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PROCLAMATION • PROKLAMASIE

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PROCLAMATION 31 OF 2018

# MADIBENG LOCAL MUNICIPALITY



## Reviewed Credit Control and Debt Collection By-Law

**APPROVED PER COUNCIL RESOLUTION A.0335 OF 29 MAY 2018**

2018/19 Financial Year

## CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

### Bylaw

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

### Preamble

WHEREAS the Madibeng Local Municipality has adopted a Credit Control and Debt Collection Policy on **31 March 2018** 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 Madibeng 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 Madibeng 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;
- iv. provide for charging of interest on arrears, where appropriate;
- v. provide for termination of services or the restriction of the provision of services when payments are in the arrears; and
- vi. provide for matters relating to unauthorized consumption of services, theft and damages.

### 3. Application of Bylaw

This bylaw shall only apply to money due and payable to the Council and municipal entity in respect of which the municipality is the parent municipality 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. surcharges; and
- x. 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.

#### **4. Short title and commencement**

This Bylaw is the Credit control and Debt collection By-Law of the Madibeng Local Municipality, and takes effect on 1 July 2018.

PROCLAMATION 32 OF 2018

# MADIBENG LOCAL MUNICIPALITY



## TARIFF BY-LAW 2018/2019 FINANCIAL YEAR

**APPROVED PER COUNCIL RESOLUTION A.0335 OF 29 MAY 2018**

To give effect to the implementation of the Madibeng Local Municipality's individual tariff policies 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 Madibeng 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 Madibeng 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, including rates levied by the council in terms of the Local Government Municipal: Property Rates Act; Act 6 of 2004, as amended;

“**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 Council and municipal entities in respect of which the municipality is the parent municipality for –

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 2018.

PROCLAMATION 33 OF 2018

# MADIBENG LOCAL MUNICIPALITY



## TARIFF BY-LAW 2018/2019 FINANCIAL YEAR

**APPROVED PER COUNCIL RESOLUTION A.0335 OF 29 MAY 2018**

To give effect to the implementation of the Madibeng Local Municipality's individual tariff policies 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 Madibeng 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 Madibeng 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, including rates levied by the council in terms of the Local Government Municipal: Property Rates Act; Act 6 of 2004, as amended;

“**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 Council and municipal entities in respect of which the municipality is the parent municipality for –

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 2018.

PROCLAMATION 34 OF 2018

# MADIBENG LOCAL MUNICIPALITY



## REVIEWED PROPERTY RATES BYLAW

2018/19 FINANCIAL YEAR

APPROVED PER COUNCIL RESOLUTION A.0335 OF 29 MAY 2018



# THE MADIBENG LOCAL MUNICIPALITY RATES BY-LAWS

[Date of Commencement: 1 July 2018]

## By-law

To give effect to the implementation of the MADIBENG 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 MADIBENG 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 as amended) 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 as Amended);

“**Council**” means the Council of the MADIBENG LOCAL MUNICIPALITY; and

“**rate**” or “**rates**” means a municipal rate on property as envisaged in section 229(1) (a) 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 of the MADIBENG LOCAL MUNICIPALITY, and takes effect on 1 July 2018.



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Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
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