive Council of the Province responsible for Cooperative Governance, Traditional Affairs and Humans Settlements, hereby alter:

- a) the conditions of title in Deed of Transfer T1913/2012 pertaining to erf 4080, Extension 3, Welkom, by the removal of restrictive conditions C.(a), C.(b), C.(c) and D.(d) on page 7 in the said Deed of Transfer;
- b) the conditions of title in Deed of Transfer T0021/2012 pertaining to erven 4083 and 4084, Extension 3, Welkom, by the removal of restrictive conditions C.(a), C.(b), C.(c) and C.(d) on page 5 in the said Deed of Transfer; and
- c) the Town-Planning Scheme of Welkom by the rezoning of erven 4080, 4083 and 4084, Extension 3, Welkom from "Special Residential" to IV(a) "Special Business (Defined) 18: Offices and Personal Services subject to the following conditions:
 - i) The conditions imposed by Matjhabeng Local Municipality.

[NO. 156 VAN 2013]

**WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN
1967): WELKOM, UITBREIDING 3: OPHEFFING VAN
BEPERKENDE VOORWAARDES EN HERSONERING: ERWE 4080,
4083 EN 4084**

Kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), wysig ek, S.M. Mlamleli, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Samewerkende Regering, Tradisionele Sake en Menslike Nedersettings hierby:

- a) die titelvoorwaardes in Transportakte T1913/2012 ten opsigte van erf 4080, Uitbreiding 3, Welkom, deur die opheffing van beperkende voorwaardes C.(a), C.(b), C.(c) en C.(d) op bladsy 7 in genoemde Transportakte;
- b) die titelvoorwaardes in Transportakte T0021/2012 ten opsigte van erf 4083 en 4084, Uitbreiding 3, Welkom, deur die opheffing van beperkende voorwaardes C.(a), C.(b), C.(c) en C.(d) op bladsy 5 in genoemde Transportakte; en
- c) die Dorpsaanlegskema van Welkom deur die hersonering van erwe 4080, 4083 en 4084, Uitbreiding 3, Welkom, vanaf "Spesiale Woon" na "IV(a) Spesiale Besigheid (Gedefinieerd) 18: Kantore en Persoonlike Dienste", onderworpe aan die volgende voorwaardes:
 - i) Die voorwaardes gestel deur Matjhabeng Plaaslike Munisipaliteit.

COOPERATIVE GOVERNANCE TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICES

MANGAUNG**METROPOLITAN MUNICIPALITY****PROPERTY RATES BY-LAW****Approved by Council, June 2012****Purpose**

To allow the Municipality to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

Preamble

WHEREAS the Constitution establishes local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Municipal Property Rates Act, NO.6 of 2004 authorizes and empowers municipalities to give effect to its Rates policy by adopting by-laws;

BE IT THEREFORE ENACTED by the Municipal Council of the Mangaung Metropolitan Municipality as follows:

TABLE OF CONTENTS

1. DEFINITIONS
2. PRINCIPLES
3. APPLICATION OF BY-LAW
4. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES
5. CATEGORIES OF PROPERTY
6. CATEGORIES OF OWNERS
7. PROPERTIES USED FOR MULTIPLE PURPOSES
8. DIFFERENTIAL RATING
9. EXEMPTIONS AND IMPERMISSIBLE RATES
10. REDUCTIONS

11. REBATES
12. PAYMENT OF RATES
13. PHASING IN OF RATES
14. FREQUENCY OF VALUATION
15. COMMUNITY PARTICIPATION
16. REGISTER OF PROPERTIES
17. REGULAR REVIEW PROCESSES
18. SHORT TITLE
19. COMMENCEMENT

1. Definitions

- (1) For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act NO.6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-
- "Act"** means the Local Government: Municipal Property Rates Act, 2004 (Act NO.6 of 2004);
- "Agricultural purpose"** in relation to the use of a property, includes the use (of a property for the purpose of eco-tourism or for the trading in or hunting of game);
- "Annually"** means once every financial year;
- "Category"**, in relation to property, means a category of properties determined in terms of Section 5 and in relation to owners of properties, means a category of owners determined in terms of Section 6.
- "Child-headed household"** means a household where the main caregiver of the said household is younger than 21 years of age. Child-headed household means a household headed by a child as defined in the section 28(3) of the Constitution.
- "Exemption"** - in relation to the payment of a rate, means an exemption granted by a municipality in terms of section 15 of the Act.
- "improved"** , means, with regards to land or property, any building or structure of a permanent nature which has been erected in, on or over or *under* such land or property;
- "Municipality"** means the Mangaung Metropolitan Municipality, and when referred to as
- (a) an entity, means Mangaung Metropolitan Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
 - (b) a geographic area, means the municipal area of the Mangaung Metropolitan Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);
 - (c) a person, means any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- "Privately owned towns serviced by the owner"** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate
- "Public service infrastructure"** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i).

"Market value" in relation to a property, means the value of the property determined in accordance with section 46 of the Act.

"Multiple purposes", in relation to a property, means the use of a property for more than one purpose.

"Owner"-

- (a) in relation to a property referred to in paragraph (a) of the definition of 'property', means a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of 'property', means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of 'property', means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of 'property' means the organ state which owns or controls that public service infrastructure as envisaged in the definition of 'publicly controlled' determined by the Act, provided that a person mentioned below may for the purposes of this by-law be regarded by a 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 the case of a property in a deceased estate;
 - (iii) A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
 - (iv) A judicial manager, in the case of a property in the estate of a person under judicial management;
 - (v) A curator, in the case of a property in the estate of a person under curatorship;
 - (vi) A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
 - (vii) A lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
 - (viii) A buyer in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer.

"Person" includes an organ of state

"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 in terms of legislation; or
- (d) public service infrastructure;

"Rebate" in relation to a rate payable on property, means a discount granted in terms of section 15 on the amount of the rate payable on the property;

"Reduction", in relation to a rate payable on a property, means the lowering in terms of section 15 of the amount for which the property was valued and the rating at that lower amount.

"Residential property" means improved property that:-

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) is owned by a share-block company and used solely for residential purposes.
- (d) is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

"Vacant land" means any land on which no immovable improvements have been erected.

- (2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

2. Principles

- (1) Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- (2) The municipality will differentiate between various categories of property and categories of owners of property as contemplated in sections 5 and 6 of this by-law.
- (3) Some categories of property and categories of owners will be granted relief from rates.
- (4) The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- (5) There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with section 13 of this by-law.
- (6) The municipality's rates policy will be based on the following principles:
 - (a) Equity

The municipality will treat all ratepayers with similar properties the same.
 - (b) Affordability

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor ratepayers the municipality will provide relief measures through exemptions, reductions, rebates and cross subsidy from the equitable share allocation.
 - (c) Sustainability

Rating of property will be implemented in a way that:

 - (i) it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
 - (ii) Supports local social economic development; and
 - (iii) Secures the economic sustainability of every category of ratepayer.
 - (d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

3. Application of By-law

- (1) Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.

- (2) If there is any conflict between this by-law and the property rates policy of the municipality, the provision(s) of one of the two that is in line with the Property Rates Act, shall prevail.
- (3) In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

4. Principles applicable to financing services

- (1) The municipal manager or his nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality make provision for the following classification of services:
- (a) Trading services
- (i) Water
 - (ii) Electricity
- (b) Economic services
- (i) Refuse removal.
 - (ii) Sewerage disposal.
- (c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in subsections (1)(a) and (b).

- (2) Trading and economic services as referred to in subsections (1)(a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in subsection(1)(c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

5. Categories of property

- (1) Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- (2) Such rates will be determined on an annual basis during the compilation of the municipality's budget.
- (3) In determining the category of a property referred to in subsection (1) the municipality shall take into consideration the dominant use of the property, regardless the formal zoning of the property.
- (4) All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what purpose the property is being used. A physical inspection may be done to acquire the necessary information.
- (5) Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in section 7 of this by-law.

6. Categories of owners

- (1) For the purpose of granting exemptions, reductions and rebates in terms of sections 9, 10 and 11 respectively the following categories of owners of properties are determined:
- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
 - (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
 - (c) Owners of property situated within an area affected by-
 - (i) a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - (ii) serious adverse social or economic conditions.
 - (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
 - (e) Owners of properties situated in 'privately owned towns' as determined by the municipality's rates policy;
 - (f) Owners of agricultural properties as determined by the municipality's rates policy; and
 - (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

7. Properties used for multiple purposes

- (1) Rates on properties used for multiple purposes will be levied in accordance with the "dominant use of the property",

8. Differential rating

- (1) Criteria for differential rating on different categories of properties will be according to
 - (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
 - (b) The promotion of social and economic development of the municipality.
- (2) Differential rating among the various property categories will be done:
 - (a) by way of setting different cent amount in the rand for each property category; and
 - (b) by way of reductions and rebates as provided for in the municipality's rates policy document.

9. Exemptions and Impermissible Rates

- (1) Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.
- (2) Conditions determined by the rates policy will be applied accordingly.
- (3) Exemptions will automatically apply where no applications are required.
- (4) Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Act.
- (5) Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.
- (6) The municipality retains the right to refuse the exemption or cancel any exemption if the details supplied in the application form were incomplete, incorrect or false.
- (7) The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

10. Reductions

- (1) Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:
 - (a) Partial or total destruction of a property.
 - (b) Disasters as defined in the Disaster Management Act, 2002 (Act No.57 of 2002).
- (2) The following conditions shall be applicable in respect of subsection (1):
 - (a) The owner referred to in subsection (1)(a) shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He or she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
 - (b) Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
 - (c) A maximum reduction determined by the municipality will be allowed in respect of both subsections (1) a) and (b)
- (d) An *ad-hoc* reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- (e) If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

- (1) Categories of property
 - (a) The municipality may grant rebates to categories of property as determined in the municipality's rates policy.
- (2) Categories of owners
 - (a) The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

- (3) Applications by property owners for rebates must reach the municipality before the date determined by the property rates policy, preceding the start of the new municipal financial year for which relief is sought.
- (4) Conditions determined by the rates policy will be applied accordingly.
- (5) The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.
- (6) Properties with a market value below a prescribed valuation level of an amount determined annually by the municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- (7) The extent of the rebate, in terms of subsections (1), (2) and (6), shall annually be determined by the municipality and it shall be included in the annual budget.

12. Payment of rates

- (1) Payments will be dealt with in accordance with the provisions of the municipality's Credit Control, Debt Collection and Indigent policies.
- (2) Interest shall be paid to Council on rates which have not been paid within 30 days from the date on which such rates become due at a rate determined by the rates policy. Compounded interest will be levied.
- (3) The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
 - (i) the amount due for rates payable,
 - (ii) the date on or before which the amount is payable,
 - (iii) how the amount was calculated,
 - (ix) the market value of the property, and
 - (v) rebates, exemptions, reductions or phasing-in, if applicable
- (4) A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he or she must make the necessary enquiries with the municipality.
- (5) In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

13. Phasing In of rates

- (1) The rates to be levied on newly rate-able property shall be phased in as explicitly provided for in section 21 of the Act.
- (2) The phasing-in discount on the properties referred to in section 21 shall be as follows:
 - First year : 75% of the relevant rate;
 - Second year : 50% of the relevant rate; and
 - Third year : 25% of the relevant rate.

14. Frequency of valuation

- (1) The municipality shall prepare a new valuation roll every 4 (four) years.
- (2) The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5(five) years.
- (3) Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

15. Community participation

- (1) Before the municipality adopts the rates policy and by-law, the Municipal Manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act,2000 (Act No. 32 of 2000).

16. Register of properties

- (1) The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

-
- (2) Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
 - (3) Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
 - (a) Exemption from rates in terms of section 15 of the Act,
 - (b) Rebate or reduction in terms of section 15 of the Act,
 - (c) Phasing-in of rates in terms of section 21 of the Act.
 - (4) The register will be open for inspection by the public at the municipal pay points as determined in the municipality's rates policy, during office hours and/or on the website of the municipality.
 - (5) The municipality will update Part A of the register on a continuous basis by way of a supplementary valuation process.
 - (6) The municipality will update Part B on an annual basis as part of the implementation of the municipality's annual budget.
- 17. Regular review processes**
- (1) The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.
- 18. Short title**
- (1) This by-law is called Mangaung Property Rates By-law.
- 19. Commencement**
- (1) This by-law comes into force and effect on the date of promulgation by publication in the Provincial Gazette.
-

MANGAUNG METROPOLITAN MUNICIPALITY

TARIFF BY-LAW

Approved by Council, June 2012

PREAMBLE

The Mangaung Metropolitan Municipal Council has adopted a Tariff Policy in terms of section 74(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), and Section 75(1) of the said Act requires the Mangaung Metropolitan Municipal Council to adopt by-laws giving effect to its Tariff Policy; Be it hereby enacted as follows:-

TABLE OF CONTENTS

1. Definitions
2. Cost of Services to be Recovered
3. Surpluses Obtained
4. Funded Municipal Services
5. Adjustment of Tariffs
6. Poor Households
7. Electricity Services
8. Water Services
9. Sanitation Services

10. Refuse Removal
11. Other Services
12. Budget
13. Accumulation
14. Compliance with Legislation
15. Penalty
16. Short Title and Commencement

1. DEFINITIONS

1. (1) In these by-laws, unless the context otherwise indicates –

"Business" means a user of water , electricity, sewerage or refuse removal services for commercial or industrial purposes.

"Key User" means a user that takes a supply of 22 KV and higher

"Cost to be means the cost reasonably associated with the rendering recovered" of a municipal service, including the cost of purchasing or acquisition, the cost of processing, treatment or adoption of the product or service to be delivered or supplied, capital cost, operating cost, maintenance cost, replacement cost, administrative cost and support systems costs and interest;

"Council" means the Council of the Mangaung Metropolitan Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

"Domestic user" means a user of electricity, water, sewerage or refuse removal services for residential purposes only;

"Municipal Finance Management Act (MFMA)" means the Local Government: Municipal Finance Management Act" Management Act, 2003 (Act no 56 of 2003), as amended, and any regulations made under the Act ;

"Municipal Service" means a municipal service defined in section 1 of the Act;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, Act" no 32 of 2000, as amended;

"Poor household" means a domestic user who qualifies, together with his or her dependants, as an indigent person in terms of the Council's indigent policy;

"Subsidised tariff" means a tariff that cover only operating and maintenance cost in relation to a municipal service;

"Tariff policy" means the tariff policy of the Council adopted in terms of section 74 (1) of the Municipal Systems Act;

"User" means the owner or occupier of a property in respect of which municipal services are being rendered.

(2) In these by-laws a reference to the singular will include the plural and vice versa.

(3) Any word or phrase in these by-laws, unless defined in subsection (1) above, shall bear the meaning of such word or phrase in the Act.

2. COST OF SERVICES TO BE RECOVERED

2. (1) The Council must annually adopt a budget which will provide for the cost to be recovered for a municipal service rendered to a user;
- (2) The cost to be recovered meant in subsection (1) may include a surcharge to subsidize the provision of municipal services to poor households meant in section and to give effect to development of a municipal service in terms of the Councils integrated development plan;
- (3) The Council may, having regard to the reasonable cost to be recovered associated with a municipal service, allow for subsidization of one municipal service by higher tariff levied on another for the purpose of economical, efficient and effective use of resources in a sustainable manner;

(4) The Council may levy a surcharge on a municipal service to encourage environmentally safe and sustainable use of such municipal service.

3. SURPLUSES OBTAINED

3. (1) The Council may budget for surpluses on the following services:

- (a) On electricity services.
- (b) On water supply services.
- (c) On sanitation/sewerage services.
- (d) On refuse removal services.

(2) A surplus obtained meant in subsection (1) will be used to defray the cost of rates and general services.

4 FUNDED MUNICIPAL SERVICES

4. (1) The Council must, when determining the tariff for a municipal service, take into consideration any intergovernmental grant or subsidy allocated or to be allocated in relation to such municipal service;

(2) The Council may, when determining the tariff for a municipal service open for use by the general public, subsidize such tariff from other income derived by the Council.

5. ADJUSTMENT OF TARIFFS

5. (1) The Council may at any time during its financial year, subject to compliance with any legislation applicable thereto, adjust any tariff to give effect to its tariff policy and these bylaws.

6. POOR HOUSEHOLDS

6. (1) The Council will annually together with its annual budget, review the indigent policy to determine criteria for the determination of poor households.

(2) The criteria referred to in subsection (1) will take into account:

- (a) the total income of consumers of municipal services residing on the property to which municipal services is rendered;
- (b) the total expenditure of consumers of municipal services residing on the property; and
- (c) a minimum income less expenditure to qualify as a poor household.

(3) The Council may include in its indigent policy a sliding scale according to which the quantity of basic municipal services provided free of charge or at a subsidized tariff to a poor household is limited in relation to the income less expenditures of a poor household.

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

(5) Any person who knowingly supplies false information to the Council required in terms of subsection (4) will be guilty of an offence.

7. ELECTRICITY SERVICES

7. (1) The Council may provide not more than 50 kw/h electricity units free per month or at a determined subsidized tariff to poor households in terms of the indigent policy of Council, subject thereto that any free electricity units not used during such month will not accumulate month-to-month.

(2) The Council may determine electricity tariffs in regard to the following:

- (a) an utility electricity charge to be levied on a property where such property is connected to the Council's electricity network;
- (b) an electricity utility charge to be levied on a property not connected to the Council's electricity network, but which property can be so connected to the Council's electrical reticulation network at a point on the property or less than 50 meters from any boundary of such property;
- (c) the consumption of electricity;
- (d) the testing of electrical supply meters;
- (e) taking of an electrical meter reading at the special request of a user, and
- (f) the connecting of a property to the Council's electrical reticulation network.

(3) The Council may, when determining its electricity tariffs, differentiate between:

(a) Users in the following categories:

- (i) Domestic users;
- (ii) Business;
- (iii) Industrial Consumers, and
- (iv) Key Customers - Time of use tariffs

(b) The standard of the electricity supply network available to a user.

(c) The geographical area and terrain in which an electrical supply is made available.

(d) The Council may, when determining its electricity tariffs take into consideration any business or industrial incentive scheme adopted by the Council.

8. WATER SERVICES

8. (1) The Council shall provide 10 kiloliters of potable water free per month or at a determined subsidized tariff to poor households in terms of the indigent policy of Council, subject thereto that such quantity thereof not used will not accumulate month-to-month.

(2) The Council may determine water services tariffs in regard to the following:

- (a) a basic monthly water service charge to be levied on a property where such property is connected to the Council's water reticulation network.
- (b) a water service availability charge to be levied on a property not connected to the Council's water reticulation network, but which property can be so connected to the Council's water reticulation network at a point on the property or less than 50 meters from any boundary of such property.
- (c) the consumption of potable or raw water;
- (d) the testing of water supply meters;
- (e) the taking of a water meter reading at the special request of a user, and
- (f) the connection of a property to the Council's water reticulation network.

(3) The Council may, when determining its water services tariffs, differentiate between:

- (a) Domestic users;
- (b) Bulk users of potable water;
- (c) Bulk users of raw water;
- (d) Other users of raw water;
- (e) Business and Industry users, sectional title properties, flats, and registered Schools

(4) The standard of the water supply network available to a user;

(5) The geographical area, terrain and manner in which a water supply is made available;

(6) The Council may, when determining, its water services tariffs, take into consideration any business or industrial incentive scheme adopted by Council.

9. SANITATION SERVICES

9. (1) The Council may grant a subsidized tariff for sanitation services to poor households in terms of its indigent policy.

(2) The Council may determine sanitation tariffs in regard to the following:

- (a) a basic monthly sanitation charge to be levied on a property where such property is connected to the Council's sanitation reticulation network;
- (b) a sanitation reticulation availability charge to be levied on a property not connected to the Council's sanitation reticulation network, but which property can be so connected to the Council's sanitation reticulation network at a point on the property or less than 50 meters from any boundary of such property;
- (c) the covering or sealing or re-sealing openings in a sanitation network connected to the Council's sanitation reticulation network;
- (d) the removal of any blockages from a sanitation reticulation network connected to the Council's sanitation reticulation network;
- (e) the alteration of any gully in a sanitation network connected to the Council's sanitation reticulation network, and
- (f) the connection or re-connection of any reticulation network to the Council's sanitation reticulation network.

(3) In these by-laws the word sanitation shall have the same meaning as "sewerage" and shall include where applicable a sanitation system.

(4) The Council may, when determining its sanitation services tariffs, differentiate between:

- (a) Domestic users;
- (b) Bulk users;
- (c) Churches
- (d) The standard of the reticulation supply service;
- (e) The geographical area or terrain in which a sanitation reticulation service is made available;
- (f) State and Provincial Industries, and
- (g) Industries.

10. REFUSE REMOVAL

10. (1) The Council may grant a subsidized tariff for refuse removal services to poor households in terms of its indigent policy.

(2) The Council may, when determining its tariffs for refuse removal services, differentiate between the following users:

- (a) Domestic users;
 - (b) Bulk Users;
 - (c) Hospitals;
 - (d) Churches;
 - (e) Boarding houses;
 - (f) Hotels;
 - (g) Sport Clubs;
 - (h) Charitable institutions,
 - (i) High density housing;
 - (j) Business;
 - (k) Government, and
 - (l) Industrial

(3) The Council may further, when determining its tariffs for refuse removal services in regard to the user categories in sub-section (2), differentiate between users on the following basis:

- (a) whether mass containers are used;
- (b) the number of removals required per week;
- (c) the size of mass containers in use;
- (d) the compaction of refuse to Council standards;
- (e) the removal of medical waste or other waste requiring special treatment;
- (f) the removal of garden refuse;
- (g) the removal of building rubble;
- (h) the removal of dead animal carcasses;
- (i) the geographical area or terrain in which a refuse removal service is rendered;
- (j) the amount of refuse to be removed at any particular collection point; and
- (k) the requirement for the use of special loading, transport or off-loading equipment or vehicles.

11. OTHER SERVICES

11. (1) Nothing in these by-laws shall prohibit the Council from determining tariffs on municipal services or part thereof or incidental thereto, not mentioned in these bylaws.

(2) The Council must, when determining tariffs for services meant in subsection (1), have regard to the principles in section 74 (2) of the Municipal Systems Act.

12. BUDGET

12. (1) The Council must, in its annual budget set out the value in money allocated to the rendering of free and subsidized electricity service, water service, sanitation service and refuse removal service, per such service, and

(2) The value in money of free or subsidized services meant in subsection 12 (1), per poor household and the total predicted cost to Council thereof.

13. ACCUMULATION

13. A free or subsidized municipal service is rendered on a month-to-month basis and no credit will be allowed to accumulate for any part of such free or subsidized service not used in any particular month.

14 COMPLIANCE WITH LEGISLATION

14. (1) These by-laws should be read together with the Municipal Finance Management Act and any duty, obligation or regulation under the said Act must be complied with when giving effect to these by-laws.
- (2) Should there be any conflict between this by-law and the Municipal Finance Management Act, the provisions of the Municipal Finance Management shall prevail.
- (3) This by-law is, in terms of section 75(2) of the Municipal Systems Act, giving effect to the Municipality's Tariff Policy, and should there be any conflict between the two, the one's provision(s) complying with the MFMA shall prevail.

15. PENALTY

15. Any person who contravenes any provision in these by-laws shall be guilty of an offence and upon conviction liable to a fine or imprisonment of not more than three months or both such fine and imprisonment.

16. SHORT TITLE AND COMMENCEMENT

16. These by-laws will be known as the Mangaung Tariff By-Laws and shall commence on the date of promulgation by publication in the Provincial Gazette.

**MANGAUNG METROPOLITAN MUNICIPALITY
CREDIT CONTROL & DEBT COLLECTION BY-LAW**

Approved by Council, June 2012

To provide for the regulation and management of activities in respect of the Credit control and Debt Collections, and to provide for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include municipal markets and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Municipal Council of the **MANGAUNG** Metropolitan Municipality as follows:-

TABLE OF CONTENTS

- 1 DEFINITIONS**
- 2. APPLICATION FOR SERVICES**
- 3. DEPOSITS**
- 4. ACCOUNTS AND BILLING**

5. ARRANGEMENTS TO PAY ARREARS
6. RESTRICTION OR DISCONNECTION OF SERVICES
7. RECOVERY OF DEBT
8. RECOVERY OF COSTS
9. ATTACHMENT
10. CLAIM ON RENTAL FOR OUTSTANDING DEBT
11. FULL AND FINAL SETTLEMENT PAYMENTS
12. INDIGENTS
13. DISPUTES
14. UNAUTHORISED RECONNECTION OR TAMPERING
15. DELEGATION
16. OFFENCES AND PENALTIES
17. SHORT TITLE AND COMMENCEMENT

1. DEFINITIONS

Unless inconsistent with the context, the following words and phrases shall have the following meanings ascribed to them:-

“**arrears**” means any amount due and payable to the Municipality and not paid by the due date;

“**arrangement**” means a written agreement entered into between the Chief Financial Officer and a debtor where specific arrangements and conditions for the payment of a debt is agreed to;

“**Chief Financial Officer**” means the person appointed by the Municipal Council as such and any officer of the Municipality acting in that capacity;

“**City Manager**” means the employee appointed as the Municipal Manager in terms of Local Government: Municipal Systems Act No. 7 of 2011 or any other official delegated by him or her and includes, where necessary, any acting Municipal Manager;

“**Council**” means the Municipal Council of the Municipality

“**Credit Control and Debt Collection Policy**” means the Policy provided for in section 96(b) of the Municipal Systems Act and approved by the Municipal Council;

“**debtor**” means, for purposes of these by-laws, any person who owes any amount of money to the Municipality;

“**due date**” means the final date on which a payment, as shown on the debtor’s municipal account, is due and payable;

“**interest**” means a charge levied with the same legal priority as service fees and calculated at a rate determined by Municipality from time to time on all arrears monies;

“**Municipal Finance Management Act**” The Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

“**Municipality**” means the Mangaung Metropolitan Municipality and its legal successors, and when referred to as-

- (i) a legal entity, means Mangaung Metropolitan Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (ii) a geographic area, means the municipal area of the Mangaung Metropolitan Municipality as determined from time to time in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);

“**Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

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

“**Owner**” means:

“**Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

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

“**Owner**” means:

- (a) the person in whom from time to time is vested the legal title to property;
- (b) in case where a person in whom the legal title to property is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such property is vested as curator, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such property or a building thereon;
- (d) in the case of property for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) any legal person including but not limited to:
 - (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust, a close corporation registered in terms of Close Corporation Act, 1984 (Act 69 of 1984) and a voluntary association
 - (ii) any department of State;
 - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa;
 - (iv) any Embassy or other foreign entity.
- (e) in relation to:
 - (i) A piece of land delineated on a sectional plan registered in terms of Sectional Title Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of common property; or
 - (ii) a section as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such person.

Prescribed Service Fee: A service fee laid down by the Municipality for a particular Municipal service;

“**service**” means “**municipal service**” as defined in section 1 of the Systems Act, and includes a function listed in Schedule 4B and 5B of the Constitution of the Republic of South Africa and includes any other service rendered by the Municipality, “**services**” has a corresponding meaning;

“**user**” means a person who has applied for and entered into an agreement with the Municipality for the supply of a service;

2. APPLICATION FOR SERVICES

- (1) Consumers who require a service must enter into a written service agreement with the municipality.
- (2) No services may be supplied until an agreement has been entered into between the Municipality and the user for the supply of a service.
- (3) No new services will be rendered to a property if there are still debts owed to the Municipality relating to the property. All debt relating to a property must be settled in full, or suitable payment arrangements must be made by the owner of the property, before the Municipality will register a new user on the property.

3. DEPOSITS

- (1) The Municipality may require the payment of a deposit when new users sign-on and when existing customers move to a new supply address.
- (2) Failure to pay the deposit required shall result in service not being rendered and the Municipality shall be entitled to terminate all services to properties until such time that the owner or the user, authorised thereto by the owner, has paid the required deposit to the Municipality.

- (3) The Municipality may increase or decrease deposits to suit the particular circumstances.
- (4) No person may consume or make use of municipal services without registering to receive such services.
- (5) If, upon the termination of the agreement for the provision of services, an amount remains due to the Municipality in respect of those services rendered to the user, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the user.

4. ACCOUNTS AND BILLING

- (1) The Municipality may, combine any separate accounts of persons who are liable for payment to the municipality, into one consolidated account
- (2) Accounts are produced in accordance with the meter reading cycles.
- (3) Accounts must be paid on the due date as indicated on the account. Interest on arrears will accrue after due date if the account remains unpaid irrespective of the reason for non-payment.
- (4) The Municipality is entitled to charge interest at rates determined by it from time to time by way of resolution and may furthermore engage in debt collection procedures regardless whether an account was received by a user or not.

5. ARRANGEMENTS TO PAY ARREARS

Arrangements to pay arrears may be allowed by the Chief Financial Officer and the terms applicable for the settlement of arrears will be as set out in the Municipality's Credit Control and Debt Collection Policy

6. RESTRICTION OR DISCONNECTION OF SERVICES

- (1) The City Manager may restrict or disconnect the supply of any service to the premises of any user in accordance with the stipulations of the Credit Control and Debt Collection Policy, or whenever such user of a service :
 - (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) tampers with any electrical or water connection or reconnects the services after the Municipality restricted the services in terms of this section;
 - (d) tenders a negotiable instrument which is dishonoured by the bank, when presented for payment; or
 - (e) fails to pay a deposit or any increased deposit as may be required.
- (2) The services may be reconnected and restored to full levels only:
 - (a) after the arrear debt, including the costs of disconnection or reconnection , if any, have been paid in full and any other conditions has been complied;
 - (b) after an arrangement with the debtor has been concluded.

7. RECOVERY OF DEBT

- (1) Subject to section 9, City Manager, must, with regards to rates, and may, with regards to other debt-
 - (a) by legal action recover any debt from any person; and
 - (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 a debtor to third party debt collection agencies and have such debtor placed on the National Credit Rating list.
- (2) With the recovery of debt on municipal housing property, the Municipality is entitled to sell such property by public auction to recover such debt.

8. RECOVERY OF COSTS

- (1) The Municipality may appropriate any payment by a user in any manner it deems fit including firstly to any costs and administration fees, secondly to legal costs due to the Municipality by the user, thirdly to any interest due to the Municipality by the user on any outstanding amount, and thereafter to the outstanding amount
- (2) The Municipality may recover the following costs, in instances where such costs are incurred by or on behalf of the Municipality:
 - (a) costs and administration fees where payments made to the Municipality by negotiable instruments are dishonoured by banks when presented for payment;
 - (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
 - (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this By-law;
 - (d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
 - (e) any collection commission incurred.

9. ATTACHMENT

The Municipality may, in order to recover debt, and as a last resort, approach a competent court for an order to attach a debtor's movable or immovable property.

10. CLAIM ON RENTAL FOR OUTSTANDING DEBT

The Municipality may, in terms of Section 28, of the Municipal Property Rates Act, No. 6 of 2004, attach any rent, due in respect of any rateable property, to cover in part or in full any amount in respect of outstanding rates after the due date.

11. FULL AND FINAL SETTLEMENT PAYMENTS

- (1) Any amount tendered in defrayment of a debt will be accepted at any cash receiving office of the Municipality.
- (2) No offer of payment in full and final settlement of a debt, when such amount is less than the outstanding amount, must be accepted, unless confirmed in writing by the City Manager.
- (3) Notwithstanding subsection (2), the payment so offered must nevertheless be credited against the debtor's account, without prejudice to the Municipality's rights.

12. INDIGENTS

A debtor, who can provide proof of indigence, will be dealt with as prescribed in the Municipality's policy relating to Indigence.

13. DISPUTES

- (1) Any user disputing an amount owed to the Municipality shall be required to pay all amounts which are not subject to the dispute by the due date.
- (2) Disputes shall be registered and handled as determined in the Credit Control and Debt Collection Policy.

14. UNAUTHORISED RECONNECTION OR TAMPERING

- (1) No person shall reconnect the water or electricity supply to a property that was restricted or disconnected by the Municipality or tamper with the water or electricity installations of the Municipality;
- (2) The full amount of arrears plus any unauthorised consumption, and any applicable tariffs regarding unauthorised connection or tampering, will be payable prior to reconnection. Should exceptional circumstances exist, adequate payment arrangements may be permitted at the sole discretion of the City Manager or his or her delegate.
- (3) An authorised representative of, or service provider to the Municipality, shall be given access to any premises in accordance with the provisions of section 101 of the Systems Act

15. DELEGATION

The City Manager may delegate any of his or her powers in terms of this By-law or the policy to any employee or official of the Municipality and to any board member of a municipal entity subject to applicable legislation.

16. OFFENCES AND PENALTIES

Any person who-

- (a) obstructs or hinders any councillor 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;
- (d) contravenes or fails to comply with the provisions of this By-law or the policy; or
- (e) fails to comply with a notice served in terms of this By-law or the policy,

is guilty of an offence and liable on conviction to a penalty.

17. SHORT TITLE AND COMMENCEMENT

This By-law shall be called the Mangaung Credit Control and Debt Collection By-law and shall commence on the date of promulgation by publication in the Provincial Gazette.

METRO MUNICIPALITY / METRO MUNISIPALITEIT / LEKGOTLA LA MOTSE

PROMULGATION OF COUNCIL RATES RESOLUTION

- 1) Notice is hereby given in terms of the provisions of section 14(2) of the Local Government: Municipal Property Rates Act 6 of 2004, as amended, that the Council of Mangaung Metropolitan Municipality, on 15 June 2012, passed a rates resolution for the levying of rates with effect from 01 July 2012 as follows:

Assessment Rates

- (a) That, the following general assessment rates in respect of the Mangaung Local Municipality be determined as follows:
- (i) Comma seven seven nine six cent (0,7796 cent), multiply by comma two five percent (0.25 %) per rand on the rateable value of farm property (exempt from VAT);
 - (ii) Comma seven seven nine six (0,7796 cent) per rand on the rateable value of residential property (exempt from VAT);
 - (iii) One comma nine four nine cent (1,949 cent) per rand on the rateable value of government property (exempt from VAT);
 - (iv) Three comma eight six two cent (3,862 cent) per rand on the rateable value of business property (exempt from VAT).
 - (v) Interest shall be paid to Council on rates, which have not been paid within thirty days from the date on which such rates became due, at a rate of 1% higher than the prime rate for the period during which such rates remain unpaid after expiry of the said period of thirty days.

Assessment Rates:

- * The first R 40 000 (Forty thousand Rand only) of the rateable value of residential properties are exempted;
- * That in respect of qualifying senior citizens and disabled persons, the first R200 000 (Two hundred thousand rand only) of the rateable value of their residential properties be exempted from rates;

- * That the rebate on the first R200 000 of the rateable value for residential properties of qualifying senior citizens and disabled persons will only be applicable on properties with a value that does not exceed R2 000 000 (Two million rand only); and,
 - * That for the 2012/13 financial year the criteria applicable for child headed families regarding the total monthly income from all sources must not exceed an amount equal two state pensions as determined by National Minister of Finance per month.
- 2) For any enquiries regarding this resolution, you are welcome to contact the Manager: Rates – Finance Directorate, Mrs Rutna Fourie at telephone number (051) 405 8944 during office hours between 07:45 and 16:15.

Sibongile Mazibuko
City Manager

MANGAUNG METROPOLITAN MUNICIPALITY

BY-LAWS RELATING TO PARKING

MANGAUNG PARKING BY-LAW

TABLE OF CONTENTS

CHAPTER 1 INTERPRETATION

1. Definitions
2. Purpose

CHAPTER 2 GENERAL PROVISIONS RELATING TO PARKING

Part 1: General provisions

3. Control of parking
4. Parking in a loading zone
5. Parking at a bus stop or in a dedicated busway
6. Parking in a public road

7. Parking upon a traffic island
8. Parking by a dealer or seller of a vehicle
9. Parking of a vehicle under repair
10. Parking of heavy vehicles and caravans
11. Exemption of medical practitioners from parking restrictions
12. Outspanning in public roads

Part 2: Parking permits

13. Resident parking permit
14. Temporary parking permit
15. Work zone permit
16. Municipal works parking permit
17. Conditions and originality of parking permits
18. Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups

CHAPTER 3 PARKING METERS AND PAYMENT FOR PARKING

19. The installation of parking meters or use of any other device to record the time parked

20. Method of parking
21. Payment for parking
22. Prevention of parking at a parking bay
23. Tampering or interfering with a parking meter or device
24. Prescribed coin only to be deposited
25. Unlawful operation of a parking meter
26. Unlawful parking and clamping or removal of unlawfully parked vehicles
27. Exemptions

CHAPTER 4 PARKING GROUNDS

Part 1: General provisions

28. The City not liable for loss or damage
29. Interference with authorised officials, authorised officers and parking marshals
30. Payment of prescribed fee
31. Observance of signs
32. Manner of parking and removal of vehicle
33. Abandoned vehicle
34. Damage to notices
35. Negligent and dangerous driving and speed restriction
36. Entering or remaining in parking ground
37. Tampering with vehicle
38. Defacing coupon
39. Defective vehicle
40. Cleaning of vehicle
41. Refusal of admission
42. Parking hours and classes of vehicles
43. Reservation by the Municipality

Part 2: Mechanically controlled parking ground

44. Parking of a vehicle in a mechanically or otherwise controlled parking ground
45. Removal of a vehicle from a mechanically or otherwise controlled parking ground

Part 3: Pay-and-display parking ground

46. Parking of a vehicle in a pay-and-display parking ground
47. Miscellaneous offences in respect of a pay-and-display parking ground

CHAPTER 5 TAXIS AND BUSES

Part 1: Special parking places for taxis

48. Special parking places for taxis
49. Taxi parking
50. Use of taxi ranks
51. Prohibition on parking of a taxi at no-stopping place
52. Servicing and washing taxis at taxi facilities
53. Behaviour prohibited at a taxi rank

Part 2: Bus facilities and permits, and operation of buses

54. Establishment of bus facilities
55. Distinguishing bus stops
56. Destination signs and parking at bus stops

CHAPTER 6 MISCELLANEOUS PROVISIONS

57. Obeying and interfering with an authorised officer
58. Appeal
59. Sale of impounded vehicles
60. Procedure to be followed in application to court
61. Compliance notices and the recovery of costs
62. Presumptions
63. Penalties

64. Repeal of by-laws
65. Short title and commencement

1. Definitions

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

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

“**authorised officer**” means an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer, and includes any other person appointed as an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996(Act No. 93 of 1996), and includes any person nominated by any organization and authorised by the Municipality;

“**authorised official**” means any employee of the Municipality who is responsible for the performance of any function or the exercise of any power in terms of this by-law or any employee of the Municipality assigned or delegated to perform any function or exercise any power in the implementation of this by-law;

“**bridge**” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“**bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 34 persons, including the driver, and includes a bus train;

“**bus stop**” means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

“**bus train**” means a bus which—

- (a) consists of two sections that connect to form a unit;
- (b) can swivel in a horizontal plane at the connections between such sections;
- (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) has a continuous passageway over its length;

“**caravan**” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“**Chief Traffic Officer**” means the Chief Traffic Officer of the Municipality to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“**Municipality**” means the Mangaung Metropolitan Municipality established in terms of the Municipal Structures Act 117 of 1998 and includes any political structure, political office bearer, duly authorised agent thereof or any employee acting in terms of delegated or sub-delegated authority;

“**city card**” means any document or card, irrespective of the form thereof, issued by the City in order to be used as a method of payment for parking;

“**combined parking meter**” means an appliance in which more than one parking meter is contained;

“**coupon**” means a device, whether electronic or not, which either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, and includes any device approved by the City from time to time;

“**dealer**” means a person who, for gain, carries on the business of selling, buying, exchanging or garaging vehicles;

“**dedicated busway**” means a roadway for the exclusive use of buses and other authorised vehicles, which may be a separate facility in its own right-of-way, part of the surfaced width of a road used by general traffic and separated from general lanes by a painted line, or part of the surfaced width of a road used by general traffic and separated from general traffic by a barrier kerb or any other such physical separation;

“**driver**” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle and “**drive**” or any like word has a corresponding meaning;

“**event**” means—

- (a) any sporting, recreational or entertainment event, including live acts;
- (b) any educational, cultural or religious event;

(c) any business event, including marketing, public relations and promotional or exhibition events;
(d) any charitable event, including any conference, organizational or community event,
or any similar activity hosted at a stadium, venue or along a route or its precinct that is planned, has a clear programme, control and accountability,
but excludes an event hosted by a private person in his or her private capacity at any venue, or filming staged in terms of the by-law relating to Filming;

“examiner of vehicles” means an ‘examiner of vehicles’ as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“footpath” means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“goods vehicle” means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

“heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

“holding area”, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

“marshal” means a person who arranges passenger and vehicle-related procedures at taxi facilities;

“mechanically or otherwise controlled parking ground” means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the Municipality in the annual schedule of tariffs;

“metered parking bay” means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device is used or electronic payment system has been implemented;

“metered parking ground” means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

“midi-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 16 but less than 35 persons, including the driver;

“mini-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than nine but not more than 16 seated persons, including the driver;

“minibus-taxi” means a motor car, a midi-bus or a mini-bus with an operating licence authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;

“motor vehicle” means any self-propelled vehicle and—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include—

(i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“operate”, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“operating license” means an operating licence contemplated by the National Land Transport Act, 2009 (Act 5 of 2009);

“operator” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

“organization” means a group of people, company, association or body representing parking marshals that operates a parking marshal service or a parking management service in certain geographical areas as approved by the Municipality;

“owner” in relation to a vehicle, means—

(a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;

(b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and

(c) a person who is registered as such in accordance with regulations issued under section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**park**” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle, and “**parking**” has a corresponding meaning;

“**parking attendant**” means a person rendering a parking service for his or her own account;

“**parking marshals**” means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;

“**parking bay**” means a demarcated area within which a vehicle is to be parked in terms of this By-law, demarcated as such by the Municipality upon the surface of a parking ground or a public road;

“**parking ground**” means any area of land or any building set aside by the Municipality as a parking ground or garage for the parking of vehicles by members of the public, whether or not charges are prescribed by this By-law for the use thereof;

“**parking meter**” means a device commissioned in terms of this By-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the Municipality;

“**parking period**” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“**passenger**” means any person in or on a vehicle, but does not include the driver or the conductor;

“**pay-and-display machine**” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“**pay-and-display parking ground**” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“**pedal cycle**” means any bicycle or tricycle designed for propulsion solely by means of human power;

“**prescribed**” means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“**prescribed coin**” means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act 78 of 1964), of the denomination indicated on the parking meter concerned and includes debit, credit or city cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“**public place**” means any square, park, recreation ground, sports ground, sanitary lane or open space which has—

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least 30 years; or
- (d) at any time been declared or rendered as such by the Municipality or other competent authority;

“**public road**” means any road, street, cycle path, thoroughfare, parking ground, dedicated busway, parking bay or any other similar place, and includes—

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road, which has at any time been—
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least 30 years;
 - (iii) declared or rendered as such by the Municipality or other competent authority; or
 - (iv) constructed by a local authority; and
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on—
 - (i) any plan of subdivision or diagram approved by the City or other competent authority and acted upon; or
 - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private public road;

“**rank access token**” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a valid operating licence;

“**regulation**” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“**residence**” means a building, or part of a building, that is—

- (a) fixed to land;
- (b) designed or approved by the Municipality, for human habitation by a single family unit; and
- (c) used for residential purposes;

“**semi-trailer**” means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by the vehicle drawing such trailer;

“**sidewalk**” means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

“**special parking place**” means a rank, stand or bus stop established by the Municipality on a public road within the Municipality for the parking or standing of a taxi or a bus;

“**stand**” in relation to a bus, means the place where a bus route starts or ends;

“**stop**” in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“**stopping place**” in relation to—

- (a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and
- (b) a bus, means a bus stop;

“**tare**” in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—
 - (i) fuel; and
 - (ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

“**taxi**” means a motor vehicle which plies for hire, is operated for reward, and includes—

- (a) a mini-bus, a midi-bus, motor tricycle or motor quadrucycle, and includes a minibus-taxi; and
- (b) a metered taxi;

“**taxi association**” means a taxi association recognized as such by the Municipality;

“**taxi facility**” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the Municipality for the exclusive use of taxis and, regarding a minibus-taxi making use of a bus stop in terms of section 5, includes a bus stop;

“**taxi operator**” means the person responsible for the use of a taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

“**taxi rank**” means a taxi facility identified by the Municipality where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“**temporary taxi facility**” means a taxi facility contemplated in section 49(2);

“**trailer**” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a motor cycle;

“**tri-cycle**” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“**verge**” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“**vehicle**” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device which moves solely on rails.

1.2 In this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

2. Purpose

- (1) The purpose of this By-law is to control parking within the area of jurisdiction of the Municipality in order to provide a safe environment.

CHAPTER 2 GENERAL PROVISIONS RELATING TO PARKING

Part 1: General provisions

3. Control of parking

- (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.
- (2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.
- (3) No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.
- (4) The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.
- (5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

4. Parking in a loading zone

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—
- (a) between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday;
 - (b) between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday; or
 - (c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously, except while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.
- (3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously, except while the vehicle is being actually loaded or off-loaded.
- (4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised officer, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
- (5) A person who contravenes a provision of this section commits an offence.

5. Parking at a bus stop or in a dedicated busway

- (1) No person who operates or who is in charge of a vehicle on a public road may—
- (a) in the case of a vehicle other than a bus or a minibus-taxi, allow the vehicle to remain stationary at a bus stop;
 - (b) in the case of a vehicle other than a bus, allow the vehicle to be driven, park or remain stationary in a dedicated busway or at the entrance to a dedicated busway or in a manner inhibiting the movement of a bus in, into or from such busway.
- (2) Subsection (1)(a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus stop is located in a driving lane of a public road, where the vehicle is kept stationary in order to comply with a traffic

signal or for another reason linked to road safety; Provided that such driver or person in charge does not allow passengers to board or alight from the vehicle.

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

6. Parking in a public road

- (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.
- (2) No person may leave a vehicle in the same place in a parking bay for a continuous period of more than seven days.
- (3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.
- (4) A person who contravenes a provision of this section commits an offence.

7. Parking upon a traffic island

- (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised officer or unless a parking bay has been demarcated upon such traffic island.
- (2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

8. Parking by a dealer or seller of a vehicle

- (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.
- (2) A dealer or seller who contravenes subsection (1) commits an offence.

9. Parking of a vehicle under repair

- (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.
- (2) A person who contravenes subsection (1) commits an offence.

10. Parking of heavy vehicles and caravans

- (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area—
(a) a motor vehicle with a tare exceeding 3500 kg;
(b) a trailer not attached to a vehicle;
(c) a semi-trailer, or
(d) a caravan not attached to a vehicle.
- (2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.
- (3) A person who contravenes subsection (1) commits an offence.

11. Exemption of medical practitioners from parking restrictions

- (1) (a) Registered general medical practitioners to whom a badge has been issued in terms of subsection (3)(a) are exempt from the provisions of this By-law, subject to paragraph (b), when using, on a bona fide professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) issued to him or her by the Municipality.
(b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.
- (2) (a) The badge must be a windscreen sticker badge displaying on the face thereof—
(i) a serial number; and

- (ii) the name of the person to whom it is issued.
 - (b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.
 - (c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.
- (3)
- (a) Written application for the issue of a badge must be made to the Municipality and if the Municipality approves the application, it must issue a badge bearing a registered serial number to the applicant.
 - (b) The Municipality must keep a register in which it records—
 - (i) The badge issued by it;
 - (ii) the serial number allocated to a badge; and
 - (iii) the name of the holder of a badge.
 - (c) The Municipality may issue a duplicate badge.
 - (d) Where the Municipality has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.
 - (e) The Municipality may charge a fee for the issuing of a badge or a duplicate thereof.
 - (f) The Municipality may prescribe the period for which a badge will be valid.
- (4) Application for a badge must be made on a form provided for this purpose by the Municipality.
- (5) A person who displays a forged badge or a badge which was not issued by the Municipality commits an offence.

12. Outspanning in public roads

- (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or off-loaded.
- (2) A person who contravenes subsection (1) commits an offence.

Part 2: Parking permits

13 Resident parking permit

- (1) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—
- (a) who reside in a residence—
 - (i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;
 - (ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and
 - (iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (b) whose residence does not have and cannot reasonably provide off-street parking.
- (2) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—
- (a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and
 - (b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles, to enter and park a vehicle in such area, cordoned off or declared zone.
- (3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

14. Temporary parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 17(1), a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space.
- (2) A temporary parking permit may only be granted if the Municipality is satisfied that—
- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and

(b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

15. Work zone permit

(1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (3), a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the City is satisfied that—

(a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and

(b) the carrying out of the building, construction or other work is lawful; and

(c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.

(2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties.

(3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

16. Municipal works parking permit

(1) Subject to any conditions the Municipality may impose and subject to section 18(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—

(a) an employee, contractor or agent of the Municipality; and

(b) parking the vehicle or vehicles in the space—

(i) for the purpose of carrying out work for or on behalf of the Municipality; and

(ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

17. Conditions and originality of parking permits

(1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.

(b) The Municipality may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the Municipality.

(2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—

(i) the road adjacent to the place of residence identified in the permit; or

(ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and

(b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.

(c) A resident parking permit is not specific to any particular vehicle.

(d) The Municipality may only issue a maximum of one parking space per residence.

(3) (a) A work zone permit must specify the part of the road to which the permit relates.

(b) The holder of a work zone permit must pay the prescribed fee, as determined by the Municipality, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.

(c) No person may be stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.

(d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.

(e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorised officer.

(4) No person to whom a permit has been granted in terms of sections 13, 14, 15 and 16 may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.

- (5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

18. Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups

- (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the Municipality, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.
- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.
- (3) Any person who contravenes subsection (2) commits an offence.

CHAPTER 2

PARKING METERS AND PAYMENT FOR PARKING

19. The installation of parking meters or use of any other device to record the time parked

- (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—
 (a) a parking meter at a parking space demarcated as a parking bay;
 (b) a combined parking meter at a parking space demarcated as parking bays; or
 (c) any other device by which parking time can be recorded and displayed.
- (2) The Municipality may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or a notice board.
- (4) In the instance where a meter is out of order, an authorised officer may securely place over the meter a hood carrying in legible letters the words: "Out of order" and in such instances a vehicle may be parked without payment of the prescribed amount.

20. Method of parking

- (1) No driver or person in charge of a vehicle may park the vehicle—
 (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
 (b) in a parking bay which is already occupied by another vehicle; or
 (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

21. Payment for parking

- (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must—
 (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay in respect of which it is installed the prescribed coin as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
 (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—
 (i) immediately deposit or cause to be deposited in the parking meters which adjoin the parking bays in respect of which they are installed the prescribed coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.

(d) Subject to paragraph (e), a driver or person in charge of a vehicle may, without payment, park a vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay and before the parking bay is occupied by a subsequent vehicle.

(e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.

- (2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.
- (3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.
- (4) Subject to the provisions of section 13, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that—
 (a) the time has expired; or
 (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter,
 and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.
- (5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if—
 (a) the indicator shows that—
 (i) the time has expired;
 (ii) the parking meter has not been set in operation; or
 (b) a hood has been placed over the parking meter as envisaged in section 19(4),
 no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

22. Prevention of parking at a parking bay

- (1) An authorised officer may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—
 (a) while the sign is so placed or erected; or
 (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

23. Tampering with a parking meter or device

- (1) No person may—
 (a) misuse, damage, knock interfere with or tamper with;
 (b) attempt to misuse, damage, knock interfere with or tamper with,
 the working operation or mechanism of a parking meter.
- (2) No person may, without authority from the Municipality and subject to any other by-law of the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.

- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.
- (5) A person who contravenes a provision of this section commits an offence.

24. Prescribed coin only to be deposited

- (1) No person may deposit or cause to be deposited in a parking meter anything other than the prescribed coin.
- (2) A person who contravenes subsection (1) commits an offence.

25. Unlawful operation of a parking meter

- (1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in this By-law.
- (2) A person who contravenes subsection (1) commits an offence.

26. Unlawful parking and clamping or removal of unlawfully parked vehicles

- (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.
- (2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.
- (3) The Municipality may—
 - (a) attach a wheel clamp to any unlawfully parked vehicle;
 - (b) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and
 - (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.
- (4) A person who contravenes subsection (1) commits an offence.

27. Exemptions

- (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:
 - (a) a vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
 - (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
 - (c) a vehicle used by a member of the South African Police Service, the Metropolitan Police Service or the Law Enforcement division of the Municipality and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.
- (3) A person who contravenes subsection (2) commits an offence.

CHAPTER 3

PARKING GROUNDS

Part 1: General provisions

28. The Municipality not liable for loss or damage

- (1) The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

29. Interference with authorised officials, authorised officers and parking marshals

- (1) No person may obstruct, hinder or in any manner interfere with an authorised official, authorised officer or a parking marshal in the performance of his or her duties under this By-law.
- (2) A person who contravenes subsection (1) commits an offence.

30. Payment of prescribed fee

- (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.
- (2) The Municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.
- (3) The Municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.
- (4) A coupon issued under subsection (2) or (3)—
 - (a) may not, without the prior written consent of the Municipality —
 - (i) be transferred to any other person; or
 - (ii) be used in respect of any vehicle other than the specified vehicle;
 - (b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle; and
 - (c) will only be valid for the period stated on such coupon.
- (5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the Municipality.
- (6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

31. Observance of signs

- (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.
- (2) A person who contravenes subsection (1) commits an offence.

32. Manner of parking and removal of vehicle

- (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorized officer or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.
- (2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle—
 - (a) in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised officer at the parking ground;
 - (b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or
 - (c) in a parking bay which is already occupied by another vehicle.
- (3) No person may park a vehicle on a roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

(5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.

(6) A person who contravenes a provision of this section commits an offence.

33. Abandoned vehicle

(1) The Municipality may remove to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.

(2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.

(3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:

(a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);

(b) the costs of removing the vehicle;

(c) the costs of publishing the notice of the auction;

(d) the costs of effecting the sale of the vehicle;

(e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;

(f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and

(g) any unpaid parking fees or unpaid traffic fines in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.

(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

34. Damage to notices

(1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the Municipality on a parking ground.

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

35. Negligent and dangerous driving and speed restriction

(1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

(2) The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.

(3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

36. Entering or remaining in parking ground

(1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to—

(a) a person in the company of a person who is parking or removing a vehicle;

(b) officials of the Municipality engaged in official activities or on instruction from the Municipality; and

(c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.

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

37. Tampering with vehicle

- (1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.

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

38. Defacing coupon

- (1) No person may, in a parking ground with intent to defraud the Municipality, forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of this By-law.

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

39. Defective vehicle

- (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground.

- (2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected, or removed within a reasonable time.

- (3) A person who contravenes subsection (1) or subsection (2) commits an offence.

40. Cleaning of vehicle

- (1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground or parking bay.

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

41. Refusal of admission

- (1) An authorised officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

- (2) A person who disregards an authorised officer's refusal of admission commits an offence.

42. Parking hours and classes of vehicles

- (1) The Municipality may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.

- (2) The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.

- (3) The Municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.

- (4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.

- (5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.

- (6) No person may, unless he or she is the holder of a parking coupon issued in terms of this By-law authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.
- (7) A person who contravenes subsection (4), (5) or (6) commits an offence.

43. Reservation by the Municipality

- (1) The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality.
- (2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or for members of the Municipality's staff commits an offence.

Part 2: Mechanically controlled parking ground

44. Parking of a vehicle in a mechanically or otherwise controlled parking ground

- (1) Subject to section 2, a person who—
(a) wishes to park a vehicle;
(b) causes or permits a vehicle to be parked; or
(c) allows a vehicle to be parked,
in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.
- (2) A person contemplated in subsection (1) may not park a vehicle—
(a) except in a parking bay and in compliance with such directions as may be given by an authorised officer or where no such bay has been marked, except in a place indicated by the authorised officer;
(b) after an authorised officer has indicated to the person that the parking ground is full;
(c) after the expiry of the parking period indicated on the parking coupon; or
(d) for a longer period than indicated as indicated by sign.
- (3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the Municipality may implement a system where payment is required at the end of the parking period.
- (4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes subsection (2) or (3) commits an offence.

45. Removal of a vehicle from a mechanically or otherwise controlled parking ground

- (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—
(a) he or she has produced to the authorised officer a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and
(b) he or she has paid to the authorised officer the prescribed parking fee.
- (2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.
- (3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official—
(a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims of whatever nature by a person relating to the removal of that vehicle; and
(b) may require the person to furnish such security as may be determined by the Municipality.

- (4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised officer on demand.
- (5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the Municipality is payable for the next parking period.
- (6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised officer in terms of subsection (3)(a) or (b) commits an offence.

Part 3: Pay-and-display parking ground

46. Parking of a vehicle in a pay-and-display parking ground

- (1) A person who—
 - (a) wishes to park a vehicle;
 - (b) causes or permits a vehicle to be parked; or
 - (c) allows a vehicle to be parked,in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.
- (2) The following must be indicated on the parking coupon vending machine:
 - (a) the period during which a vehicle may be parked in the pay-and-display parking ground; and
 - (b) the coin or other prescribed object or method of payment to be inserted or used in respect of the parking period into or in connection with the pay and display machine.
- (3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.
- (4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.
- (5) No person may park a vehicle, cause, permit or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.
- (6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.
- (7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.
- (8) A person who contravenes subsection (3), (4) or (5) commits an offence.

47. Miscellaneous offences in respect of a pay-and-display parking ground

- (1) A person commits an offence if he or she—
 - (a) inserts or attempts to insert into a parking coupon vending machine—
 - (i) a counterfeit coin;
 - (ii) where another kind of object is to be used, a false object;
 - (iii) a coin which is not South African currency; or
 - (iv) any object which is not meant to be inserted into the parking coupon vending machine;
 - (b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or
 - (c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

CHAPTER 4

TAXIS AND BUSES

Part 1: Special parking places for taxis**48. Special parking places for taxis**

- (1) The Municipality may, subject to any other by-law of the Municipality relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.
- (2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.
- (3) If no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.
- (4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

49. Taxi parking

- (1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the Municipality relating to taxis—
 - (a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or
 - (b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.
- (2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.
- (3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

50. Use of taxi ranks

- (1) Subject to any other by-law of the Municipality relating to taxis, a driver—
 - (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and
 - (b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—
 - (a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
 - (b) move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver—
 - (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;
 - (b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
 - (c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.

(6) A person who contravenes a provision of this section commits an offence.

51. Prohibition on parking of a taxi at no-stopping place

(1) No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

52. Servicing and washing taxis at taxi facilities

(1) No person may repair or maintain any motor vehicle at a taxi facility.

(2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

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

53. Behaviour prohibited at a taxi rank

(1) A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised officer.

Part 3: Bus facilities and permits, and operation of buses

54. Establishment of bus facilities

(1) The provisions of section 48(1),(2) and (3) apply, with the necessary changes, to buses.

55. Distinguishing bus stops

(1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.

(2) The Municipality may demarcate bus stops for tour buses.

56. Destination signs and stopping or parking at bus stops

(1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.

(2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.

(3) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

(4) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.

(5) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(6) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.

(7) A person who contravenes a provision of this section commits an offence.

CHAPTER 5

MISCELLANEOUS PROVISIONS

57. Obeying and interfering with an authorised officer

- (1) An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.
- (2) No person may obstruct, hinder, abuse or interfere with any authorised officer in the exercise of the power referred to in subsection (1).
- (3) A person who contravenes a provision of this section commits an offence.

58. Appeal

- (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the City Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by—
 - (a) a staff member other than the City Manager, the City Manager is the appeal authority; or
 - (b) the City Manager, the Executive Mayoral is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

59. Sale of impounded vehicles

- (1) The Municipality must—
 - (a) within 14 days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
 - (b) in the application contemplated in paragraph (a), provide the Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.
- (2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

60. Procedure to be followed in application to Court

- (1) An application to Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

61. Compliance notices and the recovery of costs

- (1) Notwithstanding any other provision of this By-law, the Municipality may—
 - (a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

62. Presumptions

- (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.
- (2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.
- (3)
 - (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
 - (b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
 - (c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that¹ where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.
- (4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.
- (5) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

63. Penalties

- (1) A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to—
 - (a) a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and
 - (b) in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

64. Repeal of by-laws

- (1) The by-laws listed in the Schedule hereto and any by-law previously promulgated by the Municipality or any of the disestablished municipalities now incorporated into Municipality, in so far as it relates to any matter provided for in this By-law, are hereby repealed.

65. Short title and Commencement

- (1) This By-law is called the Mangaung Parking By-law and comes into effect on the date of promulgation by publication in the Provincial Gazette.
-

BY-LAWS OF THE KOPANONG LOCAL MUNICIPALITY

1. Notice is hereby given that Kopanong Local Municipality has adopted the following Standard By-Laws as published by the MEC for Cooperative Governance and Traditional Affairs in the Provincial Gazette as the By-Laws of the Council:-
 - (a) Standard Building Regulations By-Law as published in PN No. 173 of 2011
 - (b) Standard Commonage By-Law as published in PN No. 176 of 2011
 - (c) Standard Credit Control and Debt Collection By-Law as published in PN No. 180 of 2011
 - (d) Standard Dumping and Littering By-Law as published in PN No. 184 of 2011
 - (e) Standard Impoundment of Animals By-Law as published in PN No. 192 of 2011
 - (f) Standard Tariff Policy By-Law as published in PN No. 206 of 2011
 - (g) Standard Water Services By-Law as published in PN No. 212 of 2011

2. This promulgation is done in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)..

.....
LY MOLETSANE (Me)
MUNICIPAL MANAGER

14 March 2013

PROVINCIAL GAZETTE
(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.

Subscription Rates (payable in advance)

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

SUBSCRIPTION: (POST)

PRICE PER COPY	R 19.80
HALF-YEARLY	R495.00
YEARLY	R989.90

SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)

PRICE PER COPY	R 11.70
HALF-YEARLY	R 293.00
YEARLY	R 586.00

Stamps are not accepted

Closing time for acceptance of copy

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 16:00, three working days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 08:00 on the Tuesday** preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

Advertisement Rates

Notices required by Law to be inserted in the Provincial Gazette: **R27.90** per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.

NUMBERING OF PROVINCIAL GAZETTE

You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.

Printed and published by the Free State Provincial Government

PROVINSIALE KOERANT
(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.

Intekengeld (vooruitbetaalbaar)

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

INTEKENGELD: (POS)

PRYS PER EKSEMPLAAR	R 19.80
HALFJAARLIKS	R495.00
JAARLIKS	R989.90

INTEKENGELD: (OOR DIE TOONBANK / E-POS)

PRYS PER EKSEMPLAAR	R 11.70
HALFJAARLIKS	R 293.00
JAARLIKS	R 586.00

Seëls word nie aanvaar nie.

Sluitingstyd vir die Aannee van Kopie

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik **nie later nie as 16:00 drie werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 08:00 op die Dinsdag** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: **R27.90** per sentimeter of deel daarvan, enkel-kolom.

Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.

NOMMERING VAN PROVINSIALE KOERANT

U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering