

113/1/23

WITZENBERG MUNICIPALITY

CLOSURE OF PUBLIC ROAD OLIENHOUT AVENUE,
PRINCE ALFRED HAMLET

Notice is hereby given in terms of the provisions of Section 137 of the Municipal Ordinance (Ordinance 20 of 1974) read with the Municipal Systems Act (Act 32 of 2000) that the Council intends to close a section of Olienhout Avenue adjacent to erven 1022 and 1042 Prince Alfred Hamlet.

Further details are available in the office of the Municipal Manager during normal office hours and objections, if any, must be lodged in writing with the Municipal Manager, 50 Voortrekker Street, PO Box 44, Ceres on or before 30 August 2004.

Should any objector not be literate, the objector may visit Mr. Johan Rossouw at the abovementioned address in order to document such person's objection.

D. du Plessis, Municipal Manager, Witzenberg Municipality, 50 Voortrekker Street, P.O. Box 44, Ceres 6835.

Ref. Nr. 16/4/2/ and 16/4/4/5 23 July 2004.

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MUNISIPALITEIT WITZENBERG

SLUITING VAN OPENBARE PAD, OLIENHOUTLAAN,
PRINS ALFRED HAMLET

Kennis geskied hiermee in terme van die bepalings van Artikel 137 van die Munisipale Ordonnansie (Ordonnansie 20 van 1974) saamgelees met die Munisipale Stelselswet (Wet 32 van 2000) dat die Raad van voorneme is om gedeelte pad aangrensend aan erwe 1022 en 1042 Olienhoutlaan, Prins Alfred Hamlet te sluit.

Nadere besonderhede lê ter insae in die kantoor van die ondergetekende gedurende normale kantoorure en besware, indien enige, moet skriftelik ingedien word by die Munisipale Bestuurder, Voortrekkerstraat 50, Posbus 44, Ceres voor of op 30 Augustus 2004.

Indien enige beswaarmaker nie kan lees of skryf nie, kan besoek afgeleë word by bovermelde kantoor en sal mnr Johan Rossouw aan sodanige persoon hulp verleen om die beswaar op skrif te stel.

D. du Plessis, Munisipale Bestuurder, Munisipaliteit Witzenberg, Voortrekkerstraat 50, Posbus 44, Ceres 6835.

Verw. Nr. 16/4/2/ en 16/4/4/5 23 Julie 2004.

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WITZENBERG MUNICIPALITY

BY-LAW RELATING TO TARIFFS, CHARGES AND FEES

PREAMBLE

WHEREAS a municipal council may make and administer by-laws for the effective administration of the matters which it has the right to govern in terms of section 156(2) of the constitution;

AND WHEREAS a municipality must administer its internal financial arrangements in an efficient, transparent, effective and responsible manner;

AND WHEREAS a municipal council has the right to finance the affairs of the municipality by charging tariffs, charges and fees for services;

NOW THEREFORE the municipality adopts the following by-law to give effect to its policy relating to tariffs, charges and fees.

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Definitions

1. In this by-law, any word or expression to which a meaning has been assigned in the Act, must bear the same meaning and unless the context indicates otherwise —
 - “Act” means the Local Government: Municipal Systems Act, 32 of 2000;
 - “charges” means the price determined by the municipality which price is based on the recovery of the actual cost, for any municipal service;
 - “council” means the municipal council of Witzenberg Municipality;
 - “fees” means the price determined by the municipality for the use of

MUNISIPALITEIT WITZENBERG

VERORDENING INSAKE TARIEWE, KOSTE EN GELDE

AANHEF

NADEMAAL 'n munisipale raad verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer ingevolge artikel 156(2) van die Grondwet:

EN NADEMAAL 'n munisipaliteit sy interne finansiële reëlings op 'n doeltreffende, deursigtige en verantwoordelike wyse moet administreer:

EN NADEMAAL 'n munisipale raad die reg het om sy werksaamhede te finansier deur die heffing van tariewe, koste en gelde vir dienste:

NOU DERHALWE word die volgende verordening deur die munisipaliteit uitgevaardig om uitvoering te gee aan sy beleid insake tariewe, koste en gelde.

INHOUDSOPGAWE

1. WOORDOMSKRYWINGS
2. VERPLIGTING OM BELEID TE BEPAAL
3. BELEIDSBEGINSELS
4. HERSIENING VAN BELEID
5. VASSTELLING VAN TARIEWE, KENNISGEWING EN BESWARE
6. HERROEPING VAN VERORDENINGE
7. KORT TITEL EN INWERKINGTREDDING

Woordomsrywings

1. Vir die doeleindes van hierdie verordening het enige woord of uitdrukking waaraan 'n bepaalde betekenis geheg is in die Wet dieselfde betekenis tensy uit die samehang anders blyk, en beteken:
 - “gelde” die prys wat deur die munisipaliteit bepaal word vir die gebruik van fasiliteite of geriewe wat deur die munisipaliteit voorsien word, welke prys nie noodwendig gebaseer is op die verhaling van werklike koste vir die voorsiening van sodanige fasiliteite of geriewe nie;
 - “koste” die prys wat deur die munisipaliteit bepaal word en wat gebaseer word op die verhaling van werklike koste vir enige munisipale diens;
 - “munisipale bestuurder” die persoon wie deur die raad aangestel is

facilities or services provided by the municipality, which price is not necessarily based on the recovery of actual cost for providing such facility or service;

"municipal area" means the municipal area of the Witzenberg Municipality as described in section 2(1) of the Establishment Notice as published per provincial Notice 486 of 22 September 2000;

"municipality" means the Witzenberg Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof 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;

"municipal services" means a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether —

(a) such a service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 or by engaging an external mechanism contemplated in section 76; and

(b) fees, charges or tariffs are levied in respect of such a service or not;

"municipal manager" means the person appointed by the municipality in terms of section 82 of the Municipal Structures Act, Act 117 of 1998, and includes:

(a) the person acting in such position; and

(b) to whom the municipal manager has delegated any power, function or responsibilities in as far as it concerns the execution of those functions;

"tariffs" means the price determined by the municipality for rendering any municipal trading services for which payment is expected, which services include, but is not limited to —

(a) Water supply

(b) Electricity supply

(c) Refuse removal

(d) Sewerage disposal;

"tariff policy" means the process and principles approved by the municipality for the determination and levying of tariffs, charges, fees and other levies for services provided by the municipality itself or by way of service delivery agreements and which complies with the provisions of the Act and any other applicable legislation.

Obligation to adopt policy

2. In terms of section 74 of the Act a municipal council must adopt and implement a policy on the levying of tariffs, charges and fees for municipal services provided by the municipality itself or by way of service delivery agreements and which complies with the provisions of the Act and any other applicable legislation.

Tariff principles

3. (1) The municipality shall apply the principles as contained in the approved tariff policy when determining tariffs, charges and fees for municipal services with due observance of the principles contained in section 74(2)(a) to (i) of the municipal Systems Act, 32 of 2000, namely that —
 - (a) users of municipal services should be treated equitably in the application of tariffs;
 - (b) the amount individual users pay for services should generally be in proportion to their use of that service;

ingevolge die bepalings van artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998, en sluit in:

(a) enige persoon wat in sodanige pos waarneem, en

(b) aan wie die munisipale bestuurder enige magte, funksies, of pligte gedeleger het vir soverre dit die uitvoering van sodanige magte, funksies of pligte aangaan;

"munisipale diens" 'n diens wat deur 'n munisipaliteit ingevolge sy bevoegdheid en funksies voorsien word, of voorsien kan word, aan of tot voordeel van die plaaslike gemeenskap, ongeag of —

(a) die diens voorsien word, of voorsien staan te word deur die munisipaliteit deur 'n interne meganisme beoog in artikel 76, of deur hom te begeef in 'n eksterne meganisme beoog in artikel 76; en

(b) gelde, kostes of tariewe ten opsigte van die diens gehel word aldan nie;

"munisipale gebied" die munisipale gebied van Witzenberg Munisipaliteit soos omskryf in artikel 2(1) van die instellingskennisgewing soos gepubliseer per Provinsiale Kennisgewing 486 van 22 September 2000;

"munisipaliteit" die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedeleger of gesubdeleger is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

"raad" die munisipale raad van Witzenberg Munisipaliteit;

"tariewe" die prys wat deur die raad vasgestel word vir die lewering van enige munisipale handelsdienste waarvoor betaling verwag word, welke handelsdienste insluit, maar nie daartoe beperk is nie —

(a) Watervoorsiening;

(b) Elektriesiteitsvoorsiening;

(c) Vullisverwydering; en

(d) Rioolwegdoening;

"tariefbeleid" die proses en die beginsels wat deur die munisipaliteit goedgekeur is vir die bepaling en heffing van gelde, tariewe, belastinge en ander heffings vir dienste gelewer deur die munisipaliteit self of deur middel van diensleweringsooreenkomste en wat voldoen aan die bepalings van die Wet;

"Wet" die Wet op Plaaslike Regering: Munisipale Stelsels, Wet 32 van 2000.

Verpligting om beleid te bepaal

2. Ooreenkomstig die bepalings van artikel 74 van die Wet moet die munisipaliteit 'n beleid aanvaar en implementeer met betrekking tot die bepaling van tariewe, koste en gelde vir dienste gelewer, hetsy deur die munisipaliteit self of deur middel van 'n diensleweringsooreenkoms.

Beleidsbeginsels

3. (1) Die munisipaliteit sal die beginsels in die goedgekeurde beleid toepas wanneer tariewe, koste en gelde vir munisipale dienste bepaal word met inagneming verder van die onderstaande beginsels soos vervat in Artikel 74(2)(a) tot (i) van die Munisipale Stelselswet, 32 van 2000, naamlik dat —
 - (a) gebruikers van munisipale dienste billik behandel moet word by die toepassing van tariewe;
 - (b) die bedrag wat individuele gebruikers vir dienste betaal in die algemeen in verhouding moet wees met hul gebruik van daardie diens;

- (c) poor households must have access to at least basic services through —
- (i) tariffs that cover only operating and maintenance costs;
 - (ii) special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
 - (iii) any other direct or indirect method of subsidisation of tariffs for poor households;
- (d) tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
- (e) tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
- (f) provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
- (g) provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
- (h) the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;
- (i) the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.
- (2) The municipality's policy relating to tariffs, charges and fees may differentiate between 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.

Revision of Policy

4. (1) The municipality shall revise its policy relating to tariffs, charges and fees annually when considering its budget with a view to comply with the principles set out in the said policy from time to time;
- (2) Revision of the policy as contemplated in section 4(1) shall be undertaken in terms of the public participation policy approved by the municipality.

Determination of tariffs, notice and objections

5. (1) The municipality may —
- (a) by resolution supported by a majority of the members of the council, and in accordance with its approved policy, levy and recover tariffs, charges and fees in respect of any function or service provided by the municipality;
 - (b) from time to time by resolution of the council, and in accordance with the policy contemplated in subsection (1)(a), amend or withdraw such determination and determine a date, not earlier than 30 days from date of resolution, on which such determination, amendment or withdrawal shall come into operation; and

- (c) arm huishoudings minstens tot basiese dienste toegang moet hê deur —
- (i) tariewe wat bloot bedryfs- en instandhoudings-koste dek;
 - (ii) spesiale tariewe of lewenslyntariewe vir lae vlakke van gebruik of verbruik van dienste of vir basiese diensvlakke; of
 - (iii) enige ander regstreekse of onregstreekse metode van subsidiëring van tariewe vir arm huishoudings;
- (d) tariewe die koste moet weerspieël wat redelikerwys met die lowering van die diens in verband gebring word, insluitende kapitaal-, bedryfs-, instandhoudings-, administrasie- en vervangingskoste, en renteheffings;
- (e) tariewe teen vlakke gestel moet word wat die finansiële volhoubaarheid van die diens fasiliteer, met inagneming van subsidiëring uit bronne anders dan die betrokke diens;
- (f) voorsiening in toepaslike omstandighede gemaak kan word vir 'n bobelasting op die tarief vir 'n diens;
- (g) voorsiening gemaak kan word vir die bevordering van plaaslike ekonomiese ontwikkeling deur spesiale tariewe vir kategorië of kommersiële- en nywerheidsgebruikers;
- (h) die ekonomiese, doeltreffende en effektiewe gebruik van hulpbronne, die herwinning van afval, en ander toepaslike omgewingsoogmerke aangemoedig moet word;
- (i) die mate van subsidiëring van tariewe vir arm huishoudings en ander kategorië gebruikers volledig openbaar gemaak moet word.
- (2) Die munisipaliteit se beleid insake tariewe kostes en gelde mag onderskeid tref tussen verskillende kategorië van gebruikers, debiteure, diensverskaffers, dienste, dienstandaarde en geografiese areas, mits sodanige onderskeid nie sal lei tot onbillike diskriminasie nie.

Hersiening van Beleid

4. (1) Die munisipaliteit sal jaarliks tydens die oorweging van sy begroting sy beleid insake tariewe kostes en gelde hersien met die oog op voldoening aan die beginsels soos van tyd tot tyd in sy tariefbeleid neergelê.
- (2) Die hersiening van die tariefbeleid soos in artikel 4(1) bedoel, sal geskied ooreenkomstig die munisipaliteit se beleid met betrekking tot publieke deelname.

Vasstelling van Tariewe, Kennisgewing en Besware

5. (1) Die munisipaliteit mag —
- (a) deur middel van 'n besluit wat deur 'n meerderheid van die lede van die raad gesteun word, tariewe, koste en gelde ooreenkomstig sy aanvaarde beleid hef en vorder ten opsigte van enige funksie of diens wat deur die munisipaliteit gelewer word.
 - (b) van tyd tot tyd deur middel van 'n besluit van die raad, ooreenkomstig die beleid soos bedoel in subartikel (1)(a), sodanige tariewe, koste en gelde wysig of intrek en 'n datum vasstel, wat nie vroeër is as 30 dae vanaf datum van die besluit van die raad nie, waarop sodanige vasstelling, wysiging of intrekking in werking sal tree; en

- (c) recover any charges so determined or amended, including interest on any outstanding amount.
- (2) After a resolution as contemplated in section 1(a) and (b) has been passed, the municipal manager shall forthwith give notice of such resolution by —
- (a) conspicuously displaying a copy of the resolution for a period of at least 30 days at the main administrative office of the municipality and at such other places within the municipality to which the public has access as the municipal manager may determine;
- (b) publishing in a newspaper for general circulation in the municipality a notice stating —
- (i) that a resolution as contemplated in section 5(1) 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 office of the municipality and at any other places specified in the notice; and
- (iii) the date on which the determination will come into operation;
- (iv) that any person who desires to object to such determination or amendment shall do so in writing within 30 days after the date on which the notice is first published.
- (c) seeking to convey the information referred to in subsection (1)(i) to (iii) to the local community by means of radio broadcasts covering the area of the municipality.
- (3) Where —
- (a) no objection is lodged within the period referred to in subsection (2)(b)(iv), the determination or amendment shall come into operation as contemplated in subsection (1)(b);
- (b) an objection is lodged within the period referred to in subsection (2)(b)(iv), the municipality shall consider every objection and may amend or withdraw the determination and may determine a date other than the date contemplated in subsection (1)(b) on which the determination or amendment shall come into operation, whereupon subsection (2) shall apply with the necessary changes.

Repeal of By-laws

6. (1) Any by-law applicable in the jurisdiction area of the municipality and which relates to tariffs, charges and fees, is hereby repealed.
- (2) The repeal of existing by-laws referred to in section 6(1), is effective from the date of promulgation of this by-law.

Short title and commencement

7. This by-law shall be known as the **By-Law relating to Tariffs, Charges and Fees** and shall come into operation on the date of publication thereof in the Provincial Gazette.

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- (c) enige gelde wat sodanig vasgestel of gewysig is, insluitende rente op enige uitstaande bedrag, verhaal.
- (2) Nadat 'n besluit soos bedoel in subartikel (1)(a) en (b) aangeneem is gee die munisipale bestuurder onverwyld kennis van sodanige besluit deur —
- (a) vir 'n tydperk van minstens 30 dae, 'n afskrif van die besluit ooglopend te vertoon by die hoof-administratiewe kantoor van die munisipaliteit en by die ander plekke binne die munisipaliteit waartoe die publiek toegang het wat die munisipale bestuurder bepaal;
- (b) 'n kennisgewing te publiseer in 'n koerant wat algemeen versprei word in die munisipaliteit wat —
- (i) vermeld dat 'n besluit soos beoog in subartikel (1) deur die raad aangeneem is;
- (ii) vermeld dat 'n afskrif van die besluit ter insae van die publiek is gedurende kantoorure by die hoof-administratiewe kantoor van die munisipaliteit en by die ander plekke in die kennisgewing genoem;
- (iii) die datum vermeld waarop die vasstelling in werking sal tree; en
- (iv) dat enige persoon wat teen sodanige vasstelling beswaar wil aanteken dit op skrif moet indien binne 30 dae na die datum waarop die kennisgewing die eerste keer gepubliseer is;
- (c) daarna streef om die inligting bedoel in paragraaf (b) aan die plaaslike gemeenskap oor te dra by wyse van radio-uitsendings wat die gebied van die munisipaliteit dek.
- (3) Waar —
- (a) geen beswaar binne die tydperk in subartikel (2)(b)(iv) bedoel, ingedien is nie, tree die vasstelling of wysiging in werking soos in subartikel (1)(b) in werking;
- (b) 'n beswaar binne die tydperk in subartikel (2)(b)(iv) bedoel ingedien is, oorweeg die munisipaliteit elke beswaar en kan die vasstelling of wysiging wysig of intrek en mag 'n ander datum as die in subartikel (1)(b) bepaal waarop die wysiging of intrekking van krag sal word, waarna subartikel (2) met die nodige veranderinge van toepassing word.

Herroeping van Verordeninge

6. (1) Enige verordening van toepassing in die regsgebied van die munisipaliteit wat betrekking het op tariewe, koste en gelde, word hiermee herroep.
- (2) Die herroeping van bestaande verordeninge soos bedoel in subartikel (1) geld vanaf datum van publikasie van hierdie verordening in die Provinsiale Koerant.

Kort Titel en Inwerkingtreding

7. Hierdie verordening heet die **Verordening insake Tariewe, Koste en Gelde** en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

23 Julie 2004.

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