

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

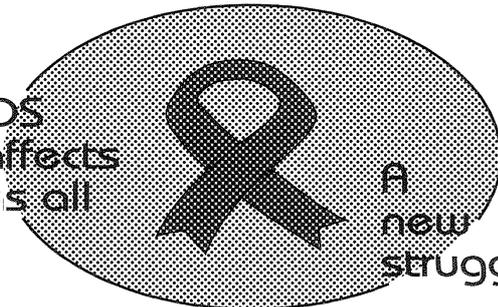
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**PRETORIA, 13 JUNE
JUNIE 2014**

No. 153

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 793**PUBLIC NOTICE****PROMULGATION OF BY-LAWS**

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, Act 32 of 2000 that the Council at its meeting held on 29 May 2014 approved the adoption of the following by-laws:

1. Credit Control and Debt Collection
2. Rates
3. Tariffs

These by-laws will be effective from 1 July 2014.

The Council also resolved that the By-laws pertaining to the above as well as the Revenue By-law as promulgated in the Provincial Gazette on 26 June 2013, Notice No.66 be repealed on 1 July 2014.

Midvaal Municipal Offices
P.O. Box 9
Meyerton
1960

A.S.A. DE KLERK
MUNICIPAL MANAGER

MN 997/2014

30 May 2014

LOCAL AUTHORITY NOTICE 794



**CREDIT CONTROL AND DEBT COLLECTION
BY-LAWS**

**MIDVAAL LOCAL MUNICIPALITY
CREDIT CONTROL AND DEBT COLLECTION
BY-LAWS**

Date of Commencement: 1 JULY 2014

Bylaw

To give effect to the implementation of the Midvaal Local Municipality's Credit Control and Debt Collection Policy and to provide for matters incidental thereto.

Preamble

WHEREAS the Midvaal Local Municipality has adopted a Credit Control and Debt Collection Policy on 1 July 2014;

AND WHEREAS section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), requires a municipal council to adopt bylaws to give effect to the municipality's credit control and debt collection policy;

BE IT THEREFORE ENACTED by the Council of the Midvaal Local Municipality, as follows:

1. Definitions

In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these bylaws, and unless the context indicates otherwise —

"Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended from time to time;

"Council" means the Council of the Midvaal Local Municipality; and

"rate" or **"rates"** means a rate on property and or services as approved by council.

2. Objective of the Bylaw

The objective of this bylaw is to —

- i. ensure that all monies due and payable to the Council are collected;
- ii. provide for customer management, credit control procedures and mechanisms and debt collection procedures and mechanisms;
- iii. provide for indigents in a way that is consistent with rates and tariff policies and any national policy on indigents;
- iv. provide for extension of time for payment of accounts;
- v. provide for charging of interest on arrears, where appropriate;
- vi. provide for termination of services or the restriction of the provision of services when payments are in the arrears;
- vii. provide for matters relating to unauthorised consumption of services, theft and damages.

3. Application of By-law

This bylaw shall only apply to money due and payable to the Council for —

- a. Assessment rates and taxes levied on the property
- b. Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as —
 - i. provision of water;
 - ii. refuse removal;
 - iii. sewerage;
 - iv. removal and purification of sewerage;
 - v. electricity consumption;
 - vi. municipal services provided through prepaid meters.
 - vii. all other related costs for services rendered in terms of the property

- viii. interest which has accrued or will accrue in respect of money due and payable to the Council;
- ix. collection charges in those cases where the Council is responsible for
 - (aa) the rendering of municipal accounts in respect of any one or more of the municipal services;
 - (bb) the recovery of amounts due and payable in respect thereof.

4. Short title and commencement

This By-law is the Credit control and Debt collection Bylaw, and takes effect on 1 July 2014.

LOCAL AUTHORITY NOTICE 795



RATES BY-LAW

RATES BY-LAWS

By-law

To give effect to the implementation of the Midvaal Local Municipality's Rates Policy and to provide for matters incidental thereto.

Preamble

WHEREAS section 6(1) of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) as amended, requires a municipality to adopt By-laws to give effect to the implementation of its Rates Policy;

AND WHEREAS section 6(2) of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) as amended, provides that By-laws adopted in terms of section 6(1) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

BE IT THEREFORE ENACTED by the Council of the Midvaal Local Municipality, as follows:-

1. Definitions

In this By-law any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) shall bear the same meaning and unless the context indicates otherwise –

“**Act**” means the Local Government: Municipal Property Rates Act, 2004 (No.6 of 2004);

“**Council**” means the Council of the Midvaal Local Municipality; and

“**rate**” or “**rates**” means a municipal rate on property as envisaged in section 229 of the Constitution of the Republic of South Africa.

2. Adoption and implementation of Rates Policy

- (1) The Council shall adopt and implement a rates policy consistent with the Act on the levying of rates on rateable property within the jurisdiction of the municipality; and
- (2) The Council shall not be entitled to levy rates other than in terms of its rates policy.

3. Contents of Rates Policy

The Council's rates policy shall, *inter alia*:

- (1) Apply to all rates levied by the Council pursuant to the adoption of its Annual Budget;
- (2) Comply with the requirements for:
 - (a) the adoption and contents of a rates policy specified in section 3 of the Act;

- (b) the process of community participation specified in section 4 of the Act;
and
 - (c) the annual review of a Rates Policy specified in section 5 of the Act.
- (3) Specify any further principles, criteria and implementation measures consistent with the Act for the levying of rates which the Council may adopt; and
- (4) Include such further enforcement mechanisms, if any, as the Council may wish to impose.

4. Enforcement of Rates Policy

The Council's Rates Policy shall be enforced through the Credit Control and Debt Collection By-law and Policy and any further enforcement mechanisms stipulated in the Act and the Council's Rates Policy.

5. Short title and commencement

This By-law is the Rates By-law, and takes effect on 1 July 2014.

LOCAL AUTHORITY NOTICE 796



TARIFF BY-LAW

MIDVAAL LOCAL MUNICIPALITY TARIFF BY-LAW

To give effect to the implementation of the Midvaal Local Municipality's tariff policy and to provide for matters incidental thereto.

Preamble

1. Section 229(1) of the Constitution of the Republic of South Africa authorizes a municipality to impose
 - (a) Rates on property and surcharges on fees for services provided by or on behalf of the municipal, and
 - (b) If authorized by national legislation, other taxes, levies and duties.
2. In terms of section 75A of the Systems Act, 32 of 2000, a municipality may:
 - (a) Levy and recover fees, charges or tariffs in respect of any function or services of the municipality, and
 - (b) Recover collection charges and interest on any outstanding debt.
3. In terms of section 74(1) of the Systems Act, 32 of 2000, 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 services delivery agreements and which complies with the provisions of the systems act, the Local Government Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
4. In terms of section 75(1) of the Systems Act, 32 of 2000, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policies.
5. In terms of section 75(2) of the Systems Act, 32 of 2000, 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.

BE IT THEREFORE ENACTED by the Council of the Midvaal Local Municipality, as follows:-

Definitions

In this By-Law any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in these By-laws, and unless the context indicates otherwise—

“**Council**” means the Council of the Midvaal Local Municipality;

“**Credit Control and Debt Collection By-law and policy**” means the Credit Control and Debt Collection Policy as required in terms of section 96(b) and 97 and 98 of the Local Government: Municipal Systems Act, Act 32 of 2000;

“**Tariff**” means fees, charges or any other tariffs levied by the council in respect of any function or service provided by the Council, excluding rates levied by the council in terms of the Local Government Municipal: Property Rates Act; Act 6 of 2004;

“**Tariff policy**” means a tariff policy adopted by Council in terms of this By-law.

1. Guiding principles in the determination of tariffs.

In the determination of tariffs the Council shall be guided by the following principles –

- i. Tariffs shall be equitable and affordable in that the amount due for municipal services should generally be in proportion to their use of that service;
- ii. Tariffs shall support national macro-economic policies and shall incorporate visions, strategies and economic policies of the Republic of South Africa
- iii. Tariffs shall be cost effective and cost reflective and should reflect the cost reasonably associated with rendering municipal services, including capital, operating, maintenance, administration, replacement costs and financing charges;
- iv. Tariffs shall promote the sustainability of the provision of municipal services.

2. Application of By-law

This by-law shall only apply to tariffs applicable to the Midvaal Local Municipality, being:

Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as –

- i. provision of water;
- ii. refuse removal;
- iii. sewerage;
- iv. removal and purification of sewerage;
- v. electricity consumption;
- vi. municipal services provided through prepaid meters.
- vii. all other related costs for services rendered in terms of the service
- viii. interest which has accrued or will accrue in respect of money due and payable to the Council;
- ix. collection charges in those cases where the Council is responsible for
 - (aa) the rendering of municipal accounts in respect of any one or more of the municipal services;
 - (bb) the recovery of amounts due and payable in respect thereof, irrespective whether the municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the municipality's behalf.

3. Adoption and implementation of Tariff Policy

The council shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the council or by way of service delivery agreements which complies with the provisions of the Local Government: Municipal Systems Act, 32 of 2000, the Local Government Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.

4. Enforcement of Tariff Policy

The Council's tariff policy shall be enforced through the Credit Control and Debt Collection By-Law and policy and any further enforcement mechanism stipulated in the Council's tariff policy.

5. Short title and commencement

This By-law is the Tariff By-law, and takes effect on 1 July 2014.
