



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

MUNICIPALITY OF OUTJO

No. 220

2004

POLICY ON CHURCHES AND RELIGIOUS ACTIVITIES

A. CHURCHES AND RELIGIOUS ACTIVITIES

The multi-cultural character of Outjo lends itself to a wide variety of religions. The Outjo Town Planning Scheme makes provision for churches on “churches” zoned erven. Consent may be granted in some cases to accommodate small-scale religious activities or churches on residential erven.

For the purpose of Council’s policy:

- a) **A church** - means the gathering for worship of more than 10 adults on a regular basis where singing or music is involved, alternatively the gathering of 10 or more adults on a regular basis without singing or music.
- b) **Council** – means the Town Council of Outjo.

- c) **Management Committee** – means the management committee of the Council.

Council has certain conditions that must be adhered to in order to obtain permission for these activities.

i) Standard conditions for church activities on residential erven:

The following are Council's standard conditions for a consent use to **utilize residential erven for church** purposes by religious groups in the Town of Outjo.

- a) Written proof must be submitted that the adjacent owners have no objection to the proposed use.
- b) No **additional or structural changes may** be made to the existing building in order to facilitate the use thereof for church purposes, and which in the opinion of the **Strategic Executive Officer for Health, Sanitation, Planning and General Services** may render it unfit for residential purposes.
- c) The religious services and all related church activities must be held indoors meaning that, music can be played on a acceptable level within a building (**indoors**).
- d) No **sound speakers/amplifiers, electrical music instruments**, or any other means by which a **public nuisance** can be created, will be allowed outside a building.
- e) Written consent must be obtained from the Management Committee for the use of speakers/amplifiers, electrical music instruments outside a building for special occasions like marriages, funerals and church bazaars.
- f) No **hoarding or advertisement** shall be displayed in view of any street, provided that this proviso does not apply to the installation of one brass plate or board not exceeding one half square meter in size on which the name of the religious group is displayed, and or otherwise as approve by the Management Committee.
- g) The Town Council can grant consent for a period of 2 years only whereafter it will, on request, be reconsidered for renewal.
- h) A consent use may in no way interfere with the **amenities** of the neighbourhood.
- i) The Town Council reserves the right to **withdraw consent** on receipt of valid complaints.
- j) **Gatherings** of more than 30 people including children on a regular basis should not occur on a residential erf without special motivation and approval of the Management Committee. Such gatherings should lease appropriate premises or should be split between different venues.
- k) **Gatherings** on residential erven for church activities where municipal services such as electricity and water has been cut-off, **will not be allowed**.

ii) General matters relating to church activities

- a) Approval for the erection of **tents for religious activities** on erven other than church premises may be obtained under certain conditions.
- b) Advertising may be required in certain cases as determined by Council.

- c) Existing churches may on application to Council, **erect dwellings** for the minister or caretaker on “**church**” **zoned erven**, provided that in cases where the first building is not the main (church) building, a master plan of the whole development proposal on that erf must be submitted. Consent falls away if and when the use of the main building as a church or religious building is terminated.
- d) Should a church have sufficient financial resources and wish to acquire its own premises, a written application for an “church” zoned erf can be submitted to Council and the prove of following requirements must accompany the application:
 - i) At least prove of 150 registered members to church concern (an age of 18 years and above).
 - ii) Financial statements
 - iii) A lay-out of an envisaged plan
- * Applications will only be considered depending from availability of erven and submission of indicated documentations.
- iii) Any person or body who contravenes the provisions of this regulations, shall be guilty of an offence and liable to a fine, as stipulated in Section 94(4) of the Local Authorities Act, 1992 (Act No. 23 of 1992).

P. /GÔAGOSEB
MAYOR / CHAIRPERSON OF THE COUNCIL

MUNICIPALITY OF OUTJO

No. 221

2004

**POLICY ON DISTURBANCE ON PUBLIC PLACES
AND RESIDENTIAL AREAS BY CONDUCTING BUSINESS
AND/OR ANY OTHER MEANS**

The Council on ongoing complaints from the public on disturbance on public places and residential areas by the way of conducting businesses and or any other means come up with the resolution/policy on disturbance.

For the purpose of Council's policy:

- i) **A public place** - means any open spaces, streets, thoroughfare and / or place which members of the community have free or easy access for activities like bazaars, music festivals, political meetings and any others whose made disturb the inhabitants of Outjo.
- ii) **A businesses place** - means any place used specially for the purpose of generating profit, etc. and that can create noise such as restaurants, discotheques and public houses (pubs and bar) and shops.
- iii) **A residential place** – means any place used for the purpose of living accommodation.
- iv) **Council** – means the Outjo Town Council

- 1. Council has certain conditions that must be adhere to in order to obtain permission for these activities:**
- a) Consent may be granted in some cases to accommodate that kind of activities. Written approval must be obtained from the Council.
 - b) No traffic, processions, performances, singing, dancing and gathering in or near streets, thoroughfares and public places will be allowed without Council's approval.
 - c) The use of loudspeakers, amplifiers and any electrical music instrument in streets, public places and outside buildings or any other means by which a public nuisance can be created will not be allowed without Council's consent.
 - d) The use of generators on residential erven by which public nuisance can be created will not be allowed without Council's consent. Before obtaining Council's consent, a written proof must be submitted that the adjacent neighbours/owners have no objection to the proposed use.
 - e) The Council's consent must be obtained for the temporary closure of streets and public places for the purpose of construction, repairs, possessions, festivities, funerals, marriages or similar events.
 - f) Residential places may be used for special occasions such as birthdays, marriages, braais and parties provided that if this extends to over the hour of 22h00, a written consent by the Council must be obtained.
 - g) Business places shall conduct their activities in such a way that these does not lead to public nuisance or disturbance of peace.
 - h) No public places shall be used for business purpose unless with the written consent of the Council.
 - * The Town Council can grant consent on abovementioned concerns depending from circumstances.
 - * The Council reserves the right to withdraw any consent on receipt of valid complaints.

GENERAL

The conversion of residential erven into business erven without obtaining permission from the Council will not be allowed. Applications should be forwarded to the Town Council for consideration.

The use of residential erven for the purpose of conducting businesses:

Clause 10 of Outjo Town Planning Scheme:

Procedure for special consent use applications:

“Any owner of an erf or portion of a farm intending to make application for special consent of the Council required under this Scheme shall before making such application, publish in newspapers which are in circulation in the area, in the official languages, once a week for two consecutive weeks, and maintain conspicuously for fourteen (14) days from the date of the first publication such notice on some part of the building or land. Such notice shall not be smaller than 6 mm x 450 mm and no letter thereon shall be less than 6mm in height. Any person having any objection to the proposed use of the land may lodge such objection in writing within three weeks from the date of the first

publication, to the Council. The Council shall take into consideration any objections received within the said period, and shall make a decision within eight weeks. Appeals may be lodged against any decision of the Council to the Central Executive Committee”.

2. Any person or body who contravenes the provisions of this regulations, shall be guilty of an offence and liable to a fine, as stipulated in Section 94 (4) of the Local Authorities Act, 1992 (Act No. 23 of 1992).

P. /GÓAGOSEB
MAYOR / CHAIRPERSON OF THE COUNCIL

MUNICIPALITY OF OUTJO

No. 222

2004

CREDIT POLICY

A. INTRODUCTION:

This credit policy is to be used as guideline and is fully subjected to the regulations as set out in the Local Authorities Act, 1992 (Act No. 23 of 1992).

This policy is to be applied equally to all consumers, Individuals, Companies, NGO's, Government or any Institution not mentioned.

The Management Committee in conjunction with the Council may change/amend the content provided that it is to the benefit of the Municipality and in accordance with the Local Authorities Act.

The policy is purposed at firstly to indicate the progressive steps which can be taken to collect the money own to the Municipality and/or before debts get handed over to the Attorneys for collection.

B. DEFINITION:

In this rules/policy, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act No. 23 of 1992) shall bear that meaning.

“Debtor”:-

Shall mean any person/institution/business that owes the Municipality in terms of the services rendered to him/her/it.

“Arrear Account”:-

Account shall bear in arrear if not been paid by the due date stated on the account.

“Debt collector”:-

Debt collector shall mean an institution or person assigned/appointed by the Council to collect outstanding debts on their behalf.

“Services”:-

Shall include the following groups:-

- (i) Electricity and water supply.
- (ii) Refuse removal, sewerage disposal, cleansing and non-remunerative services financed by rates (property tax) and trading services.

- (iii) Letting and leasing of municipal properties.
- (iv) Land sale.
- (v) Housing loans.
- (vi) Any services rendered to which an individual or organisation is indebted to the Municipality.

(i) Electricity and Water:-

Electricity and Water readings are taken on or around the **7th of the month**. These readings are then fed into the computers (processed), printed, checked for errors (rectified if errors found out) and then posted to consumers.

Accounts/statements are mailed or delivered by hand before or on the **20th of month** to allow debtors/consumers to adjust their monthly budgets well in time. This implies that the last day (due date) for consumers to pay his/her account is the **7th of the next month**.

(ii) Refuse removal, sewerage disposal:-

This charges are normally included/reflected on the accounts/statements and therefore been done on a monthly basis as the above in (1).

(iii) Letting and leasing of Municipal properties:-

- a) Rent is payable in advance and the first month's rent must therefore be paid upon signing of the agreement.
- b) Non-residential and non-Namibians shall be required to pay a security deposit equivalent to one month's rent.
- c) Agreed rent shall be paid (before or on due dates as it will be included/reflected on the accounts/statements) as stipulated in the Standard Lease Agreement, if conditions are not adhered to, the action as stipulated will be applied.

(iv) Land sales:-

- a) After approval of the application by Council, the applicant given a period of three months to attend to, otherwise the offer will expire. After exception of the approval the applicant given a period of six months to settle the amount.
- b) Upon the expiry of the grace period (six months) an amount is not settled, written reminder is given to the applicant requesting him to settle the outstanding amount.
- c) Should the applicant respond, upon the discretion of the SEO, Finance and Administration, the grace period can be extended for three months.
- d) Should the applicant not adhere to the agreement, Management Committee will be notified for further consideration as to extend the period or repeal the sale.

C. PROSPECTIVE PROCEDURES AND/OR ACTIONS:

1. After accounts/statements are mailed/delivered to consumers and after the expire of due date (the **7th of the month**) a "cut-off list" is printed reflecting all consumers with outstanding arrears in accordance with the type of services rendered with an amount of over **N\$100.00**.

In addition before statements are mailed or delivered to consumers, a reminder stamp will be used on all accounts in arrears for one month, which reads:-

“This account is overdue now! Please settle before / on to avoid any inconvenience or come to arrange before given date.”

or in Afrikaans:-

“Hierdie rekening is agterstallig! Betaal of tref aanvaarbare reëlings asseblief voor/op om enige ongerief of drastiese stappe te vermy”.

(The above stamps will be in operation from June 2002 and next stamp which will read “Final Notice” or “Finale Kennisgewing” will be applied later as specially for Final Accounts).

Consumers will be given 18 - 22 days to respond to the request (message) or to pay their accounts.

2. The following are alternative internal procedures:-

- 2.1 After printing of “Cut-off-list” the list is reviewed or scrutinized for possible errors, if no errors are found, consumers with outstanding amounts of more than N\$100.00 and in arrears of two months will be selected (highlighted by the **Accountant** or any other official **authorized** by the SEO of Finance and Administration). The selected consumers services will be “cut-off”, **electricity and water**. For electricity the pole fuses will be removed. For water the special made caps will be use or the meter will be removed.

Consumers with **pre-paid electricity** who are in arrears with their water or other accounts and where water has already been “cut-off”, the **pre-paid** electricity will be “cut-off”.

2.1.1 Deposit’s and Reconnection fees:-

If the consumers services has been terminated through the action of **non-payments** their deposit’s will be transfered to the accounts and will reduce the amount in arrears. With the reconnection of services (electricity and water), the **reconnection fees** of N\$25.00 **for water** and **N\$25.00 for electricity** must be paid and the deposit of N\$200.00 must also be paid.

- 2.2 To avoid cutting of services, the consumers in arrears (with reminder stamp on their accounts) can come into the office of **SEO or any authorized officer** and arrange for **postponement agreements** before the said date. Consumers who did not adhere to agreements will not be considered, in other words they will be included in the cut-off list.

This is to ensure that **reasonable agreements** are done in terms of the outstanding amounts.

3. Appointment of Debt Collectors:-

One or two **debt collectors** will be appointed on a commission basis for the collecting of outstanding debts for the consumers with services has already been terminated (cut-off). They will be **authorized** to set up **agreements** with consumers.

Pay-off Agreement (conditions):-

Option 1

The **part (50%)** of an amount in arrears must be paid before entering into an Agreement.

Reconnection fees and deposits must also be paid.

The rest of the amount in arrears must be paid in **installments** as set out in the agreement, while having back the services.

Current account running monthly consumption and tax must be settled **timeously**.

Option 2

The **part (any acceptable amount)** of an amount in arrears must be paid before entering into an Agreement.

Reconnection fees and deposit must also be paid.

The account with the remaining amount in arrears will be separated from the current account and must be **pay-off according to their abilities**.

Current account running monthly consumption and tax must be settled timeously.

The debt collectors will go out to the consumers (house to house) and will negotiate with them and will held a record of negotiations. The debt collectors **commission** will be **determined** by the **Management Committee**.

Option 3

An **institution will be appointed on a commission basis (10% - 25%** which will be add on the consumers arrears). The treasurers department will select the working consumers with accounts in arrears and all the **final accounts** and it will be handed over to the said debt collectors.

3. Illegal connections:-

- 3.1 Where a consumer **illegally** remove or break the seal or done **illegal connection** on the electricity and water supplying system, he/she (house owner/consumer) will be prosecuted in terms of **Section 37(d)**(water) and **Section 55(c)** (electricity) of Local Authorities Act, - Act No. 23 of 1992 - which prescribe a penalty not exceeding **a fine of N\$2000 or imprisonment** for a period of not exceeding six months or both such fine and such imprisonment.

D. RD CHEQUES:-

1. Inform consumer about the RD cheque.
2. Grant **one (1) week (seven days)** to pay account in cash.
3. Failed to respond within one **(1) week (seven days)**, suspend the specific services.
4. Account will be re-debited with cheque amount.
5. Reconnection fees applicable:
N\$25.00 for electricity.
N\$25.00 for water.

E. POLICY IN SHORT:-

TIME	ACTION
* First month not paid	- Reminder (stamp) on the account
* Second month not paid or not complying to a debt pay-off agreement (if any).	- Termination of services (water/electricity)
* Arrears on Rates and Taxes	- After 2nd Final Notice report to Management Committee consider - possible legal actions
* Indigents/pensioners account for one month in arrears	- Termination of services (water/electricity)

F. SUBSIDIES FOR INDIGENTS:

The Council resolved to **assist** the **indigents/pensioners** who really need assistance after the Ministry of Health and Social Services terminated the subsidies on the accounts of the pensioners. Assistance through following actions:

1. The outstanding debts has been **written off** by January 2001.
2. Basic charges for **water, sewerage and refuse removal** will be **credited** (subsidies) on the monthly accounts.
3. They will only be charge for **property tax, electricity (basic and consumption) and water (consumption)**.
4. The water and electricity will be cut-off for accounts one month in arrears.

The monthly subsidies amount is between **N\$50.75** and **N\$62.00**.

G. PRE-PAID ELECTRICITY AND WATER

1. Pre-paid electricity meter is in used for the past 9 years, in Etoshapoort (mostly) and Outjo proper.
2. The hole of the informal settlement area erven has been provided with pre-paid water stand pipes, accept camp 60 which have standard water meters.
3. The Council is of intention to bring in pre-paid water yard meters for the households.
4. This meters will be introduced to all consumers which accounts are in arrears and the services has been terminated.

The Council pass a formal resolution to incorporate all municipal charges into the prepaid system e.g. into the cost of prepaid water and electricity.

H. LEVYING OF RATES ON RATEABLE PROPERTY

1. In terms of Section 73(4) 1(b) (ii) of the Local Authorities Act, Act No. 23 of 1992 the owner can be required to construct on the land of such property a building or buildings of value of an amount not less than the amount determined in, or determinable in terms of any such condition within a period or before a date specified in such condition, levy a rate on the valuation of such land and the value of such buildings or buildings, so determined, if such building or buildings are not constructed within such period or before such date, as from such date as may be determined by the Local Authority Council and made known to such owner by notice in writing.
- * Therefore the Council determined the value of buildings on all uncultivated (undeveloped) erven and to levy assessment rate on all properties own for more than two years, which has not been develop as it has been develop (building clause value).

P. /GÔAGOSEB

MAYOR / CHAIRPERSON OF THE COUNCIL
