

Provincial Gazette

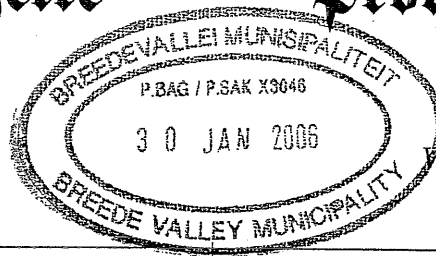
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BREED VALLEY MUNICIPALITY**CUSTOMER CARE AND REVENUE MANAGEMENT BY-LAWS, 2005**

Under section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Breede Valley Municipality, enacts as follows:—

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1. Definitions

For the purposes of these by-laws, unless the context otherwise indicates

"account holder" means any person who is due to receive a municipal account, which includes a user of pre-paid electricity or water;

"annual budget" means the budget approved by the municipality the municipality for any particular financial year, and includes any adjustments to such budget;

"applicant" means a person who applies for the supply of municipal services;

"billing" means invoicing on a municipal account to an account holder of an amount or amounts payable for rates, metered services, other municipal charges, levies, fees, fines, taxes, or any other amount or amounts payable arising from any other liability or obligation;

"community", in relation to the municipality, means that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic, non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality;

"consumer" means the occupier of any premises to which the municipality has agreed to supply or is actually supplying municipal services, or if there is no occupier, then any person who has entered into a service agreement with the municipality for the supply of municipal services to such premises, or, if there be no such person, then the owner of the premises, and **"domestic consumer"** or **"domestic user"** of municipal services means the person or household to which municipal services are rendered in respect of residential property;

"Council" means the Breede Valley Municipal Council;

"credit control" means all the functions relating to the collection of revenue;

"customer management" means the focusing on the account holder's needs in a responsive and proactive way to encourage payment and thereby limiting the need for enforcement;

"customer service centre" means and serves as—

- (a) an office where an applicant may apply for services and enter into a service agreement with the municipality;
- (b) an office where an account holder may settle an account or may make pre-payment for services;
- (c) a credit screening point where the credit assessment of an applicant can be processed; or
- (d) an office where an account holder may query or verify accounts and metered consumption, and may communicate grievances, inquiries, recommendations and other relevant issues to the municipality and from where the response from the municipality can be conveyed to the account holder;

"due date" means the date specified as such on a municipal account despatched from the offices of the responsible officer for any charges payable and which is the last day allowed for the payment of such charges;

"interest" means an amount calculated at a rate determined by the municipality on a municipal account in arrears;

"month" means one of 12 months of a calendar year;

"municipal account" means an account rendered on which is billed an amount or amounts payable to the municipality for rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation;

"municipal entity" means—

- (a) a company, co-operative, trust, fund or any other corporate entity established in terms of any applicable national or provincial legislation, and which operates under the ownership or control of one or more municipalities; or
- (b) a service utility;

"municipality" means the Breede Valley Municipality established in terms of section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 492 dated 22 September 2000 and includes any political structure, political office bearer, councillor or duly authorised agent thereof or any employee thereof acting in connection with these By-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, the councillor, agent or employee;

"municipal manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"municipal services" means those metered services and other municipal services for which payment is required by the municipality;

"occupier" means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes—

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;

(d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and

(e) the owner of those premises;

"officer" means an employee of the municipality or any other person who is specifically authorised thereto by the municipality to perform any act, function or duty in terms of, or exercise any power under these by-laws;

"organ of state" means an organ of state as defined in section 239 of the Constitution;

"owner", in relation to—

(a) a property referred to in paragraph (a) of the definition of "property", means a person in whose name ownership of the property is registered;

(b) a right referred to in paragraph (b) of the definition of "property", means a person in whose name the right is registered;

"person" includes a legal person and an organ of state;

"preferred customer" means a person who may be granted special concessions by the municipality;

"premises" means any piece of land, the external surface boundaries of which are delineated on—

(a) a general plan or diagram registered in terms of Land Survey, Act of 1927 (Act 9 of 1927), or in terms of the Deeds Registry, Act 1937 (Act 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), which is situated within the area of jurisdiction of the municipality;

(c) and includes any other land and any building or structure above or below the surface of any land;

"property" means—

(a) immovable property registered in the name of a person, including in the case of a sectional title scheme a sectional title unit registered in the name of a person;

(b) a right registered against immovable property in the name of the person, but excluding a mortgage bond registered against the property;

(c) public service infrastructure;

"revenue" means all monies due to the municipality and to which the municipality has the right to exact and to enforce payment of, irrespective of the reason for or the origin of its factuality;

"sectional title scheme" means a scheme as defined in section 1 of the Sectional Titles Act, 1986 (Act 95 of 1986);

"sectional title unit" means a unit as defined in section 1 of the Sectional Titles Act, 1986 (Act 95 of 1986);

"tampering" means any unauthorised interference with the municipality's supply, seals and metering equipment and "tamper" has a corresponding meaning;

"target" means realistic targets which may be set by the municipality from time to time; and

"unreliable customer" includes an account holder, who according to his or her payment record fails to settle his or her municipal account by the due date or who is in arrears with payments due to the municipality or who tampers or interferes with metering equipment, seals or the supply of municipal services.

CHAPTER 1

CUSTOMER CARE PRINCIPLES, OBJECTIVES AND IMPLEMENTATION, AND DIFFERENTIATION

2. Customer care principles and objectives

(1) The municipality aims—

(a) to move progressively towards the social and economic upliftment of the community in harmony with its natural environment;

(b) to provide basic services that are affordable to all its people, and specifically to the poor and disadvantaged, provided that, where applicable, service fees, rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable, arising from any other liability or obligation, are paid for;

(c) to engage the active participation of the community in the municipality's affairs, in particular in planning, service delivery and performance management;

(d) to provide efficient, effective and transparent administration that conforms to constitutional principles;

(e) to ensure that the municipality is financially and economically viable; and

(f) to create a harmonious relationship between the municipality and the community through the acknowledgement of reciprocal rights and duties.

(2) The municipality by these By-laws, within the scope and spirit of the Constitution and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) gives effect to the principles underlying and expressed in these Acts, and therefore designs, regulates on and implements—

- (a) a customer care and management system which has as purpose—
 - (i) to create a positive and reciprocal relationship between the municipality and an account holder;
 - (ii) to establish mechanisms for an account holder to give feedback to the municipality regarding the quality of the services and the performance of the municipality;
 - (iii) to ensure that reasonable steps are taken to inform an account holder of the costs involved in service provision, the reasons for payment of service fees, and the manner in which monies raised from the services provided, are utilised;
 - (iv) to ensure, where the consumption of services has to be measured, that reasonable steps are taken to measure the consumption by individual account holders of services through accurate and verifiable metering systems;
 - (v) to ensure that an account holder receives regular and accurate accounts that indicate the basis for calculating the amounts due;
 - (vi) to provide accessible mechanisms for an account holder to query or verify a municipal account and metered consumption and appeal procedures which allow the account holder to receive prompt redress for inaccurate accounts;
 - (vii) to provide accessible mechanisms for dealing with complaints from an account holder, together with prompt replies and corrective action by the municipality, and to provide mechanisms to monitor the response time and efficiency of the municipal's actions; and
 - (viii) to provide for accessible pay points and other mechanisms for settling an account or for making pre-payments for services; and
- (b) credit control and debt collection mechanisms and procedures which aim to ensure, subject to the Act and other legislation, that all money that is due and payable, from whatever source or cause, to the municipality, is collected.

3. Municipal manager responsible officer, incentives and ombudsman

(1) The Municipal Manager—

- (a) is responsible to the Executive Mayor for the implementation and enforcement of the provisions of these By-laws;
- (b) must, for the purposes of paragraph (a) take the necessary steps to implement and enforce the provisions of these By-laws;
- (c) is accountable to the Executive Mayor for the agreed performance targets as approved by the municipality, and for these purposes must—
 - (i) from time to time, report to the Executive Mayor on matters relating to these By-laws, including but not limited to—
 - (aa) the effectiveness of administrative mechanisms, resources processes and procedures to collect money that is due and payable to the municipality;
 - (bb) billing information, including the number of account holders, accruals, cash-flow, and customer management;
 - (cc) the satisfaction levels of account holders regarding services rendered; and
 - (dd) the effectiveness of the municipality's indigence relief measures;
 - (ii) encourage and bear on account holders, where needed, to settle outstanding accounts within the ambit of these By-laws, and may for these purposes assess incentives for prompt payment; and
 - (iii) with the consent of an account holder, enter into an agreement with the account holder's employer to deduct from the salary or wages of the account holder—
 - (aa) any outstanding amounts as may be agreed; or
 - (bb) such regular monthly amounts as may be agreed, and may provide special incentives for employers to enter into such agreements, and employees to consent to such agreements.
- (2) Should the incentives contemplated in subparagraphs (xi) and (xii) prove to be financially sustainable and of mutual benefit to the municipality and its account holders, the municipality may commission an incentives scheme, which scheme, if introduced, is reflected in the annual budget as an additional expenditure.
- (3) If financially feasible, the municipality must appoint an ombudsman, who—
 - (a) works under direct supervision of the Municipal Manager;
 - (b) must attend to and assess complaints which are routed to the office of the Municipal Manager, with the aim of ensuring that such complaints are resolved; and
 - (c) when he or she believes it to be necessary, make recommendations to the Municipal Manager on improvements to the municipality's customer care and revenue management systems.

4. Differentiation between customers and exemption

- (1) In accordance with the principles embodied in the Constitution and sections 74(3) and 75 of the Local Government: Municipal Systems Act, 2000, the municipality differentiates between different categories of users and consumers in regard to the tariffs which it levies, categories of ratepayers, account holders, customers, debtors, taxes, services, service standards and other matters, however, such differentiation must at all times be reasonable, and must be fully disclosed in each annual budget.

- (2) The municipality may, in writing exempt an account holder, category of account holders, or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if the application or operation of that provision would be unreasonable, however the municipality or its authorised agent may not grant exemption from any section of these By-laws that may result in—
- the wastage or excessive consumption of water or electricity;
 - the evasion or avoidance of water or electricity restrictions;
 - significant negative effects on public health, safety or the environment;
 - the non-payment for services;
 - the installation of pipes and fittings which are not acceptable in terms of the municipality's prescribed standard; or
 - any Act, or any regulation made under it, not being complied with.
- (3) The municipality or its authorised agent may at any time after giving written notice of at least 30 days, withdraw any exemption given under subsection (2).

CHAPTER 2

SUPPLY OF MUNICIPAL SERVICES

Part 1

Application for supply and service agreements, credit screening, deposits, billing and payment, and termination of service agreements

5. Application for supply of municipal services and service agreements

- Any application for any supply of services to any premises must be made at the municipal offices at least two working days prior to the service being required and must comply with the conditions determined by the Municipal Manager or his or her nominated officer from time to time.
- After the commencement of these by-laws only the owner of a property or his or her duly authorised agent on his or her behalf may apply for municipal services to be supplied to a property.
- No services shall be supplied unless and until application has been made by the owner and a service agreement in the format prescribed by the municipality has been entered into and a deposit provided for in section 6 has been paid.
- An owner of property must sign the service agreement, however, the municipality may, after such owner has signed the service agreement, and subject to section 7(15), allow a tenant to sign a separate service agreement with the municipality.
- An application for a supply for a period of less than one year is regarded as an application for a temporary supply.

6. Deposits

- On approval of the application and before the service is made available, the municipality may, as determined in terms of the municipality's Tariff Policy, require the applicant—
 - to deposit for municipal services with the municipality a sum of money; or
 - to provide any other form of security.
- On termination of the supply of services, the amount of such deposit, determined by the municipality from time to time, less any payments due to the municipality, must be refunded to an account holder.

7. Billing and payment

- The account holder must pay all amounts due to the municipality as reflected in the municipal account, and the onus is on the account holder to verify the accuracy of such account.
- An account holder must pay for metered services, and must pay the rates, other municipal charges, levies, fees, fines, interest, taxes or any other liability or obligation from the date of origin of such municipal charges until the written termination of the services.
- An account holder must be rendered an account monthly in cycles of approximately 30 days.
- Payment must be received on or before the close of business on the due date.
- Payment made via the electronic media or any of the service providers appointed by the municipality to receive payments on its behalf, should be made at least four working days before the due date to enable the payment to be processed, and interest accrues should the municipality receive payment after the due date.
- Where the account holder effects payment of an account via a service provider four working days or more before the due date and such service provider fails to furnish the municipality with the relevant payment details, such service provider may be held liable for all charges incurred by the municipality to recover an arrear amount erroneously reflected on the account of the account holder, as well as for interest charges.
- The municipality may estimate the quantity of metered services supplied in respect of a period or periods within the interval between actual successive readings of the meters, and may render an account to an account holder for the quantity of metered services so estimated.

- (8) If an account holder is dissatisfied with an account rendered for metered services supplied by the municipality, such account holder may, prior to the due date stipulated therein object to the account, setting out reasons, which may be required to be in writing, for such dissatisfaction.
- (9) Should any dispute arise as to the amount owing by an account holder, and subject to the provisions of section 102 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the account holder must notwithstanding such dispute proceed to make regular payments by the due date based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of the municipality.
- (10) An error or omission in any account or failure to render an account does not relieve the account holder of the obligation to pay by the due date.
- (11) If an account holder uses water or electricity for a category of use other than that for which it is supplied by the municipality and is in consequence not charged for water or electricity so used, or is charged for the water or electricity at a rate lower than that at which the account holder should be charged, the account holder is liable for the amount due to the municipality in accordance with the prescribed charges in respect of—
 - (a) the quantity of water or electricity which the account holder has used and for which the account holder has not been charged; or
 - (b) the difference between the cost of the water or electricity used by the account holder at the rate at which the account holder has been charged and the cost of the water or electricity at the rate at which the account holder should have been charged.
- (12) An account holder is not entitled to a reduction of the amount payable for metered services which are lost due to a default in the meter, until such time as the provisions of section 13(8)(c) have been met.
- (13) The municipality may—
 - (a) consolidate any separate accounts of an account holder liable for payment to the Municipality; and
 - (b) credit any payment by an account holder against any debt of that account holder.
- (14)
 - (a) The owner of property may enter into an agreement with the municipality in terms of which payment for rates is made in monthly instalments over 12 months at no interest, in which case payment must be made on or before the date determined by the municipality.
 - (b) If an instalment contemplated in paragraph (a) is not paid by the date contemplated in paragraph (a), the full outstanding amount becomes due and payable immediately.
 - (c) The owner of property may enter into an agreement with the municipality in terms of which payment for sewerage and refuse removal is made in monthly instalments over 12 months at no interest, in which case payment must be made on or before the date determined by the municipality.
 - (d) If three consecutive instalments as contemplated in paragraph (c) are not paid by the date contemplated in paragraph (c), the full outstanding amount becomes due and payable immediately.
- (15) Should a tenant not pay for services rendered in terms of a service agreement contemplated in section 5(4), the owner of the property is liable for the payment of such services rendered.

8. Termination of service agreement

- (1) Termination of the service agreement must be in writing to the other party of the intention to do so.
- (2) Where a property is sold, an owner may terminate a service agreement by giving the municipality not less than two working days' notice in writing.

Part 2

Non-payment of municipal accounts

9. Arrangements for payments

- (1) The municipality may not enter into an extended term of payment with the account holder of a domestic household if he or she refuses or neglects to settle the municipal account, and if he or she is unwilling to—
 - (a) sign an acknowledgement of debt;
 - (b) sign a Consent to Judgement;
 - (c) provide, where he or she is employed, a garnishee order, emolument order or stop order;
 - (d) acknowledge that interest will be charged at the prescribed rate; or
 - (e) pay the current portion of the account in cash and sign an acknowledgement that if the arrangements being negotiated are later defaulted on, no further arrangements are possible and that disconnection of water and electricity, and legal proceedings, shall follow immediately.
- (2) An account holder who wishes to apply for arrangement for the settling of his or her account, must provide, on the prescribed form—
 - (a) proof of income, such as the pay slips of all adult members in the household or state grant slips;
 - (b) proof of unemployment as attested by the Department of Labour, or a sworn affidavit stating the period of unemployment; and

- (c) the physical and postal address and personal details as required by the municipality.
- (3) Where a business does not pay its municipal account on the date contemplated in section 7(4), the Chief Financial Officer in collaboration with the Municipal Manager may, on application by the business for an extended term of payment, consider such application, however, extension shall be granted only in exceptional instances.
- (4) Down payments and instalments shall be scaled depending on the income of a household, and the size of such down payment and the terms of repayment must be determined by the municipality.
- (5) An account holder with arrears must agree to the conversion to a pre-paid metering system the cost of which is to be paid off by adding it as a surcharge to the prepaid electricity or water cost, and repaying it with each purchase at not less than 20% of electricity or water until the debt is liquidated.
- (6) Despite section 10(2), an account holder with valid arrears arrangements shall not be charged interest while agreed arrangements are met, however, should an instalment not be paid interest, as contemplated in section 10, on all arrear instalments will be charged.
- (7) Should an account holder fall three instalments in arrears—
 - (a) the arrangement will be cancelled;
 - (b) the full amount outstanding becomes due and immediately payable;
 - (c) legal and disconnection processes will begin immediately;
 - (d) no new arrangement may be entered into; and
 - (e) and where the account holder has a pre-paid metering system, the outstanding amount shall be collected by adding it as a surcharge to the pre-paid electricity or water cost, and repaying it with each purchase at not less than 50% of electricity or water until the debt is liquidated.

10. Interest on overdue municipal accounts

- (1) The municipality may charge or recover interest at a determined interest rate in respect of any arrear amounts due and payable to it.
- (2) Irrespective of the reason for non-payment interest accrues if an account is unpaid.
- (3) Interest is calculated monthly according to the interest rate approved by the municipality, and a portion of a month is regarded as a month.
- (4) Interest is payable if payment is not received at an office of the municipality at the close of business on the due date.

11. Debt collection mechanisms

- (1) Where appropriate, the Municipality must at all times attempt to advise an account holder of an impending disconnection or restriction of a supply, and the following mechanisms may be applied should an account holder fail to settle a municipal account by the due date:
 - (a) Delivering or mailing of a final demand and explaining to the account holder the status of the account and the consequences of not paying or concluding an arrangement;
 - (b) informing the account holder verbally, in writing, telephonically, or by electronic means of the overdue amount and the impending disconnection or restriction of services;
 - (c) disconnecting or restricting the supply of municipal services to the premises and the serving of a disconnection or restriction notice on the account holder; or
 - (d) debiting the municipal account of the account holder with all relevant fees or penalties approved by the municipality.
- (2) Where the metered supply had been disconnected or restricted, and should the account holder still fail to pay the account, the premises may be revisited at regular intervals to ensure that the metered supply remains disconnected or restricted, and if it is found that the supply which had been disconnected or restricted previously has been restored—
 - (a) The municipality has the right to take whatever action is required in terms of section 17, and the account holder is responsible for the relevant fees or charges or damages caused;
 - (b) the municipality may refuse to supply services for a period determined by the municipality from time to time; and
 - (c) in the instance of the use of a pre-paid meter, the municipality may cease further vending of pre-paid services.
- (3) Where a duly authorised officer of the municipality has visited the premises for the purpose of disconnecting or restricting the supply and was obstructed or prevented from effecting such disconnection or restriction, an amount equal to the prescribed fee for a reconnection becomes payable for each visit necessary for the purpose of such disconnection or restriction, subject to a maximum of two such visits during which disconnection or restriction could not be effected.
- (4) The municipality may use any one or more of the following mechanisms to secure full payment of any amounts owing to it:
 - (a) Restricting or denying the sale of pre-paid services to an account holder, or disconnecting any pre-paid metering system of an account holder, who is in arrears with other services;
 - (b) requiring of the account holder to convert to another metering system;
 - (c) allocating a portion of any pre-paid payment to other debts;

- (d) releasing debtor information to a credit bureau;
 - (e) publishing a list of account holders who remain in default;
 - (f) withholding payment of a grant-in-aid and subject to the provisions of section 21, excluding the account holder from the tender process;
 - (g) withholding payment on contracts for settlement of the municipal account;
 - (h) reviewing and altering the conditions of the service agreement;
 - (i) subject to section 16(3), instituting legal proceedings for the recovery of the debt;
 - (j) classifying the account holder as an unreliable customer;
 - (k) subject to section 16(3), using the services of external debt collection specialists or agencies;
 - (l) insisting on conversion to pre-paid metering at the cost of the account holder; or
 - (m) employing any other methods authorised by the municipality from time to time to recover arrear amounts.
- (5) The cost of collection, where applicable, is to the account holder's account.
- (6) Subject to the provisions of sections 28 and 29 of the Property Rates Act, 2004 (Act 6 of 2004), the right to deny, restrict, disconnect or terminate services due to the non-payment for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation prevails notwithstanding the fact that—
- (a) payment was intended for any specific service; or
 - (b) the person who entered into a service agreement for supply of services with the municipality and the owner are different entities or persons, as the case may be.

Part 3

Metering equipment and metering of services

12. General provisions

- (1) The municipality may introduce various metering equipment and may encourage an account holder to convert to a system which is preferred by the municipality when there are benefits for the municipality.
- (2) After commencement of these by-laws, and where possible and applicable, pre-paid meters must preferably be installed for all new electricity connections.

13. Metering equipment and measuring of consumption

- (1) The municipality must, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring metered services.
- (2) The municipality reserves the right to meter the supply to a block of shops, flats, tenement-houses and similar buildings for the building as a whole, or for an individual unit, or for a group of units.
- (3) Where any building referred to in subsection (2) is metered by the municipality as a whole—
 - (a) the owner may, at own cost, provide and install appropriate sub-metering equipment for each shop, flat and tenement; or
 - (b) the municipality may require the installation, at the account holder's expense, of a meter for each unit of any premises in separate occupation for the purpose of determining the quantity of metered services supplied to each such unit.
- (4) Where the electricity used by consumers is charged at different rates, the consumption must be metered separately for each rate.
- (5) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment must be provided where appropriate.
- (6) Except in the case of pre-payment meters, the quantity of metered services used by a consumer during any metering period is ascertained by reading the appropriate meter or meters supplied and installed by the municipality at the beginning and end of such metering period, except where the metering equipment is found to be defective.
- (7) For the purpose of calculating the amount due and payable for the quantity of metered services consumed, the same amount of metered services is deemed to be consumed during every period of 24 hours between readings.
- (8) The following apply to the accuracy of metering:
 - (a) A meter is conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (13), is found to be within the limits of error as provided for in the applicable standard specifications;
 - (b) the municipality has the right to test its metering equipment, and if it is established by test or otherwise that such metering equipment is defective, the Municipality must—
 - (i) in case of a credit meter, adjust the account rendered; or

(ii) in the case of prepayment meters:

- (aa) render an account where the meter has been under-registering; or
 - (bb) issue a free token where the meter has been over-registering; and
 - (c) the consumer is entitled to have the metering equipment tested by the municipality on payment of the prescribed fee, and if the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of paragraph (b) and subsection (7) must be made and the aforesaid fee must be refunded.
- (9) No alterations, repairs, additions or connections of any description may be made on the supply side of the point of metering unless specifically approved in writing by the Municipal Manager or a duly authorised officer of the municipality.
- (10) Prior to the municipality making any upward adjustment to an account in terms of subsection (8)(b), the municipality must—
- (a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefor;
 - (b) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
 - (c) call upon the consumer in such notice to present it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit, why the account should not be adjusted as notified, and should the consumer fail to provide any representation during the period the municipality is entitled to adjust the account as notified in paragraph (a).
- (11) The Municipality must consider any representation provided by the consumer in terms of subsection (10) and must, if satisfied that a case has been made out therefor, adjust the account appropriately.
- (12) If the Municipal Manager or a duly authorised officer of the municipality decides, after having considered the representation made by the consumer, that such representation does not establish a case warranting an amendment to the monetary value established in terms of subsection (15), the municipality is entitled to adjust the account as notified in terms of subsection (10)(a), and the consumer has the right to appeal the decision of the official in terms of section 26.
- (13) Meters are tested in the manner provided for in the applicable standard specifications.
- (14) When an adjustment is made to the consumption registered on a meter in terms of subsection (8)(b) or (8)(c), such adjustment is based either on the percentage error of the meter as determined by the test referred to in subsection (13), or upon a calculation by the Municipality from consumption data in its possession, and where applicable, due allowance must be made, where possible, for seasonal or other variations which may affect consumption.
- (15) When an adjustment is made as contemplated in subsection (14), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate, however the application of this subsection does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (16) Before any metered or pre-paid metered supplies which have been disconnected or restricted for non-payment is restored, an account holder must pay all fees and charges as determined by the municipality, from time to time.
- (17) The municipality must at the written request of an account holder and on the dates requested by the account holder—
- (a) disconnect the supply of metered services to the account holder's premises; and
 - (b) restore the supply, and the account holder must before the metered services is restored pay the prescribed charge for the disconnection and restoration of his or her supply of metered services.
- (18) After disconnection for non-payment of an account or a contravention of any provision of these by-laws, the prescribed fees must be paid before reconnection is made.
- (19) The following apply to the reading of credit meters:
- (a) Unless otherwise prescribed, credit meters are normally read at intervals of approximately one month and the fixed or minimum charges due in terms of the tariff are assessed accordingly and the municipality is not obliged to effect any adjustments to such charges;
 - (b) if for any reason the credit meter cannot be read, the municipality may render an estimated account, and estimated consumption must be adjusted in a subsequent account in accordance with the consumption actually consumed;
 - (c) when an account holder vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly;
 - (d) if a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee; and
 - (e) if any calculating, reading or metering error is discovered in respect of any account rendered to a consumer—
 - (i) the error must be corrected in subsequent accounts;
 - (ii) any such correction applies only in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered,
 - (iii) the correction is based on the actual tariffs applicable during the period; and
 - (iv) the application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(20) The following apply to prepayment metering:

- (a) No refund of the amount tendered for the purchase of electricity or water credit is given at the point of sale after initiation of the process by which the prepayment meter token is produced;
- (b) copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer;
- (c) when an account holder vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter is made to the owner by the municipality;
- (d) the municipality is not liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens;
- (e) where an account holder is indebted to the municipality for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation, the municipality may deduct a percentage from the amount tendered to offset the amount owing to the municipality; and
- (f) The municipality may appoint vendors for the sale of credit for prepayment meters and does not guarantee the continued operation of any vendor.

(21) A customer qualifies for a water leak rebate if—

- (a) the leak occurred underground and was not discernable from above ground;
- (b) the leak had been repaired within 48 hours of detection;
- (c) the account holder had applied for one rebate only in a 24 months cycle;
- (d) a certificate from a registered plumber, or in the case of a private individual having repaired the leak, a sworn affidavit has been submitted to the Chief Financial Officer within ten working days of the repair, which certificate or affidavit contains—
 - (i) the date of both invoice and repair;
 - (ii) confirmation that the leak was not discernable from above ground; and
 - (iii) a certification that the burst occurred in a pipe listed in the Schedule of Approved Pipes and Fittings as kept by the Director Operations.

(22) The calculation of the rebate contemplated in subsection (21) is based on the difference between the average kilolitre consumption for the previous year's corresponding periods and the period of the leakage.

14. Resale of water or electricity

- (1) No account holder who is supplied with metered services in terms of these by-laws may sell or supply water or electricity, supplied to the account holder's premises under an agreement with the municipality, to any other person or persons for such use upon any premises other than those in respect of which such agreement is made, or permit or suffer such resale or supply to be made, unless provision has been made therefor in a special agreement or unless prior permission from the municipality to do so has been obtained.
- (2) If the municipality grants the permission referred to in subsection (1), it may stipulate the maximum price at which the water or electricity may be sold and impose such other conditions as it may deem fit.
- (3) Permission referred to in subsection (1) may be withdrawn at any time.
- (4) Where water or electricity is resold for use on the same premises, such resale must be in accordance with the tariff and subject to such conditions as the municipality may decide.

Part 4

Indigence relief measures

15. Requirements for indigence relief

(1) To qualify for indigence relief, the following requirements must be met:

- (a) The applicant must be an account holder;
- (b) the applicant must, before a date determined by the municipality, apply annually, or at such intervals as determined by the municipality from time to time, to be granted the status as a poor household, and for these purposes must—
 - (i) complete and sign the prescribed forms; and
 - (ii) provide any other documentation as may be required by the municipality from time to time;
- (c) the applicant may not be the owner of a business or of more than one residential property and he or she must occupy the property;
- (d) the collective household income of all occupants over the age of 18 years may not exceed the amount determined by the municipality in terms of subsection (2);
- (e) the applicant must legally occupy the premises and must legally consume municipal services;

- (f) the applicant must attest to the above before a Commissioner of Oaths; and
 - (g) a representative of a civil society structure must attest to the veracity of the application.
- (2) For the purposes of determining the collective household income as contemplated in subsection (1)(d), the municipality may stipulate an amount, or may determine a maximum amount based on any one or more of the following:
- (a) Consumption of water;
 - (b) consumption of electricity; or
 - (c) the municipal valuation of the property, which valuation may not exceed the value determined by the municipality from time to time.
- (3) In the case of a tenant—
- (a) the tenant must apply in person and may qualify for electricity, water and rental charges only, for which charges he or she must receive a municipal account; and
 - (b) the person receiving the rent payable by the tenant whether on the person's own account or as agent for any other person entitled thereto or interested therein, is responsible for rates and refuse charges.
- (4) In the instance where the account holder is deceased, the existing and future accounts of the household must be accepted under the indigence relief measures, on condition that only the surviving spouse or dependent children may apply or benefit.
- (5) A household does not qualify for indigence relief if—
- (a) the application contemplated in section 15(1)(b) contains false information;
 - (b) the applicant reports, or an audit contemplated in subsection (6) suggests an improvement in the financial status of the household which moves the household out of the amount determined under subsection (1)(d); or
 - (c) no payment has been made to the municipality for a period of three months under an arrangement to settle the account as contemplated in section 9.
- (6) (a) The municipality has the right to visit and inspect the property mentioned in section 15(1)(c) at any reasonable time for the purposes of application or auditing.
- (b) Credit contemplated in section 16 shall be given once the application is approved.
- (c) An initial inspection must be conducted within 3 months of approval of the application.
- (d) Inspections must be conducted by a person appointed for this purpose by the municipality, and the person must make recommendations to the Chief Financial Officer whether or not the municipality must continue to give credit or not to the household.

16. Credit given

- (1) Households which qualify for indigence relief measures may receive a credit for some or all of the following:
- (a) A quantity of electricity, as determined by the municipality from time to time;
 - (b) a quantity of water, as determined by the municipality from time to time;
 - (c) the refuse removal charges, as determined by the municipality from time to time;
 - (d) the sewerage charges, as determined by the municipality from time to time;
 - (e) rates, as determined by the municipality; and
 - (f) any other service fees, taxes or charges over and above the rendered services.
- (2) The indigent debtor will be responsible for payment of the difference between the subsidy received and the standard tariff determined by Council annually.
- (3) The provisions of section 11(4)(i) and (k) do not apply to a household that qualifies for indigence relief measures, and should a household not pay the municipal account by the due date for settlement, the municipality will recover the arrear amount, including the cost of restriction or disconnection and the cost of reconnection through the deduction of not less than 20% of electricity purchases made by the household.
- (4) The municipality shall consider, at the times contemplated in section 15(1)(b), the writing off of existing service arrears, but not for tampering charges, connection fees, reconnections fees, or any other fee or instalment in terms of an existing agreement.
- (5) It is required of the applicant contemplated in section 15(1) to agree to the installation of a pre-paid electricity metering system, the cost of which shall be recovered as—
- (a) a surcharge on his or her subsequent electricity coupon cost; or
 - (b) a cash payment by the household.
- (6) Should a household consume more than 12kl of water per month, a restriction washer shall be fitted to its water supply.

CHAPTER 3

ENFORCEMENT

17. Municipality's powers to restrict or disconnect supply of services

The municipality may, over and above the provisions of any other provisions in these by-laws restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises if—

- (a) an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 37 of 1944), in respect of an account holder;
- (b) an account holder of any service fails to comply with a condition of supply imposed by the municipality;
- (c) an account holder obstructs the efficient supply of electricity, water or any other municipal services to another account holder;
- (d) an account holder supplies such municipal services to any person who is not entitled thereto or permits such service to continue;
- (e) an account holder causes a situation which is dangerous or a contravention of relevant legislation; or
- (f) an account holder is placed under provisional registration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act 24 of 1936).

18. Tampering, unauthorised connections and reconnections, and improper use

- (1) The municipality reserves the right to monitor the service network for signs of tampering or irregularities.
- (2) No person may in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality.
- (3) Where prima facie evidence exists of an account holder or any person having contravened subsection (2), the municipality has the right to disconnect the supply immediately and without prior notice to the account holder, and the account holder is liable for all fees and charges levied by the Municipality for such disconnection.
- (4) Where an account holder or any person has contravened subsection (2) and such contravention has resulted in the meter recording less than the true consumption, the municipality has the right to recover from the account holder the full cost of his or her estimated consumption.

19. Clearance certificate

To effect the transfer of any immovable property from one registered owner to another, the Registrar of Deeds requires a clearance certificate, which certificate is obtainable from the municipal manager or a duly authorised officer of the municipality, upon payment of the prescribed fee and subject to the conditions of section 118 of the Municipal Systems Act, 2000 (Act 32 of 2000) being met.

20. Tenders and grants-in-aid

- (1) Each tender submitted to the municipality must be accompanied by a certificate from the municipality stating that the proposed supplier is not indebted to the municipality for any arrear amount reflected on the municipal account.
- (2) Should a proposed supplier be so indebted, the municipality may disallow the tender.
- (3) The municipality may only consider a tender once the proposed supplier has made satisfactory arrangements to pay the outstanding amount by means of instalments, or has settled all arrear amounts in full.
- (4) The municipal manager or a duly authorised officer of the municipality must in the condition of contract, provide for the deduction from moneys owed to the supplier in order to settle any outstanding amount.
- (5) Payment of any grants-in-aid approved by the municipality may be withheld pending payment of any outstanding municipal account, or pending an agreement between the municipality and the receiver of a grant-in-aid in which satisfactory arrangements have been made regarding the settlement of the outstanding municipal account.

21. Power of municipality to recover costs

- (1) Where a bank dishonours any payment made to the municipality, the municipality may levy and recover all related costs and any administration fees against an account of the defaulting account holder and may disconnect or restrict the supplies to the premises of such account holder.
- (2) All legal costs, including attorney-and-client costs incurred in the recovery of amounts in arrears and payable in terms of the Magistrates Court Act, 1944 (Act 32 of 1944), must be levied against the arrears account of the account holder.
- (3) For any action taken in demanding payment from an account holder or reminding an account holder by means of telephone, fax, electronic mail, letter or otherwise that payments are due, a fee will be levied against the municipal account of the account holder in terms of the municipality's tariff provisions.

22. Prima facie evidence

A certificate reflecting the amount due and payable to the municipality, signed by the municipal manager or a duly authorised officer of the municipality, is upon mere production thereof prima facie evidence of the indebtedness of the person mentioned in it.

23. Abandonment of bad debts, and full and final settlement of account

- (1) Before terminating the debt collection procedure in any individual instance, the municipal manager must—

- (a) ensure that all debt collection mechanisms as provided for in section 11 have been utilised where reasonable;
 - (b) maintain an audit trail; and
 - (c) document the reasons for terminating the debt collection procedure, including the cost of enforcement and necessary financial adjustments.
- (2) The municipality may consider an offer for full and final settlement, and must, if in the interests of the municipality, in writing consent to the acceptance of a lesser amount as full and final settlement of the amount due and payable.
- (3) Where the exact amount due and payable to the municipality has not been paid in full, any lesser amount tendered to and accepted by any employee, except the municipal manager or the municipal manager's delegate, shall not be deemed to be in full and final settlement of such an amount.

24. Power of entry and inspection

- (1) A duly authorised representative of the municipality may for any reason related to the implementation or enforcement of these by-laws at all reasonable times or in emergency at any time, enter premises, request information and carry out such inspection as deemed necessary, and may for purposes of installing or repairing any meter or service connection for reticulation disconnect, stop or restrict the provision of any service.
- (2) If the municipality considers it necessary for work to be performed to enable an officer to perform a function referred to in subsection (1) properly and effectively, it may—
- (a) by written notice require an account holder to do, at own expense, specified work within a specified period; or
 - (b) if the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the account holder.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention has taken place, the municipality must bear the expense connected therewith together with that of restoring the premises to their former condition.

25. Authentication and service of orders, notices and other documents

- (1) An order, notice or other document requiring authentication by the municipality must be signed by the municipal manager or by a duly authorised officer of the municipality, such authority being conferred by resolution of the municipality or by a by-law or regulation, and when issued by the municipality in terms of these by-laws is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person by a duly authorised officer of the municipality in terms of these by-laws, is regarded as having been served—
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate to a person apparently over the age of 16 years; or
 - (g) when it has been delivered, at the request of a person, to that person's electronic mail address.
- (3) When any notice or other document has to be served on the owner, an account holder or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, account holder or holder of the property or right in question, and it is not necessary to name that person.
- (4) Service of a copy is deemed to be service of the original.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

CHAPTER 4

MISCELLANEOUS PROVISIONS

26. Right of appeal

- (1) A person whose rights are affected by a decision of a municipal officer may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

- (3) The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by—
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority;
 - (b) the municipal manager, the Executive Mayor is the appeal authority; or
 - (c) a political structure or political officer bearer or a councillor, a committee of councillors who were not involved in the decision and appointed by Council for this purpose is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

27. Offences and penalties

A person is guilty of an offence and liable upon conviction to a period not exceeding six months of community service or a fine or a combination of the aforementioned if he or she—

- (a) fails to give access required by an officer in terms of section 24;
- (b) obstructs or hinders an officer in the exercise of his or her powers or the performance of functions or duties under these By-laws;
- (c) uses or interferes with the municipality equipment for consumption of services supplied;
- (d) fails or refuses to give the municipality or an officer such information as the municipality or the officer may reasonably require for the purpose of exercising powers or functions under these By-laws, or gives the municipality or the officer false or misleading information knowing it to be false or misleading;
- (e) fails to comply with the terms of a notice served upon him or her in terms of these By-laws; or
- (f) tampers or breaks any seal on a meter or on any equipment belonging to the municipality, or for any reason determined by the municipal manager causes a meter not to register the services used properly, and the person shall furthermore be charged for usage of electricity or water, as the case may be.

28. Conflicting by-laws

Should there be any conflict between this By-law and any other by-law of the municipality, this By-law prevails.

29. Short title and commencement

This By-law may be cited as the Breede Valley Municipality Customer Care and Revenue Management By-law, 2005, and come into operation on the date of publication thereof in the Provincial Gazette. 32257

BREED VALLEY MUNICIPALITY

TARIFF BY-LAWS

Under section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and section 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Breede Valley Municipality, enacts as follows:—

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BREED VALLEI MUNISIPALITEIT

TARIEFVERORDENINGE

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996) asook die bepalings van artikel 75 van die Munisipale Stelselwet, 2000 (Wet 32 van 2000) bepaal die Breedevallei Munisipaliteit hiermee soos volg:

INHOUDSOPGAWE

1. WOORDOMSKRYWING
2. DOEL VAN HIERDIE VERORDENINGE
3. TARIEFBEGINSELS
4. KATEGORIEË VAN VERBRUIKERS
5. KLASSIFIKASIE VAN DIENSTE EN KOSTE- ELEMENTE
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6. DEPOSITO'S
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- 9.2 Electricity
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- 11. PHASING IN OF TARIFFS, FEES AND LEVIES
- 12. CONFLICT OF LAW
- 13. REPEAL
- 14. SHORT TITLE AND COMMENCEMENT

1. Definitions

In these by-laws, any word or expression to which a meaning has been assigned in the Act, must bear the same meaning and, unless inconsistent with the context:

"community services" means services that the Council has classified as such, in respect of which the tariffs have been calculated with the intention that the costs of the services cannot be recovered from public service charges and are of a regulatory nature;

"designated councillor" means the member of the municipal council responsible for financial matters in the municipality as contemplated in the Act;

"Municipality" means the Breede Valley Municipality;

"economic services" means services that the Council has classified as such, in respect of which the tariffs have been calculated with the intention that the total costs of the services are recovered from users;

"fixed costs" means costs, which do not vary with increased or decreased consumption or volume produced;

"flat rates" means the unit tariffs that do not relate to individual consumers, but are calculated by dividing the total costs by volume used by all the users together, subject to the flat rate;

"tariff policy" means the tariff policy of the Breede Valley Municipality approved by the Municipal Council in terms of section 74 of the Municipal Systems Act, 2000 (Act 32 of 2000);

"the Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"total cost" means the sum-total of all fixed and variable costs related to a service;

"trading services" means services that the Council has classified as trading services, in respect of which the tariffs have been calculated with the intention that the Council makes a profit on the delivery of the services;

"two-part tariffs" means tariffs that are determined to cover the fixed and variable costs of a service separately, where the fixed costs are calculated by dividing the total amount of fixed costs of the service by the number of customers per category, and the variable costs are calculated by dividing the total amount of variable costs by the volume consumed;

"units consumed" means the number of units of a particular service consumed and are measured in terms of the units of measurement contemplated in section 8 of this by-law;

"variable costs" means costs that vary with increased or decreased consumption or volume produced.

- 9.2 Elektrisiteit
- 9.3 Vullisverwydering
- 9.4 Riool
- 9.5 Eiendomsbelasting
- 9.6 Maatskaplike voordele
- 10. VASSTELLING, KENNISGEWING VAN TARIWE, FOOIE EN HEFFINGS EN BESWARE
- 11. INFASERING VAN TARIWE, FOOIE EN HEFFINGS
- 12. REGSKONFLIK
- 13. HERROEPING
- 14. KORT TITEL EN INWERKINGTREDE

1. Woordomskrywings

In hierdie verordening het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg word daardie betekenis, en tensy uit die samehang anders blyk beteken:

"aangewese raadslid" die raadslid van die munisipale raad wat, soos deur die Wet beoog, verantwoordelik is vir die finansiële sake van die munisipaliteit;

"die Wet" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);

"munisipaliteit" die Breedevallei Munisipaliteit;

"ekonomiese diens" die dienste wat deur die Raad as sodanig geklassifiseer is, en waarvan die tariewe sodanig bereken is dat die totale koste van die diens van die verbruikers verhaal kan word;

"gemeenskapsdienste" die dienste wat deur die Raad as sodanig geklassifiseer is, en waarvan die tariewe sodanig bereken is dat die koste van die dienste nie ten volle verhaal kan word nie en bloot van 'n regulerende aard is;

"handelsdienste" die dienste wat deur die Raad as handelsdienste geklassifiseer is, en waarvan die tariewe sodanig bereken is dat die Raad 'n wins by die lewering van die dienste maak;

"uniforme tarief" die tariewe wat nie verband hou met individuele verbruikers nie, maar wat bereken word deur die totale koste met die volume wat deur al die verbruikers gesamentlik verbruik, te deel;

"tariefbeleid" beteken die tariefbeleid van die Breedevallei Munisipaliteit wat ingevolge artikel 74 van die Wet op Munisipale Stelsels, 2000 (Wet 32 van 2000) goedgekeur is;

"totale koste" die somtotaal van al die vaste en veranderlike koste wat met 'n diens verband hou;

"twee-deeltariewe" tariewe wat afsonderlik gehef word om die vaste en veranderlike koste van 'n diens te dek, waar die vaste koste bereken word deur die totale bedrag van die vaste koste van die diens deur die aantal kliënte per kategorie te deel, en die veranderlike koste bereken word deur die totale bedrag van die veranderlike koste deur die volume wat verbruik is, te deel;

"vaste koste" koste wat nie met verhoogde of verminderde verbruik van volume geproduseer, verander nie;

"veranderlike koste" die koste wat met die verhoogde of verminderde verbruik of volume geproduseer, verander;

"verbruikte eenhede" die getal eenhede van 'n bepaalde diens wat verbruik is, en wat gemeet word ingevolge die meeteenhede wat in artikel 8 beoog word van hierdie by-wet.

2. Purpose of these by-laws

The purpose of these by-laws is:

- (1) to comply with the provisions of section 75 of the Act;
- (2) to prescribe procedures for calculating tariffs where the Municipality wishes to appoint service providers in terms of section 76(b) of the Act; and
- (3) to serve as guidance to the designated councillor regarding tariff proposals that must be submitted to Council annually during the budget process.

3. Tariff principles

The following tariff principles based on the tariff policy set out in section 74(2) of the Act, apply to the levying of fees for municipal services:

- (a) all users of municipal services must be treated equitably in the application of tariffs and the various categories of users must consequently pay the same charges based on the same cost structure;
- (b) the amount payable must be in proportion to usage and based on the tariff structure adopted for the approved category of users;
- (c) indigent households must have access to basic services through lifeline tariffs or direct subsidisation in accordance with the Council's indigent support policy as reflected as part of its Credit Control and Debt Collection Policy;
- (d) tariffs must reflect the total cost of services;
- (e) tariffs must be set at a level that facilitates the sustainability of services; and
- (f) sustainability must be achieved by ensuring that:
 - (i) cash inflows cover cash outflows, which means that sufficient provision for working capital or bad debts must be made; and
 - (ii) access to the capital market is maintained by providing for the repayment of capital, maintaining sufficient liquidity levels and making profits on trading services.
- (g) provision must be made in appropriate circumstances for a surcharge on a tariff if and when necessary for major breakdowns in infrastructure and periods of droughts when a restriction of usage is required;
- (h) efficient and effective use of resources must be encouraged by providing for penalties to prevent exorbitant use;
- (i) the extent of subsidisation of tariffs must be disclosed by publishing the true costs of the service and the level of subsidy as well as the source of the subsidy.

4. Categories of users

- (1) The tariff structure of the Breede Valley Municipality must make provision for the following categories of users:
 - (a) domestic;
 - (b) commercial;
 - (c) industrial;
 - (d) agricultural;
 - (e) institutional
 - (f) rural;

2. Doel van hierdie verordeninge

Die doel van hierdie verordeninge is:

- (1) om aan die bepalings van artikel 75 van die Wet gevolg te gee;
- (2) om die prosedures vir die berekening van tariewe voor te skryf waar die munisipaliteit dit wenslik ag om diensverskaffers ingevolge artikel 76(b) van die Wet aan te stel; en
- (3) om te dien as riglyn vir die aangewese raadslid in verband met tariefvoorstelle wat jaarliks tydens die begrotingsproses aan die Raad voorgelê moet word.

3. Tariefbeginsels

Die volgende tariefbeginsels, gebaseer op die tariefbeleid uiteengesit in artikel 74(2) van die Wet, is van toepassing op die heffing van fooie vir munisipale dienste:

- (a) al die verbruikers van munisipale dienste moet op gelyke vlak by die toepassing van tariewe behandel word en die verskillende kategorië moet gevolglik dieselfde koste wat op dieselfde kostestruktuur gebaseer is, betaal;
- (b) die bedrag betaalbaar moet in verhouding wees met verbruik en gebaseer wees op dieselfde kostestruktuur wat vir die goedgekeurde kategorie van verbruikers aanvaar is;
- (c) behoeftige huishoudings moet toegang hê tot basiese dienste deur middel van lewenslyn tariewe of direkte subsidiëring ooreenkomstig die Raad se beleid vir ondersteuning van behoeftiges, wat as deel van sy Kredietbeheer en Skuldinvorderingsbeleid weergegee word;
- (d) tariewe moet die totale koste van die diens weergee;
- (e) tariewe moet vasgestel word op 'n vlak wat die volhoubaarheid van die diens ondersteun;
- (f) volhoubaarheid moet haalbaar wees deur te verseker dat:
 - (i) kontantinvloei, die kontantuitvloei dek wat beteken dat voldoende voorsiening vir werkskapitaal of slegte skuld gemaak moet word; en
 - (ii) toegang tot die kapitale mark gehandhaaf word deur voorsiening te maak vir die terugbetaling van kapitaal, handhawing van voldoende likiditeitsvlakke en die winsneming op handelsdienste;
- (g) voorsiening vir 'n bobelasting op tariewe moet in gepaste gevalle gemaak word, indien en wanneer dit nodig is, gedurende 'n wesenlike ineenstorting van infrastruktuur en tydperke van droogtes wanneer beperkings in verbruik vereis word;
- (h) die behou en effektiewe gebruik van bronne moet aangemoedig word deur voorsiening te maak vir boetes om buitensporige gebruik te voorkom;
- (i) die omvang van subsidiëring van tariewe moet bekendgemaak word deur die ware koste van die diens en die vlak van die subsidie, asook die bron van die subsidie, openbaar te maak.

4. Kategorieë van verbruikers

- (1) Die tariefstruktuur van die Breedevallei Munisipaliteit moet voorsiening maak vir die volgende kategorië van verbruikers:
 - (a) huishoudelik;
 - (b) handel;
 - (c) industrieel;
 - (d) landbou;
 - (e) institusioneel;
 - (f) buitestedelik;

- (g) municipal; and
- (h) users not falling in any of the above-mentioned categories and with whom special agreements have been entered into.

- (2) Where there is a substantial difference between the standard of services provided to a specified category of users, the Council may, after the presentation of an engineers report by the portfolio Councillor, determine differentiated tariffs within the specified category.

5. Classification of services and cost elements

(1) Classification of services

Provision for the following classification of services must be made:

(a) Trading services

- (i) Electricity
- (ii) Water

(b) Economic services

- (i) Refuse removal
- (ii) Sewerage Disposal
- (iii) Recreation Resorts

(c) Community services

- (i) Air pollution
- (ii) Building control
- (iii) Cemeteries
- (iv) Childcare facilities
- (v) Control of public nuisances
- (vi) Control of undertakings that sell liquor to the public
- (vii) Facilities for accommodation, care and burial of animals
- (viii) Fencing and fences
- (ix) Fire fighting services
- (x) Fixed billboards and the display of advertisements in public places
- (xi) Licensing and control of undertakings that sell food to the public
- (xii) Licensing of dogs
- (xiii) Local amenities
- (xiv) Local sport facilities
- (xv) Local tourism
- (xvi) Local Economic Development
- (xvii) Municipal parks and recreation
- (xviii) Municipal planning
- (xix) Municipal public works, only in respect of the needs of the municipality in the discharge of its responsibilities and to administer functions specially assigned to it under the Constitution or any other law

- (g) munisipale; en

- (h) verbruikers wat nie in enige van die bogenoemde kategorië val nie en met wie spesiale ooreenkomste aangegaan is.

- (2) Waar daar 'n wesenlike verskil tussen die standaard van dienste wat aan 'n bepaalde kategorie verbruikers gelewer word, kan die Raad, na die oorweging van 'n ingenieurs verslag deur die portefeulje raadslid, gedifferensieerde tariewe binne die bepaalde kategorie vasstel.

5. Klassifikasie van dienste, en koste-elemente

(1) Klassifikasie van dienste

Voorsiening moet gemaak word vir die volgende klassifikasie van dienste:

(a) Handelsdienste

- (i) Water
- (ii) Elektrisiteit

(b) Ekonomiese dienste

- (i) Vullisverwydering
- (ii) Rioolverwydering
- (iii) Ontspannings/Vakansieoorde

(c) Gemeenskapsdienste

- (i) Begraafplase
- (ii) Beheer oor ondernemings wat alkohol aan die publiek verkoop
- (iii) Beheer oor openbare erfenis
- (iv) Boubeheer
- (v) Brandbestrydingsdienste
- (vi) Fasiliteite vir akkomodasie, sorg en begrawe van diere
- (vii) Geraasbesoedeling
- (viii) Handelsregulasies
- (ix) Kindersorgfasiliteite
- (x) Lisensiëring en beheer oor ondernemings wat voedsel aan die publiek verkoop
- (xi) Lisensiëring van Honde
- (xii) Lugbesoedeling
- (xiii) Munisipale Beplanning
- (xiv) Munisipale openbare werke, slegs ten opsigte van die behoeftes van die munisipaliteit in die uitvoering van sy verantwoordelikhede en om die pligte wat spesiaal aan die Munisipaliteit toegeken is deur die Grondwet of enige ander wet, te verrig
- (xv) Munisipale Paaie
- (xvi) Munisipale Parke en Ontspanning
- (xvii) Omheinings en Heiningas
- (xviii) Openbare Plekke
- (xix) Plaaslike Ekonomiese Ontwikkeling

- (xx) Municipal roads
- (xxi) Noise pollution
- (xxii) Parking
- (xxiii) Pest Control
- (xxiv) Pounds
- (xxv) Public places
- (xxvi) Storm-water management system in built-up areas
- (xxvii) Street trading/street lighting
- (xxviii) Trading regulations
- (xxix) Traffic

(d) *Subsidised services*

- (i) Libraries
- (ii) Primary Health Care
- (iii) Proclaimed Roads

(2) *Cost elements*

The following cost elements must be used to calculate the tariffs of the different services:

- (a) Fixed costs, which consist of the capital costs, interest on external loans as well as depreciation, whichever are applicable on the service and any other costs of a permanent nature as determined by the Chief Financial Officer from time to time.
- (b) Variable cost: This includes all other variable costs that have reference to the service.
- (c) Total cost is equal to the fixed cost plus variable cost.

6. *Deposits*

The raising of deposits is permissible where certain levies are made in arrears and payable with application for relevant service:

- (a) Electricity: Two times the average monthly consumption of the past 3 months with a minimum as determined annually according to the tariff schedule.
- (b) Water: Two times the average monthly consumption of the past 3 months with a minimum as determined annually according to the tariff schedule.
- (c) Other services: As and when required.

7. *Tariff types*

(1) In setting service charges the Council must:

- (a) accurately reflect costs to achieve economic efficiency;
- (b) ensure equity and fairness between different types and categories of consumers;
- (c) utilise appropriate metering and supporting technology; and
- (d) be transparent.

(2) In determining the type of tariff applicable to the type of service the Council must make use of the following options or a combination thereof:

- (xx) Parkering
- (xxi) Pesbeheer
- (xxii) Plaaslike Geriewe
- (xxiii) Plaaslike Sportfasiliteite
- (xxiv) Plaaslike Toerisme
- (xxv) Skutte
- (xxvi) Stormwater bestuurstelsel in opgeboude gebiede
- (xxvii) Straathandel/straatbeligting
- (xxviii) Vaste advertensieborde en die vertoning van advertensies in openbare plekke
- (xxix) Verkeer en Parkering

(d) *Gesubsidieerde dienste*

- (i) Biblioteke
- (ii) Primêre Gesondheidsdienste
- (iii) Geproklameerde Paaie

(2) *Koste elemente*

Die volgende koste-elemente moet aangewend word om die tariewe van die verskillende dienste te bereken:

- (a) Vaste koste wat bestaan uit die kapitale koste, rente op eksterne lenings asook waardevermindering, wat ook al van toepassing is op die diens, en enige ander koste van 'n permanente aard soos van tyd tot tyd deur die Hoof Finansiële Beampte bepaal.
- (b) Veranderlike koste: Dit sluit alle ander koste in wat op die diens betrekking het.
- (c) Totale koste is gelyk aan die vaste koste plus veranderlike koste.

6. *Deposito's*

Die heffing van deposito's is toelaatbaar waar sekere heffings in agterstallige betaalbaar met aansoek op toepaslike diens:

- (a) Elektrisiteit: Dubbel die maandelikse verbruik van die voorafgaande drie maande met 'n minimum soos jaarliks ingevolge die skedule van tariewe bepaal word.
- (b) Water: Dubbel die gemiddelde maandelikse verbruik van die voorafgaande drie maande, met 'n minimum soos jaarliks ingevolge die skedule van tariewe bepaal word.
- (c) Ander dienste: Soos en wanneer benodig.

7. *Tipe tariewe*

(1) By die neerlê van tariewe moet die Raad:

- (a) die koste om ekonomiese doeltreffendheid te bereik, akkuraat aandui;
- (b) billikheid en redelikheid tussen die verskillende tipe en kategorieë van verbruikers verseker;
- (c) toepaslike meting en onderhoudstechnologie gebruik; en
- (d) deursigtig wees.

(2) By die bepaling van die tipe tarief van toepassing op die tipe diens, moet die Raad gebruik maak van die volgende opsies of 'n kombinasie daarvan:

- (a) Single tariff: This tariff shall consist of a fixed cost per unit consumed. All costs will therefore be recovered through unit charges at the level of breakeven consumption. Surpluses on trading services may be allowed subject to Council approval.
- (b) Cost related two part tariff: This tariff shall consist of two parts. Management, capital, maintenance and operating costs will be recovered by grouping certain components together e.g. management, capital and maintenance costs may be grouped together and be recovered by a fixed charge, independent of consumption for all classes of consumers, while the variable costs may be recovered by a unit charge per unit consumed.
- (c) Inclining block tariff: This tariff is based on consumption levels being categorised into blocks, the tariff being determined and increased as consumption levels increase. This tariff will only be used to prohibit the exorbitant use of a commodity. The first step in the tariffs will be calculated at break-even point. Subsequent steps will be calculated to yield profits and to discourage excessive use of the commodity.
- (d) Declining block tariff: This tariff is the opposite of the inclining block tariff and decreases as consumption levels increase. This tariff will only be implemented during the existence of special agreements.
- (e) Availability charges: Payable in respect of erven not connected to Council's infrastructure. Once Council provided a connection, normal tariffs as per respective service are payable.
- (f) Outside Municipal Area: These tariffs shall apply to consumers who are not residing within the municipal boundaries but are making use, on application, of certain services.
- (g) Recoverable work: These tariffs shall apply to consumers who are making use, on application, of certain recoverable services. The tariff will be calculated at actual cost plus a surcharge as determined with the actual tariffs.

8. Rebates

Rebates are allowed in accordance with the tariff schedule as determined by the Council annually.

9. Unit of measurement

The following units of measurement must, where possible, be used to determine tariffs:

(1) Water

Water will be measured with a water meter, which meters will be read and consumption will be levied on a monthly basis unless the service is rendered through a pre-payment device:

- (a) Cost per unit (kilolitres consumed).
- (b) Basic cost plus cost per unit charge (kilolitres consumed).
- (c) A flat rate will be applied when consumption is not measured.

(2) Electricity

Electricity will be measured with an electricity meter, which meters will be read and consumption will be levied on a monthly basis unless the service is rendered through a pre-payment device:

- (a) Enkeltarief: Hierdie tarief moet uit 'n vaste bedrag per eenheid gebruik bestaan. Alle kostes moet dus deur eenheidsheffings op die vlak van gelykbreukverbruik verhaal word. Surplusse op handelsdienste kan, behoudens die Raad se goedkeuring, toegelaat word.
- (b) Kosteverbandhoudende twee-deel tarief: Hierdie tarief bestaan uit twee dele. Bestuur, kapitaaloonkoste, onderhoud en bedryfskoste word deur sekere komponente saam te groepeer en deur 'n vaste en veranderlike heffings te verhaal. Bestuur, kapitaaloonkoste en onderhoud kan saamgevoeg word en deur 'n vaste heffing ongeag verbruik van alle kategorië verbruikers verhaal word terwyl die veranderde koste deur 'n eenheidskoste per eenheid verbruik, verhaal word.
- (c) Stygende bloktarief: Hierdie tarief is gebaseer op verbruikersvlakke wat in blokke gekategoriseer is, die tarief synde bepaal en verhoog te word soos wat verbruikersvlakke verhoog. Hierdie tarief moet slegs gebruik word om die buitensporige verbruik van 'n kommoditeit te beperk. Die eerste trap in die tariewe moet bereken word op die gelykbreuk punt. Daaropvolgende trappe moet bereken word om winste te maak en om oormatige verbruik van die kommoditeit te beperk.
- (d) Afnemende bloktarief: Hierdie tarief is die teenoorgestelde van die Stygende bloktarief en neem af soos wat verbruikersvlakke verhoog. Hierdie tarief sal geïmplementeer word tydens die ontstaan van spesiale ooreenkomste.
- (e) Beskikbaarheid heffings: Betaalbaar met betrekking tot erwe wat nie aan die Raad se infrastruktuur gekoppel is nie. Sodra die Raad 'n konneksie voorsien is die normale tarief soos per onderskeie diens betaalbaar.
- (f) Buite die munisipale gebied: Hierdie tariewe sal van toepassing wees op verbruikers wie nie binne die munisipale grense woonagtig is nie, maar wie op aansoek van sekere dienste gebruik maak.
- (g) Verhaalbare werk: Hierdie tariewe sal van toepassing wees op verbruikers wie op aansoek van sekere verhaalbare dienste gebruik maak. Die tarief sal gereken word op werklike koste plus 'n bobelasting soos by die werklike tariewe bepaal word.

8. Kortings

Kortings word toegelaat ooreenkomstig die skedule van tariewe soos jaarlikks deur die Raad bepaal.

9. Metingseenheid

Die volgende metingseenhede moet, waar moontlik, gebruik word om tariewe te bepaal:

(1) Water

Water sal deur middel van meters gemeet word, welke meters maandelikse gelees sal word en verbruik maandeliks gehef sal word, behalwe waar die dienste deur middel van 'n voorafbetaalstelsel, gelewer word.

- (a) Koste per eenheid (kiloliters verbruik).
- (b) Basiese koste plus koste per eenheidsheffing (kiloliters verbruik).
- (c) 'n Uniforme tarief.

(2) Elektrisiteit

Elektrisiteit sal deur middel van meters gemeet word, welke meters maandelikse gelees sal word en verbruik maandeliks gehef sal word, behalwe waar die diens deur middel van 'n voorafbetaal stelsel gelewer word.

- (a) Maximum demand plus kWh consumed; or
- (b) Fixed costs plus kWh consumed; or
- (c) Cost per unit KWH consumed; or
- (d) KVA.

(3) *Refuse removal*

Annual amount levied is due and payable with September account. On written request the amount may be raised monthly. The levy is payable by the registered owner and recoverable with clearance certificate:

- (a) Plastic bags per week/day (volume).
- (b) Containers per week (volume).
- (c) Truck load per volume or removal.

(4) *Sewerage*

Annual amount levied is due and payable with September account. On written request the amount may be raised monthly. The levy is payable by the registered owner and recoverable with clearance certificate:

- (a) Percentage of water consumption.
- (b) Percentage of water consumption plus costs for strength of disposal.
- (c) Basic charge: based on the number of properties within those categories of customers and fixed cost associated with the service.
- (d) Additional charge:
 - (i) based on the area and variable costs of the services.
 - (ii) based on the number of properties within those categories of customers and variable costs of the service.
- (e) When the number of properties is not available, a flat rate, based on the average consumption per categories of consumers, will be applicable.

(5) *Assessment Rate*

- (a) Assessment rate is calculated taking into account the total net expenditure from the other services less the revenue envisaged based on the total rateable valuations. The assessment rate must be calculated in such a manner that the Council realise a net surplus when adopting its tariffs.
- (b) Assessment rates are calculated according to valuation of property. Council may differentiate between improvement and land value and between categories of customers by either levy a surcharge or a rebate. Annual amount levied due and payable with September account. On written request the amount may be raised monthly. The levy is payable by the registered owner and recoverable with clearance certificate.

(6) *Social benefits*

- (a) The Council, in order to measure social benefits enjoyed by the community, has approved of the standards as set out in the tables below to achieve cost recovery and to measure service delivery, where possible.

- (a) Maksimum aanvraag plus kWh verbruik; of
- (b) Vaste koste plus kWh verbruik; of
- (c) Koste per eenheid kWh verbruik; of
- (d) KVA.

(3) *Vullisverwydering*

Die jaarlikse heffing is betaalbaar met die rekening van September. Die bedrag kan op skriftelike versoek in maandelikse paalemente gehef word. Die heffing is betaalbaar deur die geregistreerde eienaar en verhaalbaar met die uitklaringsertifikaat.

- (a) Plastiese sakke per week (volume).
- (b) Houers per week (volume).
- (c) Lorrievrag per volume of verwydering.

(4) *Riool*

Die jaarlikse heffing is betaalbaar met die rekening van September. Die bedrag kan op skriftelike versoek in maandelikse paalemente gehef word. Die heffing is betaalbaar deur die geregistreerde eienaar en verhaalbaar met die uitklaringsertifikaat.

- (a) Persentasie van water gebruik.
- (b) Persentasie van water gebruik plus koste vir sterkte van afsetting.
- (c) Basiese heffing gebaseer op die grootte van die eiendom en veranderlike koste verbonde aan die diens.
- (d) Bykomstige heffing:
 - (i) gebaseer op die grootte van die eiendom en veranderlike koste van die diens;
 - (ii) gebaseer op die aantal eiendomme binne daardie kategorie van verbruikers en veranderlike koste van die diens.
- (e) Wanneer die aantal eiendomme nie beskikbaar is nie, moet 'n uniforme tarief gebaseer op die gemiddelde storting per kategorie van verbruikers, van toepassing gemaak word.

(5) *Eiendomsbelasting*

- (a) Eiendomsbelasting word bereken met die in ag neming van die totale netto uitgawe van die ander dienste, minus die verwagte inkomste, gebaseer op die totale belasbare waardasies. Die eiendomsbelasting moet bereken word sodat dat die Raad 'n netto surplus kan bewerkstellig wanneer die tarief aanvaar word.
- (b) Eiendomsbelasting word bereken ooreenkomstig die waardasie van die eiendom. Die Raad mag 'n onderskeiding tref tussen verbeterings en grond waarde en tussen die kategorieë van gebruikers deur of 'n bobelasting of afslag te hef. Die jaarlikse heffing is betaalbaar met die rekening van September. Die bedrag kan op skriftelike versoek in maandelikse paalemente gehef word. Die heffing is betaalbaar deur die geregistreerde eienaar en verhaalbaar met die uitklaringsertifikaat.

(6) *Maatskaplike voordele*

- (a) Ten einde die maatskaplike voordele wat deur die gemeenskap geniet word, te bepaal, het die Raad die standaarde wat in die tabelle hieronder uiteengesit is, goedgekeur om kosteverhaling te bereik en om dienslewering te meet.

- (b) Measures indicated should be calculated annually and used as a guideline to ensure meaningful reporting. Actual unit costs must be compared with budgeted costs.

FUNCTION	UNIT OF OUTPUT	CLASSIFICATION BY COUNCIL
Airfields	Number of landings	Subsidised
Art Gallery and Museum	Number of attendance	Community
Engineering Administration	Population Percentage of Municipal expenditure	Community
Building Section	Number of plans submitted Value of buildings Municipal value of buildings	Subsidised
Caravan Park	Number of bookings Number of sites	Subsidised
Cemeteries	Number of burials Number of graves	Subsidised
Civic and other halls	Number of bookings	Subsidised
Cleansing, refuse removal and disposal	Number of removals Population Number of properties	Economic
Corporate Services	Population Percentage of total expenditure	Community (Charged out)
Council General	Population Percentage of total expenditure	Community (Charged out)
Electricity	Number of units purchased Number of units sold Number of connections	Trading
Estates	Number of properties	Economic
Financial Services	Percentage of municipal expenditure Population	Community (Charged out)
Fire	Number of call-outs Number of properties Population	Subsidised
Grant-in-aid	Percentage of rates income	Community
Health — Clinics — Other	Number of attendance Population	Subsidised
Housing (Selling and letting schemes)	Number of dwellings	Economic
Libraries	Number of members Number of books in stock Population	Community
Licensing	Number of licenses	Subsidised
Marketing	Number of industrial properties Number of industries	Community
Municipal Manager	Percentage of municipal expenditure Population	Community (Charged out)
Parking	Number of bays	Community
Parks and recreation	Number of properties Population	Community

- (c) Die aangeduide maatreëls moet jaarliks bereken word en moet gebruik word as 'n riglyn om sinvolle verslaggewing te verseker. Werklike eenheidskoste moet met die begrote koste vergelyk word.

FUNKSIE	EENHEID BY LEWERING	KLASSIFIKASIE DEUR RAAD
Begraafplase	Aantal begrafnisse Aantal grafte	Gesubsidiër
Behuising (Verkoop en verhuur van skemas)	Aantal wooneenhede	Ekonomies
Bemarking	Aantal nywerheidseiendomme Aantal nywerhede	Gemeenskap
Biblioteke	Aantal lede Getal boeke in voorraad Bevolking	Gemeenskap
Brandweer	Aantal uitroepe Aantal eiendomme Bevolking	Gemeenskap
Bouafdeling	Getal planne voorgelê Waarde van geboue Munisipale waarde van geboue	Gesubsidiër
Donasies en hulpverlening	Persentasie van belastinginkomste	Gemeenskap
Direkteur: Finansies	Persentasie van munisipale uitgawe Bevolking	Gemeenskap
Elektrisiteit	Aantal eenhede gekoop Aantal eenhede verkoop Getal verbindings	Handel
Eiendomme	Aantal eiendomme	Ekonomies
Gemeenskaps- en ander sale	Aantal besprekings	Gesubsidiër
Gesondheid – Klinieke – Ander	Aantal besoeke Bevolking	Gemeenskap
Karavaanpark	Aantal besprekings Aantal terreine	Gesubsidiër
Kunsgalery en Museum	Aantal bywonings	Gemeenskap
Lisensiëring	Getal lisensies	Gesubsidiër
Lughawens	Aantal landings	Gesubsidiër
Munisipale Bestuurder	Persentasie van munisipale uitgawe Bevolking	Gemeenskap
Ontspanningsoorde	Aantal gebruikers Bevolking	Ekonomies
Pad en SWD (Insluitende sypaadjies)	Lengte van paaie Bevolking	Gemeenskap
Parke en Ontspanning	Aantal eiendomme Bevolking	Gemeenskap
Parkering	Aantal parkeerinhame	Handel
Personeel-administrasie	Aantal munisipale personeel Bevolking	Gemeenskap
Raad algemeen	Bevolking Persentasie van totale uitgawe	Gemeenskap
Riool retikulasie (afsetting)	Aantal verbindings Riool gesuiwer Bevolking	Ekonomies

Personnel administration	Number of municipal staff Population	Community (Charged out)
Recreation resorts	Number of users Population	Economic
Roads and Storm water (including sidewalks)	Length of roads Population	Community
Security and Civil Defence	Number of installations	Community
Sewerage reticulation (Disposal)	Number of connections Sewerage purified Population	Economic
Street lighting	Number of street lighting	Community
Swimming pools	Number of attendance Population	Subsidised
Stores	Number of stock items held Value of stock Number of orders	Economic (fully charge out)
Town Planning	Number of properties Population	Community
Traffic	Number of registered vehicles Population	Subsidised
Valuations	Number of properties Value of municipal valuations	Community
Water	Number of units sold Cost per unit supplied Length of mains Kilolitres purified Cost per kilolitre purified	Trading

Sekuriteit en Burgerlike Beskerming	Aantal installasies	Gemeenskap
Schoonmaak, vuilisverwydering en beskikking	Aantal verwyderings Aantal eiendomme Bevolking	Ekonomies
Stadsbeplanning	Aantal eiendomme Bevolking	Gemeenskap
Stadsingenieur Administrasie	Bevolking Persentasie van munisipale uitgawes	Gemeenskap
Stadsekretaris	Aantal munisipale personeel Persentasie van totale uitgawes	Gemeenskap
Store	Aantal uitreikingsitems in voorraad Waarde van voorraad Aantal bestellings	Ekonomies (Ten volle uitbestee)
Straatbeligting	Aantal straatligte	Handel
Swembaddens	Aantal bywonings Bevolking	Gesubsidiëer
Verkeer	Aantal geregistreerde voertuie Bevolking	Gemeenskap
Waardasies	Aantal eiendomme Waarde van rol	Gemeenskap
Watervoorsiening	Aantal eenhede verkoop Koste per eenheid voorsien Lengte van hoofleidings Kiloliters gesuiwer Koste per kiloliter gesuiwer	Handel

10. Determination, notice of tariffs, fees and levies and objections

The council may—

- (1) by resolution, supported by a majority of the members of the council, levy and recover levies, fees, taxes and tariffs, in respect of any function or service of the municipality;
- (2) by resolution, amend or withdraw such determination and determine a date, not earlier than 30 days from date of the resolution, on which such determination, amendment or withdrawal shall come into operation; and
- (3) recover any charges so determined or amended, including interest on any outstanding amount;
- (4) After a resolution as contemplated in subsection (2) has been passed, the municipal manager of the municipality shall forthwith cause to be conspicuously displayed, at a place installed for this purpose at the offices of the municipality, as well as at such other places within the area of jurisdiction of the municipality as may be determined by the municipal manager, a notice stating—
 - (a) the general purport of the resolution;
 - (b) the date on which the determination or amendment shall come into operation;
 - (c) the date on which the notice is first displayed; and
 - (d) that any person who desires to object to such determination or amendment shall do so in writing within 14 days after the date on which the notice is first displayed.

(5) Where—

10. Vastelling, kennisgewing van tariewe, fooie en heffings en besware

Die Raad mag—

- (1) deur middel van 'n resoluë, wat deur die meerderheid van die raadslede ondersteun word, tariewe, fooie en heffings (hieronder kostes genoem), met betrekking tot enige funksie of diens wat deur die munisipaliteit gelewer word, hef en invorder;
- (2) deur middel van 'n raadsbesluit sodanige kostes verander of intrek en 'n datum vasstel, wat nie vroeër as 30 dae vanaf die datum van die raadsbesluit is nie, waarop sodanige vasstelling, wysiging of intrekking in werking sal tree;
- (3) enige kostes, wat sodanig vasgestel of gewysig is, insluitende rente op enige uitstaande bedrae, verhaal;
- (4) nadat 'n resoluë soos beskrywe in paragraaf 9(2) aangeneem is, laat die hoof- uitvoerende beamppte van die munisipaliteit onverwyld 'n kennisgewing ooglopend vertoon, op 'n plek wat vir die doel ingerig is, by die munisipale kantore sowel as op ander plekke binne die regsgebied van die munisipaliteit wat die hoof uitvoerende beamppte bepaal waarin—
 - (a) die algemene strekking van sodanige resoluë uiteengesit word;
 - (b) die datum vermeld word waarop die vastelling of wysigings in werking tree;
 - (c) die datum vermeld word waarop die kennisgewing vir die eerste keer vertoon is; en
 - (d) vermeld word dat enige persoon wat teen sodanige vasstelling of wysiging beswaar wil maak, dit skriftelik moet doen binne 14 dae vanaf die datum waarop die kennisgewing vir die eerste keer vertoon is.

(5) Waar—

- (a) no objection is lodged within the period referred to in subsection (4)(d) the determination or amendment shall come into operation as contemplated in subsection (2);
- (b) an objection is lodged within the period referred to in subsection (4)(d), the municipality shall consider every objection and may amend or withdraw the determination or amendment and may determine a date other than the date contemplated in subsection (2) on which the determination or amendment shall come into operation, whereupon subsection (4)(b) shall with the necessary changes apply.

11. Phasing in of tariffs, fees and levies

- (1) The council must annually consider the methods by which tariffs, fees and levies will be calculated and by resolution amend its tariff policy.
- (2) Where the newly calculated tariffs, fees and levies differ substantially from the current tariffs council may resolve to phase in the differences over a period of time.

12. Conflict of law

- (1) When interpreting any provision of these by-laws, any interpretation which is reasonable and consistent with the objectives of the Act as set out in Chapter 8, Part 1, on service tariffs, must be preferred over any alternative interpretation which is inconsistent with these objectives.
- (2) If there is any conflict between these by-laws and any other by-laws of the Council relating to tariffs, these by-laws shall prevail.

13. Repeal

The Tariff By-law of Breede Valley Municipality promulgated in Extraordinary Provincial Gazette number 6134 of 28 May 2004 is hereby repealed.

14. Short title and commencement

This by-law is called the Tariff By-law of the **Breede Valley Municipality** and shall come into operation on the date of publication thereof in the Provincial Gazette. 32258

- (a) geen beswaar binne die tydperk in subartikel (4)(d) bedoel, geopper is nie, tree die vasstelling of wysiging in werking soos in subartikel (2) be-oog;

- (b) 'n beswaar binne die tydperk bedoel in subartikel (4)(d) geopper is, oorweeg die munisipaliteit elke beswaar en kan die vastelling of wysiging wysig of intrek, en mag 'n ander datum as die in subartikule (4) beoog, bepaal waarop die vasstelling of wysiging in werking tree, waarna subartikel (4)(b) met die nodige veranderinge van toepassing is.

11. Infassering van tariewe, fooie en heffings

- (1) Die Raad moet jaarliks die metode waarby tariewe, fooie en heffings vasgestel word oorweeg en by wyse van 'n raadsbesluit die tariefbeleid van die raad aanpas.
- (2) Waar die nuut berekende tariewe, fooie en heffings substansieel van die huidige tariewe verskil, kan die Raad besluit om die verskille oor 'n periode van tyd in te faseer.

12. Regskonflik

- (1) By die uitleg van enige bepaling van hierdie verordeninge, word enige uitleg wat redelik en bestaanbaar is met die doelwitte van die Wet soos uiteengesit in Hoofstuk 8, Deel 1, oor dienstariewe, verkies bo enige alternatiewe uitleg wat met daardie doelwitte onbestaanbaar is.
- (2) Indien daar enige konflik tussen hierdie verordeninge en enige ander verordeninge van die Raad betreffende tariewe is, sal hierdie verordeninge die deurslag gee.

13. Herroeping

Die Tariefverordeninge van die Breedevallei Munisipaliteit soos afgekondig in die Buitengewone Provinsiale Koerant No. 6134 van 28 Mei 2004 word hiermee herroep.

14. Kort titel en inwerkingtrede

Hierdie verordeninge heet die Tarief Verordeninge van die **Breedevallei Munisipaliteit** en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant. 32258