

SWARTLAND MUNICIPALITY

DRAFT PROPERTY RATES BY-LAW

Reviewed and Amended

MARCH 2021

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 Local Government: Municipal Systems Act, 2000 (Act 32 of 2002) 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 IT IS 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 Swartland Municipality's Property Rates Policy adopted by the Council during May annually in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

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. THE PROPERTY RATES POLICY

- 3.1. The Municipality prepared and adopted a Property Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Property Rates Policy outlines the Municipality's rating practices; therefore it is not necessary for this By-law to restate and repeat same.

- 3.2. The Property Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Property Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.
- 3.3. The Municipality does not levy rates other than in terms of its Property Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.
- 3.4. The Property Rates Policy is available at the Municipality's head office in Malmesbury, its satellite offices and municipal libraries, and electronically on the Municipality's website, i.e. www.swartland.org.za, where members of the public can easily access the Property Rates Policy because it must be easily accessible to persons it affects.

4. CATEGORIES OF RATEABLE PROPERTIES

The Property Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

The Property Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

6. ENFORCEMENT OF THE RATES POLICY

The Municipality's Property Rates Policy is 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.

7. REPEAL OF BY-LAWS

The Property Rates By-law promulgated in Provincial Gazette No. 8115 of 28 June 2019 is hereby repealed.

8. 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 in the Provincial Gazette.