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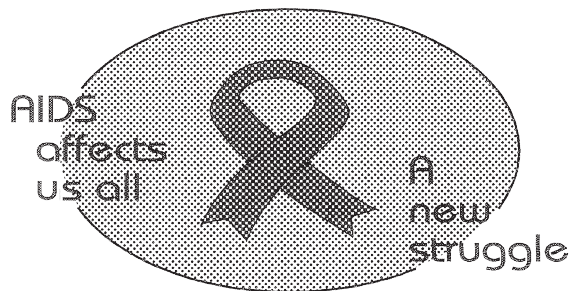
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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

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**CITY OF uMHLATHUZE
TARIFF BY-LAW**

Index

1. Preamble
2. Definitions
3. Adoption and Implementation of Tariff Policy
4. Guiding principles in the determination of tariffs
5. Application of by-law
6. Enforcement of Tariff Policy
7. Operative date

1. PREAMBLE

- 1.1 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 of the municipality; and
 - (b) if authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls.
- 1.2 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 the municipality; and
 - (b) recover collection charges and interest on any outstanding amount.
- 1.3 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.
- 1.4 In terms of section 75(1) of the Systems Act, 32 of 2000, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policies.
- 1.5 In terms of section 75(2) of the Systems Act, 32 of 2000, 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. DEFINITIONS

In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these By-laws, and unless the context indicates otherwise —

“City” means City of uMhlathuze;

“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 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 municipality in respect of any function or service provided by the City, excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004.

“Council” means the council of the local municipality of uMhlathuze municipality. A structure or person exercising delegated authority and power or carrying out an instruction in terms of these by laws or a service provider fulfilling the responsibility under these bylaws;

3. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- 3.1 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.

3.2 *The tariff policy adopted in terms of subsection (1) must be reviewed annually by the municipality.*

3.3 *The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.*

4. GUIDING PRINCIPLES IN THE DETERMINATION OF TARIFFS.

In the determination of tariffs the Council shall be guided by the following principles –

- 4.1 *Tariffs shall be equitable and affordable in that the amount due for municipal services should generally be in proportion to their use of that service;*
- 4.2 *Tariffs shall support national macro-economic policies and shall incorporate visions, strategies and economic policies of the Republic of South Africa*
- 4.3 *Tariffs shall be cost effective and cost reflective and should reflect the cost reasonably associated with rendering municipal services, including capital, operating, maintenance, administration, replacement costs and financing charges;*
- 4.4 *Tariffs shall promote the sustainability of the provision of municipal services.*

5. APPLICATION OF BY-LAW

This by-law shall only apply to tariffs applicable to the Council for –

Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as –

- 5.1 *provision of water;*
- 5.2 *refuse removal;*
- 5.3 *sewerage;*
- 5.4 *removal and purification of sewerage;*
- 5.5 *electricity consumption;*
- 5.6 *Municipal services provided through prepaid meters.*
- 5.7 *all other related costs for services rendered in terms of the service*
- 5.8 *interest which has accrued or will accrue in respect of money due and payable to the Council;*
- 5.9. *Collection charges in those cases where the Council is responsible for*
 - 5.9.1 *the rendering of municipal accounts in respect of any one or more of the municipal Services;*
 - 5.9.2 *the recovery of amounts due and payable in respect thereof, irrespective whether the Municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the municipality's behalf.*

6. ENFORCEMENT OF TARIFF POLICY

The Municipality'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 municipality's tariff policy.

7. OPERATIVE DATE

This By-law shall take effect on the date of publication thereof.