



STEVE TSHWETE LOCAL MUNICIPALITY

RATES BY-LAWS

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RATES BY-LAWS

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 Municipal Property Rates Act, a municipal Council must adopt a policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property in the municipality.
3. In terms of Section 6 (1) of the Municipal Property Rates 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 Municipal Property Rates Act, by-laws adopted in terms of Section 6 (1) may differentiate between different categories of properties, and different categories of owners of properties liable for the payment of rates.

2. INTERPRETATION

In this by-laws, unless the context otherwise indicates –

“Council” means Steve Tshwete 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 By-Laws 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.

3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

1. The Council shall adopt and implement a rates policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property in the municipality.
2. The Council shall not be entitled to levy rates other than in terms of a valid rates policy.

4. CONTENTS OF RATES POLICY

The Council's rates policy shall, *inter alia*:

1. Apply to all rates levied by the Council pursuant to the adoption of the Council's annual budget;
2. Comply with the requirements for:
 - (a) the adoption and contents of a rates policy specified in Section 3 of the Municipal Property Rates Act;
 - (b) the process of community participation specified in Section 4 of the Municipal Property Rates Act;
 - (c) the annual review of a rates policy specified in Section 5 of the Municipal Property Rates Act.
3. Specify any further principles, criteria and implementation measures consistent with the Municipal Property Rates Act for the levying of rates which the Council may wish to adopt;
4. Include such further enforcement mechanisms, if any, as the Council may wish to impose in addition to those contained in the Credit Control and Debt Collection By-laws and Policy.

5. ENFORCEMENT OF RATES POLICY

The Council's rates policy shall be enforced through the Credit Control and Debt Collection By-Laws and Policy and any further enforcement mechanisms stipulated in the Council's rates policy.

6. OPERATIVE DATE

This By-Laws shall take effect on 1 July 2009.