

# CITY OF CAPE TOWN

## RATES BY-LAW

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LA 27098 City of Cape Town Rates By-Law published in Provincial Gazette 6444 dated 15 June 2007 is hereby cancelled and replaced by LA 44015 dated 29 June 2007.

## CITY OF CAPE TOWN

### RATES BY-LAW

#### 1. PREAMBLE

- (1) 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.
- (2) 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 property in the municipality.
- (3) 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.
- (4) In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(2) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

#### 2. 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—

“City” means the City of Cape Town;

“City’s rates policy” means a rates policy adopted by the City in terms of this By-Law;

“Constitution” means the Constitution of the Republic of South Africa;

“Credit Control and Debt Collection By-Law and Policy” means the City’s Credit Control and Debt Collection By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

“Property Rates Act” means the Local Government: Municipal Property Rates Act, 6 of 2004;

“rate” or “rates” means a municipal rate on property as envisaged in section 229 of the Constitution.

#### 3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

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

#### 4. CONTENTS OF RATES POLICY

The City’s rates policy shall, *inter alia*:

- (1) apply to all rates levied by the City pursuant to the adoption of the City’s annual budget;
- (2) comply with the requirements for:—
  - (a) the adoption and contents of a 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 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 City may wish to adopt;
- (4) include such further enforcement mechanisms, if any, as the City may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and Policy.

#### 5. ENFORCEMENT OF RATES POLICY

The City’s rates policy shall be enforced through the Credit Control and Debt Collection By-Law and Policy and any further enforcement mechanisms stipulated in the City’s rates policy.

#### 6. OPERATIVE DATE

This By-Law shall take effect on 1 July 2007.

**STAD KAAPSTAD**  
**VERORDENING OP BELASTING**

**1. AANHEF**

- (1) Artikel 229(1) van die Grondwet magtig 'n munisipaliteit om eiendomsbelasting en bobelasting op gelde vir dienste deur of namens die munisipaliteit verskaf, op te lê.
- (2) Ingevolge artikel 3 van die Wet op Eiendomsbelasting moet 'n munisipale raad 'n beleid in ooreenstemming met artikel 3 van die Wet op Eiendomsbelasting oor die heffing van belasting op belasbare eiendom in die munisipaliteit aanvaar.
- (3) Ingevolge artikel 6(1) van die Wet op Eiendomsbelasting moet 'n munisipaliteit verordeninge aanvaar om uitwerking te gee aan die inwerkingstelling van sy beleid oor belasting.
- (4) Ingevolge artikel 6(2) van die Wet op Eiendomsbelasting mag verordeninge wat ingevolge artikel 6(2) aanvaar is, tussen verskillende kategorieë eiendomme, en verskillende kategorieë eienaars van eiendomme wat aanspreeklik is vir die betaling van belasting, differensieer.

**2. UITLEG**

In hierdie Verordening geld die Engelse teks en in die geval van enige teenstrydigheid met die Afrikaanse of Xhosa tekste, en, tensy die konteks anders aandui, beteken:

“**Belasting**” of “**Belasting**” 'n munisipale belasting op eiendom soos beoog in artikel 229 van die Grondwet;

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika;

“**Stad**” die Stad Kaapstad;

“**Stad se belastingbeleid**” 'n belastingbeleid wat deur die Stad ingevolge hierdie Verordening aanvaar is;

“**Verordening op en Beleid oor Kredietbeheer en Skuldinvordering**” die Stad se Verordening op en Beleid oor Kredietbeheer en Skuldinvordering ingevolge artikels 96(b), 97 en 98 van die Wet op Stelsels;

“**Wet op Eiendomsbelasting**” die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting No. 6 van 2004.

**3. AANVAARDING EN INWERKINGSTELLING VAN DIE BELASTINGBELEID**

- (1) Die Stad moet 'n belastingbeleid in ooreenstemming met die Wet op Eiendomsbelasting vir die heffing van belasting op belasbare eiendom in die munisipaliteit aanvaar en in werking stel.
- (2) Die Stad is nie geregtig om belasting te hef behalwe ingevolge 'n geldige belastingbeleid nie.

**4. INHOUD VAN DIE BELASTINGBELEID**

Die Stad se belastingbeleid moet, onder meer:

- (1) van toepassing wees op alle belasting wat deur die Stad gehef word nadat die Stad se jaarlikse begroting aanvaar is;
- (2) voldoen aan die vereistes vir:—
  - (a) die aanvaarding en inhoud van 'n belastingbeleid ingevolge artikel 3 van die Wet op Eiendomsbelasting;
  - (b) die proses van gemeenskapsdeelname ingevolge artikel 4 van die Wet op Eiendomsbelasting;
  - (b) die jaarlikse hersiening van 'n belastingbeleid ingevolge artikel 5 van die Wet op Eiendomsbelasting;
- (3) die spesifisering van enige verdere beginsels, maatstawwe en maatreëls in ooreenstemming met die Wet op Eiendomsbelasting vir die heffing van belasting wat die Stad mag wens om te aanvaar;
- (4) die insluiting van sodanige verdere toepassingmeganismes, indien enige, wat die Stad mag wens om op te lê bykomend tot daardie in die Verordening op en Beleid oor Kredietbeheer en Skuldinvordering vervat.

**5. TOEPASSING VAN DIE BELASTINGBELEID**

Die Stad se belastingbeleid moet deur middel van die Verordening op en Beleid oor Kredietbeheer en Skuldinvordering en enige verdere toepassingmeganismes ingevolge die Stad se belastingbeleid toegepas word.

**6. INGEBRUIKNEMINGSDATUM**

Hierdie Verordening tree op 1 Julie 2007 in werking.

## ISIXEKO SASEKAPA

## UMTHETHO KAMASIPALA OLAWULA IRHAFU

1. **IMBULAMBETHE**

- (1) ICandelo lama-229(1) loMgaqo-siseko ligunyazisa umasipala ukuba amisele irhafu yeePropati kunye neentlawulo ezongeziweyo kwimirhumo yeenkonzo ezinikezelwa ngumasipala okanye egameni likamasipala; yaye
- (2) Ngokwemigaqo yecandelo 3 loMthetho olawula iiRhafu zeePropati, ibhunga likamasipala kuyimfuneko ukuba lamkele umgaqo-nkqubo ovumelana noMthetho olawula iiRhafu zeePropati ngokuhlulwisa irhafu kwiipropati ezimele ukurhafelwa kumasipala.
- (3) Ngokwemigaqo yecandelo 6(1) loMthetho olawula iiRhafu zeePropati, umasipala kuyimfuneko ukuba amkele imithetho kamasipala ukuze kuqaliswe ukumiselwa komgaqo-nkqubo wawo olawula irhafu.
- (4) Ngokwemigaqo yecandelo 6(2) loMthetho olawula iiRhafu zeePropati, imithetho kamasipala eyanmkelwa ngokuthobela icandelo 6(2) ingohlula phakathi kweendidi ezohlukeneyo zeePropati; kunye neendidi ezohlukeneyo zabanini beePropati ezimele ukuhlulwulwa irhafu.

2. **INTSINGISELO**

Kulo Mthetho kaMasipala, isicatshulwa sesiNgesi siso esiza kulawula kwimeko yako nakuphi na ukungaboni ngasonye kwisicatshulwa se-Afrikaans okanye kwesesiXhosa, yaye, ngaphandle kokuba umxholo ubonakalisa ngolunye uhlobo—

“**ISixeko**” kubhekiselelwe kwiSixeko saseKapa;

“**Umgaqo-nkqubo weSixeko olawula irhafu**” kubhekiselelwe kumgaqo-nkqubo werhafu owamkelwa siSixeko ngokuthobela lo Mthetho kaMasipala;

“**UMgaqo-siseko**” kubhekiselelwe kuMgaqo-siseko weRiphabliki yoMzantsi Afrika;

“**UMthetho kaMasipala noMgaqo-nkqubo ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala**” kubhekiselelwe kuMthetho kaMasipala noMgaqo-nkqubo weSixeko ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala njengoko kuyimfuneko ngokwamacandelo 96(b), 97 nelama-98 oMthetho olawula iiNkqubo zikaMasipala;

“**UMthetho olawula iRhafu yeePropati**” kubhekiselelwe kuMthetho kamasipala olawula iRhafu yeePropati, 6 ka-2004: kuRhulumente weNgingqi;

“**irhafu**” okanye “**iirhafu**” kubhekiselelwe kwirhafu kamasipala yeePropati njengoko kuchaziwe kwicandelo lama-229 loMgaqo-siseko.

3. **UKWAMKELWA NOKUMISELWA KOMGAQO-NKQUBO OLAWULA IRHAFU**

- (1) ISixeko siza kwamkela yaye simisele umgaqo-nkqubo olawula irhafu ongqinelana noMthetho olawula iiRhafu zeePropati ekuhlawulisweni kwerhafu kwiipropati ezimele ukuhlulwulwa irhafu kumasipala.
- (2) ISixeko asizi kuba nalungelo lokumisela iirhafu ngaphandle kokuthobela umgaqo-nkqubo osemthethweni olawula irhafu.

4. **IZIQULATHO ZOMGAQO-NKQUBO OLAWULA IRHAFU**

UMgaqo-nkqubo weSixeko olawula irhafu uza, *phakathi kwezinye izinto*:

- (1) kusebenza kuzo zonke iirhafu ezimiselwe siSixeko ngokungqinelana nokwamkelwa kohlhlo-lwabiwo-mali lweSixeko lonyaka;
- (2) kuthobela iimfuno:—
  - (a) zokwamkelwa neziqulatho zomgaqo-nkqubo olawula irhafu ezichazwe kwicandelo le-3 loMthetho olawula iiRhafu zeePropati;
  - (b) inkqubo yothatho-nxaxheba yoluntu echazwe kwicandelo le-4 loMthetho olawula iiRhafu zeePropati;
  - (c) uphononongo lonyaka komgaqo-nkqubo olawula irhafu oluchazwe kwicandelo le-5 loMgaqo-nkqubo olawula iiRhafu zeePropati;
- (3) kuchaza eminye imigaqo, inkqubo namanyathelo okumiselwa angqinelana noMthetho olawula iiRhafu zeePropati ngokuhlulwulwa kwerhafu iSixeko esinokunqwenela ukuyamkela;
- (4) kuquka ezinye iindlela zonyanzeliso-mthetho, ukuba zikho, iSixeko esinokunqwenela ukuzimisela ngaphezu kwezo ziqulethwe kuMthetho kaMasipala noMgaqo-nkqubo ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala.

5. **UKUNYANZELISWA KOMGAQO-NKQUBO OLAWULA IRHAFU**

UMgaqo-nkqubo weSixeko olawula irhafu uza kunyanzeliswa kusetyenziswa uMthetho kaMasipala noMgaqo-nkqubo ojongene nokuLawulwa kokunikezelwa kwaMatyala nokuQokelelwa kwaMatyala nezinye iindlela zonyanzeliso-mthetho ezichazwe kumgaqo-nkqubo weSixeko olawula irhafu.

6. **UMHLA WOKUSEBENZA**

Lo Mthetho kamasipala uza kuqalisa ukusebenza ngomhla woku-1 Julayi 2007.