

# SWARTLAND MUNICIPALITY

## PROPERTY RATES BY-LAW

### PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

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

NOW THEREFORE BE IT ENACTED by the Council of the Swartland Municipality, as follows:

#### 1. DEFINITIONS

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.

**'Municipality'** means Swartland Municipality;

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

**'Property Rates Policy'** means the policy on the levying of rates on rateable properties within the jurisdiction of the Swartland Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

#### 2. OBJECTS

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

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

- 3.1. The Municipality shall adopt and implement its Property Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and
- 3.2. The Municipality shall not be entitled to levy rates other than in terms of its Property Rates Policy.

**4. CONTENTS OF RATES POLICY**

The Property Rates Policy shall, *inter alia*:

- 4.1 Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- 4.2 Comply with the requirements for:
  - 4.2.1 the adoption and contents of a rates policy specified in section 3 of the Act;
  - 4.2.2 the process of community participation specified in section 4 of the Act; and
  - 4.2.3 the annual review of a Policy Rates Policy specified in section 5 of the Act.
- 4.3 Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 4.4 Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

**5. ENFORCEMENT OF THE RATES POLICY**

The Municipality's Property Rates Policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Property Rates Policy.

**6. REPEAL OF BY-LAWS**

The Property Rates By-law promulgated in Provincial Gazette Extraordinary No. 7778 of 2 June 2017 is hereby repealed.

**7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Municipal Property Rates By-law, and takes effect on the date on which it is published.