

AMAHLATHI MUNICIPALITY

TARIFF BY-LAW

The Municipal Manager of Amahlathi Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the Tariff By-Law, which shall come into operation on the date of publication hereof.

Preamble

AND WHEREAS Section 74 of the Local Government: Municipal Systems Act 32 of 2000 provides that a Municipal Council must adopt and implement a Tariff Policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act and with any other applicable legislation.

AND WHEREAS Sections 75 of the Local Government: Municipal Systems Act 2002 provides that a municipality must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

[1] Definitions

For the purpose of these by-laws, unless the context indicates otherwise-

“Council” means the Municipal Council of Amahlathi or any duly authorised Committee, political office bearer or official of the said Council.

“Tariff” means any rate, tax, duty and levy or fee which may be imposed by the municipality for services provided either by itself or in terms of a service delivery agreement.

“Tariff Policy” means a Tariff Policy adopted by the Council in terms of Section 74 of the Local Government: Municipal Systems Act 32 of 2000.

“Municipality” means the Local Municipality of Amahlathi

“Service Delivery Agreement” means an agreement between the Municipality and an institution or persons mentioned in section 76(b) of the Local Government: Municipal Systems Act 32 of 2000.

[2.] GENERAL PROVISIONS

[2.1] Service of notice

- [1]** Any notice or other document that is served on a person in terms of this by-law is regarded as having been served-
- [a]** when it has been delivered to that person personally;
 - [b]** when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - [c]** when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - [d]** if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs [a], [b] or [c]; or
 - [e]** if that person's address and agent or representative in the Republic is unknown, when it had been posted in a conspicuous place on the property or premises, if any, to which it relates.
- [2]** When any notice or other document must be authorized or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- [3]** Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager of the Municipality or a person in attendance at the Municipal Manager's office.

[2.2] Compliance with notices

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

[2.3] Authentication of Documents

- [a]** Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;
- [b]** Delivery of a copy of the document shall be deemed to be delivery of the original.

[2.4] Prima Facie Evidence

A certificate under the hand of the Municipal Manger reflecting the amount due and payable to the Council shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

[3] Tariff Policy

The Council of the Municipality shall adopt a Tariff Policy, which shall reflect at least the following principles:

- [i]** That users of municipal services should be treated equitably in the application of tariffs
- [ii]** That the amount individual users pay for services should generally be in proportion to their use of that service;
- [iii]** That poor households must have access to at least basic services through:
 - [a]** tariffs that cover only operating and maintenance costs,
 - [b]** special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
 - [c]** any other direct or indirect method of subsidisation of tariffs for poor households;
- [iv]** That tariffs must reflect the costs reasonably associated with rendering a service, including capital, operating, maintenance, administration and replacement costs and interest charges;
- [v]** That tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
- [vi]** That provision may be made in appropriate circumstances for a surcharge on the tariff for a service;

- [vii] That provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
- [viii] The economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives are encouraged;
- [ix] That the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

[4] Promotion and Encouragement of Integrated Development Plan

Tariffs adopted by the Council in terms of the Tariff Policy referred in Section 3 shall encourage and promote the objects and programmes contained in the Integrated Development Plan of the Municipality.

[5] Differentiation between Categories of Users

A Tariff Policy adopted by the Council in terms of Section 3 may differentiate between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination.

[6] Review of Tariff Policy

The Tariff Policy adopted by the Council in terms of Section 3 shall be reviewed by the Council of the Municipality by the latest January in each year.

[7] Tariffs and Annual Budget

The principles contained in the Tariff Policy adopted by the Council in terms of Section 3 shall be reflected in the annual budget of the Council.

[8] Service Agreements

Where a service is provided by a service provider, the Council shall ensure that any agreement for the provision of such a service shall contain a reference to the right of the Council to control the setting and adjustment of tariffs to be charged by such service provider for the rendering of the service in question in terms of the Tariff Policy of the Council.

[9] CONFLICT OF BY LAWS

If there is any conflict between these by-laws and any other by-law of the Council, these by-laws will prevail.

[10] REPEAL OF COUNCIL TARIFF BY LAW

The provisions of any by-law or by-laws relating to tariffs of Council are hereby repealed.