**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ MUNICIPALITY: PROPERTY RATES BY-**

**LAW, 20\_\_**

Adopted by Council on the:

Promulgated on:

**PROPERTY RATES BY-LAW, 20\_\_\_**

**To give effect to the implementation of the rates policy contemplated in section 6 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) and to provide for matters incidental thereto.**

**PREAMBLE**

**WHEREAS** section 229(1) of the Constitution of the Republic of South Africa, 1996 requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

**WHEREAS** section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) read with section 162 of the Constitution of the Republic of South Africa, 1996 require a municipality to promulgate a municipal by-law in the official *gazette* of the relevant province.

**WHEREAS** section 6 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy;

**WHEREAS** the by-laws to give effect to the implementation of its property rates policy may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates; and

**NOW THEREFORE BE IT ENACTED** by the Council of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Municipality, as follows:

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**Definitions**

**1**. In this by-law, any word or expression to which a meaning has been assigned in the Local

Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

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

**‘Municipality’** means the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

**‘Rates Policy’** means the policy on the levying of rates on rateable properties contemplated in chapter 2 of the Act and adopted, by the Council of the Municipality.

**Objects**

**2.** The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Act.

**Adoption and implementation of the rates policy**

**3.**(1) The Municipality must adopt and implement its Rates Policy consistent with the Act on the levying of rates on rateable property within the jurisdiction of the municipality; and

(2) The Municipality may not be entitled to levy rates other than in terms of its Rates Policy.

**Contents of the rates policy**

**4.** The Rates Policy*—*

* 1. applies to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
  2. must comply with the requirements for—

1. the adoption and contents of a rates policy specified in section 3 of the Act;
2. the process of community participation specified in section 4 of the Act; and
3. the annual review of a Rates Policy specified in section 5 of the Act.
   1. must provide for principles, criteria and implementation measures that are consistent with the Act for the levying of rates which the Council may adopt; and
   2. must provide for enforcement mechanisms that are consistent with the Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

**Enforcement of the rates policy**

**5.** The Municipality’s Rates Policy must be enforced through the Credit Control and Debt Collection Policy and/or By-laws, and any further enforcement mechanisms stipulated in the Act and the Municipality’s Rates Policy.

**Short title and commencement**

**6.** This By-law is called the Municipal Property Rates By-law, 20\_\_\_ and takes effect on publication on an official *gazette*.