

# **BA-PHALABORWA MUNICIPALITY**



**APPROVAL DATE BY COUNCIL: 30 May 2019**

**COUNCIL RESOLUTION NUMBER:**

**PROPERTY RATES BY-LAW**

**2019/20**

Ba-Phalaborwa Municipality, hereby, in terms of section 6 of Local Government: Municipal Property Rates Act, 2004, has by way of resolution adopted the Municipal Property's Rates By- Law set out hereunder.

**BA-PHALABORWA MUNICIPALITY**

**MUNICIPAL PROPERTY RATES BY-LAW(S)**

PREAMBLE Section 229(1) of the Constitution requires a municipality to impose rates on Property and surcharge on fees for services provided by or on behalf of the municipality.

AND WHEREAS section 13 of Municipal System Act read with section 162 of the Constitution require Municipality to promulgate municipal by-laws by publishing them in the gazette of relevant province.

AND WHEREAS Section 6 of Local Government: Municipal Property Rates of Act, 2004 require Municipality to adopt by-laws to give effect to the implementation of its Property rates policy: the by-laws may differentiate between different categories of properties and different categories of owners of properties of liable for payment of rated;

NOW THEREFORE BE ENACTED by the Council of Ba-Phalaborwa Municipality

Municipality as follows:

**1. DEFINITION**

In the by-laws, 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 state indicate otherwise.

**Municipality'** means the Ba-Phalaborwa Municipality

**Property Rates Act'** means the Local Government: Municipal Property Rates Act, 2004 (Act no 6 of 2004);

**Rates policy'** means the policy of levying of rates on rateable properties of the Ba-Phalaborwa Municipality contemplated in chapter 2 of Municipal Property Rates Act.

**2. OBJECTS**

The object of this by-laws is to give effect to implementation of Rates Policy as contemplated in Section 6 of Municipal Property Rates Act.

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

3.1. The Municipality shall adopt and implement its Rates Policy consistence with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and

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

**4. CONTENT OF RATE POLICY**

The Rates Policy shall, *inter alia*

4.1. Apply to all levied Municipality pursuant to the adoption of its Annual Budget;

4.2. Comply with the requirements for:

4.2.1. The adoption and content of rates policy specified in the section 3 of the Act;

4.2.2. The process of community participation specified in section 4 of the Act; and

4.2.3. The annual review of a Rates Policy specified in section 5 of the Act.

4.3. Provide for principles, criteria and implementation measures that are consistent with Municipal Property Rates Act for the levying of rates which council may adopt.

4.4. Provide for enforcement mechanism that are consistent with the Municipal Property Rates Act and the Local Government; Municipal System Act of 2000 (Act No. 32 of 2000).

5. **ENFORCEMENT OF THE RATES POLICY**

The municipality's Rates Policy shall be enforced through the credit control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

6. **SHORT TITLE AND COMMENCEMENT**

This by-law is called the Municipal Property Rates By-law, and takes effect on 1 July 2019