Cederberg, South Africa

Tariff By-law, 2021

Legislation as at 2 July 2021

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Repealed

Cederberg
South Africa

Tariff By-law, 2021

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[Repealed by Tariff on 10 June 2022]

Cederberg Municipality, hereby, in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) publishes the Tariff By-laws.

1. Interpretation

In this by-Law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates –

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**Customer Care, Credit Control, Debt Collection, Indigent and Tampering Policy**" means the municipality's Customer Care, Credit Control, Debt Collection, Indigent and Tampering Policy as required by sections 96(b), 97 and 98 of the Systems Act;

"**municipality**" means the Municipality of Cederberg, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"**municipality's tariff policy**" means a tariff policy adopted by the municipality in terms of this by-Law;

"**Systems Act**" means the Local Government: Municipal Systems Act, 32 of 2000;

"**tariff**" means fees, charges, or any other tariffs levied by the municipality in respect of any function or service provided by the municipality, excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004.

2. Principles and objectives

(a) Section 229(1) of the Constitution authorizes a municipality to impose:

(i) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and

(ii) if authorized by national legislation, other taxes, levies and duties.

(b) In terms of section 75A of the Systems Act a municipality may:

(i) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and

(ii) recover collection charges and interest on any outstanding amount.

(c) In terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of

service delivery agreements and which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.

(d) In terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

(e) In terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(1) 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.

3. Adoption and implementation of tariff policy

(a) The municipality shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.

(b) The municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

4. Contents of tariff policy

The municipality tariff policy shall, *inter alia*:

(a) apply to all tariffs imposed by the municipality pursuant to the adoption of the municipality's annual budget;

(b) 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;

(c) specify the manner in which the principles referred to in section 4(2) are to be implemented in terms of the tariff policy;

(d) specify the basis of differentiation, if any, for tariff purposes 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;

(e) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Customer Care Credit Control, Debt Collection, Indigent and Tampering Policy.

5. Enforcement of tariff policy

The municipality's tariff policy shall be enforced through the Customer Care, Credit Control, Debt Collection, Indigent and Tampering Policy and any further enforcement mechanisms stipulated in the municipality's tariff policy.

6. Short title

This by law shall be known as the Tariff by law and shall give effect to the implementation and enforcement of Cederberg Municipality's Tariff policy and comes into operation on the date of promulgation thereof in the Western Cape *Government Gazette*.