

## **SALDANHA BAY MUNICIPALITY TARIFF BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Saldanha Bay municipality, enacts as follows:-

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### **1. Definitions**

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and, unless the context otherwise indicates –

“**authorised official**” means any official appointed by the municipality to implement and enforce the provisions of this by-law and the policy adopted by the municipality;

“**council**” means the municipal council of the Saldanha Bay municipality;

“**municipality**” means the municipality of Saldanha Bay established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

“**municipal services**” means “*municipal services*” as defined in section 1 of the Act, and includes a function or a combination of functions listed in Schedules 4B and 5B of The Constitution of the Republic of South Africa, 1996, and any other service rendered by the municipality;

“**policy**” means the Tariff Policy adopted by the municipality annually during the budget process;

“**the Act**” means the Local Government: Municipal Systems Act, 2000 (Act no 32 of 2000);

### **2. Adoption and implementation of tariff policy**

(1) The municipality 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 Act, the Local Government: Municipal Finance Management Act, No 56 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 policy**

The tariff policy must –

- (a) 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;
- (b) specify the manner in which the principles referred to in section 74(2) are to be implemented in terms of the tariff policy;
- (c) specify the basis of differentiation, if any, for tariff purposes between different categories of consumers, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination; and
- (d) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Credit Control, Debt Collection and Indigent Support By-Law.

### **4. Application and enforcement of policy**

(1) The policy shall apply to all tariffs determined by the municipality during the annual budget process; provided that the municipality may determine tariffs during the course of a financial year when-

- (a) a new service is introduced;
- (b) no tariff for an existing service has previously been imposed; or
- (c) it is necessary to correct a tariff already imposed,

provided that rates or tariffs may not be increased during a financial year.

(2) Payment of tariffs shall be enforced through this by-law, the Credit Control, Debt Collection and Indigent Support By-law, and any other enforcement mechanisms determined by the municipality.

### **5. Appeal**

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

### **6. Offences and penalties**

(1) It is an offence to-

- (a) furnish false information to an authorised official in respect of any issue pertaining to this by-law;

- (b) to refuse to co-operate with the request of an authorised official made in terms of this by-law; or
  - (c) to hinder or obstruct an authorised official in the execution of his or her duties in terms of this by-law.
- (2) A person who is convicted of an offence in terms of subsection (1) shall be liable to a fine or imprisonment or to both such fin and imprisonment.

## **7. Repeal of by-laws**

The Tariff By-law promulgated in Extraordinary Provincial Gazette No. 7077 dated 24 December 2012 is hereby repealed as a whole.

## **8. Short title and commencement**

This By-Law shall be known as the Saldanha Bay Municipality Tariff By-Law and shall become effective on the date of publication thereof in the Provincial Gazette.

