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THEEWATERSKLOOF MUNICIPALITY

TARIFF BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Municipal Council of the Theewaterskloof Municipality, hereby enacts as follows:

PREAMBLE

(1) **WHEREAS** section 229(1) of the Constitution of the Republic of South Africa, 1996 authorizes a municipality to impose:

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

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

(2) **AND WHEREAS** section 75A of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, authorize a municipality 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.

(3) **AND WHEREAS** section 74(1) of the Systems Act, 2000 requires from a municipal council to adopt and implement a tariff policy on the levying of fees for municipal services 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, 2003 (No 56 of 2003), as amended, and any other applicable legislation.

(4) **AND WHEREAS** section 75(1) of the Systems Act, 2000 requires from a municipal council to adopt a by-law to give effect to the implementation and enforcement of its tariff policy.

(5) **AND WHEREAS** section 75(2) of the Systems Act, 2000 determines that the by-law adopted in terms of section 75(1) of the Systems Act, 2000 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.

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1. INTERPRETATION

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and, unless the context otherwise indicates -

"Municipality" means the Theewaterskloof Municipality;

"Municipality's tariff policy" means a tariff policy adopted by the Theewaterskloof Municipality in terms of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

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"Credit Control and Debt Collection By-Law and/or Policy" means the Credit Control and Debt Collection By-Law and / or Policy of the Theewaterskloof Municipality as required by sections 96(b), 97 and 98 of the Municipal Systems Act, 2000;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

"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, 2004 (Act No 6 of 2004) as amended.

2. ADOPTION AND IMPLEMENTATION OF 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 Municipal Systems Act, the Local Government: Municipal Finance Management Act, 2003 (Act No 56 or 2003), as amended, 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. CONTENTS 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 Municipal 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 subsection (4) of the this by-law 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; and

(5) include such further enforcement mechanisms, if any, as the Municipality may wish to impose in addition to those contained in the Credit Control and / or Debt Collection By-Law and / or Policy.

4. ENFORCEMENT OF TARIFF POLICY

The Municipality's tariff policy shall be enforced through the Credit Control and Debt Collection By-Law, and any further enforcement mechanisms stipulated in the Municipality's tariff policy.

5. REPEAL OF BY-LAWS

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality are hereby repealed as far as the relate to matters provided for in this by-law.

6. SHORT TITLE

This by-law shall be called the Tariff By-law of the Theewaterskloof Municipality.

7. OPERATIVE DATE

This by-law shall take effect on the date of publication.

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THEEWATERSKLOOF MUNISIPALITEIT

TARIEWE VERORDENING

Kragtens Artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 verorden die Munisipale Raad van die Munisipaliteit van Theewaterskloof as volg:

AANHEF

(1) **NADEMAAL** artikel 229(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 'n munisipaliteit magtig:

(a) om eiendomsbelasting en bobelasting te hef op gelde vir dienste deur of namens die munisipaliteit verskaf; en

(b) indien deur nasionale wetgewing daartoe gemagtig, om ander belastings en, heffings te hef, en regte op te lê.

(2) **EN NADEMAAL** artikel 75A van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig.'n munisipaliteit magtig:

(a) Om gelde, koste en tariewe ten opsigte van enige funksie of diens van 'n munisipaliteit te hef en in te vorder; en

(b) invorderingskoste en rente op enige uitstaande bedrag in te vorder.

(3) **EN NADEMAAL** artikel 74(1) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, 'n munisipale raad verplig om 'n tariefbeleid aan te neem en te implementeer ten opsigte van die heffing van gelde vir 'n munisipale diens wat deur die munisipaliteit self gelewer word, of deur middel van diensleweringsooreenkomste gelewer word, en wat aan die bepalings van die Munisipale Stelselswet, die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003), soos gewysig, en enige ander toepaslike wetgewing voldoen.

(4) **EN NADEMAAL** artikel 75(1) van die Munisipale Stelselswet, 'n munisipale raad verplig om verordeninge te aanvaar om uitvoering te gee aan toepassing van 'n-tariefbeleid.

(5) **EN NADEMAAL** artikel 75(2) van die Munisipale Stelselswet, bepaal dat verordeninge wat aanvaar word ingevolge artikel 75(1) tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde en geografiese gebiede kan onderskei, mits sodanige (differensiëring) onderskeid nie op onbillike diskriminasie neerkom nie.

INHOUDSOPGAWE

1. Interpretasie
2. Aanvaarding en inwerkingstelling van die tariefbeleid
3. Inhoud van die tariefbeleid
4. Toepassing van die tariefbeleid
5. Herroeping van verordeninge
6. Kort titel
7. Datum van inwerkingtreding

1. INTERPRETASIE

In hierdie verordening geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en, tensy die konteks anders aandui, beteken -

"Munisipaliteit" die Munisipaliteit van Theewaterskloof;

"Munisipale Stelselswet" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

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"Munisipaliteit se Tariefbeleid" 'n tariefbeleid wat deur die Munisipaliteit van Theewaterskloof ingevolge die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig,aanvaar is;

"Tarief" fooie, heffings of enige ander tariewe wat deur die Munisipaliteit gehef word vir enige funksie of diens wat deur die Munisipaliteit gelewer word met uitsondering van eiendombelastings wat deur die Munisipaliteit ingevolge die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet No. 6 van 2004), soos gewysig, gehef word;

"Beleid en Verordening insake Kredietbeheer en Skuldinvordering" die Munisipaliteit se Beleid en / of Verordening insake Kredietbeheer en Skuldinvordering soos vereis ingevolge artikels 96(b), 97 en 98 van die Munisipale Stelselswet.

2. AANVAARDING EN INWERKINGSTELLING VAN DIE TARIEFBELEID

(1) Die Munisipaliteit sal 'n tariefbeleid aanvaar en in werking stel vir die heffing van fooie vir 'n munisipale diens wat deur die munisipaliteit gelewer word, of wat gelewer word deur middel van diensleweringsooreenkomste, wat aan die bepalings van die Munisipale Stelselswet, die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No 56 van 2003, soos gewysig, en enige ander toepaslike wetgewing voldoen.

(2) Die Munisipaliteit is nie geregtig om tariewe te hef, behalwe ingevolge 'n geldige tariefbeleid nie.

3. INHOUD VAN DIE TARIEFBELEID

Die Munisipaliteit se tariefbeleid moet onder meer;

(1) van toepassing wees op alle tariewe deur die Munisipaliteit gehef, nadat die Munisipaliteit se jaarlikse begroting aanvaar is;

(2) die beginsels soos uiteengesit in artikel 74(2) van die Munisipale Stelselswet weerspieël, asook enige ander beginsels vir die heffing van tariewe wat die Munisipaliteit mag wens om te aanvaar;

(3) die beginsels waarna in subartikel 4(2) van hierdie Verordening verwys word spesifiseer, ingevolge waarvan die tariefbeleid in werking gestel moet word;

(4) vir tariefdoeleindes, indien enige, die grondslag vir differensiëring, tussen die verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde en geografiese gebiede spesifiseer, met dien verstande dat sodanige differensiëring nie op onbillike diskriminasie neerkom nie; en

(5) alle ander toepassingsmeganismes insluit, indien enige, wat die Munisipaliteit mag wens om op te lê, bykomend tot daardie meganismes reeds vervat in die Beleid en / of Verordening insake Kredietbeheer en Skuldinvordering,

4. TOEPASSING VAN DIE TARIEFBELEID

Die Munisipaliteit se tariefbeleid moet deur middel van die Verordering insake Kredietbeheer en Skuldinvordering, en enige ander toepassingsmeganismes ingevolge die Munisipaliteit se tariefbeleid afgedwing word.

5. HERROEPING VAN VERORDENINGE

Die bepalings van enige verordeninge voorheen uitgevaardig deur die Munisipalitet of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hiermee herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.

6. KORT TITEL

Hierdie verordening sal bekend staan as die Tariewe Verordening van die Theewaterskloof Munisipaliteit.

7. DATUM VAN INWERKINGTREDING

Hierdie verordering tree op datum van publikasie daarvan in werking.