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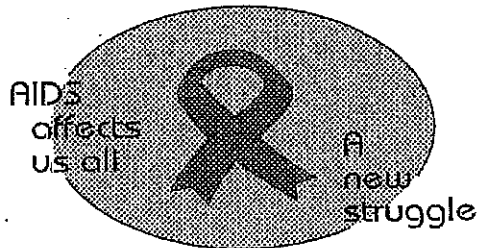
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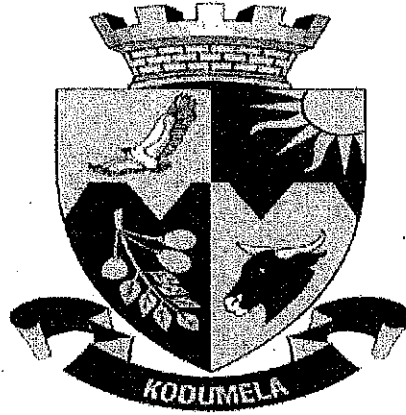
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**BLOBERG MUNICIPALITY**

**TARIFF BY-LAW**

**2023**

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**Blouberg Local Municipality****Tariff By-law**

The Municipal Manager of Blouberg Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Tariff By-Law for the Blouberg Local Municipal area as resolved by its Council, as set out hereunder.

**Purpose of the by-law**

The purpose of this by-law is to regulate the tariffs to be charged by the Council in respect of the various services rendered as provided in terms hereof.

**1. Definitions**

(1) In this by-law, unless inconsistent with the context:

**"Credit Control and Debt Collection Policy"** means the Municipality's Credit Control and Debt Collection Policy as referred to in sections 96 and 97 of the Municipal Systems Act

**"Municipality"** means the Blouberg Local Municipality and includes the Mayor, Political Office Bearers, Political structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act;

**"Municipal Finance Management Act"** means the Local Government: Municipal Finance Management Act 56 of 2003, as amended.

**"Municipal Property Rates Act"** means the Local Government: Municipal Property Rates Act 6 of 2004, as amended

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act 32 of 2000, as amended

**"cost to be recovered"** means the cost of purchasing, the cost of changing the products to the delivered capital cost, administrative and support systems cost;

**"domestic consumer"** means in regard to the electricity service, it excludes domestic consumer and relates to any consumer and relates to any consumer whose electricity demand is less than 100 KVA per month for a period of 12 months;

**“commercial and general consumer”** means in regard to electricity service, it excludes domestic consumers and relates to any consumer whose electricity demand exceeds maximum electricity demand is less than 100 KVA per month for a period of 12 months;

**“Off- peak supply”** means it is an electricity supply on written request to bulk consumer during off-peak hours or contributed to the municipality's maximum demand, whichever is the greatest.

**“Temporary consumers”** includes builders, carnivals, fairs, amusement of any consumer of a temporary nature.

**“Tariff”** means fees and charges levied by the Municipality in respect of any function or services provided by the Municipality to the local community and includes a surcharge on such tariff but excludes the levying of rates by the Municipality in terms of the Local Government: Municipal Property Rates Act.

**“Tariff policy”** means the Municipality's tariff policy as adopted in terms of section 75 of the Municipal Systems Act.

- (2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa

## **2. Adoption and Implementation of Tariff Policy**

- (1) The Municipality must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Municipal Systems Act, the Municipal Finance Management Act and any other applicable legislation.
- (2) The tariff policy adopted in terms of sub-section (1) must be reviewed annually by the municipality.
- (3) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

## **3. Tariff Policy**

- (1) The municipality's tariff policy applies to all tariffs imposed by the municipality.
- (2) The tariff policy must reflect the principles referred to in the Municipal Systems Act, namely that-
- (a) users of municipal tariffs should be treated equitably in the application of tariffs;
  - (b) the amount individual users pay for municipal services should generally be in proportion to their use of the service;

- (c) poor households must have access to at least basic services through-
    - (i) tariffs that cover only operating and maintenance costs;
    - (ii) special tariffs or life-line tariffs for low levels of use or consumption of services or for basic levels of service;
    - (iii) Any other direct or indirect method of subsidization of tariffs for poor households;
  - (d) tariffs must reflect the costs reasonably associated with rendering of the service, including capital, operations, maintenance, administration and replacement costs, and interest charges;
  - (e) tariffs must be at levels that facilitate the financial sustainability of the service, taking into account subsidization from sources other than the service concerned;
  - (f) provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
  - (g) provision may be made for promotion of local economic development through special tariffs for categories of commercial and industrial users;
  - (h) the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged; and
  - (i) the extent of subsidization of tariffs for poor households and other categories of users should be fully disclosed.
- (3) The municipality's tariff policy must-
- (a) specify the manner in which the principles referred to in subsection (2) are to be implemented;
  - (b) specify the basis of differentiation, if any, between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters, as long as the differentiation does not amount to unfair discrimination; and
  - (c) include any enforcement mechanisms the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection Policy.

#### **4. The general power to levy and recover fees, charges and tariffs**

- (1) The municipality has the power to-
- (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
  - (b) recover collection and interest on any outstanding amount.
- (2) Fees, charges and tariffs referred to in subsection (1) are levied by resolution passed by the municipal council with a supporting vote of the majority of its members.

- (3) After a resolution contemplated in subsection (3) has been passed by the council, the municipal manager must, without delay-
- (a) conspicuously display a copy of the resolution for a period of at least 30 days at the main administrative offices of the Municipality and such other places within the municipality to which members of the public have access, as the municipal manager may determine;
  - (b) publish in a newspaper of general circulation in the area of jurisdiction of the municipality, a notice stating-
    - (i) that a resolution as contemplated in subsection (3) has been passed by the council;
    - (ii) that a copy of the resolution is available for public inspection during office hours at the main administrative offices of the Municipality and other places specified in the notice; and
    - (iii) the date on which the determination will come into operation; and
  - (c) seek to convey the information referred to in paragraph (b) to the local community by means radio broadcasts covering the area of the municipality.
- (4) The municipal manager must forthwith send a copy of the notice referred to in subsection (3)(b) to the MEC for the local government concerned.

#### **5. The Municipality's Policies**

Departure from the Municipality's policies may only be made where there are sound practical reasons that prevent the implementation of the policy at a particular time and/or where the phased adoption of the policy or policies would reduce an otherwise onerous burden on the Municipality and or consumer.

#### **6. Electricity Services**

- (1) The Municipality may by resolution subsidize electricity to the indigent households and supply units free of charge for all households.
- (2) The Municipality may charge the following rates:
- (a) Basic charge differentiated amongst various consumers:
    - (i) Bulk consumers.
    - (ii) Business and other small consumers.
    - (iii) Household consumers.
    - (iv) Vacant Stand (The Municipality property included).
  - (b) Availability charges based on consumption, type of stands of consumers
  - (c) Consumption charges per KWh:



- (i) Bulk consumer
  - (ii) Residential (pre-paid meters).
  - (iii) Sport Clubs.
- (d) Consumption charges (per KVA demand):
- (i) Re-connection fees
  - (ii) Fess for the investigation of complaints
  - (iii) Special meter readings
  - (iv) Fees for testing of electrical meters.
  - (v) Unmetered supply.
- (3) VAT is not included in the tariffs and must and be added and levied.
- (4) The Municipality may lower business tariffs in line with NER (National Electricity Regular) policy and – Incentive schemes of Municipality.

#### **7. Refuse removal**

- (1) The Municipality may by resolution subsidize to the indigent households as determined in the indigent policy.
- (2) The Municipality may charge the following rates
- (a) Municipal Area
    - (i) Residential refuse removal – for one removal per week.
    - (ii) Business refuse removal – for one removal week.
  - (b) Special removal services
    - (i) Removal of garden refuse per load.
    - (ii) Compact (bulk) refuse and building rubble per load.
  - (c) Dumping of refuse at the Municipal Dumping site.
  - (d) Availability charges based on type of stands and nature consumers
  - (e) Rental of Bulk Container.
  - (f) garden Refuse Bags of dead animals
  - (g) All other services for which provision has not been made.
  - (h) VAT is not included and should be added and levied.

#### **8. Sewerage & Sanitation (VAT applicable)**

- (1) Municipality may, as resolved, grant a subsidy for the indigents as defined in the indigent policy.
- (2) Municipality may charge the following tariffs:
- (a) Tariff per Unit.
  - (b) All properties based on size of land.
  - (c) Sewerage Connection Fee – amount payable per connection.

- (d) Availability charges based on size of land
- (e) Sewerage Blockage:
  - (1) Call out fee plus labour

**9. Water services (Vat applicable)**

- (1) The Municipality may by resolution subsidise the provision of water to the indigent households and supply a determined amount of water free of charge for all households.
- (2) The Municipality may charge the following tariffs:
  - (a) Consumption charges:
    - i) A sliding scale will be applicable to residential consumers (basic charge R0):
      - 0-6kl (Fee)
      - 7-20 kl
      - 21- 40 kl
      - 41-60 k
      - 61-80 kl
      - 81 – 100 kl
      - 101 – 150 kl
      - 151 – 200 kl
      - 201 -300 kl
      - 301 – 400 k
      - 401 – 500 kl
      - 501 kl and above
  - (b) All other consumers /Sport Clubs / Live Stock watering places:
    - i) Basic charge
    - ii) Non-residential or otherwise defined:
      - 0-50 kl
      - 51-100 kl
      - 151-200 kl
      - 201-300 kl
      - 301-400 kl
      - 401 – 500 kl
      - 501 kl and above
  - (c) Water taken or delivered per truck to persons or instances outside municipal borders
  - (d) During announced water restrictions a penalty tariff may be levied all usage above the announced limits.
  - (e) Charges for connection of water supply

- (f) Availability charges based on size of land
  - (g) Fees for the investigation of water related complaints.
  - (h) Re- connection fees.
- (3) VAT is not included in the tariffs and must and be added and levied.

#### 10. Property tax (Vat not applicable)

- (1) Classifications applicable to service delivery related tariffs according to the Tariff, is based on the following categories:
- (a) Residential
  - (b) Commercial – Towns
  - (c) Commercial – Villages
  - (d) Agricultural
- (2) The Municipality may place a priority on property tax for collection of revenue.
- (a) Pensioners, based on monthly income;
  - (b) Developed properties zoned residential;
  - (c) Government Properties.
- (3) The Municipality may place a priority on property tax for collection of revenue.

#### 11. Offences

Any person who contravenes or fails to comply with any provision of this by- law shall be guilty of an offence and liable upon conviction to;

- (1) a maximum fine of R 5000.00 or maximum imprisonment of 5 months, or to both such fine and such imprisonment and;
- (2) in the case of a continuing offence, to an additional maximum fine of R 100.00 or an additional maximum period of 1 day or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and;
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

#### 12. Short Title, Amendment and Commencement

This By- law will be known as the **Blouberg Local Municipality: Tariff By- Law 2023**, repeals the Blouberg Local Municipality: Proposed By-Law relating to Tariffs and will come into operation on publication in the *Provincial Gazette*.



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