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## GENERAL NOTICES

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### GENERAL NOTICE 84 OF 2010

*Alg 84/2010*

#### FRANCES BAARD DISTRICT MUNICIPALITY

#### TARIFF BY-LAW

In terms of council resolution on the 23rd of June 2010, the Frances Baard District Municipality has adopted the following Tariff By-Law, to give effect to the implementation of its Tariff Policy.

Mr T. Nosi Municipal Manager

**By-law No, 4, 2010 TARIFF BY-LAW, 2010**

#### TARIFF BY-LAWS

##### 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 75 A of the Systems Act a municipality may:
  - c) a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
  - d) 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 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, 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 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.

##### 2. INTERPRETATION

**"Municipality"** means the Frances Baard District Municipality

**"Municipal tariff policy"** means a tariff policy adopted by the municipality in terms of this By-Law.

**“Constitution”** means the Constitution of the Republic of South Africa.

**“Credit Control and Debt Collection Policy”** means the municipality’s Credit Control and Debt Collection Policy as stipulated by S96 (b) and 97 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 services provided by the municipality.

### **3. ADOPTION AND IMPLEMENTATION OF TARIFF BY-LAW**

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 the 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 may wish 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 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 and Policy.

### **5. ENFORCEMENT OF TARIFF POLICY**

The Tariff Policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the municipality’s Tariff Policy.

### **6. SHORT TITLE**

This By-law shall be called the Tariff By-Law, 2010.

### **6. OPERATIVE DATE**

This By-Law shall take effect on 1 July 2010.

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**GENERAL NOTICE 85 OF 2010**

*Alg 85/2010*

**FRANCES BAARD DISTRICT MUNICIPALITY**

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

In terms of council resolution on the 23rd of June 2010, the Frances Baard District Municipality has adopted the following Credit Control and Debt Collection By-Law, to give effect to the implementation of its Credit Control and Debt Collection Policy and its Tariff by-law.

Mr T. Nosi Municipal Manager

**By-law No, 5, 2 BY-LAW, 2010**

**CREDIT CONTROL, DEBT COLLECTION AND INDIGENT BY-LAW**

**1. PREAMBLE**

The primary objective of sound municipal debtors management, or credit control, is to ensure that all monies owed to the municipality are collected in a reasonable period and all debtors owing money to the municipality are treated in a fair and equitable manner.

This Credit control and debt collection policy are mechanisms designed to assist the municipality in collecting outstanding debts from the consumers and improve the municipality's cash flow.

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 75 A of the Systems Act a municipality may:

- c) a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
- d) 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 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, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its Credit Control, Debt Collection and Indigent Policy.

5) 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.

## **2. INTERPRETATION**

**“Municipality”** means the Frances Baard District Municipality

**“Municipal tariff policy”** means a tariff policy adopted by the municipality in terms of this By-Law.

**“Constitution”** means the Constitution of the Republic of South Africa.

**“Credit Control and Debt Collection Policy”** means the municipality’s Credit Control and Debt Collection Policy as stipulated by S96 (b) and 97 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 services provided by the municipality.

## **3. ADOPTION AND IMPLEMENTATION OF CREDIT CONTROL, DEBT COLLECTION AND INDIGENT POLICY.**

1) The municipality shall adopt and implement a Credit Control, Debt Collection and Indigent Policy on the collection of outstanding moneys due to the municipality.

2) The municipality shall not be entitled to impose tariffs other than in terms of the valid tariff policy.

## **4. CONTENTS OF CREDIT CONTROL, DEBT COLLECTION AND INDIGENT POLICY.**

The municipality’s Credit control, debt collection and indigent policy shall, inter alia:

- establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the municipality, and where applicable, a service provider;
- establish effective accounting system that produces timeous, clear and understandable account for consumers

- establish mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider;
- take reasonable steps to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised;
- where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems;
- ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due;
- provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts;
- provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality;
- provide mechanisms to monitor the response time and efficiency; and
- provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.
- Reasonable terms for collection, payment of arrears and the imposition of penalties

#### **1) IMPLEMENTING AUTHORITY**

The municipal manager must—

- *implement and enforce the municipality's credit control and debt collection policy and by-law enacted in terms of section 98 of the Municipal Systems Act, 2000;*
- *in accordance with the credit control and debt collection policy and any such by-laws, establish effective administrative mechanisms, processes and procedures to collect money that is due and payable to the municipality; and*
- *at such intervals as may be determined by the council report the prescribed particulars to a meeting of the supervisory authority referred to in section 99 of the Municipal Systems Act, 2000.*

**5. ENFORCEMENT OF CREDIT CONTROL, DEBT COLLECTION AND INDIGENT POLICY**

The credit control, debt collection and indigent policy shall be enforced through the rates policy, tariff policy and any further enforcement mechanisms stipulated in the municipality's credit control, debt collection and indigent policy.

**6. SHORT TITLE**

This By-law shall be called the Credit control, Debt collection and Indigent By-law, 2010.

**6. OPERATIVE DATE**

This By-Law shall take effect on 1 July 2010.

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