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Tariff By-law

1. Preamble

- (1) Section 229(1) of the Constitution authorises a municipality to impose:
 - (a) rates on property and surcharges on fees for services provided by or on behalf the municipality; and
 - (b) if authorised by national legislation, other taxes, levies and duties.
- (2) In terms of section 75A of the Systems Act a municipality may:
 - (a) levy and recover fees, charges or tariffs in respect of any function or service of municipality; and
 - (b) recover collection charges and interest on any outstanding amount.
- (3) 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.
- (4) 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.
- (5) 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.

2. Interpretation

In this By-Law, the English text prevails in the event of any conflict with the Afrikaans or Xhosa texts, and, unless the context otherwise indicates—

"City" means the City of Cape Town;

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

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

"Credit Control and Debt Collection By-Law and Policy" means the City's Credit Control and Debt Collection By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

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

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

3. Adoption and implementation of tariff policy

- (1) The City 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.
- (2) The City shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

4. Contents of tariff policy

The City's tariff policy shall, inter alia:

- (1) apply to all tariffs imposed by the City pursuant to the adoption of the City'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 City may wish to adopt;
- (3) specify the manner in which the principles referred to in section 4(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 mechanisms, if any, as the City may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and Policy.

5. Enforcement of tariff policy

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

6. Operative date

This By-Law shall take effect on 1 July 2007.