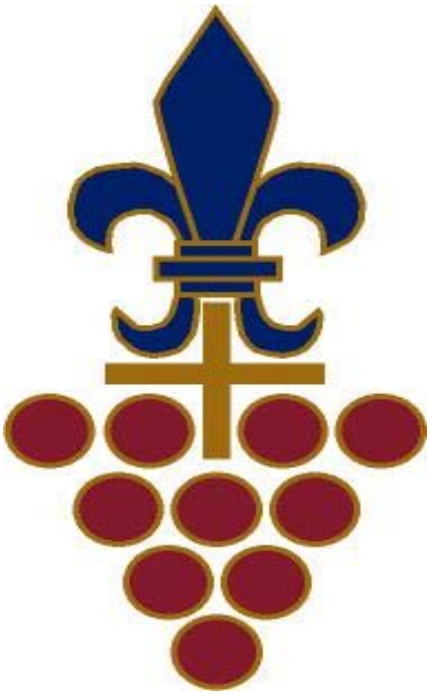
APPENDIX 34

STELLENBOSCH MUNICIPALITY

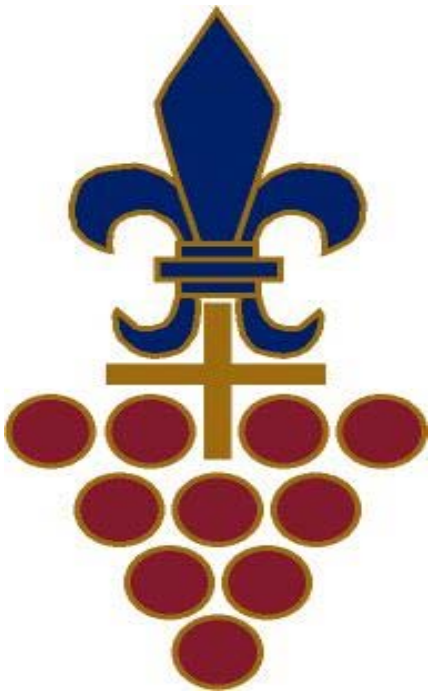


RATES BY-LAW

2024/2025

UNCHANGED

STELLENBOSCH MUNICIPALITY



RATES BY-LAW

Effective from 01 July 2023

STELLENBOSCH MUNICIPALITY
RATES BY-LAW

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1. PREAMBLE

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

(2) Section 13 of the Systems Act read with Section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

(3) In terms of Section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable properties in the municipality.

(4) In terms of Section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.

(5) In terms of Section 6(2) of the Property Rates Act, by-laws adopted in terms of Section 6(1) may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

(6) To that effect the Council of Stellenbosch Municipality has enacted a Property Rates By-law, as follows:

2. DEFINITIONS

In this By-Law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, (Act 6 of 2004) shall bear the same meaning unless the context indicates otherwise.

"***Municipality***" means the Stellenbosch Municipality (WC024).

"***Rates Policy***" means the Municipality's Property Rates Policy adopted by the Council of the Municipality by a resolution for a specific financial year in terms of Section 3(1) of the Property Rates Act and in terms of this By-Law.

"***Constitution***" means the Constitution of the Republic of South Africa.

"***Council***" means the Council of the Municipality.

"***Credit Control and Debt Collection Policy***" means the Municipality's Credit Control and Debt Collection Policy as stipulated by sections 96(b) and 97 of the Systems Act.

"***Systems Act***" means the Local Government: Municipal Systems Act, (Act 32 of 2000).

"***Property Rates Act***" means the Local Government: Municipal Property Rates Act, (Act 6 of 2004) including the amendment Acts and Regulations pertaining to the same.

"***Rates***" means a municipal rate on property as envisaged in Section 229(1)(a) of the Constitution.

3. OBJECTS

The object of this By-Law is to give effect to the implementation of the Rates Policy as contemplated in Section 6 of the Property Rates Act.

4. ADOPTION AND IMPLEMENTATION OF RATES POLICY

(1) The Council has adopted and implemented a Rates Policy as contemplated in terms of the provisions of Section 3(1) and consistent with the Property Rates Act on the levying of Rates on rateable properties within the jurisdiction of the Municipality.

(2) The Rates Policy outlines the Municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

(3) The Rates Policy applicable to a financial year is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve/adopt from time to time, shall be deemed to be likewise incorporated.

(4) The Municipality shall not be entitled to levy Rates other than in terms of the Rates Policy for an applicable financial year and the annually promulgated resolution which reflects the cent amount in the Rand rate for each category of rateable property.

(5) The Rates Policy is available at the Municipality's head office, satellite offices, libraries and website.

5. CONTENTS OF RATES POLICY

The Municipality's Rates Policy, inter alia:

(1) Apply to all the Rates levied by the Municipality pursuant to the adoption of the Municipality's annual budget.

(2) Comply with requirements for;

(a) the adoption and contents of a Rates Policy specified in Section 3 of the Property Rates Act.

(b) the differentiation of categories of properties and categories of owners of properties as provided for in Sections 6, 8 and 15 of the Property Rates Act.

(c) the process of community participation specified in Section 4 of the Property Rates Act.

(d) the annual review of a Rates Policy specified in terms of Section 5 of the Properly Rates Act.

(e) the implementation of norms and provisions as directed by this By-law as approved by Council.

(3) Specify principles, criteria, and implementation measures for categories of rateable properties in terms of Section 8 and consistent with the Property Rates Act for the levying of Rates which the Council may wish to adopt.

(4) Specify principles, criteria, and implementation measures for the judicious granting of relief measures by means of Exclusions, Exemptions, Reductions and/or Rebates consistent with the applicable sections of the Property Rates Act which the Council may wish to adopt.

(5) Include such further administrative, control and enforcement mechanisms if any that are consistent with the Property Rates Act and the Systems Act, as the Council may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and its associated Policy.

6. ENFORCEMENT OF RATES POLICY

The Municipality's Rates Policy is enforced through the Municipality's Credit Control and Debt Collection By-Law and its associated Policy and any further enforcement mechanisms stipulated in the Property Rates Act and the Municipality's Rates By-Law.

7. REPEAL

The provisions of any By-laws relating to Property Rates by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law.

8. INTERPRETATION

If there is a conflict of interpretation between the English version of this By-Law and a translated version, the English version prevails.

This By-Law must be read in conjunction with the Rates Policy.

9. SHORT TITLE and COMMENCEMENT

This By-Law is called the Stellenbosch Municipal Property Rates By-Law and shall take effect on 01 July 2022.