

# **GREATER LETABA LOCAL MUNICIPALITY**



## **PROPERTY RATES POLICY**

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## 1. DEFINITIONS

In this policy definitions, words and expressions have the same meanings as assigned to them in the Property Rates Act, 2004 (Act No 6 of 2004), and unless the context indicates otherwise: –

1.1 “**Accommodation establishments**” – consists of one or more of the following types of accommodation:-

- (i) “*Camping*” (informal temporary accommodation in a unique environment) is defined by a property used for erection of tents or other temporary structures for temporary accommodation for visitors or holiday-makers, which includes ablution, cooking and other facilities that are reasonably and ordinarily related to camping , for use of such visitors, and includes a caravan park, whether publicly or privately owned, but which excludes the alienation of land on the basis of time sharing, sectional title share blocks or individual subdivision; and excludes resort accommodation or mobile homes;
- (ii) “*Bed and Breakfast*” (accommodation in a dwelling-house or second dwelling unit for transient guests) is defined by a dwelling-house or second dwelling in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that the primary use of the dwelling-house concerned shall remain for the living accommodation of a single family;
- (iii) “*Guest House*” (accommodation in a dwelling-house or second dwelling unit for transient guests) is defined by a dwelling-house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment and may include business meetings or training sessions for resident guests;
- (iv) “*Self-catering Accommodation*” (accommodation for non-permanent residents and transient guests) is defined by a house, cottage, chalet, bungalow, flat, studio, apartment, villa, or similar accommodation where facilities and equipment are provided for guests to cater for themselves. The facilities should be adequate to cater for the maximum advertised number of residents the facility can accommodate;
- (v) “*Self-catering Apartments*” (accommodation for non-permanent residents and transient guests) is defined by a building or group of buildings consisting of separate accommodation units, each incorporating a kitchen facility, and which may include other communal facilities for the use of transient guests, together with outbuildings as are normally used therewith; which are rented for residential purposes and may include holiday flats; but does not include a hotel, dwelling-house, second dwelling or group house;
- (vi) “*Backpackers Accommodation*” (accommodation and communal facilities in a building or free standing buildings for transient guests) is defined by a building where lodging is provided, and may incorporate cooking dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith and

includes a building in which dormitories/rooms/beds are rented for residential purposes, youth hostel, and backpackers' lodge; but does not include a hotel, dwelling house, second dwelling or group house;

(vii) "Boarding House" a dwelling-house or second dwelling which is used for the purpose of supplying lodging with or without meals or self catering to non permanent/permanent residents for compensation; provided that the primary use of the dwelling-house shall remain for the living accommodation of a single family;

1.2 "Act" – means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004) and any amendment thereof;

1.3 "Annually" – means once every financial year;

1.4 "Business and commercial property" – means –

(a) Property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or

(b) property on which the administration of the business of private or public entities take place;

1.5 "Category" –

(a) In relation to a property, means a category of properties determined in terms of Section 8(2) of the Act;

(b) In relation to the owners of property, means a category of owners determined in terms of Section 15(2) of the Act;

1.6 "Conservation area" – means -

(a) A protected area as listed in Section 10 of the Protected Areas Act, 2003;

(b) A nature reserve established in accordance with the Nature and Environment Conservation Ordinance, No 19 of 1974; or

(c) Any land area zoned as open area zone II or III in accordance with the municipality's zoning scheme regulations;

provided that such protected areas, nature reserves or land areas, with the exception of tourism facilities that may be erected thereupon, be used exclusively for the conservation of the fauna and flora and the products of those land areas may not be traded for commercial gain;

1.7 "exclusion" – in relation to a municipality's rating power, means a restriction of that power as provided for in Sections 16 and 17 of the Act;

- 1.8 **“exemption”** - in respect of the calculation of a rate means an exemption granted in terms of Section 15(1)(a) of the Act;
- 1.9 **“Farm property or small holdings used for agricultural purpose”** – means property that is used for the cultivation of soils for purposes of planting and gathering in of crops; forestry in the context of the planting or growing of trees in a managed and structured fashion; the rearing of livestock and game or the propagation and harvesting of fish, but excludes the use of a property for the purpose of eco-tourism; and in the respect of property on which game is reared, trade or hunted, it excludes any portion that is used for commercial or business purposes;
- 1.10 **“Farm property not used for any purpose”** – means agricultural property which is not used for such purpose, regardless of whether such portion of such property has a dwelling on it which is used as a dwelling and must be regarded as residential property;
- 1.11 **“Financial year”** – the period starting from 1 July in a year to 30 June the following year;
- 1.12 **“industrial property”** – means property used for a branch of trade or manufacturing, production, assembly or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labour are significantly involved, and includes any office or other accommodation on the same property, the use of which is incidental to such activity;
- 1.13 **“Local community”** – in relation to the municipality –
- (a) Means that body of persons comprising –
    - (i) The residents of the municipality;
    - (ii) The rate payers of the municipality;
    - (iii) Any civic organisations and non-governmental, private sector or labour organisations 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 deprived sections of such body of persons;
- 1.14 **“local municipality”** – a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls and which is described in Section 155(1) of the Constitution as a category B municipality;
- 1.15 **“Market value”** – in relation to a property, means the value of the property determined in accordance with Section 46 of the Act;
- 1.16 **“Multiple purposes”** – in relation to a property, means the use of a property for more than one purpose as intended in Section 9 of the Act;
- 1.17 **“Municipal Council”** or **“Council”** – is a municipal council referred to in Section 18 of the Municipal Structures Act, 1998 (Act No 117 of 1998);

- 1.18 **“Municipal Manager”** – means a person appointed in terms of Section 82 of the Municipal Structures Act, 1998 (Act No 117 of 1998);
- 1.19 **“Municipal property”** – is property registered or established in the name of the Greater Letaba Municipality;
- 1.20 **“Municipality”** –
- (a) As a corporate entity means a municipality as described in Section 2 of the Municipal Systems Act, 2000 (Act No 32 of 2000); and
  - (b) As a geographical area, means a municipal area demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);
- 1.21 **“Occupier”** – in respect of a property means a person in actual occupation of a property, whether or not that person has a right to occupy the property;
- 1.22 **“Open space”** - means land that is used as a park, garden, for passive leisure or maintained in its natural state;
- 1.23 **“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 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 in the Act of the term “publicly controlled”.

Provided that a person mentioned below May for the purposes of this Act be regarded by a 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 another personal servitude;
- (vii) A lessee, in the case of a property that is registered in the name of a municipality and is leased by it;

- (viii) A buyer, in the case of a property that was sold and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- 1.24 **“Permitted use”** – in respect of a property means the limited purposes for which a property may be used in terms of the following –
- (a) Any restrictions imposed by:
    - (i) A condition of title; or
    - (ii) A provision of a town planning or land use scheme; or
    - (iii) Any legislation applicable to any specific property or properties; or
  - (b) Any alleviation of any such restrictions;
- 1.25 **“Private open space”** means land that is privately owned and used for practising of sport, play- or leisure facilities or used as a botanical garden, cemetery or nature area;
- 1.26 **“Privately owned townships serviced by the owner”** – means single properties, situated in an area not ordinarily being serviced by the municipality, divided through subdivision or township establishment in (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 recreation facilities, are installed at the full cost of the developer and are rendered and maintained by the residents of such estate;
- 1.27 **“Property”** – means
- (a) Immovable property registered in the name of a person, including, 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 services infrastructure;
- 1.28 **“Property register”** – a register of properties referred to in Section 23 of the Act;
- 1.29 **“Rate”** – a municipal rate on a property envisaged in Section 229(1) (a) of the Constitution;
- 1.30 **“Rateable property”** – means property on which a 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;
- 1.31 **“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 the property;
- 1.32 **“Reduction”** – in respect of a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of that property at that lower amount;

1.33 **“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. 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 is used predominantly for residential purposes;
- (c) Is owned by a share-block company and is used predominantly for residential purposes;
- (d) Is a residence used for residential purposes situated on a property used for educational purposes;
- (e) Is property which is included as residential in a valuation list in terms of Section 48(2)(b) of the Act;
- (f) Are retirement schemes and life right schemes used predominantly (60% or more) for residential purposes;

Vacant properties (empty stands), hotels, hostels, old-age homes and accommodation establishments, irrespective of their zoning or intended use, have been specifically excluded from this property category;

1.34 **“Small holding”** – means all agricultural zoned land units larger than one hectare and less than ten hectares.

1.35 **“State owned property”** – excludes any property included in the valuation roll under the category ‘residential property’ or ‘vacant land’.



## **2. OBJECTIVES OF THE POLICY**

2.1 The objectives of this policy are: –

- (a) To comply with the provisions of Section 3 of the Property Rates Act;
- (b) To determine criteria to be applied for –
  - (i) Levying differential rates for different property categories;
  - (ii) Exemptions;
  - (iii) Reductions;
  - (iv) Rebates; and
  - (v) Rate increases.
- (c) To determine or provide criteria for the determination of the following:
  - (i) Property categories for the purpose of levying different rates; and
  - (ii) categories of owners of properties for the purpose of granting exemptions, rebates and reductions;
- (d) To determine how the municipality's power should be exercised in terms of multiple-used properties;
- (e) To identify and quantify the following for the municipality in terms of costs and the benefit for the community –
  - (i) exemptions, rebates and reductions; and
  - (ii) exclusions.
- (f) To take into account the effect of rates on the indigent;
- (g) To take into account the effect of rates on organisations that perform activities for public benefit;
- (h) To take into account the effect of rates on the public services infrastructure;
- (i) To determine measures for promoting local economic and social development; and
- (j) To identify all rateable revenue not being rated.

### **3. POLICY PRINCIPLES**

- 3.1 The levying of rate on a property is an exclusive right of the municipality which will be exercised: –
- (a) Optimally and comprehensively within the municipality; and
  - (b) With consideration of the total revenue source of the municipality.
- 3.2 The rating of properties will be done independently, justly, equitably and without prejudice and this principle will also be applied with the determination of criteria for exemptions, reductions and rebates as provided for in Section 15 of the Act.
- 3.3 The levying of property rates must be implemented in such a way that: -
- (a) It is aimed at development;
  - (b) It promotes sustainable local government by providing a stable and constant revenue Source within the discretionary control of the municipality; and
  - (c) It promotes economic, social and local development.
- 3.4 Property rates will be levied to: –
- (a) Collect revenue to balance the Municipality’s operational and capital budgets;
  - (b) Correct the imbalances of the past; and
  - (c) Minimise the effect of rates on the indigent.
- 3.5 The market value of a property serves as basis for the calculation of property rates.
- 3.6 The rate tariff will be based on the value of all rateable properties and the amount the municipality needs to fund community and subsidised services, after taking into account any possible surplus generated from trading and economic services and the amounts required to finance exemptions, rebates and reductions of rate, as approved by council from time to time.
- 3.7 Trade and economic services will be financially ring fenced and tariffs and service charges will as far as possible be calculated in such a way that the revenue generated covers the cost of the services or generate a surplus.
- 3.8 The provision for operating capital and bad debt must be related to community and subsidised services and must not include any provisions in respect of trade and economic services.
- 3.9 The revenue basis of the municipality will be optimally protected by limiting the exemptions, rebates and reductions.
- 3.10 Property rates will be used to finance community and subsidised service.
- 3.11 Surpluses from trade and economic services may be used to subsidise community and subsidised services.

#### **4. COMMUNITY PARTICIPATION**

- 4.1 Before Council adopts its rates policy, the Municipality must follow a process of community participation in accordance with Chapter 4 of the Municipal Systems Act.
- 4.2 The Municipal Manager must:
- 1) Conspicuously display the draft rates policy for a period of at least 30 days:
    - i. At the municipality main office; satellite offices and libraries; and
    - ii. On the Municipality's official website.
  - 2) Advertise a notice in the local printed media stating:
    - i. That a draft rates policy has been prepared for submission to the council; and;
    - ii. That the draft rates policy is available at the municipality main office and satellite offices and libraries for public inspection during office hours and;
    - iii. That the policy is available on the Municipality's official website;
    - iv. That the local community is invited to submit comments and representations to the Municipality within 31 days from the date that the policy was published in the media.
- 4.3 Council must take all comments and representations made to it or received by it by the public into account when it considers the draft rates policy.

## 5. CATEGORISATION OF SERVICES

5.1 The Accounting Officer must, subject to the guidelines provided by the National Treasury and Executive Committee of Council, make provision for the following categories of municipal services:

(a) **Trade services**

- Water
- Electricity

(b) **Economic services**

- Waste removal
- Sewerage

(c) **Community services**

All other functions and powers assigned to the municipality in terms of Sections 156 and 229 of the Constitution (excluding powers and functions assigned to the District Municipality in terms of Section 83 (1) of the Local Government: Municipal Structures Act).

## **6. CATEGORIES OF PROPERTIES**

6.1 Subject to Section 19 of the Act, Greater Letaba Municipality may, in terms of the criteria set out in its rates policy, levy different rates for different categories of rateable properties, which may include categories determined according to the:

- (a) Use of the property;
- (b) Permitted use of the property; or
- (c) Geographical area in which the property is situated.

6.2 Categories of rateable property that may be determined include the following:

- (a) residential (improved property);
- (b) property that is vacant (empty stands) with zoning or proposed use earmarked for residential;
- (c) property that is vacant (empty stands) with zoning or proposed use earmarked for industrial, business or commercial;
- (d) industrial;
- (e) business and commercial;
- (f) farm properties used for:
  - i. agricultural purposes;
  - ii. other commercial or business purposes;
  - iii. residential purposes; or
  - iv. purposes other than those specified in subparagraphs (i) to (iii);
- (g) farm properties not used for any purpose;
- (h) smallholdings used for:
  - i. agricultural purposes;
  - ii. residential purposes;
  - iii. industrial purposes;
  - iv. commercial and business purposes; or
  - v. Purposes other than those specified in subparagraphs (i) to (iv).
- (i) state-owned property;
- (j) municipal property;
- (k) public services infrastructure;
- (l) Property:
  - i. acquired through the Provision of Land and Assistance Act, 1993 (Act No 126 of 1993) or the Restitution of Land Rights Act, 1994 (Act No 22 of 1994); or
  - ii. which is subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
- (m) protected areas;
- (n) properties used for any specific public benefit activities listed in Part 1 of the Ninth Schedule to the Income Tax Act, 1962 (Act No 58 of 1962);
- (o) properties used for multiple purposes, subject to section 9 of the Act;
- (p) accommodation establishments;
- (q) private open space;
- (r) Such other categories as may be determined by the council from time to time.

## **7. CATEGORIES OF OWNERS**

7.1 For the purpose as described in section 2(3)(b) of the policy the following categories of owners will be recognised in terms of section 15(2) of the Act:

- (a) Those owners who qualify and who are registered as indigent in terms of the adopted indigent policy of the Municipality;
- (b) Owners of properties situated within an area affected by:
  - (i) A disaster within the meaning of the Disaster Management Act, 2002 (Act No 57 of 2002); or
  - (ii) Any serious adverse social or economic conditions.
- (c) Owners of properties situated in “privately owned townships” serviced by the owner;
- (d) Owners of agricultural properties as referred to in clause 10.1.4 of this policy;
- (e) Owners of farm properties that are used for residential purposes;
- (f) Owners of farm properties that are used for industrial, commercial and business purposes;
- (g) Owners of smallholdings used for residential purposes;
- (h) Owners of smallholdings used for industrial, commercial and business purposes; and
- (i) Owners of developed properties not yet sold and transferred.

## **8. DIFFERENTIAL RATING**

- 8.1 Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act will be according to:
- (a) The nature of the property including its sensitivity to rating, e.g. agricultural properties used for agricultural purposes; and
  - (b) The promotion of social and economic development within the municipality.
- 8.2 Differential rating among the various property categories will be done by way of setting a different cent amount in the rand for each property category; and
- 8.3 By way of reductions and rebates as provided for in this policy document.

## **9. EXEMPTIONS**

### **9.1 Categories of properties**

9.1.1 The following property categories are exempt from the payment of property rates: –

#### 9.1.1.1 Municipal properties

All properties registered in the name of the Greater Letaba Municipal are exempted from paying property rates.

#### 9.1.1.2 Residential properties

All residential developed and undeveloped property with a market value of less than the amount as annually determined by the municipality, are exempted from paying property rates.

Residential households that have applied for indigent status and for whom the status was approved by the Municipality are fully exempt from the payment of property rates.

#### 9.1.1.3 Public Service Infrastructure

Public services infrastructure properties as approved by Council will be charged reduced rates as annually approved by Council as it provides essential services to the community.

#### 9.1.1.4 Public Benefit Organisations

9.1.1.4.1 Public Benefit Organisation Property means property owned by public benefit organisations and used for any specified public benefit 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, 1962, (Act No 58 of 1962).

9.1.1.4.2 All possible benefiting organisation organisations must annually apply by 30 June for exemption for the financial year in respect of which the application is made. If the exemption applied for is approved it will be valid for the next financial year or until the status of organisation has changed and they are no longer deemed to be a public benefit organisation. Applications received after 30 June and approved will only be applied for the remainder portion of the current year in which the application was received and approved.

9.1.1.4.3 In order to be approved as a benefiting organisation the organisation applying for the exemption must submit together with the application an original rate exemption certificate as issued by the South African Revenue Services as contemplated in terms of Part 1 of the Ninth Schedule of the Income Tax Act;

9.1.1.4.4 The municipality retains the right to refuse the application for exemption if the details supplied in the application were incomplete, incorrect or false.



9.1.1.5 Exemptions for 9.1.1.1 to 9.1.1.3 will automatically apply and no application is thus required by the owners of such property.

## **9.2 Impermissible Rates**

9.2 In terms of Section 17(1) of the Property Rates Act, 2004, the municipality may, inter alia, not levy rates:

- (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, 2003 (Act No 57 of 2003), or of a national botanical garden within the meaning of the National Environmental Management Biodiversity Act, 2004 (Act No 10 of 2004), which are not developed or used for commercial, business, residential or agricultural purposes.
- (b) On mineral rights within the meaning of paragraph (b) of the definition for “property” in Section 1 of the Act.
- (c) On a property belonging to a land reform beneficiary or his or her heirs, provided that the exclusion lapses ten years from the date on which such beneficiary’s title was registered in the Deeds register.
- (d) On a property registered in the name of and primarily used as a place of public worship, including an official residence registered in the name of the church that is occupied by an office-bearer who acts as officiant of the church.

## **10. REBATES**

### **10.1 Categories of properties**

10.1.1 Business, commercial and industrial properties

10.1.1.1 The municipality may grant rebates to rateable undertakings that promote local, social or economic development within the municipal jurisdiction. The following criteria will apply: –

- (a) Job creation in the municipal area;
- (b) Social upliftment of the local community; and
- (c) Creation of infrastructure for the benefit of the community.

10.1.1.2 Rebates will be granted on application subject to: -

- (a) A business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
- (b) A continuation plan issued by the directors and certified by the auditors stating that the objectives have been met and how they plan to continue meeting the objectives;
- (c) An assessment by the municipal manager or his/her nominee indicating that the company qualifies.

10.1.1.3 Council will consider all LED requests on an individual basis according to merits.

#### 10.1.2 Privately owned townships serviced by the owner

The municipality grants an additional rebate, to be determined on an annual basis and be approved by Council, which applies to privately owned townships serviced by the owners as defined in terms of paragraph 1 of this policy. Applications to this effect must be addressed in writing to the municipality by 30 June for the next financial year in respect of which the rate is levied. If the rebate applied for is granted the rebate will apply for the full financial year. Applications received after 30 June in the rebate if approved will only be applied for the remainder of that financial year.

#### 10.1.3 Rebate on agricultural property

10.1.3.1 When considering the criteria to be applied in respect any exemptions, rebates and reductions on any properties used for agricultural purposes the municipality must take into account: –

- (a) The extent of rates-funded 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.

10.1.3.2 In terms of Section 84 of the Act the Minister for Provincial and Local Government, and in concurrence with the Minister of Finance as required through Section 19 of the Act, may determine that a rate levied by council on a category of non-residential property may not exceed a prescribed ratio to the tariff levied on residential properties. In the absence of any such promulgation the municipality will apply a standard ratio for agricultural properties from 1:0.25 (75% rebate on the tariff for residential properties). The current ratio as promulgated by the Minister of 1:0.25 remains in place for the 2015/2016 financial.

10.1.3.3 An additional rebate (based on the total property value) of maximum 10% will be granted by the municipality at rates as approved by Council in respect of the following: –

- (a) for the provision of accommodation in a permanent structure to full-time farm workers and their dependents or families;
- (b) if there are no municipal roads next to the property;
- (c) if municipal services are not provided to the property by the Municipality;
- (d) if these residential properties of the farm workers are provided with potable water;
- (e) if the residential properties of the farm workers are electrified;
- (f) for the provision of land for burial for own workers or for educational or recreational purposes to own workers and workers from surrounding farms.

10.1.3.4 The granting of additional rebates is subject to the following:

- (a) All applications must be addressed in writing to the municipality indicating how service delivery and development obligations of the municipality and contribution to the social and economic welfare of farm workers were met. This application will be required as a once-off requirement.
- (b) Any new applications must be addressed in writing to the municipality by 30 June for the next financial year in respect of which the application is made. If the rebate

applied for is granted the rebate will apply for the full financial year and such application will again be regarded as a once-off requirement. Applications received after 30 June for the financial year in respect of which the application is made will only be applied for the remainder of that financial year if approved.

- (c) Council reserves the right to send officials or its agents on an annual basis to premises/households receiving relief for the purposes of conducting an on-site audit of the details supplied. The onus also rests on recipients to immediately notify Council of any changes in their original applications.
- (d) The municipality retains the right to refuse applications for rebates if the details supplied in the application form were incomplete, incorrect or false.

10.1.3.5 No other rebates will be granted to properties that qualify for the agricultural rebate. In order to avoid doubt, properties that qualify for the agricultural rebate will not be entitled to the residential rate exemption as set out in paragraph 9.1.1.2 in this policy.

10.1.4 Farm properties and smallholdings used for residential purposes

The municipality annually grants an additional rebate to owners of farm properties and smallholdings that are used for residential purposes. Such a rebate is in relation to the extent of rate-funded services that the municipality renders in respect of such properties. The rebate will be at a rate as annually approved by Council.

10.1.5 Farm properties and smallholdings used for industrial, commercial and business purposes –

The municipality annually grants an additional rebate to owners of farm properties and smallholdings that are used for industrial, commercial and business purposes. Such a rebate is in relation to the extent of rate-funded services that the municipality renders in respect of such properties. The rebate will be at a rate as annually approved by Council.

## **10.2 Categories of Owners**

10.2.1 Indigent owners –

The owners that qualify are registered indigents in terms of the Municipality's policy for indigents and will receive a rebate on the payment of rates as specified in the Municipality's policy for indigents. In terms of the current policy, Category A registered indigents shall be fully subsidised and Category B registered indigents shall be subsidised for 50% of the basic levy the payment of property rates. If they qualify in terms of the municipality's policy for indigents these rebates will automatically be applied and no further application is necessary.

10.2.2 Rebates for retired and disabled persons

10.2.2.1 Retired and disabled persons qualify for special rebates in accordance with their monthly household income at rates as approved by Council. Property owners who meet the following requirements may apply for a rebate:

- (a) The property must be registered in the name of the applicant or the usufruct of the property must be established in the name of the applicant.

- (b) The owner must be at least sixty (60) years of age or in receipt of a disability pension from the Department of Social Development.
- (c) The property owner may not be the owner of more than one property.
- (d) The owner must occupy the relevant property. Where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- (e) In the case of a semi-detached house, of which a section is rented out, only the rates paid on that section occupied by the owner is subject to rebates.
- (f) If the owner is a disabled person who receives a disability grant from the government or a person who, due to medical reasons, had to take early retirement, the age requirement will not apply.

10.2.2.2 The rebate rates for pensioners and disabled persons will be determined on an annual basis and approved by Council before the start of each financial year.

10.2.2.3 Property owners must apply for a rebate on a prescribed form as stipulated by the municipality, and these applications must reach the municipality by 30 June for the next financial year in respect of which the application is made. If the rebate applied for is granted the rebate will apply for the full financial year and such application will again be regarded as a once-off requirement. Applications received after 30 June for the financial year in respect of which the application is made will only be applied for the remainder of that financial year if approved.

10.2.2.4 The municipality retains the right to refuse the granting of rebates if the details supplied in the application were incomplete, incorrect or false.

10.2.2.5 Applications for the rebate must be accompanied by the following information: –

- (a) A certified copy of the identity document of the owner or any other proof of the owner's age which is acceptable to the municipality;
- (b) Sufficient proof of income of the owner and the his/her spouse;
- (c) An affidavit from the owner;
- (d) If the owner is a disabled person, satisfactory proof submitted to the municipality that the relevant person receives a disability pension payable by the state; and
- (e) Proof of early retirement if the owner has retired at an earlier stage due to medical reasons.

## **11. REDUCTIONS**

11.1 Reductions as contemplated in section 15 of the Act will be considered on an ad-hoc basis in the event of the following:

- (a) Partial or total destruction of a property; or
- (b) Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

11.2 The following conditions shall be applicable in respect of clause 11.1:

- (a) The owner of the property shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/ she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
- (b) Owners of property will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- (c) A maximum reduction to be determined on an annual basis and approved by Council shall be allowed in respect of both clauses above.
- (d) An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- (e) If rates were paid in advance prior to granting of a reduction the Municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

## **12. COST OF EXEMPTIONS, REBATES AND REDUCTIONS**

- 12.1 The Accounting Officer must inform Council during the budgeting process of all the costs associated with the proposed exemptions, rebates, reductions, phasing-in of rates and grants in the place of rates.
- 12.2 Provision must be made on the operating budget for:
- (a) The full potential revenue associated with property rates; and
  - (b) The full cost associated with exemptions, rebates and reductions.

### **13. MULTIPLE USE OF PROPERTIES**

- 13.1 Rates on properties that are applied for multiple purposes will be calculated at a rate applicable to the permitted or zoned use of the property as described in section 9(1) and 9(2) of the Act.
- 13.2 The apportionment of the market value of the property must be stated in the valuation roll

## **14. PROPERTY REGISTER**

- 14.1 A detailed property register must be compiled and maintained regarding all properties in the municipal area of jurisdiction of the Municipality. Thus property register must be divided into the following sections:
- (a) Section A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations, as done from time to time.
  - (b) Section B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
    - (i) Exemption from rates in terms of section 15 of the Act;
    - (ii) A reduction or rebate in terms of section 15;
    - (iii) The phasing in of tariffs in terms of section 21; and
    - (iv) Exclusions as referred to in section 17.
- 14.2 The register will be open for inspection to the public during office hours at the main office of the Municipality or on the internet website of the Municipality.
- 14.3 Section A of the register will be updated at least annually by the Municipality during the supplementary valuation process.
- 14.4 Section B of the register will be updated annually as part of the implementation of the municipality's annual budget.



## **15. COMMENCEMENT OF RATES**

15.1 Property rates must be annually approved by Council and becomes effective and payable:

- As from the start of a financial year; or
- If the municipality's annual budget is not approved by the start of the financial year, as from such later date when the municipality's annual budget, including a resolution levying rates, is approved by the provincial executive in terms of Section 26 of the Municipal Finance Management Act.

15.2 When levying rates, a municipality must levy the rate for a financial year. A rate lapses at the end of the financial year for which it was levied

15.3 Compulsory phasing-in of certain rates

A rate levied on newly rateable property must be phased in over a period of three to four financial years as stipulated in Section 21 of the Act and approved by Council.

**16. NOTIFICATION OF RATES**

- 16.1 Council will give notice at least 30 days before the rate approved during the annual budget meeting will come into effect. Accounts furnished after the 30 days' notice will be based on the new rates.
- 16.2 A notice containing the extent of council's resolution and the date on which the new rate will come into effect will be displayed by the municipality at places installed for this purpose.

## **17. CONSULTATION PROCESS**

- 17.1 Before Council commands a new valuation in terms of the Act, a consultation process involving all interest groups will be undertaken during which the purpose and method of valuation will be explained.
- 17.2 Before the Municipality accepts the rates policy the Municipal Manager will follow a process of public participation, as prescribed in chapter 4 of the Municipal Systems Act, and comply with the following requirements: –
- 17.2.1 Display the draft property rates policy continuously for a period of thirty (30) days at the Municipality's head office, satellite offices and on the website.
- 17.2.2 Publish a notice in the media stating that the draft property rates policy was compiled for submission to council and that such a policy is available at the different municipal offices and on the website for public inspection.
- 17.2.3 Property owners and interested persons may obtain a copy of the draft policy from the municipal office during office hours at a prescribed cost per copy.
- 17.2.4 Property owners and interested parties are invited to address written suggestions or representations to the municipality within the period prescribed in the notice.
- 17.3 Council will consider all suggestions and/or representations received during the finalisation of the property rates policy.

## **18. FURNISHING OF ACCOUNTS**

- 18.1 The municipality will monthly furnish each person liable for the payment of a rate with a written account, specifying: -
- (a) The amount due for rates payable;
  - (b) The date on or before which the amount is payable;
  - (c) How the amount was calculated;
  - (d) The market value of the property; and
  - (e) Exemptions, reductions and rebates or the phasing-in of rates, if applicable.
- 18.2 A person liable for the payment of rates remains liable for payment, whether or not that person has received a written account from the municipality. Inquiries must be addressed to the Municipality by such a person who has not received a written account.
- 18.3 In the case of joint ownership the municipality will, in order to limit costs and prevent unnecessary administration, recover the rates continuously from one of the joint owners.

## **19. PAYMENT OF RATES**

19.1 Council may claim the payment of rates: -

- (a) On a monthly basis and by the payment dates as specified on the monthly accounts; or
- (b) Annually before 30 September of each year.

Rate payers may choose to pay rates in one instalment annually on or before 30 September of each year. The property owner subject to rates must notify the Municipal Manager or his/her nominee by no later than 30 June in any financial year, or such later date in the financial year as determined by the municipality, that he/she wishes to pay all rates in respect of such a property in annual instalments, after which such an owner shall be entitled to pay all rates in the subsequent financial year and all subsequent financial years annually until he/she withdraws this notice in similar manner.

- 19.2 If elected to pay the annual rate in a single payment the full amount after a rebate of 5% is calculated by the Municipality must be paid to the Municipality on or by 20 September of each year.
- 19.3 Interest on rates in arrear, whether paid annually or in equal monthly instalments, shall be calculated in accordance with the provisions of the municipality's policy on credit control and debt collection.
- 19.4 If a property owner who in terms of this policy is liable for the payment of property rates fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the municipality's by-law on credit control and debt collection.
- 19.5 Rates in arrear shall be recovered from tenants, occupiers and agents for the owner in terms of section 28 and 29 of the Act and the municipality's policy on credit control and debt collection.
- 19.6 In the event of rates levied emanating from a supplementary valuation, payment thereof will be according to the date determined by the Municipality and payment thereof may not be withheld pending an objection or appeal as determined by section 78(2) of the Act.
- 19.7 In the event that a property has been transferred to a new owner and rates emanating from a supplementary valuation become due and payable, the owner on date of the levy will be held responsible for the settlement of the interim rates account.
- 19.8 Where the rates on a specific property have been incorrectly determined, whether because of an error or omission on the part of the Municipality or false information provided by the property owner concerned, or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be adjusted retrospectively for the period of the date on which the error or omission is detected, back to the date on which rates were first levied in terms of the current valuation roll.
- 19.9 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, interest on the unpaid portion

of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

19.10 Section 118 of the Local Government: Municipal Systems Act No 32 of 2000

19.10.1 The Municipality will issue a certificate required for the transfer of immovable property in terms of Section 118 of the Systems Act, which is lodged with the Municipality in the prescribed manner subject to all amounts that became and are due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties have been fully paid by the owner before the transfer of the property can be affected.

19.10.2 If the owner refuses to pay the debt owing then the Municipality will apply to a competent Court for an order in the following terms:

- (i) In the case where there is already a judgment for the payment of the amount, an order that the judgment debt be paid out of the proceeds of the sale, before the mortgage debt is settled.
- (ii) In the case where there is no judgment debt, for an order staying transfer of the property pending the finalisation of a civil action to be instituted against the person who is in law liable for the payment of the outstanding debt.
- (iii) The above action must be taken before the property is transferred as the statutory lien created by Section 118(3) of the Act only endures until the property has been transferred and in terms of Section 118(5) of the Act the new owner of the property cannot be held liable for the debt that became due before a transfer of a residential property took place.

19.10.3 Rates Clearance Certificates:-

- (i) Will be valid for up to 60 days;
- (ii) No extension on a certificate will be granted. If it expires a new application for clearance must be made;
- (iii) If the valid period surpasses 30 June, the total annual debit for the following financial year will be payable.

Comment [u1]: 120 days

## **20. GENERAL VALUATIONS OF RATEABLE PROPERTY**

### **20.1 Frequency of valuations**

**Comment [u2]:** 5 years

- 20.1.1 The municipality shall prepare a new valuation roll at least every four (4) years. In accordance with the Act the municipality, under exceptional circumstances, may request extension to extend the validity of the valuation roll to five (5) years in accordance to the stipulations of the Act.
- 20.1.2 Supplementary valuations shall be done on a continual basis, but at least on an annual basis, in order to ensure that the valuation roll is maintained.

### **20.2 Designation of municipal valuers**

- 20.2.1 The Municipality will acquire the services of a municipal valuer through its normal supply chain management processes;
- 20.2.2 The Municipality shall designate and appoint a qualified person in private practice as its valuer in terms of section 33 (2) of the Act;
- 20.2.3 The Municipality will withdraw the designation of a person as its municipal valuer but only on the grounds of :
- (a) misconduct, incapacity or incompetence;
  - (b) non-compliance with a provision of this Act;
  - (c) under-performance; or
  - (d) breach of contract,

### **20.3 Functions of municipal valuers**

- 20.3.1 The appointed valuer of a Municipality must in accordance with the Act—
- (a) Value all properties in the Municipality's area of jurisdiction in terms of section 30(2);
  - (b) Prepare a valuation roll of all properties in the Municipality determined in terms of section 30 (3);
  - (c) Sign and certify the valuation roll;
  - (d) Submit the valuation roll to the Municipal Manager within a prescribed period;
  - (e) Consider and decide on objections to the valuation roll;
  - (f) Attend every meeting of an appeal board when that appeal board:
    - (i) hears an appeal against a decision of that valuer; or
    - (ii) reviews a decision of that valuer;
  - (g) Prepare a supplementary valuation roll whenever this becomes necessary;
  - (h) Assist the Municipality in the collection of postal addresses of owners where such addresses are reasonably determinable by the valuer when valuing properties; and
  - (i) Generally, provide the Municipality with appropriate administrative support incidental to the valuation roll.

### **20.4 Assistant municipal valuers**

Where the appointed municipal valuer wishes to appoint an assistant valuer, such appointment must be conducted in terms of Section 35 of the Act.

## **20.5 Data-collectors**

Where the appointed municipal valuer wishes to utilise external individuals or municipal officials as data collectors it must be done in accordance to the stipulations of Section 36 of the Act.

## **20.6 Delegations by municipal valuers**

The appointed municipal valuer may only delegate powers and duties to the appointed data collectors and assistant valuer in terms of Section 37 of the Act.

## **20.7 Qualifications of municipal valuers**

20.7.1 A municipal valuer:

- (a) Must be a person registered as a professional valuer or professional associated valuer in terms of the Property Valuers Profession Act, 2000 (Act No. 47 of 2000); and
- (b) May not be a Councillor of the Municipality.

20.7.2 An assistant municipal valuer:

- (a) Must be a person registered as a professional valuer, a professional associated valuer or a candidate valuer in terms of the Property Valuers Profession Act, 2000; and
- (b) May not be a Councillor of the Municipality.

## **20.8 Inspection of and access to property and documentation**

20.8.1 Municipal valuer must inspect all properties for the purpose of the valuation before the valuations are determined.

20.8.2 Documentation required could be requested from the owners, tenants or occupiers of properties and copies may be made of such documents.

## **20.9 Conduct of valuers**

20.9.1 A municipal valuer or assistant municipal valuer:

- (a) Must disclose to the Municipality any personal or any private business interest that the valuer, or any spouse, parent, child, partner or business associate of the valuer, may have in any property in the Municipality;
- (b) May not use the position as a municipal valuer or assistant municipal valuer for private gain or to improperly benefit another person; and
- (c) Must comply with the Code of Conduct set out in Schedule 2 to the Municipal Systems Act.
- (d) May not perform the valuation of a property in which that valuer, or any spouse, parent, child, partner or business associate of the valuer, has a personal or private business interest, and the municipal manager must designate a special valuer to perform that valuation.

## **20.10 Protection of information**

20.10.1 A municipal valuer, assistant municipal valuer, data-collector or other person accompanying any of the before mentioned may not disclose to any person any information obtained whilst exercising a power except:

- (a) within the scope of that person's powers and duties in terms of this Act;
- (b) for the purpose of carrying out the provisions of this Act;



- (c) for the purpose of legal proceedings; or
- (d) In terms of a court order.

## **20.11 Public notice of valuation rolls**

20.11.1 The valuer of a municipality must submit the certified valuation roll to the Municipal Manager, and the Municipal Manager must within 21 days of receipt of the roll:

- (a) Publish in the prescribed form in the provincial Gazette, and once a week for two consecutive weeks advertise in the media, a notice stating:
  - that the roll is open for public inspection for a period stated in the notice, which may not be less than 30 days from the date of publication of the last notice; and
  - inviting every person who wishes to lodge an objection in respect of any matter in, or omitted from, the roll to do so in the prescribed manner within the stated period;
- (b) Publish the valuation roll on the Municipality's website.

## **20.12 Inspection of, and objections to, valuation rolls**

20.12.1 Any person may, within the period stated in the notice:

- (a) Inspect the roll during office hours;
- (b) On payment of a reasonable fee, request the Municipality during office hours to make extracts from the roll; and
- (c) Lodge an objection with the municipal manager against any matter reflected in, or omitted from, the roll.

20.12.2 An objection must be in relation to a specific individual property and not against the valuation roll as such.

20.12.3 The Municipal Manager must assist an objector to lodge an objection if that objector is unable to read or write.

20.12.4 The Council may also lodge an objection with the Municipal Manager concerned against any matter reflected in, or omitted from, the roll. The Municipal Manager must inform the Council of any matter reflected in, or omitted from, the roll that affects the interests of the Municipality.

20.12.5 The Municipal Manager must, within 14 days after the end of the period stated in the notice submit all objections to the municipal valuer, who must promptly decide and dispose of the objections in terms of section 51 of the Act.

20.12.6 The lodging of an objection does not defer liability for payment of rates beyond the date determined for payment.

## **20.13 Processing of objections**

20.13.1 The municipal valuer must promptly and within 30 days:

- (a) Consider objections in accordance with a procedure that may be prescribed;
- (b) Decide objections on facts, including the submissions of an objector, and, if the objector is not the owner, of the owner; and
- (c) Adjust or add to the valuation roll in accordance with any decisions taken.

#### **20.14 Compulsory review of decisions of municipal valuer**

- 20.14.1 If a municipal valuer adjusts the valuation of a property by more than 10 per cent upwards or downwards:
- (a) The municipal valuer must give written reasons to the municipal manager; and
  - (b) The Municipal Manager must promptly submit to the relevant valuation appeal board the municipal valuer's decision, the reasons for the decision and all relevant documentation, for review.
- 20.14.2 An appeal board must:
- (a) Review any such decision; and
  - (b) Either confirm, amend or revoke the decision.
- 20.14.3 If the appeal board amends or revokes the decision, the chairperson of the appeal board and the valuer of the municipality must ensure that the valuation roll is adjusted in accordance with the decisions taken by the appeal board.

#### **20.15 Notification of outcome of objections and furnishing of reasons**

- 20.15.1 A municipal valuer must, in writing, notify every person who has lodged an objection, and also the owner of the property concerned if the objector is not the owner, of:
- (a) The valuer's decision in terms of section 51 regarding that objection;
  - (b) Any adjustments made to the valuation roll in respect of the property concerned; and
  - (c) Whether Section 52 applies to the decision.
- 20.15.2 Within 30 days after such notification, such objector or owner may, in writing, apply to the municipal manager for the reasons for the decision. A prescribed fee must accompany the application.
- 20.15.3 The municipal valuer must, within 30 days after receipt of such application by the municipal manager, provide the reasons for the decision to the applicant, in writing.

#### **20.16 Right of appeal**

An appeal to an appeal board against a decision of a municipal valuer may be lodged in accordance to the stipulations of Section 54 of the Act.

#### **20.17 Adjustments or additions to valuation rolls**

- 20.17.1 Any adjustments or additions made to a valuation roll take effect on the effective date of the valuation roll.
- 20.17.2 If an adjustment in the valuation of a property affects the amount due for rates payable on that property, the municipal manager must:
- (a) Calculate the amount actually paid on the property since the effective date; and the amount payable in terms of the adjustment on the property since the effective date; and
  - (b) recover from, or repay to, the person liable for the payment of the rate the difference determined plus interest at a prescribed rate.
- 20.17.2.1 Where an addition has been made to a valuation roll the municipal manager must recover from the person liable for the payment of the rate the amount due for rates payable plus interest at a prescribed rate.

**20.18 Supplementary valuations**

- 20.18.1 A municipality must, whenever necessary, cause a supplementary valuation to be made in respect of any rateable property:
- (a) Incorrectly omitted from the valuation roll;
  - (b) Included in a municipality after the last general valuation;
  - (c) Subdivided or consolidated after the last general valuation;
  - (d) Of which the market value has substantially increased or decreased for any reason after the last general valuation;
  - (e) Substantially incorrectly valued during the last general valuation; or
  - (f) That must be revalued for any other exceptional reason.
- 20.18.2 A municipal valuer who prepared the valuation roll may be designated for the preparation and completion of the supplementary valuation roll; and
- 20.18.3 The supplementary valuation roll takes effect on the first day of the month following the completion of the public inspection period required for the supplementary valuation roll and remains valid for the duration of the municipality's current valuation roll.
- 20.18.4 Supplementary valuations must reflect the market value of properties determined in accordance with:
- (a) Market conditions that applied as at the date of valuation determined for purposes of the municipality's last general valuation; and
  - (b) Any other applicable provisions of this Act.

## **21. REVIEW PROCESSES**

The Property Rates Policy must be reviewed on an annual basis to ensure that it complies with the strategic objectives of the municipality, as stipulated in the Integrated Development Plan and other applicable legislation.

**22. IMPLEMENTATION**

- 22.1 This policy will be implemented on the first day of July of every financial year after an adoption for the Council.
- 22.2 Where Council fails to approve and adopt the policy before the start of the financial year it will come into effect on the day that the policy is approved by Council.