

DRAFT

MOGALAKWENA MUNICIPALITY

Notice is hereby given in terms of section 13 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of Mogalakwena Municipality has made the by-laws set out hereunder:

TARIFFS BY-LAWS

WHEREAS section 75A of the Local Government : Systems Act, 2000 (Act 32 of 2000) authorizes a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality, and to recover collection charges and interest on any outstanding amount.

AND WHEREAS 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 which complies with the provisions of the Systems Act, the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) and any other applicable legislation.

AND WHEREAS 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.

AND WHEREAS 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.

NOW THEREFORE be it enacted by the Municipality of Mogalakwena as follows:

1. Interpretation

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

“Municipality” means the Mogalakwena Municipality;

“tariff policy” means a tariff policy adopted by the Municipality in terms of the Systems Act and this By-laws;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 107 of 1996);

“Credit Control and Debt Collection By-laws and Policy” means the Municipality’s Credit Control and Debt Collection By-laws and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

“Systems Act” means the Local Government : Municipal Systems Act, 2000 (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 : property Rates Act, 2004 (Act 6 of 2004).

2. Adoption and implementation of the tariff policy

- (1) 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, 2003 (Act 56 of 2003) and any other applicable legislation.
- (2) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

3. Content of tariff policy

The Municipality's tariff policy shall, *inter alia*:

- (1) apply to all tariffs 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 section 74(2) are to be implemented in terms of the tariff policy;
- (4) 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;
- (5) include such further enforcement mechanism, if any, as the Municipality may impose in addition to those contained in the Credit Control and Debt Collection By-laws and Policy;

4. Enforcement of tariff policy

The Municipality's tariff policy shall be enforced through the Credit Control and Debt Collections By-laws and Policy and any further enforcements mechanisms stipulated in the Municipality's tariff policy.

5. Short Title

This By-laws shall be called the Tariffs By-laws of the Mogalakwena Municipality, 2010.

6. Operative date

This By-laws shall take effect on the date of publication in the Limpopo Provincial Gazette.