



THABA CHWEU LOCAL MUNICIPALITY TARIFF BY-LAW



1. Preamble

WHEREAS section 229(1) of the Constitution authorises a municipality to impose rates on properties and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 75A of the Municipal Systems Act authorises a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and recover collection charges and interest on any outstanding amount.

AND WHEREAS section 74(1) of the Municipal Systems Act requires a municipality to adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality or on behalf of the municipality which complies with the provision of the Municipal Systems Act, Municipal Finance Management Act and any other applicable legislation.

AND WHEREAS section 75 of the Municipal Systems Act, requires a municipality to adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

AND WHEREAS by-law adopted in terms of the said section 75 of Municipal Systems Act may differentiate between different categories of users, debtors, service providers, services, service standards and geographic areas as long as such differentiation does not amount to unfair discrimination.

NOW THEREFORE the Municipal Council of the municipality in terms of section 156 of the Constitution of the Republic of South Africa read with section 11 of the Municipal Systems Act hereby makes and enacts the following By-law:

2. Definitions

“Constitution” means the Constitution of the Republic of South Africa

“Council” means Municipal Council of the Municipality

“Credit Control and Debt Collection By-law and Policy” means Credit Control and Debt Collection Policy and By-law of the Municipality

“Municipal Council” means Municipal Council of the Local Municipality

“Municipal Finance Management Act” means Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) as amended

“Municipal Property Rates Act” means Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004)

“Municipal Systems Act” means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

“Municipality” means Thaba Chweu Local Municipality

“Policy” means Tariff Policy of the Municipality

“Rate” means property rate in terms of Municipal Property Rates Act

“Tariff” means fees, charges and surges on tariffs levied by the municipality in respect of any function or service provided by the municipality or on behalf of the municipality, but excludes levying of property rates in terms of Municipal Property Rates Act

3. Objects

- 3.1 The object of this by-law is to give effect to the implementation and enforcement of the Tariff policy as contemplated in section 74(1) of the Municipal Systems Act.
- 3.2 Further, to give effect to the Credit Control and Debt Collection Policy and/or By-law of the municipality.

4. Adoption and Implementation of Tariff Policy

- 4.1 The municipality shall adopt and implement tariff policy on the levying of fees for municipal services provided by the municipality or on behalf of the municipality which complies with the provisions of the Municipal Systems Act read together with Municipal Finance Management Act and any other applicable legislation.
- 4.2 The tariff policy adopted in terms of 4.1 hereof shall reviewed annually as part of the Annual Budget Process; and be amended accordingly, if need be.
- 4.3 The municipality shall not impose tariffs other than in terms of a valid tariff policy

5. Tariff Policy

- 5.1 The tariff policy shall apply to all tariffs imposed by the municipality.
- 5.2 The tariff policy shall reflect the principles referred to in:
 - (a) Section 74(1) of the Municipal Systems
 - (b) Section 97 of the same Act
 - (c) section 4(2) of the same Act
- 5.3 The tariff policy shall specify the basis of differentiation, if any, for tariff purposes, between different categories of users, debtors, service providers, services, service standards and geographic areas as long as such differentiation does not amount to unfair discrimination.
- 5.4 The policy shall include such further enforcement mechanism, if any, as the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection Policy and/or By-law

6. Enforcement of Tariff Policy

The tariff policy shall be enforced through Credit Control and Debt Collection Policy and Credit Control and Debt Collection Policy and Credit Control and Debt Collection By-law; and any further enforcement mechanisms set out in other relevant and applicable legislation or Policy of the municipality.

7. Repeal of previous by-laws

This By-law hereby repeals all previous by-laws on Tariff of the municipality hitherto the promulgation of this by-law

8. Short Title and Commencement

This By-law shall be called Tariff By-law and takes effect on the date of the publication hereof in the provincial gazette or as otherwise indicated in the Notice hereof