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**PRINS ALBERT MUNICIPALITY  
LIQUOR TRADING HOURS BY-LAWS**

Under the provisions of section 156 of the Constitution of the republic of South Africa, 1996, section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and section 59(2) of the Western Cape Liquor Act, 2008 (Act 4 of 2008), the Prins Albert Municipality, enacts as follows:-

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1. Definitions

In this By-law, unless the context otherwise indicates-

"Act" means the Western Cape Liquor Act, 2008 (Act 4 of 2008);

"hotel" means premises wherein or whereon the business of supplying lodging and meals is conducted or is intended to be conducted, and includes a motel, inn, bed and breakfast concern, caravan and camping park, guest-house, a lodge and a house boat;

"licensee" means the person to whom a licence has been issued in terms of section 46 or transferred in terms of section 65 or who is deemed to be a licensee in terms of section 89 of the Act;

"Liquor Board" means the Western Cape Liquor Board established in terms of section 2 of the Act;

"municipality" means the Prins Albert Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

"official" means any person authorised by Municipality to perform the function of an officer under this By-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

"premises" includes any place, land, building or conveyance or any part thereof which is registered or which is seeking to be registered to trade in liquor;

"registered premises" means premises on or from which a licensee conducts his or her business;

"sell" includes supply, exchange, offer for sale, display for the purposes of sale or authorise to sell, direct to sell, or to allow a sale;

"selling hours" means the time during which a licensee is allowed to sell liquor in terms of Schedule 1;

"ward committee" means a committee as contemplated in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

## 2. Purpose of By-law

The municipality, acting in terms of the powers granted to it in the Act, adopts this By-law with the aim of regulating the hours during which liquor may be sold and matters related thereto.

## 3. Application of By-law

This By-law applies to all premises, situated within the area of jurisdiction of the municipality, on which a business in the trading of liquor is carried on or intended to be carried on.

## 4. Public participation and duties of municipality

(1) Upon receipt of a copy of the application to sell liquor from the designated liquor officer as contemplated in section 37(4) of the Act, and in order to comply with the requirements of section 40 of the Act, the municipality must –

- (a) allow the public to have access to the application by posting a copy of the application on all municipal notice boards; and
- (c) make available copies of such application when requested by a member of the public against payment of a fee as determined by the municipality from time to time; and
- (b) subject to subsection (2), instruct the ward councillor in whose ward the proposed premises is situated to submit written comments.

(2) The ward councillor who receives an instruction as contemplated in subsection (1)(b) must, within 7 days, –

- (a) convene a ward committee meeting to solicit the ward committee members' views with regard to the application that the applicant lodged with the Liquor Board;
- (b) convene a consultative meeting with members of the community of the area within a radius of 100 metres of the premises that are sought to be registered to discuss and solicit their views with regard to the application that the applicant lodged with the Liquor Board;
- (c) compile and submit a report to the municipality stipulating the date of the meetings referred to in subsections (2)(a) and (b), the time of the meetings, the names and the addresses of the people who attended, indicate whether he or she objects to or recommends the application and what additional conditions he or she proposes, if any; and
- (d) attach the minutes of the meetings referred to in subsections (2)(a) and (b).

(3) The municipality must, within 7 days, of receipt of the ward councillors report consider such report and submit to the Board, within the prescribed period, the documents as contemplated in section 40 of the Act.

(4) For the purpose of considering a report as contemplated in subsection (3), an official may undertake such investigation or request such information as he or she may deem necessary for consideration by the municipality, and must submit his or her findings to the municipality.

## 5. Hours and days of trading

- (1) The trading hours and days, of the different kinds of licences, as listed in column 1 of the Schedule, have been determined by the municipality as listed in column 2 of the Schedule and may, subject to section 4, be reviewed by the municipality from time to time.
- (2) No licensee may sell liquor from any of the premises listed in column 1 of the Schedule to a person at a time or day other than those listed in columns 2 and 3 of the Schedule.
- (3) A licensee who contravenes subsection (2) commits an offence.

#### 6. Vicarious responsibility

- (1) If the manager, agent or employee of a licensee sells liquor in contravention of section 5(2) of this by-law, the licensee is deemed to have sold such liquor, except where-
  - (a) the licensee neither connived at, permitted or allowed such sale;
  - (b) the licensee took such steps as he or she was reasonably able to take in order to prevent the sale; and
  - (c) the sale did not fall within the scope of the employment or authority of the manager, agent or employee.
- (2) The fact that a licensee has issued instructions prohibiting such sale is not in itself sufficient to prove that he or she took the steps required by subsection (1)(b).
- (3) When a licensee is liable in terms of subsection (1) the manager, agent or employee is also liable as if he or she was the licensee.

#### 7. Appeal

A person whose rights are affected by a decision of the Municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

#### 8. Penalties

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

#### 9. Short title and commencement

This By-law may be cited as Prins Albert Liquor Trading Hours By-laws, and come into force upon publication in the Provincial Gazette.

**SCHEDULE 1**  
(Section 5(1))

COLUMN 1 TYPE OF LICENCE	COLUMN 2 TRADING HOURS
Licence in terms of Section 33(a) of the Act for micro-manufacturing and sale of liquor for consumption both on and off the premises. <i>(cellars, wine makers, home distillers)</i>	<b>For consumption on the premises:</b> 11:00-18:00 Monday-Sunday  <b>For consumption off the premises:</b> 09:00-18:00 Monday-Sunday
Licence in terms of Section 33(b) of the Act for the sale of liquor for consumption on the premises where liquor is sold. <i>(restaurant, sports club, pool bar, pub, sports bar, discotheque, jazz club, escort agency, pub and grub, tavern)</i>  <i>(Night club)</i>  <i>(Hotel, casino)</i>	11:00-24:00 Monday-Saturday 11:00-23:00 Sunday    24 hours every day
Licence in terms of Section 33(c) of the Act for the retail sale of liquor for consumption off the premises where liquor is sold. <i>(Bottle store, retail food store, wholesaler, off-sales, boutiques)</i>	09:00-18:00 Monday-Saturday 09:00-16:00 Sunday
Licence in terms of Section 33(d) of the Act for the sale of liquor for consumption on and off the premises where liquor is sold. <i>(Exceptional circumstances)</i>	<b>For consumption on the premises:</b> 11:00-24:00 Monday-Thursday 11:00-02:00 Friday-Saturday 11:00-22:00 Sunday  <b>For consumption off the premises:</b> 09:00-18:00 Monday-Saturday 09:00 -16:00 Sunday
Licence in terms of Section 33(e) of the Act for the sale and consumption of liquor on and off the premises at a special event <i>(Concert, festival, sporting event, and entertainment event)</i>	<b>For consumption on the premises:</b> 11:00-23:00 Monday-Thursday 11:00-24:00 Friday-Saturday 11:00-20:00 Sunday
A temporary licence in terms of Section 33(f) of the Act for the sale and consumption of liquor on or off the premises. <i>(Temporary pending approval of application- See section 48(1) of the Act)</i>	The hours will be the same as contained in this schedule depending on the type of licence applied for.

## PRINS ALBERT MUNICIPALITY: TARIFF BY-LAW

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2. Principles and Objectives
3. Adoption and implementation of tariff policy
4. Contents of tariff policy
5. Implementation and enforcement of tariff policy
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7. Repeal
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### 1. Interpretation

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

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Customer Care and Revenue Management By-Law**” means the municipality’s Customer Care and Revenue Management By-Law as required by sections 96(b), 97 and 98 of the Systems Act;

“**municipality**” means the Municipality of Prins Albert, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

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

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

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

“**tariff policy**” means the tariff policy set out in Schedule 1.

### 2. Principles and Objectives

- (1) Section 229(1) of the Constitution authorizes a municipality to impose:
  - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
  - (b) if authorized by national legislation, other taxes, levies and duties.
- (2) In terms of section 75A of the Systems Act a municipality may:
  - (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
  - (b) recover collection charges and interest on any outstanding amount.
- (3) In terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements and which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
- (4) In terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
- (5) In terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

### 3. Adoption and implementation of tariff policy

- (1) The municipality shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.

(2) The municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

#### **4. Contents of tariff policy**

The municipality tariff policy shall, *inter alia*:

- (1) apply to all tariffs imposed by the municipality pursuant to the adoption of the municipality's annual budget;
- (2) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the municipality may wish to adopt;
- (3) specify the manner in which the principles referred to in section 4(2) are to be implemented in terms of the tariff policy;
- (4) specify the basis of differentiation, if any, for tariff purposes between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination;
- (5) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Customer Care and Revenue Management By-Law.

#### **5. Implementation and enforcement of tariff policy**

The municipality's tariff policy as contained in Schedule 1 to this by-law applies throughout the area of jurisdiction of the municipality and shall be enforced through the Customer Care and Revenue Management By-Law and any further enforcement mechanisms stipulated in the municipality's tariff policy.

#### **6. Offences and Penalties**

A person who fails to comply with the provisions of this by-law commits an offence and is on conviction liable for the payment of a fine or a term of imprisonment.

#### **7. Repeal**

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

#### **8. Short title and commencement**

This by-law is called the Tariff by-law and will commence upon publication in the Provincial Gazette.

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## **PRINCE ALBERT MUNICIPALITY TARIFF POLICY**

### **1. INTRODUCTION AND OBJECTIVES**

A tariff policy must be compiled, adopted and implemented in terms of Section 74 of the Local Government: Municipal Systems Act 2000, such policy to cover, among other things, the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements.

Prince Albert Municipality wishes to achieve the following objectives by adopting this tariff policy:

- (a) To comply with the provisions of section 74 of the Systems Act.
- (b) To prescribe procedures for calculating tariffs where the municipality wishes to appoint service providers in terms of section 76(b) of the Systems Act.
- (c) To give guidance to the councillor for financial matters regarding tariff proposals that must be submitted to the council annually during the budget process.

### **2. GENERAL PRINCIPLES**

2.1 In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

2.2 Service tariffs imposed by the municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the financial ability of the relevant user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the relief measures for poor households and deserving categories of users approved by the municipality from time to time).

2.3 The municipality shall ensure that its tariffs are fairly applied throughout the municipal region.

2.4 Tariffs for the four major services rendered by the municipality, namely:

- \* electricity
- \* water
- \* sewerage (waste water)
- \* refuse removal (solid waste),

shall as far as possible recover the expenses associated with the rendering of each service concerned. The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.

- 2.5 The municipality shall, as far as circumstances reasonably permit, ensure that the tariffs levied in respect of the four major services further generate an operating surplus each financial year. Such surpluses shall be applied in relief of property rates and for the partial financing of general services or for the future capital expansion of the service concerned, or both. The modesty of such surplus shall prevent the service tariffs concerned from being viewed as concealed taxes.
- 2.6 The municipality shall develop, approve and at least annually review an indigency support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- 2.7 In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.
- 2.8 The municipality's tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be disclosed to users.
- 2.9 The municipality shall ensure that its tariffs shall be readily understandable by all users affected by the tariff policy.
- 2.10 The municipality undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.
- 2.11 In the case of directly measurable services, namely electricity and water, the consumption of such services shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.

In addition, the municipality shall levy monthly availability charges for the services concerned, and these charges shall be fixed for each type of property as determined in accordance with the detailed policies set out below. Generally, consumers of water and electricity shall therefore pay two charges: one, relatively minor, which is unrelated to the volume of consumption and is levied because of the availability of the service concerned; and another directly related to the consumption of the service in question.

- 2.12 In considering the costing of its water, electricity and sewerage services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services. The municipality therefore undertakes to plan the management and expansion of the services carefully in order to ensure that both current and reasonably expected future demands are adequately catered for, and that demand levels which

fluctuate significantly over shorter periods are also met. This may imply that the services may at times or for certain periods operate at less than full capacity, and the costs of such surplus capacity must also be covered in the tariffs which are annually levied.

- 2.13 The municipality shall, by adopting what is fundamentally a two-part tariff structure, namely a fixed minimum charge coupled with a charge based on consumption, address the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.
- 2.14 Part of the municipality's tariff policy for electricity services will be to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, will have to bear the costs associated with these charges. To this end the municipality shall install demand meters to measure the maximum demand of such consumers during certain periods. Such consumers shall therefore pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

### **3. CALCULATION OF TARIFFS FOR MAJOR SERVICES**

- 3.1 In order to determine the tariffs which must be charged for the supply of the four major services (water, electricity, refuse removal and sewerage) the municipality shall identify all the operational costs of the undertakings concerned, including specifically the following:
- (i) Cost of bulk purchases in the case of electricity.
  - (ii) Distribution costs.
  - (iii) Distribution losses in the case of electricity and water.
  - (iv) Depreciation expenses.
  - (v) Maintenance of infrastructure and other fixed assets.
  - (vi) Administration and service costs, including:
    - (a) service charges levied by other departments such as finance, human resources and legal services;
    - (b) reasonable general overheads, such as the costs associated with the office of the municipal manager;
  - (vii) Adequate contributions to the provisions for bad debts and obsolescence of stock;
  - (viii) The cost of approved indigency relief measures
  - (ix) All other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area.
- 3.2 In addition, in order to determine such tariffs, the Municipality must take into account the intended surplus to be generated for the financial year, such surplus to be applied:
- (i) as an appropriation to capital reserves; and/or

(ii) generally in relief of rates and general services.

- 3.3 The municipality shall provide the first 50kWh of electricity per month and the first 6 kl of water per month free of charge to consumers who have registered as indigents in terms of the municipality's indigency relief programme. The municipality shall further consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigents to the extent that the council deems such relief affordable in terms of each annual budget.
- 3.4 Tariffs for pre-paid meters shall be less than the ordinary consumption tariffs levied on the category of consumer concerned, but no minimum charge shall be levied on properties where pre-paid meters have been installed.
- 3.5 The tariff structure as in paragraphs 4 to 7 below will, where possible, be used to determine tariffs.

#### **4. WATER**

- 4.1 The categories of water consumers as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- 4.2 Because water is a scarce national resource, and this municipality is committed to the prudent conservation of such resources, the tariff levied for domestic consumption of water shall escalate according to the volume of water consumed.
- 4.3 The tariff applicable to domestic consumption of water shall not exceed 75% per kl of the tariff applicable to other consumers.
- 4.4 Categories of consumption shall be as follows:
- (i) All domestic water consumers registered as indigents with the municipality shall receive free the first 6 (six) kl of water consumed per month. Thereafter a stepped tariff per kl as determined by the council, subject to 5.3, from time to time shall be applicable on metered water consumption per month, according to the categories set out below:
    - (a) More than 6 kl but not more than 15 kl;
    - (b) More than 15 kl but not more than 25 kl;
    - (c) More than 25 kl but not more than 40 kl;
    - (d) More than 40 kl.
  - (ii) All other domestic consumers shall be charged for actual water consumption at a stepped tariff per kl as determined by the council, from time to time on water consumption per month, according to the categories set out below:

- (a) Not exceeding 6 kl;
  - (b) More than 6 kl but not more than 15 kl;
  - (c) More than 15 kl but not more than 25 kl;
  - (d) More than 25 kl but not more than 40 kl;
  - (e) More than 40 kl;
- (iii) All consumers other than domestic consumers, but including businesses, industries and institutional consumers, shall pay the same single tariff per kl, as determined by the council, from time to time, irrespective of the volume of water consumed.
- (iv) A basic charge per water meter, as determined by the council from time to time, shall be charged on all water consumers, except registered indigents.

#### 4.5 Drought tariffs

- (i) Council will charge drought tariffs in instances of water scarcity according to special tariffs included in the budget for the specific financial year.
- (ii) When drought tariffs are implemented, the 6 kiloliter free water will not be applicable. Consumers will thus pay from the first kiloliter consumed.

### 5. ELECTRICITY

5.1 The various categories of electricity consumers, as set out below, shall be charged at the applicable tariffs, as approved by the council in each annual budget.

5.2 Categories of consumption and charges shall be as follows:

- (i) With the single exception of registered indigents, all electricity consumers shall be billed for their electricity consumption at the tariff applicable to the category in which the particular consumer falls;
- (ii) The tariff for domestic consumption of electricity shall not exceed 75% per kWh of the tariff applicable to other consumers. All other consumers, including businesses, industries and institutional consumers, shall pay the same tariff per kWh;
- (iii) All domestic electricity consumers of the municipality who are registered as indigents with the municipality shall receive free the first 50kWh (fifty) of electricity consumed per month;
- (iv) All domestic electricity consumers other than registered indigents and consumers using prepaid meters per month shall additionally be billed a basic charge per

meter installed. The exemption applicable to prepaid meters is made in order to encourage the installation of such meters;

- (v) All commercial, industrial and other non-domestic properties shall additionally be billed a monthly basic charge per meter installed and, where applicable, a demand charge appropriate to their respective levels of consumption.

## **6. REFUSE REMOVAL**

- 6.1 The categories of refuse removal users as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- 6.2 A separate fixed monthly refuse removal charge shall apply to each of the following categories of users, based on the costs of the service concerned:
  - (i) Domestic users;
  - (ii) Business users – Prince Albert; and
  - (iii) Business users – Leeu Gamka
- 6.3 Registered indigents receive 100% discount on this charge.

## **7. SEWERAGE**

- 7.1 The categories of sewerage users as set out below shall be charged per month at the applicable tariff as approved by the council in each annual budget.
- 7.2 Categories of usage and charges for water borne-sewerage shall be as follows:
  - (i) A basic (availability) charge per month shall be charged for undeveloped erven, irrespective of their permitted or intended use.
  - (ii) A fixed monthly charge based on the costs of the service shall be charged for domestic users;
  - (iii) Registered indigents may receive such discount on this charge as the council deems affordable when approving each annual budget;
  - (iv) A fixed monthly charge shall be charged to all businesses, industries and institutional users;
  - (v) The tariff to be charged to users may differ between Prince Albert, Leeu-Gamka and Klaarstroom, based on historic differences in rates.
- 7.3 Septic tank clearing charges shall be charged as per tariffs approved in the annual budget.

## 8. CALCULATION OF MINOR TARIFFS

- 8.1 All minor tariffs (being tariffs in respect of services and facilities other than the major services referred to in paragraph 3(4)) shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.
- 8.2 All minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.
- 8.3 The following services shall be considered as subsidised services, and the tariffs levied will be determined during each annual budget:
- (i) burials and cemeteries
  - (ii) rentals for the use of municipal sports facilities
- 8.4 The following services shall be considered as community services, and no tariffs shall be levied for their use:
- (i) disposal of garden refuse at the municipal tip site
  - (ii) municipal libraries
- 8.5 The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:
- (i) maintenance of graves
  - (ii) housing rentals
  - (iii) rentals for the use of municipal halls and other premises
  - (iv) building plan fees
  - (v) electricity, water, sewerage: new connexion fees
  - (vi) photostat copies and fees
  - (vii) clearance certificates for purposes of property transfers.
- 8.6 The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined at a reasonable level (with due regard to direct and indirect costs involved, need for discouraging undesirable practices and advantages enjoyed by user) in each annual budget:

- (i) fines for lost or overdue library books
- (ii) advertising sign fees
- (iii) electricity, water: disconnection and reconnection fees
- (iv) penalty and other charges imposed in terms of the approved policy on credit control and debt collection
- (v) penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.

8.7 Market-related rentals shall be levied for the lease of municipal properties.

8.8 In the case of rentals for the use of municipal halls and premises, if the municipal manager is satisfied that the halls or premises are required for non-profit making purposes and for the provision of a service to the community, the municipal manager may allow a discount of 50% on the rental that would otherwise have applied.

8.9 The municipal manager shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields, and in so determining shall be guided by the likelihood of the municipality sustaining damages as a result of the use of the facilities concerned.

## **9. REVIEW OF TARIFFS**

9.1 Tariffs are to be reviewed annually, and any adjustments to any tariffs pursuant to such review must be reflected in the budget of the Municipality.

9.2 The Municipal Manager shall determine processes and procedures for reviewing tariffs, including any time limits for the completion of any step of any such process or procedure.

## **10. COMING INTO EFFECT OF ADJUSTMENTS**

Unless the Council determines otherwise, any adjustment made to any tariff shall come into effect on the 1<sup>st</sup> day of July in any year.

## **11. PUBLICATION OF TARIFFS**

The Municipality shall publish and display the resolution and notice relating to tariffs as required by Section 75A (3) of the Act.

## **12. RELATED LEGISLATION, POLICIES AND BY-LAWS**

This policy must be read in conjunction with the following:

- (a) Sections 73, 74, 75 and 75A of the Act;
- (b) the following policies of the Municipality:



- (i) The Credit Control and Debt Collection Policy;
- (ii) The Indigent Management Policy;
- (c) the Municipality's Tariffs by-law.

### **13. REVIEW OF POLICY**

This policy is to be reviewed annually.

### **14. RESPONSIBILITY FOR IMPLEMENTATION**

The Municipal Manager shall be responsible for the implementation of this policy, provide that he or she may delegate any or all of his powers and duties hereunder to the Chief Financial Officer of the Municipality.

### **15. COMMENCEMENT**

This policy shall come into commence upon publication in the Provincial Gazette.

## **ANNEXURES: LEGAL REQUIREMENTS**

### **A: WATER SERVICES ACT NO. 108 OF 1997**

#### **SECTION 10: NORMS AND STANDARDS FOR TARIFFS**

A municipality, in its capacity as a water services institution, must apply a tariff for water services which is not substantially different from any norms and standards which the Minister of Water Affairs and Forestry, with the concurrence of the Minister of Finance, has prescribed in terms of the present Act.

#### **SECTION 21: BY-LAW**

A municipality, in its capacity as water services authority, must make by-laws which contain conditions for the provision of water services, and which provide for at least the following (inter-alia):

- the standard of the services;
- the technical conditions of supply, including quality standards, units or standards of measurement, the verification of meters, acceptable limits of error and procedures for the arbitration of disputes relating to the measurement of water services provided;
- the determination and structure of tariffs in accordance with Section 10 of the present Act.
- If the municipality, in its capacity as water services authority, has imposed conditions under which water services are provided, such conditions must be accessible to consumers and potential consumers.
- If the municipality, in its capacity as water services authority, provides water for industrial use, or controls a system through which industrial effluent is disposed of, it must make by-laws providing for at least the following:
  - the standards of the service;
  - the technical conditions of provision and disposal;
  - the determination and structure of tariffs.

### **B: LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT NO. 32 OF 2000**

#### **SECTION 74: TARIFF POLICY**

The council of a municipality must adopt and implement a tariff policy on the levying of fees for the services provided by the municipality itself or by way of service delivery agreements.

Such policy must comply with the provisions of the present Act and any other applicable legislation.

Such tariff policy must reflect at least the following principles:

- that users of municipal services must be treated equitably in the application of the municipality's tariffs;
- that the amount individual users pay for services must generally be in proportion to the use

of such services;

- that poor households must have access to-at least basic services through tariffs which cover only operating and maintenance costs, special tariffs or lifeline tariffs for low levels of use. or consumption of services or for basic levels of services, or any other direct or indirect method of subsidisation of tariffs for poor households;
- that tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
- that tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
- that provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
- that provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
- that the economic, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;
- that the extent of subsidisation of tariffs for poor households and other categories of users must be fully disclosed.

The tariff policy may differentiate in respect of services, service standards, service providers and other matters between different categories of users, debtors or geographical areas.

If the policy entails such differentiation, the municipality must ensure that this does not amount to unfair discrimination.

#### SECTION 73: GENERAL DUTY

The municipality must give effect to the provisions of the Constitution, and in doing so give priority to the basic needs of the local community, promote the development of the local community, and ensure that all members of the local community have access to at least the minimum level of basic municipal services.

The services provided by the municipality must be: equitable and accessible; provided in a manner conducive to the prudent, economic, efficient and effective use of available resources, and the improvement of standards of quality over time; financially sustainable; environmentally sustainable; and regularly reviewed with a view to upgrading, extension and improvement.

#### SECTION 75: BY-LAWS TO GIVE EFFECT TO POLICY

The council of the municipality must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

Such by-laws may differentiate in respect of services, service standards, service providers and other matters between different categories of users, debtors or geographical areas, but in a manner which does not amount to unfair discrimination.

