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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 92 OF 2020

TSWAING LOCAL MUNICIPALITY



PROPERTY RATES BY-LAW

This policy was adopted by Tswaing Local Municipality on the 30 June 2020 by Resolution Number 002/06/2020 in terms of Section 74 of the Municipal Systems Act No 32 of 2000.

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Tswaing Local Municipality, hereby, in terms of section 6 of the local government Municipal Property Rates Act, 2004, has by way of resolution no **002/06/2020** adopted the municipality's Property Rates By-law set out hereunder.

TSWAING LOCAL MUNICIPALITY

PROPERTY RATES BY-LAWS

1. PREMEABLE

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 Tswaing Local Municipality, as follows:

2. 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

“Council” means Tswaing Local Municipal Council establishment in terms of Section 12 of the Municipal Structures Act 117 of 1998 as amended;

“Council’s Rates Policy” means a rates policy adopted by Council;

“Constitution” means the Constitution of the Republic of South Africa Act 108 of 1996 as amended.

“Credit Control and Debt Collection By-Law and Policy” means the Council’s Credit Control and Debt Collection Bylaws and Policy as required by Section 96 (b), 97 and 98 of the Municipal Systems Act 32 of 2000 as amended;

“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.

‘Municipality’ means Tswaing Local municipality);

‘Rates Policy’ means the policy on the levying of rates on rateable properties of the Tswaing Local Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

3. OBJECTS

3.1 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

4. ADOPTION AND IMPLEMENTATION OF RATES POLICY

4.1 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

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

5. CONTENTS OF RATES POLICY

The Rates Policy shall, inter alia:

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

5.2 Comply with the requirements for:

- a) the adoption and contents of a rates policy specified in section 3 of the Act;
- b) the process of community participation specified in section 4 of the Act; and
- c) the annual review of a Rates Policy specified in section 5 of the Act.
- d) 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
- e) 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).

6. ENFORCEMENT OF THE RATES POLICY

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

7. SHORT TITLE AND COMMENCEMENT

7.1 This By-law is called the Municipal Property Rates By-law, and takes effect on **1 July 2020**

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