

MATZIKAMA MUNICIPALITY**TARIFF BY-LAW**

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:

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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**” means the municipality’s Credit Control and Debt Collection By-Law 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; and

“**tariff policy**” means the policy of the municipality as adopted by the municipal council by resolution 6.2.2 of 28 May 2010.

3. ADOPTION AND IMPLEMENTATION OF A TARIFF POLICY

(1) The municipality must adopt and implement a tariff policy on the levying of fees for a municipal service 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.

(2) The municipality may not levy tariffs except in accordance with its tariff policy.

4. CONTENTS OF A TARIFF POLICY

The municipality’s rates policy:

- (a) applies to all tariffs levied by the municipality in accordance with its approved annual budget;
- (b) reflects 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;
- (c) specifies the manner in which the principles contemplated in paragraph (b) should be introduced in terms of the tariff policy;
- (d) specifies, 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) includes 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.

5. 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 mechanisms in accordance with its tariff policy.

6. REPEAL OF BY-LAWS

Any provision in a 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 herewith repealed.

7. 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.

10 September 2010

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MATZIKAMA MUNISIPALITEIT

VERORDENING INSAKE TARIIEWE

Ingevolge artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 en artikel 75 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 neem die Munisipaliteit Matzikama hiermee die volgende verordening aan:

INHOUDSOPGAWE

1. Aanhef
2. Woordoms krywing
3. Aanvaarding en implementering van die tariefbeleid
4. Inhoud van die tariefbeleid
5. Toepassing van die tariefbeleid
6. Herroeping van verordeninge
7. Kort titel en inwerkingtrede

1. AANHEF

- (1) Ingevolge artikel 229(1) van die Grondwet mag die munisipaliteit:

- (a) eiendomsbelasting en bobelasting op gelde vir dienste deur of namens die munisipaliteit verskaf, oplê; en
- (b) indien deur nasionale wetgewing daartoe gemagtig, ander belastings, heffings en regte oplê.

- (2) Ingevolge artikel 75A van die Stelselswet mag die munisipaliteit:

- (a) gelde, koste en tariewe ten opsigte van enige funksie of diens van die munisipaliteit hef en verhaal; en
- (b) invorderingskoste en rente op enige uitstaande bedrag verhaal.

- (3) Ingevolge artikel 74(1) van die Stelselswet moet die munisipale raad 'n tariefbeleid oor die heffing van gelde vir 'n munisipale diens wat deur die munisipaliteit gelever word, aanvaar en implementeer of deur middel van diensleweringsooreenkomste wat aan die bepalings van die Stelselswet, die Finansiëlebestuurswet en enige ander toepaslike wetgewing, voldoen.

- (4) Ingevolge artikel 75(1) van die Stelselswet moet die munisipale raad verordeninge aanneem om uitvoering te gee aan die inwerkingstelling en toepassing van sy tariefbeleid.

- (5) Ingevolge artikel 75(2) van die Stelselswet mag verordeninge wat aangeneem word soos beoog in artikel 75(1) tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde, geografiese gebiede en ander aangeleenthede onderskei met dien verstande dat sodanige differensiasie nie op onbillike diskriminasie neerkom nie.

2. WOORDOMSKRYWING

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

“**Finansiëlebestuurswet**” die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003;

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996;

“**Munisipaliteit**” die Munisipaliteit van Matzikama ingestel ingevolge van artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998;

“**munisipale raad**” die munisipale raad van die munisipaliteit bedoel in artikel 157(1) van die Grondwet;

“**Stelselswet**” die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000;

“**tarief**” gelde, koste of enige ander tariewe wat deur die munisipaliteit gehef word vir enige funksie of diens wat deur die munisipaliteit gelever word, met uitsondering van belastings wat deur die munisipaliteit ingevolge die **Local Government: Municipal Property Rates Act, No. 6 of 2004** gehef word;