



NTABANKULU LOCAL MUNICIPALITY

PROPERTY RATES BY-LAW

2022/2023

TABLE OF CONTENTS

1. PREAMBLE.....	3
2. LEGISLATIVE CONTEXT.....	3-4
3. DEFINITIONS.....	4
4. OBJECTIVES OF THE BY-LAW.....	4
5. THE RATES POLICY.....	4-5
6. CONTENTS OF RATES POLICY.....	5
7. CATEGORIES OF RATEABLE PROPERTIES.....	5-6
8. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES.....	6
9. ENFORCEMENT OF RATES POLICY.....	7
10. SHORT TITLE AND COMMENCEMENT DATE.....	7
11. AUTHENTICATION.....	7

1. PREAMBLE

1.1 The Municipal Property Rates Act No. 6 of 2004 (MPRA) requires municipalities to develop and adopt rates policies and by-laws consistent with the Act on the levying of rates on rateable property in the municipality.

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

1.3 Section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

1.4 Section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates.

2. LEGISLATIVE CONTEXT

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

2.2 Section 13 of the 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,

2.3 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 properties in the municipality.

2.4 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.

2.5 In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(1) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

2.6 The Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities and in general to meet its obligations in terms of section 152 of the Constitution of the Republic of South Africa, 1996.

3. DEFINITIONS

In this By-Law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, (Act 6 of 2004) shall bear the same meaning unless the context indicates otherwise.

"Municipality" means the Ntabankulu Local Municipality.

"Property Rates Policy" means the Property Rates Policy adopted by the Municipality in terms of this By-Law.

"Constitution" means the Constitution of the Republic of South Africa.

"Council" means the Council of the Municipality.

"Credit Control and Debt Collection Policy" means the Municipality's Credit Control and Debt Management Policy as stipulated by sections 96(b) and 97 of the Systems Act.

"Systems Act" means the Local Government: Municipal Systems Act, (Act 32 of 2000).

"Property Rates Act" means the Local Government: Municipal Property Rates Act, (Act 6 of 2004) including the amendment Acts and Regulations pertaining to the same.

"Rates" means a municipal rate on property as envisaged in section 229(1)(a) of the Constitution.

4. OBJECTIVES OF THE BY-LAW

The object of this By-Law is to give effect to the implementation of the Property Rates Policy as contemplated in section 6 of the Property Rates Act.

These by-laws must be read in conjunction with the above-mentioned policy and within the applicable provisions of the following legislation:

4.1 Local Government: Municipal Systems Act no 32 of 2000

4.2 Local Government: Municipal Finance Management Act no 56 of 2003 and:

4.3 Local Government: Municipal Property Rates Act no 6 of 2004

5. THE RATES POLICY:

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3 (1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at ...

*list the places such as the municipality's head office, satellite offices and libraries and electronically e.g. website where members of the public can easily access the Rates Policy because it must be easily accessible to the persons it affects.

6. CONTENTS OF RATES POLICY

The Municipality's Rates Policy shall, inter alia:

6.1. Apply to all the rates levied by the Municipality pursuant to the adoption of the Municipality's annual budget.

6.2. Comply with requirements for;

6.2.1 the adoption and contents of a property rates policy specified in section 3 of the Property Rates Act.

6.2.2 the differentiation of categories of properties and categories of owners of properties as provided for in section 6 of the Property Rates Act.

6.2.3 the process of community participation specified in section 4 of the Property Rates Act.

6.2.4 the annual review of a property rates policy specified in terms of section 5 of the Property Rates Act.

6.3 Specify principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the Council may wish to adopt.

6.4 Specify principles, criteria and implementation measures for the judicious granting of relief measures by means of Exemptions, Reductions and/or Rebates consistent with the Property Rates Act which the Council may wish to adopt.

6.5 Include such further administrative, control and enforcement mechanisms if any that are consistent with the Property Rates Act and the Systems Act, as the Council may wish to impose in addition to those contained in the Credit Control and Debt Management By-Law and its associated Policy.

7. CATEGORIES OF RATEABLE PROPERTIES

Rate's categories may be determined according to, (a) use of the property (b) the permitted use of the property or (c) the combination of (a) and (b) property. The following are categories of property proposed by the Ntabankulu Municipality:

7.1 Residential properties

7.2 Commercial & industrial properties

7.3 Agricultural properties

7.4 Public Service Infrastructure

7.5 Rural Communal Settlements

7.6 State Trust land including:

State Trust Land on which Communal Land as defined in section 1 of the Communal Land Rights Act, 2004 exists.

Properties acquired through the Provision of Land and Assistance Act, or the Land Restitution Act or which is subject to the Communal property Association Act.

7.7 Protected areas.

7.8 Special State-Owned Properties: properties that are owned by National and Provincial Government, used for public benefit purposes and as a rule do not trade regularly in a five-year valuation cycle.

7.9 Municipal Owned Properties

7.10 Schools including Public, Private and Early Childhood Development Centres

7.11 Vacant land (excluding agricultural)

7.12 Specified Development Zones

8. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

9. ENFORCEMENT OF RATES POLICY


The Rates Policy of the Municipality shall be enforced through the Municipality's Credit Control and Debt Management By-Law and its associated Policy and any further enforcement mechanisms stipulated in the Municipality's Property Rates Policy.

10. SHORT TITLE AND COMMENCEMENT DATE

This By-Law is the Property Rates By-Law of Ntabankulu Local Municipality and shall take effect upon publication.

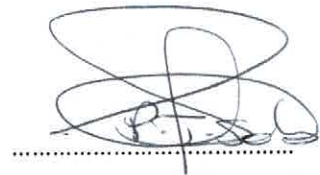
11. AUTHENTICATION

This policy has been considered and approved by the Council of **Ntabankulu Local Municipality** on this day 27 of May 2022



L. NONYONGO

MUNICIPAL MANAGER



P.T SOBUTHONGO

HONORABLE MAYOR

COUNCIL RESOLUTION NO.: OCM/8/22/008.4