



MUNICIPAL PROPERTY RATES BY-LAW

Notice No. 01

19 March 2015

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the adoption of the Municipal Property Rates By-law below, which will come into operation on the date of publication hereof.

The Municipal Property Rates Bylaw as promulgated in the Provincial Gazette Number 131 under Notice Number 55 dated 3 July 2008 (as amended) is hereby repealed.

UMHLATHUZE MUNICIPALITY

MUNICIPAL PROPERTY RATES BY-LAW

PREAMBLE

WHEREAS 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.

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.

AND WHEREAS 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;

NOW THEREFORE BE IT ENACTED by the Council of the Umhlathuze Municipality as follows:

1. DEFINITIONS

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 of 2004), shall bear the same meaning unless the context indicates otherwise.

'Municipality' means Umhlathuze Municipality;

'Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

'Rates Policy' means the policy on the levying of rates on rateable properties of the Umhlathuze Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

2. OBJECTS

The object 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

3.1. The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the Municipality; and

3.2. The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

4. CONTENTS OF A RATES POLICY

The Rates Policy shall, *inter alia*:

4.1. Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;

4.2. Comply with the requirements for:

4.2.1. the adoption and contents of a rates policy specified in section 3 of the Act;

4.2.2. the process of community participation specified in section 4 of the Act;

and

4.2.3. the annual review of a Rates Policy specified in section 5 of the Act.

4.3. Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and

4.4. Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

5. PRINCIPLES

The rates policy adopted by the municipal council must comply with the following principles –

- (1) All ratepayers within a specific category, as determined by the municipal council from time to time, must be treated equitably.
- (2) A fair and transparent system of exemptions, rebates and reductions must be adopted and implemented by the municipality.
- (3) Relief measures in respect of the payment of rates may not be granted on an individual basis, other than by way of exemption, rebate or reduction.
- (4) Exemptions, rebates and reductions must be used to alleviate the rates burden on certain categories of owners and certain categories of property.
- (5) Provision must be made for the promotion of local, social and economic development.

6. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy shall be enforced through the Municipality's Rates By-Law, the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act.

7. SHORT TITLE AND COMMENCEMENT

This By-law is called the Municipal Property Rates By-law, and takes effect on the date of Publication in the Gazette.