

MUNICIPALITY OF GEORGE

TARIFF BY-LAW

PREAMBLE

WHEREAS Section 229(1) of the Constitution authorises a municipality to impose:

- a) rates on property and surcharges on fees for service provided by or on behalf of the municipality; and
- b) if authorised by national legislation, other taxes, levies and duties;

AND WHEREAS, 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.

AND WHEREAS, 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 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 the Municipal Fiscal Powers and Functions Act 12 of 2007, a municipal council can impose municipal surcharges and municipal taxes referred to in section 229 of the Constitution, other than rates on property regulated in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), and municipal base tariffs regulated under the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or sector legislation.

AND WHEREAS a municipal council must in terms of section 75(1) of the Systems Act, 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 THEREFOR IT BE ENACTED by the council of the George Municipality, as follows:

1. DEFINITIONS

In this By-law, the meanings of words are as follows, unless the context otherwise indicates-

- **“tariff policy”** means a tariff policy adopted 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 municipality , excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004.
- **“municipality”** means the George Municipality duly established in terms of Section 12 of the Municipal Structures Act, 117of 1998

2. OBJECTIVE

The objective of the bylaw is to give effect to the implementation of the Tariff Policy, as contemplated in section 75 of the Systems Act.

3. 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.

4. 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 wishes to adopt;
- (3) specify the manner in which the principles referred to in section 4(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, 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.

5. 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.

6. REPEAL OF BY_LAWS

The George Municipality Tariff By-law promulgated in Provincial Gazette Extraordinary 8006 dated 21 November 2018 is hereby repealed.

7. OPERATIVE DATE

This By-law shall take effect on 1 July 2023.