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## GENERAL NOTICES

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### GENERAL NOTICE 84 OF 2010

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#### FRANCES BAARD DISTRICT MUNICIPALITY

#### TARIFF BY-LAW

In terms of council resolution on the 23rd of June 2010, the Frances Baard District Municipality has adopted the following Tariff By-Law, to give effect to the implementation of its Tariff Policy.

Mr T. Nosi Municipal Manager

**By-law No, 4, 2010 TARIFF BY-LAW, 2010**

#### TARIFF BY-LAWS

##### 1. PREAMBLE

1) Section 229 (1) of the Constitution 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) In terms of section 75 A of the Systems Act a municipality may:

- c) a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
- d) b) recover collection charges and interest on any outstanding amount.

3) In terms 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

**"Municipality"** means the Frances Baard District Municipality

**"Municipal tariff policy"** means a tariff policy adopted by the municipality in terms of this By-Law.

“**Constitution**” means the Constitution of the Republic of South Africa.

“**Credit Control and Debt Collection Policy**” means the municipality’s Credit Control and Debt Collection Policy as stipulated by S96 (b) and 97 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 municipality in respect of any function or services provided by the municipality.

### **3. ADOPTION AND IMPLEMENTATION OF TARIFF BY-LAW**

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, 53 of 2003 and any other applicable legislation.

2) The municipality shall not be entitled to impose tariffs other than in terms of the valid tariff policy.

### **4. 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 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 4 (2) are to be implemented in terms of the tariff policy.
- 4) specify the basis of differentiation, if any, for tariff purposes between the 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 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 Tariff Policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the municipality’s Tariff Policy.

### **6. SHORT TITLE**

This By-law shall be called the Tariff By-Law, 2010.

### **6. OPERATIVE DATE**

This By-Law shall take effect on 1 July 2010.