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CITY OF CAPE TOWN:

CAPE TOWN SUB-COUNCIL BY-LAW, 2003

To repeal the City of Cape Town: Sub-council By-law, 2001 and to disestablish 16 sub-councils in terms of that by-law; to establish metropolitan sub-councils in the area of the Municipality of Cape Town; to cluster wards for the area of each sub-council; to provide for an equitable financial framework for sub-councils; and to provide for those matters reasonably necessary for, or incidental to, the effective regulation and functioning of sub-councils.

1. DEFINITIONS

In this by-law, unless the context otherwise indicates—

“**by-law**” where the term is used in this by-law, means a by-law passed by the council;

“**City Manager**” means the municipal manager referred to in section 82 of the Structures Act and who has been appointed as the City Manager;

“**council**” means the council of the municipality;

“**councillor**” means a member of the council;

“**effective date**” means the date on which this by-law is promulgated by publication in the Provincial Gazette;

“**manager: sub-council**” means a member of the municipal staff appointed by the City Manager to exercise the powers and to perform the duties and functions related to sub-councils;

“**municipality**” means the Municipality of the City of Cape Town established in terms of Section 12 of the Structures Act in Provincial Notice 479 dated 22 September 2000 and published in Provincial Gazette Extraordinary 5588 dated 22 September 2000;

“**Structures Act**” means the Local Government : Municipal Structures Act 117 of 1998;

“**sub-council**” means a metropolitan sub-council established in terms of Section 3 of this by-law;

“**Systems Act**” means the Local Government : Municipal Systems Act 32 of 2000;

“**ward**” means a ward delimited in terms of Part 1 of Schedule 1 to the Structures Act;

PART 1: ESTABLISHMENT AND RELATED MATTERS**2. REPEAL AND DISESTABLISHMENT**

With effect from midnight on the day before the effective date, the Cape Town Sub-council By-law, 2001, is hereby repealed and the sub-councils set out in column 1 of the Schedule 1 and consisting of the cluster of wards set out in column 2 of Schedule 1, shall be disestablished.

3. ESTABLISHMENT

With effect from the effective date, the twenty sub-councils set out in column 1 of Schedule 2, shall be established for the area consisting of the cluster of adjoining wards set out in column 2 of Schedule 2.

4. NAMES

- (1) The name of each sub-council shall be the numeral allocated to it in Schedule 2.
- (2) A sub-council may recommend to council an amendment to the name allocated to such sub-council in terms of sub-section (1).
- (3) Council shall consider recommendations to change the name of a sub-council and cause an amendment to Schedule 2 to effect a name change.

5. COMPOSITION

- (1) A sub-council is composed of:
 - (a) the elected ward councillors of wards contained in the sub-council, and
 - (b) the proportional councillors allocated to a sub-council in terms of Section 63(1) of the Structures Act read with Section 62(cA) (where applicable) and Schedule 4 of the Structures Act.
- (2) The mechanism referred to in Section 62(cA) for the appointment of councillors to sub-councils shall be as follows:

The speaker, after consultation with the chief whips of the parties represented in council will recommend to council the allocation of the Section 63(1)(b) seats to the parties in a manner that reasonably reflects the governing majority in council.

6. VACANCIES

- (1) Whenever a vacancy occurs in the membership of a sub-council because a councillor who is a member of such sub-council resigns as a councillor or ceases to be a councillor, such vacancy shall be filled:
 - (a) in the case of such a councillor who represented a ward, by the councillor elected to fill that vacancy; and

(b) in the case of a councillor elected according to the system of proportional representation referred to in Part 3 of Schedule 1 to the Structures Act, by the party to which that seat was allocated in terms of Schedule 4 to the Structures Act, appointing any councillor from among its proportionally elected councillors.

(2) Whenever a vacancy occurs in the membership of sub-council because a councillor who is elected according to a system of proportional representation, resigns as a member of such a sub-council, such vacancy shall be filled, by the party to which that seat was allocated in terms of Schedule 4 of the Structures Act, appointing any councillor from among its proportionally elected councillors.

PART 2: INSTITUTIONAL MATTERS

7. FIRST MEETING

(1) The first meeting of a sub-council shall take place at a place, on a date and at a time determined by the City Manager who shall give notice in the press of the place, date and time of such meeting.

(2) The City Manager shall determine the agenda for the first meeting of a sub-council, the first item of which shall be the election of the chairperson.

(3) The City Manager shall instruct a member of the municipal staff to preside at the first meeting of a sub-council until the sub-council elects its chairperson in terms of Section 8.

(4) The provisions of this section shall apply after every election of all the members of the council, including a by-election contemplated in Section 25 of the Structures Act.

8. ELECTION OF CHAIRPERSON

(1) Whenever it is necessary to elect a chairperson of a sub-council, a sub-council shall elect one of its members to be the chairperson. Where there is an equality of votes, the election shall be determined by the drawing of lots.

(2) If the chairperson is absent from a meeting and a quorum is present, the members present shall elect another member to preside at that meeting.

(3) A sub-council may by resolution remove the chairperson from office. Prior notice of an intention to move a motion for the removal of the chairperson must be given.

(4) A chairperson who is removed from the office shall remain a member of the sub-council concerned.

9. MEETINGS

(1) A sub-council shall hold an ordinary meeting at least once a month except when the council has resolved to go into recess. A sub-council may hold more than one ordinary meeting in a month which does not fall into a recess period.

(2) A special meeting of a sub-council shall be held whenever:

(a) the chairperson so directs; or

(b) a majority of the members requests the chairperson in writing to convene a meeting.

(3) The matters for discussion at a special meeting shall be only the matters set out on the agenda for that meeting.

(4) The City Manager shall give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting, and except when time constraints make this impossible, of any special meeting

10. STAFFING

The City Manager shall appoint and designate officials to enable sub-councils to efficiently and effectively exercise their powers and perform their duties.

PART 3: POWERS AND DUTIES

11. RECOMMENDATIONS

A sub-council may make recommendations to the council on any matter affecting its area.

12. DELEGATIONS

(1) A sub-council has such powers and duties as the council may delegate to it.

(2) A sub-council may advise the council on what duties and powers should be delegated to it.

PART 4: EQUITABLE FINANCIAL FRAMEWORK

13. FINANCIAL PROVISION FOR SUB-COUNCILS

(1) The council shall annually in approving its operating budget make provision for—

(a) the operating costs of sub-councils, and

(b) the exercise of the powers and duties delegated to sub-councils,

and the amounts so allocated shall be calculated with due regard to those areas where the greater need exists, including the lack of capacity, as reflected in the Integrated Development Plan.

- (2) A sub-council may within any policy or controls on expenditure, authorise expenditure on the matters referred to in subsection (1)(b).
- (3) The council shall annually in its capital budget allocate to each sub-council an amount to be spent on capital projects in such sub-council.
- (4) In calculating the amounts referred to in subsection (3), due regard shall be given to the need for providing, improving and upgrading infrastructure in areas of greater need.
- (5) Each sub-council shall annually submit to the council its prioritised list of the projects referred to in subsection (4) and the only basis on which the council may decline to release funds for a particular project shall be—
 - (a) the proposal does not comply with the law, or
 - (b) the project will not be completed within the year in which it is commenced.
- (6) Any project falling within the scope of subsection (5)(b) shall be considered with projects for the integrated development plan.

PART 5: LEGAL AND GENERAL

14. LINES OF COMMUNICATION

All official communications between a sub-council and the other structures of the council, political office bearers, councillors and members of the municipal staff shall be by means of managers: sub-council.

15. ACCOUNTABILITY OF MANAGER: SUB-COUNCIL

- (1) A manager: sub-council is accountable to the City Manager for the exercise of any power conferred or the performance of any function or duty imposed in terms of this by-law and for the carrying out of any instruction or order given by or on behalf of the City Manager.
- (2) A manager: sub-council shall report to such functionary of the administration as the City Manager may determine.

16. CITY MANAGER TO SUB-DELEGATE

The City Manager may sub-delegate any power conferred or any function or duty imposed on him or her in terms of this by-law to a member of the municipal staff.

17. SUB-COUNCIL TO DELEGATE

A sub-council may sub-delegate any power conferred or duty or function imposed on it in terms of this by-law, to a member of the municipal staff.

18. SHORT TITLE AND COMMENCEMENT

- (1) This by-law is called the Cape Town Sub-council By-law, 2003 and shall come into effect on the effective date.
- (2) In the event of any conflict between the English text of this by-law and its text in another language, the English text shall prevail.

SCHEDULE 1

COLUMN 1 DESIGNATION	COLUMN 2 WARD NUMBERS
1	83, 84, 85, 86, 87 and 100
2	1, 2, 3, 4, 5 and 54
3	7, 8, 9, 10, 11, 12 and 13
4	64, 68, 69, 70 and 71
5	51, 52, 53, 55, 56, 57, 58 and 74
6	59, 60, 61, 62, 72 and 73
7	63, 65, 66, 67 and 80
8	44, 45, 46, 47, 48 and 49
9	20, 24, 28, 29, 30, 31, 32 and 50
10	36, 37, 38, 39, 40, 41, 42 and 43
11	33, 34, 35, 75 and 88
12	76, 77, 78, 79, 81 and 82
13	89, 90, 91, 92, 93 and 94
14	95, 96, 97, 98 and 99
15	6, 14, 21, 23, 25, 26 and 27
16	15, 16, 17, 18, 19 and 22

SCHEDULE 2

COLUMN 1 DESIGNATION	COLUMN 2 WARD NUMBERS
1	1, 2, 3 and 4
2	10, 11, 12 and 13
3	5, 6, 7, 8, 9 and 27
4	14, 23, 25 and 26
5	28, 29, 30, 31, 32 and 50
6	15, 17, 19, 21, 22 and 24
7	16, 18, 20 and 83
8	84, 85, 86, 87 and 100
9	95, 96, 97 and 98
10	90, 91, 92, 93, 94 and 99
11	40, 41, 42, 43 and 44
12	76, 77, 78, 79, 81 and 82
13	33, 34, 35, 75, 88 and 89
14	36, 37, 38 and 39
15	51, 52, 53, 54 and 55
16	56, 57, 58 and 74
17	45, 46, 47, 48, 49 and 59
18	63, 65, 66, 67, 68 and 80
19	64, 69, 70 and 71
20	60, 61, 62, 72 and 73

STAD KAAPSTAD:

VERORDENING OP KAAPSTAD-SUBRADE, 2003

Om die Stad Kaapstad Verordening op Subrade, 2001 te herroep en om die 16 subrade ingevolge daardie verordening te ontbind; om metropolitaanse subrade in die gebied van die Munisipaliteit van Kaapstad in te stel; om die stadswyke vir elke subraad se gebied saam te groepeer; om voorsiening te maak vir 'n billike finansiële raamwerk vir subrade, en om voorsiening te maak vir daardie aangeleenthede wat redelik nodig is vir, of gepaardgaan met, die doeltreffende regulering en funksionering van die subrade.

1. DEFINISIES

In hierdie verordening, tensy die konteks anders aandui, beteken—

“**bestuurder: subraad**” ’n lid van die munisipale personeel aangestel deur die Stadsbestuurder om die bevoegdhede uit te oefen en die pligte en funksies uit te voer wat verbandhou met Subrade;

“**effektiewe datum**” die datum waarop hierdie verordening uitgevaardig word deur publikasie in die Provinsiale Koerant;

“**munisipaliteit**” die Munisipaliteit van die Stad Kaapstad ingestel ingevolge artikel 12 van die Wet op Strukture in Provinsiale Kennisgewing 479 gedateer 22 September 2000 en gepubliseer in die Buitengewone Provinsiale Koerant 5588 gedateer 22 September 2000;

“**raad**” die raad van die munisipaliteit;

“**raadslid**” ’n lid van die Raad;

“**stadsbestuurder**” die munisipale bestuurder ooreenkomstig artikel 82 van die Wet op Strukture en wat as Stadsbestuurder aangestel is;

“**subraad**” ’n metropolitaanse subraad ingestel ingevolge artikel 3 van hierdie verordening;

“**verordening**” waar die term in hierdie verordening gebruik word, ’n verordening wat deur die Raad aanvaar is;

“**Wet op Strukture**” die Wet op Plaaslike Regering Munisipale Strukture, Wet 117 van 1998;

“**Wet op Stelsels**” die Wet op Plaaslike Regering Munisipale Stelsels, Wet 32 van 2000;

“**wyk**” ’n stadswyk afgebaken ingevolge Deel 1 van Bylae 1 van die Wet op Strukture.

DEEL 1: INSTEL EN VERBANDHOUDENDE SAKE**2. HERROEPING EN ONTBINDING**

Met ingang van middernag op die dag voor die effektiewe datum word die Verordening op die Kaapstad Subrade, 2001 hiermee herroep en die subrade soos uiteengesit in kolom 1 van Bylae 1 en bestaande uit die groep wyke soos uiteengesit in kolom 2 van Bylae 1, ontbind.

3. INSTELLING

Met ingang van die effektiewe datum word die twintig subrade soos uiteengesit in kolom 1 van Bylae 2 ontbind, en word ingestel vir die gebied bestaande uit die groep aangrensende wyke soos uiteengesit in kolom 2 van Bylae 2.

4. NAME

(1) Die naam van elke subraad is die nommer daaraan toegeken in Bylae 2.

(2) ’n Subraad mag ’n wysiging aan die naam wat aan so ’n subraad toegewys is ingevolge subartikel (1), by die raad aanbeveel.

(3) Die raad moet die aanbevelings om die naam van ’n subraad te verander, oorweeg en ’n wysiging aan Bylae 2 teweegbring om ’n naamsverandering te bewerkstellig.

5. SAMESTELLING

(1) ’n Subraad bestaan uit:

(a) die verkose wyksraadslede van die wyke vervat in die subraad, en

(b) die raadslede wat proporsioneel aan ’n subraad toegeken is ingevolge artikel 63(1) van die Wet op Strukture saamgelees met artikel 62(c)(a) (waar toepaslik) en Bylae 4 van die Wet op Strukture.

(2) Die meganisme met betrekking tot artikel 62(cA) vir die aanstelling van raadslede op subrade is as volg:

Die speaker, na oorlegpleging met die hoofswep van die partye wat in die raad verteenwoordig is, beveel by die raad die toekenning van die artikel 63(1)(b)-setels aan die partye aan op ’n wyse wat die regerende meerderheid in die raad weerspieël.

6. VAKATURES

(1) Wanneer ook al ’n vakature ontstaan in ’n subraad se lidmaatskap omdat ’n raadslid wat lid van sodanige subraad is, as raadslid bedank of ophou om ’n raadslid te wees, moet sodanige vakature gevul word:

(a) in die geval van sodanige raadslid wat ’n wyk verteenwoordig het, deur die raadslid wat verkies is om die daardie vakature te vul; en

(b) in die geval van 'n raadslid wat ooreenkomstig die stelsel van proporsionele verteenwoordiging verkies is kragtens Deel 3 van Bylae 1 van die Wet op Strukture, deurdat die party waaraan daardie setel toegewys is ingevolge Bylae 4 van die Wet op Strukture, enige raadslid uit sy proporsioneel verkose raadslede aanstel.

(2) Wanneer ook al 'n vakature in die lidmaatskap van 'n subraad ontstaan omdat 'n raadslid wat volgens 'n stelsel van proporsionele verteenwoordiging verkies is, as 'n lid van sodanige subraad bedank, sodanige vakature gevul word deurdat die party waaraan daardie setel toegewys is ingevolge Bylae 4 van die Wet op Strukture enige raadslid uit sy proporsioneel verkose raadslede aanstel.

DEEL 2: INSTITUSIONELE AANGELEENTHEDE

7. EERSTE VERGADERING

- (1) Die eerste vergadering van die subraad vind plaas op 'n plek, op 'n datum en op 'n tyd soos bepaal deur die stadsbestuurder wat in die pers kennis sal gee van die plek, datum en tyd van sodanige vergadering.
- (2) Die stadsbestuurder bepaal die agenda vir die eerste vergadering van die subraad waarvan die eerste item die verkiesing van die voorsitter is.
- (3) Die stadsbestuurder gee opdrag aan 'n lid van die munisipale personeel om voor te sit tydens die eerste vergadering van 'n subraad totdat die subraad sy voorsitter ingevolge artikel 8 kies.
- (4) Die bepalinge van hierdie artikel is toepaslik na elke verkiesing van al die lede van die raad, insluitende 'n tussenverkiesing beoog in artikel 25 van die Wet op Strukture.

8. VERKIESING VAN VOORSITTER

- (1) Wanneer ook al dit nodig is om 'n voorsitter van 'n subraad te verkies, moet 'n subraad een van sy lede tot voorsitter verkies. As die stemming gelykop is, moet die verkiesing deur die trek van lootjies beslis word.
- (2) Indien die voorsitter afwesig is van 'n vergadering en daar is 'n kworum, moet die lede wat aanwesig is 'n ander lid kies om by daardie vergadering voor te sit.
- (3) 'n Subraad mag deur 'n besluit die voorsitter uit sy/haar amp verwyder. Daar moet vooraf kennis gegee word van die voorneme om die voorsitter uit sy/haar amp te verwyder.
- (4) 'n Voorsitter wat uit sy/haar amp verwyder word, bly 'n lid van die betrokke subraad.

9. VERGADERINGS

- (1) 'n Subraad moet ten minste een keer per maand vergader tensy die raad besluit om in reses te gaan. 'n subraad mag meer as een gewone vergadering per maand hou wat nie in die resestydperk val nie.
- (2) 'n Spesiale vergadering van die subraad moet gehou word wanneer ook al:
 - (a) die voorsitter so beveel; of
 - (b) 'n meerderheid van die lede 'n skriftelike versoek tot die voorsitter rig om 'n vergadering te belê.
- (3) Die aangeleentheid vir bespreking tydens 'n spesiale vergadering moet net die sake wees wat op die sakelys/agenda vir daardie vergadering aangedui word.
- (4) Die stadsbestuurder moet kennis gee aan die publiek op 'n wyse bepaal deur die raad van die tyd, datum en plek van elke gewone vergadering, en, behalwe as tydsbepalinge dit onmoontlik maak, van enige spesiale vergadering.

10. PERSONEEL

Die stadsbestuurder moet amptenare aanstel en aanwys om die subrade in staat te stel om op 'n doeltreffende en doelmatige wyse hul bevoegdhede uit te oefen en hul pligte uit te voer.

DEEL 3: BEVOEGDHEDE EN PLIGTE

11. AANBEVELINGS

'n Subraad mag aanbevelings aan die raad maak oor enige aangeleentheid wat sy gebied beïnvloed.

12. DELEGERING

- (1) 'n Subraad beskik oor sodanige bevoegdhede en pligte as wat die raad aan dit mag delegeer.
- (2) 'n Subraad mag die raad adviseer oor watter bevoegdhede en pligte aan dit gedelegeer behoort te word.

DEEL 4: BILLIKE FINANSIËLE RAAMWERK

13. FINANSIËLE VOORSIENING VIR SUBRADE

- (1) Die raad moet elke jaar met die goedkeuring van sy bedryfsbegroting voorsiening maak vir—
 - (a) subrade se bedryfskoste, en
 - (b) die uitoefening van die bevoegdhede en pligte aan subrade gedelegeer,

en die bedrae wat so toegewys word, moet bereken word met inagneming van daardie gebiede waar die grootste nood bestaan, insluitende 'n gebrek aan kapasiteit, soos weerspieël in die geïntegreerde ontwikkelingsplan.

- (2) 'n Subraad mag binne enige beleidsraamwerk of beheer oor besteding, uitgawes op die aangeleenthede ooreenkomstig subartikel (1)(b) magtig.
- (3) Die raad moet elke jaar in sy kapitaalbegroting 'n bedrag aan elke subraad toewys om op kapitaalprojekte in sodanige subraad bestee te word.
- (4) By die berekening van die bedrae met betrekking tot subartikel (3), die behoefte aan die voorsiening, verbetering en opgradering van infrastruktuur in gebiede waar die grootste behoefte bestaan, in ag geneem word.
- (5) Elke subraad moet jaarliks aan die raad 'n prioriteitslys voorlê van die projekte met betrekking tot subartikel (4) en die enigste grondslag waarop die raad mag weier om fondse beskikbaar te stel vir 'n spesifieke projek is—
 - (a) die voorstel voldoen nie aan die vereistes van die wet nie, of
 - (b) die projek sal nie voltooi word binne die jaar waarin dit begin is nie.
- (6) Enige projek wat binne die bestek van subartikel (5)(b) val, moet in samehang met projekte vir die geïntegreerde ontwikkelingsplan oorweeg word.

DEEL 5: REGSASPEKTE EN ALGEMEEN

14. KOMMUNIKASIELYNE

Alle amptelike kommunikasie tussen 'n subraad en die ander strukture van die raad, politieke ampsdraers, raadslede en lede van die munisipale personeel moet deur middel van die bestuurders:subrade plaasvind.

15. AANSPREEKLIKHEID VAN DIE BESTUURDER: SUBRAAD

- (1) 'n Bestuurder: subraad is aan die stadsbestuurder aanspreeklik vir die uitoefening van enige bevoegdheede verleen of die uitvoer van enige funksie opgelê ingevolge hierdie verordening en vir die uitvoer van enige instruksie of bevel gegee deur of namens die stadsbestuurder.
- (2) 'n Bestuurder: subraad moet verslag lewer aan sodanige funksionaris van die administrasie as wat die stadsbestuurder mag bepaal.

16. STADSBESTUURDER KAN SUBDELEGEER

Die stadsbestuurder kan enige bevoegdheid verleen of enige funksie of plig op hom/haar opgelê ingevolge hierdie verordening, subdelepeer aan 'n lid van die munisipale personeel.

17. SUBRAAD KAN DELEGEER

'n Subraad mag enige bevoegdheid verleen of plig of funksie op dit opgelê ingevolge hierdie verordening, subdelepeer aan 'n lid van die munisipale personeel.

18. KORTTITEL EN INWERKINGTREDING

- (1) Hierdie verordening word die Verordening op die Kaapstad-Subraad, 2003 genoem en tree in werking op die effektiewe datum.
- (2) Indien daar enige konflik ontstaan tussen die Engelse teks van hierdie verordening en sy teks in 'n ander taal, geld die Engelse teks.

BYALE 1

KOLOM 1 BENOEMING	KOLOM 2 WYKSNOMMERS
1	83, 84, 85, 86, 87 en 100
2	1, 2, 3, 4, 5 en 54
3	7, 8, 9, 10, 11, 12 en 13
4	64, 68, 69, 70 en 71
5	51, 52, 53, 55, 56, 57, 58 en 74
6	59, 60, 61, 62, 72 en 73
7	63, 65, 66, 67 en 80
8	44, 45, 46, 47, 48 en 49
9	20, 24, 28, 29, 30, 31, 32 en 50
10	36, 37, 38, 39, 40, 41, 42 en 43
11	33, 34, 35, 75 en 88
12	76, 77, 78, 79, 81 en 82
13	89, 90, 91, 92, 93 en 94
14	95, 96, 97, 98 en 99
15	6, 14, 21, 23, 25, 26 en 27
16	15, 16, 17, 18, 19 en 22

BYLAE 2

KOLOM 1 BENOEMING	KOLOM 2 WYKSNOMMERS
1	1, 2, 3 en 4
2	10, 11, 12 en 13
3	5, 6, 7, 8, 9 en 27
4	14, 23, 25 en 26
5	28, 29, 30, 31, 32 en 50
6	15, 17, 19, 21, 22 en 24
7	16, 18, 20 en 83
8	84, 85, 86, 87 en 100
9	95, 96, 97 en 98
10	90, 91, 92, 93, 94 en 99
11	40, 41, 42, 43 en 44
12	76, 77, 78, 79, 81 en 82
13	33, 34, 35, 75, 88 en 89
14	36, 37, 38 en 39
15	51, 52, 53, 54 en 55
16	56, 57, 58 en 74
17	45, 46, 47, 48, 49 en 59
18	63, 65, 66, 67, 68 en 80
19	64, 69, 70 en 71
20	60, 61, 62, 72 en 73

ISIXEKO SEKAPA

UMTHETHO KAMASIPALA WEKHANSILE YESIPHALUKANA SASEKAPA, 2003

Onjongo zawo ikukutshitshisa uMthetho kaMasipala oyiCity of Cape Town: Sub-council By-law ka-2001, nokuphelisa iikhansile zeziphalukana ezilishumi elinesithandathu (16) ngokwemiqathango yaloo mthetho kamasipala; ukuseka iikhansile zeziphalukana zesixeko kwingingqi kaMasipala waseKapa; ukuhlanganisa iiwadi ngokwamaqela kwingingqi yekhansile yesiphalukana nganye; ukuqulunqa isikhokelo sokusetyenziswa kwemali esinobulungisa kwikhansile yesiphalukana nganye; kwanokubonelela ngayo nayiphi na imicimbi efanelekileyo okanye ephathelele kulawulo olululo nasekusebenzeni kakuhle kweekhansile zeziphalukana.

1. IINKCAZO-MAGAMA

Kulo mthetho kamasipala, ngaphandle kokuba indlela elisetyenziswe ngayo igama ilinika enye intsingiselo—

“**umthetho kamasipala**” xa usetyenziswe apha kulo mthetho kamasipala, ubhekisele kumthetho wolawulo lweedolophu owiswe yikhansile;

“**uManejala weSixeko**” ubhekisele kumanejala kamasipala okhankanywe kwiCandelo 82 loMthetho oyiStructures Act, nobekwe njengeManejala yeSixeko;

“**ikhansile**” ibhekisele kwikhansile kamasipala;

“**uceba**” ubhekisele kwilungu lekhansile;

“**umhla wokuqalisa**” ubhekisele kumhla othe waziswa ngawo lo mthetho kamasipala ngokuwushicilela nokuwupapasha kwiGazethi yePhondo (Provincial Gazette);

“**umanejala wekhansile yesiphalukana**” ubhekisele kumsebenzi kamasipala oye wabekwa yiManejala yeSixeko ukuba asebenzise amagunya enze nemisebenzi ephathelele kwiikhansile zeziphalukana;

“**umasipala**” ubhekisele kuMasipala weSixeko seKapa osekwe phantsi kwemiqathango yeCandelo 12 loMthetho oyiStructures Act kwiSaziso sePhondo esingunombolo 479 somhla wama-22 Septemba 2000 nesashicilelwa sapapashwa kwiProvincial Gazette Extraordinary 5588 yomhla wama-22 Septemba 2000;

“**uMthetho oyiStructures Act**” ubhekisele kumthetho oyiLocal Government: Municipal Structures Act 117 ka-1998;

“**ikhansile yesiphalukana**” ibhekisele kwikhansile yesiphalukana sesixeko esekwe ngokwemiqathango yeCandelo 3 lalo mthetho kamasipala;

“**uMthetho oyiSystems Act**” ubhekisele kumthetho oyiLocal Government: Municipal Systems Act 32 ka-2000;

“**iwadi**” ibhekisele kwiwadi emida yayo esikwe ngokwemiqathango yeSigaba 1 sikaShedyuli 1 yoMthetho oyiStructures Act.

ISIGABA 1: UKUSEKWA NEMINYE IMICIMBI ENXULUMENE NAKO**2. UKUTSHITSHISWA NOKUPHELISWA**

Ukusukela ezinzulwini zobusuku zomhla owandulela umhla wokuqalisa, umthetho kamasipala oyiCape Town Sub-councils By-law, ka-2001, uyatshitshiswa ngesi sazi, kwaye ke neekhansile zeziphalukana ezidweliswe kwikholam 1 kaShedyuli 1 nezenziwe ngala maqela eewadi adweliswe kwikholam 2 kaShedyuli 1, ziya kupheliswa.

3. UKUSEKWA

Ukusukela kumhla wokuqalisa, iikhansile zeziphalukana ezingamashumi amabini ezidweliswe phaya kwikholam 1 kaShedyuli 2 ziya kuthi zimiselwe kwingingqi yamaqela eewadi ezimeleneyo ezidweliswe kwikholam 2 kaShedyuli 2.

4. AMAGAMA

- (1) Igama lekhansile yesiphalukana nganye iya kuba lelo nani inikwe lona phaya kwiShedyuli 2.
- (2) Ikhansile yesiphalukana ingenza isindululo kwikhansile sokuba kwenziwe isilungiso kwigama ethe yanikwa lona loo khansile yesiphalukana phantsi kwalo mhlathi (1) ungentla apha.
- (3) Ikhansile iya kuthi ke iziqwalasele izindululo ezithe zenziwa zangeniswa malunga nokutshintshwa kwamagama eekhansile zeziphalukana, ize ke igunyazise ukuba malwenziwe olo tshintsho phaya kuShedyuli 2 ukubonisa oko kutshintshwa kwagama.

5. AMALUNGU EYENZIWE NGAWO

- (1) Ikhansile yesiphalukana ime ngolu hlobo ngokwamalungu:
 - (a) ooceba beewadi abanyuliweyo kwiiwadi zaloo khansile yesiphalukana.
 - (b) Ooceba ababelwe loo khansile yesiphalukana ngokwenani leevoti (propotional) ngokwemiqathango yeCandelo 63(1) loMthetho oyiStructures Act lifundwe neCandelo 62(cA) (xa kufanelekile) noShedyuli 4 woMthetho oyiStructures Act.
- (2) Laa ndlela ikhankanywe kwiCandelo 62(cA) yokunyulwa kooceba, kwiikhansile zezithili ooceba, iya kuhamba ngolu hlobo lulandelayo:

Usomlomo, asakuba edlene iindlebe nababhexeshi bamaqela amelweyo kwikhansile, uya kwenza isindululo kwikhansile malunga nokwabelwa kwamaqela izihlalo zeCandelo 63(1)(b) ngendlela eya kuthi isibonise ngokucacileyo isininzi esilawulayo kwikhansile.

6. IZITHUBA EZIVULEKILEYO

- (1) Nanini na apho kuthe kwabakho isithuba esivelayo kwikhansile yesiphalukana ngenxa yokuba ethe uceba othile olilungu laloo khansile yesiphalukana warhoxa ebulungwini bakhe okanye wayeka ukuba nguceba, eso sithuba senzekileyo siya kuvalwa:
 - (a) ukuba ngaba uceba lowo ebekuso ebemele iwadi, ngoceba oye wanyulelwa ukuvala eso sithuba;
 - (b) ukuba ngaba besinoceba onyulwe ngokwenani leevoti eliya likhankanywe kwiSigaba 3 sikaShedyuli 1 woMthetho oyiStructures Act, ngokuthi iqela esasabelwe lona eso sihlalo ngokwemiqathango kaShedyuli 4 woMthetho oyiStructures Act libeke nawuphi na uceba kwaba babenyulwe ngokwenani leevoti.
- (2) Nanini apho kunokuthi kubekho isithuba esivulekayo kwikhansile yesiphalukana ngenxa yokuba uceba owayenyulwe ngokwenani leevoti erhoxa ebulungwini bekhansile yesiphalukana leyo, eso sithuba siya kuvalwa ngokuthi iqela esasabelwe lona eso sihlalo ngokwemiqathango kaShedyuli 4 woMthetho oyiStructures Act, libeke nawuphi na uceba kwaba babenyulwe ngokwenani leevoti.

ISIGABA 2: IMICIMBI EPHTHELELE KWESI SIGQEBA (SIYIKHANSILE)

7. INTLANGANISO YOKUQALA

- (1) Intlanganiso yokuqala yekhansile yesiphalukana iya kuthi iqhubele kwindawo ethile, nomhla othile nangexesha elithile ngokokubekwa nguManejala weSixeko, oya kuthi apapashe ngesaziso esikumaphephandaba ukuba iza kuba phi na loo ntlanganiso, nini na, nangabani na ixesha.
- (2) UManejala weSixeko uya kubeka iajenda yentlanganiso yokuqala yekhansile yesiphalukana, eya kuthi ekuqaleni kwayo loo ajenda ibe nombawokunyulwa kukasihlalo.
- (3) UManejala weSixeko uya kuyalela umsebenzi kamasipala othile ukuba makachophele intlanganiso yokuqala yekhansile yesiphalukana de ibe ikhansile yesiphalukana leyo imnyule usihlalo wayo ngokwemiqathango yeCandelo 8.
- (4) Imiqathango yeli candelo iya kusetyenziswa emva konyulo ngalunye lwawo onke amalungu ekhansile, ngokunjalo nakunyulo lovalo-sikhewu oluchazwa kwiCandelo 25 loMthetho oyiStructures Act.

8. UKUNYULWA KUKASIHLO

- (1) Nanini na xa kuthe kwavela imfuneko yokuba kunyulwe usihlalo wekhansile yesiphalukana, ikhansile yesiphalukana iya kuthi inyule elinye lamalungu ayo ukuba libe ngusihlalo wayo. Xa ke kuthe kwabakho ukulingana kwamanani eevoti, unyulo luya kuthi luqhutywe ngokungcakaza.
- (2) Ukuba ngaba usihlalo akakho entlanganisweni, libe lona inani labakhoyo likulungele ukuba kungaqhutywa ngentlanganiso, loo malungu akhoyo entlanganisweni aya kuthi anyule elinye lawo ukuba liyichophele loo ntlanganiso.
- (3) Ikhansile yesiphalukana isenokuthi ngesigqibo esithathileyo imsuse usihlalo esikhundleni sakhe. Kufuneka ke kambe ukuba, xa kuza kwenziwa loo nto, kunikwe isaziso sokuba kukho injongo yokwenza isiphakamiso sokuba makasuswe esikhundleni sakhe usihlalo.
- (4) Usihlalo othe wasuswa esikhundleni sakhe uya kuhlala elilo ilungu laloo khansile yesiphalukana imsusileyo esikhundleni.

9. IINTLANGANISO

- (1) Ikhansile yesiphalukana iya kuhlala intlanganiso yesiqhelo kanye ngenyanga ubuncinane, ngaphandle kwaxa ke ikhansile ithe yagqiba ekubeni mayikhe ithathe ikhefu. Ikhansile yesiphalukana ingazihlala iintlanganiso ezingaphezulu kwale inye yesiqhelo ngenyanga engeyoyangeli xesha lekhefu.
- (2) Ikhansile yesiphalukana iya kuhlala intlanganiso yesikhawu nanini na xa
 - (a) athe wayibiza usihlalo; okanye
 - (b) xa sithe isininzi samalungu samcela usihlalo ukuba makabize intlanganiso.
- (3) Imicimbi ekuya kuxoxwa yona entlanganisweni iya kuba kuphela yileya idweliswe kwi-ajenda.
- (4) UManejala weSixeko uya kunika uluntu isaziso, ngaloo ndlela ithe yagqiba kuyo ikhansile, malunga nexesha lentlanganiso yesiqhelo nganye, umhla eza kuba ngawo nendawo eza kuba kuyo, ngokunjalo nakwintlanganiso yesikhawu, ngaphandle kokuba iimeko zexesha zizenza angabi nakuphumelela ukuba angayenza loo nto.

10. ABASEBENZI

UManejala weSixeko uya kuqesha abeke amagosa (abasebenzi) abaya kuthi benze ikhansile yesiphalukana ikwazi ukusebenza kakuhle nangempumelelo ekufezekiseni amagunya ayo nemisebenzi eluxanduva lwayo.

ISIGABA 3: AMAGUNYA NOMSEBENZI

11. IZINDULULO

Ikhansile yesiphalukana inokwenza izindululo kwikhansile ngokunxulumene nawo nawuphi na umcimbi ochaphazela ingingqi yayo.

12. UNIKEZELO LWAMAGUNYA

- (1) Ikhansile yesiphalukana inaloo magunya naloo misebenzi inokuthi inikezelwe kuyo yikhansile.

- (2) Ikhansile yesiphalukana inokuyicebisa ikhansile malunga nokuba yeyiphi na imisebenzi namagunya anokuthi anikezelwe kuyo.

ISIGABA 4: ISIKHOKELO SEZEMALI ESINOBUKUNGI

13. ULUNGISELELO LWEZEMALI LWEEKHANSILE ZEZIPHALUKANA

- (1) Ikhansile iya kuthi qho ngonyaka xa isamkela uhlahlo-mali lwayo lokusebenza ibe namalungiselelo ewenzayo—
- okujongana neendleko zeekhansile zeziphalukana;
 - okujongana nokusetyenziswa kwamagunya eekhansile zeziphalukana nokwenziwa kwemisebenzi yazo;
- kwaye ke ezo mali zithe zabiwa ziya kubalwa kuthatyathelwe ingqalelo yezo ngingqi zinezona zimfuno ziphezulu, nalapho kukho ukunqongophala kobuchule nolwazi, njengoko kuboniswa kwiSicwangciso soPhuhliso oluManyanisiweyo.
- (2) Ikhansile yesiphalukana isenokuthi ihamba ngawo nawuphi na umgaqo-nkqubo okanye ulawulo lwenkcitho, igunyazise inkcitho ethile ephathelele kule micimbi ikhankanywe kumhlathana (1)(b) ngentla apha.
- (3) Ikhansile iya kuthi qho ngonyaka kuhlalo-mali lwayo lweentengo ezinkulu nolwakhiwo yabele ikhansile yesiphalukana nganye isixa-mali esiya kusetyenziselwa iiprojekthi ezinkulu kuloo khansile yesigqebana.
- (4) Kuya kuthi xa kubalwa ezi zixa-mali zikhankanywe apha kumhlathi (3) ngentla apha kuthathelwe ingqwalaselo imfuneko yokuba kusiwe izibonelelo, kuphuculwe ezo zikhoyo kwezo ngingqi zikufuna kakhulu oko.
- (5) Ikhansile yesiphalukana nganye iya kuthi qho ngonyaka ingenise kwikhansile uluhlu lwayo lwezi projekthi zikhankanywe kumhlathi (4) ngentla pha, zilandeletaniswa ngokubaluleka kwazo, kwaye ke imeko enokuthi kuyo ikhansile yale ukukupha imali yeprojekthi ethile iya kuba kuphela xa ngaba—
- isicwangciso sesicelo asihambi ngokwemimiselo ymthetho;
 - iprojekthi leyo ayizi kugqitywa kwangaloo nyaka iqalwe ngawo.
- (6) Nayiphi na iiprojekthi eyenye yezi zikhankanywe kumhlathi (5) ngentla apha iya kuqwalaselwa kunye neeprojekthi zesicwangciso sophuhliso olumanyanisiweyo.

ISIGABA 5: EZOMTHETHO NEZINYE NGOKUBANZI NJE

14. IINDLELA ZOQHAGAMSHELWANO

Lonke uqhagamshelwano phakathi kwekhansile yesiphalukana nezinye izigqeba zekhansile namagosa anezikhundla zezopolitiko noceba nabasebenzi bakamasipala, luya kuhamba ngomanejala: ikhansile yesiphalukana.

15. UKUBA PHANTSI KOLAWULO KUKAMANEJALA WEKHANSILE YESIPHALUKANA

- (1) Umanejala wekhansile yesiphalukana uphantsi kolawulo lukaManejala weSixeko ekusebenziseni kwakhe nawo nawuphi na amagunya awanikiweyo nasekwenzeni kwakhe nawo nawuphi na umsebenzi wakhe awunikwa phantsi kwemiqathango yalo mthetho kamasipala, ngokunjalo nasekufezekiseni nayiphi na imiyalelo enikiweyo nguManejala weSixeko okanye enikwe egameni lakhe.
- (2) Umanejala wekhansile yesiphalukana uya kuthi anike ingxelo kuye nawuphi na lowo uligosa lolawulo unokuthi akhethwe nguManejala weSixeko.

16. UMANEJALA WESIXEKO ANGAGUNYAZISA

UManejala weSixeko usenokuthi agunyazise nawuphi na umsebenzi wekhansile ukuba makasebenzise igunya eliluxanduva lwakhe yena Manejala weSixeko, okanye ukuba makenze nawuphi na umsebenzi oluxanduva lwakhe yena Manejala weSixeko ngokwemiqathango yalo mthetho kamasipala.

17. IKHANSILE YESIPHALUKANA INGAGUNYAZISA

Ikhansile yesiphalukana isenokuthi igunyazise nawuphi na umsebenzi wekhansile ukuba makasebenzise igunya eliluxanduva lwayo okanye ukuba makenze nawuphi na umsebenzi oluxanduva lwayo ngokwemiqathango yalo mthetho kamasipala.

18. ISIHLOKwana ESIFUTSHANE NOKUQALISA (UKUSEBENZA)

- (1) Lo mthetho kamasipala kuthiwa yiCape Town Sub-council By-law, 2003 kwaye uya kuqalisa ukusebenza ngalaa mhla wawo wokuqalisa.
- (2) Xa kunokuthi kwenzeke ukuba kubekho ukuphikisana kweentsingiselo phakathi kwalo ubhalwe ngesiNgesi neminye eluguqulelo kwezinye iilwimi, kuya kuhanjwa ngale ntsingiselo ikulo wesiNgesi.

ISHEDYULI 1

IKHOLAM 1	IKHOLAM 2
IGAMA	IINOMBOLO ZEEWADI
1	83, 84, 85, 86, 87 no-100
2	1, 2, 3, 4, 5 no-54
3	7, 8, 9, 10, 11, 12 no-13
4	64, 68, 69, 70 no-71
5	51, 52, 53, 55, 56, 57, 58 no-74
6	59, 60, 61, 62, 72 no-73
7	63, 65, 66, 67 no-80
8	44, 45, 46, 47, 48 no-49
9	20, 24, 28, 29, 30, 31, 32 no-50
10	36, 37, 38, 39, 40, 41, 42, no-43
11	33, 34, 35, 75 no-88
12	76, 77, 78, 79, 81 no-82
13	89, 90, 91, 92, 93 no-94
14	95, 96, 97, 98 no-99
15	6, 14, 21, 23, 25, 26 no-27
16	15, 16, 17, 18, 19 no-22

ISHEDYULI 2

IKHOLAM 1	IKHOLAM 2
IGAMA	IINOMBOLO ZEEWADI
1	1, 2, 3 no-4
2	10, 11, 12 no-13
3	5, 6, 7, 8, 9 no-27
4	14, 23, 25 no-26
5	28, 29, 30, 31, 32 no-50
6	15, 17, 19, 21, 22 no-24
7	16, 18, 20 no-83
8	84, 85, 86, 87 no-100
9	95, 96, 97 no-98
10	90, 91, 92, 93, 94 no-99
11	40, 41 42, 43 no-44
12	76, 77, 78, 79, 81 no-82
13	33, 34, 35, 75, 88 no-89
14	36, 37, 38 no-39
15	51, 52, 53, 54 no-55
16	56, 57, 58 no-74
17	45, 46, 47, 48, 49 no-59
18	63, 65, 66, 67, 68 no-80
19	64, 69, 70 no-71
20	60, 61, 62, 72 no-73