

# **TSWAING LOCAL MUNICIPALITY**



## **PROPERTY RATES BY-LAW 2020/2021**

**This draft Property Rates By-Law in terms of Section 74 of the Municipal Systems Act No 32 of 2000.**

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## 1. PREAMBLE

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**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 Tswaing Local Municipality, as follows:

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## 2. DEFINITIONS

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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

“**Council**” means Tswaing Local Municipal Council establishment in terms of Section 12 of the Municipal Structures Act 117 of 1998 as amended;

“**Council’s Rates Policy**” means a rates policy adopted by Council;

“**Constitution**” means the Constitution of the Republic of South Africa Act 108 of 1996 as amended.

“**Credit Control and Debt Collection By-Law and Policy**” means the Council’s Credit Control and Debt Collection Bylaws and Policy as required by Section 96 (b), 97 and 98 of the Municipal Systems Act 32 of 2000 as amended;

“**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.

‘**Municipality**’ means Tswaing Local municipality);

‘**Rates Policy**’ means the policy on the levying of rates on rateable properties of the Tswaing Local Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

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### 3. OBJECTIVE

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

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### 4. ADOPTION AND IMPLEMENTATION OF RATES POLICY

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4.1 The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and

4.2 The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

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### 5. CONTENTS OF RATES POLICY

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The Rates Policy shall, inter alia:

5.1 Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;

5.2 Comply with the requirements for:

- a) the adoption and contents of a rates policy specified in section 3 of the Act;
- b) the process of community participation specified in section 4 of the Act; and
- c) the annual review of a Rates Policy specified in section 5 of the Act.
- d) 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
- e) 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).

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## 6. ENFORCEMENT OF THE RATES POLICY

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6.1 The Municipality's 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 Rates Policy.

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## 7. SHORT TITLE AND COMMENCEMENT

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7.1 This By-law is called the Municipal Property Rates By-law, and takes effect on **1 July 2020**.

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