

# **NXUBA MUNICIPALITY**

## **PROPERTY RATES BY-LAW**

July 2009

### **1. PREAMBLE**

- (1) Section 229(1) of the Constitution authorises a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.
- (2) In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.
- (3) In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.
- (4) In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(2) may differentiate between categories of properties, and different categories of owners of properties liable for the payment of rates.

### **2. INTERPRETATION**

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

“NM” means the Nxuba Municipality,

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

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

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

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

### **3. ADOPTION AND IMPLEMENTATION OF RATES POLICY**

- (1) The NM shall adopt and implement a rates policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.

- (2) The NM shall not be entitled to levy rates other than in terms of a valid rates policy.

#### **4. CONTENTS OF RATES POLICY**

The NM rates policy shall, *inter alia*:

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

#### **5. ENFORCEMENT OF RATES POLICY**

The NM rates policy shall be enforced through the Credit Control Policy and any further enforcement mechanisms stipulated in the NM rates policy.

#### **6. OPERATIVE DATE**

This By-Law shall take effect on 1 July 2009.