

Elias Motsoaledi Local Municipality



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06 September 2017

PUBLIC NOTICE NO: EMLM 117 RESOLUTION ON TARIFF BY-LAW

Notice is hereby given in terms of sections 74, 75 and 75A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and 74 of the Constitution; section 13 of the Local Government: Municipal Systems Act and section 64 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003), that the Council resolved by the way of council resolution number **BT17/18-16** allow Tariff by-law for public consultation prior to the final approval. The by-law is attached as annexure.

Annexure.

ELIAS MOTSOLEDI LOCAL MUNICIPALITY



DRAFT

**TARIFF
TARIFF BY-LAWS**

Original Council Approval		Amended
Date of Council Approval		
Resolution Number		
Effective Date		

The Municipal Manager of Elias Motsoaledi Local Municipality acting in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (No.32 of 2000) hereby publishes the Municipal Tariff By-Law for the Municipality as approved by Council as set out hereunder.

Preamble

WHEREAS section 74 of the Local Government: Municipal Systems Act, 2000 (Act No 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);

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, to levy and recover fees, charges and tariffs;

WHEREAS Section 75A of the Local Government: Systems Act, 2000 (Act 32 of 2000) authorizes a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality, and to recover collection charges and interest on any outstanding amount;

AND WHEREAS section 64 of the Local Government: Municipal Finance Management Act, 2003 (Act No 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 be it enacted by the municipal council of Elias Motsoaledi Local Municipality as follows:

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1. Definitions

In these by-law, unless the context indicates otherwise

'municipal council' or council meansMunicipal council;

'municipality' meansLocal Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"tariff" means fees and charges levied by the municipality in respect of any function or service provided by the municipality to the local community, and includes a surcharge on such tariff but excludes the levying of rates by the Municipality in terms of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004); and
"the act" means the Local Government; Municipal System Act, of 2000 (Act 32 of 2000).

2. Purpose

- (1) The purposes 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. Categories of services

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

4. 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. Tariffs

- (1) Municipal tariffs shall be determined and adjusted by the council from time to time after having followed all necessary procedures.

5. Indigent households

- (1) The Council shall annually together with its annual budget, review an indigent policy to determine criteria for the determination of indigent households.
- (2) The criteria referred to in subsection (1) shall take into account:
 - (a) the total income of consumers of municipal services residing on the property to which municipal services is rendered;
 - (b) the total expenditure of consumers of municipal services residing on the property; and
 - (c) a minimum income less expenditure to qualify as a poor household.
- (3) The council may include in its indigent policy a sliding scale according to which the quantity of basic municipal services provided free of charge or at a subsidized tariff to indigent household is limited in relation to the income less expenditures of an indigent household.
- (4) A user shall qualify for the benefits of a poor household with council in terms of its indigent policy only if such user has applied to be registered as a poor household and has provided such information as the council may require from such user.

7. General power to levy and recover fees, charges and tariffs

- (1) The municipality has the power to-
 - (a) levy and recovers 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.
- (2) Fees, charges and tariffs referred to in subsection (1) are levied by resolution passed by the municipal council with a supporting vote of majority of its members.

3. Repeal

This by-law repeal any other tariff by-law applicable to the municipality

3. Short Title and commencement

This by-law is called Elias Motsoaledi Local Municipality Tariff by-law and it shall come into effective from the date of publication in the *Provincial gazette*.


R. M. Maredi
Municipal Manager

Elias Motsoaledi
Local Municipality
08 SEP 2017
Municipal Manager