



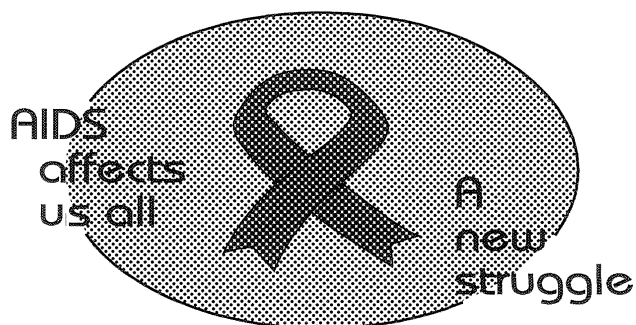
**NORTH WEST
NOORDWES
EXTRAORDINARY
PROVINCIAL GAZETTE
BUITENGEWONE
PROVINSIALE KOERANT**

Vol. 256

**14 AUGUST
AUGUSTUS 2013**

No. 7148

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 158



MAMUSA LOCAL MUNICIPALITY

PROMULGATION OF PROPERTY LEVYING RATES

Notice is hereby given in terms of the provisions of section 14 (2) of the Municipal Property Rates Act 6 of 2004 as Amended, that the Mamusa Local Municipality has passed a resolution No. 2013/55 dated 30/05/2013 for the levying of rates with effect from 1 July 2013 as follows:

		PROPERTY RATES			
PREVIOUS COUNCIL AND DATE	FINANCIAL RESOLUTION	YEARS:	2012/2013: CR: 2012/48 May 2012	2011/2012: CR: 2011/25 May 2011	2010/2011: CR: 2011/67 May 2010
NEW FINANCIAL YEAR		2013/2014			
Residential/Households		0.0064	0.006079	0.005740	0.005480
Residential - Vacant		0,1037	0,0978	0.092380	0.0088150
Business		0,0194	0,0183	0.017280	0.016490
Industrial		0.0025	0.00234	0.002210	0.02110
Government Sector		0.0148	0.013958	0.013180	0.012580
Non Urban Land		0,0016	0,00152	0.001435	0.001375
Agriculture		0.0018	0.001668	0.001575	0.01575
Business and Industrial use – Non-urban Land		0,0079	0,007413	0.00700	0.00700

For further enquiries regarding the above-mentioned amendment you are requested to contact the following Ms. J. Kgosieng / Mr. K. Maruping at telephone number (053) 963 1331 during normal office hours from 07:30 until 16:00.

28 Schweizer Street
SCHWEIZER RENEKE
 Notice no: MAM001/PLR

R. GINCANE
MUNICIPAL MANAGER

MAMUSA LOCAL MUNICIPALITY

MUNICIPAL RATES PROPERTY BY-LAW



**FORMULATED IN TERMS OF SECTION 3
OF THE MUNICIPAL PROPERTY RATES
ACT, NO. 6 OF 2004**

MUNICIPAL PROPERTY RATES BY-LAW

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MUNICIPAL PROPERTY RATES BY-LAW

1. LEGISLATIVE CONTEXT

- 1.1 This by-law is mandated by Section 3 of the Municipal Property Rates Act, 2004 (No. 6 of 2004), which specifically provides that a municipality must adopt a Rates By-law.
- 1.2 In terms of Section 229 of the Constitution of the Republic of South Africa, 1996 (No.108 of 1996), a municipality may impose rates on property.
- 1.3 In terms of the Municipal Property Rates Act, 2004 (No. 6 of 2004) a municipality in accordance with-
 - a. Section 2(1), may levy a rate on property in its area; and
 - b. Section 2(3), must exercise its power to levy a rate on property subject to-
 - i. Section 229 and any other applicable provisions of the Constitution;
 - ii. the provisions of the Property Rates Act; and
 - iii. the rates by-law.
- 1.4 In terms of Section 4 (1) (c) of the Municipal Systems Act, 2000 (No. 32 of 2000), the municipality has the right to finance the affairs of the municipality by imposing, *inter alia*, rates on property.
- 1.5 In terms of Section 62(1)(f)(ii) of the Municipal Finance Management Act, 2003 (No. 56 of 2003) the municipal manager must ensure that the municipality has and implements a rates by-law.
- 1.6 This by-law must be read together with, and is subject to the stipulations of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) and the Regulations promulgated in terms thereof.
- 1.7 The by-law of the Mamusa Local Municipality for levying rates on rateable property is set out in this document. The municipality adheres to all requirements of the Local Government: Municipal Property Rates Act, 2004, [MPRA] and the Municipal Finance Management Act, 2003 [MFMA] including any regulations promulgated in terms of these Acts.
- 1.8 As part of each annual Operating Budget, the municipality is obliged to impose a rate in the Rand on the market value of all rateable properties as recorded in the municipality's valuation roll or supplementary valuation rolls. Rateable property shall include any rights registered against such property, with the exception of a mortgage bond. Generally, all land within the Mamusa Local Municipal area of jurisdiction is rateable unless it is specifically exempted as set out in Section 15 or subjected to Section 7 (2) (a) of the MPRA and includes:
 - Cemeteries,
 - Sport grounds for exercising amateur sport,

- Properties owned by welfare organizations.

- 1.9 The Rates By-law sets out the broad policy framework within which the municipality rates its area as per Section 3, and **must** be reviewed annually, and if necessary, amends the Rates Policy as per Section 5 of the MPRA.

2. DEFINITIONS

- 2.1 **Act** means the Municipal Property Rates Act, 2004 (No. 6 of 2004).
- 2.2 **Municipality** means the local municipality for the municipal area of MAMUSA LOCAL MUNICIPALITY.

- 2.3 **"Privately developed estates"** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

- 2.4 **"Residential property"** means improved property that:

- (a) is used predominantly (60% or more) for residential purposes;
 - does not have more than two units per property; and
 - includes any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property

Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.

- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) is owned by a share-block company and used solely for residential purposes.
- (d) is a residence used for residential purposes situated on property used for or related to educational purposes.

And specifically exclude vacant land irrespective of its zoning or intended use.

- 2.5 **All other terms** are used within the context of the definitions contained in the Local Government Municipal Property Rates Act, 2004 (No. 6 of 2004) and the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

3. BY-LAW PRINCIPLES

- 3.1 Rates are levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- 3.2 As allowed for in the Act, the municipality has chosen to differentiate between various categories of property and categories of owners of property. Some categories of property and categories of owners are granted relief from rates. The municipality however does not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis, other than by way of an exemption, rebate or reduction provided for in this by-law.
- 3.3 There would be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 19 of this by-law.
- 3.4 The rates by-law for the municipality is based on the following principles:
 - 3.4.1 An autonomous tax – the determination and levying of the tax will be in the discretion of the Council of the municipality,
 - 3.4.2 A productive tax – an appropriate difference between the income and the cost of the tax,
 - 3.4.3 An as broad as possible tax base – the base is the valuation roll, with as little as possible tax avoidance and evasion,
 - 3.4.4 A tax, which takes ability-to-pay and benefits received into account in ensuring horizontal and vertical fairness,
 - 3.4.5 A progressive tax system,
 - 3.4.6 A tax, which attracts the correct activities to the municipality, ensuring a caring municipality and discourages unwanted activities,
 - 3.4.7 An impartial tax with exemptions, reductions and rebates where appropriate,
 - 3.4.8 An easy tax system that simplifies calculating, enquiries, payments and making arrangements, and
 - 3.4.9 A simple tax, which ensures simple administration, easy compliance and low collection costs.
- 3.5 Further to the abovementioned principles, the municipality will also take into account the following:

3.5.1 Equity

The municipality will treat all ratepayers with similar properties the Affordability

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

3.5.2 Sustainability

Rating of property will be implemented in a way that:

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

3.5.3 Cost efficiency

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

3.5.4 Affordability

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

4. **BY-LAW OBJECTIVES**

- To ensure certainty and clarity as to amounts payable on property rates,
- To ensure the promotion of efficient, economic and effective use of resources,
- To promote development and endeavour to attract investments for job creation,
- To spread the rate burden impartially, fairly, equitably and without bias,
- To create an opportunity for public participation in by-law making,
- To contribute towards the accountability of the municipality,
- To contribute towards the transparency of the municipality,
- To contribute towards the financial sustainability of the municipality.

5. SCOPE OF THE BY-LAW

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

5.1 Determining the rate on property, exemption, rebates and reductions

The municipality has to annually consider:

- The impact of rates on the community,
- The impact of rates on businesses,
- The impact of rates on agriculture,
- The impact of rates on industry,
- The current economic climate,
- The Integrated Development Plan (IDP) of the municipality,
- The Town Development Strategy and Financial Plan of the municipality.

5.2 In developing and adopting this rates policy, the municipality has sought to give effect to the sentiments expressed in the preamble of the Local Government Property Rates Act, namely that:

- The Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities,
- There is a need to provide local government with access to a sufficient and buoyant source of revenue necessary to fulfil its developmental responsibilities,
- Revenues derived from property rates represent a critical source of income for municipalities to achieve their Constitutional objectives, especially in areas neglected in the past.

AND

- It is essential that municipalities exercise their power to impose rates within a statutory framework which enhance certainty, uniformity and simplicity across the nation, and which takes account of historical imbalances and the burden of rates on the poor. In applying its rates policy, the municipality shall adhere to all the requirements of the Property Rates Act, 2004, including any Regulations promulgated in terms of the Act,
- It is essential to move forward to a non-discriminatory, non-racial, free and fair society which will promote economic growth and sustainable livelihoods for all.

6. APPLICATION OF THE BY-LAW

The municipality shall as part of each annual operating budget component impose a rate in the rand on the market value of all rateable property as recorded in the municipality's valuation roll and

supplementary valuation rolls. Rateable property shall include any rights registered against such property, with the exception of a mortgage bond.

The municipality shall, in imposing the rate for each financial year, take proper cognizance of the aggregate burden of rates and service charges on representative property owners, in the various categories of property ownership, and of the extent to which this burden is or remains competitive with the comparable burden in other municipalities within the local economic region.

7. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES

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

7.1.1 Trading services

- I. Water
- ii. Electricity

7.1.2 Economic services

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

7.1.3 Community services

- i. Air pollution
- ii. Fire fighting services
- iii. Local tourism
- iv. Municipal planning
- v. Municipal public works, only in respect of the needs of municipalities in the discharge of their responsibilities and to administer functions specially assigned or authorised to them under the Constitution or any other law.
- vi. Storm water management system in built-up areas.
- vii. Trading regulations
- viii. Fixed billboards and the display of advertisements in public places
- ix. Cemeteries
- x. Control of public nuisances
- xi. Control of undertakings that sell liquor to the public

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

7.1.4 Subsidised services

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

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

7.3 Expenditure will be classified in the following **categories**:

- (a) Salaries, wages and allowances
- (b) Bulk purchases
- (c) General expenditure
- (d) Repairs and maintenance
- (e) Capital charges (interest, redemption and depreciation)
- (f) Contribution to fixed assets
- (g) Contribution to funds-
 - i. bad debts.

ii. working capital; and

iii. statutory funds.

- (h) Contribution to reserves.
- (i) Gross expenditure. (a to h)
- (j) Less charge-out. (Inter departmental charge-outs)
- (k) Net expenditure. (i – j)
- (l) Income.
- (m) Surplus/Deficit – (Difference between (k) and (l))

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

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

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

8. CATEGORIES OF PROPERTY

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

8.1.1 Residential properties;

8.1.2 Industrial properties;

8.1.3 Business/office properties;

8.1.4 Business/commercial properties;

8.1.5 Farm properties (including small holdings) used for:-

- Agricultural purposes only;
- Commercial purposes;
- Industrial purposes;
- Residential purposes:
 - Ordinary residential properties used for residential purpose only,
 - Ordinary residential properties used for residential and business purpose with the consent of the municipality,
 - Ordinary residential properties used for residential and business purpose without the consent of the municipality,
 - Low cost housing used for residential purpose only,
 - Low cost housing used for residential as well as business purpose,
- Recreational purposes such as sport farms and/or resorts or game farms;
- Mining purposes;

- A combination of above purposes;
- 8.1.6 Farm properties not used for any purpose;
- 8.1.7 State owned properties;
- 8.1.8 Municipal properties;
- 8.1.9 Public service infrastructure referred to in the Act;
- 8.1.10 Privately owned towns serviced by the owner;
- 8.1.11 Informal settlements;
- 8.1.12 State trust land;
- 8.1.13 Communal land as defined in section 1 of the Communal Land Rights Act of 2004;
- 8.1.14 Properties-
 - acquired through the Provision of the Land and Assistance Act, 1993(Act 126 of 1993), or the Restitution of Land Rights Act, 1994 (Act 22 of 1994); or
 - Properties subject to the Communal Property Associations Act, 1996 (Act 28 of 1996);
- 8.1.15 Protected areas;
- 8.1.16 Properties on which national monuments are proclaimed;
- 8.1.17 Properties owned by Public Benefit Societies;
- 8.1.18 Properties used for multiple purposes;
- 8.1.19 Privately developed estates.
- 8.2 In determining the category of a property referred to in 8.1 the municipality shall take into consideration the following criteria or a combination thereof:-
 - The formal zoning of the property;
 - Township establishment approvals;
 - The lawful use of the property;
 - Permitted use of the property; and
 - The geographical area in which the property is situated.
- 8.3 In order to create certainty and to ensure consistency the criteria mentioned in 8.2 shall be applied as indicated below in order of priority and no deviation is permissible:
 - 8.3.1 Properties shall first of all be categorized in accordance with their formal zoning. Town planning schemes, town establishment schemes and town planning regulations may be used to determine the formal zoning.
 - 8.3.2 If, for whatever reason, the status or zoning of a property cannot be determined in terms of 8.3.1 the lawful use shall then be determined in order to appropriately categorize such property. All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what

purpose the property is being used. A physical inspection may be done to acquire the necessary information.

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

8.3.4 The geographical area in which a property is situated may be used to assist in the categorization of a property when the provisions of 8.3.1 cannot be applied. However, the geographical area as a criterion should not be used in isolation.

8.4 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 10.

9. CATEGORIES OF OWNERS

9.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 11, 12 and 13 respectively the following categories of owners of properties are determined::

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated within an area affected by-
 - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget; and
- (e) Owners of agricultural properties who are *bona fide* farmers.

10. PROPERTIES USED FOR MULTIPLE PURPOSES

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

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

11. DIFFERENTIAL RATING

11.1 The municipality has the right, but is not compelled, to levy different rates of different categories of rateable properties. The municipality is bound to the provisions of the "**REGULATIONS ON THE RATE RATIO BETWEEN THE RESIDENTIAL AND NON RESIDENTIAL CATEGORIES OF PROPERTIES**" published in the Government Gazette 32061, Notice R363 dated 27 March 2009, which provides that the rate on the categories on certain non-residential properties may not exceed the ratio to the rate on residential properties listed in the second column of the table in such regulation

11.2 The municipality will determine a rate for residential property and will apply the following rate ratios in relation to residential properties:

Categories	Ratio in relation to residential properties
Residential property	1 : 1
Farm property as defined in Section 8 (2) (d) (i) and 8 (2) (f) (i) of the Act (Farm properties used for agricultural purposes)	1 : 0,25
Public Service Infrastructure Properties	1 : 0,25

The ratios for Agriculture and Public Service Infrastructure properties are **effective** ratios. This means that the ratios imply rates for these two categories of properties after having taken into account any rebates applied by the municipality. This means that the rate implied by the ratio for these two categories of properties is the **effective rate**, net of any rebates applied by the municipality.

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

- (a) The nature of the property including its sensitivity to rating,

- (b) The promotion of social and economic development of the municipality.

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

and/or

11.5 by way of reductions and rebates.

12. EXEMPTIONS

12.1 The following categories of property are exempted from rates:

12.1.1 Municipal properties

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

Except

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

12.1.2 Residential properties

All **residential** properties with a market value of **less than R68,000 (sixty eight thousand rand)** are exempted from paying rates. The R15 000-00 impermissible rates contemplated in terms of section 17(1) (h) of the Property Rates Act is included in the aforesaid R68,000 amount. This is an important part of the council's indigent policy and is aimed primarily at alleviating poverty.

The first R68,000-00 (sixty eight thousand rand) value of all residential properties (including farm properties used for residential purposes and smallholdings used for residential purposes) is exempt from being rated and will be excluded from the market value when determining the rates payable in respect of all residential properties.

12.1.3 Cemeteries and crematoria

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

12.1.4 Public Benefit Organisations

The following Public Benefit Organisations may apply for the exemption of property rates subject to submitting a tax exemption certificate issued by the South African Revenue Services (SARS) as

contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962):

- i. Health care institutions

Properties used exclusively as a hospital, clinic and mental hospital, including workshops used by the inmates, laundry or cafeteria facilities, provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.
- ii. Welfare institutions

Properties used exclusively as an orphanage, non-profit retirement villages, old age home or benevolent institution, including workshops used by the residents, laundry or cafeteria facilities, provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.
- iii. Educational institutions

Property belonging to educational institutions declared or registered by law.
- iv. Independent schools

Property used by registered independent schools for educational purposes only.
- v. Charitable institutions

Property belonging to not-for-gain institutions or organisations that perform charitable work.
- vi. Sporting bodies

Property used by an organisation whose main purpose is to use the property for sporting purposes on a non-professional and non-profitable basis.
- vii. Cultural institutions

Properties declared in terms of the Cultural Institutions Act, Act 29 of 1969 or the Cultural Institutions Act, Act 66 of 1989.
- viii. Museums, libraries, art galleries and botanical gardens

Registered in the name of private persons, open to the public and not operated for gain.

ix. Youth development organisations

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

x. Animal welfare

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

12.1.5 Public Service Infrastructure

Is exempted from paying rates as they provide essential services to the community

Note: IF A MUNICIPALITY DESIDES NOT TO EXEMPT PUBLIC SERVICE INFRASTRUCTURE TOTALLY, IT MUST BE EXCLUDED HERE

12.2 Exemptions will be subject to the following conditions:

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

13. REDUCTIONS

13.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:

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

13.2 The following conditions shall be applicable in respect of 12.1:-

- 13.2.1 The owner referred to in 13.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/ she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

- 13.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- 13.2.3 A maximum reduction of 50% will be allowed in respect of both 13.1.1 and 13.1.2.
- 13.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

14. REBATES

14.1. Categories of property

14.1.1 Business, commercial and industrial properties

14.1.1.1. The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction, based on its Local, Social and Economic Development Policy. The following criteria will apply:

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

14.1.1.2 A maximum rebate as annually determined by the municipality may be granted on application as prescribed to:

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

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

14.1.2 Residential properties

The municipality may grant a rebate as annually determined in schedule A, which applies to improved residential property that is:

- 14.1.2.1 used predominantly for residential purposes, with not more than two dwelling units per property,
- 14.1.2.2 registered in terms of the Sectional Title Act,
- 14.1.2.3 owned by a share-block company, or
- 14.1.2.4 a rateable residence on property used for or related to educational purposes

14.1.2 Privately developed estates

The municipality may grant an additional rebate of 30%, which applies to privately developed estates qualifying as defined in paragraph 2.4 of this policy provided that an application to that effect is received not later than 30 September of each year.

14.1.4 Agricultural property rebate

- 14.1.4.1 Agricultural properties may be granted a rebate subject to the owner providing the municipality with required information in an affidavit received not later than 30 September each year.
- 14.1.4.2 Qualifying requirements are that the owner should provide proof that he is registered as a *bona fide* farmer with SARS,
or
- 14.1.4.3 where the owner is not taxed as a farmer, proof is required that income from farming activities exceeds 40% of the household income.
- 14.1.4.4 Rebates may be granted on the following as outline in Schedule A:

- a. The extent of municipal services provided to agricultural properties
 - i. if there are no municipal roads next to the property.
 - ii. if there is no municipal sewerage to the property.
 - iii. if there is no municipal electricity to the property.
 - iv. if water is not supplied by the municipality
 - v. if there is no refuse removal that is provided by the municipality.
- b. The contribution of agriculture to the local economy

A rebate may be granted as determined in Schedule A to agricultural property that contributes substantially to job creation, and the salaries/wages of farm workers are reasonable, e.g. if they meet minimum standards set by government or if they are in line with the sector's average.
- c. Rebates may be granted as determined in Schedule A after submission of proof by the owner, to the extent to which agriculture assists in meeting service delivery and development obligations of the municipality and contribution to the social and economic welfare of farm workers:
 - i. if the owner is providing permanent residential property to the farm workers and such property is registered in the name of these farm workers,
 - ii. if such residential properties are provided with potable water.
 - iii. if the farmer has electrified such residential properties of his farm workers.

- iv. if the farmer is availing his land/buildings to be used for cemetery, education and recreational purposes of the farm workers and their dependants and the nearby community in general, etc.

14.1.5 Conservation Land

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

14.1.6 Historical or heritage properties

No rebates are granted other than residential rebates if appropriate.

14.1.7 Public Service Infrastructure

A rebate of 30% as mandated by the Act [Section 17(1)(a)] will be granted for Public Service Infrastructure as they provide essential services to the community

14.2 Categories of owners

14.2.1 Retired and Disabled Persons Rate Rebate

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

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

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

14.2.1.3 Applications must be accompanied by-

- a. a certified copy of the bar coded identity document. passport, driver's license, birth certificate or any other proof of the owner's age which is acceptable to the municipality;
- b. sufficient proof of income of the owner and his/her spouse;
- c. an affidavit from the owner;
- d. if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
- e. if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.

- f. be in receipt of a total monthly income from all sources (including income of spouses of owner) as determined in schedule A;

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

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

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

14.3 Properties with a market value below a prescribed valuation level

These properties may be levied at a flat rate instead of a rate determined on the market value.

15 **COMPULSORY PHASING IN OF RATES**

15.1 Newly Rateable Properties

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

15.1.1 The phasing-in discount will be determined as follow:

- (a) In the first year, 75% discount on the rates for the year applicable on the property,
- (b) in the second year, 50% discount on the rates for the year applicable on the property,
- (c) in the third year, 25% discount on the rates for the year applicable on the property,

15.2 Newly Rateable property owned and used by Public Benefit Organisations

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

15.2.2 The phasing-in discount will be determined as follow:

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

15.3 Rates on Property belonging to a land reform beneficiary or his/her heirs

- 15.3.1 The exclusion on property belonging to a land reform beneficiary or his/her heirs from levying of rates will lapse ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds,
- 15.3.2 After the exclusion period has lapsed, rates payable on the properties concerned will be phased-in over a period of three financial years,
- 15.3.3 The phasing-in discount will be determined as follow:
- (a) In the first year, 75% discount on the rates for the year applicable on the property,
 - (b) in the second year, 50% discount on the rates for the year applicable on the property,
 - (e) in the third year, 25% discount on the rates for the year applicable on the property,

16. SPECIAL RATING AREAS

- 16.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.
- 16.2 The following matters shall be attended to in consultation with the committee referred to in clause 20.3 whenever special rating is being considered:
- 16.2.1 Proposed boundaries of the special rating area;
 - 16.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
 - 16.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
 - 16.2.4 Proposed financing of the improvements or projects;
 - 16.2.5 Priority of projects if more than one;
 - 16.2.6 Social economic factors of the relevant community;
 - 16.2.7 Different categories of property;
 - 16.2.8 The amount of the proposed special rating;
 - 16.2.9 Details regarding the implementation of the special rating;
 - 16.2.10 The additional income that will be generated by means of this special rating.
- 16.3 A committee consisting of 6 members of the community of who 3 shall be women will be established to advise and consult the municipality in

regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.

- 16.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 16.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in paragraph 4.
- 16.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 16.7 The municipality shall establish separate accounting and other record-keeping systems, compliant with GAMAP/GRAP, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

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

- 17.1 The Municipal Manager shall ensure that the revenue foregone in respect of the foregoing rebates, exemptions, reductions and phasing-in are appropriately disclosed in each annual operating budget, annual financial statements and annual report and that such rebates, exemptions, reductions and phasing-in are clearly indicated on the rates account submitted to each property owner.
- 17.2 The costs associated with exemptions, reductions, rebates, exclusions and phasing in of rates as reflected in schedule B
- 17.3 The benefit to the community of granting relief measures may be-
 - i. the promotion of local economic development including attracting business investment, for example small business establishment;
 - ii. creation of employment for municipal residents;
 - iii. promotion of service delivery, for example by farmers;
 - iv. poverty alleviation to the indigents;
 - v. social development and moral development, for example, by religious institutions, sports institutions, schools and other non governmental organisations which promote health and other benefit to the community; and
 - vi. Improved local economic growth.

18. RATES INCREASES

- 18.1 The municipality may consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- 18.2 Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- 18.3 Relating to community and subsidised services the following annual adjustments will be made:
 - i. All salary and wage increases as agreed at the South African Local Government Bargaining Council as well as increases of Section 56 and 57 managers
 - ii. An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds, and
 - iii. Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- 18.4 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.
- 18.5 Affordability of rates to ratepayers.
- 18.6 All increases in property rates will be communicated to the local community in terms of the municipality's policy on community participation.

19. NOTIFICATION OF RATES

- 19.1 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.
- 19.2 A notice stating the extent of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality for a period of at least 30 days at places provided for that purpose as well as in the Provincial gazette as required in terms of Section 14(2) of the Act.

20. PAYMENT OF RATES

- 20.1 Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalments on or before the seventh day of the month following on the month in which it becomes payable.
- 20.2 If the owner of property that is subject to rates, notifies the municipal manager or his/her nominee in writing not later than 31 May in any financial year, or such later date in such financial year as may be determined by the municipal manager or his/her nominee that he/she wishes to pay all rates in respect of such property in instalments, such owner shall be entitled to pay all rates in the subsequent financial year

and each subsequent financial year in twelve instalments until such notice is withdrawn by him/her in a similar manner.

- 20.3 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the interest rate as determined by the Minister for Cooperative Governance and Traditional Affairs.
- 20.4 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.
- 20.5 Arrears of rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:
- 20.5.1 If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows:
- (a) From the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;
 - (a) From a tenant or occupier of the property, only after an attempt was made to collect it from an agent refer to in 20.5.1 (a) but such attempt was unsuccessful or no such agent exists or only a part of the outstanding amount could successfully be recovered.
- 20.5.2 The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by owner of the property.
- 20.5.3 The notice referred to in 20.5.2 shall give the party concerned at least 14 calendar days to pay the outstanding rates.

21 PAYMENT OF RATES ON PROPERTY IN SECTIONAL TITLE SCHEME

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

22 ACCOUNTS TO BE FURNISHED

22.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:

- (i) the amount due for rates payable,
- (ii) the date on or before which the amount is payable,
- (iii) how the amount was calculated,
- (iv) the market value of the property, and
- (v) rebates, exemptions, reductions or phasing-in, if applicable.

22.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

22.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

23 CORRECTION OF ERRORS AND OMISSIONS

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

23.2 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.

24 FREQUENCY OF VALUATION

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

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

25 COMMUNITY PARTICIPATION

Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

The municipal manager will:

- 25.1 Conspicuously display the draft rates by-law for a period of at least 30 days at the municipality's head and satellite offices and libraries (and on the website)
- 25.2 Advertise in the media a notice stating that the draft rates policy has been prepared for submission to council and that such policy is available at the various municipal offices and on the website for public inspection. (Property owners and interest persons may obtain a copy of the draft by-law or extracts of the policy from the municipality during office hours at a fee as provided for in the tariff policy of the municipality.) Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- 25.3 Council will consider all comments and/or representations received when considering the finalisation of the rates policy.

26 REGISTER OF PROPERTIES

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

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

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

- i. Exemption from rates in terms of section 15 of the Property Rates Act,
- ii. Rebate or reduction in terms of section 15,
- iii. Phasing-in of rates in terms of section 21, and
- iv. Exclusions as referred to in section 17.

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

The municipality will update Part A of the register every 6 months during the supplementary valuation process.

Part B of the register will be updated

27 BY-LAWS TO GIVE EFFECT TO THE RATES POLICY

The municipality will adopt By-laws to give effect to the implementation of the Rates Policy and such By-laws may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

28 REGULAR REVIEW PROCESSES

The rates by-law must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the IDP and with legislation.

29 SHORT TITLE

This by-law is the Property Rates By-Law of the Mamusa Local Municipality.

30 ENFORCEMENT/IMPLEMENTATION

This by-law has been approved by the Municipality in terms of resolution **2013/55** dated 2013/05/30 and comes into effect from 1 July 2013

(Please delete all the notes in the document before final promulgation of the policy)

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