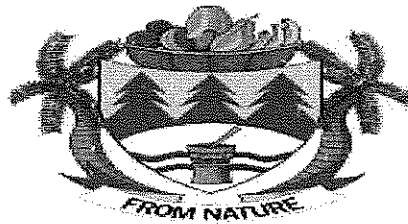
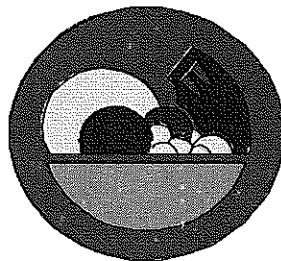


LOCAL AUTHORITY NOTICE 151 OF 2019



TARIFF BY LAW



Greater Tzaneen Municipality

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The Municipal Manager of Greater Tzaneen Local Municipality hereby in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes the tariff by-law for the municipality as approved by its 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 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);

Greater Tzaneen Municipality: Tariff By Law

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 75A of the Systems Act provides for general power to levy and recover fees, charges and tariffs; and

AND WHEREAS section 75 of the Systems Act provides that a municipal council must adopt tariff by-law to give effect to the implementation and enforcement of the tariff policy;

THEREFORE the Municipal Council of Greater Tzaneen Municipality adopted the following tariff by-law.

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1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal System Act, 2000 herein referred to as "the act" bears the same meaning unless the context indicates otherwise:

"**constitution**" means the Constitution of the Republic of South Africa, 1996.

"**council**" means the Council of the Greater Tzaneen Local Municipality;

"**indigent household**" means a domestic user who qualifies, together with his or her dependants, as an indigent person in terms of the Council's indigent policy;

"**municipality**" means Greater Tzaneen Local Municipality;

"**subsidized tariff**" means a tariff that cover only operating and maintenance cost in relation to a municipal service;

"**tariff policy**" means the tariff policy of the Council adopted in terms of section 74 (1) of the Act;

"**temporary user**" means a user of services for a temporary period for a specific project or occasion;

"**the act**" means Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"**User**" means a person liable to the Council for the cost to be recovered for a municipal service payable by such user;

2. Purpose

- (1) To give effect to the implementation and enforcement of the municipality's tariff policy as outlined in section 75 of the act.

3. 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.

4. 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.

5. Adjustment of tariffs

5. The Council may at any time during its financial year, subject to compliance with any legislation applicable thereto, adjust any tariff to give effect to its tariff policy and these by-laws.

6. 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 a poor 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. Water services

- (1) The Council shall provide 6 kiloliters of potable water per month free of charge to domestic users per household, subject thereto that such quantity thereof not used will not accumulate month-to-month.
- (2) The Council may determine water services tariffs in regard to the following:
- (a) a basic monthly water service charge to be levied on a property where such property is connected to the Council's water reticulation network;
 - (b) a water service availability charge to be levied on a property not connected to the Council's water reticulation network, but which property can be so connected to the Council's water reticulation network at a point on the property or less than 50 meters from any boundary of such property;
 - (c) the consumption of potable or raw water;
 - (d) the testing of water supply meters;
 - (e) the taking of a water meter reading at the special request of a user, and
 - (f) the connection of a property to the Council's water reticulation network.
- (3) The Council may, when determining its water services tariffs, differentiate between:
- (a) domestic users;
 - (b) bulk users of potable water;
 - (c) bulk users of raw water;
 - (d) other users of raw water, and
 - (e) temporary users.
- (4) the standard of the water supply network available to a user;

- (5) the geographical area, terrain and manner in which a water supply is made available; and
- (6) the Council may, when determining, its water services tariffs, take into consideration any business or industrial incentive scheme adopted by Council.

8. Sanitation services

- (1) The Council may grant a subsidized tariff for sanitation services to poor households in terms of its indigent policy.
- (2) The Council may determine sanitation tariffs in regard to the following:
 - (a) a basic monthly sanitation charge to be levied on a property where such property is connected to the Council's sanitation reticulation network;
 - (b) a sanitation reticulation availability charge to be levied on a property not connected to the Council's sanitation reticulation network, but which property can be so connected to the Council's sanitation reticulation network at a point on the property or less than 50 meters from any boundary of such property;
 - (c) the covering or sealing or re-sealing openings in a sanitation network connected to the Council's sanitation reticulation network;
 - (d) the removal of any blockages from a sanitation reticulation network connected to the Council's sanitation reticulation network;
 - (e) the alteration of any gully in a sanitation network connected to the Council's sanitation reticulation network; and
 - (f) the connection or re-connection of any reticulation network to the Council's sanitation reticulation network.
- (3) The Council may, when determining its sanitation services tariffs, differentiate between:
 - (a) Domestic users;
 - (b) bulk users;
 - (c) temporary users;
 - (d) the standard of the reticulation supply service; and
 - (e) the geographical area or terrain in which a sanitation reticulation service is made available.

9. Refuse removal

- (1) The Council may grant a subsidized tariff for refuse removal services to poor households in terms of its indigent policy.
- (2) The Council may, when determining its tariffs for refuse removal services, differentiate between the following users:
 - (a) domestic users;

- (b) bulk Users;
- (c) hospitals;
- (d) churches;
- (e) boarding houses;
- (f) hotels;
- (g) sport clubs;
- (h) charitable institutions;
- (i) high density housing; and
- (j) temporary users.

(2) The Council may further, when determining its tariffs for refuse removal services in regard to the user categories in sub-section (2), differentiate between users on the following basis:

- (a) whether mass containers are used;
- (b) the number of removals required per week;
- (c) the size of mass containers in use;
- (d) the compaction of refuse to Council standards;
- (e) the removal of medical waste or other waste requiring special treatment;
- (f) the removal of garden refuse;
- (g) the removal of building rubble;
- (h) the removal of dead animal carcasses;
- (i) the geographical area or terrain in which a refuse removal service is rendered;
- (j) the amount of refuse to be removed at any particular collection point; and
- (k) the requirement for the use of special loading, transport or off-loading equipment or vehicles.

10. Other services

(1) Nothing in this by-law shall prohibit the Council from determining tariffs on municipal services or part thereof or incidental thereto, not mentioned in this by-law.

(2) The Council must, when determining tariffs for services meant in subsection (1), have regard to the principles in section 74 (2) of the Municipal Systems Act.

11. Offences and Penalty

- (1) Any person who contravenes any provision in this by-law shall be guilty of an offence and upon conviction liable to a fine or imprisonment of not more than three months or both such fine and imprisonment.

12. Repeal

Tariff by-law published before the establishment of Greater Tzaneen Local Municipality in 2000 or any other by-law published dealing with Tariff matters or by-law are hereby repealed.

13. Short title and commencement

This by-law is called Greater Tzaneen: Tariff By-law and shall come into operation on the date of publication in the *Provincial Gazette*.

B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019