

BUFFALO CITY METROPOLITAN MUNICIPALITY



POLICY:PROPERTY RATES BY LAW

“DRAFT” February 2014

**BUFFALO MUNICIPALITY METROPOLITAN MUNICIPALITY:
RATES BY-LAW**

1. PREAMBLE

1.1 Section 229(1) of the Constitution authorizes a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.

1.2 In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rate-able property in the municipality.

1.3 In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.

1.4 In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(2) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

2. INTERPRETATION

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

"Municipality" means the Buffalo City Metropolitan Municipality's

Rates policy" means a rates policy adopted by the Municipality in terms of this By-Law;"

Constitution" means the Constitution of the Republic of South Africa;"
Credit Control and Debt Collection By-Law and Policy" means the Municipality's Credit Control and Debt Collection By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

"Property Rates Act" means the Local Government: Municipal Property Rates Act, 6 of 2004;

Rate" or "rates" means a municipal rate on property as envisaged in section 229 of the Constitution.

3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

3.1 The Municipality shall adopt and implement a rates policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.

3.2 The Municipality shall not be entitled to levy rates other than in terms of a valid rates policy.

4. CONTENTS OF RATES POLICY

The Municipality's rates policy shall, inter alia:

4.1 Apply to all rates levied by the Municipality pursuant to the adoption of the Municipality's annual budget;

4.2 Comply with the requirements for:— (a) the adoption and contents of a

rates policy specified in section 3 of the Property Rates Act;(b)the process of community participation specified in section 4 of the Property Rates Act;(c)the annual review of a rates policy specified in section 5 of the Property Rates Act;

4.3 specify any further principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the Municipality may wish to adopt;

4.4 include such further enforcement mechanisms, if any, as the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and Policy.

4. ENFORCEMENT OF RATES POLICY

The Municipality's rates policy shall be enforced through the Credit Control and Debt Collection By-Law and Policy and any further enforcement mechanisms stipulated in the Municipality's rates policy.

6. OPERATIVE DATE

This By-Law shall take effect on 1 July 2014.