

**No. 78**

**12 June 2009**

**ABAQULUSI MUNICIPALITY**

**No. 5 of 2009**

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after a resolution by Council in a meeting open to the public and public consultation hereby publish a set of by-laws as per schedule attached hereto.

Signed at Vryheid on this 27<sup>th</sup> day of June 2008.

**M.J. MATHENYWA**  
**MUNICIPAL MANAGER**

## TARIFF POLICY BY-LAWS FOR INDIGENT PERSONS

Be it enacted by the Council of the Abaqulusi Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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### CHAPTER 1:

### DEFINITIONS

#### Definitions

1. In these bylaws, unless the context indicates otherwise —

"**beneficiary**" or "**beneficiaries**" means the —

(a) the owner and the occupiers of a property, where the owner occupies the property with other occupiers; or

(b) the occupiers of a property, where the owner does not occupy the property,

where the combined income level of the owners and/or occupiers does not exceed the level determined by Council by resolution from time to time;

"**beneficiary property**" a residential property owned or occupied by a beneficiary or beneficiaries;

"**Council**" means the Council of the Abaqulusi Municipality;

"**consumption**" means the ordinary use of municipal services for domestic or household services;

"**due date**" means, in the absence of any express agreement to the contrary, the date determined from time to time by the Council as the last date on which any account for municipal services rendered shall be paid;

"**free basic water allocation**" means the maximum amount of water which will be provided free of charge to indigent persons as reflected in Council's tariffs from time to time;

"**free basic services**" means free basic water, within the free basic water allocation, free refuse removal and free sewage disposal;

"**income level**" means the total, combined income of –

(c) the owner and all the occupiers of a beneficiary property, where the owner occupies the property with other occupiers; or

(d) all the occupiers of a beneficiary property, where the owner does not occupy the property,

regardless of the source of such income;

"**life line services**" means refuse removal and sewage disposal services provided at the life line tariff determined by Council by resolution from time to time;

"**municipal services**" means domestic electricity, water, sanitation and refuse removal services provided by the Council;

"**municipal value**" means the total combined value of land and the buildings on a beneficiary property, as reflected in the municipal valuation roll;

"**occupier**" means any person in actual occupation of a beneficiary property without regard to the title under which he or she occupies, if any; and

"**owner**" means the person in whose name legal title in the beneficiary property is vested.

## CHAPTER 2:

### FREE BASIC SERVICES

#### Qualification

2. The owners and/or occupiers of a beneficiary property shall automatically qualify for free basic services where the municipal value of the land and buildings on such property is equal to, or less than, the value determined by resolution of the Council from time to time, as reflected in the Council's tariffs.

#### Excess consumption

3. Where water consumption on the beneficiary property exceeds the free basic water allocation, such excessive consumption will be billed at the normal tariff as determined by the Council from time to time.

#### Voluntary restriction

- 4.(1) A beneficiary may request the Council to install a variable flow-restricting device to water supply to the beneficiary property in order to ensure that consumption does not exceed the free basic water allocation.
- (2) There shall be no charge for the installation of a variable flow-restricting device in terms of subsection (1).

#### Non-payment

5. In the event that a beneficiary fails to pay any account by due date, notwithstanding that the beneficiary may qualify for free basic services, the Council may-
  - (1) restrict the supply of water to the beneficiary property;
  - (2) disconnect the electricity supply to the beneficiary property; or
  - (3) take any other action permitted in terms of the Council's credit control by-laws.

### **CHAPTER 3:**

#### **LIFE LINE SERVICES**

##### **Application**

6. (1) The owners and/or occupiers of a residential property who do not qualify as beneficiaries, but whose level of income is less than or equal to the amount determined by Council as qualifying for life line services, may apply in writing to the Council for life line services.

(2) Where life line services are granted, such grant shall be valid for one year.

##### **Non-payment**

7. In the event that an owner or occupier fails to pay any account by due date, notwithstanding that the owner or occupier may have been granted life line services, the Council may-

(4) restrict the supply of water to the property;

(5) disconnect the electricity supply to the property; or

(6) take any other action permitted in terms of the Council's credit control by-laws.

### **CHAPTER 4:**

#### **GENERAL**

##### **Appeals**

8.(1) A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the 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; or
  - (b) the municipal manager, the executive mayor is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

#### **Repeal of existing By-laws**

9. The Council's existing Tariff by-laws are hereby repealed.

#### **Short title and commencement**

10. These by-laws shall be called the Tariff Policy By-Laws For Indigent Persons, 2009, and shall come into operation on 12 June 2009.