

C 3401/10/2024
MC A/6425/10/2024

9.A.20 [FS]: TARIFF BY-LAW

1/1/1/8

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

1. That the Tariff By-law, attached to the report as Annexure "A" in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 read with section 12 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.
2. That the Promulgation of the Tariff By-law by publication in the Official Provincial Gazette in terms of section 163 of the Constitution of the Republic of South Africa, 1996, read with Section 13 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.

NOTE: The ANC requested that their vote against this item be recorded.

C 3401/10/2024
MC A/6425/10/2024

9.A.20 [FS]: TARIFF BY-LAW

1/1/1/8

COMPETENCY: COUNCIL

PURPOSE

To submit the Tariff By-law for approval.

RECOMMENDATIONS

1. That the Tariff By-law, attached to the report as Annexure “A” in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 read with section 12 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.
2. That the Promulgation of the Tariff By-law by publication in the Official Provincial Gazette in terms of section 163 of the Constitution of the Republic of South Africa, 1996, read with Section 13 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.

REPORT

On 29 February 2024, the Council noted the draft Tariff By-law. Council approved that the Municipality proceed with public participation in compliance with Section 12(3), read with Section 21 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended and Section 7 of the Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998).

The public participation process commenced on 27 March 2024 and concluded on 30 April 2024. The public notice is attached hereto marked as Annexure “B”. The opportunity to submit comments was communicated in two local newspapers, an online newspaper, the Midvaal Local website, the Civic Centre, and all satellite offices (Clinics and Libraries included). The draft By-law was also evenly circulated for comments to relevant stakeholders, including the National Treasury and Gauteng Provincial Treasury. The circulation letters are attached herewith marked as Annexure “C”. Furthermore, a public notice was placed in the Provincial Gazette and the opportunity to submit comments commenced from 27 March 2024 until 30 April 2024. The public notice is attached herewith marked as Annexure “D”.

Consequently, the public participation provisions were complied with, and the deadline for submitting comments has lapsed. Council is hereby apprised that no comments were received during the public participation process, thus submitting to Council to have the Tariff By-law promulgated.

ANNEXURES:

- Annexure A – Tariff By-law
- Annexure B – Public Participation Notice and Resolution
- Annexure C – Letters to Provincial stakeholders
- Annexure D – Government Gazette notice

COMMENTS:

FINANCIAL SERVICES

Supported.

CORPORATE SERVICES

Supported.

COMMUNITY SERVICES

Supported.

PUBLIC SAFETY AND ROADS

None Received.

DEVELOPMENT AND PLANNING

None Received.

ENGINEERING SERVICES

None received.

**COMMENTS: MEETING OF THE MUNICIPAL MANAGER AND HEADS OF
DEPARTMENT: 15 OCTOBER 2024**

Resolved To Recommend

That the Item be referred to the Section 80 Finance Services Portfolio Committee.

**COMMENTS: SECTION 80 FINANCE SERVICES PORTFOLIO COMMITTEE: 14
OCTOBER 2024**

That the recommendations are supported.

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS

MIDVAAL LOCAL MUNICIPALITY

MINUTES OF THE 2ND ORDINARY MEETING OF 2024 HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS

C 3273/02/2024
MC A/6277/02/2024

9.A.26 [FS]: TARIFF BY-LAW

1/1/1/8

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

1. That the draft Tariff By-law, attached to the report as Annexure "A", be noted.
2. That the publication of the draft Tariff By-law for public participation in terms of section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended and section 7 of the Rationalisation of Local Government Affairs Act, 1998 (Act No.10 of 1998), be approved.

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS

"A"

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS



TARIFF BY-LAW

FINANCIAL YEAR



MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS

**MIDVAAL LOCAL MUNICIPALITY
TARIFF BY-LAW**

To provide for the adoption of a by-law to give effect to the implementation and enforcement of its tariff policy and the general power to levy and recover fees, charges and tariffs, and for matters incidental thereto

Preamble

WHEREAS, subject to the provisions of subsections (2), (3) and (4) thereof, section 229(1) of the Constitution of the Republic of South Africa empowers 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 appropriate to local government or to the category of local government into which that municipality falls.

WHEREAS in terms of section 74(1) of the Local Government: Municipal Systems Act, 32 of 2000 ("Municipal Systems Act"), a municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Municipal Systems Act, the Local Government: Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.

WHEREAS in terms of section 75(1) of the Municipal Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

WHEREAS in terms of section 75(2) of the Municipal 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.

WHEREAS in terms of section 75A of the Municipal Systems Act, a municipality may-

- (a) levy and recover fees, charges or tariffs in respect of any function or services of the municipality, and

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MIDVAAL LOCAL MUNICIPALITY

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29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS

- (b) recover collection charges and interest on any outstanding amount.

BE IT THEREFORE ENACTED by the Municipal Council of the Midvaal Local Municipality, acting in terms of section 156 read with 229 of the Constitution of the Republic of South Africa, and section 11 of the Municipal Systems Act as follows:

1. Definitions

In this By-Law, unless the context indicates otherwise—

"Constitution" means the Constitution of the Republic of South Africa, 1996 as amended from time to time;

"Council" means the Municipal Council of the Midvaal Local Municipality, a municipal council envisaged in terms of section 157 (1) of the Constitution;

"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 Municipal Systems Act;

"Municipality" means the Midvaal Local Municipality a local municipality contemplated in terms of section 155 of the Constitution, and established in terms of the Municipal Structures Act read with section 2 of the Municipal Systems Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 117 of 1998 as amended from time to time;

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

"Tariff" means fees, charges or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality which includes a surcharge on such tariff, excluding rates levied by the Municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004 as amended from time to time;

"Tariff policy" means the tariff policy adopted by Council in terms of this By-law.

2. Adoption and implementation of Tariff Policy

- (1) The Council 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 Municipal Systems Act, the Local Government: Municipal

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Finance Management Act, 56 of 2003 and any other applicable legislation.

- (2) The tariff policy adopted in terms of subsection (1) must be reviewed on an annual basis by Municipality;
- (3) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

3. Guiding principles in the determination of tariffs

- (1) The Tariff Policy must reflect and be informed by the following principles as prescribed by section 74 of the Municipal Systems Act —
 - (a) users of municipal services should be treated equitably in the application of tariffs;
 - (b) the amount individual users pay for services should generally be in proportion to their use of that service;
 - (c) poor households must have access to at least basic services through—
 - i. tariffs that cover only operating and maintenance costs;
 - ii. special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
 - iii. any other direct or indirect method of subsidisation of tariffs for poor households;
 - (d) tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
 - (e) tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
 - (f) provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
 - (g) provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;

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- (h) the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;
- (i) the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

4. The Tariff Policy

- (1) The Municipality's tariff policy shall, *inter alia* -
 - (a) apply to all tariffs imposed by the Municipality;
 - (b) reflect the principles prescribed by section 74 of the Municipal Systems Act;
 - (c) specify the manner in which the principles prescribed by section 74 of the Municipal Systems Act are to be implemented;
 - (d) specify the basis for differentiation, if any, between different categories of users, debtors, service providers, services, service standards, geographical areas long as such differentiation does not amount to unfair discrimination; and
 - (e) include any further enforcement mechanisms the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-law and Policy.

5. Application of By-law

- (1) 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 –
 - (a) 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

MIDVAAL LOCAL MUNICIPALITY

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- (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. 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.

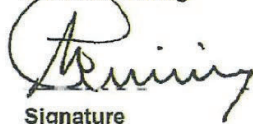
5. Short title and commencement

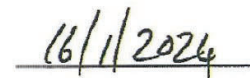
This By-law is referred to as the Tariff By-law, and takes effect on the date on which it is published in the *Provincial Gazette*

Approved and Signed by:

Director: Income

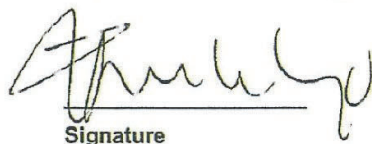
Mr. Arie Meiring

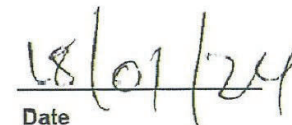

Signature

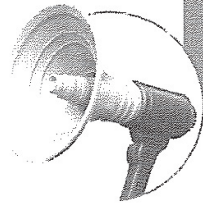

Date

Chief Financial Officer

Mr. Zakhele Ntando Mhlongo


Signature


Date



PUBLIC NOTICE

27 March 2024

THE DRAFT TARIFFS BY-LAW

GENERAL ENQUIRIES - 087 106 2471

EMERGENCY LINE - 016 360 7500

complaints@midvaal.gov.za

Dear Midvaal residents,

Please be advised that in accordance with Section 12(3), read with Section 21 of the Municipal Systems Act (Act 32 of 2000) (the Systems Act) and Section 7 of the Rationalisation of Local Government Affairs Act (Act 10 of 1998), the Midvaal Local Municipality is inviting all interested parties to review and comment on the draft Tariffs By-law, as required by the legislation above.

The draft Tariffs By-law document will be available for review from 27 March 2024 until 30 April 2024. The document will be accessible at all clinics, libraries, and satellite offices across the Municipal area of jurisdiction and on the Midvaal website.

The By-law seeks to give effect to the municipality's tariff policy in terms of section 74(1) of the Systems Act which provides that a municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with applicable legislation. In terms of section 75(2) of the Municipal Systems Act, by-laws adopted in terms of subsection 74(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.

If you wish to provide any feedback or representation on draft Tariffs By-law document, please submit it in writing no later than 30 April 2024 to Legal Services: Corporate Support Services at the Midvaal Municipal Offices, Civic Centre, located at 25 Mitchell Street, Meyerton, during regular office hours between 07:30 to 13:00 and 13:30 to 16:00, Monday to Friday. You can also provide your comments via email at sibulelemh@midvaal.gov.za.

For further information, please contact Sibulele Mhlawuli at 016 360 7605. Yours in service excellence,

Original signed by Municipal Manager

MR. ANTON MARK GROENEWALD

MN: 3717/24

MUNICIPAL MANAGER

13 MARCH 2024

YOURS IN EXCELLENCE.



MY MIDVAAL APP

Available on the Google Play

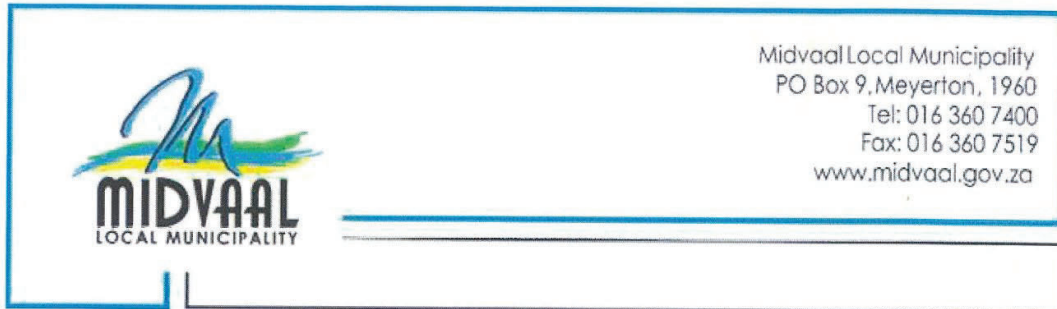
Available on the App Store



MIDVAAL LOCAL MUNICIPALITY

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31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS



DATE:	03 JULY 2024		
FROM: (Name)	Mr. Sibulele Mhlawuli	Department:	Corporate Services
Contact number.	(016) 360 7605		
TO: (Name) Contact Number	Mr. Jacob Mamabolo Ms. Ncumisa Mnyani 011 227 9270 011 241 0854		
FULL PHYSICAL DELIVERY ADDRESS.	Gauteng Treasury 75 Fox Street Imbumba House Marshalltown Johannesburg 2107		

DESCRIPTION OF DOCUMENT/ITEM BEING DELIVERED:

**RE: INVITATION TO COMMENT ON MIDVAAL LOCAL MUNICIPALITY'S
FINANCE BY-LAWS**

NAME	RECEIPT	SIGNATURE	TIME	DATE
Nonhlanhla	Assistone P.A.	Nonhlanhla	11:18	04/07/24

Delivered by: Joseph

Date: 04/07/24

MIDVAAL LOCAL MUNICIPALITY

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FROM: (Name)	Mr. Sibulele Mhlawuli	Department:	Corporate Services
Contact number.	(016) 360 7605		
TO: (Name) Contact Number	Dr. Duncan Pieterse Ms. Malijeng Ngqaleni 012 315 5904 012 315 6557		
FULL PHYSICAL DELIVERY ADDRESS.	National Treasury 40 Church Square Old Reserve Bank Building 2 nd Floor, Pretoria 0002		

DESCRIPTION OF DOCUMENT/ITEM BEING DELIVERED:

**RE: INVITATION TO COMMENT ON MIDVAAL LOCAL MUNICIPALITY'S
FINANCE BY-LAWS**

NAME	RECEIPT	SIGNATURE	TIME	DATE
	Petticini	P. Petticini	13H45	04-07-24

Delivered by:

Joseph

Date:

04/07/2024

**AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS**

168 No. 106

PROVINCIAL GAZETTE, 27 MARCH 2024

LOCAL AUTHORITY NOTICE 429 OF 2024

PUBLIC NOTICE

27 March 2024

THE DRAFT TARIFFS BY-LAW

GENERAL ENQUIRIES - 087 106 2471
EMERGENCY LINE - 016 360 7500
complaints@midvaal.gov.za

Dear Midvaal residents,

Please be advised that in accordance with Section 12(3), read with Section 21 of the Municipal Systems Act (Act 32 of 2000) (the Systems Act) and Section 7 of the Rationalisation of Local Government Affairs Act (Act 10 of 1998), the Midvaal Local Municipality is inviting all interested parties to review and comment on the draft Tariffs By-law, as required by the legislation above.

The draft Tariffs By-law document will be available for review from 27 March 2024 until 30 April 2024. The document will be accessible at all clinics, libraries, and satellite offices across the Municipal area of jurisdiction and on the Midvaal website.

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For further information, please contact Sibulele Mhlawuli at 016 360 7605. Yours in service excellence,

Original Signed by Municipal
Manager

MR. ANTON MARK GROENEWALD

MN: 3717/24

MUNICIPAL MANAGER

13 MARCH 2024

YOURS IN EXCELLENCE.



MY MIDVAAL APP

Google Play App Store



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MIDVAAL LOCAL MUNICIPALITY