



KWAZULU-NATAL PROVINCE  
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ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

**GAZETTE EXTRAORDINARY – BUITENGEWONE KOERANT – IGAZETHI EYISIPESHELI**

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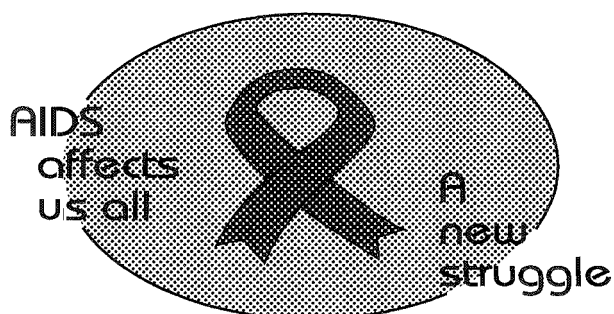
**PIETERMARITZBURG,**

**Vol. 4**

20 JULY 2010  
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**No. 487**

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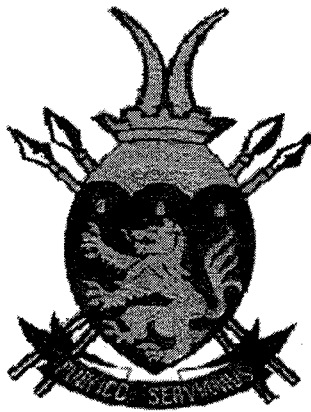
**MUNICIPAL NOTICES**

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**No. 67**

**20 July 2010**

**NONGOMA MUNICIPALITY**



**PROPERTY RATES POLICY**

**2010-2011**

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## **PROPERTY RATES POLICY**

### **PREAMBLE**

#### **WHEREAS:**

The Council of the Nongoma Municipality has resolved to levy rates on the market value of all rateable properties in its area of jurisdiction as reflected in its valuation rolls compiled in terms of the Municipal Property Rates Act No 6 of 2004 in order to provide a source of revenue to perform its allocated functions;

The Municipality may impose rates on property in terms of section 229 of the Constitution of the Republic of South Africa 1996, Section 2(1) of the Municipal Property Rates Act (No. 6 of 2004) and in doing so must exercise the power to levy rates. Section 2(3) requires a municipality to develop a property rates policy in terms of which rates are going to be collected. This is confirmed in terms of Section 62 (1)(f)(ii) of the Municipal Finance Management Act (56 of 2003) which requires the municipal manager to ensure that the municipality has and implements a property rates policy.

The Municipality must in terms of section 3 of the Act formally adopt a property rates policy consistent with the Municipal Property Rates Act, 2004 ( Act No. 6 of 2004).

Revenue raised from property rates will be used by the Municipality to perform its functions in accordance with its Constitutional obligations which include the rendering of municipal services, promote social and economic development, promote a safe and healthy environment and encourage the involvement of communities and community organisations in the matters of local government.

### **PART 1: DEFINITIONS**

Any words and phrases referred to in this policy shall have the same meaning and interpretation assigned in terms of the Municipal Property Rates Act 6 of 2004 ("the Act") and for this purpose lists hereunder the definitions used in the Act unless otherwise stated.

In this Property Rates Policy, unless the context indicates otherwise—

**"Act"** Means the Local Government: Municipal Property Rates Act ( Act 6 of 2004)

**“Actual use”**, the actual use of a property at the time of valuation and does not legalise the illegal use of a property in terms of the Municipality's Town Planning Scheme if such scheme exists

**“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”**, Property that is used for the production of crops, livestock or other generally recognized agricultural activities, together with those buildings which are also generally considered necessary for these agricultural activities. Agricultural property excludes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game as defined in the Act as “agricultural purpose.”

**“annually”** means once every financial year;

**“appeal board”** means a valuation appeal board established in terms of section 56;

**“asset threshold”** Means the total market value of the property owned by a person.

**“assistant municipal valuer”** means a person designated as an assistant municipal valuer in terms of section 35 (1) or (2);

**“category”**—

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

**“child headed household”** Means a household recognised as such in terms of section 137 of the Children's Amendment Act (Act 41 of 2007)

**“commercial, business and industrial properties”** means properties covered in section 8(2) namely industrial properties, business and commercial properties, farm properties used for other businesses and commercial purposes, small holdings used for business and commercial purposes and those used for industrial purposes, grain co-ops and grain silos, cell phone towers, mines, petrol filling stations, post offices, racetracks, shopping centres.

**“communal property”** means a single cadastral holding inside or outside of a township used for communal purposes, irrespective of the registered owner. This includes land owned by the State in trust for persons communally inhabiting the land in terms of traditional system of land tenure, land

over which land tenure rights are registered or granted land which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 or property which is used communally. Communal property must have more than a specified number of residents/non residential top structures, occupied for it to be considered communal by use.

Such land includes State Trust Land and property belonging to the Ingonyama Trust Board.

**“data-collector”** means a person designated as a data-collector in terms of section 36;

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

**“disabled”** Means a person who qualifies to receive relief in terms of the Social Services Act (Act 59 of 1992) or has been certified as disabled by a medical practitioner.

**“disaster”** Means a disaster within the meaning of the Disaster Management Act (Act 57 of 2002); or any other serious adverse social or economic condition

**“district management area”** means a part of a district municipality which in terms of section 6 of the Municipal Structures Act has no local municipality and is governed by that municipality alone;

**“district municipality”** means a municipality that has municipal executive and legislative authority in respect of its allocated functions in an area that includes more than one municipality, and which is described in section 155 (1) of the Constitution as a category C municipality;

**“dominant use”** means that a property is predominantly used for a specific use in terms of its measured building area or in terms of Town Planning Scheme where applicable. .

**“Ecotourism properties”** means tourism related institutions that combine conservation of the natural environment with the promotion of the economic welfare of the region and the community

**“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); 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);

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

**“exemption”**, in relation to the payment of a rate, means an exemption granted by a municipality in terms of section 15;

**“financial year”** means the period starting from 1 July in a year to 30 June the next year;

**“hospitality industry”** means undertakings that are promoting tourism through the accommodation which is offered like B&B's and guest houses with less than five bedrooms..

**“Income Tax Act”** means the Income Tax Act, 1962 (Act No. 58 of 1962);

**“indigent owner”** means an owner of property who is in permanent occupation of the property and qualifies for indigent relief in terms of the municipality's indigent support policy

**“land reform beneficiary”**, in 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, 1996 (Act No. 28 of 1996); or
- (c) 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 an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004;

**“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 organizations and non-governmental, private sector or labour organizations 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; and
- (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;

**“MEC for local government”** means the member of the Executive Council of a province who is responsible for local government in that province;



**Mining property** means property on which an operation or activity of extracting minerals is conducted and includes any operation or activity incidental thereto

**“Minister”** means the Cabinet member responsible for local government;

**“multiple purposes”**, in relation to a property, means a property used for more than one purpose and for which the valuer has apportioned the market value to different uses of the property;

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

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

**“municipality”—**

(a) as a corporate entity, means a municipality described in section 2 of the Municipal Systems Act; and

(b) as a geographical area, means a municipal area demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

**“municipal manager”** means a person appointed in terms of section 82 of the Municipal Structures Act;

**“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 a municipality”** means a person designated as a municipal valuer in terms of section 33 (1);

**“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 this Act took effect, excluding—

(a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and

(b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified following on a consultative process with the owner of the property;

**“Non-profit organizations”** means any organization which is registered in terms of the Non-profit Organizations Act. and/or registered as a Section 21 company in terms of the Companies 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;

**“organ of state”** means an organ of state as defined in section 239 of the Constitution;

**“owner”**—

- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered, either in the form of a title deed, long term lease agreement or deed of grant
- (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;
- (c) 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
- (d) 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”, 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) a 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; or
  - (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

**“Owners of property in an area affected by a disaster”** means owners of property situated within an area affected by:

- (a) a disaster within the meaning of the **Disaster Management Act 57 of 2002**;

(b) any other serious adverse social or economic conditions;

**"Pensioner"** means

a) a person in receipt of a social pension; and /or

b) a person over the age of 60 years; or

© a person who has retired prematurely from employment due to medical reasons. or  
complies with criteria outlined in this policy

**"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;

**"prescribe"** means prescribe by regulation in terms of section 83;

**"places of public worship"** Property which is registered in the name of an used primarily as a place of public worship by a religious community, including the official residence registered in the name of that community, which is occupied by an office bearer of that community who officiates at services at that place of worship

**"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/legal entity;

(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;

**"protected area"** means an area that is or has to be listed in the register referred to in section 10 of the Protected Areas Act;

**"Protected Areas Act"** means the National Environmental Management: Protected Areas Act, 2003;

**“publicly controlled”** means owned by or otherwise under the control of an organ of state, including—

- (a) a public entity listed in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) a municipality; or
- (c) a municipal entity as defined in the Municipal Systems Act;

**“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, 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, basins, 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 lighthouses, 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);

**“rate”** means a municipal rate on property envisaged in section 229 (1) (a) of the Constitution;

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

**“rebate”**, in relation to a rate payable on a property, means a discount granted in terms of section 15 on the amount of the rate payable on the property;

**“reduction”**, in relation to a rate payable on a property, means the lowering in terms of section 15 of the amount for which the property was valued and the rating of the property at that lower amount;

**“register”—**

- (a) means to record in a register in terms of—
  - (i) the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
  - (ii) the Mining Titles Registration Act, 1967 (Act No. 16 of 1967); and
- (b) includes any other formal act in terms of any other legislation to record—
  - (i) a right to use land for or in connection with mining purposes; or
  - (ii) a land tenure right;

**“residential property”** means a property included in a valuation roll in terms of section 48 (2) (b) as residential. Residential may include property which the dominant use is residential based upon the measured building area and uses included are residential, sectional title, non-sectional title apartments, hostels, barracks, old age homes and retirement villages.

**“retiree”** means a person who has retired from employment in terms of that persons employment conditions and circumstances.

**“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) and item 4 (education and development) of Part 1 of the Ninth Schedule to the Income Tax Act;

**“specialized non-market properties”**

including national monuments, schools both state and private, crèches, cemeteries/crematorium, libraries, sports clubs including stadiums, public open spaces including parks accessible to the general public, vacant land to be used for these purposes.

**“state owned properties”**: Prisons, law courts, military bases, police stations, properties used by the state for residential and office accommodation, public open spaces, vacant land to be used for these purposes

**“temporarily without income”** means;

- (a) in the case of an employee –
  - (i) the period for which the person is entitled to benefits in terms of the Unemployment Insurance Act; or
  - (ii) 90 days whichever is the longer; or

(b) in any other case, a period of 90 days determined from the date of application by that person for relief in terms of this policy;

© The application should include an affidavit stating the situation of the applicant

(d) The municipality will decide on the merit of each application.

**“this Act”** includes regulations made in terms of section 83.

(a) In this Act, a word or expression derived from a word or expression defined in subsection (1) has a corresponding meaning unless the context indicates that another meaning is intended.

**“vacant land”** means land, irrespective of the category of property, where no immovable improvements have been erected.

## **PART 2: FUNDAMENTAL PRINCIPLES OF THIS POLICY**

The principles of the policy are to ensure that:-

- 2.1 the power of the municipality to impose rates on property will not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities or the national mobility of goods services, capital or labour in terms of Section 229 of the Constitution of the Republic of South Africa;
- 2.2 all ratepayers, in a specific category of properties, as determined by council from time to time, will be treated equitably;
- 2.3 property rates will be assessed on the market value of all rateable properties as contained in the valuation rolls of the municipality for the purpose of generating revenue for the municipality to perform its functions.
- 2.4 property rates will not be used to subsidize trading and economic services like electricity, refuse removal;
- 2.5 the rates income generated by the municipality will take into account relief measures;
- 2.6 this Policy will be developed in consultation with the community and in compliance with a process of community participation in terms of Chapter 4 of the Municipal Systems Act.

**PART 3: THE PURPOSE OF THIS POLICY**

The purpose of this policy is to:

- 3.1 comply with the provisions of section 3 of the Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 3.2 give effect to the principles outlined above;
- 3.3 determine the methodology and to prescribe procedures for the implementation of the Act;
- 3.4 determine criteria to be applied for the levying of differential rates for different categories of properties;
- 3.5 determine criteria for the determination of categories of properties and categories of owners;
- 3.6 determine criteria to be applied for granting exemptions, rebates and reductions;
- 3.7 determine measures to promote local economic and social development.

**PART 4: IMPLEMENTATION OF THIS POLICY AND EFFECTIVE DATE**

- 4.1. This policy takes effect from 1 July 2010 being the effective date of the first valuation roll prepared by the municipality in terms of the Municipal Property Rates Act, 2004 ( Act No. 6 of 2004) and will accompany the municipality's budget for the financial year 2010/2011.
- 4.2. The Rates Policy will be reviewed annually.
- 4.3 The Municipality will adopt by-laws to give effect to the implementation of its Property Rates Policy and such by-laws must be read in conjunction with this policy.
- 4.4 The by-laws adopted in terms of Item 4.3 will be reviewed annually, and if necessary be amended by the Municipal Council, in conjunction and in accordance with its Property Rates Policy
- 4.5 The adoption of By-laws will be in accordance with the provisions of the Municipal Systems Act.

**PART 5: EQUITABLE TREATMENT OF RATEPAYERS**

This municipality is committed to treating all ratepayers on an equitable basis. "Equitable" does not necessarily mean "equal" treatment of ratepayers. The circumstances of each category of owner or category of property will be considered in a fair manner and within the limitations set out in the Act. The Municipality may adopt measures to ensure equitable and fair treatment of ratepayers.

Any differentiation in levying rates on the different categories of properties and owners will not constitute unfair discrimination.

**PART 6: DISCRETIONARY DECISIONS ADOPTED BY THE MUNICIPALITY WITH RESPECT TO LEVYING OF RATES**

It is recorded that the Municipality has adopted the following resolutions:

- 6.1 To levy rates on all rateable properties in its area of jurisdiction.
- 6.2 To determine the date of implementation as 1 July 2010 for this policy
- 6.3 To determine the date of general valuation as 2 July 2008 but with the subsequent dates for the implementation of Supplementary Valuations.
- 6.4 To levy different cents in the rand for different categories of rateable property.
- 6.5 That the categories of properties for the purpose of differential rating referred to in 6.4 above are those specified in Part 8
- 6.6 That the criteria for the assessment of market value in terms of section 8(1) of the Act shall be actual use.
- 6.7 Properties will be valued in terms of the dominant use of the measured area and building area of the property.
- 6.8 To determine a market value for public infrastructure services that is identifiable on the basis of vacant land.
- 6.9 To rate as part of public service infrastructure properties in the ownership of the District Municipality
- 6.10 Not to rate properties of which the municipality is the owner except where leased to another party



**PART 7. DIFFERENTIAL RATING**

- 7.1 Differential rating is the levying of different rates for different categories of properties. The Municipality has resolved to levy differential tariffs for different categories of rateable properties as reflected in the policy and the tariffs applicable to the different categories of properties are as resolved by the council in its tariff policy and gazetted:

**PART 8: CATEGORIES OF RATEABLE PROPERTY**

- 8.1 The Municipality will levy different tariffs for different categories of rateable property
- 8.2 For the purpose of the Act and in terms of this Part, the following categories of properties will be used.

**Agricultural property**

Means all properties identified in the definition

**Business, commercial and industrial properties**

Means all properties identified in the definition

**Communal property**

Means all properties identified in the definition

**Ecotourism**

Means all properties identified in the definition

**Hospitality industry**

Means all properties identified in the definition

**Mining property**

Means all property identified in the definition

**Protected areas**

Means an area that is or has been listed in the register referred to in section 10 of the Protected Areas Act

**Places of public worship**

Means all properties identified in the definition

**Public Service Infrastructure**

Means all properties identified in the definition

**Residential Property**

Means all properties identified in the definition

**Specialised 'non market' properties**

Means all properties identified in the definition

**State owned properties**

Means all properties identified in the definition

**Vacant land**

Means all properties identified in the definition

8.3 The Municipality will not levy different rates on residential properties except as provided for in sections 11,21 and 89 of the Act

8.4 The municipality will comply with the prescribed ratio in ratings between residential, agriculture and Public Service Infrastructure determined in terms of section 11 of the Act..

8.5 The municipality will not levy rates on properties which are stated as impermissible rates in section 17 of the Act

8.6 Differential rating amongst the categories of properties will be by way of determining different cent amounts in the Rand for each category of property

**PART 9 RELIEF MEASURES**

9.1 The municipality has considered:

9.1.1 the need to grant relief to certain property owners (including the poor) with a view to providing for appropriate measures to alleviate the impact of the rates burden on them;

9.1.2 as well as certain categories of properties and certain usages of properties.

9.1.3 Relief will only be granted to those who meet the requirements as set out below.

9.2 The municipality will not grant relief in respect of the payment of rates other than by way of

an **exemption from the payment of rates**

a **rebate on rates payable**

or a **reduction in the value of the property for rating purposes**

9.3 The municipality will not grant relief to the owners of properties on an individual basis.

**PART 10: RELIEF MEASURES FOR CATEGORIES OF OWNERS**

10.1 The municipality has identified the following ownership categories for purposes of considering the granting of relief in terms of section 15 of the Act.

10.1.1. indigent owners;

Criteria to be applied:

- Be the sole or joint owner of the property,
- be living permanently on the property,
- not own any other property,
- qualifies as indigent in terms of the municipality's indigent support policy

10.1.2 pensioners, retiree and disabled person;

Criteria applicable:

10.1.2.1 In order to qualify for the rebates a pensioner, a retiree, and a disabled person must

10.1.2.1.1 be the owner of the property either solely or jointly;

10.1.2.1.2 be living permanently on the property;

10.1.2.1.3 provide proof of identity in the form of an identity document

10.1.2.1.4 substantiate items 10.1.2.1.1 and 10.1.2.1.2 above by way of a sworn affidavit before a Commissioner of Oaths;

10.1.2.1.5 medical certificate as required by the municipality if the application relies on a medical basis for the rebate;

As outlined in the definition and in 10.1.2.1

10.1.3 owners of property situated within an area affected by:

10.1.3.1 a disaster within the meaning of the Disaster Management Act 57 of 2002;

10.1.3.2 any other serious adverse social or economic conditions decided by the Council in considering an application for relief;

10.1.4 owners of residential properties with a market value below R..... as determined by the Municipality;

10.1.5 public benefit organizations who conduct the following specified public benefit activities:

10.1.5.1 welfare ; or

10.1.5.2 health care;

and

10.1.5.3 are registered in terms of the Income Tax Act for tax reductions because of the activities referred to in (10.1.6);

10.1.6 non-profit organizations registered in terms of the non-profit organizations Act whose activities are that of a public and charitable nature as may be specified by the Municipality from time to time;

10.1.7 minor children who are the head of a household as defined in child headed household;

## **PART 11: EXEMPTIONS**

### **EXEMPTIONS GRANTED TO CATEGORIES OF PROPERTIES**

11.1. The Municipality has exempted in total, from payment of rates the following categories of properties:

11.1.1. Property registered in the name of and used primarily as a place of public worship by a religious community including an official residence also registered in the name of that community, which is occupied by an office bearer who officiates at services at that place of public worship

11.1.2 All local municipal properties excluding those properties that are leased or rented

11.1.3 Parts of a special nature reserve, national park or nature reserve within the meaning of the Protected Areas Act which are not developed or use for commercial, as a special nature reserve, national park, nature reserve or national botanical garden, or as part of such a reserve, park or botanical garden within the meaning of the National Environmental Management Biodiversity Act 2004, which are not developed or used for commercial, agricultural or residential purposes, excluding buildings ancillary to the operation of the protected area.

11.1.3.1 the exclusion from rates of a property referred to in subsection 11.1.3 lapses if the declaration of that property as a special nature reserve, national park, or national botanical garden or as part of such a reserve, park or botanical garden is withdrawn in terms of the applicable Act mentioned in that sub-section.

11.1.3.2 If the property in respect of which the declaration is withdrawn is privately owned,, the owner, upon withdrawal of the declaration becomes liable to the municipality

concerned for any rates that, had it not been for subsection 11.1.3 would have been payable on the property during the period commencing from the effective date of the current valuation roll of the municipality. If the property was declared as a protected area after the effective date of the current valuation roll, rates are payable only from the date of declaration of the property

11.1.3.3 The amount for which an owner becomes liable in terms must be regarded as rates in arrears and the applicable interest on that amount is payable to the municipality.

11.1.3.4. Paragraphs 11.1.1.3.1 and 11.1.1.3.2 apply only if the declaration of the property was withdrawn because of-

11.1.3.4.1 a decision by the private owner for any reason to withdraw from the agreement concluded between the private owner and the state in terms of the Protected Areas Act, and in terms of which the private owner initially consented to the property being declared as a protected area; or

11.1.3.4.2 a decision by the state to withdraw from such agreement because of a breach of the agreement by the private owner.

## **PART 12. CONSTITUTIONALLY IMPERMISSIBLE RATES**

12.1 The Act provides that in terms of Section 229(2)(a) of the Constitution a Municipality may not exercise its power to levy rates on property in a way that would materially and unreasonably prejudice -

12.1.1 national economic policies;

12.1.2 economic activities across its boundaries; or

12.1.3 the national mobility of goods, services, capital or labour.

## **PART 13. FURTHER EXEMPTIONS THROUGH IMPERMISSIBLE RATES IN TERMS OF SECTION 17 OF THE ACT**

13.1 It is recorded that the Municipality may not, in terms of section 17 of the Act levy a rate on-

13.1.1 the first 30% of the market value of public service infrastructure;

13.1.2 mineral rights within the meaning of the definition of "property" in section 1;

- 13.1.3 a property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds;

#### **PART 14 EXEMPTIONS GRANTED TO CATEGORIES OF OWNERS**

- 14.1 The Municipality has resolved to exempt from the payment of rates the following categories of owners of properties:
  - 14.1.1 Properties owned by public benefit organizations which are used for any specific public benefit activities listed in Part 1 of the 9<sup>th</sup> Schedule to the Income Tax Act;
- 14.2 All applications for relief shall be granted on an annual basis
- 14.3 In order to qualify for relief all applicants shall comply with the following requirements:
  - 14.3.1 written applications for relief must be lodged in the prescribed format with the Municipal Manager (in March of the preceding financial year )dates determined by the Council;
  - 14.3.2 in the case of public benefit organizations upon proof of:
    - 14.3.2.1 registration in terms of the requirements of the Income Tax Act;
    - 14.3.2.2 an affidavit signed by the head of the public benefit organization or non profit organization before a Commissioner of Oaths that the property is used primarily for the specified public benefit activities and purposes of the said public benefit organization;
- 14.4. In the case of properties owned by non profit organizations upon proof of submission of:
  - 14.4.1 an affidavit signed by the head of the non profit organization before a Commissioner of Oaths that the property is used for the aims and objective of the said non profit organization ;
  - 14.4.2 that no private pecuniary profit is made from the property;
  - 14.4.3 that no rent is received by the applicant for any use of the property by other persons.
- 14.5 The Municipality reserves the right to specify such other requirements as the municipality deems necessary from time to time.

**PART 15. NEWLY RATED PROPERTY**

15.1 The rates payable on **newly rateable** properties will be phased in over a period of three financial years with the full rates account to be paid in the fourth financial year

**Applicable rates for properties to be phased in over three years**

Year	Percentage Rates Payable
First	25%
Second	50%
Third	75%
Fourth	100%

15.2 property registered in the name of a land reform beneficiary must be phased in after the exclusion period in section 17(1) (g) of the Act;

15.3 property owned by **Public Benefit Organizations** must be phased in over a period of four financial years provided that the Municipality may extend this period on written application to the MEC.

The phasing in period is set out in the attached table.

**Applicable rates for properties to be phased in over four financial years**

Year	Percentage Rates Payable
First	Zero%
Second	25%
Third	50%
Fourth	75%
Fifth	100%

**PART 16. REDUCTIONS IN THE VALUE OF A PROPERTY**

16.1 It is recorded that the municipality is precluded in terms of section 17(1)(h) of the Act from levying rates on the first R15 000 of the market value of a property assigned in the valuation roll or supplementary valuation roll of a municipality to a residential category. :

16.1.1 for residential properties only.

16.2 The municipality may decide to further reduce the value upon which rates will be levied in respect of residential properties by R.....

16.3 A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will be granted on an ad hoc basis where the value of a property is affected by

16.3.1 a disaster within the meaning of the Disaster Management Act (Act 67 of 2002); or

16.3.2 the reduction will be in relation to a certificate issued for this purpose by the municipal valuer

16.4 any other serious adverse social or economic conditions considered by the Council as meritorious.

## **PART 17. REBATES**

### **REBATES FOR PROPERTY, USE AND OWNERSHIP CATEGORIES**

17.1 The municipality can consider rebates to the stated categories

17.1.1 **Schedule of the property, use and ownership categories for which rebates can be considered:**

<b>Property category</b>	<b>Rebate</b>
Residential	
Commercial and industrial	
Agriculture Special provisions are applicable to agricultural rebates as per clause 17.5 below	
Ecotourism	
Hospitality	
<b>Category of owners</b>	
A pensioner	
Retiree	
Disabled persons	
Indigent persons	
Owners subject to serious adverse social or economic conditions	
<b>Use categories</b>	
<b>Property used exclusively by Welfare Institutions as an orphanage, non-profit old age home.</b>	
<b>Property belonging to or used by educational institutions declared or</b>	



<b>registered by law including crèches as non-profit organisations</b>	
<b>Property used by an organization whose main purpose is to use the property for sporting purposes on a non-professional and non profitable basis</b>	
<b>Property used for cultural activities by cultural organisations</b>	
<b>Properties used by institutions whose exclusive aim is to protect animals</b>	
<b>Property owned or used by organisations for the provision of youth leadership or development programmes</b>	

17.2 Organisations or Institutions listed above will have to apply annually for relief on the prescribed form provided by the municipality and will provide the following information:

17.2.1 Registration as a non-profit organization or proof of an application submitted for that purpose

17.2.2 Affidavit by the head of the organization that the property is used primarily for the specific public benefit activities and purposes of the organisation

17.4 any other supporting documents specified by the municipality from time to time.

17.5 The Municipality in considering the criteria to be applied in respect of rebates on properties used for agricultural purposes, took into account:

- 17.5.1. The extent of services provided by the municipality in respect of such properties;
- 17.5.2 The contribution of agriculture to the local economy;
- 17.5.3 The extent to which agriculture assists in meeting the service delivery and development obligations of the Municipality;
- 17.5.4 The contribution of agriculture of to the social and economic welfare of farm workers

17.6 In considering the **rebate** on properties used for agricultural purposes the following guidelines are provided in the Act:

	%
If the municipality provides the following services, eg. library, fire services, recreational facilities, emergency services but excluding trading services such as water, electricity, refuse and sanitation	
The contribution the agriculture makes to the local economy.	
The provision of housing, water, cemetery electricity, recreational facilities to farm workers	
Contributions by the agricultural sector to development obligations, eg. farm schools, health/aids, adult education, empowerment programmes.	

17.7 In order to qualify for the rebates the applicant must apply in writing on the prescribed form substantiating compliance with the guidelines.

## **PART 18. RECOVERY OF RATES**

18.1 The following people shall be liable for the payment of rates levied by the Municipality:

- 18.1.1 owner of a property;
- 18.1.2 joint owners of a property, who shall be liable jointly and severally;
- 18.1.3 the owner of a sectional title unit; and
- 18.1.4 in relation to agricultural properties:
  - 18.1.4.1 any one joint owner of the agricultural property for all the rates levied on the agricultural property; or
  - 18.1.4.2 each individual joint owner for that portion of rates levied on the joint owner's undivided share in the agricultural property, which ever option the Municipality may choose in relation to agricultural properties.

18.2 In terms of Section 26 of the Act the Municipality will recover rates:

- 18.2.1 on a monthly basis and must be paid on or before 15<sup>th</sup> day of the following month; or
  - 18.2.2 annually, as may be agreed with the owner of the property, on or before the 31<sup>st</sup> day of January in the financial year
- 18.3 The Municipality will furnish each person liable for the payment of rates with a written account in terms of Section 27 of the Act.
- 18.4 A Municipality may recover rates in arrears from tenants and occupiers in accordance with the provisions of Section 28 of the Act.
- 18.5 A Municipality may recover rates due, either whole or in part, from the agent of the owner if this is more convenient for the Municipality and in terms of Section 29 of the Act.

#### **PART 19. CONSOLIDATION AND APPORTIONMENT OF PAYMENTS**

19.1 Separate accounts of persons liable for payment to the municipality for either rates or services may be consolidated in one account and any appropriation of payments will be done in accordance with the municipality's credit control policy.

##### **19.2 Accounts to be furnished**

- 19.2.1 The municipality will furnish each person liable for the payment of rates with a written account which will specify:
  - 19.2.1.1 the amount due for rates payable,
  - 19.2.1.2 the date on or before which the amount is payable
  - 19.2.1.3 how the amount was calculated
  - 19.2.1.4 the market value of the property,
  - 19.2.1.5 the rate-randage applicable
  - 19.2.1.6 any form of relief, phasing-in of rates if applicable

19.3. 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

19.4 In the case of joint ownership the municipality shall consistently, in order to minimize 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.

19.5 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 use category 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.

19.6 In addition where the error occurred because of false information provided by the property owner or as a result of a contravention of the use category 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

19.7 A property owner who submitted an appeal against the value of his/her property to the Valuation Appeal Board, remains responsible for the payment of the rates as calculated on the existing valuation roll until such time as the value might be adjusted. The owner will then be expected to either pay the additional rates if the property value is increased or will be refunded by the municipality if the value is decreased. The payment or refund will be payable as from the commencement of the financial year.

## **PART 20. DEFERMENT OF RATES**

20.1 The Municipality will on application defer the payment of rates in terms of section 26(3) of the Act under the following special circumstances:

20.1.1 If a ratepayer is temporarily out of employment

20.1.2 An applicant for deferment of rates shall substantiate his/her application with an affidavit

confirming his/her employment status.

20.2 The municipality will recoup deferred rates.

20.3 Application must be made annually in writing on the prescribed form:

20.3.1 not later than the final date for payment of such rates provided that the council may in special circumstances grant a deferment of the payment of rates after the final date for such payment notwithstanding that such application was made after such final date for payment;

20.4 Deferment will be considered provided that the total amount of all rates so deferred together with accumulated interest accumulated thereon shall not at any time exceed 50% of the value of the property concerned as shown in the valuation roll.

20.5 The final date for payment of the rates on the property concerned shall not be affected by reason of any application for deferment in terms of sub-clause 17.2 above, provided that if the council allows such application, the portion of the rates in respect of which payment is deferred shall be refunded to the applicant.

20.6 The accumulated amount of the deferred rates shall bear interest at a rate determined from time to time by the council and the council may also approve the waiver of such interest.

20.7 Only the current year's rates can be considered for deferment and then only if the Applicant's rates are not in arrears.

20.8 Any deferment granted in terms of this policy shall terminate immediately: -

20.8.1 upon the death of the registered owner; provided that the council may continue such deferment, in any case where it is established to its satisfaction that the property concerned has been inherited by the surviving spouse and that such spouse is continuing in occupation of the property;

20.8.2 upon the expropriation, sale or other disposal of the property concerned;

20.8.3 upon the owner ceasing to reside permanently on the property concerned;

20.8.4 if the owner fails by the final date for the payment thereof, to pay rates or any part thereof owing in respect of the property concerned, after allowing for the amount of the deferment; and

20.8.5 on expiry of the period of deferment.

**PART 21. COMMUNITY PARTICIPATION**

- 21.1 This Municipality will comply with its community participation and consultation obligations in terms of Chapter 4 of the Municipal Systems Act and Sections 4 and 5 of the Act before the Rates Policy or any review thereof is finally adopted. In terms of chapter 4 of the Municipal systems Act, 2000 (Act No. 32 of 2000) the Municipality is committed to:
- 21.1.1 building capacity of the local community to enable it to participate in the affairs of the Municipality; and
  - 21.1.2 to foster community participation for which the municipality will allocate funds in its budget for such processes.
- 21.2 The Participation by the local community in municipal affairs will take place through the political structures; the mechanisms, processes and procedures for participation in municipal governance and any other appropriate mechanisms processes and procedures established by the municipality and generally to apply the provisions for participation as required by this Act .
- 21.3 The municipality will provide for:
- 21.3.1 the receipt processing and consideration of petitions, objections and comments lodged by the members of the local community;
  - 21.3.2 consultative sessions with locally recognized community organizations if required.
- 21.4 Communication with the public relating to the Rates Policy will be in terms of section 4(2) of the act by notice in:
- 21.4.1 local newspapers circulating in its area and determined by this council as a newspaper of record; and/or
  - 21.4.2 official notice boards and other public places accessible to the public including the library and the municipal offices;
  - 21.4.3 on the municipal website (*where applicable*);
- and inviting the local community to submit comments and representations within the time specified in the notice.

**COUNCIL APPROVAL AND EFFECTIVE DATE**

Approval of Policy by Council and Effective date: 21 June 2010 and 01 July 2010



# **DRAFT PROPERTY RATES BY-LAWS**

## **NONGOMA MUNICIPALITY**

Adopted by the Nongoma Municipality Council  
on the 21 day of June 2010

## **DRAFT PROPERTY RATES BY-LAWS**

Be it enacted by the Council of the Nongoma Local Municipality, in terms of section 156(2) of the Constitution, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and section 6 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), as follows:

### **ARRANGEMENT OF SECTIONS**

#### *Section*

1. Definitions
2. Rates policy
3. Principles
4. Categories of property
5. Categories of owners of property
6. Properties used for multiple purposes
7. Differential rating
8. Exemptions
9. Reductions
10. Rebates
11. Process for granting exemptions, rebates and reductions
12. Phasing-in of rates
13. Determination of rates
14. Short title
15. Commencement date



## Definitions

### 1. In these by-laws, unless the context indicates otherwise –

**“agricultural purpose”**, in relation to property used for the production of crops, livestock or other general agricultural activities, excluding the use of a property for the purpose of ecotourism or for the trading in or hunting of game;

**“annually”** means once every financial year;

**“category”** –

- (a) in relation to property, means a category of property determined in terms of section 4 of these by-laws;
- (b) in relation to owners of property, means a category of owners of property determined in terms of section 5 of these by-laws;

**“communal property”** in relation to a single cadastral holding used for communal purposes irrespective of the registered owner with residents and non residential top structures

**“exemption”**, in relation to the payment of a rate, means an exemption granted in terms of section 8 of these by-laws;

**“hospitality industry”** means undertakings that are promoting tourism through the accommodation which is offered like B&B's and guest houses with less than six bedrooms

**“land tenure right”** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act no.11 of 2004);

**“municipal council”** or **“council”** means a municipal council referred to in section 18 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“municipality”** means Nongoma Municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under section 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

**“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;
- (c) 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
- (d) 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”,

provided that a person mentioned below may for the purposes of these By-laws be regarded by the municipality as the owner of the 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 property in a deceased estate;
- (iii) a trustee or liquidator, in the case of property in an insolvent estate or in liquidation;
- (iv) a judicial manager, in the case of property in the estate of a person under judicial management;
- (v) a curator, in the case of property in the estate of a person under curatorship;
- (vi) a usufructuary or other person in whose name a usufruct or other personal servitude is registered, in the case of 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 the municipality and is leased by it; or
- (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- (ix) the holder of a right of extension in terms of the Sectional Titles Act, 1986, (ct No. 95 of 1986);

**“permitted use”**, in relation to property, means the limited purposes for which the property may be used in terms of –

- (a) any restriction 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;

**“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: Protected Areas Act, 2003 (Act No. 57 of 2003) which is not used for commercial, agricultural or residential purposes;

**“public benefits organization”** means an organization conducting specified public benefit activities as defined in the Act and registered in terms of the Income Tax Act, 1962 (Act No. 58 of 1962) for a tax exemption because of those activities;

**“publicly controlled”** means owned or otherwise under the control of an organ of state, including –

- (a) a public entity listed in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) a municipality; or
- (c) a municipal entity as defined in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“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 the municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, 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, basins, 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 lighthouses, radio navigation 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 mention in paragraphs (a) to (i).

**“rate”** means a municipal rate on property envisaged in section 229(1)(a) of the Constitution, 1996;

**“rateable property”** means property on which a 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;

**“rebate”**, in relation to a rate payable on property, means a discount in the amount of the rate payable on the property granted in terms of section 9 of these by-laws;

**“reduction”**, in relation to a rate payable on property, means the lowering of the amount for which the property was valued and the rating of the property at that lower amount granted in terms of section 10 of these by-laws;

**“residential property”** means property included in a valuation roll in terms of section 48(2) of the Act as residential;

**“state owned property”** in relations to prisons, law courts, military bases, police stations, clinics properties used for offices and residential purposes by the State ;

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

**“sectional title unit”** means a unit as defined in section 1 of the Sectional Titles Act

**“specified public benefit activity”** means an activity listed as welfare, health care, education and development in Part 1 of the Ninth Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962);

**“the Communal Land Rights Act”** means the Communal Land Rights Act, 2004 (Act No. 11 of 2004);

**“the Communal Property Associations Act”** means the Communal Property Associations Act, 1996 (Act No. 28 of 1996);

**“the Provision of Land and Assistance”** means the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993);

**“the Restitution of Land Rights Act”** means the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);

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

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

**“vacant land”** means land on which no immovable improvements have been erected.

### **Rates Policy**

2.(1) The municipal council must, by resolution, adopt a policy on the levying of rates on rateable property in the municipality.

(2) The rates policy adopted by the municipal council in terms of section 2(1) must comply with the provisions of the Act.

(3) The municipality must levy rates in accordance with the Act, these by-laws, and the rates policy adopted by the municipal council in terms of section 2(1).

### **Principles**

3. The rates policy adopted by the municipal council must comply with the following principles –

- (a) All ratepayers within a specific category, as determined by the municipal council from time-to-time, are treated equitably.
- (b) A fair and transparent system of exemptions, rebates and reductions must be adopted and are contained in the rates policy for implementation by the municipality.
- (c) Relief measures in respect of the payment of rates will not be granted on an individual basis, other than by way of exemption, rebate or reduction.
- (d) Exemptions, rebates and reductions must be used to alleviate the rates burden on –
  - (i) the poor;
  - (ii) public benefit organizations; and
  - (iii) public service infrastructure.

## Categories of Property

4.(1) For the purpose of levying different rates on different categories of property, the municipal council must –

- (a) determine different categories of property as contained in this by-law and the rates policy; and
- (b) provide the criteria for determining different categories of property

(2) The different categories of property determined by the municipal council in terms of section 4(1)(a) and the criterion for determining different categories of property provided by the municipal council in terms of section 4(1)(b) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(3) The different categories of property determined by the municipal council in terms of section 4(1)(a) included, but are not limited, to those set out below –

Residential properties

Business, commercial and industrial properties

Agricultural properties

Hospitality industry property

Mining property

Communal land, which includes state trust and Ingonyama Trust Board land

Public Service Infrastructure

Protected areas as define in the definition

Properties used for any specific public benefit activities listed in Part 1 of the Ninth Schedule to the Income Tax Act

State owned properties

Special non-market properties

Properties used for place of worship purposes

Properties used for mining operations

Vacant land

(4) The criterion for determining different categories of property provided by the municipal council in terms of section 4(1)(b) included, but are not limited, to those set out below –

- (a) the actual use of the property;

- (b) the geographical area in which the property is located; or
- (c) State Property held in Trust.

### **Categories of Owners of Properties**

**5.(1)** For the purpose of levying rates on different categories of property or for the purpose of granting exemptions, rebates or reductions, the municipal council must

- (a) determine different categories of owners of property as contained in the Property Rates Policy.

(2) The different categories of owners of property determined by the municipal council or the criteria for determining different categories of owners of property provided by the municipal council must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(3) The different categories of owners of property determined by the municipal council in terms of section 5(1) include the following categories –

- (a) indigent owners;
- (b) disabled owners;
- © owners of welfare institutions;
- (d) owners of health care institutions;
- (e) owners of educational institutions;
- (f) owners of property used for sporting purposes on non profitable basis;
- (g) owners of cultural institutions;
- (h) owners of properties used exclusively for the protection of animals;
- (i) owners of property used for youth development ;
- (k) agricultural associations affiliated to a national or provincial recognized agricultural union;
- (l) owners dependent on pensions or social grants for their livelihood;
- (m) owners temporarily without an income;
- (n) owners of property situated within an area affected by a disaster or any other serious adverse social or economic condition;
- (o) owners of agricultural property ; or
- (p) owners of property used for ecotourism

(4) The criteria for determining different categories of owners of property provided by the municipal council in terms of section 5(1)(b) may include, but are not limited, to the following criteria –

- (a) source of income of the owner of the property;
- (b) occupation of the owner of the property;;
- (c) use of the property;
- (d) disasters or any other serious adverse social or economic condition; or

(5) The criterion determined by the municipal council in terms of section 6(1) is the dominant use of the property

(6) The criterion to determine dominant use is based on the use of the property sixty or more percentage of a specific category

### **Differential Rating**

7.(1) Subject to and in conformity with the Act, the municipality will levy different rates on different categories of property.

### **Exemptions**

8.(1) Subject to and in conformity with the Act, the municipality may exempt –

- (a) the owners of any specific category of property; and/or
- (b) any specific category of owners of property, from the payment of rates.

(2) If the municipality chooses to exempt the owners of any specific category of property or any specific category of owners of property from the payment of rates, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(ii) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(ii) of the Act are specified in the rates policy adopted by the municipal council in terms of section 2(1).

### **Reductions**

9.(1) Subject to and in conformity with the Act, the municipality may grant a reduction in the rateable value of the property:

- (a) to the owners of any specific category of property; and/or
- (b) to any specific category of owners of property,

(2) If the municipality chooses to grant a reduction to a specific category of property or to a specific category of owners of property, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

### **Rebates**



**10.(1)** Subject to and in conformity with the Act, the municipality may grant a rebate on the rates payable in respect of their properties.

- (a) to the owners of any specific category of property; and/or
- (b) to any specific category of owners of property,

(2) If the municipality chooses to grant a rebate to a specific category of property or to a specific category of owners of property, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

### **Process for granting exemptions, rebates and reductions**

**11.(1)** Applications for exemptions, rebates and reductions must be made in accordance with the procedures determined by the municipal council.

(2) The procedures determined by the municipal council in terms of section 12(1) must be specified in the rates policy adopted by the municipal council in terms of section 2(1) or the credit control policy, or as specified by the Municipality from time to time.

(3) The municipality retains the right to refuse an application for an exemption, rebate or reduction if the details supplied in support of such an application are absent, incomplete, incorrect or false.

### **The phasing-in of rates on newly rateable properties**

**12.** The collecting of rates from newly rateable properties will be phased in over periods as specified in the Act and the Property Rates Policy.

### **Determination of rates**

**13** The municipal council will annually as part of its budget process determine the rate-randage payable for the different categories of properties.

### **Short title**

**14.** These by-laws will be called the Nongoma. Municipal Property Rates By-Laws, 2010

### **Commencement**

**15. These by-laws come into force and effect on 1 July 2010.**



