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**MUSINA LOCAL MUNICIPALITY
[NP-341]**



PROPERTY RATES BY-LAW

The Municipal Manager of Musina Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the Property Rates By-Law for the municipality as approved by its council, as set out hereunder.

PREAMBLE

WHEREAS the constitution of Republic of South Africa, 1996, entitles municipalities to impose rates on property in their area;

AND WHEREAS the constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities;

AND WHEREAS there is a need to provide local government with access to sufficient and buoyant source of revenue necessary to fulfil its developmental responsibilities;

AND WHEREAS income derived from property rates is a critical source of revenue for municipalities to achieve their constitutional objectives;

AND WHEREAS section 6 of the local Government: Municipal Property Rates 2004(Act No.6 of 2004) provides that municipality must adopt by-laws to give effect to implementation of the rates policy;

THEREFORE the council of Musina Local Municipality adopted the following Property Rates By-Law.

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1. Definitions

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

"municipality" means Musina Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"rates policy" means the policy on the levying of rates on rateable properties of the municipality, contemplated in chapter 2 of the Local Government: Municipal Property Rates Act, 2004; and

"the Act" means Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004).

2. Purpose

- (1) The purpose of this by-law is to give effect to the implementation of the rates policy as contemplated in section 6 of the Local Government: Municipal Property Rates Act, 2004.

3. Adoption and content of rates policy

- (1) The municipality shall:
 - (a) adopt and implement its rates policy consistent with the act on the levying of rates on rateable property within the jurisdiction of the municipality; and
 - (b) comply with the provisions of the act.
- (2) The rates policy shall, inter alia:
 - (a) apply to all rates levied by the municipality pursuant to the adoption of its annual budget;
 - (b) comply with the requirements as specified in sections 3, 4 and 5 of the Act;
 - (c) provide for principles, criteria and implementation measures that are consistent with the act for the levying of rates which the council shall adopt; and
 - (d) provide for enforcement mechanisms that are consistent with the provisions of the act and the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

4. Categories of properties

- (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:
 - (a) residential properties;
 - (b) industrial properties;
 - (c) business and commercial properties;
 - (d) farm properties (including small holdings) used for:

- (i) agricultural purposes only;
 - (ii) commercial purposes;
 - (iii) residential purposes; and
 - (iv) municipal properties.
- (e) public service infrastructure referred to in the Act;
- (f) properties owned by public benefit societies;
- (g) state owned properties; and
- (h) any other properties applicable to the municipality.
- (2) In determining the category of a property referred to in subsection 1 the municipality shall take into consideration the following criteria or a combination thereof:
- (a) the formal zoning of the property;
 - (b) township establishment approvals;
 - (c) the use of the property;
 - (d) permitted use of the property; and
 - (e) the geographical area in which the property is situated.

5. Categories of owners of properties

(1) Owners of properties are categories as follows:

- (a) indigents;
- (b) pensioners, physically and mentally disabled;
- (c) owners temporarily without income;
- (d) owners of residential properties;
- (e) land reform beneficiaries;
- (f) sporting bodies; and
- (g) public benefit organizations; and
- (h) and any other owners of properties within the municipality.

6. Repeal

Property rates by-law published on 18 February 2015, under Gazette Number 2474, Notice number 22 is hereby repealed.

7. Short title and commencement

This by-law is called *Musina Local Municipality Property Rates By-Law* and shall come into effect on date of publication in the *Provincial gazette*.