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| **MUNICIPAL PROPERTY RATES BY-LAW(DRAFT)** |

Approved by Council on ………… (Resolution no ……………..)

**Effective with effect from 1 July 2019**

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**DR E M RANKWANA**

**MUNICIPAL MANAGER**

**PREAMBLE**

(1) WHEREAS Section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the Municipality.

(2) AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province

(2) AND WHEREAS In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.

(3) AND WHEREAS In terms of section 6 (1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.

(4) AND WHEREAS In terms of section 6 (2) of the Property Rates Act, by-laws adopted in terms of section 6(2) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE BE IT ENACTED by the Council of the Dr Beyers Naudè Municipality as

follows:

1. **DEFINITIONS**

In this by-law, the English text prevails in the event of any conflict with the Afrikaans texts, and, unless the context otherwise indicates.

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act no 6, 2004) as amended, shall bear the same meaning unless the context indicates otherwise.

**“Municipality”** means Dr Beyers Naudè Municipality;

**“Dr Beyers Naudè Rates Policy”** means a rates policy adopted by the Dr Beyers Naudè Municipality in terms of this by-law;

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

**“Municipal Systems Act”** means Local Government: Municipal Systems Act, No 44 of 2003, as amended

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

**“rate” or “rates”** means a municipal rate on property as envisaged in section 229 of the Constitution.

2. **OBJECTIVE**

The objective of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. **ADOPTION AND IMPLEMENTATION OF RATES POLICY**

(1) The Municipality shall adopt and implement a rates policy consistent with the Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and

(2) The municipality shall not be entitled to levy rates other than in terms of its rates policy.

4. **CONTENTS OF RATES POLICY**

The Municipality’s rates policy shall, inter alia:

(1) Apply to all rates levied by the municipality pursuant to the adoption of the municipality’s annual budget;

(2) Comply with the requirements for

(a) The adoption and contents of a rates policy specified in terms of section 3 of the Property Rates Act;

(b) The process of community participation specified in section 4 of the Property Rates Act;

(c) The annual review of a rates policy specified in terms of section 5 of the Property Rates Act;

(3) Specify any further principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the Municipality may wish to adopt;

(4) Include such further enforcement mechanisms, if any, as the municipality may wish that are consistent with the Property Rates Act and Municipal Systems Act.

5.  **ENFORCEMENT OF RATES POLICY**

The Municipality’s rates policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in Act and the Municipality’s rates policy.

**6. SHORT TITLE AND COMMENCEMENT**

This draft By-Law is called the Municipal Property Rates By-law and shall take effect on

1 July 2019.

**7. Public participation**

With effect of 27th May 2019 to 26th June 2019 this draft by-law will be open for public participation, comments and inspection.