

MALUTI-A-PHOFUNG LOCAL MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

Published in *Free State Provincial Gazette* 35 of 11 May 2001 and adopted by *Free State Provincial Gazette* 71 of 5 October 2001.

The Municipal Council of Maluti a Phofung resolved during a meeting on 17 September 2001, after complying to Section 12 of the Local Government: Municipal Systems Act No. 32 of 2000 as follows:

1. that in terms of Section 13 of the Local Government: Municipal Systems Act No. 32 of 2000, the Credit Control and Debt Collection By-laws as published in the *Provincial Gazette* on 11 May 2001 (Notice Number 13/2001) be adopted for the Maluti a Phofung Municipality;
2. that in terms of Section 13 of the Local Government: Municipal Systems Act No. 32 of 2000 the By-laws takes effect as from date of publication in the *Provincial Gazette*.

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CHAPTER 1

DEFINITIONS

1.
 - (1) For the purpose of these By-laws any word or expressions to which a meaning has been assigned in the Act shall bear the same meaning in these By-laws and unless the context indicates otherwise:-

“**account**” means any account rendered for municipal services provided;

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

2000), as amended from time to time;

“applicable charges” means the rate charge, tariff, flat rate, or subsidy determined by the municipal council;

“average consumption” means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;

“actual consumption” means the measured consumption of any customer;

“agreement” means the contractual relationship between the municipality or its authorised agent and a customer, whether written or deemed;

“area of supply” means any area within or partly within the area of jurisdiction of the municipality to which a municipal service or municipal services are provided;

“arrears” means any amount due, owing and payable by a customer in respect of municipal services not paid on the due date;

“authorised agent” means:-

- (a) any person authorised by the municipal council to perform any act, function or duty in terms of or exercise any power under these By-laws; and/or
- (b) any person to whom the municipal council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or
- (c) any person appointed by the municipal council in terms of a written contract as a service provider to provide revenue services to customers on its behalf, to the extent authorised in such contract;

“commercial customer” means any customer other than household and indigent customers, including without limitation, business, government and institutional customers;

“connection” means the point at which a customer gains access to municipal services;

“customer” means a person with the municipality or its authorised agent has concluded an agreement for the provision of municipal services;

“defaulter” means a customer who owes arrears;

“due date” means the date on which the amount payable in respect of an account becomes due, owing and payable by the customer, which date shall be not less than 21 days after the date of the account;

“emergency situation” means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;

“estimated consumption” means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is

rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality or its authorised agent;

“household customer” means a customer that occupies a dwelling, structure or property primarily for residential purposes;

“household” means a traditional family unit consisting of a maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years or younger);

“illegal connection” means a connection to any system through which municipal services are provided that is not authorised or approved by the municipality or its authorised agent;

“indigent customer” means a household customer qualifying and registered with the municipality as an indigent in accordance with these By-laws;

“municipality” means:-

- (a) the Maluti a Phofung Municipality or its successors-in-title; or
- (b) the municipal manager of the Maluti a Phofung Council in respect of the performance of any ion or exercise of any right, duty, obligation or function in terms of these By-laws;

“municipal council” means the municipal council as referred to in Section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);

“municipal manager” means the person appointed by the municipal council as the municipal manager of the municipality in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person:-

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

“municipal services” means for purposes of these By-laws, services provided by the municipality or its authorised agent, including refuse removal or its authorised agent, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

“occupier” includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his down account or as an agent for any person entitled thereto or interested therein;

“owner” means:-

- (a) the person in who from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises 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 premises is vested as curator, trustee, 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 premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to:-
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles 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 a person; or
- (f) a person occupying land under a register held by a tribal authority;

“person” means any natural person, local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“public notice” means publication in an appropriate medium that may include one or more of the following:-

- (a) publication of a notice, in the official languages determined by the municipal council:-
 - (i) in the local newspaper or newspapers in the area of the municipality; or
 - (ii) in the newspaper or newspapers circulating in the area of the municipality determined by the municipal council as a newspaper or record; or
 - (iii) by means of radio broadcasts covering the area of the municipality; or
- (b) displaying a notice at appropriate offices and pay-points of the municipality or its authorised agent; or
- (c) communication with customers through public meetings and ward committee meetings;

“shared consumption” means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer’s premises is situated for the same period by the number of customers within that supply zone, during the same period;

“subsidized service” means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service including services provided to customers at no cost;

“supply zone” means an area, determined by the municipality or its authorised agent, within which all customers are provided with services from the same bulk supply connection;

“unauthorised services” means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised or approved by the municipality or its authorised agent.

CHAPTER 2

PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS

Part 1

Application for municipal services

1. Application for services

- (1) A customer wanting to qualify, as an indigent customer must apply for services as set out in Chapter 4 below.
- (2) No person shall be entitled to access to municipal services unless application has been made to, and approved by, the municipality or its authorised agent on the prescribed form attached as Annexure A to these By-laws.
- (3) If, at the commencement of these By-laws or at any time, municipal services are provided and received and no written agreement exist in respect of such services, it shall be deemed that:-
 - (a) an agreement in terms of subsection (7) exists; and
 - (b) the level of services provided to that customer are the level of services elected;until such time as the customer enters into an agreement in terms of subsection (2).
- (4) The municipality or its authorised agent must on application for the provision of municipal services inform the applicant of the then available levels of services and the then applicable tariffs and/or charges associated with each level of service.
- (5) The municipality or its authorised agent is only obliged to provide a specific level of services requested if the service is currently being provided and if the municipality or authorised agent has the resources and capacity to provide such level of service.
- (6) A customer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with altering the level of services is paid by the customer.
- (7) An application for services submitted by a customer and approved by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the customer, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (8) In completing an application form for municipal services the municipality or its

authorised agent will ensure that the document and the process of interaction with the owner, customer or any other person making such an application are understood by that owner.

- (9) In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understand the contents of the application form and shall assist him or her in completing such form.
- (10) Municipal services rendered to a customer are subject to the provisions of these By-laws, any applicable By-laws and the conditions contained in the agreement.
- (11) If the municipality or its authorised agent:-
 - (a) refuses an application for the provision of municipal services or a specific service or level of service;
 - (b) is unable to render such municipal services or a specific service or level of service on the day requested for such provision to commence; or
 - (c) is unable to render the municipal services or a specific services or level of services; the municipality or its authorised agent must, within a reasonable time, inform the customer of such refusal and/or inability, the reasons therefore and, if applicable, when the municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

2. Special agreements for municipal services

The municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant:-

- (a) within the area of supply, if the services applied for necessitates the imposition of conditions not contained in the prescribed form or these By-laws;
- (b) receiving subsidised services; and
- (c) if the premises to receive such services is situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the customer to advise the municipality having jurisdiction of such special agreement.

3. Change in purpose for which municipal services are used

Where the purpose for on extent to which any municipal service used is changed the onus and obligation is on the customer to advise the municipality or its authorised agent of such change and to enter into a new agreement with the municipality or its authorised agent.

4. Property developments

- (1) A property developer must on the provision of infrastructure for the provisioning of municipal services inform the municipality or its authorised agent, in writing, of the details of all municipal services that may be provided through the infrastructure and the details of all measuring devices that are installed.
- (2) A property developer that fails to comply with the provisions of subsection (1) shall be liable for the payment of all estimated applicable charges that would have been payable

by customers in respect of municipal services provided if the details thereof was known by the municipality or its authorised agent.

Part 2

Applicable charges

5. Applicable charges for municipal services

- (1) All applicable charges payable in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with:-
 - (a) its Rates and Tariff Policy;
 - (b) any By-laws in respect thereof; and
 - (c) any regulations in terms of national or provincial legislation.
- (2) Applicable charges may differ between different categories of customers, users of services, types and levels of services, quantities of services, infrastructure requirements and geographic areas.

6. Availability charges for municipal services

The municipal council may, in addition to the tariffs or charges prescribed for municipal services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

7. Subsidised services

- (1) The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service.
- (2) The municipal council may in implementing subsidies differentiate between types of household customers, types and levels of services, quantities of services, geographical areas and socio-economic areas.
- (3) Public notice in terms of subsection (1) must contain at least the following details applicable to a specific subsidy:-
 - (a) the household customers that will benefit from the subsidy;
 - (b) the type, level and quantity of municipal service that will be subsidised;
 - (c) the area within which the subsidy will apply;
 - (d) the rate (indicating the level of subsidy);
 - (e) the method of implementing the subsidy; and
 - (f) any special terms and conditions that will apply to the subsidy.

- (4) If a household customer's consumption or use of a municipal service is:-
 - (a) less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion; and
 - (b) in excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.
- (5) A subsidy implemented in terms of subsection (1) may at any time, after reasonable notice, be withdrawn or altered in the sole discretion of the municipal council.
- (6) Commercial customers may not qualify for subsidised services.
- (7) Subsidised services shall be funded from the portion of revenue raised nationally that is allocated to the municipality and if such funding are insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

8. Authority to recover additional costs and fees

The municipality or its authorised agent has the authority to, notwithstanding the provisions of any other Sections contained in these By-laws, recover any additional costs incurred in respect of implementing these By-laws against the account of the customer, including but not limited to -

- a. all legal costs, including attorney and own client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer; and/or
- b. the average costs incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, e-mail, letter or otherwise.

Part 3

Payment

9. Payment of deposit

- (1) The municipal council may, from time to time, determine different deposits for different categories of customers, users of services, debtors, services and service standards, provided that the deposit will not be more than three times the monetary value of the most recent measured monthly consumption of the premises for which an application is made.
- (2) A customer must on application for the provision of municipal services and before the municipality or its authorised agent will provide such services, pay a deposit, if the municipal council has determined a deposit.
- (3) The municipality or its authorised agent may annually review a deposit paid in terms of subsection (2) and in accordance with such review:-
 - (a) require that an additional amount be deposited by the customer where the deposit is less than the most recent deposit determined by the municipal council; or

- (b) refund to the customer such amount as may be held by the municipality or its authorised agent where the deposit is in excess of the most recent deposit determined by the municipal council.
- (5) If a customer is in arrears, the municipality or its authorised agent may require that the customer:-
 - (a) pay a deposit if that customer was not previously required to pay a deposit, if the municipal council has determined a deposit; and
 - (b) pay an additional deposit where the deposit paid by that customer is less than the most recent deposit determined by the municipal council.
- (6) Subject to subsection (7) the deposit shall not be regarded as being in payment or part payment of an account.
- (7) If an account is in arrears, the deposit will be applied in payment or part payment of the arrears.
- (8) No interest shall be payable by the municipality or its authorised agent on any deposit held.
- (9) The deposit, if any, is refundable to the customer on settlement of all arrears and termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the customer within 12 (twelve) months of termination of the agreement.

10. Methods for determining amounts due and payable

- (1) The Municipality or its authorised agent must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all customer connections and/or read all metered customer connections, on a regular basis, subject to subsection (2).
- (2) If a service is not measured, a municipality or its authorised agent may, notwithstanding subsection (1), determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by calculating the:-
 - (a) the shared consumption; or if not possible
 - (b) the estimated consumption.
- (3) If a service is metered, but it cannot be read due to financial and human resource constraints or circumstances out of the control of the municipality or its authorised agent, and the customer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.
- (4) Where water supply services is provided through a communal water service work (standpipe), the amount due and payable by customers gaining access to water supply services through that communal water services work, must be based on the shared or estimated consumption of water supplied to that water services work.
- (5) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to meter all customer connections and/or read all metered

customer connections within a determined area, the municipal council may, on the recommendation of the municipality or its authorised agent, determine a basic tariff (flat rate) to be paid by all the customers within that area irrespective of actual consumption.

- (6) The municipality or its authorised agent must inform customers of the method for determining amounts due and payable in respect of municipal services provided that will apply in respect of their consumption or supply zones.

11. Payment for municipal services provided

- (1) A customer shall be responsible for payment of all municipal services consumed by him, her or it from the commencement date of the agreement until his, her or its account has been settled in full and the municipality or its authorised agent must recover all applicable charges due to the municipality.
- (2) If a customer uses municipal services for a use other than that for which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a charge lower than the applicable charge the municipality or its authorised agent may make an adjustment of the amount charged and recover the balance from the customer.
- (5) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges:-
 - (a) it shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

12. Full and final settlement of an amount

- (1) Where an account is not settled in full, any lesser amount tendered to and accepted shall not be deemed to be in final settlement of such an account.
- (2) Subsection (1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

13. Responsibility for amounts due and payable

- (1) Notwithstanding the provisions of any other Section of these Sections of these By-laws, the owner of premises shall be liable for the payment of any amounts due and payable to the municipality or its authorised representative in respect of the preceding two years, where the owner is not the customer and the municipality or its authorised agent after taking reasonable measures to recover any amounts due and payable by the customer from the latter, could not recover such amounts.

14. Dishonoured payments

- (1) Where any payment made to the municipality or its authorised agent by negotiable instrument is later dishonoured by the bank, the municipality or its authorised agent:-

- (a) may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the customer; and
- (b) shall regard such an event as default on payment.

15. Incentive schemes

The municipal council may institute incentive schemes to encourage prompt payment and to reward customers that pay accounts on a regular and timeous basis.

16. Pay-points and approved agents

- (1) A customer must pay his or her or its account at pay-points, specified by the municipality or its authorised agent from time to time, or at approved agents of the municipality or its authorised agent.
- (2) The municipality or its authorised agent must inform a customer of the location of specified pay-points and approved agents for payment of accounts.

PART 4

Accounts

17. Accounts

- (1) Accounts will be rendered monthly to customers at the address last recorded with the municipality of its authorised agent. The customer may receive more than one account for different municipal services if they are accounted for separately.
- (2) Failure to receive or accept an account does not relieve a customer of the obligation to pay any amount due and payable.
- (3) The municipality or its authorised agent must, if administratively possible issue a duplicate account to a customer on request.
- (4) Accounts must be paid not later than the last date for payment specified in such account, which date will be at least 21 (twenty-one) days after the date of the account.
- (5) Accounts will:-
 - (a) reflect at least:-
 - (i) the services rendered;
 - (ii) the consumption of metered services or average, shared or estimated consumption;
 - (ii) the period addressed in the account;
 - (iii) the applicable charges;
 - (iv) any subsidies;
 - (v) the amount due (excluding value added tax payable);

- (vi) value added tax;
 - (vii) the adjustment, if any, to metered consumption which has been previously estimated;
 - (viii) the arrears, if any;
 - (vii) the interest payable on arrears, if any;
 - (viii) the finale date for payment;
 - (ix) the methods, places and approved agents where payment may be made; and
- (b) state that -
- (i) the customer may conclude an agreement with the municipality or its authorised agent for payment of the arrears amount installments, at the municipality or its authorised agent's offices before the final date for payment, if a customer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into the municipality or its authorised agent will limit the services after sending a final demand notice to the customer;
 - (iii) legal action may be instituted against any customer for the recovery of any amount 40 (forty) days in arrears;
 - (iv) the account may be handed over to a debt collector for collection; and
 - (v) proof of registration, as an indigent customer, in terms of the municipality or its authorised agent's indigent policy must be handed in at the offices of the municipality or its authorised agent before the finale date for payment.

18. Consolidated debt

- (1) If one account is rendered for more than one municipal service provided the amount due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the following order:-
 - (a) towards payment of the current account;
 - (b) towards payment of arrears; and
 - (c) towards payment of interest.
- (2) If an account is rendered for only one municipal service provided any payment made by a customer of an amount less than the total amount due, will be allocated in the following order:-
 - (a) towards payment of the current account;
 - (b) towards payment of arrears; and
 - (c) towards payment of interest.

- (3) A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

PART 5

Queries, complaints and appeals

19. Queries or complaints in respect of account

- (1) A customer may lodge a query or complaint in respect of the accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.
- (2) A query or complaint must be lodged with the municipality or its authorised agent in writing before the due date for payment of the account.
- (3) In the case of illiterate or similarly disadvantaged customers the municipality or its authorised agent must assist such a customer in lodging his or her query or complaint in writing and must take reasonable steps to ensure that the query or complaint is reflected correctly.
- (4) A query or complaint must be accompanied by the payment of at least the total number, excluding the amount in respect of which a query or complaint is lodged, due and payable in respect of the account.
- (5) The municipality or its authorised agent will register the query or complaint and provide the customer with a reference number.
- (6) The municipality or its authorised agent:-
 - (a) shall investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
 - (b) must inform the customer, in writing, of its finding within 16 (sixteen) days after the query or complaint was registered.
- (7) The municipality or authorised agent may, in its absolute discretion, not recover amounts due and payable in respect of metered consumption if a customer reports that irregular consumption was as a result of leakage on a customer's property provided that such customer could not reasonably have detected the leak and further provided that the customer took reasonable and timeous steps to rectify the leak.

20. Appeals against finding of municipality or its authorised agent in respect of queries or complaints

- (1) A customer may appeal against a finding of the municipality or its authorised agent in terms of Section 19 in writing.
- (2) An appeal and request in terms of subsection (1) must be made in writing and lodged with the municipality within 21 (twenty-one) days after the customer became aware of the finding referred to in Section 19 and must:-
 - (a) set out the reasons for the appeal; and

- (b) be accompanied by any security determined for the testing of a measuring device, if applicable.
- (3) The municipality may on appeal by a customer request him her or it to pay the full amount appealed against.
- (4) The customer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (5) An appeal must be decided by the municipality within 21 (twenty-one) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.
- (6) The decision of the municipality is final and the customer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of being informed of the outcome of the appeal.
- (7) The municipality may condone the late lodging of appeals or other procedural irregularities.
- (8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The customer must be informed of the possible cost implications including the estimated amount of such test prior to such test being undertaken.
- (9) If the outcome of any test shows that a measuring device is:-
 - (a) within a prescribed range of accuracy, the customer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the customer's account;
 - (b) is outside a prescribed range of accuracy, the municipality or its authorised agent will be liable for the costs of such test and the customer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The security referred to in subsection (2)(b), if applicable and amount paid in terms of subsection (3) may be:-
 - (a) retained by the municipality or its authorised agent if the measuring device is found not to be defective; or
 - (b) refunded to the applicant if the measuring device is found in terms of those subsections to be defective.
- (11) In addition to subsections (9) and (10) the municipality or its authorised agent must if the measuring device is found defective:-
 - (a) repair the measuring device or install another device which is in good working order without charge to the customer, unless the costs thereof are recoverable from the customer in terms of these or any other By-laws of the municipality; and
 - (b) determine the quantity of municipal services for which the customer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the municipality or its authorised agent may decide:-

- (i) the quantity representing the average monthly consumption of the customer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective meter or measuring device;
- (ii) the average consumption of the customer during the succeeding three metered periods after the defective meter or measuring device has been repaired or replaced; or
- (iii) the consumption of services on the premises recorded for the corresponding period in the previous year.

PART 6

Arrears

21. Arrears

- (1) If a customer fails to pay the account on or before the due date, a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the customer, within 7 (seven) working days of arrears accruing.
- (2) Failure to deliver or send a final demand notice within 7 (seven) working days do not relieve a customer from paying arrears.

22. Consolidated arrears

- (1) If one account is rendered for more than one municipal service provided all arrears due and payable by a customer constitutes a consolidate debt, and any payment made by a customer of an amount less than the total amount due. Will be allocated in reduction of the consolidated debt in the following order:-
 - (a) towards payment of the current account;
 - (b) towards payment of arrears;
 - (c) towards payment of interest; and
 - (d) towards costs incurred in taking relevant action to collect amounts due and payable.

23. Interest

Interest may be levied on arrears at the prevailing prime interest rate or at a rate prescribed by the municipal council from time to time.

24. Final demand notice

- (1) The final demand in arrears and any interest payable:-
 - (a) the amount in arrears and any interest payable;
 - (b) that the customer may conclude an agreement with the municipality or it's

authorised agent for payment of the arrears in instalments within 14 (fourteen) days of the date of the final demand notice;

(c) that if no such agreement is entered into within the stated period that:-

(i) the electricity services will be disconnected; or

(ii) that water supply services will be disconnected in the event that:-

(aa) no electricity services are provided by the municipality or its authorised agent; or

(bb) the arrears amount exceed the amount payable in respect of electricity services;

(d) that legal action may be instituted against any customer for the recovery of any amount 40 (forty) days in arrears;

(e) that the account may be handed over to a debt collector for collection; and

(f) that proof of registration, as an indigent customer, in terms of the municipality or its authorised agent's indigent policy must be handed in at the offices of the municipality or its authorised agent before the finale date of the final demand notice.

25. Limitation or disconnection of municipal services

(1) The municipality or its authorised agent may, within 7 (seven) working days after the expiry of the 14 (fourteen) day period allowed for payment in terms of the final demand notice:-

(a) disconnect the provision of electricity services to the defaulter; or

(b) disconnect water supply services in the event that:-

(i) no electricity services are provided by the municipality or its authorised agent; or

(ii) the arrears amount exceeds the amount payable in respect of electricity services.

(2) If a customer fails to pay the amount/s due and payable within 7 (seven) working days after implementation of the actions specified in subsection (1) the municipality or its authorised agent may hand delivered or sent, per registered mail, to the most recent recorded address of the customer a disconnection of water supply services notice where actions taken in terms of subsection (1) resulted in only electricity services being disconnected.

(3) Failure to deliver or send a disconnection of water supply services notice within 7 (seven) working days not relieve a customer from paying such arrears.

(4) The disconnection of water supply services notice must contain the following statements:-

(a) the amount in arrears and any interest payable;

- (b) a statement that the customer may conclude an agreement with the water services provider for payment of the arrears amount in installments, within 14 (fourteen) days of the date of the notice;
 - (c) that if no such agreement is entered into within the stated period, the municipality or its authorised agent may discontinue the water supply with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the customer for the recovery of the arrears amount, without further notice.
- (5) The municipality or its authorised agent may, within 7 (seven) working days after the expiry of the 14 (fourteen) day period allowed for payment in terms of the disconnection of water supply services notice disconnect the provision of water supply services to the defaulter.
- (6) The costs associated with the limitation or disconnection of municipal services shall be for the cost of the customer and shall be included in the account following the re-connection.

26. Accounts 40 (forty) days in arrears

- (1) Where an account rendered to a customer remains outstanding for more than 40 (forty) days the municipality or its authorised agent may:-
- (a) institute legal action against a customer for the recovery on the arrears; and
 - (b) hand the customer account over to a debt collector or an attorney for collection.
- (2) A customer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the municipal council from time to time.

27. General

- (1) No action taken in terms of this Section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, payable are paid in full.
- (2) The municipality or its authorised agent will not be liable for any loss or damage suffered by a customer due to his, her or electricity services being disconnected or his or her water services being disconnected.

Part 7

Agreement for the payment of arrears in installments

28. Agreements

- (1) The following agreements for the payment of arrears in installments may be entered into:-
- (a) an acknowledgement of debt;
 - (b) a consent of judgement; or

- (c) an emolument attachment order.
- (2) Only customers with positive proof of identity or persons duly authorised, in writing as a representative of a customer will be allowed to enter into an agreement for the payment of arrears in installments.
- (3) No customer will be allow to enter into an agreement for the payment of arrears in installments where that customer failed to honour a previous agreement for the payment of arrears in installments.
- (4) The municipality or its authorised agent must require a customer to pay at least its current account on entering into an agreement for the payment of arrears in installments.

29. Additional costs, partial settlement and installments

- (1) The costs associated with entering into agreements for the payment for arrears in installments and the limitation of the municipal services in accordance with Section 25 shall be included in the arrears amount due and payable by the customer.
- (2) In the event that a customer proves to the municipality or its authorised agent that he/she or it is unable to pay the amount referred to in subsection (1) on entering into an agreement for the payment of arrears in installments, the municipality or its authorised agent may:-
 - (a) extend the payment thereof to the end of the month in which the customer enters into such an agreement; or
 - (b) include it in the amount payable in terms of the agreement; after taking into account the following factors:-
 - (i) the credit record of the customer;
 - (ii) the arrears amount;
 - (iii) the level of consumption of municipal services;
 - (iv) the level of service provided to the customer;
 - (v) previous breaches of agreements for the payment of arrears in installments; and
 - (vi) any other relevant factors.
- (3) The municipality or its authorised agent may, after taking into account the factors referred to in subsection (2), require a customer to pay the following amounts on entering into an agreement for the payment of arrears in installments an amount, in addition to the current account, representing a percentage of the arrears amount.
- (4) The municipality or its authorised representative shall determine the installments payable in respect off any arrears amount by taking into account the same factors referred to in subsection (2).

30. Duration of agreements

- (1) No agreement for the payment of arrears will be longer than twenty-four months, unless the circumstances referred to in subsection (2) prevail.
- (2) The municipality or its authorised agent may, on an individual basis, allow a longer period than twenty-four months but not longer than sixty months for the payment of arrears if special circumstances prevail, that in the opinion of the municipality or its authorised agent warrants such an extension and which the customer reasonably could not prevent or avoid. The customer on request by the municipality or its authorised agent must furnish documentary proof of any special circumstances.
- (3) The municipality or its authorised agent may, in exercising his or her discretion under subsection (2) have regard to a customer's:-
 - (a) credit record;
 - (b) consumption;
 - (c) income level;
 - (d) level of service;
 - (e) previous breaches of agreements for the payment of arrears in installments; and
 - (f) any other relevant factors.
- (4) A copy of the agreement shall be made available to the customer.

31. Failure to honour agreements

- (1) If a customer fails to comply with an agreement for the payment of arrears in installments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence and the municipality or its authorised agent may:-
 - (a) disconnect the electricity services provided to the customer;
 - (b) in the event that no electricity services are provided by the municipality or its authorised agent, disconnect the water supply services provided to the customer;
 - (c) institute legal action for the recovery of the arrears; and
 - (d) hand the customer's account over to a debt collector or an attorney for collection.

32. Voluntary application for the limitation or disconnection of services

- (1) A customer may on entering into an agreement for the payment of arrears in installments request the municipality or its authorised agent in writing to limit or disconnect any metered municipal service provided to him/her or it for a specified period to limit the quantity of services consumed.
- (2) the reasonable costs associated with a request in accordance with subsection (1) shall be included in the arrears amount due and payable by the customer.

33. Re-connection of services

- (1) An agreement for payment of the arrears amount in installments, entered into after the electricity services was discontinued and / or the water services was limited or disconnected, will not result in the services being restored until:-
 - (a) the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penal ties, including payment of a higher deposit, are paid in full; or
 - (b) a written appeal by the customer due to timeous and full payment of installments and current amounts due and payable for a period of at least 6 (six) months has been approved by the municipality or its authorised agent.
- (2) In addition to any payments referred to in subsection (1) the customer shall pay the standard re-connection fee as determined by the municipality from time to time, prior to the re-connection of municipal services by the municipality or its authorised agent.
- (3) Municipal services shall be restored within 7 (seven) working days after a customer have complied with the provisions of subsections (1) and (2).

CHAPTER 3

ASSESSMENT RATES

34. Amount due for assessment rate

- (1) The provisions of Chapter 2 applies in respect of the recovery of assessment rates.
- (2) All assessment rates due by owners are payable by a fixed date as determined by the municipality.
- (3) Joint owners of property shall be jointly and severally liable for payment off assessment rates.
- (4) Assessment rates may be levied as an annual single amount, or in equal monthly installments. When levied in equal monthly installments the amount payable may be included in the municipal account.
- (5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that:-
 - (a) that the property is not occupied by the owner thereof; and/or
 - (b) the municipal account is registered in the name of a person other than the owner of the property.
- (6) Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

35. Claim on rental for assessment rate in arrears

The municipality or its authorised agent may apply to Court for the attachment of any rent, due in respect of rateable property, to cover in pan or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

36. Disposal of municipality property and payment of assessment rates

- (1) The purchaser of municipal property is pro rata liable for the payment of assessment rates on the property as from the date of registration in the name of the purchase in respect of the financial year in which the purchaser become the new owner.
- (2) In the event that the municipality repossesses the property, any outstanding and due amount in respect of assessment rates shall be recovered from the purchaser.

37. Assessment rates payable on municipal property

- (1) The lessee of municipal property is responsible for payment of any general assessment rates payable on the property for the duration of the lease as if the lessee is the owner of such property.
- (2) The municipality or its authorised representative may elect to include the assessment rates in respect of municipal property in the rent payable by the lessee, instead of billing it separately as in the case of owners of properties.

CHAPTER 4**PROVISION OF MUNICIPAL SERVICE TO INDIGENT CUSTOMERS****38. Qualification for registration**

All households where the combined gross income of all the members of the household over the age of 18 years old is less than R 800-00 per month, and does not own more than one property, may apply for registration as an indigent customer.

39. Application for registration

- (1) A household wishing to qualify as an indigent customer must complete the application form entitled “Application for Registration as Indigent Customer” attached as Annexure B to these By-laws.
- (2) Any application in terms of subsection (1) must be:-
 - (i) documentary proof of income, such as a letter from the customers employer, a salary advice, a pension card, unemployment fund card; or
 - (ii) an affidavit declaring unemployment or income; and
 - (iii) the customer’s latest municipal account in his/her possession; and
 - (iv) a certified copy of the customer’s identity document; and
 - (v) the names and identity numbers of all occupants over the age of 18 years who are resident at the property.
- (3) A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation and information provided in connection with the application is true and correct.
- (4) The municipality or its authorised agent shall counter-sign the application form and certify that the consequences and conditions of such an application for the customer were

explained to the customer and that the customer indicated that the contents of the declaration was understood.

40. Approval of application

- (1) The municipality or its authorised agent may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application.
- (2) An application received in accordance with Section 39 shall be considered by the municipality or its authorised agent and the applicant shall be advised in writing within 14 (fourteen) working days of receipt of such application by the municipality or its authorised agent as to whether or not the application is approved. If it is not approved, the applicant shall be given reasons therefore.
- (3) The provisions of Part 5 of Chapter 2 shall *mutatis mutandis* apply in respect of a customer that feels aggrieved by a decision of the municipality or its authorised agent in terms of subsection (2).
- (4) An application shall be approved for a period of 12 (twelve) months only.

41. Conditions

The municipality or its authorised agent may on approval of an application or any time thereafter:-

- (a) install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality or its authorised agent; and
- (b) limit the water supply services of an indigent customer to a basic supply of not less than 6 (six) kiloliter.

42. Annual application

- (1) An indigent customer must annually re-apply for registration as an indigent customer failing which the assistance will cease automatically.
- (2) The provisions of Sections 38 and 39 shall apply to any application in terms of subsection (1).
- (3) The municipality or its authorised agent given no guarantee of renewal.
- (4) The municipality or its authorised agent shall inform the applicant in writing within 14 (fourteen) working days of receipt of such application by the municipality or its authorised agent as to whether or not the application is approved if it is not approved the applicant shall be given reasons therefore.
- (5) The provisions of Part 5 of Chapter 2 shall *mutatis mutandis* apply in respect of a customer that feels aggrieved by a decision of the municipality or its authorised agent in terms of subsection (4).

43. Subsidised services for indigent customer

- (1) The municipal council may annually as part of its budgetary process determine the municipal services and levels thereof that will be subsidised in respect of indigent

customers in accordance with national policy but subject to principles of sustainability and affordability.

- (2) The municipal council will in the determination of municipal services that will be subsidised for indigent customers give preference to subsidising at least the following services:-
 - (a) 50 (fifty) kilowatt electricity per household per month;
 - (b) water supply services of 6 (six) kiloliters per household per month;
 - (c) sanitation services of daily night soil removal or a improved ventilated pit latrine per household per month whichever is the most affordable to the municipality or its authorised agent; and
- (3) The municipality must on a determination in terms of subsection (1) give public notice of such determination.
- (4) Public notice in terms of subsection (3) must contain at least the following:-
 - (a) the level or quantity of municipal service that will be subsidised;
 - (b) the level of subsidy;
 - (c) the method of calculating the subsidy; and
 - (d) any special terms and conditions that will apply to the subsidy not provided for in these By-laws.
- (5) Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in subsection (1) shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption.
- (6) The provisions of Chapter 2 shall *mutatis mutandis* apply to the amounts due and payable in terms of subsection (5).

44. Funding for subsidised services

- (1) The subsidised services referred to in Section 43 shall be funded from the portion of revenue raised nationally that is allocated to the municipality and if such funding are insufficient the services may be funded from revenue raised through rates fees and charges in respect of municipal services.
- (2) The subsidy amount to be funded from revenue raised nationally that is allocated to the municipality shall be calculated by dividing the amount allocated by the estimated number of customers that may qualify for registration as indigent customers.

45. Existing arrears of indigent customers on approval of application

- (1) Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be suspended and interest shall not accumulate in respect of such arrears for the period that a customer remains registered as an indigent customer.

- (2) Arrears suspended in terms of subsection (1) shall become due and payable by the customer in monthly installments as determined by the municipality or its authorised agent on de-registration as an indigent customer in accordance with Section 47.
- (3) Notwithstanding the provisions of subsection (2) arrears suspended for a period of two (2) years or longer shall not be recovered from a customer on de-registration.

46. Audits

The municipality may undertake regular random audits are carried out by the municipality or its authorised agent to:-

- (a) verify the information provided by indigent customers;
- (b) record any changes in the circumstances of indigent customers; and
- (c) make recommendations on the de-registration of the indigent customer.

47. De-registration

- (1) Any customer who provides or provided false information in the application from and/or any other documentation and information in connection with the application:-
 - (a) shall automatically without notice be de-registered as an indigent customer from the date on which the municipality or its authorised agent became aware that such information is false; and
 - (b) shall be held liable for the payment of all services received; in addition to any other legal actions the municipality or its authorised agent may take against such a customer.
- (2) An indigent customer must immediately request de-registration by the municipality or its authorised agent if his or her circumstances has changed to the extent that he or she no longer meet the qualifications set out in Section 38.
- (3) An indigent customer shall automatically be de-registered if an application in accordance with Section 42 is not made or if such application is not approved.
- (4) An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he or she no longer meet the qualifications set out in Section 38.
- (5) An indigent customer may at any time request de-registration.
- (6) In the event of de-registration in terms of Sections (2) and (4) the municipality or its authorised representative shall notify the customer of such in writing of such de-registration within 7 (seven) working days after de-registration.
- (7) The provisions of Part 5 of Chapter 2 shall *mutatis mutandis* apply in respect of a customer feeling aggrieved by deregistration in terms of subsection (3) and (4).

48. Declaration of indigent areas

- (1) The municipal council may at the request of or after consultation with its authorised agent in a specific area declare a supply zone as an indigent area if a socio-economic

survey indicates that more than 60% (sixty percent) of all households in that supply zone would qualify for registration as indigent customers.

- (2) In the event of the declaration of a supply zone as an indigent area in accordance with subsection (1) the provisions of Sections 41, 43, 45 and 46 shall *mutatis mutandis* apply to such an area and the households in that area shall be deemed to be registered indigent customer for purposes of those Sections.
- (3) The municipality must change the declaration of an indigent area if the criteria for establishing such a district in accordance with subsection (1) no longer applies.
- (4) An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he or she no longer meet the qualifications set up in 38.
- (5) An indigent customer may at any time request de-registration.
- (6) In the event of de-registration in terms of Sections (2) and (4) the municipality or its authorised representative shall notify the customer of such in writing of such de-registration within 7 (seven) working days after de-registration.
- (7) The provisions of Part 5 of Chapter 2 shall *mutatis mutandis* apply in respect of a customer feeling aggrieved by deregistration in terms of subsection (3) and (4).

CHAPTER 5

EMERGENCY SITUATIONS

49. Emergency situation

- (1) The municipal council may at the request of or after consultation with its authorised agent in a specific area declare a supply zone as an emergency area if:-
 - (a) the financial records of the municipality or its authorised agent indicate that payment levels in that supply zone has been less than thirty-five percent (35%) or that water losses in that supply zone has exceed forty percent (40%) for a period of three (3) consecutive months;
 - (b) that supply zone represents more than three percent (3%) of the area of supply of its authorised agent or customers.
- (2) In the event of the declaration of a supply zone as an emergency area in accordance with subsection (1) the water supply services to that supply zone may be limited to a quantity equal to six (6) kiloliters per household of the number of estimated households residing in that zone.
- (2) The municipality must change the declaration of an emergency area if:-
 - (a) the payment levels in that area improves to fifty percent (50%); or
 - (b) the water losses in that area are reduced to twenty percent (20%).

[Editor's Note: Numbering as published in PG 35/2001]

CHAPTER 6

UNAUTHORISED SERVICES

50. Unauthorised services

- (1) No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality or its authorised agent for the rendering of those services.
- (2) The municipality or its authorised agent may irrespective of any other action it may take against such person interns of these By-laws by written notice order a person who is using unauthorised services to:-
 - (a) apply for such services in terms of Sections 1 and 2; and
 - (b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant By-laws.

51. Interference with infrastructure for the provision of municipal services

- (1) No person other than the municipality or its authorised agent shall manage, operate or maintain infrastructure through which municipal services are provided.
- (2) No person other than the municipality or its authorised agent shall effect a connection to infrastructure through which municipal services are provided.

52. Obstruction of access to infrastructure for the provision of municipal service

- (1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.
- (2) If a person contravenes subsection (1), the municipality or its authorised agent may:-
 - (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

53. Illegal re-connection

- (1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully and intentionally or negligently interferes with infrastructure though which municipal services are provided, after such customers access to municipal services have been limited or disconnected shall immediately be disconnected.
- (2) A person who re-connects to municipal services in the circumstances referred to in subsection (1) shall be liable for the cost associated with any consumption, notwithstanding any other actions that may be taken against such a person.
- (3) The consumption will be estimated based on the average consumption of water supplied to the specific area within which the unauthorised connection was made.

54. Immediate disconnection

- (1) The provision of municipal services may immediately be disconnected if any person:-
 - (a) unlawfully and intentionally or negligently interfere with infrastructure through which the municipality or its authorised agent provides municipal services;
 - (b) fails to provide information or provide false information reasonably requested by the municipality or its authorised agent.

CHAPTER 7

OFFENCES

55. Offences

Any person who:-

- (a) fails to give access required by the municipality or its authorised agent terms of these By-laws;
- (b) obstructs or hinders the municipality or its authorised agent in the exercising of the powers or performance of functions or duties under these By-laws;
- (c) assists any person in providing false or fraudulent information or assists in willfully concealing information;
- (d) uses, tampers or interferes with municipal equipment, service supply equipment and reticulation network or consumption of services rendered;
- (e) fails or refuses to give the municipality or its authorised agent such information as may reasonably be required for the purpose of exercising the powers or functions under these By-laws or gives such the municipality or its authorised agent false or misleading information, knowing it to be false or misleading;
- (f) contravenes or fails to comply with a provision of these By-laws;
- (g) fails to comply with the terms of a notice served upon him/her in terms of these By-laws; shall be guilty of an offence and liable upon conviction to a period not exceeding six months imprisonment or community service or a fine not exceeding R 6 000-00, or a combination of the aforementioned.

CHAPTER 8

DOCUMENTATION

56. Signing of notices and documents

A notice or document issued by the municipality in terms of these By-laws and signed by a staff member of the municipality or its authorised agent shall be deemed to be duly issued and must on its mere production be accepted by a court as evidence of that fact.

57. Notices and documents

- (1) A notice or document issued by the municipality or its authorised agent in terms of these By-laws shall be deemed to be duly authorised if an authorised agent signs it.

- (2) Any notice or other document that is served on an owner, customer or any other person in terms of these By-laws is regarded as having been served:-
- (a) if it has been delivered to that person personally;
 - (b) when it has been left at that person's village, place of residence, or business or employment in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided in subsections (a)-(c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.
- (4) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

58. Authentication of documents

- (1) Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if signed by the municipal manager or by a duly authorised officer of the municipality or the authorised agent of the municipality; such authority being conferred by resolution of the municipality, written agreement or by a By-law.

59. *Prima facie* evidence

In legal proceedings by or on behalf of the municipality or its authorised agent, a certificate reflecting the amount due and payable to the municipality or its authorised agent, under the hand of the municipal manager, or suitably qualified municipal staff member authorised by the municipal manager or the Manager of the municipality's authorised agent, shall upon mere production thereof be accepted by any court of law as *prima facie* evidence of the indebtedness.

CHAPTER 9

GENERAL PROVISIONS

60. Power of entry and inspection

The municipality or its authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to

do so.

61. Exemption

- (1) The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, rate payers, users of services from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality or its authorised agent shall not grant exemption from any Section of these By-laws that may result in:-
 - (a) the wastage or excessive consumption of municipal services;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The municipality at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

62. Availability of By-laws

- (1) A copy of these By-laws shall be included in the municipalities Municipal Code as required in terms of legislation.
- (2) The municipality or its authorised agent shall take reasonable steps to inform customers of the contents of the credit control By-laws.
- (3) A copy of these By-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (4) A copy of the By-laws may be obtained against payment of R 10,00 per person from the municipality or its authorised agent.

63. Conflict of law

- (1) When interpreting a provision of these By-laws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control and Debt Collection, must be preferred over any alternative interpretation which is inconsistent with that purpose.
- (2) If there is any conflict between these By-laws and any other By-laws of the Council, these By-laws will prevail.

64. Repeal of existing Municipal Credit Control By-law

The provisions of any By-laws relating to the control of credit by the municipality are hereby repealed insofar as they relate to matters provided for in these By-laws; provided that such provisions shall be deemed not to have been repealed in respect of any such By-law which has not been repealed and which is not repugnant to these By-laws on the basis as determined by the relevant By-laws.

65. Short title and commencement

- (1) These By-laws are called the Credit Control and Debt Collection By-laws of the Maluti a Phofung Municipality.
- (2) The municipality may, by notice in the *Provincial Gazette*, determine that provisions of these By-laws, listed in the notice, does not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.
- (3) Until any notice contemplated in subsection (2) is issued, these By-laws are binding.

ANNEXURE A**APPLICATION FOR MUNICIPAL SERVICES****ANNEXURE B****APPLICATION FOR REGISTRATION AS INDIGENT CUSTOMER**