

## OVERSTRAND MUNICIPALITY:

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of the Overstrand Municipality has made the by-law set out in the schedule hereto:

## SCHEDULE

## BY-LAW RELATING TO TARIFF

**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** in terms of Section 75(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 which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.

**AND WHEREAS** in terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

**AND WHEREAS** in terms of section 75(2) of the Systems Act, 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.

**NOW THEREFORE** be it enacted by the municipal council of the Municipality of Overstrand as follows:

**1. Interpretation**

In this By-law, unless the context otherwise indicates—

“**Municipality**” means the Overstrand Municipality;

“**tariff policy**” means a tariff policy adopted by the Municipality in terms of this by-law;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Credit Control and Debt Collection By-law and Policy**” means the Municipality’s 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 Municipality, excluding rates levied by the Municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004.

**2. Adoption and implementation of 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 Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.

(2) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

**3. Contents of tariff policy**

The Municipality’s tariff policy shall, *inter alia*:

(1) apply to all tariffs imposed by the Municipality pursuant to the adoption of the Municipality’s annual budget;

(2) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the Municipality may wish to adopt;

(3) specify the manner in which the principles referred to in section 74(2) are to be implemented in terms of the tariff policy;

(4) specify the basis of differentiation, if any, 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;

(5) include such further enforcement mechanisms, if any, as the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-law and Policy.

**4. 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.

**5. Short title**

This By-law shall be called the Tariff By-law of the Overstrand Municipality, 2008.

**6. Operative date**

This By-law shall take effect on 01 December 2008.