



RATES POLICY

2019/2020

TABLE OF CONTENTS

SECTION A: INTRODUCTION, DEFINITIONS AND PRINCIPLES

1. Introduction
2. Definitions
3. Policy Principles

SECTION B: CATEGORIES OF PROPERTY

4. Categories of Properties for the purpose of levying Different Rates
5. Rating of Multiple use Properties and Vacant Land

SECTION C: DIFFERENTIAL RATING

6. Different Categories pay Different Rates

SECTION D: RELIEF MEASURES RELATED TO CATEGORIES OF OWNERS OF PROPERTIES

7. PROPERTIES THAT WILL RECEIVE EXEMPTIONS OR REBATES BY APPLICATION

Owners' dependant on Pensions and Social Grants
Public Benefit Organisations & Non Profit Organisations
Independent Schools
Agricultural Properties

8. RELIEF MEASURES FOR RATEPAYERS

Place of Public Worship by a Religious Community
Property of Land Reform Beneficiaries
Public Service Infrastructure
Indigent Owners
Disaster Management
Child Headed Households
Commercial Accommodation
Municipal Properties
Sporting Bodies

SECTION E: RATES INCREASE / DECREASE

9. Criteria for Increasing/Decreasing of Rates

SECTION F: LIABILITY FOR RATES

10. Supplementary Valuation (SV) Effective Date
11. Power to Levy Rates
12. Payment of Rates
13. Annual Review of Rates Policy
14. The Effective Date of the Rates Policy
15. Short Title

SECTION A: INTRODUCTION, DEFINITIONS AND PRINCIPLES

1. INTRODUCTION

The Local Government: Municipal Property Rates Act (2004), as amended requires Municipalities to develop and adopt rates policies consistent with the Act on the levying of rates on rateable property in the Municipality.

The Municipality needs a reliable source of revenue to provide basic services and perform its functions. Property rates are the most important source of general revenue for the Municipality. Revenue from property rates are used to fund services that benefit the community as a whole as opposed to individual households. These include construction and maintaining of streets, roads, sidewalks, lighting, and storm drainage facilities and building and operating clinics, parks, recreational facilities and cemeteries. Property rates revenue are also used to fund municipal administration, such as computer equipment and stationery, and costs of governance, such as council and community meetings, which facilitate community participation on issues of Integrated Development Plans (IDPs) and Municipal budgets.

Municipal property rates are set, collected, and used locally. Revenue from property rates are spent within a Municipality, where the citizens and voters have a voice in decisions on how the revenue is spent as part of the Integrated Development Plans (IDPs) and budget processes, to which a Municipality invites communities to give input prior to Municipal Council adoption of the budget.

This Policy is formulated in terms of Section 3 of Chapter 2 of the Municipal Property Rates Act (MPRA). When referred to a Section within the Policy it refers to the Municipal Property Rates Act unless otherwise stipulated.

2. DEFINITIONS

Any words in this policy, if included in the definitions as listed in the Local Government Municipal Property Rates Act, Act 6 of 2004, as amended will carry the same meaning unless stated otherwise hereunder.

“Agricultural property” means-

Property that is used primarily for agricultural purposes but without derogating from section 9 of the Act, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the trading in or hunting of game.

“Agricultural purpose” means-

A property that is used primarily for agricultural purposes but, without derogating from section 9, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for the purpose of ecotourism or for the trading in or hunting of game

“Annually” means-

Once every financial year.

"Business or Commercial" means-

- 1) Property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity;
- 2) Property on which the administration of the business of private or public entities takes place;
- 3) In instances where entry fee is charged to the property;
- 4) Property used for the provision of commercial accommodation;
- 5) Property used for education purposes;
- 6) Property used by the State or any organ of State; or
- 7) Property excluded from any other category of property.
- 8) Office blocks, retail shops, shopping centres, showrooms, petrol filling stations & private hospitals and clinics.

“Commercial accommodation” means-

Lodging or board and lodging, together with domestic goods and services, in any house, flat, apartment, room, hotel, motel, inn, guesthouse, bed & breakfast, boarding house, residential holiday resort establishment, holiday accommodation, student accommodation, unit, chalet, tent, caravan, properties sectionalised or not with different occupants, camping site or similar establishment which regularly or systematically supply accommodation but excludes a single domicile as well as properties defined under multiple purposes. These properties will be treated as business properties.

“Communal property” means-

A separately registered property, where the property is predominately used for Rural Residential purposes. A communal property may also be used for more than one purpose including agricultural property, public service purpose, state trust land, commercial, industrial, residential, and other non-residential property, etc. and categorized as multiple purposes in terms of 8 (2) (i) which, in the case of a property used for multiple purposes, the use will be assigned to the applicable category of property, the associated value apportioned and rates determined accordingly, as contemplated in section 9 (2) of the Act. A Communal property's land extent can vary and be adjusted according to the apportioned category and associated land extents as determined from time to time by the municipal Valuer.

“Domicile” means-

The single residential property where a person has his or her permanent principal home to which he or she returns or intends to return

"Industrial" means-

Property used for a branch of trade or manufacturing, production, assembly or processing of finished or partially finished products from raw material or fabricated parts in respect of which capital and labour are involved, and includes :

- 1) The production of raw products on the property;
- 2) The storage and warehousing of raw or finished products; and
- 3) Any office or other accommodation on the same property the use of which is incidental to such activity.
- 4) Dedicated Workshops used in the repair of vehicles, equipment and plant, tyre fitment and recycling of materials.

"Mining properties" means a property used for mining operations as defined in the Minerals and Petroleum Resources Development Act, 2002(Act No. 28 of 2002)

"Multiple Purposes" means the use of a property for more than one purpose, irrespective of the size

"Municipal properties" means those properties of which the municipality is the owner and used by the Municipality

"Municipal leases" means-

Property owned by the municipality and leased to another party. The municipality reserves the right to recover municipal rates against all properties registered in the name of the municipality over which a portion or all of its property is leased either through an existing lease agreement where rates are exclusive or through the provisions of the Act. Rates payable will be based on the rates category and market value as contained in the Valuation Roll.

"Owner" includes the meaning(s) included in the Act and that the persons mentioned below, will for the purposes of this policy be regarded as the owner of a property:

- 1) A trustee, in the case of a property in a trust excluding state trust land;
 - (a) in relation to a time sharing interest contemplated in the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983), means the management association contemplated in the regulations made in terms of section 12 of

the Property Time-sharing Control Act, 1983, and published in Government Notice R327 of 24 February 1984;

(b) in relation to a share in a share block company, the share block company as defined in the Share Blocks Control Act, 1980 (Act No. 59 of 1980);

(c) in relation to buildings, other immovable structures and infrastructure referred to in section 17(1) (f), means the holder of the mining right or the mining permit;

- 2) The administrator of the body corporate of the sectional title scheme in the case of common property in a sectional title scheme where there are no elected trustees of the body corporate;
- 3) An executor or administrator, in the case of a property in a deceased estate;
- 4) A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- 5) A judicial manager, in the case of a property in the estate of a person under judicial management;
- 6) A curator, in the case of a property in the estate of a person under curatorship;
- 7) A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- 8) A lessee, in the case of a property that is registered in the name of a municipality and is leased by it;
 - a) a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such right; (PTO's etc. on ITB land) or
- 9) A buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- 10) The administrator, where the owner of the building is a mental health care user as defined in section 1 of the Mental Health Act, 2002 (Act No. 17 of 2002);
- 11) The managing agent, where the owner of the building is absent from the Republic of South Africa or where the Municipality has, after reasonable attempts, not been able to determine his or her whereabouts;
- 12) Every person who is entitled to occupy or use a building, or who does occupy or use a building, where –
 - a) The owner of the building is absent from the Republic of South Africa;
 - b) The Municipality has, after reasonable attempts, not been able to determine the whereabouts of the owner of the building; and
 - c) There is no managing agent;
 - d) Trustees and beneficiaries jointly, in the case of property in a trust;
 - e) Ingonyama Trust, in respect of the land vested in the Ingonyama Trust by virtue of the Ingonyama Trust Act of 1994;
 - f) A right registered against immovable property in the name of a person means a person in whose name the right is registered; or
 - g) An owner of the property in the name of any other juristic person not mentioned in this definition of an owner;

“Permitted use” means-

In relation to a property, means the limited purposes for which the property may be used in terms of -

- (a) Any restrictions imposed by:
 - (i) a condition of title;
 - (ii) a provision of a town planning or land use scheme; or
 - (iii) any legislation applicable to any specific property or properties; or
- (b) Any alleviation of any such restrictions.

“Places of public worship” means-

Property used primarily for the purposes of congregation, excluding a structure that is primarily used for educational instruction in which secular or religious education is the primary instructive medium:

Provided that the property is—

- (a) registered in the name of the religious community;
- (b) registered in the name of a trust established for the sole benefit of a religious community; or
- (c) subject to a land tenure right;

“Primary Property” means-

The residential property on which the owner permanently resides

"Public Benefits Organization" means-

An organization conducting specified public benefit activities listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act and registered for tax reductions because of those activities.

"Public Benefits Organization Property" means-

Property owned by public benefit organizations and used for any specified public benefit activities listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act

“Public service infrastructure” means-

Publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods , services or labour move across a municipal boundary;

- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communication system serving the public;
- (g) runways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as the obstacle free zone surrounding these, which must be vacant for air navigation purposes;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i).

“Ratepayer” means a person or entity that is liable in terms of the MPRA for the payment of rates on property levied.

"Residential" means a property included in a valuation roll in terms of [section 48 \(2\) \(b\)](#) as residential;

- 1) Used for residential purpose only, with not more than two dwelling units per property, and includes any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. (Any such grouping shall be regarded as one residential property for rates rebate or valuation reduction purposes), or
- 2) A unit registered in terms of the Sectional Title Act, used primarily for residential purposes.
- 3) The following properties are specifically excluded from the definition and will be treated as business properties:
Hotels, communes, boarding and undertakings, old age homes, guesthouses, retirement villages, life right schemes, commercial accommodation and residential properties with other permitted use.

"Residential Investment Properties" mean - Property with more than 2 living units sectionalised or not where the purpose is for investment or profit making. These properties will be treated as business properties.

"Vacant land" means land on which any improvement/development is incomplete, and a Permanent Electricity Connection Certificate and/or Occupation Certificate have not been received from the owner.

3. POLICY PRINCIPLES

- 1) Rates are levied in accordance with the MPRA as a cent in the rand, commonly known as the rates tariff and will be based on the property value contained in the Valuation roll of 2013 or any ensuing supplementary valuation roll.
- 2) Council may differentiate between various categories of properties and owners of property. Some categories of properties and categories of owners will receive a statutory relief from rates in accordance with certain provisions in the MPRA.
- 3) No relief will be granted in respect of payments for rates to any specific category of owners or properties, or to owners of properties on an individual basis, other than by way of an exemption, rebate or reduction provided for in this Rates Policy.
- 4) All ratepayers, in a specific category, as determined by Council from time to time, will be treated equitably.
- 5) The rate will be based on the value of all rateable properties and the amount required by the municipality to balance the operating budget. This will include the consideration of any profits generated on trading and economic services and the amounts required to finance exemptions, rebates and grants-in-aid of rates as approved by Council from time to time.
- 6) Property rates will be used to finance community and subsidised services and not used to subsidise trading and economic services.
- 7) The provision for working capital for community and subsidised services must be adequate and based on the non-payment of rates.
- 8) The income base of the municipality will be protected by limiting exemptions, grants and rebates.

SECTION B: CATEGORIES OF PROPERTY

4. CATEGORIES OF PROPERTIES FOR THE PURPOSE OF LEVYING DIFFERENT RATES (Section 8)

- 1) In determining whether a property forms part of a particular category, the following must be applied:
 - a) the use of the property
 - b) the permitted use of the property
 - c) a combination of (a) and (b)
- 2) The following are the determined categories of properties by the Municipality:
 - a) Residential Properties
 - b) Business and Commercial Properties
 - c) Industrial Properties
 - d) Agricultural Properties
 - e) Public Service Purposes (Owned and used by State)
 - i. health;
 - ii. education, including libraries;
 - iii. police stations;
 - iv. prisons; or
 - v. courts of law,
 - f) Municipal Properties (owned and used)
 - i. libraries
 - ii. swimming pools
 - iii. halls
 - iv. fire station
 - v. civic centres
 - vi. sports grounds/recreational
 - vii. services/waterworks/substations/pump stations
 - viii. public open spaces

and any other properties used by the municipality
 - g) Public Service Infrastructure
 - h) PBO's
 - i) Mining
 - j) Multiple Purposes
 - k) Vacant Land

Properties used for Multiple Purpose is subject to section 9

- 3) The Municipality does not value Real Rights except:
 - a) Public Service Infrastructure;
 - b) Municipal Leases and Developers Rights of Extension in Sectional Title Schemes
 - c) Registered Leases within identified rural areas of the Municipality
 - d) Exclusive use

- e) Usufruct or right of habitation will be regarded the owner
- f) Where a Real Right is registered, a person who has entered into a contract is contractually liable for the rates and regarded as the owner.
- g) Rights of extension will be valued and the holder of the Rights will be rated.

5. RATING OF MULTIPLE USE PROPERTIES & VACANT LAND

- 1) The municipality rate multiple use properties in terms of Section 9(1)(c):

A rate levied on a property assigned in terms of [subsection \(1\)\(c\)](#) to a category of properties used for multiple purposes must be determined by—

- a) apportioning the market value of the property, in relation to the different purposes for which the property is used; and
- b) Where a property is used for multiple purposes, the Municipality will assign the appropriate categories listed in clause **4.2** above, to the different purposes for which the property is used.

- 2) Vacant Land

Prior to properties being eligible for a developed rate or rebate, a **Permanent** Electricity and/or Occupancy Certificate must have been issued in respect thereof by the relevant Council National Building Regulations concerned to City Development Laws and Regulations.

If a Real Right is developed and not yet registered as a unit, the development will be valued and charged on the current owner unit.

SECTION C: DIFFERENTIAL RATING

6. DIFFERENT CATEGORIES PAY DIFFERENT RATES

Different categories of properties as described in Section 4 (Categories of properties) of this policy may be levied a different rate (cent in the rand). This differentiation may be determined annually during the budget review process.

SECTION D: RELIEF MEASURES RELATED TO CATEGORIES OF OWNERS OF PROPERTIES

7. PROPERTIES THAT WILL RECEIVE EXEMPTIONS OR REBATES THROUGH APPLICATION

- 1) The Municipality grants exemptions and rebates on categories of owners based on local conditions and circumstances. They are application driven which shall be in writing in the prescribed form.

- 2) Once the application is approved, it must be renewed, as prescribed and must reach the Municipality no later than 31 May preceding the start of the municipal financial year for which relief is sought.
- 3) The existing application will lapse should it not be renewed annually, or before 31 May, it will only be re-instated prospective from the next practical billing cycle once renewal has been approved. The onus is on the beneficiary to ensure that the relief has been renewed. No late applications will be accepted by the municipality and no backdated transactions will be processed on owner account.
- 4) All exemptions and rebates are subject to an amount determined by a resolution of Council at its annual budget.
- 5) Accounts that are in arrears, whether an arrangement is in place or arrangement is to be made, as well as accounts under dispute, at the time of application will not qualify for any exemptions or rebates.

The following category of owners of properties will receive exemptions or rebates in terms of Section 15(1):

A. OWNERS DEPENDENT ON PENSIONS AND SOCIAL/DISABILITY GRANTS

Pensioners may be granted a rebate on their **primary** residential property.

The rebate on property rates referred to above will be granted subject to the following criteria:

FIRST TIME APPLICANTS:

- a) The primary property must be registered in the name of a natural person who own and permanently occupy that property. This includes co-owners who are married to each other, executors or administrators of deceased estates, Liquidators and Trustees are excluded from the rebates;
- b) he or she must be the owner or “deemed owner” of the domicile property;
- c) the rebate will be granted ONLY on one property;
- d) The applicant must be a ratepayer of 60 years or older or if turning 60 within(1/6 – 31/5 of the next year)- pro-rata rebate will be granted (as stipulated in terms of Section 3(3)(b)(iii);
- e) A written application must be submitted before **31 May** for the financial year,
- f) A certified copy of the applicant’s bar-coded RSA identity document or a Smart ID card must accompany the application; and
- g) Not be in receipt of an indigent subsidy at time of application
- h) The same provisions applicable to pensioners apply to disability grantees, except that they must produce a **certified copy of a letter**, issued by the **Department of Social Welfare**, confirming receipt of a disability grant.

If disability grant is temporary the letter must reflect the date and period of grant, period of grant must fall within period that rebate will be given

PENSIONERS FROM PREVIOUS FINANCIAL YEAR:

Pensioners already receiving rebate must complete the official confirmation form and hand in to the Municipal offices before 31 May of every year.

The rebate will lapse-

- a) If the application form is not handed in to the Municipal offices before or on 31 May every year.
- b) on death of the applicant if applicant owns 100% of property;
- c) When an application for a Revenue Clearance Certificate results in the alienation of the property;
- d) when the Applicant ceases to reside permanently on the domicile property;
- e) when the Trustee/s no longer meet the qualifying criteria;
- f) when the holder of the personal servitude no longer meets the qualifying criteria; or
- g) if a medically boarded person gains employment.

Rebates granted in error or due to false/incorrect information supplied by the applicant, will be reversed immediately from date of inception of the rebate.

B. PUBLIC BENEFIT ORGANISATIONS AND NON PROFIT ORGANIZATIONS

Property Rates will be levied in accordance with the Amendment of the Municipal Property Rates Regulations as published in Government Notice Number R. 363 of 27 March 2009.

Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, Item 1, 2 and 4 of part 1 of the Ninth Schedule, for tax deduction because of those activities, must provide to the satisfaction of the Chief Financial Officer or his delegate that they comply with the criteria and requirements.

The properties above shall not be owned by the state.

Non Profit Organisations will receive a rebate determined annually during the budget review process.

The following criteria and requirements will apply:

Once off -

- a) The applicant must be the owner and the relevant property must be used for PBO Activities as described above, thus excluding any Vacant Land;
- b) Written once off applications must be submitted before 31 May; and
- c) A Tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Item 1, 2 and 4 of Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962) must be submitted together with the application for PBO/NPO and A Certified copy of Registration as a Non-Profit Organization with the Department of Social Welfare(if

applicable) must be submitted and applicant must be on the current year NPO Register as at 31 May;

Thereafter Annually –

- a) Submit an Affidavit stating that property is still being used for Public Benefit Activities;
- b) Submission of a tax clearance certificate for PBOs confirming that they are in good standing for the year preceding the year of application;
- c) applicant must be on the current year NPO Register as at 31 May;
- d) The use of any land or buildings, or part thereof, shall not be for private use;
- e) If any individual, whether as a shareholder in a company or otherwise receiving a pecuniary benefit, the applicant shall not qualify;
- f) If during the current financial year, any such land or building is used for any purpose other than the purpose for which it was so exempted, the Municipality shall impose rates thereon or on such portion so used, at a rate proportionate to the period of such use; and
- g) The Municipality retains the right to refuse to exempt properties if the details supplied in the application form are incomplete, incorrect or false.

C. INDEPENDENT SCHOOLS

A rebate (same as NPO) may be granted to Independent Schools that qualify for a rebate as determined hereunder. This extent of the rebate will be determined annually during the budget review process. (Currently same as NPO)

Applicants must provide credible proof to the satisfaction of the Chief Financial Officer or his delegate that they comply with the criteria and requirements.

The following criteria and requirements will apply:

- a) The applicant must be the owner and occupier of the relevant property;
- b) Written applications must be submitted before 31 May for each financial year;
- c) A Tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Item 1, 2 and 4 of Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962) must be submitted together with the application for relief;
- d) **Independent schools** must have a uniquely allocated education management information system (emis) number and must for the previous financial year provide proof that it received a subsidy from the relevant provincial department of education (at least the majority, 60% and more, of the sources of funding be from a combination of one or more government grants);

- e) The use of any land or buildings, or part thereof, shall not be for private use;
- f) If any individual, whether as a shareholder in a company or otherwise receiving a pecuniary benefit, the applicant shall not qualify;
- g) If during the current financial year, any such land or building is used for any purpose other than the purpose for which it was so exempted, the Municipality shall impose rates thereon or on such portion so used, at a rate proportionate to the period of such use and
- h) The Municipality retains the right to refuse to exempt properties if the details supplied in the application form are incomplete, incorrect or false.

D. AGRICULTURAL PROPERTIES

Council may apply an additional rebate on Agricultural land. When considering the criteria to be applied in respect of rebates on properties used for agricultural purposes, Council will take into account:

- a) The extent of services provided by the municipality in respect of such properties;
- b) the contribution of agriculture to the local economy;
- c) the extent to which agriculture assists in meeting the service delivery and development obligations of the municipality;
- d) the contribution of agriculture to the social and economic welfare of farm workers;
- e) The rebate will be determined annually during the budget review process.

The additional rebate may be granted subject to the following criteria:

- a) Written applications must be submitted for each financial year before 31 May of each year;
- b) The portion of the property that is used exclusively for bona fide agricultural purposes;
- c) The agricultural portion must exceed two (2) hectares in extent;
- d) The owner must be taxed by SARS as a farmer and the last tax assessment must be provided as proof;
- e) Where the owner is not taxed as farmer, proof is required that income from farming activities exceeds 40% of the household income; and
- f) Agricultural land used for other activities than bona fide agricultural purposes do not qualify for any rebates or valuations reductions.

8. RELIEF MEASURE FOR RATEPAYERS

In terms of Section 15 of the Act:

A. PLACE OF WORSHIP

A 100% rates exemption will be applied in the following instances:

- a) On a property registered in the name of and used primarily for the purpose of congregation, excluding a structure that is primarily used for educational instruction by a religious community, including one official residence registered in the name of that community which is occupied by an office bearer of that community who officiates services at that place of worship in terms of section 17(1)(i Disaster Management) and
- b) This also applies to a vacant property registered in the name of and used primarily as a place of worship by a religious community.

B. PROPERTY OF LAND REFORM BENEFICIARIES

- a) Property rates on land of land reform beneficiaries will be phased in as prescribed in the MPRA.
- b) These properties must have been acquired through the Provision of Land and Assistance Act, 1993 (no. 126 of 1993) or the Restitution of Land Rights Act, 1994 (No 22 of 1994) or subject to the communal Property Associations Act, 1996 (Act No 28 of 1996) or Communal land as defined in section 1 of the Communal Land Rights Act 2004 (Act No. 11 of 2004).

C. PUBLIC SERVICE INFRASTRUCTURE

The prohibition on the levying of rates on Public Service Infrastructure is limited to properties referred to in section 17 (1) (aA) of the Act, as contemplated in section 93A (Transitional Arrangement: Public Service Infrastructure) of the Act.

In terms of Section 17 of the Act:

D. INDIGENT OWNERS

- a) In terms of the Act, measures to alleviate the rates burden of the destitute have to be taken;
- b) Relief as contained in the UMhlathuze Municipality Indigent Policy will be applied;
- c) Council may grant an additional amount in value above the impermissible value as stipulated in the MPRA on which no rates will be applied. This determination will be made annually during the budget review process and
- d) The reduction will be applied only to a property that is developed and used solely for residential purposes.

E. DISASTER MANAGEMENT

- a) A reduction in the municipal valuation as contemplated in section 15(1)(d) of the Act will be granted where the value of a property is affected by fire damage, demolition, floods, drought or other natural disasters.

- b) The reduced valuation will be applied from the start of the financial year following the evaluation.
- c) The reduction will be in relation to the certificate issued for this purpose by the Municipal Valuer.

Municipal own discretion:

F. MUNICIPAL PROPERTIES

- a) Municipal properties will be Valued, rated and exempted and
- b) Municipal properties that are leased or rented out will be categorized by the actual use and rated in accordance with the provisions of the MPRA.

G. CHILD HEADED HOUSEHOLDS

Child headed households will be handled in terms of the Municipal Indigent Policy

H. COMMERCIAL ACCOMMODATION

In case of the owner, occupying one unit in a multi-unit complex weather sectionalised or not, an application can be submitted to the Municipality for one unit to be rated as residential, limited to one unit in the case of multiple owners/trustees. All other units will be treated as business properties.

I. SPORTING BODIES

- a) Sporting bodies shall, be rated on the value of the improved area only;
- b) The improved area shall exclude change rooms and store rooms necessary for the sport; and
- c) Vacant land registered in the name of a Sporting Body will be rated and charged accordingly
- d) Applicants must produce a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (Act 58 of 1962).

SECTION E: RATES INCREASE / DECREASE

9. CRITERIA FOR INCREASING / DECREASING OF RATES

- 1) Council will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- 2) The following may be taken into account for the purpose of increasing / decreasing rates:
 - a) Priorities of a Municipality reflected in its Integrated Development Plan;

- b) Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- 3) The following annual adjustments will be made to community and subsidised services:
 - a) All salary and wage increases as agreed at the South African Local Government Bargaining Council.
 - b) An inflation adjustment for general expenditure, repairs, maintenance, and contributions to statutory funds.
 - c) Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
 - d) A need for management of rates shocks.
 - e) Affordability of rates to ratepayers.
 - f) Extraordinary expenditure related to community services not foreseen during the previous budget period and approved by the council during a budget review process.

SECTION F: LIABILITY FOR RATES

10. SUPPLEMENTARY VALUATION (SV) EFFECTIVE DATE

If the date of an SV is prior to the latest date of registration, the Deeds Office registration date will be used as an effective date.

Although the MPRA sect. 78(4) determines the effective date of the supplementary valuation, a property transferred after the effective date of the supplementary valuation, will be billed for rates as from the date of the most recent registration in the Deeds Office.

11. POWER TO LEVY RATES

Council must exercise its power to levy a rate on property subject to Section 229 and any other applicable provisions of the Constitution and the provisions of the Municipal Property Rates Act, 2006 as well as the approved rates policy.

12. PAYMENT OF RATES

- 1) Notice will be given of all rates approved at the annual budget meeting, at least 30 days prior to the date that the rates become effective.
- 2) A notice stating the purport of the Municipality's resolution and the date on which the new rates become operational will be displayed by the Municipality on the notice boards and where possible, at places utilized for that purpose.
- 3) Payment of rates:

- a) Rates must be paid in monthly instalments on the due date stipulated on the statement of each month.
 - b) Annual property rates are payable on or before 30 September of each financial year. Application to pay rates yearly must be submitted in writing before 30 June of each financial year.
 - c) All rates that remain unpaid after the due date stipulated on the account will be collected through the provisions contained in the Credit Control policy or any applicable legislation.
- 4) Interest on arrear rates shall be calculated at the rate determined by Regulation dated 18 October 2006 in Government Gazette 29304.
 - 5) Arrear rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
 - 6) Joint owners of a property, including joint owners of agricultural property are jointly and severally liable for the amount due for rates on that property.

13. ANNUAL REVIEW OF RATES POLICY

The rates policy will be reviewed on an annual basis during the budget process to ensure that it complies with the Municipality's strategic objectives, with legislation and will take into account public comments and inputs.

14. THE EFFECTIVE DATES OF THE RATES POLICY

The rates policy takes effect from the date of the General Valuation Roll, dated 1 July 2013. Any amendment during the budget review process in the ensuing years, will apply from the 1st day of the new financial year.

15. SHORT TITLE

This policy is the Property Rates Policy of the uMhlathuze Municipality.