

# **LEKWA LOCAL MUNICIPALITY**



## **DRAFT PROPERTY RATES BY- LAW**

**FORMULATED IN TERMS OF SECTION 6 OF THE MUNICIPAL  
PROPERTY RATES ACT, NO. 6 OF 2004**

## PROPERTY RATES BY-LAW

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## **PROPERTY RATES BY-LAW**

### **1. LEGISLATIVE CONTEXT**

- 1.1. This By-Law is mandated by Section 6 of the Municipal Property Rates Act, 2004 (No. 6 of 2004), which specifically provides that a municipality must adopt by-laws to give effect to the implementation of its rates policy.
- 1.2. In terms of Section 229 of the Constitution of the Republic of South Africa, 1996 (No.108 of 1996), a municipality may impose rates on property.
- 1.3. In terms of the Municipal Property Rates Act, 2004 (No. 6 of 2004) a municipality in accordance with-
  - a. Section 2(1), may levy a rate on property in its area; and
  - b. Section 2(3), must exercise its power to levy a rate on property subject to-
    - i. Section 229 and any other applicable provisions of the Constitution;
    - ii. the provisions of the Property Rates Act; and
    - iii. the Property Rates By-Law.
- 1.4. In terms of Section 4 (1) (c) of the Municipal Systems Act, 2000 (No. 32 of 2000), the municipality has the right to finance the affairs of the municipality by imposing, *inter alia*, rates on property.
- 1.5. In terms of Section 62(1) (f) (ii) of the Municipal Finance Management Act, 2003 (No. 56 of 2003) the municipal manager must ensure that the municipality has and implements a Property Rates By-Law.
- 1.6. This By-Law must be read together with, and is subject to the stipulations of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004).

### **2. PROPERTY RATES PRINCIPLES**

- 2.1. Rates are levied in accordance with the Municipal Property Rates Act, 2004 (No. 6 of 2004) as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.

2.2. As allowed for in the Municipal Property Rates Act, 2004 (No. 6 of 2004), the municipality has chosen to differentiate between various categories of property and categories of owners of property. Some categories of property and categories of owners are granted relief from rates. The municipality however does not grant relief in respect of payments for 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 By-Law.

2.3. There would be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 13 of this By-Law.

2.4. The Property Rates By-Law for the municipality is based on the following principles:

2.4.1. Equity

The municipality will treat all ratepayers with similar properties equally

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates.

2.4.2. Sustainability

Rating of property will be implemented in a way that:

- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality; and
- ii. supports local and social economic development with consideration and compliance with the LED strategy of the municipality.

2.4.3. Cost efficiency

Rates will be based on the value of all rateable properties and the amount required by the municipality to balance the operating budget after taking into account profits generated on trading services (water, electricity) and economic services (refuse removal, sewerage removal) and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time

### **3. SCOPE OF THE BY-LAW**

This By-Law guides the annual setting (or revision) of property rates. Details pertaining to the applications of the various property rates are published in the Provincial Gazette and the municipality's schedule of tariffs, which must be read in conjunction with this By-Law.

### **4. APPLICATION OF THE BY-LAW**

In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the respective categories of properties and owners as allowed for in this By-Law.

### **5. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES**

5.1. The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Mayor of the municipality, make provision for the following classification of services:-

5.1.1. Trading services

- I. Water
- II. Electricity

5.1.2. Economic services

- i. Refuse removal.
- ii. Sewerage disposal.

5.1.3. Community services

- i. Air pollution
- ii. Fire fighting services
- iii. Local tourism
- iv. Municipal planning
- v. Municipal public works, only in respect of the needs of municipalities in the discharge of their responsibilities and to administer functions specially assigned or authorised to them under the Constitution or any other law.
- vi. Storm water management system in built-up areas.
- vii. Trading regulations

- viii. Fixed billboards and the display of advertisements in public places
- ix. Cemeteries
- x. Control of public nuisances
- xi. Control of undertakings that sell liquor to the public
- xii. Township development
- xiii. Facilities for accommodation, care and burial of animals
- xiv. Fencing and fences
- xv. Licensing of dogs
- xvi. Licensing and control of undertakings that sell food to the public
- xvii. Local amenities
- xviii. Local sport facilities
- xix. Municipal parks and recreation
- xx. Municipal roads
- xxi. Noise pollution
- xxii. Pounds
- xxiii. Public places
- xxiv. Street trading/street lighting
- xxv. Traffic and parking
- xxvi. Building control
- xxvii. Licensing of motor vehicles and transport permits
- xxviii. Nature reserves
- xxix. Forestry

#### 5.1.4. Subsidised services

- i. Health and ambulance.
- ii. Libraries and museums.
- iii. Proclaimed roads.

Trading and economic services must be ring fenced and financed from service charges while community and subsidised services will be financed from profits on trading and economic services, regulatory fees, rates and rates related income.

5.2. **Expenditure** will be classified in the following **categories**:

- (a) Salaries, wages and allowances
- (b) Bulk purchases
- (c) General expenditure
- (d) Repairs and maintenance
- (e) Capital charges (interest and depreciation)
- (f) Contribution to fixed assets
- (g) Contribution to funds-
  - i. bad debts.
  - ii. working capital; and
  - iii. statutory funds.
- (h) Contribution to reserves.
- (i) Gross expenditure. (a to h)
- (j) Less charge-out. (Inter departmental charge-outs)
- (k) Net expenditure. (i – j)
- (l) Income.
- (m) Surplus/Deficit – (Difference between (k) and (l))

5.3. **Cost centres** will be created to which the costs associated with providing the service can be allocated-

- (a) by Department;
- (b) by Section/services; and
- (c) by Division/services.

5.4. The subjective classification of expenditure each with a unique vote must be applied to all cost centres.

## **6. CATEGORIES OF PROPERTY**

6.1. Different rates may be levied in respect of the following categories of rateable properties and such rates will be determined on an annual basis during the compilation of the annual budget:-

6.1.1. Residential properties;

6.1.2. Industrial properties;



- 6.1.3. Business and commercial properties;
  - 6.1.4. Agricultural Property
  - 6.1.5. Mining Property
  - 6.1.6. State owned properties used for public service purposes;
  - 6.1.7. Public service infrastructure ;
  - 6.1.8. Properties owned by public benefit organisations and used for specified public benefit activities listed in part 1 of the ninth schedule to the Income Tax Act;
  - 6.1.9. Properties used for multiple purposes, subject to section 9;
  - 6.1.10. Municipal properties;
  - 6.1.11. Any other category of properties as may be determined by the Minister by notice in the Gazette.
- 6.2. In determining the category of a property referred to in 6.1 the municipality shall take into consideration the following criteria or a combination thereof:-
- The formal zoning of the property;
  - Township establishment approvals;
  - The lawful use of the property;
  - Permitted use of the property; and
  - The geographical area in which the property is situated.
- 6.3. In order to create certainty and to ensure consistency the criteria mentioned in 6.2 shall be applied as indicated below in order of priority and no deviation is permissible:
- 6.3.1. Properties shall first of all be categorised in accordance with their formal zoning. Town planning schemes, town establishment

schemes and town planning regulations may be used to determine the formal zoning.

6.3.2. If, for whatever reason, the status or zoning of a property cannot be determined in terms of 6.3.1 the lawful use shall then be determined in order to appropriately categorise such property. All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what purpose the property is being used. A physical inspection may be done to acquire the necessary information.

6.3.3. If the lawful use and the permitted use differ the latter shall prevail. This normally occurs when the zoning or status of the land is enhanced and naturally its value as well.

6.3.4 The geographical area in which a property is situated may be used to assist in the categorisation of a property when the provisions of 6.3.1 cannot be applied. However, the geographical area as a criterion should not be used in isolation.

6.4. Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Municipal Property Rates Act, 2004 (No. 6 of 2004) and as more fully described in clause 8.

## **7. CATEGORIES OF OWNERS**

7.1. For the purpose of granting exemptions, reductions and rebates in terms of clause 10, 11 and 12 respectively the following categories of owners of properties are determined::

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent By-Law of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent By-Law of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;

- (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. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget; and
- (e) Owners of agricultural properties who are *bona fide* farmers.

### **PROPERTIES USED FOR MULTIPLE PURPOSES**

7.2. Rates on properties used for multiple purposes will be levied as follows:

- (a) In accordance with the “permitted use of the property”, if the permitted use of the property is regulated;
- (b) In accordance with the “dominant use of the property” if (a) cannot be applied; or
- (c) In accordance with the “different uses” by apportioning the market value of a property to the different purposes for which the property is used if both (a) and (b) above cannot be applied.

### **8. DIFFERENTIAL RATING**

8.1. Criteria for differential rating on different categories of properties will be according to-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of social and economic development of the municipality.

8.2. Differential rating among the various property categories will be done by way of the set rate for each property category

and/or

8.3. by way of reductions and rebates.

## 9. EXEMPTIONS

9.1. The following categories of property are exempted from rates:

### 9.1.1. Municipal properties

Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers.

#### **Except**

If any property belonging to a municipality is disposed off to any person, he/she shall be considered to be the owner liable for the payment of rates from the date he takes possession.

### 9.1.2. Residential properties

9.1.2.1. All low cost residential properties used for residential purposes only are fully exempted if the owner qualifies as an indigent person in terms of the municipalities Indigent By-Law.

9.1.2.2. All residential properties with a market value of less than the amount as annually determined by the municipality are exempted from paying rates. The impermissible rates contemplated in terms of section 17(1) (h) of the the Municipal Property Rates Act, 2004 (No. 6 of 2004) is included in the amount referred to above as annually determined by the municipality. This is an important part of the council's indigent By-Law and is aimed primarily at alleviating poverty.

### 9.1.3. Cemeteries and crematoria

Registered in the names of private persons and operated not for gain.

### 9.1.4. Public Benefit Organisations

The following Public Benefit Organisations may apply for the exemption of property rates subject to submitting 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 (No 58 of 1962):

- i. Health care institutions  
Properties used exclusively as a hospital, clinic and mental hospital, including workshops used by the inmates, laundry or cafeteria facilities, provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.
- ii. Welfare institutions  
Properties used exclusively as an orphanage, non-profit retirement villages, old age home or benevolent institution, including workshops used by the residents, laundry or cafeteria facilities, provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.
- iii. Educational institutions and independent schools  
Property belonging to educational institutions declared or registered by law and not receiving any subsidies from Government.
- iv. Charitable institutions  
Property belonging to not-for-gain institutions or organisations that perform charitable work.
- v. Sporting bodies  
Property used by an organisation whose main purpose is to use the property for sporting purposes on a non-professional and non-profitable basis.
- vi. Cultural institutions  
Properties declared in terms of the Cultural Institutions Act, Act 29 of 1969 or the Cultural Institutions Act, Act 66 of 1989.
- viii. Museums, libraries, art galleries and botanical gardens  
Registered in the name of private persons, open to the public and not operated for gain.

ix. Youth development organisations

Property owned and/or used by organisations for the provision of youth leadership or development programmes.

x. Animal welfare

Property owned or used by institutions/organisations whose exclusive aim is to protect birds, reptiles and animals on a not-for-gain basis.

9.2. Exemptions will be subject to the following conditions:

- 9.2.1. all applications must be addressed in writing to the municipality in the prescribed manner or application form;
- 9.2.2. a SARS tax exemption certificate must be attached to all applications;
- 9.2.3. the municipal manager or his/her nominee must approve all applications;
- 9.2.4. applications must reach the municipality before the **end of October preceding the start of the new municipal financial year for which relief is sought; and**
- 9.2.5. the municipality reserves the right to refuse exemptions if the details supplied in the application form are incomplete, incorrect or false.

## 10. REDUCTIONS

10.1. Reductions as contemplated in section 15 of the Municipal Property Rates Act, 2004 (No. 6 of 2004) will be considered on an *ad-hoc* basis in the event of the following:

- 10.1.1. Partial or total destruction of a property.
- 10.1.2. Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2. The following conditions shall be applicable in respect of 11.1:-

- 10.2.1. The owner of a property referred to in 11.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/ she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

- 10.2.2. Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- 10.2.3. A maximum reduction of 50% will be allowed in respect of both 11.1.1 and 11.1.2.
- 10.2.4. An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

## **11. REBATES**

### **11.1. Categories of property**

#### **11.1.1. Business, commercial and industrial properties**

11.1.1.1. The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction, based on its Local, Social and Economic Development By-Law as outlined in Schedule A. The following criteria will apply:

- a. job creation in the municipal area;
- b. social upliftment of the local community; and
- c. creation of infrastructure for the benefit of the local community.

11.1.1.2. A maximum rebate as annually determined by the municipality may be granted on applications as prescribed to on receiving an application prior to 30 September preceding the financial year applicable:

- a. a business plan submitted in respect of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
- b. a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the business entity plans to continue to meet the objectives;
- c. an assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
- d. approval of the application by a municipal council resolution.

11.1.1.3. In determining the annual rebate the municipality shall take into consideration all relevant and applicable circumstances.

11.1.2. State properties

Receive a rebate as determined in schedule A for payment of rates before 30 September of the financial year applicable.

11.1.3. Privately developed estates

The municipality may grant an additional rebate of 30%, which applies to qualifying privately developed estates, as defined in paragraph 2.3 of the Property Rates Policy of the Lekwa Local Municipality provided that an application to that effect is received not later than 30 September of each year.

11.1.4. Agricultural property rebate

11.1.4.1. Agricultural properties may be granted a rebate subject to the owner providing the municipality with required information in an affidavit received not later than 30 September each year.

11.1.4.2. Qualifying requirements are that the owner should provide proof that he is registered as a *bona fide* farmer with SARS,

or

11.1.4.3. Where the owner is not taxed as a farmer, proof is required that income from farming activities exceeds 40% of the household income.

11.1.4.4. Rebates may be granted on the following as outline in Schedule A of the rates policy:

a. The extent of municipal services provided to agricultural properties

- i. if there are no municipal roads next to the property.
- ii. if there is no municipal sewerage to the property.
- iii. if there is no municipal electricity to the property.
- iv. if water is not supplied by the municipality
- v. if there is no refuse removal that is provided by the municipality.

b. The contribution of agriculture to the local economy

A rebate may be granted as determined in Schedule A to agricultural property that contributes substantially to job creation, and the salaries/wages of farm workers are reasonable, e.g. if they meet minimum standards set by government or if they are in line with the sector's average.



- c. Rebates may be granted as determined in Schedule A after submission of proof by the owner, to the extent to which agriculture assists in meeting service delivery and development obligations of the municipality and contribution to the social and economic welfare of farm workers:
  - i. if the owner is providing permanent residential property to the farm workers and such property is registered in the name of these farm workers,
  - ii. if such residential properties are provided with potable water.
  - iii. if the farmer has electrified such residential properties of his farm workers.
  - iv. if the farmer is availing his land/buildings to be used for cemetery, education and recreational purposes of the farm workers and their dependants and the nearby community in general, etc.

#### 11.1.5. Conservation Land

No rebates are granted to privately owned properties whether designated or used for conservation purposes subject to the provision of Section 17(1) (e) of the Municipal Property Rates Act, 2004 (No. 6 of 2004).

#### 11.1.6. Historical or heritage properties

No rebates are granted other than residential rebates if appropriate.

#### 11.1.7. Public Service Infrastructure

A rebate of 30% as mandated by the Municipal Property Rates Act, 2004 (No. 6 of 2004) [Section 17(1) (a)] will be granted for Public Service Infrastructure as they provide essential services to the community

### 11.2. Categories of owners

#### 11.2.1. Retired and Disabled Persons Rate Rebate

- 11.2.1.1. Retired and Disabled Persons qualify for special rebates according to monthly household income. To qualify for the rebate a property owner must:

- a. occupies the property as his/her normal residence;
- b. be at least 60 years of age or in receipt of a disability pension from the Department of Social Development or other approved pension funds;
- c. be in receipt of a total monthly income from all sources (including income of spouses of owner) as per schedule A;
- d. not be the owner of more than one property.
- e. provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.

11.2.1.2. Property owners must apply on a prescribed application form for a rebate as determined by the municipality.

11.2.1.3. Applications must be accompanied by-

- a. a certified copy of the bar coded identity document. passport, driver's license, birth certificate or any other proof of the owner's age which is acceptable to the municipality;
- b. sufficient proof of income of the owner and his/her spouse;
- c. an affidavit from the owner;
- d. if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
- e. if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
- f. be in receipt of a total monthly income from all sources (including income of spouses of owner) as determined in schedule A of the rates policy;

11.2.1.4. these applications must reach the municipality before the end of September preceding the start of the new municipal financial year for which relief is sought.

11.2.1.5. the municipality reserves the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false.

11.2.1.6. the extent of the rebate shall annually be determined by the municipality and it shall be included in the annual budget.

### **13. COMPULSORY PHASING IN OF RATES**

#### **13.1 Newly Rateable Properties**

13.1.1 Rates levy on newly rateable property will be phased in over a period of three financial years,

13.1.2 The phasing-in discount will be determined as follow:  
(a) In the first year, 75% discount on the rates for the year applicable on the property,  
(b) in the second year, 50% discount on the rates for the year applicable on the property,  
(c) in the third year, 25% discount on the rates for the year applicable on the property,

#### **13.2 Newly Rateable property owned and used by Public Benefit Organisations**

13.2.1 Rates levied on newly rateable property owned and used by organisations conducting specified public benefit activities and registered in terms of the Income Tax Act for those activities will be phased in over a period of four financial years,

13.2.2 The phasing-in discount will be determined as follow:  
(a) In the first year no rates will be levied on the property concerned,  
(b) In the second year, 75% discount on the rates for the year applicable on the property,  
(c) in the third year, 50% discount on the rates for the year applicable on the property,  
(d) in the fourth year, 25% discount on the rates for the year applicable on the property,

#### **13.3 Rates on Property belonging to a land reform beneficiary or his/her heirs**

13.3.1 The exclusion on property belonging to a land reform beneficiary or his/her heirs from levying of rates will lapses ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds,

13.3.2 After the exclusion period has lapsed, rates payable on the properties concerned will be phased-in over a period of three financial years,

13.3.3 The phasing-in discount will be determined as follow:  
(a) In the first year, 75% discount on the rates for the year applicable on the property,  
(b) in the second year, 50% discount on the rates for the year applicable on the property,

- (e) in the third year, 25% discount on the rates for the year applicable on the property,

#### **14. SPECIAL RATING AREAS**

- 14.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Municipal Property Rates Act, 2004 (No. 6 of 2004).
- 14.2 The following matters shall be attended to in consultation with the committee referred to in clause 14.3 whenever special rating is being considered:
  - 14.2.1 Proposed boundaries of the special rating area;
  - 14.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
  - 14.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
  - 14.2.4 Proposed financing of the improvements or projects;
  - 14.2.5 Priority of projects if more than one;
  - 14.2.6 Social economic factors of the relevant community;
  - 14.2.7 Different categories of property;
  - 14.2.8 The amount of the proposed special rating;
  - 14.2.9 Details regarding the implementation of the special rating;
  - 14.2.10 The additional income that will be generated by means of this special rating.
- 14.3. A committee consisting of 6 members of the community of who 3 shall be women will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of

the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.

- 14.4. The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 14.5. In determining the special additional rates the municipality shall differentiate between different categories as referred to in paragraph 6.
- 14.6. The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 14.7. The municipality shall establish separate accounting and other record-keeping systems, compliant with GRAP, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

**15. COST TO THE MUNICIPALITY DUE TO EXEMPTIONS, REDUCTIONS, REBATES, EXCLUSIONS, PHASING IN AND THE BENEFIT THEREOF TO THE LOCAL COMMUNITY**

- 15.1. The Municipal Manager shall ensure that the revenue foregone in respect of the foregoing rebates, exemptions, reductions and phasing-in are appropriately disclosed in each annual operating budget, annual financial statements and annual report and that such rebates, exemptions, reductions and phasing-in are clearly indicated on the rates account submitted to each property owner.
- 15.2. The costs associated with exemptions, reductions, rebates, exclusions and phasing in of rates as reflected in schedule B of the rates policy.
- 15.3. The benefit to the community of granting relief measures may be-
  - i. the promotion of local economic development including attracting business investment, for example small business establishment;
  - ii. creation of employment for municipal residents;
  - iii. promotion of service delivery, for example by farmers;
  - iv. poverty alleviation to the indigents;

- v. social development and moral development, for example, by religious institutions, sports institutions, schools and other non governmental organisations which promote health and other benefit to the community; and
- vi. Improved local economic growth.

## **16. RATES INCREASES**

- 16.1. The municipality may consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- 16.2. Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- 16.3. Relating to community and subsidised services the following annual adjustments will be made:
  - i. All salary and wage increases as agreed at the South African Local Government Bargaining Council as well as increases of Section 56 and 57 managers
  - ii. An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds, and
  - iii. Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- 16.4. Extraordinary expenditure related to community services not foreseen during the previous budget period and approved by the council during a budget review process will be financed by an increase in property rates.
- 16.5. Affordability of rates to ratepayers.
- 16.6. All increases in property rates will be communicated to the local community in terms of the municipality's By-Law on community participation.

## **17. NOTIFICATION OF RATES**

- 17.1. The municipality will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days notice will be based on the new rates.
- 17.2. A notice stating the extent of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality for a period of at least 30 days at

places provided for that purpose as well as in the **Provincial Gazette** as required in terms of Section 14(2) of the Municipal Property Rates Act, 2004 (No. 6 of 2004).

## **18. PAYMENT OF RATES**

- 18.1. Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalments on or before the seventh day of the month following on the month in which it becomes payable.
- 18.2. If the owner of property that is rateable, notifies the municipal manager or his/her nominee in writing not later than 31 May in any financial year, or such later date in such financial year as may be determined by the municipal manager or his/her nominee that he/she wishes to pay all rates in respect of such property in instalments, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year in twelve instalments until such notice is withdrawn by him/her in a similar manner.
- 18.3. Interest on arrears of rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the interest rate as determined by the Minister for Cooperative Governance.
- 18.4. If a property owner, who is responsible for the payment of property rates in terms of this By-Law, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and indigent By-Law of the Municipality.
- 18.5. Arrears of rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Municipal Property Rates Act, 2004 (No. 6 of 2004) as follows:
  - 18.5.1. If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows:
    - (a) From the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;
    - (b) From a tenant or occupier of the property, only after an attempt was made to collect it from an agent refer to in 18.5.1 (a) but such attempt was unsuccessful or no such

agent exists or only a part of the outstanding amount could successfully be recovered.

- 18.5.2. The amount recoverable is limited to the amount as stipulated in the Municipal Property Rates Act, 2004 (No. 6 of 2004) and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by owner of the property.
- 18.5.3. The notice referred to in 18.5.2 shall give the party concerned at least 14 calendar days to pay the outstanding rates.

## **19. PAYMENT OF RATES ON PROPERTY IN SECTIONAL TITLE SCHEME**

- 19.1. A rate on a property, which is subject to a sectional title scheme, will be levied on the individual sectional title units in the scheme and not on the property as a whole
- 19.2. The rate levied on a sectional title unit will be payable by the owner of the unit. The municipality will not recover the rate on such sectional title unit, or any part of such rates, from the body corporate controlling the sectional title unit, **except** where the body corporate itself is the owner of any specific sectional title unit.

## **20. ACCOUNTS TO BE FURNISHED**

- 20.1. The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
- (i) the amount due for rates payable,
  - (ii) the date on or before which the amount is payable,
  - (iii) how the amount was calculated,
  - (iv) the market value of the property, and
  - (v) rebates, exemptions, reductions or phasing-in, if applicable.
- 20.2. A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.
- 20.3. In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover



rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

## **21. CORRECTION OF ERRORS AND OMISSIONS**

21.1. Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

## **22. FREQUENCY OF VALUATION**

The municipality shall prepare a new valuation roll every 4 (four) years, with the option to extend the validity of the valuation roll to 5 (five) or 6 (six) years with the approval of the MEC for Local Government and Housing in the province.

Supplementary valuations will be done on a continuous basis to ensure that the valuation roll is properly maintained.

## **23. REGISTER OF PROPERTIES**

The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.

Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:

- i. Exemption from rates in terms of section 15 of the Municipal Property Rates Act, 2004 (No. 6 of 2004),
- ii. Rebate or reduction in terms of section 15 the Municipal Property Rates Act, 2004 (No. 6 of 2004),
- iii. Phasing-in of rates in terms of section 21 the Municipal Property Rates Act, 2004 (No. 6 of 2004) and
- iv. Exclusions as referred to in section 17 the Municipal Property Rates Act, 2004 (No. 6 of 2004).

The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.

The municipality will update Part A of the register every 3 months (period is optional and should be in line with supplementary valuation-should preferably not be more than 6 months) during the supplementary valuation process.

**24. REGULAR REVIEW PROCESSES**

The Property Rates By Law must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the IDP and with legislation.

**25. SHORT TITLE**

This By-Law is the Property Rates By-Law of the Lekwa Municipality.

**26. ENFORCEMENT/IMPLEMENTATION**

This By-Law has been approved by the Municipality in terms of resolution .....dated ..... and comes into effect from 1 July .....