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THULAMELA MUNICIPALITY

TARIFF BY-LAW

The Municipal Manager of Thulamela Local Municipality acting in terms 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) hereby publishes the 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;

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;

THEREFORE the Council of Thulamela Local Municipality adopted the following tariff by-law.

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1. Definitions

In these by-law, unless the context indicates otherwise

“Constitution” means the constitution of the Republic of South Africa (Act 108 of 1996);

“Consumer” means

- (a) any person who occupies premises to whom and in respect of which, the council:
 - (i) has agreed to provide municipal services;
 - (ii) is actually providing municipal services; or
 - (iii) has entered into an agreement with the council for the provision of municipal services to or any premises; and
- (b) the owner of any premises to which the Council is providing a Municipal service;

“Municipal council” or council means Thulamela Local Municipality Municipal council;

“Municipal manager” means a person appointed in terms of section 54A of the Local Government: Municipal System Act, 2000 as the head of administration of the municipal council;

“Municipality” means Thulamela Local 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);

“tariff policy” means the Thulamela Local Municipality tariff policy as may be amended by Council from time to time; and

“the act” means the Local Government: Municipal System Act, of 2000 (Act 32 of 2000).

2. Purpose

- (1) The purposes of these 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) water;
 - (b) sanitation;
 - (c) refuse removal;
 - (d) electricity; and
 - (e) any other services that the municipality supply.

4. Categories of users

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

5. 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.

6. Funded municipal services

- (1) The council shall, when determining the tariffs for a municipal service, take into consideration any intergovernmental grant or subsidy allocated or to be allocated in relation to such municipal service.
- (2) The council may, when determining the tariff for a municipal service open for use by the general public, subsidize such tariff from other income derived by the council.

7. Adjustment of tariffs

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

8. 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

a poor 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.

9. 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.

10. Repeal

Thulamela Local Municipality Tariff by-law published in the Limpopo *Provincial gazette* number 2517 on the 08 June 2015 and Mutale Local Municipality Tariff By-Law published in the Limpopo *Provincial gazette* number 1070 on the 14 January 2005 to an extend that it was applicable to wards which are now falling under Thulamela Local Municipality are hereby repealed.

11. Short Title and commencement

This by-law is called Thulamela Local Municipality Tariff By-Law and it shall be effective from the date of publication in the *Provincial gazette*.