

UMUZIWABANTU MUNICIPALITY



DRAFT

RATES BY-LAWS

<u>CONTENTS</u>	<u>PAGE</u>
1. Definitions	3
2. Rating of Property	3
3. General Principles	3
4. Classification of services and expenditure	4
5. Categories of properties and owners	4
6. Properties used for multi purposes	4
7. Differential rating	5
8. Criteria for exemptions, reductions and rebates	5
9. Exemptions	6
10. Rebates	7
11. Reductions	9
12. Rates increases	11
13. Notification of rates	11
14. Payment of rates	11
15. Short Title	12
16. Commencement	12

1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

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

“**municipality**” means the municipal council for the municipal area of Umuziwabantu.

2. Rating of property

In terms of section 2(3) of the Act the power of the municipality to levy rates on property is subject to-

- 2.1 Section 229 and other applicable provisions of the Constitution
- 2.2 The provisions of the Act
- 2.3 The municipality’s rates policy; and
- 2.4 This by-laws

3. General principles

- 3.1 Rates are levied as an amount in the rand based on the market value of all rateable property contained in the municipality’s valuation roll
- 3.2 Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners.
- 3.3 Different rates may be levied for different categories of rateable property.
- 3.4 Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction.
- 3.5 All ratepayers with similar properties will be treated the same.
- 3.6 The ability of a person to pay rates will be taken into account.
- 3.7 Provision will be made for the promotion of local social development and sustainable local government.
- 3.8 Rates will be based on the value of all rateable property and the amount required by the municipality to balance the operating budget.

4. Classification of services and expenditure

- 4.1 The municipal manager or his/her nominee subject to the guidelines provided by the National Treasury and Executive Committee and principles contained in the rates policy will classify services, categorise expenditure and create cost centres to prevent that property rates subsidise trading and economic services
- 4.2 Trading and economic services will 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 and rates and rates related income.

5. Categories of properties and owners

- 5.1 In terms of Section 3(3) of the Act the municipality must determine the criteria for the determination of categories of property and owners for granting exemptions, reductions and rebates and criteria if it levies different rates for different categories of property.
- 5.2 In terms of sections 8(1) and 15(1) read in conjunction with section 19 of the Act the municipality may exempt a category of owner of property from rates or grant a rebate or reduction in the rates.
- 5.3 The criteria for categories of property and owners and the different categories of property and owners are reflected in the municipality's rates policy and adjusted annually, if required, during the budget process.

6. Properties used for multiple purposes

Rates on properties used for multiple purposes will be levied on properties used for-

- 6.1 a purpose corresponding with the permitted use of the property, if the permitted use of the property is regulated;
- 6.2 a purpose corresponding with the dominant use of the property;
- Or
- 6.3 by apportioning the market value of a property to the different purposes for which the property is used; and
- 6.4 applying the relevant cent amount in the rand to the corresponding apportioned market value.

7. Differential rating

7.1 Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act will be according to-

7.1.1 The use of the property.

7.1.2 Permitted use of the property; or

7.1.3 Geographical area in which the property is situated.

7.2 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category

and/or

by way of reductions and rebates

8. Criteria for exemptions, reductions and rebates

Criteria for determining categories of owners of property for the purpose of granting exemptions, rebates and reductions in terms of section 15(2) of the Act will be according to-

8.1 indigent status of the owner of a property

8.1.1 sources of income of the owner of a property

8.2 owners of property situated within an area affected by-

8.2.1 a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or

8.2.2 any other serious adverse social or economic conditions;

8.3 owners of residential properties with a market value below a determined threshold; or

8.4 owners of agricultural properties who are *bona fide* farmers

9. Exemptions

9.1 Over and above the exemptions provided for in sections 16 and 17 of the Act specific categories of property as indicated in the table below are exempted from the payment of rates within the meaning of section 15(1)(a) of the Act and 9(2) to 9(7) of this by-law.

Description of category of property	Criteria
Municipal properties	9(2)
Public service infra-structure	9(4)
Cemetaries and crematoriums	9(3)
Public Benefit organizations	9(5)

9.2 Municipal properties are exempted from paying rates as it will result in an overstatement of revenue.

9.3 Cemeteries and crematoriums registered in the names of private persons and operated not for gain.

9.4 Public service infrastructure is exempted from paying rates as they provide essential services to the community

9.5 Public benefit organisations as provided for in the Rates Policy may apply for the exemption of property rates subject to producing 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):

9.6 Exemptions will be subject to the following conditions:

- 9.6.1 all applications must be addressed in writing to the municipality;
- 9.6.2 a SARS tax exemption certificate must be attached to all applications;
- 9.6.3 the municipal manager or his/her nominee must approve all applications;
- 9.6.4 applications must reach the municipality before the end of July of each year.
- 9.6.5 the municipality retains the right to refuse exemptions if the details supplied in the application form were incomplete, incorrect or false.

10. REBATES

10.1 Categories of properties

10.1.1 The municipality may grant rebates within the meaning of section 15(1) (b) of the Act on the rates to the owners of the following categories of properties and subject to the criteria and conditions contained in 10.1.2 to 10.5 of this by-law:

Description of category of property	Criteria
(1) Industrial	10.1.2
(2) Business/commercial	10.1.2
(3) Agricultural	10.5
(4)state-owned properties	10.4

10.1.2 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 Policy.

10.2. The following criteria will apply:

- 10.2.1 job creation in the municipal area;
- 10.2.2 social upliftment of the local community; and
- 10.2.3 creation of infrastructure for the benefit of the community.

10.3 Rebates will be granted on application subject to:

- 10.3.1 a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
- 10.3.2 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 company plan to continue to meet the objectives;
- 10.3.3 an assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
- 10.3.4 a municipal resolution.

10.4 State properties
Receive a rebate of 30%.

10.5 Agricultural property rebate

10.5.1 Agricultural properties may be granted a rebate subject to certain information received in an affidavit by 31 June each year.

10.5.2 Qualifying requirements are that the owner should be taxed by SARS as a farmer and the last tax assessment must be provided as proof,

or

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

10.5.4 Rebates will be considered annually by Council at the compilation of the annual budget.

10.6 Categories of owners

10.6.1 The following categories of owners of rateable properties may be granted a rebate on rates within the municipality within the meaning of section 15(1) (b) of the Act:

Description of Category of Owners	Criteria
Retired and disabled persons	10.6.2

10.6.2 Criteria for granting rebates to category of owners

10.6.2.1 Retired and Disabled Persons Rate Rebate
To qualify for the rebate a property owner must:

10.6.2.2 occupy the property as his/her normal residence;

10.6.2.3 be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;

10.6.2.4. be in receipt of a total monthly income from all sources as determined from time to time.

10.6.2.5 not be the owner of more than one property; and

10.6.2.6 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.

- 10.6.3 Property owners must apply on a prescribed application form for a rebate as determined by the municipality.
Applications must be accompanied by-
- 10.6.3.1 a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
 - 10.6.3.2 sufficient proof of income of the owner and his/her spouse;
 - 10.6.3.3 an affidavit from the owner;
 - 10.6.3.4 if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
 - 10.6.3.5 if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
- 10.6.4 These applications must reach the municipality before the end of July of each year.
- 10.6.5 The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false.

11. Reductions

Categories of property and owners

- 11.1 A reduction in the municipal valuation as contemplated in section 15(1) (b) of the Act will be granted where the value of a property is affected by-
- 11.1.1 a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - 11.1.2 any other serious adverse social or economic conditions
- 11.2 The reduction will be in relation to the certificate issued for this purpose by the municipal valuer
- 11.3 All categories of owners can apply for a reduction in the rates payable as described above
- 11.4 Owners of the following categories of rateable property situated within the municipality may be granted a reduction within the meaning of section 15(1) (b) of the Act on the rates payable in respect of their properties and subject to the conditions contained in 11(1)(e) of this by-laws:

	Description of category of property	Criteria
1	(a) Residential	11.1.5
2	(b) Industrial	11.1.5
3	(c) Business	11.1.5
4	(d) Agricultural	11.1.5
5	(e) state-owned properties	11.1.5
6	(f) Municipal properties	11.1.5
7	(g) Public service infra-structure	11.1.5
8	(h) Informal settlements	11.1.5
9	(i) Properties -	
	9 (i) Acquired through the Provision of Land Assistance Act, 1993, or the Restitution of Land Rights Act, 1994, or	11.1.5
	9 (ii) which is subject to the Communal Property Associations Act, 1996	11.1.5
10	(j) Protected areas	11.1.5
11	(k) National monuments	11.1.5
12	(l) Public benefit organizations (Part 1 of the Ninth Schedule to the Income Tax Act)	11.1.5
13	(m) Multiple purposes	11.1.5
14	(n) Private towns serviced by the developers	11.1.5
15	(o) private towns serviced and maintained by the developers	11.1.5

11.1.5 Criteria for granting reductions

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

11.1.5.2 The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.

12. Rates increases

- 12.1 The municipality will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- 12.2 Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- 12.3 Relating to community and subsidised services the following annual adjustments will be made:
 - 12.3.1 All salary and wage increases as agreed at the South African Local Government Bargaining Council
 - 12.3.2 An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds, and
 - 12.3.3 Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- 12.4 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.
- 12.5 Affordability of rates to ratepayers.
- 12.6 All increases in property rates will be communicated to the local community in terms of the municipality's policy on community participation.

13. Notification of rates

- 13.1 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.
- 13.2 A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality at places installed for that purpose.

14. Payment of rates

- 14.1 Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalments on or before the last working day of the month following on the month in which it becomes payable.
- 14.2 If the owner of property that is subject to rates, notify the municipal manager or his/her nominee 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.

- 14.3 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the credit control, debt collection and indigent policy of the municipality.
- 14.4 If a property owner, who is responsible for the payment of property rates in terms of this policy, 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 policy of the Municipality.
- 14.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- 14.6 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.
- 14.7 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

15. Short title

This by-law is the rates by-law of the Umuziwabantu Municipality.

16. Commencement

This by-law comes into force and effect on 1 July 2009.