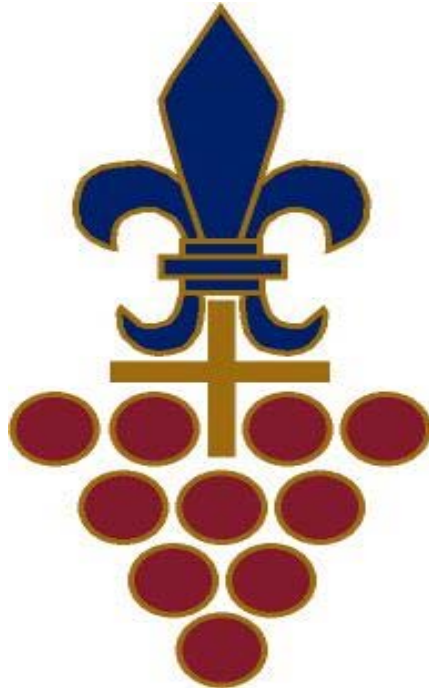


# APPENDIX 29

## STELLENBOSCH MUNICIPALITY



### TARIFF BY-LAW

Effective from 01 July 2022



# STELLENBOSCH MUNICIPALITY

## TARIFF BY-LAW

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## 1. PREAMBLE

- (1) Section 229(1) of the Constitution authorizes a municipality to impose:
  - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
  - (b) if authorized by national legislation, other taxes, levies and duties.
- (2) 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.
- (3) In terms 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 and which complies with the provisions of the Systems Act, the Municipal Finance Management Act and any other applicable legislation.
- (4) 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.
- (5) In terms of section 75(2) of the Systems Act, by-laws adopted in terms of section 75(1) of the Systems Act 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.
- (6) In furtherance of reusable energy, Council may determine tariffs pertinent to the purchase of surplus energy from consumers, subject to regulations issued and approved by the National Electricity Regulator of South Africa (NERSA).

## 2. DEFINITIONS

**"Municipality"** means the Stellenbosch Municipality (WC024).

**"Tariff Policy"** means the Tariff Policy adopted by the Municipality in terms of this By-Law.

**"Constitution"** refers to the Constitution of the Republic of South Africa, 1996.

**"Council"** means the Council of the Municipality.

**"Credit Control and Debt Collection Policy"** means the Municipality's Credit Control and Debt Collection Policy as stipulated by sections 96(b) and 97 of the Systems Act.

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

**"Finance Management Act"** means the Local Government: Municipal Finance Management Act, (Act 53 of 2003).

**"Tariff"** means fees, charges or any other tariffs levied by the Municipality in respect of any function or service provided, or surplus energy purchased, by the Municipality including rates levied by the Municipality in terms of the Local Government: Property Rates Act, (Act 6 of 2004).

**"Tariff List"** or **"Tariff Schedule"** means the list of the Tariffs applicable and in respect of any function or service provided, or surplus energy purchased, by the Municipality. This list, effective for a specific financial year, is approved by Council during the annual budget process.

### **3. OBJECTIVES**

The objective of this By-Law is to give effect to the implementation of the Tariff Policy as contemplated in section 74(1) of the Systems Act, and of the Tariff Schedule for a given financial year as approved by Council during the Municipality's annual budget process.

### **4. 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 Municipal Finance Management Act and any other applicable legislation.
- (2) The Municipality shall not be entitled to impose tariffs other than in terms of the valid Tariff Policy.

### **5. CONTENTS OF TARIFF POLICY**

The Municipality's Tariff Policy shall, inter alia:

- (1) Apply to all the tariffs fees (as per the Tariff List) 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 paragraph 2 above are to be implemented in terms of the Tariff Policy.

- (4) Specify the basis of differentiation, if any, for tariff purposes between the 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 mechanism, if any, as the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law.
- (6) Provide tariffs for the export of surplus energy from approved and certified consumers, within the jurisdiction of the Municipality, into the Municipality's distribution network.

## **6. ENFORCEMENT OF TARIFF POLICY**

The Tariff Policy shall be enforced through the Credit Control and Debt Collection By-Law and any further enforcement mechanisms stipulated in the Municipality's Tariff By-Law.

## **7. REPEAL**

The provisions of any by-laws relating to Tariffs by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law.

## **8. INTERPRETATION**

If there is a conflict of interpretation between the English version of this By-Law and a translated version, the English version prevails.

## **9. SHORT TITLE and EFFECTIVE DATE**

This By-law is the Tariff By-Law of Stellenbosch Municipality and shall take effect on 01 July 2022.