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## GENERAL NOTICES

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### NOTICE 1904 OF 2008

**“ANNEXURE D”**

#### CITY OF JOHANNESBURG

#### ADOPTION OF TARIFF BY-LAWS

The Council hereby gives notice that it intends to adopt the Tariff By-laws to give effect to the implementation and enforcement of its Tariff Determination Policy for Trading and Minor Services.

In brief the Tariff By-Laws outline the guidelines Council shall use when making the annual determination of tariffs and further outline the different categories of consumers the Council may prescribe for when making the annual determination of tariffs.

Any person who wishes to comment and make contributions to the draft Tariff By-laws is hereby invited to do so. The period during which comments can be made expires at 16h00 on 31 May 2008.

Copy of the draft Tariff By-laws may be obtained on the Internet at [www.joburg.org.za](http://www.joburg.org.za) and during business hours from 08:00 to 16:00 on weekdays at any of the following addresses:

#### **REGION A**

#### **Midrand**

300 15th Road Randiespark , Midrand.

Tel: 011 203-3605/3300

**REGION B**

**Northcliff**

ACA Krans Building  
35 Symons Road,  
Auckland Park  
Tel: 011 718-9612/3 or 011  
718-9650

**REGION C**

**Roodepoort**

Ground Floor, Roodepoort Civic Centre  
100 Christiaan de Wet Road,  
Florida Park  
Tel: 011 761-0145/0146/0140/0440

**REGION D**

**Sophie Masite Civic Centre**

Koma Road, Jabulani,  
P/Bag X10, Kwa-Xuma, 1868  
Tel: 011 986-0178/0296/0077

**Soweto**

Diepkloof People's Centre  
729 Zone 1, Talani Street, Diepkloof  
Tel: 011 985-1003

**Meadowlands**

Tel: 011 936-5292

**Orlando East**

Tel: 011 935-8432

**Orlando West**

Tel: 011 536-2694

**REGION E**

**Alexandra**

8th Avenue, Alexandra  
Tel: 011 531-5591

**Sandton**

A Block, Civic Centre, Sandton  
Tel: 011 881-6241

**REGION F**

**Inner City**

Ground Floor, CJ Cronje  
Building, 80 Loveday Street  
Tel: 011 376-8600

**Joburg South**

Eureka House, 92 Marlborough Road, Springfield  
Tel: 011 681-8000

**REGION G**

**Ennerdale**

Katz and Smith Streets,  
Ennerdale Extension 9  
Tel: 011 213-0056

Written comments must be directed to the Director: Legal & Compliance, P O Box 1049, Johannesburg 2000 or 2<sup>nd</sup> Floor, City Manager's Office, Council Chamber Wing, Civic Centre, Loveday Street, Braamfontein or by e-mail to [RudaM@joburg.org.za](mailto:RudaM@joburg.org.za) and/or [ColinE@joburg.org.za](mailto:ColinE@joburg.org.za)

**MAVELA DLAMINI**  
**CITY MANAGER**  
**OFFICE OF THE EXECUTIVE MAYOR**  
**CITY OF JOHANNESBURG**  
**158 Loveday Street,**  
**Metro Centre,**  
**Braamfontein**

**NOTICE 1905 OF 2008****CITY OF JOHANNESBURG****TARIFF BY-LAWS****1. PREAMBLE**

- (1) Section 229(1) of the Constitution authorizes a municipality to impose:
  - (a) rates in 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 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 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 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, debtor, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

**2. INTERPRETATION**

In these By-Laws, the English test prevails in the event of any conflict with the Afrikaans or Isi-Zulu, SeSotho, SePedi texts, and unless the context otherwise indicates –

“**By-laws**” means the tariff By-laws as may be amended from time to time

“**City**” means the City of Johannesburg;

“**City’s tariff policy**” means the Tariff Determination Policy for Trading and Minor Services for the City of Johannesburg as may be amended by Council from time to time;

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

“**Consumer**” means –

- (a) any person who occupies premises to whom, and in respect of which, the Council -
  - (i) has agreed to provide municipal services
  - (ii) is actually providing municipal services
  - (iii) has entered into an agreement with the council for the provision of municipal services to or any premises;
- (b) the owner of any premises to which the Council is providing a municipal service

“**Council**” means the City of Johannesburg Metropolitan Municipal Council;

“**Credit Control and Debt Collection By-Laws and Policy**” means the City’s Credit Control and Debt Collection By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

“**Determine**” means determined by the Council by resolution from time to time, the amendment of tariffs by the Council shall have the same meaning;

“**Premises**” means any piece of land, with or without any building or structure thereon, the external surface boundaries of which are delineated on –

- (a) a general plan or diagram registered in terms of the Land Survey Act, 9 of 1927, or in terms of the Deed Registry Act, 47 of 1937; or
- (b) a sectional title plan registered in terms of the Sectional Titles Act, 95 of 1986,

which is situated within the area of jurisdiction of the Council;

“**Municipal service**” means a service that the City in terms of its powers and functions provides or may provide to or for the benefit of the local community;

“**Systems Act**” means the Local Government: Municipal Systems Act, 32 of 2000;

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

### 3. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- (1) These By-laws are adopted in terms of section 75 of the Systems Act to give effect to the implementation of the City’s Tariff Policy, a copy of which is available from the City’s website.

### 4. APPLICATION OF THE BYLAWS

- (1) These By-laws shall apply in respect of tariffs determined or amended by the Council relating to the provision of municipal services, irrespective whether such services are rendered by the Council itself or by a service provider in terms of a

service delivery agreement with Council as provided for in the Act or any other law;

- (2) These By-laws shall be applied and be read with any other applicable law.

#### **5. LIABILITY FOR TARIFFS**

- (1) Every consumer of municipal services shall be liable for the tariffs as determined by Council from time to time.

#### **6 GUIDING PRINCIPLES FOR THE DETERMINATION OF TARIFFS**

- (1) In the determination of tariffs the Council shall be guided by the following principles:
- (a) Tariffs shall be equitable and affordable in that the amount individual users pay for a municipal service should generally be in proportion to their use of that service;
  - (b) Tariffs shall provide access to basic municipal services for everyone, including poor households;
  - (c) Tariffs shall ensure the ability to extend municipal services to all consumers;
  - (d) Tariffs shall where necessary provide for cross subsidization of the poor to enable the poor access to basic municipal services
  - (e) Tariffs shall encourage the relative competitiveness of the Council in line with strategies adopted by the Council;
  - (f) Tariffs shall be used as a tool to influence positively the micro-economic input costs facing businesses;
  - (g) Tariffs shall be used as a tool to promote local economic development;
  - (h) Tariffs shall support national macro-economic policies and shall incorporate visions, strategies and economic policies of the Republic of South Africa
  - (i) 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 interest charges;
  - (j) Tariffs shall ensure that all costs of providing municipal services are recovered through the tariff;
  - (k) Tariffs shall promote the sustainability of the provision of municipal services;
  - (l) Tariffs shall be transparent, and the extent of subsidization and cross functional subsidization of tariffs for poor households and such other categories as may from time to time be determined by Council shall be fully disclosed;

#### **7. DIFFERENTIATION BETWEEN DIFFERENT CATEGORIES OF CONSUMERS**

- (1) Section 74(3) of the Municipal Systems Act allows for the differentiation between different categories of *users*, *debtors*, *service providers*, *services*, *service standards*, *geographical areas* and other matters for tariff purposes as long as the differentiation does not amount to unfair discrimination;

- (2) When determining the tariffs and making the differentiation for tariff purposes, the Council may allow for the following categorization -

**A. Categories of users**

- (i) Residential or Domestic;
- (ii) Commercial;
- (iii) Industrial;
- (iv) Farming;
- (v) Government; and
- (vi) State owned enterprises.

The sub-categories of residential or domestic *users* may be defined based on any one or more of the following criteria:

- (i) Settlement type (which must include informal settlements and Homeless people Shelters);
- (ii) Property value;
- (iii) Service consumption level;
- (iv) Payment levels;
- (v) Household income; and
- (vi) Type of connection.

**B. Categories of service**

- (i) Type of service;
- (ii) Category of *user*;
- (iii) Level of consumption;
- (iv) Type of connection; and
- (v) Time of use.

**C. Categories of standard of service**

Different categories of standard of service may be defined for different categories of users or services. They may be based on:

- (i) Access; and
- (ii) Frequency

**D. Categories of Geographical Area**

Differentiation based on geographic area may be used if the service provided is at least the basic service and one of the following criteria is met:

- (i) Topography must have significant impact on the cost of delivering the service;
- (ii) Significant capital costs are needed to develop service infrastructure in the area; and
- (ii) The Integrated Development Plan identifies the area as having strategic developmental importance.

**8. QUERIES OR COMPLAINTS IN RESPECT OF CATEGORISATION**

- (1) A consumer may lodge a query or complaint in respect any categorization in terms of these By-laws
- (2) A query or complaint must be lodged with the Council within 30 days of determination and categorization by Council;
- (3) An authorized official must register the query or complaint and provide the consumer with a reference number;
- (4) The Council must -
  - (a) investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after query or complaint was received; and inform
  - (b) inform the consumer, in writing, of its decision as soon as possible after the conclusion of the investigation.
- (5) A consumer may lodge an appeal with the City Manager in terms of Section 62 of the Systems Act against a decision referred to in subsection (4)(b), within 21 days of the date of notification of the decision.
- (6) The City Manager must inform the consumer concerned in writing of the decision on the appeal.

**9. ENFORCEMENT OF TARIFF POLICY**

The collection of tariffs for municipal shall be enforced through the Credit Control and Debt Collection By-Laws and any further enforcement mechanisms stipulated in the City's Tariff Policy.

**10. OPERATIVE DATE**

These By-Laws shall take effect on 1 July 2008.

**11. Short Title**

These By-laws are called the City of Johannesburg's Tariff By-laws, 2008

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