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KANNALAND
MUNISIPALITEIT | MUNICIPALITY

CUSTOMER CARE, CREDIT CONTROL & DEBT COLLECTION BY-LAW



Notice is given in terms of section 98 of the Municipal Systems Act 32 of 2000 that the following **CUSTOMER CARE, CREDIT CONTROL & DEBT COLLECTION BY-LAW** was approved by the Kannaland Municipal Council on 6 July 2021.

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1. PREAMBLE

To give effect to the Municipality's Customer Care, Credit Control and Debt Collection Policy and/or to regulate its implementation and enforcement in the Kannaland Municipal Area (WC041) in terms of section 156(2) of the Constitution of the Republic of South Africa (Act 108 of 1996) and sections 96 and 98 of the Municipal Systems Act (Act 32 of 2000); to provide for the collection of all monies due and payable to the Municipality; and to provide for matters incidental thereto.

2. INTERPRETATION

In this By-law, unless context indicates otherwise -

"Arrangement" means a written agreement entered into between the Municipal Manager and a debtor where specific terms and conditions for the payments of a debt are agreed to;

"Arrears" means any amount due and payable to the Municipality and not paid by the due date;

"Municipal Manager" means the person appointed by the Council as the Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, No. 117 of 1998, and who also is the accounting officer in terms of the Local Government: Municipal Finance Management Act, No. 56 of 2003, or any other official delegated by him or her;

"Council" means the council of the Municipality of Kannaland;

"Councillor" means a member of the Council;

"Debt" means any monies owing to the Municipality in respect of the rendering of municipal services, and includes monies owing regarding property rates, housing, motor vehicle registration and licensing, terminated leases, and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality;

"Debtor" means any person who owes a debt to the Municipality;

"Due date" means the final date on which a payment, as shown on the debtor's municipal account, is due and payable;

"Indigent debtor" means a debtor who meets certain criteria, as determined by the Municipality and included in the Indigent Policy from time to time;

"Interest" means a rate of interest, charged on overdue accounts, which is one percent higher than the prime rate, which is obtainable from any commercial bank on request, unless determined otherwise by the Municipality, on capital, based on a full month and part of a month must be deemed to be a full month;

“Municipality” means the Municipality of Kannaland and includes any municipal entity established by such municipality;

“Official” means an **“official”** as defined in section 1 of the Local Government: Municipal Finance Management Act, No 56 of 2003;

“Policy” means the Municipality’s Customer Care, Credit Control and Debt Collection policy;

“Service” means “municipal service” as defined in section 1 of the Systems Act, and includes a function listed in Schedules 4B and 5B of the Constitution of the Republic of South Africa, 1996 and any other service rendered by the Municipality;

“Systems Act” means the Local Government: Municipal Systems Act, No 32 of 2000;

“Third party debt collector” means any person persons authorised to collect monies or institute legal proceedings against debtors, on behalf of the Municipality;

“This By-law” includes the Customer Care, Credit Control and Debt Collection Policy;

“Total household income” or **“household income”** means the total formal and informal gross income of all people living permanently or temporarily on the property on which the account is based; and

“User” means a person who has applied for an entered into an agreement with the Municipality for the supply of a service.

3. DUTY TO COLLECT DEBT

All debt owing to the Municipality must be collected in accordance with this By-Law and the relevant policy.

4. PROVISION OF SERVICES

New applications for services and the provision of new services must be dealt with as prescribed in this By-Law and the policy.

5. SERVICE AGREEMENT

Except as otherwise determined in terms of this By-law and the policy, no services may be supplied until an agreement has been entered into between the Municipality and the user for the supply of a service.

6. DEPOSITS

The Municipality may require the payment of deposits for the provision of new services and the reconnection of services, or may adjust the amount of any existing deposit, as prescribed in this By-law and the policy.

7. INTEREST CHARGES

The Municipality may charge and recover in respect of any arrear debt, a prescribed in this By-law and the policy.

8. ARRANGEMENTS TO PAY ARREARS

1. The Municipal Manager may make arrangements with a debtor to pay any arrear debt under conditions as prescribed in terms of this By-law and the policy.
2. Should any dispute arise as to the amount of the arrear debt, the debtor must nevertheless continue to make regular payments, in terms of the arrangement, until such time as the dispute has been resolved.

9. AGREEMENTS WITH A DEBTOR'S EMPLOYER

The Municipal Manager may -

- a) with the consent of a debtor, enter into an agreement with that person's employer to deduct from the salary or wages of that debtor-
 - i. any outstanding amounts due by the debtor to the Municipality; or
 - ii. regular monthly amounts as may be agreed; and
- b) provide special incentives for -
 - i. employers to enter into such agreements; and
 - ii. debtors to consent to such agreements.

10. POWER TO RESTRICT OR DISCONNECT SUPPLY OF SERVICE

1. The Municipal Manager may restrict or disconnect the supply of any service to the premises of any user whenever such user of a service –
 - a) fails to make payment on the due date;
 - b) fails to comply with an arrangement; or
 - c) fails to comply with a condition of supply imposed by the Municipality;
 - d) tenders a negotiable instrument which is dishonoured by the bank, when presented for payment.

2. The Municipal Manager may reconnect and restore full levels of supply of any of the restricted or discontinued services only -
 - a) after the arrear debt, including the costs of disconnection or reconnection, if any, have been paid in full and any other conditions has been complied with; or
 - b) after an arrangement with the debtor has been concluded.
3. The Municipal Manager may restrict, disconnect or discontinue any service in respect of any arrear debt.

11. RECOVERY OF DEBT

Subject to section 9, the Municipal Manager, must with regards to rates, and may, with regards to other debt –

- a) By legal action recover any debt from any person;
- b) Recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the Republic of South Africa, 1996; and
- c) May refer a debtor to third party debt collection agencies and have such debtor placed on the National Credit Rating list.

12. RECOVERY OF COSTS

The Municipal Manager may recover the following costs, in instances where such costs are incurred by or on behalf of the Municipality -

- a) Cost and administration fees where payments made to the Municipality by negotiable instruments are dishonoured by banks when presented for payment;
- b) Legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- c) Restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this By-law;
- d) Any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
- e) Any collection commission incurred.

13. ATTACHMENT

The Municipal Manager may, in order to recover debt, and as a last resort, approach a competent court for an order to attach a debtor's movable or immovable property.

14. CLAIM ON RENTAL FOR OUTSTANDING DEBT

The Municipal Manager may, in terms of section 28 of the Municipal Property Rates Act, No. 6 of 2004, attach any rent due in respect of any rateable property, to cover in part or in full any amount in respect of outstanding rates after the due date.

15. FULL AND FINAL SETTLEMENT PAYMENTS

1. Any amount tendered in defrayment of a debt, will be accepted at any cash receiving office of the Municipality.
2. No offer of payment in full and final settlement of a debt, when such amount is less than the outstanding amount, must be accepted, unless confirmed in writing by the Municipal Manager.
3. Notwithstanding subsection (2), the payment so offered must nevertheless be credited against the debtor's account, without prejudice to the Municipality's rights.

16. CONSOLIDATION OF A DEBTOR'S ACCOUNTS

1. The Municipal Manager may –
 - a) Consolidate any separate accounts of a debtor;
 - b) Credit a payment by a debtor against my account of that debtor; and
 - c) Implement any of the measures provided for in this By-law and the policy, in relation to any arrears on any of the accounts of such debtor.
2. Subsection (1) does not apply where there is a dispute between the Municipality and a debtor referred to in that subsection concerning any specific amount claimed by the Municipality from that person.

17. INDIGENTS

A debtor, who can prove indigence, will be dealt with as prescribed in the policy.

18. DELEGATION

The Municipal Manager may delegate any of his or her powers in terms of this By-Law or the policy to any employee or official of the Municipality subject to applicable legislation.

19. OFFENCES AND PENALTIES

Any person who –

- a) Obstructs or hinders any official of the Municipality in the execution of his or her duties under this By-law or the policy;
- b) Unlawfully uses or interferes with Municipal equipment or consumption of services supplied;
- c) Tampers with any Municipal equipment or breaks any seal on a meter;
- d) Contravenes or fails to comply with the provisions of this By-Law or the policy; or
- e) Fails to comply with a notice served in terms of this By-law or the policy, is guilty of an offence and liable in conviction to a penalty.

20. Debt Write-Off

Any debt deemed to be uncollectable should be treated in terms of the Council approved Bad-Debt Write-Off Policy that will also be given effect by this By-law, as it should be read with the Customer Care, Credit Control & Debt Collection Policy of the municipality.

21. SHORT TITLE AND COMMENCEMENT

This By-Law may be cited as the Customer Care, Credit Control and Debt Collection By-Law and commences on the date of publication thereof in the Provincial Gazette.



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PROPERTY RATES BY-LAW



Notice is hereby given in terms of section 6 of the Municipal Property Rates Act 6 of 2004, that the following **PROPERTY RATES BY-LAW** was approved by the Kannaland Municipal Council (Resolution Nr. 07/07/21) on 6 July 2021.

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1. 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 requires 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 IT IS ENACTED by the Council of Kannaland 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-

‘Credit Control and Debt Collection Policy’ means the Municipality's Customer Care, Credit Control and Debt Collection Policy as stipulated by sections 96(b) and 97 of the Systems Act.

‘Municipality’ means Kannaland Municipality;

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

‘Rates Policy’ means the Kannaland Municipality's property rates policy adopted by the Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

3. OBJECTIVE

The object of this By-law is to give effect to the implementation of the municipality's Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

4. THE RATES POLICY

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 The Rates Policy is available at:
- The municipality's head office
 - The municipal website
 - The municipal library

5. CATEGORIES OF RATEABLE PROPERTIES

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

6. 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.

7. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy is enforced through the municipality's Customer Care, Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

8. REPEAL

The provisions of any by-laws relating to Property Rates by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law.

9. SHORT TITLE AND COMMENCEMENT

This By-law is called the Kannaland Municipal Property Rates By-law and takes effect on the date on which it is published in the *Provincial Gazette*.



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PROPERTY RATES POLICY

2021/22

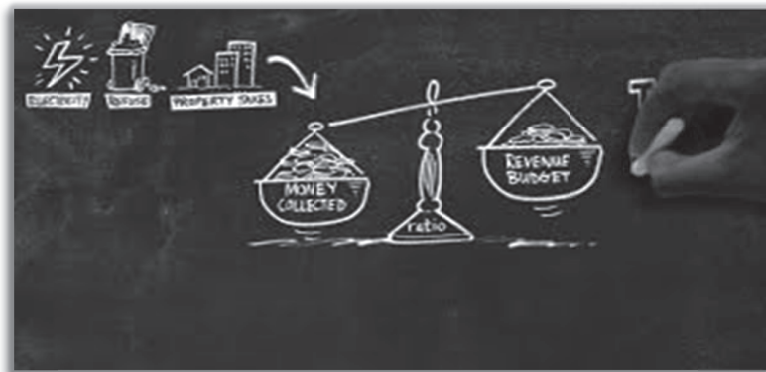


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SECTION A: INTRODUCTION, DEFINITIONS AND PRINCIPLES

1. INTRODUCTION

Municipalities need a reliable source of revenue to provide basic services and perform their functions. Property rates are an important source of general revenue for municipalities. Revenue from property rates is used to fund services that benefit the community as a whole as opposed to individual households. These include installing and maintaining streets, roads, sidewalks, lighting, and storm drainage facilities; operating parks, recreational facilities and cemeteries. Property rates revenue is 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. National and provincial governments do not have the power to levy rates, nor do they share in the revenue collected. Revenue from property rates is spent within a municipality, where the local community has a voice in decisions on how the revenue is spent as part of the IDPs and budget processes, which municipalities invite communities to input prior municipal council adoption of the budget.

Section 3(1) of the Local Government Municipal Property Rates Act (Act No 6 of 2004), and section 62(1)(f)(ii) of the Local Government Municipal Finance Management Act (Act No 56 of 2003), provide that a municipality must adopt and implement a policy on the levying of rates on rateable property.

This document sets out the policy of the Kannaland Municipality on the levying of rates on rateable property in the municipality. The rates policy must be reviewed annually in compliance with section 5(1) of the Local Government Municipal Property Rates Act (Act No 6 of 2004) and according to the time schedule tabled by the Executive Mayor in accordance with section 21(1)(b) of the Local Government Municipal Finance Management Act (Act No 56 of 2003). Any changes to the rates policy must be approved together with the annual budget in compliance with section 24 of the Local Government Municipal Finance Management Act (Act No 56 of 2003).

This Policy is formulated in terms of Section 3 of the Local Government Municipal Property Rates Act, (Act 6 of 2004) which came into effect on 2 July 2005. In 2008, Kannaland Municipality initiated a process to prepare a General Valuation Roll of all property situated

within the geographical boundaries of the Municipality in terms of this Act. The last General Valuation was done in 2014. A General Valuation process is currently in progress, with the new valuation roll taking effect from 1 July 2021.

2. LEGISLATIVE CONTEXT

- 2.1 In terms of Section 229 of the Constitution, a Municipality may impose property rates on property.
- 2.2 In terms of Section 4(1) (c) of the Municipal Systems Act, (Act no.32 of 2000), a Municipality has the right to finance the affairs of the Municipality by imposing, inter alia, property rates on property.
- 2.3 In terms of Section 2(1) of the Municipal Property Rates Act, (Act No. 6 of 2004) a local Municipality may levy a rate on property in its area in accordance with the other provisions of this Act.
- 2.4 This Policy must be read together with and is subject to the provisions of the Municipal Property Rates Act and the Property Rates By-Law.
- 2.5 In terms of Section 8(1) of the Municipal Property Rates Act, the Municipality is levying property rates on the use of the property as determined on the valuation roll in terms of Section 48 of this Act.
- 2.6 In terms of Section 26 of the Municipal Property Rates Act - Method and time of payment:
1. A Municipality may recover a rate –
 - a) On a monthly basis as prescribed in terms of the Municipal Finance Management Act: or
 - b) Annually, as may be agreed with the owner of the property.
 2. If a rate is payable –
 - a) In a single amount annually, it must be paid on or before the end of September as determined by the Municipality.
 - b) If a rate is payable in monthly instalments it must be paid on or before a date in each period determined by the Municipality.
 3. Payment of a rate may be deferred but only in special circumstances.

3. DEFINITIONS

The definitions below are paraphrased from those in the Act to be better understood by the local community:

“Accommodation Establishment” in relation to a property means the supply of overnight facilities to guests and tourists;

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

“Agent”, in relation to the owner of a property, means a person appointed by the owner of the property-

- a) to receive rental or other payments in respect of the property on behalf of the owner;
or
- b) to make payments in respect of the property on behalf of the owner;

“Agricultural property” means property that is used primarily for agricultural purposes and excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for the purpose of eco-tourism or for the trading in or hunting of game;

“Annually” means once every financial year;

“Bona fide farmers” means genuine or real farmers whose dominant income is generated from farming;

“Business”, in relation to property, means the use of property for the activity of buying, selling or trading in commodities or services on or from a property and includes any office or other accommodation on the property, the use of which is incidental to such activity, but does not include the business of agriculture, farming, or any other activity consisting of the cultivation of soils, the gathering in of crops, the rearing of livestock and the like;

“Category” –

- a) in relation to property, means a category of property determined in terms of section 8 of the Act; and
- b) in relation to owners of property, means a category of owners determined in terms of section 15(2) of the Act;

“Conservation area / nature reserve” - a protected area listed in terms of section 10 of the Protected Areas Act, No 52 of 2003

- a) a nature reserve - established in terms of the Nature and Environmental Conservation Ordinance, no 19 of 1974; or
- b) any land which is zoned as open space zone II or III in terms of the Municipality's zoning scheme regulations, provided that such protected areas, nature reserves or land, with the exception of tourism facilities that may have been erected thereon, are exclusively utilised for the preservation of fauna and flora and the products of such land are not being traded for commercial gain.

“Date of valuation” means the date determined by a municipality in terms of section 31(1) of the Act

“Day” means when any number of days are prescribed for the performance of any act, those days must be reckoned by excluding the first and including the last day, unless the last day falls on a Saturday, Sunday or any public holiday, in which case the number of days must be reckoned by excluding the first day and also any such Saturday, Sunday or public holiday;

“Effective date”-

- a) in relation to a valuation roll, means the date on which the valuation roll takes effect in terms of section 32(1) of the Act; or
- b) in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of section 78(2)(b) of the Act;

“Exclusion”, in relation to the municipality's rating power, means a restriction of that power as provided for in section 17 of the Act;

“Exemption”, in relation to the payment of a rate, means an exemption granted in terms of section 15 of the Act;

“Financial year” means the period starting from 1 July in a year to 30 June of the next year and **“year”** shall have a corresponding meaning;

“Illegal use”, means the use of a property in a manner that is inconsistent with or in contravention of the permitted use of the property;

“Improvement”, means any building or structure on or under a property, but excluding anything that may not be considered in determining the market value of a property;

"Income Tax Act", means the Income Tax Act, 1958 (Act No 58 of 1962);

“Indigent person”, means a person described as such in the municipality's Indigent Policy;

“Industrial”, in relation to property, means the use of a property for a branch of trade or manufacturing, production, assembly or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labour are significantly involved, including any office or other accommodation on the property, the use of which is incidental the use of such factory;

“Land reform beneficiary”, relation to a property, means a person who-

a) acquired the property through-

(i) the Provision of Land and Assistance Act, 1993 (Act No 126 of 1993); or

(ii) the Restitution of Land Rights Act, 1994 (Act No 22 of 1994);

b) holds the property subject to the Communal Property Associations Act (Act No 28 of 1996); or

c) holds the property subject to the Communal Property Associations Act (Act No 28 of 1996); or

d) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution be enacted after this Act has taken effect;

“Land tenure right”, means a land tenure right as defined in section 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991);

“Local community”, in relation to a municipality—

a) means that body of persons comprising—

(i) the residents of the municipality;

(ii) the ratepayers of the municipality;

(iii) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the municipality; and

(iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality;

b) includes, more specifically, the poor and other disadvantaged sections of such body of persons;

“Local municipality” means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in Section 155 (1) of the Constitution as a category B municipality;

“Market value”, in relation to a property, means the value of the property determined in accordance with section 46 of the Act;

“Mining property” means a property used for mining operations.;

“Multiple purposes”, in relation to a property, means the use of a property for more than one purpose;

“Municipal council” or **“council”** means a municipal council referred to in section 18 of the Municipal Structures Act;

“Municipality” means when referred thereto as -

- a) an entity, Kannaland Municipality as a municipality described in Section 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), including a duly authorized official of Kannaland Municipality; and
- b) a geographical area, the area of jurisdiction of Kannaland Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), and **Kannaland Municipality** shall have a corresponding meaning;

“Municipal manager” means the person appointed as such in terms of section 82 of the Municipal Structures Act in respect of Kannaland Municipality;

“Municipal Finance Management Act”, means the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003);

“Municipal properties” means properties -

- a) registered in the name of the municipality in a deeds registry;
- b) publicly controlled by the municipality; or
- c) register in the name of the municipality at any time at the election of the Municipality due to an entitlement thereto, but excluding property held or controlled by the Municipality in a fiduciary or similar capacity, transferable to a third party at the election of such third party;

"Municipal Structures Act", means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

"Municipal Systems Act", means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);

"Municipal valuer" or **"valuer of the municipality"**, means a person designated as a municipal valuer in terms of section 33(1) of the Act;

"Newly rateable property" means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which the Act took effect, excluding a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date and any other property identified as such in terms of the Act;

"Occupier", in relation to a property, means a person in actual occupation of a property whether or not that person has a right to occupy the property;

"Office bearer", in relation to places of public worship, means the primary person who officiates at services at that place of worship;

"Official residence" in relation to places of public worship, means a single residential property registered in the office of the Registrar of Deeds in the name of a religious community or registered in the office of the Registrar of Deeds in the name of a trust established for the sole benefit of a religious community and used as a place of residence for an office bearer;

"Owner"-

- a) in relation to property referred to in paragraph (a) of the definition of "property", means a person in whose name ownership of the property is registered;
- b) in relation to a right referred to in paragraph (b) of the definition of "property" means a person in whose name the right is registered; or
- c) 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;
- d) in relating to a share in a share block company, the share block company as defined in the Share Block Control Act, 1980 (Act No. 59 of 1980);

- e) in relation to buildings, other immovable structures and infrastructure referred to section in 17(1)(f), means the holder of the mining right or the mining permit.
- f) in relation to a land tenure right referred to in paragraph (c) of the definition of "property", means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- g) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of "publicly controlled" in terms of the Act, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:
 - (i) A trustee, in the case of a property in a trust excluding state trust land;
 - (ii) an executor or administrator, in the case of a property in a deceased estate;
 - (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
 - (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
 - (v) a curator, in the case of a property in the estate of a person under curatorship;
 - (vi) an usufructuary or other 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;
 - (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it;
 - (viii) a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such right; or
 - (ix) a buyer, in the case of a property that was sold and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

"Permitted use", 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;

“Person”, includes an organ of state;

“Place 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;

“Prescribe”, means prescribe by regulation in terms of section 83 of the Act;

“Private open space” means any land which is in private ownership used primarily as a private site for play, rest or recreation without financial gain;

“Property” means—

- a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- d) public service infrastructure;

“Property register” means a register of properties referred to in section 23 of the Act;

“Protected area” means an area that is or has to be listed in the register referred to in section 10 of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003);

“Public Benefit Organisation property” As defined in the Regulations on the rate ratio between the residential and non-residential categories of property;

“Public open space” means land owned by the municipality, which is not leased on a long-term basis, and which is set aside for the public as open area;

"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 and 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 communications system serving the public;
- g) runways or aprons at national or provincial airports;
- h) breakwaters, sea walls, channels, basin, 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 light houses, 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) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i); provided that (a), (b), (e), (g) and (h) may not be rated;

"Public service purposes", means a property owned and used by an organ of state as hospitals or clinics, schools, pre-schools, early childhood development centres or further education and training colleges, national and provincial libraries and archives, police stations, correctional facilities; courts of law; but excludes property contemplated in the definition of "public service infrastructure";

"Rate" means a municipal rate on property envisaged in section 229(1)(a) of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

"Ratepayer" means a person who is liable, in terms of the Act, for the payment of rates on property levied by the municipality;

“Rateable property” means property on which the municipality may in terms of section 2 of the Act levy a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Act;

“Ratio”, in relation to section 19, means the relationship between the cent amount in the Rand applicable to residential properties and non-residential properties: Provided that the two relevant cent amounts in the Rand are inclusive of any relief measures that amount to rebates of a general application to all properties within a property category;

“The rates policy” means Council's rates policy in terms of section 3 of the Act;

“Rebate”, in relation to a rate payable on a property, means a discount on the amount of the rate payable on the property;

“Reduction”, in relation to a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of the property at that lower amount;

“Registered nature reserve”, - a protected area listed in terms of section 10 of the Protected Areas Act, No 52 of 2003.

“Residential”, in relation to property, means a property having a suite of rooms which forms a living unit that is exclusively used for human habitation purposes or a multiple number of such units, but does not include a hotel, commune, accommodation establishment, guesthouse, boarding or lodging undertaking, hostel or suchlike properties;

“Residential property” means a property included in a valuation roll in terms of section 48(2)(b) of the Act in respect of which the primary use or permitted use is for residential purposes without derogating from section 9

“Sectional Titles Act”, means the Sectional Titles Act, 1986 (Act No 95 of 1986);

“Sectional title scheme”, means a scheme defined in section 1 of the Sectional Titles Act;

“Sectional title unit”, means a unit defined in section 1 of the Sectional Titles Act;

"Specified public benefit activity" means an activity listed in item 1 (welfare and humanitarian), item 2 (health care), item 4 (education and development), item 6 (cultural), item 7 (conservation, environment and animal welfare), item 9 (sport) of Part I of the Ninth Schedule to the Income Tax Act;

"State-owned properties" means properties owned by the State, which are not included in the definition of public service infrastructure in the Act;

"Sewerage services" includes water-borne-, conservancy tank removal.

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

"Unimproved property" means property on which no immovable improvements have been erected : Provided that improvements for the supply of water, electricity, sewer and suchlike services to the property and negligible improvements shall be disregarded for purposes of determining whether or not property is unimproved;

"Urban conservation area" means an area defined in the relevant Zoning Scheme Regulations as a "Conservation Area", the aim of which is to retain the unique character or the aesthetical sensitive arrears of the Kannaland Municipality by the control of building design and building lines in the case of new buildings or erven not built upon and also in the case of existing buildings to be replaced, altered or extended.

- 1) Words and expressions to which a meaning has been assigned in the Act shall bear the same meaning in this policy.
- 2) In this policy, a word or expression derived from a word or expression defined in subsection (1) shall have a corresponding meaning unless the context indicates that another meaning is intended.

"Vacant land", means any property without buildings or structures, irrespective of its Zoning or intended usage, but excluding any land zoned as "agricultural" on which Bona fide farming is being conducted

4. PRINCIPLES

4.1 The following principles will ensure that the municipality treats persons liable for rates equitably:

- **Equity** - All property owners liable for property rates will be treated fairly and reasonably.
- **Affordability** - Limit each annual rates increase as far as practicable so that they do not overburden ratepayers and in imposing the rate in respect of each financial year, take proper cognizance of the aggregate burden of rates.
- **Financial sustainability** - Property rates should be used to finance the municipality's operating expenditure. The granting of exemptions, reductions and rebates should not erode the municipality's tax base.
- **Social and Economic Development** - The policy of the municipality should promote the interests of social and economic development by utilising the mechanisms at its disposal to encourage the development of property in line with the socio-economic development needs and goals of the municipality.
- **Cost efficiency** - Rates will be based on the value of all rateable property and the amount required by the municipality to balance the operating budget after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage removal) services and the amounts required to finance exemptions, rebate reduction and phasing-in of rates as approved by the municipality from time to time.

4.2 Property Rates are levied in accordance with the MPRA as a cent-in-the rand based on the property value contained in the Municipality's General Valuation Roll of 2021 and Supplementary Valuation Rolls.

4.3 A municipality must, according to Sec 78 of the MPRA, whenever necessary, cause a supplementary valuation to be made in respect of any rateable property- If

- a) Incorrectly omitted from the valuation roll;
- b) Included in a municipality after the last general valuation;
- c) Subdivided or consolidated after the last general valuation;
- d) The market value has substantially increased or decreased for any reason after the last general valuation;
- e) Substantially incorrectly valued during the last general valuation;
- f) it must be valued for any other exceptional reason;
- g) the category has changed;
- h) the value recorded in the valuation roll was incorrect as a result of a clerical or typing error.

Furthermore, a supplementary valuation in respect of any rateable property will be triggered when:

- a) Occupation certificate is received;
- b) Improvement on a property reaches roof height;
- c) Change of land usage/zoning;
- d) Demolishing certificate;
- e) Consolidation / Subdivision of properties;
- f) Any other reason that may cause the valuation of the property to increase or decrease.

4.4 As allowed for in the MPRA, the Municipality has chosen to differentiate between various categories of property and owners of property. Some categories of property and categories of owners are granted relief from property rates. However, the Municipality does not grant relief in respect of payments for property rates to any 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 Policy.

4.5 A person liable for a rate must furnish the municipality with an address where correspondence can be directed to.

4.6 The rate charged as a cent-in-the-rand for Residential Properties is the base rate and the rates charged in respect of all other categories of properties are reflected as ratios to the Residential rate as set out below.

SECTION B: CATEGORIES OF RATEABLE PROPERTIES

5. CRITERIA FOR DETERMINING CATEGORIES OF PROPERTY FOR THE PURPOSE OF LEVYING DIFFERENT RATES

The municipality has determined categories of rateable properties based on the following criteria:

- a) the use of the property;
- b) the permitted use of the property or;
- c) the geographical area in which the property is situated

6. CATEGORIES OF PROPERTY

Categories of property for the municipality include –

- o Agricultural Properties;
- o Multipurpose Properties (subject to section 10);
- o Businesses and Commercial Properties;
- o Businesses Properties – Accommodation Establishments / Guest Houses;
- o Industrial Properties;
- o Mining Properties;
- o Municipal Properties;
- o Public Service Properties/Organs of state;
- o Place of Worship;
- o Protected Area;
- o Public Benefit Organisations;
- o Public Service Infrastructure;
- o Residential Properties;
- o Vacant Land.

7. CRITERIA FOR RATING PROPERTY USED FOR MULTIPLE PURPOSES

Properties used for multiple purposes which do not fall within the definition of Residential Properties and, accordingly, do not qualify for the residential rate, may be included into the category of multiple-use properties, for which an apportionment of value for each distinct

use of the property will be calculated by the municipal valuer and used for billing at the appropriate and applicable rate, in cases where the municipal valuer considers it reasonable to apply this category.

SECTION C: DIFFERENTIAL RATING

8. CRITERIA FOR DIFFERENTIAL RATING OF PROPERTIES

The following has been taken into consideration for the purpose of differential rating:

- Promotion of social and economic development of a municipality; and
- Differential rating among the various property categories will be done by way of setting different cent amount in the Rand rate for each property as legislated in section 14(2)(b)(iii). This is much simpler for the local community to understand and thus promotes the principle of transparency.

Differential rates applicable (Based on Use)	Ratio in relation to the base tariff
Residential Properties	1:1
Vacant Land: Residential	1:1
Vacant Land: Business & Commercial	1:2.04
Agricultural Properties	1:0.15
Businesses and Commercial Properties	1:2.04
Guest Houses / Accommodation Establishment	1:2.04
Industrial Properties	1:2.04
Mining Properties	1:2.04
Public Service Infrastructure	1:0.25
Public Service Properties/Organs of state	1:2.04
Public Benefit Organisations (Incl. Old Age Homes)	1:0.19
Place of Worship - Church	1:0
Municipal Properties	1:0

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

9. CRITERIA FOR EXEMPTIONS, REBATES AND REDUCTIONS

Criteria for determining categories of owners of properties, for the purpose of granting exemptions, rebates and reductions will be according to the -

- (a) indigent status of the owner of a property as determined by the income level of the owner;
- (b) limited income of owners of a property who are pensioners or dependant on social grants;
- (c) owners of property situated within an area affected by
 - i) a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii) any other serious adverse social or economic conditions;
- (d) owners of residential properties with a market value below a determined threshold; (or)
- (e) owners of agricultural properties who are bona fide farmers

10. IMPERMISSIBLE RATES

A municipality may not levy the following rates in terms of sections 16 (1) and 17 (1) of the Act:

- i) Rates that would prejudice national economic policies;
- ii) Rates that would prejudice economic activities across boundaries; and
- iii) Rates that would prejudice national mobility of goods, services, capital or labour.

Impermissible rates will be applied as follow:

- On the first 30% of market value of public service infrastructure (Section 17 (1)(a)).
- On a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act, 2003 (Act no 57 of 2003), or of a national botanical garden within the meaning of the National Environment

Management: Biodiversity Act of 2004(Act no 10 of 2004) which are not developed or used for commercial, business or residential agricultural purposes (Section 17 (1)(e)).

- On the first R15, 000 of the market value of a property assigned in the valuation roll or supplementary valuation roll to a category determined as residential property or multiple used property provided that one or more component is used for residential purposes (Section 17 (1)(h)).
- On property registered in the name of and used primarily as a place of public worship by a religious community, including an official residence registered in the name of that community, which is occupied by an office-bearer of that community who is, officiates at services at that place of worship. (The exclusion lapses if not used for the purposes as indicated above) (Section 17(1)(i)).

11. EXEMPTIONS

- The Municipality will grant exemption for owners of improved residential properties with a market value lower than an amount determined by the municipality (Section 15 (2)(e)). This is an important part of the Municipality's indigent relief measures aimed primarily at alleviating poverty amongst those persons owning low value properties. The amount determined as from 1 July 2021 will be R120 000 and lower, applicable to improved residential properties.
- Municipal properties that are not leased or rented out by the municipality will be exempt from being levied rates (Section 7 (2)(a)(i)). This includes leased municipal properties with a nominal value and/or portions of commonage property where it is not practical to levy property rates.
- The balance of Public Service Infrastructure (PSI's) properties will be exempt after the application of the impermissible on the first 30% of market value of public service infrastructure (Section 17 (1)(a)).

12. REBATES

- Properties that are used as **Accommodation Establishments** will be granted a **35%** rebate on the business & commercial tariff.
- Rebates on Mining Properties will be as per Council Resolution.
- Registered owners of residential properties who are **Pensioners** qualify for a **30%** rebate on the residential tariff. To qualify for the rebate a property owner must be the registered owner of a property which satisfies the requirements of the definition of Residential Property. This property owner must:

- i) occupy the property as his/her Primary Residence, and
- ii) be at least 60 years of age, or
- iii) has been declared medically unfit, and
- iv) not receive any other rebates.

All applications for Pension Rebates will be effective for the same period as the General Valuation Roll and won't be applicable to vacant plots and agricultural properties rated by use.

Applications must (where applicable) be accompanied by–

- i) A certified copy of the identity document or any other proof of the owner's age which is acceptable to the municipality;
 - ii) an affidavit from the owner;
 - iii) if the owner is a disabled person proof of a disability pension must be supplied; and
 - iv) if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
 - v) The Municipality retains the right to refuse rebates if the details supplied in the application form are incomplete and incorrect or false.
-
- o Once a pension rebate was granted, there is no need for the owner to re-apply for a rebate, permitted it remains the principle residence of the owner.
 - o Any new applications may be submitted at any time during the year, after which the rebates will be pro-rata from the month following successful application. (Application forms can be obtained from the Municipality).
 - o If any status relating to this policy change, it is the responsibility of the applicant to notify the municipality. After notification, the municipality will remove the "Pensioner" status on the property. If neglected to notify the municipality of such status change and the municipality becomes aware of such change, the municipality will remove the "Pensioner" status and reverse any rebates that was granted on the property from application date.
 - o No applications on vacant plots will be processed.

13. REDUCTIONS

A reduction in the municipal valuation as contemplated in section 15(1) (b) of Act will be granted where the value of a property is affected by-

- a) a disaster within the meaning of Disaster Management Act, 2002 (Act No.57 of 2002);
- or
- b) any other serious adverse social or economic conditions.

The reduction will be in relation to the certificate issued for this purpose by the municipal valuer. All categories of owners can apply for a reduction in the rates payable as described above and the reduction will only be granted as per Council resolution.

14. COSTS OF EXEMPTIONS, REBATES, REDUCTIONS, PHASING IN OF RATES AND GRANTS-IN-LIEU OF RATES

- (1) During the budget process the Chief Financial Officer must inform council of all the costs associated with the suggested exemptions, rebates, reductions, phasing in of rates and grants-in-lieu of rates.
- (2) Provisions must be made in the operating budget for the full: –
 - i) potential income associated with property rates; and
 - ii) the full costs associated with exemptions, rebates, reductions, phasing in of rates and grants-in-lieu of rates.
- (3) Projections regarding revenue foregone for a financial year in relation to exemptions, rebates, reductions, exclusions, phasing – in etc. must be reflected in the council's annual budget for that year.
- (4) A list of all exemptions, rebates, reductions, exclusions, phasing in etc. must be tabled before council.

SECTION E: RATES INCREASES/DECREASES

15. CRITERIA FOR INCREASING OF RATES

The municipality will consider increasing rates annually during the budget process by taking in consideration the following factors:

- Priorities of a municipality reflected in its IDP;
- Guidelines issued by National Treasury;
- The revenue needs of the municipality;
- Affordability of rates to ratepayers;
- A need for curbing excessive rates on implementation of a new valuation roll;
- The increase of costs associated with subsidised services; and
- Salary and wage increase as agreed at the South African Local Government.

All increases in property rates will be communicated to the local community in terms of the municipality's policy on community participation and legislative requirements.

SECTION F: LIABILITY FOR RATES

16. LIABILITY FOR RATES BY PROPERTY OWNERS

(a) Method and time of payment

- The municipality will recover rates on a monthly basis;
- Monthly rates must be paid in monthly instalments to the municipality at the end of each month; and
- The municipality makes provision for the recovery of rates on a monthly basis, subject to conditions outlined in the credit control and debt collection policy of the municipality.

(b) Deferral of payment of rates liabilities

The municipality will consider each and every application for deferral of rates, taking into account the merits and demerits of each and the financial implications thereof in so far as the cash-flow of the municipality is concerned.

(c) Property rates payable by agricultural property owners

In a case of agricultural property owned by more than one owner in *undivided shares* where the holding of such undivided shares was allowed before the commencement of the subdivision of the Agricultural Land Act, 1970 the municipality will treat the owner of such property for the purpose of liability for rates in the following manner:

- *If the joint property owners are all available and are traceable*, rates will be dealt with in the context of whether they have entered into an agreement or not regarding payment of rates liabilities. Owners will be notified and without any communication of an agreement, joint owners of the agricultural property, will by the discretion of the municipality held liable for rates regarding agricultural property by either the application of – (Sections 24(2)(b)(i) or (ii) of the Act).
 - (i) hold any one of the joint owners liable for all rates or
 - (ii) hold any joint owner only liable for that portion of the rates levied on the levied in respect of the agricultural property concerned; or property that represents that joint owner's undivided share in the agricultural property.

- *If the joint property owners are not traceable –*
- i) with the exception of one joint owner and such joint owner is occupying or using the entire property or a portion of 80% or more, the municipality will hold that joint owner liable for the total rates bill for that entire property; or
- ii) If the joint property owners are not traceable with the exception of one joint owner and such joint owner is occupying or using a portion less than 80% of the entire property, the municipality will hold that joint owner liable for that portion of rates levied on the entire property that represents that joint owner's undivided share in that property.

17. CLEARANCE CERTIFICATES

Software and System Details

The municipality can make use of an electronic Rates Clearance System. The system will provide a secure electronic link between the Conveyancing Attorneys and Municipality.

Audit and Legislation Compliance Process

All monies collected by the Municipality including in respect of Special Rating Areas and any estimated amounts for the duration of the validation period of a certificate in terms of Section 118(1) (a) of the Systems or Section 89 of the Insolvency Act, (Act 24 of 1936), are for the purpose of Section 118 of the Systems Act, deemed to be due and must be paid in order to facilitate the transfer of immovable property.

- All rates clearance applications must contain at least one of the following contact options for the buyers:
 - 1) The buyer's cell phone number
 - 2) The buyer's e-mail address
 - 3) The buyer's work and/or home addressAll rates clearance applications must contain the correct postal address of the buyer. Should the application be incomplete, the application will be rejected by Council.
- All amounts that are due, on date of application for rates clearance, must be paid in full prior to the issuing of any clearance certificate in terms of Section 118, of the Systems Act;

- Rates clearance figures will be calculated for the current month of application and 60 days in advance. This figure will contain rates, services, surcharges and any other amounts that may become payable or in arrears with regards to the development, subdivided erf or sectional title unit;
- Developer's contributions will be due and payable before any rates clearance certificate is issued on new erven developments;
- All receipts of fees, advance rates and services will be allocated on the Seller's debtors account. These fees will first be allocated to any arrears, clearance fee and valuation certificate fee, before allocated as an advance;
- In the case of new sectional title developments payment of developer's contribution will be due before services will be connected;
- No interest shall be paid by the Municipality to the registered seller in respect of these payments which are deemed to be due;
- Outstanding services of tenants may only be recovered for a maximum period of two years if a request is lodged for a Section 118 (3) of the Municipal Systems Act (32 of 2000) Clearance Certificate. If this is done the conveyancer, seller and buyer of the property must be informed that the remaining debt will remain on the property according to subsection 3;
- The clearance certificate will be valid for 60 days;
- Extension on a clearance certificate will be granted, if all services are paid in advance for another 60 days;
- Only electronic Rates Clearance Applications will be accepted;
- Attorneys should await figures with the unique deposit reference for developer's contributions before payments are made. Proof of payment of developer's contributions will be validated via the capital contribution schedule;
- Confirmation of registration must be captured by the Attorneys on the Rates Clearance System; and
- Pro-rata rates will be calculated by the Municipality;

18. RATES REFUNDS

- All refunds, including service deposits, will be paid to the transferring attorney after registration of the property;
- Refunds will only be processed on applications received through Rates Clearance System;
- Refunds will be allocated to arrear service debt of tenants and only the balance will be refunded;

- Refunds will not be issued if the services have not been connected on the new owner's name and the deed confirming new ownership is not received;
- Refunds will be processed when and if the transferring attorney's banking details on the creditor's form has been submitted, with a copy of the responsible person's ID document. The attorneys must supply the municipality with their contact person's e-mail address. Without the information no refund can be processed;
- Refunds will be issued once a month per attorney firm; and
- Disconnection or reconnection of services must be sent through the rates clearance application system, as well as by e-mail to argiewe@kannaland.gov.za.

19. THE PERIOD OF VALIDITY OF THE VALUATION ROLL

The municipality shall prepare a new valuation roll every 5 (five) years and a supplementary valuation roll annually. Request for the extension of the period of validity of the valuation roll in terms of Section 32, can be granted by the MEC for Local Government but only in specified circumstances.

The valuation roll is valid for the municipal financial years 2021/22 to 2025/26.

20. AMOUNT DUE FOR RATES

The due date for payment of property rates in terms of Sections 26(2)(a) and (b) and 78(4) of the MPRA means the date reflected on a municipal invoice as the final date on which payment is due and payable. The amount due for rates will be reflected as a rate (cent amount in the Rand rate) multiplied by the market value of the property. This amount will be reflected in a municipal account that will be sent to the property owner on a monthly basis. The non-receive of an account does not waive the monthly obligation and the liability remains the responsibility of the owner.

21. EFFECTS OF OBJECTIONS AND APPEALS ON LIABILITY FOR PAYMENT

In terms of the MPRA:

- The lodging of an objection or an appeal in terms of Sections 50 and 54 of the MPRA does not defer liability for the payment of property rates beyond the dates determined for payment in terms of this Policy;
- The review of the municipal valuer's decision in terms of Section 52 of the MPRA does not defer liability for the payment of property rates beyond the dates determined for payment in terms of this Policy.

22. ANNUAL REVIEW OF RATES POLICY

The municipality will annually review, and if necessary, amend its rates policy taking into account public comments or inputs.

23. THE EFFECTIVE DATE OF THE RATES POLICY

The rates policy takes effect from the start of the municipal financial year 2021/22 and will be applicable to Kannaland Municipality.

DOCUMENT CONTROL

Summary: This document describes the Property Rates Policy that will be applicable to Kannaland Municipality, with effect from 01 July 2021.

Version: Revision No.10

Date: 30 June 2021

Municipal Manager

Mayor



KANNALAND
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TARIFF BY-LAW



Notice is given in terms of section 75(1) of the Municipal Systems Act 32 of 2000 that the following TARIFFS BY-LAW was approved by the Kannaland Municipal Council on 6 July 2021.

Kennis geskied hiermee in terme van artikel 75(1) van die Munisipale Stelsels Wet Nommer 32 van 2000, dat die onderstaande Tariewe Verordening goedgekeur is deur die Raad van Kannaland Munisipale op 6 Julie 2021.

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1. PREAMBLE

1. Section 229(1) of the Constitution authorizes a municipality to impose:
 - a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
 - b) if authorized by national legislation, other taxes, levies and duties.
2. In terms of section 75A of the Systems Act a municipality may:
 - a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - b) recover collection charges and interest on any outstanding amount.
3. In terms section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements and which complies with the provisions of the Systems Act, the Municipal Finance Management Act and any other applicable legislation.
4. In terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
5. In terms of section 75(2) of the Systems Act, by-laws adopted in terms of section 75(1) of the Systems Act may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

2. INTERPRETATION

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

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

"Finance Management Act" means the Local Government: Municipal Finance Management Act, (Act 53 of 2003).

"Municipality" means the Kannaland Municipality (WC041).

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

"Tariff" means fees, charges or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality, excluding rates levied by the Municipality in terms of the Local Government: Property Rates Act, (Act 6 of 2004).

"Tariff List" means the list of the Tariffs applicable and in respect of any function or service provided by the Municipality. This list is approved by Council during the annual budget process.

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

3. OBJECTIVE

The objective of this By-Law is to give effect to the implementation of the Tariff Policy as contemplated in section 74(1) of the Systems Act.

4. ADOPTION AND IMPLEMENTATION OF THE TARIFF POLICY

1. The Municipality shall adopt and implement a Tariff Policy on the levying of fees for a municipal service provided by the Municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Municipal Finance Management Act and any other applicable legislation.
2. The Municipality shall not be entitled to impose tariffs other than in terms of the valid Tariff Policy.

5. CONTENTS OF THE TARIFF POLICY

The Municipality's Tariff Policy shall, inter alia:

1. Apply to all the tariffs (as per the Tariff List) imposed by the Municipality pursuant to the adoption of the Municipality's annual budget.
2. Reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of Tariffs which the Municipality may wish to adopt.
3. Specify the manner in which the principles referred to in paragraph 4(2) above are to be implemented in terms of the Tariff Policy.
4. Specify the basis of differentiation, if any, for tariff purposes between the different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.
5. Include such further enforcement mechanism, if any, as the Municipality may wish to impose in addition to those contained in the Customer Care, Credit Control and Debt Collection Policy.

6. ENFORCEMENT OF THE TARIFF POLICY

The Tariff Policy shall be enforced through the Customer Care, Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Municipality's Tariff Policy.

7. REPEAL

The provisions of any by-laws relating to Tariffs by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law.

8. INTERPRETATION

This By-Law must be read in conjunction with the Tariff Policy.

9. OPERATIVE DATE

This By-Law is the Tariff By-Law of Kannaland Municipality and shall take effect on the date on which it is published in the Provincial Gazette..