

Fetakgomo Tubatse Municipality



FETAKGOMO TUBATSE
LOCAL MUNICIPALITY

DRAFT PROPERTY RATES POLICY

2024/2025

DRAFT

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PROPERTY RATES POLICY

1. LEGISLATIVE CONTEXT

1.1. This policy is mandated by Section 3 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), which specifically provides that a municipality must adopt a Rates Policy.

1.2. In terms of Section 229 of the Constitution of the Republic of South Africa, 1996 (No.108 of 1996), a municipality may impose rates on property.

1.3. In terms of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) a municipality in accordance with-

- a. Section 2(1), may levy a rate on property in its area; and
- b. Section 2(3), 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 Property Rates Act and any regulations promulgated in terms thereof; and
 - iii. the rates policy.

1.4 In terms of Section 4 (1) (c) of the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000), the municipality has the right to finance the affairs of the municipality by imposing, *inter alia*, rates on property.

1.5 In terms of Section 62(1)(f)(ii) of the Local Government: Municipal Finance Management Act, 2003 (No. 56 of 2003) the municipal manager must ensure that the municipality has and implements a rates policy.

1.6 This policy must be read together with and is subject to the stipulations of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) and any regulations promulgated in terms thereof from time to time.

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- 1.7 In terms of section 13 of the Local Government: Municipal System Act no.32 of 2000 as amended; the Fetakgomo-Tubatse Local Municipal (“the municipality”) hereby published the Property Rates By-laws set forth hereinafter, which have been made by the Municipality in terms of section 6 of the Local Government: Municipal Property Rates Act 6 of 2004

PREAMBLE

Whereas:

- I It is enshrined in Section 229 of the Constitution (Act 108 Of 1996) that a municipality may impose rates on property within a regulatory framework.
- II The Municipal Property Rates Act, 2004 (Act no. 6 of 2004) (MPRA) provides the regulatory framework to which the municipality must comply with when imposing rates on the property, which includes but is not limited to:
- 1.II.1 The adoption of a rates policy will be implemented and made effective by way of a Rates By-Law.
- 1.II.2 Criteria for determination of categories of properties and deferential rates for each category of properties.
- 1.II.3 Criteria to be applied for granting rates relief measures.
- 1.II.4 Levying of rates in sectional title schemes.
- 1.II.5 Appointment of a municipal valuer for preparation of a general valuation roll and supplementary valuation roll(s).
- III In terms of section 4(1)(c)(ii) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), read with section 2 of the said Local Government Municipal Property Rates Act, the municipality has the right to finance the affairs of the municipality by imposing, inter-alia, rates on property. In terms of section 4(2) of the Local Government: Municipal Systems Act, 2000 (32 of 2000), council of a municipality, within the municipality’s financial and administrative capacity and having regard to practical considerations, has the duty to-

- 1.III.1 Exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community.
 - 1.III.2 Provide, without favor or prejudice, democratic and accountable government.
 - 1.III.3 Encourage the involvement of the local community.
 - 1.III.4 Strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner.
 - 1.III.5 Consult the local community about-
 - 1.III.5.1 The level, quality, range, and impact of municipal services provided by the municipality, either directly or through another service provider; and
 - 1.III.5.2 The available options for service delivery.
 - 1.III.6 Give members of the local community equitable access to the municipal services to which they are entitled.
 - 1.III.7 Promote and undertake development in the municipality.
 - 1.III.8 Promote gender equity in the exercise of the municipality's executive and legislative authority.
 - 1.III.9 Promote a safe and healthy environment in the municipality.
 - 1.III.10 Contribute, together with other organs of state, to the progressive realization of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution; and
- IV Further, a municipality must in the exercise of its executive and legislative authority respect the rights of citizens and those of other persons protected by the Bill of Rights.
- V In terms of section 62 of the Local Government: Municipal Finance Act, 2003 (Act 56 of 2003), the Municipal Manager must ensure that the municipality has and implements a rates policy embodied in a by-law as per section 6 of the said Local Government: Municipal Property Rates Act.

2. DEFINITIONS

Definitions, words and expressions as used in the Act are applicable to this policy document wherever it is used;

- 2.1 “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) as amended.
- 2.2 “**Agricultural Property**” means a property that is used primarily for agricultural purposes but, without derogating from section 9 of the 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 ecotourism or for the trading in or hunting of game (*Amended by s1 of Act 29 of 2014*); In relation to Agricultural Property as per the rates policy read in conjunction with the MPRA agricultural property will be rated as per the Rate Ratio promulgated under Government Notice R. 363 published in Government Gazette No. 32061, Vol 525 of 27 March 2009, as amended by Government Notice No. R. 195 published in Government Gazette No. 33016, Vol. 537 of 12 March 2010

Agricultural property" means farm property that is used for gain for the purpose of the cultivation of soils for the purposes of planting and gathering of crops; forestry in the context of planting and growing of trees in a managed and structured fashion; the rearing of livestock and the propagation and harvesting of fish, excluding property used for the purposes of eco-tourism or for the accommodation of members of the public for gain; and it excludes property on which game is reared , traded or hunted and any portion on such property used for the accommodation of visitors.

Farm properties outside of the meaning of ‘**agricultural property**’ as defined above shall be rated according to the rates policy as far as it applies to those categories of property (i.e. Residential, business & commercial, industrial)

- 2.3. “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) as amended.
- 2.4. “**Bona fide Farmer**” refers to the active pursuit by a person /institution for primary income generation from agricultural activities on a specific property or a group of agricultural properties forming part of the specific farming activity.

- 2.5. **“Category”** (a) in relation to property, means a category of properties determined in terms of section 8: and (b) in relation to owners of properties, means a category of owners determined in section 15(2) of the Municipal Property Rates Act
- 2.6. **“Market value”**, in relation to a property, means the value of the property determined in accordance with section 46;
- 2.7. **“Municipal Council”** means elected members of the local legislature in terms of Chapter 4: Municipal Structures Act no 117 of 1998;
- 2.8. **“Municipality”** means the municipality of Bushbuckridge Local Municipality MP325;
- 2.9. **Mining property’** means any operation or activity for the purpose of extracting any mineral on, in or under the earth and or property used for mining operations as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)
- 2.10. **Multiple-use properties** refer to property where there is a combination of different categories of property on the same registered property and where the market value of each is apportioned on the valuation roll;
- 2.11. **MPRA** the Municipal Property Rates Act as amended
- 2.12. **“Permitted Use”**, in relation to a property, means the limited purposes for which 30 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 scheme; or
 - iii) any legislation applicable to any specific property or properties.
- 2.13. **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads

development are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

2.14. **“Public Service Infrastructure”** means publicly controlled infrastructure of the following kind: -

- 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 substation, 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 the scheme for transporting such fuel.
- e) Railway lines forming part of a national railway system
- f) Communication towers, masts, exchanges, or lines forming part of the communication 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, sewer or similar services of ports or navigational aids comprising light houses, radio navigation aid, 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.
- j) Right of way, easement or servitudes in connection with infrastructure mentioned in paragraph a to;

2.15. **“Private Open Space”** means an open space to which the public has no right of access.

2.16. **“Public Open Space”** means an open space to which the public has access and includes, inter alia, a park, garden, play park, recreational park or square.

2.17. **“Public Service Purpose”** in relation to the use of a property, means properties owned and used by an organ of a state such as:-

- Public Hospitals.
- Public Clinics.
- Public Schools and Pre-Schools.
- Public ECDC (Early childhood Development Centres).
- Public FETC (Further Education and Training Colleges).
- National and Provincial Libraries.
- National and Provincial Archives.
- Police Stations.
- Correctional Facilities/ Prisons; and
- Courts of Law

2.18. **“Place of Public Worship”** means property registered in the name of and used primarily for purpose of congregation by a religious community, including an official residence registered in the name of that community occupied by an office bearer who officiates at services at that place of worship, excluding a structure that is used for educational instruction in which secular or religious education is the primary instructive medium: Provided that the property is:

- Registered in the name of religious community.
- Registered in the name of trust established for the sole benefit of a religious community.

2.19. **“Ratio”**, in relation to section 19, means the relationship between the cent amount in the Rand applicable to residential properties and different categories of non-residential properties:

2.20. **“Residential property”** means improved property that:

- a) is used predominantly 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 used predominantly for
- c) residential purposes.
- d) Is owned by a share-block company and used solely for residential purposes.

- e) Is a residence used for residential purposes situated on property used for or
- f) And specifically exclude vacant land irrespective of its zoning or intended use.
- g) Residential property shall include smallholdings and farms used as residential unless the owner can provide sufficient proof to the Chief Financial Officer that he/she/it is conducting bona fide and sustainable farming activities on such property; provided that the keeping of animals or plants for sports and / or recreational activities shall not be deemed to be bona fide use for agricultural purposes; provided further any such activities that are merely incidental to the primary use of the property shall not be taken into account. In its exercising as to whether proof is provided the Chief Financial Officer shall inter alia take the following into account in exercising its' discretion:
 - i) Income and expenditure statements
 - ii) The actual primary use of the property
 - iii) Provision of an income Tax Clearance Certificate issued by the South African Receiver of Revenue in respect of such agricultural activities.
- i) Where an uncompleted residential property has being erected or in progress of being erected a supplementary valuation will be done from time to time based on the value of the uncompleted structure. On completion or on issuing of occupation certificate whichever comes 1st a further supplementary will be done to ensure a market related value is rated according to the correct category. Rating of these uncompleted residential properties will be done the MPRA Act section 8. (1) (a), (b) & (c)

2.21. **“Surveyed Property”** means properties which appears on the maps of the Surveyor General but are not yet registered with the South African Deeds Office.

2.22. **“Organ of State”** means an organ of state as defined in section 239 of the Constitution.

2.23. **“Vacant Land”** as a property category for the levying of different rates, means any land, other than farm property and smallholdings, where no immovable improvements have been erected,

3. POLICY PRINCIPLES

- 3.1. Rates are levied in accordance with the Act as an amount in the rand based on the market value of all rate able property contained in the municipality's valuation roll and supplementary valuation roll.
- 3.2. As allowed for in the Act, the municipality has chosen to differentiate between various categories of property and categories of owners of property as contemplated in clause 7 and 8 of this policy. Some categories of property and categories of owners are granted relief from rates as contemplated in clause 11 to 13 of this policy. The municipality however does not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 3.3. There would be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 16 of this policy.
- 3.4. In accordance with section 3(3) of the Act, the rates policy for the municipality is based on the following principles:

(a) Equity

The municipality will treat all ratepayers with similar properties the same.

(b) Affordability

The ability of a person to pay rates will be considered by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions, or rebates.

(c) Sustainability

Rating of property will be implemented in a way that:

- ii) it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality; and
- iii) Supports local social economic development.

(d) Cost efficiency

Rates will be based on the value of all rate able property and will be used to fund community and subsidized services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage removal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

3.5. The use of property rates

It must be understood that property rates is a tax and is not in relation to any specific service to be rendered. Municipalities collect the property tax revenue to fund public health, public safety. Other examples of the use of rates are installing and maintaining the streets sidewalks, lighting and storm water drainage and building and operating clinics, parks, and recreational activities. It is also used to fund municipal administration, such as computer equipment, stationery, and cost of governance, such as community and council meetings. Property rates are used to fund services that benefit the community as opposed to individual metered and individual households.

4. SCOPE OF THE POLICY

4.1. This policy document guides the annual setting (or revision) of property rates. It does not make specific property rates proposals. Details pertaining to the applications of the various property rates are published in the Provincial Gazette and the municipality's schedule of tariffs, which must be read in conjunction with this policy.

5. APPLICATION OF THE POLICY

5.1 Council shall as part of each annual operating budget component, impose a rate in the rand on the market value of all rateable properties as recorded in the Municipality's Valuation Roll and Supplementary Valuation Rolls.

5.2 The Municipality shall grant exemptions, rebates, and reductions to the categories of properties and categories of owners as allowed for in this policy document.

- 5.3 Rateable property shall include 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 MPRA.

6. DIFFERENTIAL RATES

- 6.1. In terms of section 19 of the MPRA the municipality may levy different rates for different categories of rateable property as determined in subsection (2) and (3) of the Act, which categories **must** be determined according to the-

- (a) use of the property.
- (b) permitted use of the property/approved Zoning; or
- (c) a combination of (a) and (b)**

7. CATEGORIES OF PROPERTY

- 7.1 Different rates may be levied in respect of the following categories of rateables properties as prescribed in **section 8 of the Act**

Categories of rateables property for purposes of levying differential rates

- (a) Residential properties
- (b) Business and commercial properties
- (c) Industrial properties
- (d) Mining properties
- (e) Public Service Purpose Properties
- (f) Public Service Infrastructure properties
- (g) Agricultural properties
- (h) Properties used for multiple purposes (subject to section 9 of the Act)

- (i) Public Benefit Organization
- (j) Vacant Land
- (k) Private Open Space
- (l) Public Open Space/Parks
- (m) Place of Worship (Exempted)

Any agricultural property used for anything other than Agricultural as defined, such property will be rated on actual use or permitted use.

As per section 9.2 of the Act the following criteria will apply to the valuation and rating of multiple use properties within the Municipality:

- a) Apportionment of the market value of a property to the different purpose for which the property is used and;
- b) Application of the relevant rate to each of the components of the property, based on its value.

8. CATEGORIES OF OWNERS

8.1 To granting exemptions, reductions, and rebates in terms of clause 11, 12 and 13 of this policy, the categories of owners of properties are determined as follows:

8.1.1 **Indigent** - owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality.

8.1.2 Owners of property temporarily without income

8.1.3 Owners of residential properties.

8.1.4 Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

8.1.5 Pensioners

8.1.6 Public Service Purposes

- Public Hospitals.
- Public Clinics.
- Public Schools and Pre-Schools.
- Public ECDC (Early childhood Development Centres).
- Public FETC (Further Education and Training Colleges).
- National and Provincial Libraries.
- National and Provincial Archives.
- Police Stations.
- Correctional Facilities/ Prisons; and
- Courts of Law

8.1.7 Educational/Private Schools & Colleges

8.1.8 Municipal Owned

8.1.9 Privately Owned Towns

8.1.10 Owners of Agricultural Property used for Residential Purposes.

8.2 Properties eligible to Rate Ratios.

8.2.1 Agricultural Properties

The rate applicable on agricultural property as contained in the definition of farm property, and as prescribed by the Municipal Property Rates Regulations which took effect from 1 July 2009:

The ratio in relation to residential property is:

Residential property 1:1

Agricultural property 1:0.25

8.2.2 Public Benefit Organization properties

The rate applicable on property registered as Public Benefit Organisation, as prescribed by the Municipal Property Rates Regulations published in Government Notice No. 33016 of 12 March 2010 that took effect on 1 July 2010, may not exceed the ratio to the rate on residential properties where: The ratio in relation to residential property is:

Residential property 1:1 Public Benefit Organisation property 1:0.25

Tax certificate required every year to confirm status.

9. DIFFERENTIAL RATING

Criteria for differential rating on different categories of properties will be according to:

9.1.1 The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.

9.1.2 The promotion of social and economic development of the municipality.

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9.2 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

9.3 by way of reductions and rebates as provided for in this policy document.

10. EXEMPTIONS

10.1 The following categories of property are exempted from rates: -

(a) Municipal properties

Municipal **properties used by the municipality** are exempted from paying rates.

(b) Residential properties

All residential properties with a market value of less than the amount as annually determined by the municipality are exempted from paying rates. **For the 2024/2025 financial year the maximum reduction is determined as R50 000.** The impermissible rates of R15 000 contemplated in terms of section 17(1) (h) of the Property Rates Act is included in the amount referred to above as annually determined by the municipality..

Exemptions will automatically apply, and no application is thus required.

10.2 The following categories of owners are exempted from rates;

a) Indigent owners are exempted from rates on condition that: -

Owners who qualify and are registered as indigents in terms of the adopted municipal indigent policy, will be exempted from rates.

10.3 Impermissible Rates: In terms of section 17(1) of the Property Rates Act 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 Protected Areas Act, or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, 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 of “property” in section 1 of the Act.
- c) On a property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses **ten years** (10) 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 which is occupied by an office-bearer of that community who officiates at services at that place of worship.

Note:

*93A. Transitional arrangement: **Public service infrastructure** (Added by s35 of Act 29 of 2014) (1) The prohibition on the levying of rates on public service infrastructure referred in section 17(1) (aA) must be phased in over a period of five municipal financial years, with effect from the date of commencement of this Act. (Added by s35 of Act 29 of 2014)*

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:

11.1.1 Partial to destruction of a property to such an extent that it is totally uninhabitable.

11.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

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

11.2.1 The owner referred to in 11.1.1 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.

11.2.2 Property owners 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).

11.2.3 A maximum reduction, to be determined on an annual basis, will be allowed in respect of both 11.1.1 and 11.1.2.

11.2.4 An ad-hoc reduction will not be given for a period more than 6 months, unless the municipality gives further extension on application.

11.2.5 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.

11. CATEGORIES OF OWNERS REBATES

a) **Privately owned towns serviced by the owner/Developers.**

A rebate of 30 % will be granted to privately owned towns serviced by the owner.

b) **Agricultural property**

The ratio referred to in Gazette no. 32061 and 32062 issued on 27th of March 2009 as amended by regulation 9242 on 12 March 2010 makes provision that Public Service Infrastructure and Agricultural property per the approved ratio and will the property rates payable by owners of bone fide farming properties pay 25 % of the tariff charged to residential ratepayers. (No additional rebate will be given as the ratio relates to a 75% rebate in relation the residential rate charged.)

c) **Businesses**

The 10% rebate will be granted on businesses with title deeds that are situated in rural areas and townships.

d) **Private Schools**

The 10% rebate will be granted on Private Schools.

e) **Farms**

The 30% rebate will be granted on residential properties that are on farms.

f) **Mining**

The 30% rebate will be granted on the mining category in the first year (2024/2025 financial year).

The 15% rebate will be granted on the mining category in the second year (2025/2026 financial year).

g) **Pensioners.**

Pensioners may receive a rebate as determined by the Council, subject to the following conditions: The applicant\’s must be:

Be registered owners of the property.

- i) Must be 60 years or more of age upon application.
- ii) The property concerned must consist of one dwelling and no part thereof is sub-let, be occupied only by the applicant and his/her spouse, if any, and dependents without income.
- iii) Must submit proof of his/her age and a valid identity document.
- iv) Must submit proof of monthly income from all sources (including the income of the spouse of the owner) and collectively should not exceed an amount of two times the government old age pension per month as prescribed by the minister of finance.
- v) The applicant's account must be paid in full, or if not, an arrangement to pay the debt should be in place; and
- vi) The property must be categorised as "residential".
- vii) Not be in receipt of an indigent assessment rate rebate.

Required proof and applications in approved format to be submitted to the delegated official of the municipality,

- d) **Disability grantees and/or Medical boarded** persons.

Disability grantees and/or Medical boarded persons may receive a rebate as determined by the Council, subject to the following conditions:

- i) Be registered owners of the property.
- ii) Provide medical proof of disability and/or certification by a medical Officer of Health.
- iii) The property concerned must consist of one dwelling and no part

thereof is sub-let, be occupied only by the applicant and his/her spouse, if any, and dependents without income.

- iv) Must submit proof of his/her age and a valid identity document.
- v) Must submit proof of monthly income from all sources (including the income of the spouse of the owner) and collectively should not exceed an amount of two times disability grant per month as prescribed by minister of finance.
- vi) The applicant's account must be paid in full, or if not, an arrangement to pay the debt should be in place; and
- vii) The property must be categorized as "residential".
- viii) Not be in receipt of an indigent assessment rate rebate; These rebates will lapse:
 - 1.viii.1 On death of applicant.
 - 1.viii.2 On alienation of the property.
 - 1.viii.3 When applicant ceases to reside permanently on the property.

Required proof and applications in approved format to be submitted to the delegated official of the municipality,

12. PAYMENT OF RATES

13.1. The rates levied on the properties shall be payable:

- a) monthly; or

13.2. The municipality shall determine the due dates for payments in monthly instalments.

13.3. Interest on arrears rates shall be calculated in accordance with the provisions of the credit control, debt collection and indigent policy of the municipality.

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- 13.4. If a property owner who is responsible for the payment of property rates in terms of this policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection, and Indigent policy of the Municipality.
- 13.5. 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:
- 13.5.1. If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows:
- 13.5.2. From the agent who is lawfully responsible to collect commission or rental in respect of the property concerned.
- 13.5.2.1. From a tenant or occupier of the property, only after an attempt was made to collect it from an agent refer to in 13.5.1.1 but such attempt was unsuccessful, or no such agent exists or only a part of the outstanding amount could successfully be recovered.
- 13.5.3. The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier, or agent) of the rates due and payable, but not yet paid by the owner of the property.
- 13.5.4. The notice referred to in 13.5.2 shall give the party concerned at least 14 calendar days to pay the outstanding rates.
- 13.6. 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 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 appropriately adjusted for the period extending from 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.
- 13.7. In addition, where the error occurred because of false information provided by the property owner or because 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 rate permitted by prevailing legislation.

13. ACCOUNTS TO BE FURNISHED

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

- (i) the amount due for rates payable.
- (ii) the date on or before which the amount is payable.
- (iii) how the amount was calculated.
- (iv) the market value of the property; and
- (v) rebates, exemptions, reductions or phasing-in, if applicable.

14.2. A person liable for payment of rates remains liable for such payment, whether such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

14.3. In the case of joint ownership, the municipality shall consistently, to minimize costs and unnecessary administration, recover rates from one of the joint owners only if it takes
14.4. place with the consent of the owners concerned.

15. FREQUENCY OF VALUATION

- 15.1. The municipality shall prepare a new valuation roll every 5 (five) years, with the option to extend the validity of the valuation roll to 7 (Seven) years in the case of Local Municipality with the approval of the MEC for Local Government and Housing in the province.
- 15.2. Supplementary valuations will be done on a continual basis to ensure that the valuation roll is properly maintained.

16. COMMUNITY PARTICIPATION

- 16.1. Before the municipality adopts the rates policy, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:
 - 16.1.1. Conspicuously display the draft rates policy for a period of at least 30 days at the municipality's head and satellite offices and libraries (and on the website).
 - 16.1.2. Advertise in the media a notice stating that the draft rates policy has been prepared for submission to council and that such policy is available at the various municipal offices and on the website for public inspection (property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a prescribed fee per copy). Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
 - 16.1.3. Council will consider all comments and/or representations received when considering the finalization of the rates policy.

17. REGISTERS OF PROPERTIES

- 17.1. As per Section 23 of the MPRA the municipality must draw up and maintain a register in respect of **all** properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

17.2. Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.

17.3. Part 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 Property Rates Act,
- ii. Rebate or reduction in terms of section 15,
- iii. Phasing-in of rates in terms of section 21, and
- iv. Exclusions as referred to in section 17.

17.4. The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.

17.5. The municipality will update Part A and part B will be updated on a continuous basis.

18. BY-LAWS TO GIVE EFFECT TO THE RATES POLICY

18.1. As required by section 6 of the MPRA the **municipality will adopt By-laws** to give effect to the implementation of the Rates Policy and such By-laws may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

19. REGULAR REVIEW PROCESSES

19.1. The rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives, legislation and to ensure that it accommodates and consider the local economic factors within the jurisdiction of the municipality each year before and during the budget process is finalized.

20. GENERAL REQUIREMENTS

20.1. Council pledges to itself to limit each annual increase as far as practicable to the increase in the consumer price index over a period preceding the financial year to which the increase relates and as allowed by the relevant legislation and instruction from National Treasury.

20.2. Handling of errors and omissions:

- a) Where the rate levied on a particular 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 of the property concerned , the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission was detected back to the date on which rates were first levied in terms of the current valuation roll. These adjustments to be done considering the legislation about the Municipal Property Rates Act.
- b) Where the error occurred because of false information provided by the property owner or because of the contravention of the permitted use of the property concerned, clause 20.2(a) will apply and interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.