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Tariff By-law of the Matzikama Municipality

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The Matzikama Municipality herewith adopts the following by-law in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 75 of the Local Government: Municipal Systems Act, 2000:

1. Preamble

- (1) The municipality may in terms of section 229(1) of the Constitution impose:
 - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
 - (b) other taxes, levies and duties, if authorised by national legislation.
- (2) The municipality may in terms of section 75A of the Systems Act:
 - (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) The municipal council must in terms of section 74(1) of the Systems Act 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 Systems Act, the Municipal Finance Management Act and with any other applicable legislation.
- (4) The municipal council must in terms of section 75(1) of the Systems Act adopt a by-law to give effect to the implementation and enforcement of its tariff policy.
- (5) A by-law, contemplated in section 75(1) of the Systems Act, may in terms of section 75(2) differentiate between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as such differentiation does not amount to unfair discrimination.

2. Definitions

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

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

"Credit Control and Debt Collection By-law and Policy" means the municipality's Credit Control and Debt Collection By-law and Policy as adopted from time to time, as contemplated in sections 96(b), 97 and 98 of the Systems Act;

"Municipal Finance Management Act" means the Local Government: Municipal Finance Management Act, 2003 ([Act 56 of 2003](#));

"municipal council" means the municipal council of the municipality contemplated in section 157(1) of the Constitution;

"municipality" means the Matzikama Municipality established in terms of Section 12 of the Local Government: Municipal Structures [Act, No. 117 of 1998](#);

"Systems Act" means the Local Government: Municipal Systems Act, 2000, No. 32 of 2000;

"tariff" means moneys, fees or other charges which the municipality may levy in respect of any function or service rendered by the municipality, excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates [Act, No. 6 of 2004](#);

"tariff policy" means the tariff policy of the municipality as adopted by the municipal council by resolution from time to time; and

"**tariff structure**" means the tariff structure setting out the tariffs applicable in respect of services provided by the municipality, as approved by the municipal council from time to time during the annual budget process.

3. Object of this by-law

The object of this by-law is to give effect to the implementation and enforcement of the municipality's tariff policy, as contemplated in section 74(1) of the Systems Act.

4. Adoption and implementation of a 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, which complies with the provisions of the Systems Act, the Municipal Finance Management Act and with any other applicable legislation.
- (2) The tariff policy of the municipality shall be adopted and implemented by a resolution passed by the municipal council from time to time, with a supporting vote of a majority of its members, as contemplated in, and in accordance with, section 75A of the Systems Act.
- (3) The municipality may not levy tariffs except in accordance with its tariff policy and tariff structure adopted in accordance with the Systems Act.

5. Contents of a tariff policy

The municipality's tariff policy shall, inter alia:

- (a) apply to all tariffs levied by the municipality in accordance with its tariff structure and its approved annual budget;
- (b) reflect the principles contemplated in section 74(2) of the Systems Act and any additional principles for the levying of tariffs, which the municipal council may determine from time to time;
- (c) specify the manner in which the principles contemplated in paragraph (b) should be implemented in terms of tariff policy;
- (d) specify, for tariff purposes, the grounds for differentiation, if any, between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as such differentiation does not amount to unfair discrimination; and
- (e) include such additional implementation mechanisms which the municipal council may wish to introduce, supplementary to those provided for in the Credit Control and Debt Collection By-law and Policy.

6. Enforcement of the tariff policy

The municipality's tariff policy must be enforced by means of the Credit Control and Debt Collection By-law and Policy and any additional implementation and enforcement mechanisms set out in its tariff policy (if any).

7. Repeal of by-laws

Any provision in any by-law, adopted by the municipality or any of the disestablished municipalities that have been incorporated into the municipality, which relates to any aspect provided for in this by-law is hereby repealed insofar as it is inconsistent with the provisions of this by-law.

8. Short title and commencement

This by-law shall be called the Tariff By-law of the Matzikama Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.