

RICHTERSVELD MUNICIPALITY

PROPERTY RATES POLICY

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RICHTERSVELD LOCAL MUNICIPALITY- 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) as amended, 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 provision of the Constitution;
 - ii. The provisions of the Property Rates Act and the 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 rate policy.

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

2. DEFINITIONS

2.1 "**Act**" means Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

2.2 "**Definitions, words and expressions**" as used in the Act are applicable to this policy document where ever it is used;

2.3 "**Municipality**" means the municipality of RICHTERSVELD;

2.4 "**Privately owned towns serviced by the owner**" means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub divisions 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.

- 2.5 “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 for rate rebate or valuation reduction purposes.
 - (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purpose?
 - (c) Is owned by a share-block company and used solely for residential purposes.
 - (d) Is a residence used for residential purposes situated on property used for or related to educational purposes?

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 rateable 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 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. The municipality however does not grant relief in the respect of payments for rates to any category of owners of 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 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 taken into account 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 implanted in a way that:

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

(d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account profits

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.

4. SCOPE OF THE POLICY

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 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

In imposing the rates in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in this policy document.

6. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES

6.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Mayor or Executive Committee of the municipality, make provision for the following classification of services: -

(a) Trading Services

i. Water

ii. Electricity

(b) Economic services

i. Refuse removal.

ii. Sewerage disposal.

(c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in 6.1 (a) and (b).

6.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

7. CATEGORIES OF PROPERTY

7.1 Different rates may be levied in respect of the following categories of rateable properties and such rates will be determined on an annual basis during the compilation of the annual budget: -

7.1.1 Residential properties;

7.1.2 Industrial properties;

7.1.3 Business / commercial properties;

7.1.4 Agricultural properties;

7.1.5 Mining properties / Farms on which there are mining activities

7.1.6 Properties used by an organ of state and used for public service purposes;

7.1.7 Multipurpose properties – Guest Houses

7.1.8 Private Schools

7.2 In determining the category of a property referred to in 7.1 the municipality shall take into consideration the following criteria or a combination thereof; -

- The use of property;
- Permitted use of the property; and
- The geographical area in which the property is situated.

7.3 In order to create certainty and to ensure consistency the criteria mentioned in 7.2 shall

be applied as indicated below in order of priority and no deviation is permissible:

7.3.1 Properties shall first of all be categorised in accordance with their formal zoning. (Town planning schemes, town establishment schemes and town planning regulations may be used to determine the formal zoning).

7.3.2 If, for whatever reason, the status or zoning of a property cannot be determined in terms of 7.3.1 the actual use shall then be determined in order to appropriately categorise such property.

7.3.3 The geographical area in which a property is situated may be used to assist in the categorisation of a property when the provision of 7.3.1 cannot be applied. However, the geographical areas as a criterion should not be used in isolation.

8. CATEGORIES OF OWNERS

8.1 For the purpose of granting exemption, reduction and rebates in terms of clause 11, 12 and 13 respectively the following categories of owners of properties are determined:

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do qualify as indigents in terms of the adopted indigents policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property 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) serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget.

9. DIFFERENTIAL RATING

9.1 Criteria for different rating on different categories of properties will be according to –

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of social and economic development of the municipality.

9.2 Differential rating among the various property categories will be done by the way of setting different cent amount in the rand for each property categories and also subject to the regulated ratio where applicable; and

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

10. EXEMPTION

10.1 The following categories of property are exempted from rates:

(a) Municipal properties

Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers.

Council properties that is rendered out to council employees are also 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 (R 25 000) are exempted from paying rates, in the case of indigents it will be R 75 000. The impermissible rates 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. This is an important part of the council's indigent policy and is aimed primarily at alleviating poverty.

(c) Cemeteries and crematoriums

Operated not for gain.

(d) Public Service Infrastructure

Is exempted from paying rates as they provide essential services to the community

(e) Public Benefit Organisations

The following Public Benefit Organisations **may** apply for the exemption of property rates subjects to producing a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962)

i. Health care institutions

Properties used exclusively as a hospital, clinic and mental hospital, including workshops used by the inmates, laundry or cafeteria facilities, provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality. Private own properties excluded from above.

ii. Welfare institution

Properties used exclusively as an orphanage, non-profit retirement villages, old age home or benevolent/charitable institution, including workshops used by the inmates, laundry or cafeteria facilities, provide any profit from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.

(f) Properties own by Registered Indigents

10.2 Exemptions will be subject to the following conditions:

- (a) All applications referred to in 10.1 (e) must be addressed in writing to the Municipality;
- (b) A SARS tax exemption certificate must be attached to all applications;
- (c) The municipal manager or his/her nominee must approve all applications;

(d) Applications must reach the municipality before the end of October preceding the

start of the new municipal financial year for which relief is sought; and

(e) The municipality retains the right to refuse exemptions if the details

supplied in the application form were incomplete, incorrect or false.

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:

11.1.1 Partial or total destruction of a property.

11.1.2 Disaster 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 owners 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 of 60% will be allowed in respect of both 11.1.1 and

11.2.4 An ad-hoc reduction will not be given for a period in excess of 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.

12. REBATES

12.1 Categories of property

(a) Business, commercial and industrial properties

i. The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction, based on its Local, Social and Economic Development Policy. 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.
- ii. A maximum rebate as annually determined by the municipality 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 auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives;
 - c. An assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
 - d. A municipal resolution.
 - iii. In determining the annual rebate, the municipality shall take into consideration all relevant and applicable circumstances.

(b) Residential properties

The municipality grants a rebate as annually determined which applies to improved residential property that is: (R25 000) and used predominantly for residential purposes, in case of indigents it will be 75 000

- i. Registered in terms of the Sectional Title Act,
- ii. Owned by a share-block company,
- iii. A rateable residence on property used for or related to educational purposes

12.2 Category of owner

(a) Retired and Disabled Persons Rate Rebate

- i. Retired and Disables Persons qualify for special rebates according to monthly household income. To qualify for the rebate a property owner must:
 - a. Occupy the property as his/her normal residence;

- b. Be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
 - c. Be in receipt of a total monthly income from all sources (including income of spouses of owner) not exceeding amount as per tariff listing.
 - d. Not be the owner of more than one property; and
 - e. Provide that 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.
- ii. Property owners must apply on a prescribed application form for a rebate as determined by the municipality.
 - iii. Applications must be accompanied by-
 - a. A certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
 - b. Sufficient proof of income of the owner and his/her spouse;
 - c. An affidavit from the owner;
 - d. If the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
 - e. If the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
 - iv. These applications must reach the municipality before the end of June preceding the start of the new municipal financial year which relief is sought.
 - v. The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

(b) Child headed families

- i. Families headed by children qualify for special rebates according to monthly household income. To qualify for the rebate the head of the family must:
 - a. Occupy the property as his/her normal residence;
 - b. Not be older than 18 years of age;
 - c. Still be a scholar or jobless; and
 - d. Be in receipt of a total monthly income from all sources not exceeding R3000

- ii. The family head must apply on a prescribed application form for a rebate as determined by the municipality and must be assisted by the municipality with completion of the application form;
- iii. Applications must be accompanied by-
 - a. A certified copy of the identity document or any other proof of the applicant's age which is acceptable to the municipality;
 - b. Sufficient proof of total household income;
 - c. An affidavit from the applicant;
- iv. These applications must reach the municipality before the end of October preceding the start of the new municipal financial year which relief is sought.
- v. The municipality retains the right to refuse rebates if the details supplied in application form were incomplete, incorrect or false.

12.3 Properties with a market value below a prescribed valuation level

These properties may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.

12.4 The extent of the rebate in terms of 12.1, 12.2 and 12.3 shall annually be determined by the municipality and it shall be included in the annual budget.

13. PAYMENT OF RATES

13.1 Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalments on or before the last day of the month following on the month in which it becomes payable.

13.2 If the owner of property that is subject to rates, notify the municipal manager or his/her nominee in writing not later than 31 May in any financial year, or such later date in such financial year as may be determined by the municipal manager or his/her nominee that he/she wishes to pay all rates in respect of such property in instalments, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year in twelve instalments until such notice is withdrawn by him/her in a similar manner.

13.3 Interest on arrears rates, whether payable on or before 30 September or equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control, Debt Collection and indigent policy of the municipality.

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 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 dates 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 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 owner of the property.

13.6 Where the rates levied on a particular property have been, 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 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, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

14. ACCOUNTS TO BE FURNISHED

14.1 The municipal 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, exemption, reductions or phasing-in, if applicable.

14.2 A person liable for payment of rates remains liable for such payment, whether or not 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 case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

15. SPECIAL RATING AREAS

16.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.

16.2 The following matters shall be attended to in consultation with the committee referred to in clause 16.3 whenever special rating is being considered:

16.2.1 Proposed boundaries of the special rating area;

16.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;

16.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;

16.2.4 Proposed financing of the improvements or projects;

16.2.5 Priority of projects if more than one;

16.2.6 Social economic factors of the relevant community;

16.2.7 Different categories of property;

16.2.8 The amount of the proposed special rating;

16.2.9 Details regarding the implementation of the special rating;

16.2.10 The additional income that will be generated by means of this special rating.

16.3 A committee consisting of 6 members of the community of who 3 shall be woman will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.

16.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.

16.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 7.

16.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.

16.7 The municipality shall establish separate accounting and other record-keeping system, compliant with GAMAP/GRAP, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

16. FREQUENCY OF VALUATION

17.1 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 with the approval of the MEC for Cooperative Governance, Human Settlement & Traditional Affairs in the province.

17.2 Supplementary valuations will be done on a continual basis to ensure that the valuation roll is properly maintained.

17. COMMUNITY PARTICIPATION

18.1 Before the municipality adopts the rates policy, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal System Act and comply with the following requirements:

18.1.1 Conspicuously display the draft rates policy for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website)

18.1.2 Advertise in the media a notice stating that the draft rates policy has been prepared for submission to the 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 fee of R50.00 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.

18.1.3 Council will consider all comments and/or representations received when considering the finalisation of the rates policy.

18. REGISTER OF PROPERTIES

19.1 The municipality will compile 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.

19.2 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.

19.3 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 CAct,
- 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.

19.4 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.

19.5 The municipality will update Part A of the register every 6 months during the supplementary valuation process.

19.6 Part B of the register will be updated on a continuous basis.

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

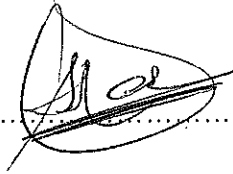
20.1 The municipality will adopt By-laws to give effect to the implementation of the Rates Policy and such By-laws may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

20. REGULAR REVIEW PROCESSES

21.1 The rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives, contained in the Integrated Development Plan and with legislation. Changes made official after community participation process.

APPROVAL

Approved by: Municipal Manager:



Date: 12/09/2019