



# BLUE CRANE ROUTE MUNICIPALITY (EC102)

## RATES POLICY & RATES BY-LAW

Financial Year 2023/2024

**No. 12**

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MUNICIPAL MANAGER

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## 1. RATES POLICY

### 1.1 Preamble

In terms of section 3 of the Municipal Property Rates Act No. 6 of 2004 (MPRA), the Council of the municipality is required to adopt a policy consistent with the provisions of the Act on the levying of rates on rateable property within the municipality.

In order to give effect to the said section 3 of the MPRA, the Council of the municipality adopts the policy contained herein.

### 1.2 Definitions

Any words and phrases referred to in this policy shall have the meaning and interpretation assigned thereto in the MPRA, a reference to the male gender shall include the female and neuter genders and, for ease of reference and to facilitate the application of this policy, unless the context indicates otherwise-

“accounting officer” means the municipal manager;

“Act” means the Local Government: Municipal Property Rates Act No. 6 of 2004 and includes its regulations;

“accommodation establishment” means a property that, although zoned for single residential purposes to permit one main dwelling for the accommodation of a single person or family, provides residential accommodation on a regular and continuous short-term rentable basis in addition to its permitted use and includes guesthouses, “bed & breakfast” and “self-catering” establishments and, for purposes of this policy, such establishments shall be regarded as business property;

“agent” in relation to the owner of a property, means a person appointed by the owner of such property to receive rental or other payments or make payments in respect of that property on his behalf;

“agricultural property” means a property used primarily for agricultural purposes, but without derogating from section 9 of the Property Rates Act, excludes any portion thereof that is used commercially for the hospitality of guests and excludes the use of the property for the purpose of eco-tourism or for trading in or hunting of game shown as such in the valuation roll excluding a property used for the purpose of eco-tourism or for the trading in or hunting of game provided that, for the purpose of determining rate ratios between agricultural property and other categories of property, “agricultural property” shall mean farm properties and smallholdings used for agricultural purposes only;

“agricultural property for agricultural purposes” means a property that is used for the purpose of the intensive cultivation of soils for purposes of planting and gathering of crops; forestry in the context of the

*planting or growing of trees in a managed and structured fashion; the intensive rearing of livestock and game but excludes the use of property for the purpose of eco-tourism; and in respect of property on which game is reared, traded or hunted, it excluded any portion that is used for accommodation of visitors for gain.*

*"agricultural property: business and commercial"* means property that is farm property, but is used as business, commercial, mining, game and windfarms.

*"Agricultural property: residential"* means property that is farm property, but is used as residential property;

**"arrear rates"** means any amount due for assessed rates which remains unpaid after the due date for payment;

**"annually"** means once every financial year;

**"business"** means the activity of buying, selling or trade in goods or services and includes any office or other accommodation on the same erf, the use of which is incidental to such business, with the exclusion of the business of mining, agriculture, farming, or inter alia, any other business consisting of the cultivation of soils, the gathering in of crops or the rearing of livestock or consisting of the propagation and harvesting of fish or other aquatic organisms; *property on which the administration of business of private or public entities takes place;*

**"category"**-

**(a)** in relation to property, means a category of properties determined in terms of section 8 of the Act; and

**(b)** in relation to owners of properties, means a category of owners determined in terms of section 15 (2) of the Act;

**"category of properties"** means a category of properties determined according to zoning, use of the property, permitted use of the property or the geographical area in which the property is situated as more fully set out in this policy;

**"community"** means the local community;

**"Constitution"** means the Constitution of the Republic of South Africa Act No.108 of 1996;

**"Council"** means the council of the municipality as envisaged in section 157(1) of the Constitution and section 18 (3) of the Local Government: Municipal Structures Act No. 117 of 1998;

**"date of valuation"** for the purposes of a general valuation, means the date determined by the Council, which date may not be more than 12 months before the start of the financial year in which the valuation roll is to be first implemented;

**"effective date"**-

**(a)** in relation to a valuation roll, means the date on which the valuation roll takes effect in terms of section 32 (1) of the Act; or

**(b)** in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of section 78 (2) (b) of the Act;

**"exclusion"** in relation to a municipality's rating power, means a restriction of that power as provided for in section 17 of the Act;

**"exemption"** in relation to the payment of a rate, means an exemption from the payment of rates granted by the Council in terms of section 15 of the Act;

**"farm property"** or **"farm"** refers to property that is capable of being used productively for agricultural and farming purposes, either on a full-time or a part-time basis, regardless of whether or not agriculture forms the principal source of income for the owner or tenant thereof and provided further that this definition shall not interpreted in a manner that excludes a smallholding from being regarded as "farm property" or a "farm";

**"financial year"** means the period starting from 1 July in a year to 30 June the next year;

**"Income Tax Act"** means the Income Tax Act No. 58 of 1962 as amended;

**"indigent owner"** means an owner of property who is in permanent occupation of such property and is registered as an indigent in terms of the municipality's indigent policy;

**"land reform beneficiary"** in relation to a property, means a person who-

**(a)** acquired such property through-

**(i)** the Provision of Land and Assistance Act No. 126 of 1993; or

**(ii)** the Restitution of Land Rights Act No. 22 of 1994;

**(b)** holds such property subject to the Communal Property Associations Act No. 28 of 1996; or

**(c)** holds or acquires the property in question in terms of such other land tenure reform legislation as may, pursuant to section 25 (6) and (7) of the Constitution, be enacted after this Act has taken effect;

**"land tenure right"** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act No. 11 of 2004;

**"local community"** in relation to the municipality-

**(a)** means that body of persons comprising:

**(i)** the residents of the municipality;

**(ii)** the ratepayers of the municipality;

**(iii)** any civic organizations and non-governmental, private sector or labour organizations or bodies which are involved in local affairs within the municipality; and

(iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality; and

(b) includes, more specifically, the poor and other disadvantaged sections of such body of persons;

“market value” in relation to a property, means the value of the property determined in accordance with section 46 of the Act;

“MEC for local government” means the member of the Executive Council responsible for local government in the Eastern Cape Province;

“MPRA” means the Municipal Property Rates Act No. 6 of 2004;

“multiple purposes” in relation to a property, means the use of a property for more than one purpose;

“municipal council” or “council” means the municipal council of Blue Crane Route Municipality;

“Municipal Finance Management Act” means the Local Government: Municipal Finance Management Act No. 56 of 2003;

“municipality” means the Blue Crane Route Municipality;

“municipal manager” means the manager of the municipal administration and accounting officer of the municipality appointed by the Council in terms of section 54A of the Local Government: Municipal Systems Act No. 32 of 2000 and includes any employee of the municipality who acts in his stead, any person seconded to the municipality to perform the duties of and carry out the responsibilities of the municipal manager and, in the event of the municipality being subject to an intervention in terms of section 139 of the Constitution or any other applicable law, also the “Administrator” appointed as a consequence of such intervention or in terms of the conditions pertaining thereto;

“municipal valuer” or “valuer of a municipality” means a person designated as a municipal valuer in terms of section 33 (1) of the Act;

“newly rateable property” means rateable property on which property rates were not levied before the end of the financial year preceding the date on which the Act took effect, excluding-

(a) a property which was incorrectly omitted from a valuation roll and, for that reason, was not rated before that date; and

(b) a property identified by the Minister responsible for local government by notice in the Gazette where the phasing-in of a rate is not justified;

“occupier” in relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property concerned;

“organ of state” means an organ of state as defined in section 239 of the Constitution;

“owner”-

(a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;

(c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may, for the purposes of the Act, be regarded by the municipality as the owner of a property in the following cases:

(i) a trustee, in the case of a property in a trust excluding state trust land;

(ii) an executor or administrator, in the case of a property in a deceased estate;

(iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;

(iv) a judicial manager, in the case of a property in the estate of a person under judicial management;

(v) a curator, in the case of a property in the estate of a person under curatorship;

(vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;

(vii) a lessee, in the case of a property that is registered in the name of the municipality and is leased by it; or

(viii) subject to this policy, a buyer, in the case of a property that was sold by the municipality and of which possession was given to the buyer thereof pending registration of ownership in the name of the buyer concerned;

(xi) any beneficiary of an assisted housing scheme administered by any organ of state pending the transfer of a housing unit (including the land of which it is erected) sold to him in terms of the conditions of such scheme and includes the beneficiary of a commonly referred to “RDP” house.

“permitted use”, in relation to a property, means the limited purposes for which the property may be used in terms of -

- (a) any restrictions imposed by -
- (i) a condition of title;
  - (ii) a provision of a town planning or land use planning scheme; or
  - (iii) any legislation applicable to any specific property or properties; or
- (b) any alleviation of any such restrictions;
- “prescribed” means prescribed in terms of the Act or a regulation promulgated in terms of the Act;
- “property” means -
- (a) immovable property registered in the name of a person whether natural or fictitious, including an organ of state, and, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
  - (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
  - (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
  - (d) public service infrastructure;
- “property register” means a register of properties referred to in section 23 of the Act;
- “protected area” means an area that is or has to be listed in the register referred to in section 10 of the Protected Areas Act;
- “Protected Areas Act” means the National Environmental Management: Protected Areas Act No. 57 of 2003;
- “publicly controlled” means owned by or otherwise under the control of an organ of state, including -
- (a) a public entity listed in the Public Finance Management Act No. 1 of 1999;
  - (b) a municipality; or
  - (c) a municipal entity as defined in the Municipal Systems Act No. 32 of 2000);
- “public service infrastructure” means publicly controlled infrastructure of the following kinds:
- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
  - (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;

- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) a right registered against immovable property in connection with infrastructure mentioned in subparagraphs (a) to (i) above;

“rate” means a municipal rate on property envisaged in section 229 (1) (a) of the Constitution;

“rateable property” means property on which the municipality may, in terms of section 2 of the Act, levy a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Act;

“rebate” in relation to a rate payable on a property, means a discount granted in terms of section 15 of the Act on the amount of the rate payable on a rateable property;

“reduction” in relation to a rate payable on a property, means the lowering in terms of section 15 of the Act of the amount for which such property was valued and the rating of the property concerned at that lower amount;

“residential property” means improved property that:

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property and 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 on property used primarily for or related to educational purposes; and
- (e) specifically excludes:
  - (i) vacant land irrespective of its zoning or intended use;
  - (ii) residential property in respect of which the Council has, in terms of applicable town planning legislation, granted approval for such property to be utilized for purposes other than residential.

“Sectional Titles Act” means the Sectional Titles Act No. 95 of 1986;

“sectional title unit” means a unit defined in section 1 of the Sectional Titles Act;

“specified public benefit activity” means an activity listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of Part 1 of the Ninth Schedule to the Income Tax Act No. 55 of 1962;

“state trust land” means land owned by the state -

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act No. 22 of 1994;

“smallholding” means a property which, whether improved or not by the erection of a dwelling thereon, is not large enough to support a commercially viable farming operation, but able to provide a subsistence level of output for the owner thereof provided that this definition shall not preclude the Council, upon the submission of satisfactory and acceptable proof by the owner thereof, from regarding such property as a “farm” or “farm property” for the purpose of granting any rebate or applying any differential rating system in terms of this policy;

*Differential rating on different categories of properties will be based on-*

- a. The use of the property
- b. Permitted use of the property; or
- c. A combination of (a) and (b)

*Differential rating among the various property categories will be done by the way of setting different Rate for each property category.*

*And/or  
By way of reductions and rebates  
If any property belonging to a Municipality*

“trading services” means services for which the tariffs are fixed to yield a trading profit and includes electricity and water services;

“vacant land” means land on which no immovable improvements have been erected and which may be used for such purposes as may be permitted in terms of its zoning and/or title deed.

“Wind Farms” means agricultural land as defined in the Subdivision of Agricultural Land Act, 70 of 1970, on which energy-producing windmills or wind turbines have been erected for purpose of generating electricity, but which are dually used for agricultural purposes as defined under “agricultural use”. Which are dually utilize and includes all land situated in the demarcated municipal;

### 1.3 Purpose of policy

- 1.3.1 The purpose of this policy is to allow the Council to exercise its power to impose rates within a statutory framework for the purpose of enhancing certainty, uniformity and simplicity, taking into account the historical imbalances within communities, as well as the burden of rates on the poor.
- 1.3.2 As trustees on behalf of the local community, the Council shall adhere to its statutory and moral obligation to ensure that it implements this policy in a manner which safeguards the monetary value and future service provision invested in property.

### 1.4 Statutory framework

- 1.4.1 This policy is mandatory in terms of section 3 of the MPRA which specifically provides that the Council of a municipality must adopt a Rates Policy consistent with the provisions of the Act on the levying of rateable property in the municipality.
- 1.4.2 In terms of section 4 (1) (c) of the Municipal Systems Act No. 32 of 2000 read with section 229 of the Constitution, the municipality has the right to finance the affairs of the municipality by imposing, inter alia, rates on property.
- 1.4.3 In terms of the MPRA, a municipality in accordance with-
  - (a) section 2(1) thereof, may levy a rate on property in its area; and
  - (b) section 2(3) thereof, 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 Act and any regulations promulgated in terms thereof; and
    - (iii) the rates policy which it must adopt.
- 1.4.4 In terms of section 62(1)(f)(ii) of the Municipal Finance Management Act No. 56 of 2003, the municipal manager must ensure that the municipality has and implements a rates policy which must comply with the provisions of the MPRA.

**1.4.5** This policy must be read together with, and is subject to the stipulations of the MPPRA, its regulations and any other applicable law.

**1.4.6** This policy shall be applied with due observance of and compliance with the municipality's associated by-laws, policies and directives.

## **1.5 Imposition of property rates**

**1.5.1.** The Council shall, as part of each annual operating budget component, impose a rate in the rand on the value of all rateable property recorded in the municipality's valuation or supplementary valuation roll, provided that properties with a market value below a prescribed valuation level to be determined annually by the Council may be rated at a uniform fixed amount per property, instead of a rate determined on the value thereof as reflected in the applicable valuation roll.

**1.5.2** Rates are levied in accordance with the Act as a cent-in-the-rand based on the property value contained in the municipality's General Valuation Roll (GV) and Supplementary Valuation Rolls (SVs).

**1.5.3** The rate charged as a cent-in-the-rand for a residential property is the base rate and the rates charged in respect of all other categories of properties are reflected as ratios to the residential rate.

**1.5.4** The Council shall, in imposing the rate for each financial year, take cognizance of:

- (a) 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 of the municipality;
- (b) the inflation rate as indicated by the consumer price index;
- (c) the medium term budget growth factor determined by National Treasury guidelines.

**1.5.5** The following principles underpin this policy:

- (a) All ratepayers, in a specific category, as determined by the Council from time to time, shall be treated equitably, as required by Section 3 (3) (a) of the Act and, to this end:
  - (i) ratepayers with similar properties will pay similar levels of rates;
  - (ii) the Council shall take into account the ability of ratepayers to pay their rates;
  - (iii) the Council shall take cognizance of the effect on the rates burden of

ratepayers of the migration from a site rating system to a system where the market value of the land, or site together with the improvements thereon, is rated.

(b) Rates are raised in proportion to the market value of the property;  
(c) The municipal manager or his nominee must, subject to the guidelines provided by the National Treasury and the Council, make provision for the following classification of services rendered by the municipality:-

- (i) trading services;
- (ii) economic services;
- (iii) community and subsidised services which shall exclude trading and economic services.

(d) Trading and economic services referred to in subparagraph (c) must be ring fenced and financed from service charges while community and subsidised services referred to in that subparagraph will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income;

(e) Unless compelling reasons exist to the contrary, property rates shall not be used to subsidize trading services;

(f) The exemptions, reductions and rebates which may be granted in terms of this policy should not unreasonably affect the income base of the municipality;

(g) The determination of a rates tariff must allow the Council to promote local, social and economic development.

**1.5.6** In pursuant of section 3 (3) (b) of the Act, it is the policy of the Council, before:-

- 1.5.6.1** levying different rates for different categories of properties;
- 1.5.6.2** exempting a specific category of owners of properties or the owners of a specific category of properties from payment of a rate on their properties;
- 1.5.6.3** granting rebates; or
- 1.5.6.4** increasing rates -

to consider and apply the following criteria which shall have a bearing on such action -

- (a) the need to alleviate poverty;
- (b) the need to stimulate industrial growth;
- (c) the importance of promoting tourism;
- (d) the creation of work opportunities in the municipality;
- (e) the maintenance of agricultural activity;

- (f) the need for assistance by charitable and other public benefit organizations;
- (g) the municipality's budgetary needs;
- (h) the municipality's integrated development plan; and
- (i) surpluses contributed by other services -

provided that the rate on the categories of non residential property listed in the first column of the under-mentioned table may not exceed the ratio to the rate on residential properties listed in the second column of the said table, where:

- (i) the first number in the second column of the table represents the ratio to the rate on residential properties;
- (ii) the second number in the second column of the table represents the maximum ratio to the rate on residential property that may be imposed on the non-residential properties listed in the first column of the table:

Categories	Ratio in relation to residential property
Residential property	1:1
Agricultural property	1:0.25
Public service infrastructure property	1:0.25
Business Property	1:1.50

Provided further that, for the purpose of the above table, "agricultural property" shall mean farm properties and smallholdings used for agricultural purposes only.

**1.5.7 Compliance with section 3 (3) (c) of the Act.**

In terms of Section 3 (3) (c) of the Act, the Council has determined categories as referred to in paragraph 6 of this policy.

**1.5.8 Compliance with section 3 (3) (d) of the Act.**

Pursuant to section 3 (3) (d) of the Act, it is the policy of the Council to exercise its powers in terms of section 9 (1) of the Act in relation to properties used for multiple purposes by assigning a property use for multiple purposes to a category determined in accordance with the provisions of the said section 9 of the Act.

**1.5.9 Compliance with section 3 (3) (e) of the Act.**

It is the policy of the Council to identify and provide reasons for the grant of exemptions, rebates and reductions granted in terms of this policy.

**1.5.10 Compliance with section 3 (3) (f) of the Act.**

Pursuant to section 3 (3) (f) of the Act, it is the policy of the Council to grant registered indigent, poor, disabled persons and certain categories of pensioners who own residential property a

rebate on their rates account in a manner specified in this policy.

**1.5.11 Compliance with section 3 (3) (g) of the Act.**

It is the policy of the Council to grant organizations conducting specific public benefit activities and which are registered in terms of the Income Tax Act No. 58 of 1962 for tax reductions because of those activities, exemptions, rebates or reductions as provided in this policy in respect of properties owned and used by such organizations for their approved activities.

**1.5.12 Compliance with section 3 (3) (h) of the Act.**

Pursuant to section 3 (3) (h) of the Act, it is the policy of the Council not to consider further rebates on public service infrastructure but to apply the exemptions permitted in terms of the Act.

**1.5.13 Compliance with section 3 (3) (i) of the Act.**

Pursuant to section 3 (3) (i) of the Act, it is the policy of the Council to promote the interests of social or economic development or, when competing with other municipalities for investments of a specific nature, to consider providing rates incentives in order to attract such development or investments, provided such development or investments are quantifiably beneficial to the community.

**1.5.14 Compliance with section 3 (3) (j) of the Act.**

Pursuant to section 3 (3) (j) of the Act, it is the policy of the Council not to levy rates on property owned by or vested in the municipality, except where such property is leased and on a right registered against any property.

**1.6. Categories of rateable properties**

1.6.1 Different rates may be levied in respect of the under-mentioned categories of rateable properties:

- (a) residential properties;
- (i) multipurpose residential
  - a. this category comprises of properties with multiple use, one of which is residential
  - b. where the property is actually used predominantly (i.e. 51% or more of the area of the building) for residential purposes, the entire property will be rated in accordance to the residential rate
  - c. to qualify for the residential rate the owner must submit a declaration duly certified as correct by a registered town planner or architect that the property is being used predominantly for residential purposes as envisaged in (b) above



d. *if the dominant use is not residential but some other permitted use, the rate applicable to the predominant use will apply*

- (b) industrial properties;
- (c) business and commercial properties;
- (f) multipurpose business
- Where a property's zoning allows for more than one permitted use and where the use of the property is used dominantly (50 plus 1%) for business and commercial purposes the entire property will be rated in accordance with the business rate*
- a. *This category comprises of property with multiple use, one of which is business/commercial purposes*
- b. *Where the property is actually used dominant (i.e. 51% or more of the area of the building) for business/commercial purposes, the entire property will be rated in accordance with the business rate.*
- c. *if the dominant use is not business/commercial but some other permitted use, the rate applicable to the dominant use will apply.*

- (d) farm properties used for -
- (f) agricultural purposes;
- (ii) industrial purposes (Wind Farms and other industrial purposes);
- (iii) other business and commercial purposes including for hunting purposes on agricultural properties used for eco-tourism or conservation
- (iv) agricultural properties used for the trading in or hunting of game
- (vi) a commercial basis;
- (vii) residential purposes; or
- (viii) purposes other than those specified in subparagraphs (i) to (iii) above;
- (e) farm properties not used for any purpose;
- (f) smallholdings used for -
- (i) agricultural purposes;
- (ii) residential purposes;
- (iii) industrial purposes;
- (iv) business and commercial purposes; or
- (v) purposes other than those specified in subparagraphs (i) to (iv) above;
- (g) state-owned properties that provide -

- (f) local services, e.g. clinics, local hospitals, police stations, courts, home affairs' offices, but excluding schools;
- (ii) regional/district municipal wide services. e.g. prisons, hospitals;
- (iii) provincial/national services e.g. national defence, provincial and national headquarters and their regional and local administrative offices;

- (h) municipal properties;
- (i) public service infrastructure;
- (j) privately owned towns serviced by the owner;
- (k) formal and informal settlements;
- (l) communal land as defined in the Communal Land Rights Act, 2004;
- (m) state trust land owned by the state-

- (i) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (ii) over which land tenure rights were registered or granted; or
- (iii) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994;

- (n) properties-
- (f) acquired through the Provision of Land and Assistance Act, 1993 or the Restitution of Land Rights Act, 1994; or
- (ii) which is subject to the Communal Property Associations Act, 1996;

- (o) protected areas as defined in the National Environmental Management: Protected Areas Act, 2003, namely-

- (f) special nature reserves, nature reserves (including wilderness areas) and protected environments;
- (ii) world heritage sites;
- (iii) specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act, 1998; and
- (iv) mountain catchment areas declared in terms of the Mountain Catchment Areas Act, 1970;

- (p) properties on which national monuments are proclaimed;
- (q) properties owned by public benefit organisations;
- (r) properties used for multiple purposes, subject to paragraph 5.6.

- (s) schools defined in educational laws as -
    - (i) public schools; and
    - (ii) independent schools;
  - (t) sports facilities; and
  - (u) privately owned estates;
  - (v) vacant land.
- 1.6.2.** In determining the category of a property referred to in paragraph 6.1, the following criteria or a combination thereof shall be taken into consideration:-
- (a) the formal zoning of the property;
  - (b) township establishment approvals;
  - (c) the actual use of the property;
  - (d) the permitted use of the property; and
  - (e) the geographical area in which the property is situated.
- 1.6.3** In order to create certainty and to ensure consistency, the criteria listed in paragraph 6.2 shall be applied in the following manner:
- (a) properties shall principally be categorised in accordance with their formal zoning in terms of the town planning scheme regulations applicable to the municipality;
  - (b) if, for whatever reason, the status or zoning of a property cannot be determined in terms of subparagraph (a), the actual use thereof shall then be determined in order to appropriately categorise such property. All relevant information, including circumstantial evidence and the results of a property inspection, may be taken into consideration in an attempt to determine the purpose for which the property is being used;
  - (c) the geographical area in which a property is situated may be used to assist in the categorisation of a property when subparagraph (a) cannot be applied.
- 1.6.4** Properties used for multiple purposes shall be categorised and rated in a manner provided in section 9 of the Act. *Rates on properties use for the above will be levied according to the tariffs associated with the different categories/uses as determined.*
- 1.6.5** For purposes of this policy, accommodation establishments shall be regarded as business properties and be categorised as such.

## 1.7. Categories of owners

- 1.7.1** For the purpose of granting exemptions, reductions and rebates as provided in this

policy, the under-mentioned categories of owners of properties are determined with a view to the alleviation of poverty and to decrease the rates burden on the poor:

- 1.7.1.1** Those owners who qualify and who are registered as indigents in terms of the indigent policy of the municipality;
  - 1.7.1.2** Those owners who do not qualify as indigents in terms of the aforesaid indigent policy but whose total monthly income is equal to or less than an amount annually determined by the Council when approving the municipal budget;
  - 1.7.1.3** Pensioners and child-headed families.
- 1.7.2** The owners of property situated within an area affected by disaster within the meaning of the Disaster Management Act No. 57 of 2002 or by serious adverse social or economic conditions with a view to alleviating their economic plight and decreasing their rates burden due to circumstances beyond their control.
- 1.7.3** Owners of agricultural properties as referred to in paragraph 11.1.5 of this policy due to the limited services provided to such properties by the municipality and in to comply with section 3 (4) of the Act.

## 1.8. Exemptions

The following categories of property are exempted from the payment of rates:

### 1.8.1 Municipal properties

- (a) The municipality is exempted from the payment of rates on municipal properties used for municipal purposes on the basis that the imposition of rates on such properties will increase the rates burden on or service charges payable by property owners or consumers provided that this exemption shall not apply in respect of leased or alienated rateable municipal properties in respect of which the lessee or purchaser thereof shall be responsible for the payment of assessed rates thereon in accordance with the applicable policy of the municipality.
- (b) Where a municipal property has been sold to a non-profit organisation subject to the right of resumption in favour of the Council on the occurrence of a specified event or upon the lapse of a specified period of time, such property shall be regarded as a municipal property and the owner of such property shall be exempted from the payment of assessed rates thereon.

### 1.8.2 Public Benefit/Non Governmental and Cultural Organisations

The following Public Benefit and Non Governmental Organisations may be exempted from the payment of rates:

### 1.8.2.1 Welfare & Humanitarian Institutions

Properties used exclusively as an orphanage, non-profit retirement village, old age home or other non-profit institution for the benefit of the public or a section thereof, provided that any profits from the use of the property are used entirely for the benefit of the institution concerned and/or for charitable purposes within the municipality.

### 1.8.2.2 Animal Welfare

Property registered in the name of and used by institutions/ organizations whose exclusive aim is to protect birds, reptiles and other animals on a non-profit basis.

### 1.8.2.3 Cultural

**1.8.2.3.1** Property registered in the name of a declared institution in terms of the Cultural Institutions Act No. 119 of 1998 as amended, which promotes the cultural aims as defined in section (6)(a) and (b) of the Ninth Schedule to the Income Tax Act and which is applicable to:

- (a) the advancement, promotion or preservation of the arts, culture or customs;
- (b) the promotion, establishment, protection, preservation or maintenance of areas, collections or buildings of historical or cultural interest, national monuments, national heritage sites, museums, art galleries, archives and libraries.

**1.8.2.3.2** Property registered in the name of a cultural organization or any organization which is, in the opinion of the Council, promoting the cultural aims as defined in section (6)(c) of the Ninth Schedule to the Income Tax Act and which is applicable to the provision of youth leadership or development programmes.

### 1.8.2.4 Conditions applicable to applications

The following conditions apply in respect of an application for exemption in terms of this subparagraph:

- (a) applications for exemption must be submitted annually in writing and on the prescribed form;
- (b) applicants must produce a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule to the Income Tax Act;
- (c) the municipal manager or his nominee must approve all applications;
- (d) the Council retains the right to refuse an application for exemption if the details supplied in the application form are incomplete, incorrect or false;

- (e) if, during the currency of any financial year, any property or portion thereof is used for a purpose other than the purpose in respect of which an exemption in terms of this subparagraph has been granted, the Council shall impose rates on the exempted property or portion thereof so used, at a rate proportionate to the period of such use.

## 1.9. Impermissible Rates

In terms of section 17(1) of the Act and subject to the provisions of this sub-section, the municipality may, *inter alia*, not levy a rate:

- (a) on those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act No. 57 of 2003, or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, Act No. 10 of 2004, which are not developed or used for commercial, business, agricultural or residential purposes;
- (b) on mineral rights within the meaning of paragraph (b) of the definition of "property" in section 1 of the Act;
- (c) on a property belonging to a land reform beneficiary or his heirs, provided that this exclusion lapses ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds;
- (d) on a property registered in the name of and used primarily as a place of public worship by a religious community including an official residence registered in the name of that community and which is occupied by an office-bearer thereof who officiates at services at that place of worship.

## 1.10. Reductions

**1.10.1** Reductions as contemplated in section 15 of the Act will be considered by the Council on an ad-hoc basis on account of the diminished value of a property in the event of the following:

- 1.10.1.1** The partial or total destruction of a property;
- 1.10.1.2** Disasters as defined in the Disaster Management Act No. 57 of 2002 in circumstances where the Council considers a reduction in the value of affected properties to be just and equitable;

**1.10.2** The following conditions shall be applicable to an application for a reduction in terms of subparagraph 1.10.1:

- 1.10.2.1** The owner of a property referred to in subparagraph 1.10.1.1 shall apply in writing for a reduction and the onus will rest on such owner to prove to the satisfaction of the Council that the property concerned has been totally or partially destroyed. Such owner must also indicate to what

extent the property concerned can still be used and the impact of the partial or total destruction thereof on its value;

**1.10.2.2** Property owners will only qualify for a reduction if the property concerned is affected by a disaster as envisaged in the Disaster Management Act No. 57 of 2002.

**1.10.3** A maximum reduction of 80% of the assessed value of the property as appearing in the valuation roll will be allowed in respect of both events referred to in subparagraphs 1.10.1.1 and 1.10.1.2.

**1.10.4** Subject to any further extension as the Council may, in writing, approve, a reduction granted in terms of this subparagraph shall be valid for a period not exceeding 6 months.

### **1.1.1.Rebates**

The Council may, in conjunction with the consideration of the municipality's annual budget, grant the following rebates:

#### **1.1.1.1 Categories of property**

##### **1.1.1.1.1 Business, commercial and industrial properties**

The Council may grant rebates, in a percentage determined by resolution, to the owners of rateable business, commercial and industrial properties (herein referred to as an "enterprise") which contribute to job creation in the municipal area, the social upliftment of the local community and the creation of infrastructure for the benefit of the community.

For purposes of this subparagraph, the enterprise concerned must be situated on land zoned for the usage thereof and must ordinarily employ at least 25 or more full-time employees.

Rebates in terms of this subparagraph will be phased out within five years from the date they were first granted.

The rebates envisaged in this subparagraph may be granted upon application, subject to:

- (i) the submission to the municipality of an acceptable business plan issued by the authorised representative of the enterprise concerned indicating how it intends meeting the local, social and economic development objectives of the municipality;
- (ii) the submission to the municipality of an acceptable continuation plan issued by the aforesaid authorised representative and certified by the auditors of the enterprise stating that the aforementioned objectives have been met in the first year after the establishment of the enterprise concerned and how such enterprise plans to continue to meet the identified objectives;

(iii) an assessment by the municipal manager indicating that the relevant enterprise qualifies for the rebate in terms of the Council's requirements; and

(iv) an authorising Council resolution.

#### **1.1.1.1.2 New commercial or industrial developments**

In order to stimulate new commercial or industrial development in the municipality, the following rebates may, upon application, be granted by the Council to owners of properties which are being developed for new, approved commercial or industrial developments:

- (a) 100% of the assessed rates payable on the improved value;
- (b) 75% of the assessed rates on the improved value for the financial year or part thereof immediately;
- (c) 50% of the assessed rates on the improved value in the second financial year; and
- (d) 25% of the assessed rates on the improved value in the third financial year –

provided that the Council may, in approving the above rebates, impose such conditions as it may deem fit and necessary.

#### **1.1.1.1.3 Small, very small and micro business enterprises**

For purpose of this subparagraph, a small business enterprise means a separate and distinct business entity, together with its branches or subsidiaries, if any, including co-operative enterprises, managed by one or more owners and predominantly carried on in any sector or sub-sector of the economy mentioned in column 1 of the Schedule to the National Small Business Act No. 102 of 1996 (the Act) and classified as a micro-, a very small, a small or a medium enterprise by satisfying the criteria mentioned in columns 3, 4 and 5 of the said schedule.

The Council may, upon application, grant a rebate, in a percentage determined by resolution, to the owner of rateable property lawfully used for a small, very small and micro business enterprise, subject to the following conditions:

- (a) the property in respect of which the rebate is sought must be owned and utilized by the owner(s) concerned -  
and the owners concerned:-
- (b) providing proof to the satisfaction of the Council, of the enterprise's registration with a responsible controlling, if applicable;
- (c) if applicable, being in possession of a business licence or licences issued by the municipality or responsible authority authorising the relevant business;

- (d) providing proof that the business meets all the requirements (relating to sector, size or class, total employment, total annual turnover and total gross asset value (fixed property excluded)) referred to in the aforesaid Act and the schedules thereto;
- (e) being in a position to submit audited financial statements in respect of the business.

#### 1.11.1.4 Privately owned estates serviced by the owner

The Council may, upon application and on an ad hoc basis, grant a rebate to the owner or developer of a private estate serviced by that owner or developer in consideration of his or its contribution to the infrastructure in the municipality and the financial benefit the municipality will derive from such development.

For purposes of this subparagraph "privately owned estates serviced by the owner" shall mean single properties situated in an area not ordinarily serviced by the municipality and divided through subdivision or township establishment into 10 (ten) or more full title stands and/or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the owner or developer concerned and maintained and rendered by either the residents of such estate either individually or in conjunction with the developer or owner concerned or through a duly established Home Owners' Association.

#### 1.11.1.5 Agricultural property rebate

(i) The Council shall, by resolution and subject to subparagraphs (ii) and (iii), grant such rebate on agricultural properties as it may consider equitable and, for this purpose, it shall take the following factors into account:

- (a) the extent of rates related services rendered by the municipality in respect of such properties;
- (b) the contribution of agriculture to the local economy;
- (c) the extent to which agriculture assists in meeting the service delivery and developmental objectives of the municipality; and
- (d) the contribution of agriculture to the social and economic welfare of farm workers.

(ii) In terms of section 84 of the MPRA, the Minister for local government with the concurrence with the Minister of Finance as required by section 19 of the Act, may, by regulation or notice, determine that a rate levied by the Council on a category of non residential property may not exceed the ratio to the rate on residential property.

In the application of this policy and the grant of rebates in respect of qualifying agricultural property, the Council shall apply the rates ratio determined by the said Minister from time to time.

- (iii) An additional rebate, based on the total property value, and not exceeding 10%, may be

granted by the Council, upon application by the owner of the farm or qualifying smallholding concerned, on the following basis:-

- (a) 2,5% on account of the provision of permanent dwellings for the accommodation of the farmer's own farm workers and their dependants;
- (b) 2,5% in the event of such permanent dwellings being provided with potable water;
- (c) 2,5% in the event of such permanent dwellings being electrified;
- (d) 2,5% on account of the provision of land for the burial of the farmer's own workers or for the provision of educational or recreational facilities for such workers as well as people from surrounding farms.

A rebate granted in terms of this subparagraph is subject to the following conditions:

- (i) the permanent dwellings concerned being valued as such on the applicable valuation roll;
- (ii) the applicant certifying by means of affidavit that the aforesaid dwellings are occupied by his farmworkers and their dependants and that they are provided with a potable water supply and have been electrified; and
- (vii) in respect of an application under subparagraph (d), the applicant providing burial or educational or recreational facilities on his property for his workers as well as people from surrounding farms.

(iv) The grant of a rebate in terms of this subparagraph is subject to the following conditions:

- (a) Unless the usage of a property has changed, owners of qualifying agricultural properties must apply for the rebate in the year when a new General Valuation Roll (GV) or Supplementary Valuation Roll (SV) or change of ownership, as the case may be, and which affects the property concerned, is implemented.
- (b) Applications made when a new GV is implemented must be received by the municipality by 31 August of the financial year when the GV will be implemented. Applications made when a SV is implemented or the ownership has changed must be received by the municipality by the last day of the third month following the effective date of the SV or within three months from the date of registration of the changed ownership of the property in the Deeds Office, failing which no such rebate may be granted for that financial year.
- (c) Owners of properties where a change of use qualifies the property for an agricultural rebate must apply for the rebate by 31 August of the financial year in which the change of usage occurs, failing which no such rebate may be granted for that financial year.

- (d) Approved applications will remain valid until the next General Valuation, Special Valuation or changes of ownership affecting those properties are implemented.

An owner is required to immediately inform the municipality of the termination of agricultural activities on a property in respect of which a rates rebate has been granted in terms of this subparagraph.

- (e) The municipality reserves the right to inspect a property before or after granting a rebate and to revoke or amend any decision made prior to such inspection.
- (f) No other rebates will be granted to properties that qualify for the agricultural rebate. For the avoidance of doubt, properties that qualify for the agricultural rebate will not be entitled to a residential rate rebate.
- (g) The registered owner of the property must apply for an agricultural rebate in terms of this subparagraph and provide the municipality with such information as may be specified, in an affidavit by the due dates set out above and declare in such affidavit that no contraventions of the town planning zoning scheme are taking place on the property.

#### **1.11.1.5.1 Conditions applying in respect of this rebate**

Qualifying requirements for the rebate provided in this subparagraph are that:

- (i) the owner should be taxed by SARS as a farmer and his most recent tax assessment (currently called IT 34) must be provided as proof or, where the owner is not taxed as a farmer, proof is required that his income from farming activities exceeds 40% of his household income;
- (ii) owners of farms and smallholdings with a residential component and limited agricultural activities may apply to be rated at the residential rate and to receive the valuation reduction and, in this event, such properties will not qualify for the agricultural rebate. An owner who wishes to apply for this dispensation, must do so by the due date set out above and declare, in an affidavit, that no contraventions of the town planning zoning scheme are taking place on the property concerned;
- (iii) owners of properties referred to in subparagraph (ii) are not precluded from applying for any indigent relief or social grant rebate referred to in this policy, provided they meet the qualifying criteria;
- (iv) farms and smallholdings of which 40% or more of the extent are used for commercial or industrial purposes (such as truck depots, construction yards or factories) do not qualify for the residential rate, any rebates or valuation reductions;
- (v) farms and smallholdings used in contravention of the town planning zoning scheme will not qualify for any rebate;
- (vi) in the event of less than 40% of the extent of farms or smallholdings being used for commercial or industrial purposes, the Municipal Valuer may consider it reasonable to apply the category of multiple use property and, in such event, the apportionment of value for each distinct use of the property will be calculated by the Municipal Valuer and used for billing purposes at the applicable rate.

- (vii) for purposes of this subparagraph, the Council may permit a tenant of agricultural property to submit an application for a rebate as contemplated herein, provided that the owner of such property consents in writing to such application being made by the tenant concerned and such tenant complying with the provisions of this subparagraph.

#### **1.11.1.6 Public and private schools, universities and colleges**

The Council may, upon application and by resolution, grant a rebate to the owners of the under-mentioned categories of property :

- (a) Public schools which are State funded;
- (b) Private schools which are not State funded in terms of section 34 of the South African Schools Act No. 84 of 1996 and are registered as independent schools in terms of the South African Schools Act No. 84 of 1996;
- (c) Universities;
- (d) Technical and other colleges.

#### **1.11.1.7 Sporting bodies**

The Council may, upon application and by resolution, grant a rebate on assessed rates in respect of property used by an organisation for sporting purposes on a non-professional basis.

The Council may, at its own discretion, grant a rebate on assessed rates in respect of property owned by and used by professional sporting organisations provided that such rebate may be lower than the rebate that may be granted to amateur sporting organisations.

An application for a rebate in terms of this subparagraph shall be submitted in writing to the municipality and be accompanied by such documents as the municipality may require including a tax exemption certificate issued by SARS as contemplated in Part 1 of the Ninth Schedule to the Income Tax Act.

#### **1.11.1.8 Cemeteries and crematoriums**

The Council may, by resolution, grant a rebate on assessed rates in respect of property registered in the name of a church organisation, any organisation established not for gain or any private person and used exclusively for burials and cremations.

#### **1.11.1.9 Public health care institutions**

The Council may, by resolution, grant rebates on assessed rates in respect of property used exclusively as a hospital or clinic, including workshops used by the inmates, laundry and cafeteria facilities, provided that any profits from the use of such property are utilized entirely for the benefit of the institution concerned and/or for charitable purposes within the municipality.

#### **1.11.1.10 Welfare institutions**

The Council may, by resolution, grant rebates on assessed rates in respect of properties used exclusively as orphanages, non-profit retirement villages, old age homes or benevolent/charitable institutions, including workshops used by the inmates, laundry or cafeteria facilities, provided that any profits from the occupation and/or use of such properties are utilized entirely for the benefit of the institutions concerned and/or to charitable purposes within the municipality.

#### **1.11.1.11 Charitable institutions**

The Council may, by resolution, grant a rebate on assessed rates in respect of property owned or used by institutions or organisations whose aim is to perform charitable work on a not-for-gain basis and provided such institutions or organisations are registered in terms of the Nonprofit Organizations Act No. 71 of 1987.

### **1.11.2 Categories of owners**

#### **1.11.2.1 Indigent owners, State Pensioners, Pensioners and disabled (other sources), Child-headed households**

*Each registered indigent household shall be subsidised for an amount equal to the value of a RDP house as provided for in the annual budget.*

### **1.12. Special geographical areas**

**1.12.1** The Council may, by resolution, designate defined areas in the municipality as special geographical areas and, on the basis that the municipality either does not provide services or all services or is not responsible for the provision of services to such areas, grant rebates, in a manner determined by resolution, in respect of assessed rates on properties within such areas.

**1.12.2** The services referred to in subparagraph 12.1 shall relate to the provision of streets, sewage services, electricity supply, water supply and refuse removal.

### **1.13. Special rating areas**

**1.13.1** The Council may, by resolution and subject to subparagraph 13.3, determine an area within the municipality as a special rating area with a view to levying an additional rate on property in that area for the purpose of raising funds for improving or upgrading the area concerned.

**1.13.2** When levying additional rates in terms of subparagraph 13.1, the Council may differentiate between categories of properties.

**1.13.3** Before determining a special rating area envisaged in subparagraph 13.1, the Council must-

(i) consult the local community, including on the following matters:

- (a) the proposed boundaries of the area; and
- (b) the proposed improvement or upgrading of such area; and

(ii) obtain the consent of the majority of the members of the local community in the proposed special rating area who will be liable for the payment of the additional rate.

**1.13.4** When the Council determines a special rating area it must:

- (i) determine the boundaries of such area;
- (ii) indicate how the area concerned is to be improved or upgraded by funds derived from the additional rate referred to in subparagraph 13.1;
- (iii) establish separate accounting and other record-keeping systems complying with GRAP regarding-

- (a) the revenue generated by the additional rate; and
- (b) the improvement and upgrading of the area concerned.

**1.13.5** For the purpose of consulting the community as envisaged in subparagraph 13.3, the Council may, through a transparent process and with due regard to especially gender representivity, appoint a committee composed of persons representing the community in the proposed special rating area to act as a consultative and advisory forum on the intended improvement and upgrading thereof.

**1.13.6** The committee referred to in subparagraph 13.5 shall perform its functions as a sub-committee of the ward committee or committees elected for the ward in which the proposed special rating area is situated.

**1.13.7** The Council may not establish a special rating area in order to reinforce existing inequities in the development of the municipality and any determination of a special rating area in terms of this paragraph must be consistent with the objectives of the municipality's integrated development plan.

### **1.14. Promulgation of resolutions levying rates**

**1.14.1** A rate is levied by by resolution passed by the Council with a supporting vote of a

majority of the members of the Council.

**1.14.2** The resolution levying rates must be promulgated by publishing it in the Provincial Gazette.

**1.14.3** Whenever Council passes a resolution in terms of subparagraph 15.1, the municipal manager must, without delay-

- (a) conspicuously display the resolution for a period of at least 30 days-
- (i) at the municipality's head and satellite offices and libraries; and
- (ii) on the official website of the municipality; and
- (b) advertise in the media a notice stating that-
- (i) a resolution levying a rate on property has been passed by the Council; and
- (ii) that such resolution is available at the municipality's head and satellite offices and libraries for public inspection during office hours and also on the municipality's website.

### **1.15.Payment of rates**

**1.15.1** The rates levied on the properties shall be payable:-

- (a) on a monthly basis; or
- (b) annually and by agreement with the ratepayer concerned, before 30 September each year.

**1.15.2** The municipal manager shall determine the due date for the payment of monthly instalments and the single annual payment referred to in subparagraph 15.1 and this date shall appear on the accounts for assessed rates forwarded to the owner of the property or his duly authorised representative.

**1.15.3** Unless the Council, by resolution, exempts all ratepayers from the payment of interest in terms of section 64 (2) (g) of the Municipal Finance Management Act, interest on arrear rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the prescribed rate which shall be applied from time to time.

**1.15.4** If a property owner responsible for the payment of rates fails to pay such rates by due date, they will be recovered from him in accordance with the provisions of the Customer Care and Revenue Management By-law of the municipality read in conjunction with the applicable credit control and debt management policy of the municipality.

**1.15.5** Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in

terms of section 28 and 29 of the Act as follows:-

**1.15.5.1** If an amount due for rates levied on a property is not paid by the owner by the due date reflected on his account and no response is forthcoming from him after two written reminders to effect payment have been sent to him, the municipality shall recover the amount due 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;
- (b) from a tenant or occupier of the property but only after an attempt was made to collect the amount concerned from the agent referred to in subparagraph (a) and such attempt was unsuccessful or if no such agent exists or if only a part of the outstanding amount could successfully be recovered from the agent concerned.

**1.15.5.2** The amount recoverable is limited to the amount stipulated in the Act and such amount may only be recovered after written notice has been served on the tenant, occupier or agent as the case may be, of the rates due and payable, but not yet paid by owner of the property.

**1.15.5.3** The notice referred to in subparagraph 15.5.2 shall afford the party concerned at least 14 calendar days in which to pay the outstanding rates.

**1.15.6** Rates levied on property in sectional title schemes, shall be payable by the owner of each unit.

**1.15.7** Rates levied on property in sectional title schemes, where the Body Corporate is the owner of any specific sectional title unit, shall be payable by the Body Corporate.

### **1.16. Accounts to be furnished**

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

- (a) the description of the property including its erf or farm number and physical address where known and provided that the insertion of this information on an account is feasible in terms of the billing system of the municipality;
- (b) the amount due for rates payable;
- (c) the date on or before which the amount due is payable;
- (d) how the amount due was calculated;
- (e) the market value of the property;
- (f) if the property is subject to any compulsory phasing-in discount, the amount of such discount; and



- (g) if the property is subject to any additional rate in terms of section 22 of the Act, the amount due for additional rates.

### **1.17. Liability for and recovery of rates**

- 1.17.1 The owner of a property shall be liable for the payment of the rates levied on his property.
- 1.17.2 Joint owners of a property shall be jointly and severally liable for payment of the rates levied on their property.
- 1.17.3 A person liable for payment of rates remains liable for such payment, whether or not he has received a written account from the municipality. If the person concerned has not received a written account, he must make the necessary enquiries at the municipality.
- 1.17.4 In the case of joint ownership, the municipality shall, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that such action shall take place with the prior consent of all the owners concerned.
- 1.17.5 In the case where an agricultural property is owned by more than one owner in undivided shares and these undivided shares were allowed before the commencement date of the Subdivision of Agricultural Land Act No. 70 of 1970, the municipality shall hold any joint owner liable for all rates levied in respect of the agricultural property concerned or hold any joint owner only liable for that portion of rates levied on the property that represents his undivided share therein.
- 1.17.6 In the event of a property being transferred to a new owner during the period when an interim valuation takes place, the immediate predecessor in title as well as the new owner of the property concerned will be jointly and severally responsible for paying any rates raised as a result of such interim valuation.
- 1.17.7 Properties which vest in the municipality in terms of the conditions of establishment of a township or the conditions of approval applicable to the subdivision of land comprising a private development, including open spaces and roads, will be rateable and the developer shall be responsible for the payment of assessed rates thereon until such properties are transferred to the municipality.

### **1.18. General valuation of rateable property**

- 1.18.1 The first valuation roll prepared in terms of the Act, shall take effect from the start of the financial year following completion of the prescribed public inspection period.
- 1.18.2 The municipality shall prepare a new valuation roll every 4 (four) years but may, with the approval of the MEC for local government, extend the validity of the valuation roll to 5 (five) years.
- 1.18.3 Supplementary valuations will be undertaken on an annual basis to ensure that the

valuation roll is properly maintained.

### **1.19. Correction of errors and omissions**

- 1.19.1 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 because of incorrect, false or misleading information provided by the property owner concerned or because of a contravention of the permitted use to which such property may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission was first detected back to the date on which rates were first raised in terms of the current valuation roll.
- 1.19.2 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 prescribed rate.

### **1.20. Cost of exemptions, rebates, reductions and phasing-in discounts of rates**

- 1.20.1 The municipal manager must annually table in the Council:
- (a) a list of all exemptions, rebates and reductions granted by the Council in terms of this policy and/or the Act during the previous financial year; and
  - (b) a statement reflecting the income for the municipality foregone during the previous financial year by way of:
    - (i) such exemptions, rebates and reductions;
    - (ii) exclusions as referred to in section 17(1)(a), (e), (g), (h) and (l) of the Act.

1.20.2 All exemptions, rebates and reductions projected for a financial year must be reflected in the municipality's annual budget for that year as-

- (a) income on the revenue side; and
- (b) expenditure on the expenditure side.

### **1.21. Budget related policy**

- 1.21.1 This policy constitutes a budget-related policy as defined in the Municipal Finance Management Act.
- 1.21.2 The Council must annually, after following a community consultation process as part of

the Council's annual budget process in terms of sections 22 and 23 of the Municipal Finance Management Act, review, and if necessary, amend this policy.

**1.21.3** Any amendments to this policy must accompany the municipality's annual budget when it is tabled in the Council in terms of section 16 (2) of the Municipal Finance Management Act.

### **1.22. By-laws to give effect to this rates policy**

The Council adopt such additional by-law to give effect to the implementation of this policy and such by-law may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

## **2. Rates By-law**

In terms of section 6 of the Local Government: Municipal Property Rates Act No. 6 of 2004 and section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows :-

### **2.1. Preamble**

- (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.
- (2) In terms of section 3 of the Act, a municipal council must adopt a policy consistent with the Act on the levying of rates on rateable property in the municipality.
- (3) In terms of section 6(1) of the Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.
- (4) In terms of section 6(2) of the Act, by-laws adopted in terms of section 6(1) thereof may differentiate between different categories of properties as well as different categories of owners of properties liable for the payment of rates.

### **2.2. Interpretation**

In this by-law, any word or phrase shall have the meaning assigned thereto in the Act and, unless the context otherwise indicates –

“**Act**” means the Local Government: Municipal Property Rates Act No. 6 of 2004 including its regulations and “**Property Rates Act**” has a corresponding meaning;

“**council**” means the council of the municipality;

“**rates policy**” means a rates policy adopted by the council in terms of section 3 of the Act;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Customer Care and Revenue Management By-Law**” means the by-law relating to customer care and revenue management published by the municipality under Provincial Notice No. 261 in Provincial Gazette No. 1639 on 18 December 2006;

“**municipality**” means the Blue Crane Route Municipality established in terms of section 12 of the Municipal Structures Act No. 117 of 1998, and includes the council, any other political structure, political office bearer, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee, as the case may be;

“**prescribed**” means prescribed in terms of the Act and/or the rates policy, as the case may be;

“**rate**” or “**rates**” means a municipal rate or rates on property as envisaged in section 229 of the Constitution.

### **2.3 Adoption of rates policy**

- (1) The council shall, in terms of section 3(1) of the Act, adopt a rates policy consistent with the Act on the levying of rates on rateable property in the municipality.
- (2) The council shall annually review, and if necessary, amend the rates policy referred to in subsection (1).
- (3) The rates policy referred to in subsection (1) and any amended policy must accompany the municipality's annual budget when it is tabled in the council in terms of section 16(2) of the Municipal Finance Management Act No. 56 of 2003.
- (4) The council shall only exercise its power to levy a rate on property in its area of jurisdiction in accordance with the rates policy referred to in subsection (1) as may be amended from time to time.

### **2.4 Contents of rates policy**

The rates policy referred to in section 3(1) and any amendments thereto:

- (1) shall comply with the applicable provisions of the Act and be adopted by the council only after the prescribed community participation processes have been undertaken and completed; and

- (2) may include such further directives and enforcement mechanisms as the council may wish to impose in addition to those contained in the aforesaid Customer Care and Revenue Management By-Law.

## **2.5 Application and Enforcement of rates policy**

The rates policy shall be applied and enforced through and in the manner prescribed in the Customer Care and Revenue Management By-Law and any further enforcement mechanisms stipulated in such policy and/or the Act.

## **2.6 Operative date**

This By-Law shall take effect upon publication thereof in the Eastern Cape Provincial Gazette.

## **3. Council resolution**

The Rates Policy and Rates By-Law were reviewed by Council on 27 June 2019.

