

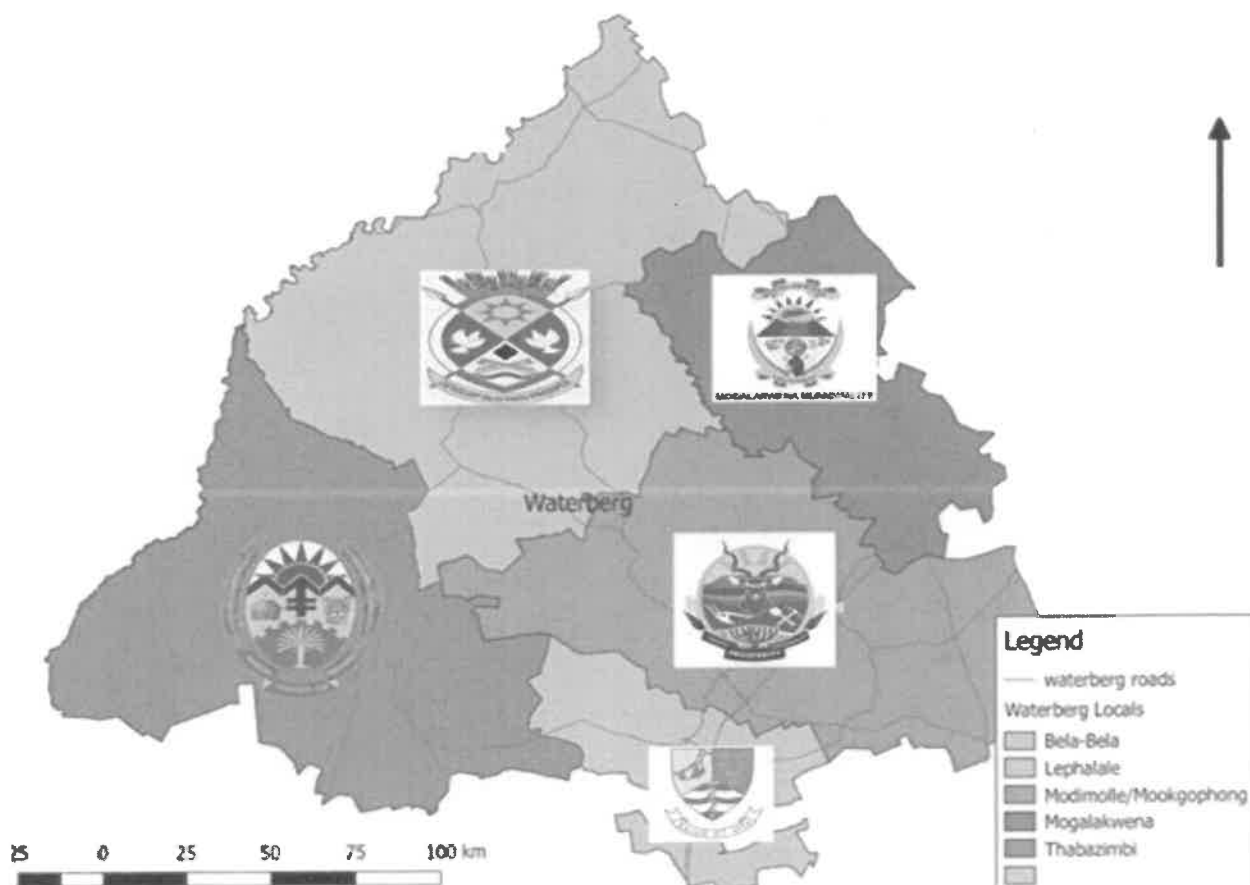
WATERBERG DISTRICT MUNICIPALITY

MUNICIPAL TARIFF BY-LAWS



Waterberg
District Municipality

on the Go for Growth



The Municipal Manager of Waterberg District Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes the Tariffs By-Law for Waterberg District Municipality as approved by its Council on 27 September 2023 as set out hereunder.

TABLE OF CONTENTS

1. PREAMBLE
2. INTERPRETATION AND FUNDAMENTAL PRINCIPLES
3. OBJECTIVE
4. DEFINITIONS
5. ADOPTION AND IMPLEMENTATION OF THE TARIFFS POLICY
6. CONTENT OF THE TARIFFS POLICY
7. GENERAL POWER TO LEVY AND RECOVER FEES, CHARGES AND TARIFFS
8. ENFORCEMENT OF TARIFFS POLICY
9. SHORT TITLE AND COMMENCEMENT

1. PREAMBLE

WHEREAS section 229(1) of the Constitution authorises a municipality to impose-

- (a) rates on property and surcharges on fees for services provided by or on behalf of a municipality; and
- (b) if authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls;

WHEREAS in terms of Section 75A of the Municipal Systems Act, a municipality may-

- (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
- (b) recover collection charges and interest on any outstanding amount;

WHEREAS in terms of Section 74(1) of the Municipal Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Municipal Systems Act, the Municipal Finance Management Act and any other applicable legislation;

WHEREAS in terms of Section 75 of the Municipal Systems Act, a municipal council must adopt By-laws to give effect to the implementation and enforcement of its tariff policy;

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

NOW THEREFORE the Municipal Council of the Waterberg District Municipality, acting in terms of section 156 of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

2. INTERPRETATION

- 1) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws.
- 2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, of any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

3. OBJECTIVE

The objective of this By-Law is to give effect to the implementation of the Tariff Policy as contemplated in Section 7(1) of the Systems Act.

4. DEFINITIONS

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

"Constitution"	means the Constitution of the Republic of South Africa;
"MEC for local government"	means the MEC responsible for local government in Limpopo Province
"municipal council" or "council"	means the Waterberg District Municipal Council, a municipal council referred to in section 157(1) of the Constitution;
"Municipal Finance Management Act"	means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
"municipal manager"	means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;
"Municipal Systems Act"	means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);
"municipality"	means Waterberg District Municipality,
"tariff"	means fees and charges levied by the municipality in respect of any function or service provided by the municipality to the local community, and includes a surcharge on such tariff but excludes the levying of rates by the Municipality in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004).

5. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- 1) The municipality must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Municipal Systems Act, the Municipal Finance Management Act and any other applicable legislation.
- 2) The municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

6. CONTENTS OF THE TARIFF POLICY

The municipality's tariff policy shall, inter alia

- 1) Apply to all tariffs(as per the Tariff List) imposed by the Municipality pursuant to the adoption of the Municipality's annual budget
- 2) Reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of Tariffs which the Municipality may wish to adopt
- 3) Specify the manner in which the principles referred to in paragraph 4(2) above are to be implemented in terms of the Tariff Policy
- 4) Specify the basis of differentiation, if any for tariff purposes between the different categories of user, debtors, service providers, services standards and geographical areas as long as such differentiation does not amount to unfair discrimination.
- 5) 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

7. GENERAL POWER TO LEVY AND RECOVER FEES, CHARGES AND TARIFFS

- 1) The municipality has the power to-
 - (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - (b) recover collection charges and interest on any outstanding amount.
- 2) Fees, charges and tariffs referred to in subsection (1) are levied by resolution passed by the municipal council with a supporting vote of a majority of its members.
- 3) After a resolution contemplated in terms of subsection (2) has been passed, the municipal manager must, without delay-
 - (a) conspicuously display a copy of the resolution for a period of at least 30 days on the Municipality's notice Boards and at such other places within the municipality to which the public has access as the municipal manager may determine;
 - (b) publish in a newspaper of general circulation in the municipality a notice stating-
 - (i) that a resolution as contemplated in subsection (3) has been passed by the council;
 - (ii) that a copy of the resolution is available for public inspection during office hours on the Municipality's notice Boards and at the other places specified in the notice; and
 - (iii) the date on which the determination will come into operation; and
 - (c) seek to convey the information referred to in paragraph (b) to the local community by means of radio broadcasts covering the area of the municipality.

8. ENFORCEMENT OF TARIFF POLICY

- 1) The municipality's tariff policy shall be enforced through-
 - (a) its Credit Control and Debt Collection Policy; and
 - (b) any other enforcement mechanism stipulated in the Tariff Policy.

9. SHORT TITLE AND COMMENCEMENT

This By-law is called the Waterberg District Municipality: Tariff By-law, and takes effect on the date of the publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.