



LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer) • (Yi rhijisteriwile tanihi Nyusiphepha)
(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol. 24

POLOKWANE,
30 JUNE 2017
30 JUNIE 2017
30 KHOTAVUXIKA 2017
30 JUNE 2017
30 FULWI 2017

No. 2829

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4563



02829



9 771682 456003

PROVINCIAL NOTICE 64 OF 2017

**MUSINA LOCAL MUNICIPALITY
[NP341]**



TARIFF BY-LAWS

The Municipal Manager of Musina Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the tariff by-law for the municipality as approved by its council, as set out hereunder.

PREAMBLE

WHEREAS section 74 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) requires a municipal council to adopt and implement a tariff policy on the levying of fees for municipal services;

AND WHEREAS the tariff policy must reflect at least the principles set out in section 74(2) of the Act;

AND WHEREAS the tariff policy may differentiate between different categories of users, debtor, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination;

AND WHEREAS section 75 of the Local Government: Municipal Systems Act, 2000 provides that by-laws must be adopted to give effect to the implementation and enforcement of the tariff policy;

AND WHEREAS section 64 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) provides that a municipality must have an effective revenue collection system and ensure that revenue is collected regularly to meet the requirements and practices of sound financial administration;

NOW THEREFORE the Council of Musina Local Municipality adopted the following Tariff by-law.

TABLE OF CONTENTS

1. Definitions
2. Purpose
3. Adoption and implementation of the tariff policy
4. Content of tariff policy
5. Categories of users
6. Categories of services
7. Services
8. Sundry tariff
9. Repeal
10. Short title and commencement

1. Definitions

In these by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (herein referred to as the "Act") bears the same meaning unless the context indicates otherwise—

"consumption based tariff" means a tariff set as rand amount per measurable unit of service;

"municipal account" means an account issued by the municipality reflecting the amount due for services rendered;

"provision for free basic services" means a budget provision, funded from National Government transfers and Municipal rates to subsidize basic services;

"sundry tariff" means a tariff set as a fixed rand amount; and

"the Act" means Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

2. Purpose

- (1) The purpose of this by-law is to give effect to the implementation and enforcement of the tariff policy of the municipality as outlined in section 75 of the act.

3. Adoption and implementation of the 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 Local Government: Municipal Systems Act, 2000, the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and any other applicable legislation.

4. Content of tariff policy

- (1) The Municipality's tariff policy shall, *inter alia*:
 - (a) apply to all tariffs imposed by the municipality pursuant to the adoption of the municipality's annual budget;
 - (b) reflect the principles referred to in section 74(2) of the act and specify any further principles for the imposition of tariffs which the municipality may wish to adopt;
 - (c) specify the manner in which the principles referred to in section 74(2) of the act are to be implemented in terms of the tariff policy;
 - (d) specify the basis of differentiation as outlined in section 74(3) of the act, 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
 - (e) include such further enforcement mechanism, if any, as the municipality may impose in addition to those contained in the Credit Control and Debt Collection by-laws and Credit Control and Debt Collection Policy.

5. Categories of users

- (1) The following are categories of users:
- (a) residential property,
 - (b) business, commercial and industrial property,
 - (c) agricultural property,
 - (d) state-owned property,
 - (e) public service infrastructure,
 - (f) public benefit organisation(s) property,
 - (g) mining property,
 - (h) rural communal land,
 - (i) municipal property,
 - (j) places of public worship,
 - (k) vacant land, and
 - (l) other properties applicable to the municipality.

6. Categories of services

- (1) The municipality has the following categories of services:
- (a) water;
 - (b) sanitation;
 - (c) refuse removal;
 - (d) electricity; and
 - (e) any other services that the municipality supply.

7. Services

- (1) Where a service is provided primarily for the benefit of an individual user and the actual service or consumption can be accurately measured, the cost of providing the service should be recovered from the individual by means of tariffs.
- (2) When a service connection is made, a sundry tariff should be used and when a metered amount of service is consumed a consumption based tariff should be used.
- (3) Some services, although provided primarily for the benefit of individual users and have important community benefits, particularly where these services cannot be accurately measured, the cost of the service should be recovered by combination of tariffs and rates.
- (4) Where service is provided primarily for the benefit of the community and an individual's benefit cannot be accurately measured, the cost of providing the

service should be recovered by means of rates and the rates must comply with the municipal rates policy.

- (5) Indigent households should have access to free basic services in line with the municipal indigent policy.

8. Sundry tariff

- (1) All sundry tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidized by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service.

- (2) The following services shall be considered as subsidized services and an applicable tariff shall be paid for their intended use being:

- (a) burlats and cemeteries,
- (b) rentals for the use of municipal sports facilities,
- (c) municipal swimming pool, and
- (d) municipal lending library.

- (3) The following services shall be considered as community services, and no tariffs shall be levied for their use:

- (a) municipal art gallery,
- (b) disposal of garden refuse at the municipal tip site,
- (c) municipal reference library, and
- (d) municipal botanical garden, and all other parks and open spaces.

- (4) The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:

- (a) maintenance of graves and garden of remembrance (cremations),
- (b) housing rentals,
- (c) rentals for the use of municipal halls and other premises,
- (d) building plan fees,
- (e) sales of plastic refuse bags,
- (f) sales of refuse bins,
- (g) cleaning of stands,
- (h) electricity, water, sewerage and new connection(s) thereof,
- (i) sales of livestock and plants,
- (j) photostat copies and fees,

- (k) clearance certificates,
 - (l) valuation certificates,
 - (m) tender documents,
 - (n) stadium events, and
 - (o) any other services that the municipality may identify.
- (5) The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:
- (a) fines for lost or overdue library books,
 - (b) advertising sign fees,
 - (c) pound fees,
 - (d) electricity and, water disconnection and reconnection fees,
 - (e) penalty and other charges imposed in terms of the approved policy on credit control and debt collection, and
 - (f) penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques and unpaid debit orders.
- (6) Market-related rentals shall be levied for the lease of municipal properties.
- (7) In the case of rentals for the use of municipal halls and premises, if the municipal manager is satisfied that the halls or premises are required for non-profit making purposes and for the provision of a service to the community, the municipal manager may waive a percentage as approved by council of the applicable rental.
- (8) The municipal manager shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields and in so determining shall be guided by the likelihood of the Musina Local Municipality's sustaining damages as a result of the use of the facilities concerned.

9. Repeal

- (1) Musina Local Municipality Tariff By-Law gazetted on 18 February 2015, gazette number 2474, published under Notice Number 22 is hereby repealed.

10. Short title and commencement

- (1) This By-law is called the Musina Local Municipality Tariff By-Law and shall come into operation on date of publication in the *Provincial gazette*.