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NELSON MANDELA BAY METROPOLITAN MUNICIPALITY

PROPERTY RATES BY-LAWS

Introduction

The Nelson Mandela Bay Metropolitan Municipality adopted the Property Rates By-laws, contained herein on 11th June 2008. These By-laws were advertised for Public comment on the Herald newspaper on 12th May 2008 to 10th June 2008. These By-laws were also made available at all Municipal Customer Care Centres, offices, libraries, clinics, service points, Ward Councillors' offices as well as on the Municipal website. No written objections were received.

A series of presentations to the general public and stake holders were conducted throughout the Metro. All relevant comments received from the public were considered by the Municipal Council prior to the final adoption of these By-laws.

The Property Rates By-laws will come into on date of Promulgation.

NELSON MANDELA BAY METROPOLITAN MUNICIPALITY'S RATES BY-LAW

1. PREAMBLE

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

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.

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.

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

2. INTERPRETATION / DEFINITIONS

In this By-Law, the English text prevails in the event of any conflict with the Afrikaans or Xhosa texts, and, unless the context otherwise indicates –

“NMBMM” means the Nelson Mandela Bay Metropolitan Municipality,

“NMBMM rates policy” means a rates policy adopted by the NMBMM in terms of this By-Law,

“Constitution” means the Constitution of the Republic of South Africa,

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

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

3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

- (1) The NMBMM shall adopt and implement a rates policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.
- (2) The NMBMM shall not be entitled to levy rates other than in terms of a valid rates policy.

4. CONTENTS OF RATES POLICY

The NMBMM rates policy shall, *inter alia*:

- (1) apply to all rates levied by the NMBMM pursuant to the adoption of the NMBMM's annual budget,
- (2) comply with requirements for:
 - (a) the adoption and contents of a rates policy specified in section 3 of the Property Rates Act,
 - (b) the process of the community participation specified in section 4 of the Property Rates Act,
 - (c) the annual review of a rates policy specified in section 5 of the Property Rates Act,
- (2) specify any further principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the NMBMM may wish to adopt,
- (3) include such further enforcement mechanisms, if any, as the NMBMM may wish to impose in addition to those contained in the Customer Care and Revenue Management By-law.

5. ENFORCEMENT OF RATES POLICY

The NMBMM rates policy shall be enforced through the Customer Care and Revenue Management By-law and any further enforcement mechanisms stipulated in the NMBMM rates policy.

6. OPERATIVE DATE

This By-Law shall take effect on date of promulgation
