

CITY OF CAPE TOWN

TARIFF BY-LAW

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CITY OF CAPE TOWN**TARIFF BY-LAW****1. PREAMBLE**

- (1) Section 229(1) of the Constitution authorises 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 authorised 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 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, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

2. INTERPRETATION

In this By-Law, the English text prevails in the event of any conflict with the Afrikaans or Xhosa texts, and, unless the context otherwise indicates—

“City” means the City of Cape Town;

“City’s tariff policy” means a tariff policy adopted by the City in terms of this By-Law;

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

“Credit Control and Debt Collection By-Law 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;

“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) The City 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 City shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

4. CONTENTS OF TARIFF POLICY

The City’s tariff policy shall, *inter alia*:

- (1) apply to all tariffs imposed by the City pursuant to the adoption of the City’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 City 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 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 mechanisms, if any, as the City 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 City’s tariff policy shall be enforced through the Credit Control and Debt Collection By-Law and Policy and any further enforcement mechanisms stipulated in the City’s tariff policy.

6. OPERATIVE DATE

This By-Law shall take effect on 1 July 2007.

29 June 2007

44015

STAD KAAPSTAD
VERORDENING OP TARIWE

1. AANHEF

- (1) Artikel 229(1) van die Grondwet magtig 'n munisipaliteit:
 - (a) om eiendomsbelasting en bobelasting op gelde vir dienste deur of namens die munisipaliteit verskaf, op te lê; en
 - (b) indien deur nasionale wetgewing daartoe gemagtig, om ander belastings, heffings en regte op te lê.
- (2) Ingevolge artikel 75A van die Wet op Stelsels mag 'n munisipaliteit:
 - (a) gelde, koste en tariewe ten opsigte van enige funksie of diens van die munisipaliteit hef en verhaal; en
 - (b) insamelingskoste en rente op enige uitstaande bedrag verhaal.
- (3) Ingevolge artikel 74(1) van die Wet op Stelsels moet 'n munisipale raad 'n tariefbeleid oor die heffing van gelde vir 'n munisipale diens wat deur die munisipaliteit gelewer word, aanvaar en in werking stel of deur middel van diensleweringsooreenkomste wat aan die bepalings van die Wet op Stelsels, die Wet op Plaaslike Regering: Bestuur van Munisipale Finansies No. 53 van 2003 en enige ander toepaslike wetgewing voldoen.
- (4) Ingevolge artikel 75(1) van die Wet op Stelsels moet 'n munisipale raad verordeninge aanvaar om uitwerking te gee aan die inwerkingstelling en toepassing van sy tariefbeleid.
- (5) Ingevolge artikel 75(2) van die Wet op Stelsels mag verordeninge wat aanvaar word ingevolge subartikel 75(1) tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde en geografiese gebiede onderskei mits sodanige differensiering nie op onbillike diskriminasie neerkom nie.

2. UITLEG

In hierdie Verordening geld die Engelse teks en in die geval van enige teenstrydigheid met die Afrikaanse of Xhosa tekste, en, tensy die konteks anders aandui, beteken—

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika;

“**Stad**” die Stad Kaapstad;

“**Stad se tariefbeleid**” 'n tariefbeleid wat deur die Stad ingevolge hierdie Verordening aanvaar is;

“**Tarief**” gelde, koste, of enige ander tariewe deur die Stad gehêf word vir enige funksie of diens wat deur die Stad gelewer word met uitsondering van belastings wat deur die Stad ingevolge die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting No. 6 van 2004 gehêf word;

“**Verordening op en Beleid oor Kredietbeheer en Skuldinvordering**” die Stad se Verordening op en Beleid oor Kredietbeheer en Skuldinvordering ingevolge artikels 96(b), 97 en 98 van die Wet op Stelsels;

“**Wet op Stelsels**” die Wet op Plaaslike Regering: Munisipale Stelsels No. 32 van 2000.

3. AANVAARDING EN INWERKINGSTELLING VAN DIE TARIEFBELEID

- (1) Die Stad moet 'n tariefbeleid oor die heffing van gelde vir 'n munisipale diens wat deur die munisipaliteit gelewer word, aanvaar en in werking stel of deur middel van diensleweringsooreenkomste wat aan die bepalings van die Wet op Stelsels, die Wet op Plaaslike Regering: Bestuur van Munisipale Finansies (MFMA) No. 53 van 2003 en enige ander toepaslike wetgewing voldoen.
- (2) Die Stad is nie geregtig om tariewe op te lê behalwe ingevolge 'n geldige tariefbeleid nie.

4. INHOUD VAN DIE TARIEFBELEID

Die Stad se tariefbeleid moet onder meer:

- (1) van toepassing wees op alle tariewe deur die Stad opgelê nadat die Stad se jaarlikse begroting aanvaar is;
- (2) die beginsels ingevolge artikel 74(2) van die Wet op Stelsels weerspieël en enige verdere beginsels vir die oplegging van tariewe wat die Stad mag wens om te aanvaar, spesifiseer;
- (3) die wyse spesifiseer waarop die beginsels waarna in artikel 4(2) verwys word ingevolge die tariefbeleid in werking gestel moet word;
- (4) die grondslag vir differensiering, indien enige, vir tariefdoeleindes tussen die verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde en geografiese gebiede spesifiseer mits sodanige differensiering nie op onbillike diskriminasie neerkom nie;

- (5) sodanige verdere toepassingmeganismes, indien enige, wat die Stad mag wens om op te lê bykomend tot daardie vervat in die Verordening op en Beleid oor Kredietbeheer en Skuldinvordering, insluit.

5. TOEPASSING VAN DIE TARIEFBELEID

Die Stad se tariefbeleid moet deur middel van die Verordening op en Beleid oor Kredietbeheer en Skuldinvordering en enige verdere toepassingmeganismes ingevolge die Stad se tariefbeleid toegepas word.

6. INGEBRUIKNEMINGSDATUM

Hierdie Verordening tree op 1 Julie 2007 in werking.

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA OLAWULA IRHAFU

1. IMBULAMBETHE

- (1) ICandelo lama-229(1) loMgaqo-siseko ligunyazisa umasipala ukuba amisele:
- (a) irhafu yeepropti kunye neentlawulo ezongeziweyo kwimirhumo yeenkonzo ezinikezelwa ngumasipala okanye egameni likamasipala; yaye
- (b) ukuba kugunyazisiwe ngumthetho wesizwe, neminye imirhumo, iirhafu nentlawulo yeemfanelo.
- (2) Ngokwemigaqo yecandelo lama-75A loMthetho olawula iiNkqubo zikaMasipala, umasipala unakho:
- (a) ukuhlawulisa irhafu yaye afumane kwakhona intlawulo, imirhumo okanye irhafu ephathelele kuwo nawuphi umsebenzi okanye inkonzo kamasipala; kunye
- (b) nokufumana kwakhona iindleko zokuqokelela nenzala yayo nayiphi na imali yentlawulo esileleyo.
- (3) Ngokwemigaqo yecandelo lama-74(1) loMthetho olawula iiNkqubo zikaMasipala, ibhunga likamasipala kufuneka lamkele yaye limisele umgaqo-nkqubo olawula irhafu yokuhlawulisa kwimirhumo yeenkonzo zikamasipala ezinikezelwa ngumasipala okanye ngendlela yezivumelwano zonikezelo ngeenkonzo nezithobela imiqathango yoMthetho olawula iiNkqubo zikaMasipala, kuRhulumente weNgingqi: uMthetho woLawulo lweZimali zikaMasipala, 53 ka-2003 nawo nawuphi na omnye umthetho ofanelekileyo.
- (4) Ngokwemigaqo yecandelo lama-75(1) loMthetho olawula iiNkqubo zikaMasipala, ibhunga likamasipala kufuneka lamkele imithetho kamasipala ukuze kuqaliswe ukumiselwa nokunyanzeliswa komgaqo-nkqubo wawo werhafu.
- (5) Ngokwemigaqo yecandelo lama-75(2) loMthetho olawula iiNkqubo zikaMasipala, imithetho kamasipala eyamkelwe ngokuthobela icandelwana lama-75(1) yiyo enokwahlula phakathi kweendidi ezohlukeneyo zabasebenzisi, abantu abanamatyala, ababoneleli ngeenkonzo, iinkonzo, imigangatho yonikezelo ngeenkonzo neendawo ezikuyo kuphela ukuba lo yantlukwano ayenzi ucalucalulo olungenabulungisa.

2. INTSINGISELO

Kulo Mthetho kaMasipala, isicatshulwa sesiNgesi siso esiza kulawula kwimeko yako nakuphi na ukungaboni ngasonye kwisicatshulwa se-Afrikaans okanye kwesesiXhosa, yaye, ngaphandle kokuba umxholo ubonakalisa ngolunye uhlobo—

“ISixeko” kubhekiselelwe kwiSixeko saseKapa;

“Umgaqo-nkqubo weSixeko olawula irhafu” kubhekiselelwe kumgaqo-nkqubo werhafu owamkelwa siSixeko ngokuthobela lo Mthetho kaMasipala;

“UMgaqo-siseko” kubhekiselelwe kuMgaqo-siseko weRiphabliki yoMzantsi Afrika;

“UMthetho kaMasipala noMgaqo-nkqubo ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala” kubhekiselelwe kuMthetho kaMasipala noMgaqo-nkqubo weSixeko ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala njengoko kuyimfuneko ngokwamacandelo 96(b), 97 nelama-98 oMthetho olawula iiNkqubo zikaMasipala;

“UMthetho olawula iiNkqubo” kubhekiselelwe kuMthetho olawula iiNkqubo zikaMasipala, 32 ka-2000: kuRhulumente weNgingqi;

“irhafu” kubhekiselelwe kwiintlawulo, imirhumo, okanye nayiphi enye irhafu ehlawuliswa siSixeko ngokuphathelele kuwo nawuphi umsebenzi okanye inkonzo enikezelwa siSixeko, ngaphandle kwimirhumo ehlawuliswa siSixeko ngokwemigaqo yoMthetho olawula iiPropati zikaMasipala: kuRhulumente weNgingqi, 6 ka-2004.

3. UKWAMKELWA NOKUMISELWA KOMGAWO-NKQUBO OLAWULA IRHAFU

- (1) ISixeko siza kwamkela yaye simisele umgaqo-nkqubo olawula irhafu ekuhlawulisweni kwimirhumo yeenkonzo zikamasipala ezinikezelwa ngumasipala okanye ngendlela yezivumelwano zonikezelo ngeenkonzo ezithobela imiqathango yoMthetho olawula iiNkqubo zikaMasipala, kuRhulumente weNgingqi: uMthetho ojongene noLawulo lweZimali zikaMasipala, 53 ka-2003 nawo nawuphi omnye umthetho ofanelekileyo.
- (2) ISixeko asizi kuba nalungelo lokumisela iirhafu ngaphandle kokuthobela umgaqo-nkqubo osemthethweni olawula irhafu.

4. IZIQULATHO ZOMGAQO-NKQUBO OLAWULA IRHAFU

UMgaqo-nkqubo weSixeko olawula irhafu uza, *phakathi kwezinye izinto*:

- (1) kusebenza kuzo zonke iirhafu ezimiselwe siSixeko ngokungqinelana nokwamkelwa kohlahlo-lwabiwo-mali lweSixeko lonyaka;
- (2) kubonisa imigaqo echazwe kwicandelo lama-74(2) loMthetho olawula iiNkqubo zikamasipala yaye ucacise neminye imigaqo eyongezweyo yokumiselwa kwirhafu iSixeko esinokunqwenela ukuyamkela;
- (3) kucacisa indlela emayimiselwe ngayo imigaqo echazwe kwicandelo 4(2) ngokuthobela umgaqo-nkqubo olawula irhafu;
- (4) kucacisa isizathu seyantlukwano, ukuba sikho, ngeenjongo zerhafu eziphakathi kweendidi ezohlukeneyo zabasebenzisi, abantu abanamatyala, abanikezeli ngeenkonzelo, iinkonzelo, imigangatho yeenkonzo neendawo ezikuyo kuphela ukuba lo yantlukwano ayibangeli ucalucalulo olungenabulungisa;
- (5) kuquka ezinye iindlela zonyanzeliso-mthetho, ukuba zikho, ngokwendlela iSixeko esinokunqwenela ukuzimisela ngayo ngaphezu kwezo ziqulethwe kuMthetho kaMasipala noMgaqo-nkqubo ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala.

5. UKUNYANZELISWA KOMGAQO-NKQUBO OLAWULA IRHAFU

UMgaqo-nkqubo weSixeko olawula irhafu uza kunyanzeliswa kusetyenziswa uMthetho kaMasipala noMgaqo-nkqubo ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala nezinye iindlela zonyanzeliso-mthetho ezichazwe kumgaqo-nkqubo weSixeko olawula irhafu.

6. UMHLA WOKUSEBENZA

Lo Mthetho kamasipala uza kuqalisa ukusebenza ngomhla woku-1 Julayi 2007.