

Drakenstein, South Africa

Property Rates

Legislation as at 28 June 2013

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Drakenstein South Africa

Property Rates By-law, 2013

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WHEREAS section 229(1) of the Constitution authorises a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.

AND WHEREAS section 3 of the Property Rates Act, requires from a municipal council to adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.

AND WHEREAS section 6(1) of the Property Rates Act, requires from a municipal council to adopt a by-law to give effect to the implementation of its property rates policy.

AND WHEREAS section 6(2) of the Property Rates Act, determines that the by-law adopted may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

NOW THEREFORE be it enacted by the municipal council of the Municipality of Drakenstein as follows:

1. Interpretation

In this By-Law, the English text prevails in the event of any conflict with the Afrikaans or Xhosa texts, and, unless the context otherwise indicates -

"**Constitution**" means The [Constitution of the Republic of South Africa](#), No 108 of 1996;

"**Customer Care, Credit Control, Debt Collection and Indigent Support By-Law and Policy**" means the Municipality's Customer Care, Credit Control, Debt Collection and Indigent Support By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

"**Municipality**" means the Drakenstein Municipality;

"**Property Rates Act**" means the Local Government: Municipal Property Rates [Act, No 6 of 2004](#);

"**Property rates policy**" means a property rates policy adopted by the Municipality in terms of this by-law; and

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

2. Adoption and implementation of property rates policy

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

3. Contents of property rates policy

The Municipality's property rates policy shall, *inter alia* -

- (1) Apply to all rates levied by the Municipality pursuant to the adoption of the Municipality's annual budget;

- (2) Comply with the requirements for -
 - (a) The adoption and contents of a property rates policy specified in section 3 of the Property Rates Act;
 - (b) The process of community participation specified in section 4 of the Property Rates Act;
 - (c) The annual review of a property rates policy specified in section 5 of the Property Rates Act;
- (3) Specify any further principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the Municipality may wish to adopt; and
- (4) Include such further enforcement mechanisms, if any, as the Municipality may wish to impose in addition to those contained in the Customer Care, Credit Control, Debt Collection and Indigent Support By-Law and Policy.

4. Enforcement of property rates policy

The Municipality's property rates policy shall be enforced through the Customer Care, Credit Control, Debt Collection and Indigent Support By-Law and Policy and any further enforcement mechanisms stipulated in the Municipality's property rates policy.

5. Statements or declarations

- (1) No person shall -
 - (a) Make any false application, statement or declaration which will affect the rates payable on any property whether on his / her own behalf or that of someone else; and
 - (b) Refuse to report any amendments to an application, statement or declaration, referred to in sub-section 5(1)(a), to the Municipality within 7 days after such occurrence.

6. Penalties

Any person who contravenes the provisions of [section 5](#) shall be guilty of an offence and on conviction liable to the payment of a fine not exceeding one thousand rand or imprisonment for a period not exceeding 3 months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

7. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

8. Short title

This by-law shall be known as the Property Rates By-law of Drakenstein Municipality, 2013.

9. Operative date

This By-Law shall take effect on 1 July 2013.