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IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

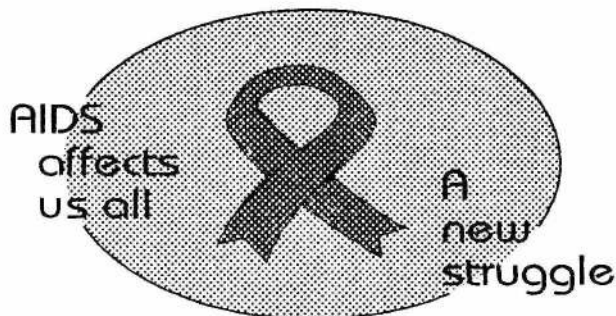
Vol. 16

BISHO/
KING WILLIAM'S TOWN, 27 FEBRUARY 2009

No. 2042
(Extraordinary)

2009-03-17

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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**PART 1 OF 4
ENGLISH**



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LOCAL AUTHORITY NOTICES

No. 5

MBIZANA LOCAL MUNICIPALITY

LAND USE APPLICATION BY-LAWS

DRAFT 1

LAND USE APPLICATION BY-LAWS

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000(Act No.32 of 2002) that the Mbizana Local Municipal Council publishes the Land Use Application By-Laws as set out below;

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Preamble

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Definitions

“**affected party**” means any person whose rights are materially and adversely affected by the land use planning decision;

“**applicant**” to the means the owner of property or a person authorized by the owner to make to make an application to change the land use rights attaching property.

“**Council**” means the Council of the Municipality of Mbizana and includes any Council or, Committee, Sub Council or ward committee as the case may be, established by the Municipality, or an official of the Municipality, who has the delegated authority to decide on land use planning applications.

“**days**” when the calculation of days is involved, the calculation excludes the first and includes the last day, unless the last day falls on any public holiday.

“**Land use planning application**” means an application for a change of use rights or an altered land use restriction made in terms of the legislation governing such applications and includes but is not limited to rezoning, departures, subdivisions, consents and conditional uses in terms of the applicable zoning scheme or town planning scheme, amendment of conditions and may include the removal of restrictive title deed conditions if such legislation is assigned to Municipality.

“**municipal manager**” means the person appointed under section 82 of the Municipal Systems Act No. 32 of 2000 and includes any official of the Municipality to whom the Municipal Manager has delegated his power under these By-Laws.

“**Municipality**” means the Municipality of Mbizana, established in terms of section 12 of the Municipal Structure Act No. 118 of 1998.

1. Application of By-Laws

(1) Subject to subsection 2.2 below, these By-Laws applies to all land use planning applications lodged with the Municipal Manager for consideration and decision by the Municipality under the legislation governing land use applications.

(2) These By-Laws will not apply to applications made in terms of the Development Facilitation Act No. 67 of 1995

2. Pre-application

(1) The applicant must, before submitting a land use planning application, enquire from the Municipal Manager either by telephone, fax, electronic mail or personally to determine the law, zoning schemes regulations, policies and guidelines which may be applicable to the application.

(2) If any permits, authorizations, or approvals which are required under any other law must be obtained before submitting the application or before a decision is taken by the Municipality.

(2) If any applications for permits, authorizations or approval must be advertised simultaneously with the application that the applicant intends to make.

(4) The type of advertising and other forms of participation that will be required to conform with the requirements of the laws, By-Laws or policies governing the Municipality;

3. Fees payable for the application

The Municipal Manager must provide the applicant with the required information within a reasonable time.

4. Form of Application

(1) The applicant must ensure that the application-

- (a) Is lodged on the application forms approved by the Municipality;
- (b) is accompanied by the prescribed fee;
- (c) if lodged by an agent of the applicant, is accompanied by a power of an attorney authorizing the agent to act the applicant's behalf;
- (d) if lodged on behalf of a company, is accompanied by the minutes of the resolution taken by the company, authorizing a person to make application and, if necessary the authority to appoint an agent to act on the company's behalf;
- (e) where necessary, is with the title deed of the property or a conveyancer's certificate, certifying that the proposed application will not contravene any title deed restrictions applying to the property, alternatively indicating that

- the application includes an application to remove restrictive title deed conditions;
- (f) if public participation is to be carried out by the applicant and not the Municipality:
 - (i) includes a draft advertisement and/ or draft letter to interested and affected parties;
 - (ii) if public meetings are to be held, a list of when and where the meetings are to be held and a draft list of the organizations to be invited;
 - (g) contains a list of the erf number, size of the property, current zoning, and current use including whether such use is lawful or not;
 - (h) is accompanied by such diagrams and plans with sufficient detail to enable any objectors or interested parties to comment on the application and for the Municipality to assess the nature of the proposed change in land use or altered land use restriction;
 - (i) contains adequate motivation under the applicable law, policies and planning criteria for the proposed change in land use or land use restriction;
 - (j) indicates if any other permit, authorities or approvals under any other law are outstanding;
 - (k) the method of communication preferred by the applicant including the forwarding of objections to the application for comment by the applicant and the report on the application.

(2) The applicant must provide the Municipality with the number of copies of the application as determined by the Municipal Manager to enable objectors to be furnished with copies of the application.

5. Receipt of Application

- (1) The Municipal Manager must within 3 days of receipt of the application circulate to the relevant internal departments of the Municipality for comment;
- (2) The internal departments must furnish comment to the Municipal Manager within 14 days of receiving the application;
- (3) The Municipal Manager must, within 5 days of receiving the comments referred to in (2) above, advise the applicant in writing whether:

- (a) additional information and motivation are required;
- (b) further information is required, the date of submission of the application is the date when the further information is submitted:

(3) The above provisions do not prevent the municipal manager from requesting further impact studies or further information at any stage during the assessment of the application.

6. Advertising of Application

(1) If the application is in order, the municipal manager must, in consultation with the applicant determine the method of the advertising of the application. The duration of the advertising period which must not be less than 21 days.

(2) The method of advertising depends on the circumstances and the Municipality's policy on advertising and public participation.

(3) If the applicant is to carry out the advertising, the municipal manager must approve the content of any notices, advertisements or any letters to be used.

(4) The content of the notices, advertisements or letters must at least make reference to the erf description of the property, its physical address, details of the nature of the application, where the application lies open for inspection and the times it may be inspected;

(4) The municipal manager may require affected parties to whom letters have been sent, to sign a copy of the plan or diagram which has been shown to them indicating the nature of the application if they consent to the application;

(5) The municipal manager must determine the departments of the national and provincial spheres of government who must be notified of the application;

(6) Where national and provincial departments must be notified, the municipal manager must request these departments to comment on the application within 60 days of receiving the application;

(7) The municipal manager must ensure that:

- (a) a full and complete copy of the application lies for inspection by the public at the offices of the Municipality;
- (b) at his discretion, the application lies open for inspection at other places that are accessible to those who are affected by the application;

- (c) the tariff of fees for photocopies is posted in a prominent position in the place where the application lies open for inspection;
- (d) arrangements are made to explain the application and record the objections of objectors who cannot read and /or write;
- (e) notices are placed in a prominent position informing parties who are materially and adversely affected by the application that they may request an oral hearing from Council;
- (f) forms for a request for an oral hearing in a format similar to that set out in Annexure A are readily available.

(8) Once the period for objections has closed, the municipal manager must within 10 days forward the objections to the applicant for his or her comment, who may submit his or her comments to the Municipality within 60 days after being notified by the method set out in subsection 4.1.13 above. The municipal manager may extend this period. Should the applicant fail to comply with the provisions of this subsection, he or she will be deemed to have no comment.

7. Decision by the Municipality

(1) Within 60 days of receiving the applicant's comments on the objections and provided that all impact assessments which have been requested have been submitted and comments from the national and provincial spheres of government have been obtained, the municipal manager must, if a decision can be made on the application under delegated authority, ensure that a decision is taken within a reasonable time;

(2) If the matter is not delegated to officials, the Municipal Manager must compile a report and a recommendation;

- (a) send a copy of the signed report and recommendation to the applicant and objectors;
- (b) place the report on the agenda of Council;

(3) Where any party has requested an oral hearing before the Municipality takes a decision the municipal manager must follow the procedure set out in section 8 prior to placing the report on the agenda of Council.

8. Oral Hearings

(1) Either the applicant or a person whose rights are materially and adversely affected by the land use application may request an oral hearing before Council takes a decision.

(2) In the case of an objector, such request must accompany the objection to the land use application. In the case of the applicant, such request may accompany the application or the comments on the objections.

(3) No oral hearings will be considered where a decision is to be taken by officials of the Municipality under delegated powers.

(4) Once the report and recommendation of the municipal manager has been signed, the report and the request for oral hearings shall be placed before the Council who shall decide on whether to grant or refuse the opportunity for an oral hearing before decision is taken.

(5) In determining whether to grant or refuse the request for an oral hearing, Council may have regard to the complexity of the application, the degree to which the proposed application departs from the applicable laws, the number of people who are materially and adversely affected by the application, the nature of factual disputes between the applicant and objectors and any other factor which fairness in the circumstances requires.

9. Notice of Intended Hearing

(1) All parties must be informed of the hearing in the manner requested in the request for an oral hearing form at least seven days in advance. The notification must clearly set out the exact address where and time when the hearing will take place.

(2) Parties who have been granted an oral hearing may request access to the municipal file in order to prepare for their hearing provided that three days prior written notice is given to the municipal manager.

10. Representation

All parties may, with the consent of Council, have professional representation at the hearing.

Conduct of Hearings

11. Interest in the matter

Members of the Council who have a direct or indirect interest in the application before Council must act in accordance with the code of Conduct as set out in the Local Government: Municipal Systems Act No. 32 of 2000.

12. Time Periods

(1) The applicant has 15 minutes to present his or her case and a reasonable time to respond to the other party if he or she is the party who addresses the Council first.

- (2) The objectors have 15 minutes to present their case and a reasonable time period to respond to the other party if they are the party who addresses the Council first.
- (3) Where there are multiple objectors, the objectors must be requested to elect a spokesperson to speak on their behalf.
- (4) If it is not possible to elect a spokesperson as required in subsection above, each objector must be given time to put his or her case to the Council.
- (5) The speaker may, request the objector who has the floor to move on their next point if the point has already been made by a previous objector or if the objector becomes repetitive or if irrelevant information is provided.
- (6) The speaker may, when in the circumstances of the case it is fair to do so, allow more time to any party.

13. Order of addressing the Council

- (1) The party, against whom the recommendation in the report of the municipal manager goes, addresses the Council first. The other party is then given the opportunity to make representations to the Council. Once they are finished, the first party is given the opportunity to reply must be very brief and strictly limited to the new issues raised.
- (2) Parties must at all times observe the directions of and conform to the procedures laid down by Council.
- (3) No cross-examination of either party by any other party will be permitted.
- (4) At the end of each presentation, Council members may ask questions of clarification from either party or official.

14. Additional Information

- (1) Should parties wish to distribute photographs, plans or notes to illustrate their point, sufficient copies must be provided for all Council members and other parties present.
- (2) New issues material to the application may, at the speakers discretion, be raised for the first time at the hearing. The speaker, when exercising such discretion must take into account whether it is fair in the circumstances to permit the new material to be heard.
- (3) The speaker, when deciding whether to permit such new information, must determine whether a short adjournment may give the other party time to assess and discuss the new information. If the information raised is too complex and detailed, the speaker may postpone the hearing of the matter to another date for the other party to have sufficient time to consider the information.

16. After the presentation

- (1) Once the presentations have been completed, no further comments or representations will be allowed.
- (2) The Council debates the matter with all parties present unless having regard to the circumstances, it is reasonable to close the session.
- (4) The Council may come to a decision at the session or at a later date.
- (5) If the Council comes to a decision during the session, the Speaker must tell the parties what the decision of the Council is and the reasons for the decision.
- (6) The parties must also be advised of any right of appeal that they may have and that formal written notification of the decision will follow.
- (7) If the Council adopts the Municipal Manager's report, the reasons are contained in the report. Any reasons added by the Council must be made clear at this stage. If the Council does not adopt the report, the Council must furnish its reasons for coming to the decision.

17. Notification

- (1) The Municipal Manager must give written notice to the applicant, objectors and all those who have submitted written comment, of the decision of Council and the reasons for such decision within 60 days of the decision.
- (2) Where objectors have lodged a petition, notification of the person who is responsible for the petition shall be deemed to be notification to all persons who signed the petition.
- (3) The notification must specify:
 - (a) if a final decision has been taken or whether a recommendation has been made to another sphere of government;
 - (b) in cases where a decision was taken under delegated authority, details of the internal right of appeal provided for in terms of section 62 of the Local Government Municipal Systems Act No. 32 of 2000 and the time periods and procedures to follow in order to exercise this right of appeal;
 - (c) if there is a right of appeal to an external body or to another sphere of government and give details of the time periods and the procedures to follow in order to exercise this right of appeal.

- (d) where a decision has been taken, parties must be informed that the decision is suspended until the time periods for the internal appeal and/ or external appeal have lapsed.
- (e) Internal appeals against decision taken by officials under delegated authority will be dealt with in terms of the Procedures By-law.
- (f) The notification may be by means of registered mail or facsimile.

17. Offences and penalties

A person who-

- (a) fails or refuses to give an officer such information as he/she may reasonably require for the purpose of exercising his or her powers or functions under these By-laws or gives such an officer false or misleading information knowing it to be false or misleading;
- (b) contravenes or fails to comply with a provision of these By-laws; or
- (c) fails to comply with the terms of a notice served on him or her in terms of these By-laws;

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

18. Repeal

(1) Any By-Laws applicable in the jurisdiction of the municipality relating to the subject contained in these By-Laws are repealed to the extent that they conflict with the provisions of these By-Laws.

(2) The repeal of the existing By-Laws is effective from the date of the promulgation of these By-Laws.

14. Short Title and commencement

(1) These By-laws are called Financial By-laws and shall come into operation on a date or dates determined by the Municipal Council and published in the provincial gazette.

(3) The Municipality may be set different dates of operation for different areas.

Procedures for Lodging Land Use Application By-Laws

NAME

ORGANIZATION REPRESENTED (IF ANY)

ADDRESS

CONTACT TELEPHONE NUMBER (DAYTIME)

(This is needed to tell you when the interview will be held)

CONTACT FAX NUMBER

(This is needed so that information can be sent to you quickly)

IF NO FAX NUMBER, PLEASE INDICATE WHETHER YOU WILL COLLECT THE INFORMATION WHICH COUNCIL WILL REQUIRED TO FURNISH YOU WITH

OTHER METHOD REFERRED FOR NOTIFICATION

REASONS FOR REQUESTING ORAL HEARING**NOTE**

You will be advised as to whether you have been granted an oral hearing,

Oral hearings of the Council are usually held in theat

You will be notified of the time of the hearing. Please note that the hearing may not start at the time given to you because other hearings are running late. When you arrive at the venue, please give your details to the Committee Secretariat so that they can note down that you have arrived. If you require an interpreter, please notify Council at least fifteen working days in advance.

If you are the convenor of a petition, you are responsible for advising the petitioners of the details of the hearing. It is also your responsibility to find a spoke person to speak on behalf of the petitioners.

If there are many objectors, Council will request you to nominate a spokesperson. This is especially so when the objections raised cover the same ground. You are requested to attempt to speak to the other objectors before the hearing in order to nominate such a person.

If your rights are affected by this application, you are entitled to ask to see the municipal file for this application. If the file or certain information is not available when you inspect the application, please give the officials at least 3 working days written notice that you wish to see the file. You may ask for copies of any information that is on the file. Please address this request to (insert). Fax number (insert). The cost per page per photocopy is inserted.

No. 6

MBIZANA LOCAL MUNICIPALITY

**BY-LAWS ON CEMETERIES AND
CREMATORIA**

DRAFT

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act no 32 of 2000), read with section 162 of the Constitution of the Republic of South Africa, 1996 (Act no 108 of 1996), publishes the Mbizana Local Municipality: Cemeteries and Crematoria By-laws which have been approved by the Municipal Council.

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DEFINITIONS

1 In these By-laws, unless the context otherwise indicates-

“**adult**” means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

“**after hour fee**” means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours save in the case of cremations or burials which because of religious belief are undertaken after such hours or in the case of burial where the mourners undertake to close the grave;

“**anatomy subject**” means a body delivered to an authorised school of anatomy in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);

“**ashes**” means the cremated remains of a body;

“**berm**” means a concrete base on which a memorial is erected;

“**berm section**” means a section in a cemetery set aside by the Municipality where memorial work is erected on a berm;

“**Births and Deaths Registration Act**” means Births and Deaths Registration Act, 1992 (Act no 51 of 1992);

“**body**” means any dead human body including the body of a stillborn child;

“**burial order**” means an order issued in terms of the Births and Deaths Registration Act;

“**burial**” means burial or inhumation into earth or any other form of burial and includes mausoleum and any other mode of disposal of a body;

“**cemetery**” means any land or part thereof within the local authority set aside by the Municipality or approved by Municipality as a cemetery;

“**child**” means a deceased person under the age of 12 years whose coffin does not exceed the dimensions for children referred to in section 10;

“**columbarium**” means the place set-aside in the basement of the crematorium or chapel for the placement in niches of receptacles containing ashes;

“**exhumation**” means the removal of a body from its grave;

“**grave**” means any piece of land excavated for the burial of a body within a cemetery and includes the contents headstone or other marker of such place and any other structure on or associated with such place;

“**grave of conflict**” means the grave of a person who died while defending the country;

“**hero**” means a person who performed a heroic act for the Country and is given the status of a hero by Municipality;

“**heroes acre**” means an area of land set aside for the burial of a hero;

“**indigent person**” means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or Non Governmental Organization can be found to bear the burial or cremation costs of such deceased person and “**pauper**” bears the same meaning;

“**indigent relief**” means assistance received for burial or cremation of an indigent person;

“**medical officer of health**” means the officer appointed by Municipality or any other person acting in the capacity of the medical officer of health;

“**memorial section**” means a section of a cemetery set aside for erection of memorials;

“**memorial work**” means any headstone monument, or other similar work erected or intended to be erected in any cemetery commemorating a deceased person and includes a kerb demarcating a grave and a slab covering a grave;

“**Municipality**” means Mbizana Local Municipality;

“**Municipal area**” means the area under the control and jurisdiction of the Municipality;

“**Municipal Council**” means the Municipal Council of the Mbizana Local as referred to in Section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**office hours**” means Monday to Friday 07h00 to 16h00 excluding Saturdays, Sundays and Public holidays;

“**Manager: Social Services**” means a person authorized by the Municipality to be in control of any cemetery;

“**prescribed**” means prescribed by the Municipality;

“**prescribed fee**” means a fee determined by the Municipality by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993(Act No. 209 of 1993), or any other applicable legislation;

“**stone mason**” means a person carrying on business as a stone mason;

“**tomb**” means an above ground burial vault;

“**Victim of Conflict**” means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

CHAPTER 1

DISPOSAL OF BODY

REQUIREMENTS FOR DISPOSAL OF BODY

2. A person must only bury or cremate a body in a cemetery -

- (a) with the permission of the Manager: Social Services; and
- (b) after arranging a date and time of such burial with such Manager: Social Services.

APPLICATION FOR BURIAL

3. (1)
- (a) A person intending to bury a body must submit a duly completed application form to the Manager: Social Services for approval.
 - (b) The next of kin of the deceased or such other person who is authorized by the next of kin of the deceased must sign such application.
 - (c) Despite the provisions of paragraph (b) the Manager: Social Services may, if he/she is satisfied that the signature of the next of kin cannot be obtained timeously, approve an application by an interested party.
 - (d) The applicant must -
 - (i) submit the application at least three working days before the burial;
 - (ii) indicate whether the application is in respect of a first, second or third burial, in respect of a particular grave; and

- (iii) indicate the date and time for such burial.
- (2) The Manager: Social Services must approve an application if –
 - (a) it is accompanied by an original burial order in terms of the Births and Deaths Registration Act;
 - (b) a prescribed fee has been paid; and
 - (c) an application in terms of subsection (1) has been submitted.
- (3) The Manager: Social Services must, where necessary, take into account the customs of the deceased and the people responsible for the burial.

RESERVATION OF GRAVE

- 4. (1) An application to reserve a grave must be made to the Manager Social Services.
- (2) A surviving spouse of the deceased may apply for an adjoining grave to be reserved.
- (3) The Manager: Social Services must allocate to the applicant another grave within the cemetery, where persons other than the applicant mistakenly utilized a reserved grave; and
- (4) A grave will be reserved only upon payment of the prescribed fee.

POSTPONEMENT OR CANCELLATION OF BURIAL

- 5. (1) An applicant must give notice of postponement or cancellation of a burial in the duly completed application form to the Manager: Social Services, who must approve the application at least one working day before the burial.
- (2) In a case of a cancellation of a burial-
 - (a) a refund will not be made to the applicant for costs incurred for opening an existing grave; and
 - (b) the Municipality will only refund the applicant for costs incurred for opening a new grave.

NUMBER OF BODIES IN COFFIN

- 6. (1) Only one body in a coffin may be allowed for burial or cremation.

- (2) Burial of more than one body in a coffin is allowed if application is made to and approved by the Manager: Social Services and the prescribed fee has been paid;
- (3) Such application may be made in respect of -
 - (a) family members who either died together or the other died before the burial of the other member;
 - (b) a mother and child who died during childbirth;
 - (c)
 - (i) two people living together as partners; or
 - (ii) unrelated deceased persons,
 - (iii) whose families have no objection; or
 - (d) remains of an anatomy subject.

BURIAL AND SUBSEQUENT BURIALS

- 7. (1) Burial must take place only in a grave allocated by the Manager Social Services.
- (2)
 - (a) Subject to paragraph (b) not more than two burials may be permitted in a grave;
 - (b) A third burial may be allowed only if-
 - (i) an application has been made to the Manager: Social Services and a written permission has been granted;
 - (ii) the grave has been deepened; and
 - (iii) a prescribed fee has been paid.
 - (c) A person who has been given permission for either a second or third burial must -
 - (i) give at least two days notice; and
 - (ii) at his or her own cost remove and subsequent to the burial replace all memorial work on such a grave.

PRIVATE RIGHTS

- 8. (1) The holder of private rights includes -

- (a) a person who purchased the grave or who received the grave as a gift from the purchaser and whose name appears in the register of the Municipality;
 - (b) a person who paid the burial tariffs in respect of the first burial in the grave;
 - (c) a person to whom private rights to a grave have been transferred;
 - (d) a person who inherited the private rights.
- (2) The Private Rights in a grave are transferable, but such transfer becomes effective on registration by the Municipality.
- (3) If there is a dispute about the holder of private rights, the dispute must be referred to the Manager: Social Services for determination.

SIZES OF GRAVES

9. (1) Grave plots for adults
- (a) single grave
 - (i) Size of plot - 2 500 x 1500mm;
 - (ii) Size of decorations (outside dimensions) - 2 500 x 1 050 mm; and
 - (iii) Width of kerb - 150 mm.
 - (b) double grave plot
 - double the size of a single plot.
 - (c) family grave
 - the multiple of a single plot.
- (2) The foregoing dimensions must be applicable to grave plots provided with kerbing. Where it is not erected, the width of the grave plot must be dimensioned by 30 mm.
- (3) Grave plot for children-
- (a) Size of plot- 1 500 x 1 000 mm;
 - (b) Size of decorations (outside dimensions) - 1 500 x 1 000 mm;
 - (c) Width of kerb- 150 mm.

- (4) Aperture for adult graves-
- (a) Length - 2 210 mm;
 - (b) Breadth at shoulders - 750 mm;
 - (c) Breadth at head - 500 mm;
 - (d) Breadth at feet - 450 mm;
 - (e) Depth not less than - 1 830 mm.
- (5) Aperture of children graves-
- (a) Length - 1 400 mm;
 - (b) Breadth at shoulders - 400 mm;
 - (c) Breadth at head - 310 mm;
 - (d) Breadth at feet - 450 mm; and
 - (e) Depth not less than - 1 500 mm.

Any person desiring an aperture of larger dimensions for any interment must, together with notice if interment, give the measurements of the coffin, including fitting.

ENLARGING AND DEEPENING GRAVE

10. (1) An applicant for a burial may, by giving at least 24 hours notice before the burial, request that a grave be enlarged or deepened.
- (2) If a coffin is too big for the size of an adult grave, such grave will be enlarged to accommodate such coffin.
- (3) If a child's coffin is too large for a child's grave, it must be buried in an adult's grave, on payment of the prescribed fee.
- (4) A grave may, on application and on payment of a prescribed fee, be deepened for burial of a third coffin.

COFFINS

11. (1) Coffins to be placed in a grave must be made of natural wood or other perishable material except lead and metal caskets.
- (2) Coffins intended for cremation must be constructed mainly of timber or wood derivatives.

COVERING OF COFFINS

12. (1) Every coffin must be covered with at least 300mm of soil immediately after burial;
- (2) There must be at least -
- (a) 1 200mm of soil between a coffin of a buried adult and the surface of the ground; or
 - (b) 900mm of soil in the case of a coffin of a child.
- (3) The provisions of subsection (2) do not apply to the burial in a tomb.

BODY BAGS

13. (1) If there is more than one body in a coffin, each body must be contained in a separate body bag.
- (2) A body intended for burial at a cemetery or cremation in a crematorium must be sealed in a body bag inside a coffin, except if it is contrary to the tradition, customs or religious beliefs of the deceased person or the applicant.

CHAPTER 2

FUNERALS

RELIGIOUS OR MEMORIAL SERVICES

14. A person who desires to have a religious or memorial service at a cemetery or crematorium must apply to the Manager: Social Services and pay the prescribed fee.

CONTROL OF HEARSE AT CEMETERY

No person in the cemetery may -

- (a) drive a hearse or cause a hearse to be driven except on a designated road way;
- (b) park a hearse on the road way after the coffin has been removed from the hearse; or
- (c) park a hearse in such a manner that it interferes with other burials in progress.

CONVEYANCE OF COFFINS AND BODIES

16. (1) An applicant in terms of section 4 is responsible at own cost for ensuring that a coffin is conveyed to the cemetery for burial or to the crematorium for cremation.
- (3) No person must in any street, cemetery, crematorium or other public place convey a body in a disrespectful manner.

INSTRUCTIONS AT CEMETERIES

17. (1) The Manager: Social Services at the cemetery may issue instructions relating to -
- (a) parking of vehicles;
 - (b) funeral procession; and
 - (c) duration of a service.
- (2) Every person taking part in a funeral procession at the cemetery or attending a cremation service must comply with all reasonable instructions of the Manager: Social Services.

DURATION OF SERVICE

18. No person must occupy a chapel at a cemetery for the purpose of a funeral service or cremation for more than 2 hours, without the permission of the Manager: Social Services and payment of the prescribed fee.

HOURS FOR BURIAL

19. (a) A burial must take place only between 06h00 and 18h00.
- (b) The Manager: Social Services may, on such conditions as he/she may determine, and on payment of the prescribed fee, give permission to bury outside the stipulated hours.
- (c) If the burial takes place outside the stipulated hours, the applicant will provide tools and assume the responsibility of closing the grave.
- (d) If the applicant requires the Municipality to provide the service outside the stipulated hours, the Municipality may provide such service on payment of the prescribed after hours tariffs, subject to such conditions as the Manager: Social Services may determine.

CHAPTER 3

RE – OPENING OF GRAVES AND

EXHUMATIONS

CONDITIONS OF EXHUMATIONS

20. (1) No person must exhume or cause to be exhumed a body without the written consent of the –
- (a) Premier of the Eastern Cape Provincial Government;
 - (b) the Municipality;
 - (c) provincial Department of Health;
 - (d) Administrator of cemeteries;
 - (e) Municipality's Medical Officer of Health; and
 - (f) South African Police Services.
- (4) Whenever an exhumation is to take place, the Manager: Social Services must inform the Commissioner of the South African Police Services.
- (5) A member of the South African Police Services must always be present when an exhumation is being conducted.
- (6) An exhumation must not take place when the cemetery is open to public and must take place under the supervision of the Manager: Social Services.
- (7) If remains are to be exhumed from any grave, only the undertaker under the supervision of the Manager: Social Services must cause the grave to be excavated for such exhumation:
- (a) If a grave is to be excavated for exhumation, the Manager: Social Services must be given 48 hours written notice before the time of exhumation.
 - (b) The authority referred to in (1)(d) and the prescribed fee must accompany such notice.
- (8) A person who wishes to exhume the remains of a pauper or indigent person must pay the costs incurred by the Municipality at the time of burial, to the Administrator of Cemeteries.

- (9) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- (10) The South African Police Services must -
 - (a) if there is proof of illegal burial immediately exhume the body; and
 - (b) take it to a government mortuary for investigation.
- (11) A grave of victims of conflict and a grave, which is older than 60 years, must be exhumed with the permission of South African Heritage Resources Agency.
- (12) A Commonwealth War grave must be exhumed according to section 3 of the Commonwealth War Graves Act, 1992 (Act No.8 of 1992).

EXHUMATION AND REBURIAL

21. (1) The Municipality may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.
- (2) The relatives of the deceased must be -
 - (a) notified of the intended exhumation and re-burial; and
 - (b) allowed to attend.

SCREENING OF EXHUMATION

22. (1) The grave from which the body is to be exhumed must be screened from view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 4

CARE OF GRAVES

GARDENING OF GRAVES AND OTHER OBJECTS ON GRAVE

23. (1) The Municipality is responsible for keeping cemeteries clean unless provide otherwise.
- (2) No person must -

- (a) cut or remove plants, shrubs or flowers on a grave without the permission of the Manager: Social Services; or
- (b) cut or remove plants, shrubs or flowers on the berm section;
- (3) A person may only erect, place or leave an object or decoration on a grave during the first 30 days following the burial.
- (4) Natural or artificial flowers contained in receptacles may be placed on a grave at any time, but in a grave within a berm section or with a headstone, such flowers may only be placed in the socket provided.
- (6) The Manager: Social Services may –
 - (a) remove all withered natural flowers, faded or damaged artificial flowers and any receptacle placed on a grave; or
 - (b) 30 days after publishing a general notice remove all objects of decoration, if it is in the public interest.
- (6) The Municipality is not liable for any loss or damage to any object on a grave unless such loss or damage is as a result of the negligence of employees of the Municipality.

CHAPTER 5

MEMORIAL SECTION

ERECTION OF MEMORIAL WORK

- 24. (1) A person intending to erect a memorial work must make an application in the duly completed application form to the Manager: Social Services.
- (2) Such application must be made not less than five working days before the date of erection.
- (3) Memorial work may only be erected during working hours but may, with the approval of the Manager: Social Services be erected outside working hours.
- (4) No person must–
 - (a) erect memorial work or bring material into a cemetery for the purpose of erecting memorial work, without the written consent of the Manager: Social Services;
 - (b) memorial work for additional inscriptions or other alterations without the consent of the Manager: Social Services; or

- (c) erect a memorial work on a Saturday, Sunday or a public, without the written consent of the Manager: Social Services.
- (5) The Municipality is not liable for damage to memorial work resulting from any subsiding soil.
- (6) A person erecting a memorial work must at the request of the Manager Social Services produce the written consent.
- (7) Memorial work or material to be used in the erection of such work must not be conveyed in a cemetery or crematorium in a manner that may damage the roadways, pathways, lawns, grounds or other memorials.
- (8) Any surplus material or rubble, resulting from the erection of any memorial, work must be removed by the person responsible for such erection, immediately after completion.

INFERIOR MEMORIAL WORK

- 25. The Municipality may prohibit the erection of a memorial work or may remove erected memorial work which is –
 - (a) is indecent, offensive or objectionable; or
 - (c) in contravention of these By-laws,without compensating the owner.

INSCRIPTION ON MEMORIAL WORK

- 26. (1) Any memorial work must display the number assigned to the grave by the Manager: Social Services, in permanent and visible markings –
 - (a) on the side of the base of the memorial work; or
 - (c) on the upper surface, in the lower left hand corner of a tablet erected on a grave in a landscape section.
- (2) The name of the maker, designer or erector of the memorial work may appear on the work and must be placed at the base of the memorial work.

DISMANTLING OF MEMORIAL WORK

- 27. (1) Only a holder of private rights or a person authorised in writing by the holder of such rights may, with the written permission of the Manager: Social Services dismantle, alter or disturb any memorial work on a grave.

- (2) Dismantled memorial work must either be removed from a cemetery or be left on the grave on which such memorial work had been erected.
- (3) The Manager: Social Services may in the case of a second or subsequent burial in such grave permit memorial work to be left elsewhere in the cemetery for a period not exceeding 30 days after such burial.
- (4) The person dismantling the work must immediately after the work is completed remove any surplus material, or rubble resulting from the dismantling of any memorial work.
- (5) If a holder of rights or person referred to in subsection (1) -
 - (a) fails to re-erect dismantled memorial work within 30 days after it was dismantled; or
 - (b) such memorial work is left within the cemetery in contravention of subsection (2),
- (6) The Municipality may give 30 days written notice to such holder of rights or person, to remove such memorial work from the cemetery with any rubble resulting there from, at his or her own expense or to re-erect such memorial work.
- (7) If any memorial work has -
 - (a) been damaged;
 - (b) become a danger to the public; or
 - (c) been erected in contravention of these By-laws,
- (8) The Municipality may give written notice to the holder or person, instructing him or her, at his or her own expense, within a period specified in the notice, to -
 - a) alter or make such memorial work safe so that it complies with the provisions of these By-laws;
 - (b) dismantle and remove such memorial work from the cemetery together with all rubble resulting there from.
- (7) If such holder or person fails to comply with a notice in terms of subsection (5) or (6), the Municipality may -
- (8)
 - (a) re-erect the memorial work;

- (b) dismantle and dispose of the memorial work and remove any rubble resulting there from; or
 - (c) make the memorial work safe,
- and such holder or person will be liable for any costs incurred by the Municipality.
- (8) The Municipality may without giving any notice, or incurring any liability to the holder of rights or person –
 - (a) dismantle the memorial work and remove it and any rubble resulting there from, except memorial work classified as National Heritage; or
 - (b) make the memorial work safe,if such memorial work has become so dangerous to the public that immediate steps to safeguard the public are essential.
 - (9) After the Municipality has acted in terms of subsection (8), it must immediately, in writing, notify the holder of rights or person that, unless he or she reclaims the memorial work from the cemetery within a specified period, the Municipality will dispose of the memorial work.
 - (10) Such holder of rights or person is liable for costs incurred by the Municipality.
 - (11) If the holder of rights or person fails to pay the costs or to reclaim the memorial work dismantled by the Municipality, the Municipality may dispose of such memorial work in any manner it deems fit.
 - (12) If any proceeds are derived from the disposal, such proceeds will be offset against the cost of the dismantling, removal, storing and disposing of memorial work and rubble resulting there from.

GENERAL REQUIREMENTS FOR MEMORIAL WORK

- 28. (1) Memorial work must be constructed or made of durable material, with a life expectancy of at least 25 years with the approval of the South African Bureau of Standards approved.
- (2) Any person erecting memorial work in a cemetery or crematorium must do so with the approval of the Manager: Social Services.
- (3) A person erecting memorial work must comply with the following requirements-

- (a) when joining any part of the memorial work to any other part of the memorial work the person must use copper or galvanized iron pins as follows:
 - (i) for memorial work up to a height of 500mm, two or more pins of at least 5mm thick and 100mm long;
 - (ii) for memorial work 501mm up to a height of 1000mm two or more pins at least 10mm thick and 200mm long; or
 - (iii) for memorial work 1001mm and higher at least two or more pins 20mm thick and 300mm long;
- (b) any part of memorial work, which rests on the ground, stone or foundation, must be properly secured and bedded;
- (c) a material of uneven thickness must not be used;
- (d) the undersides of every flat memorial work and the base of every memorial work must be sunk at least 50mm below the natural level of the ground;
- (e) a border which is more than 225mm above the surface of the ground or more than 200mm deep must not be used without the consent of the Municipality;
- (f) all memorial work and border stones must be securely clamped with round copper or galvanized iron clamps;
- (g) all memorial work up to 150mm in thickness must be securely attached to the base;
- (h) all the components of memorial work must be completed before being brought in a cemetery;
- (i) footstones must consist of one solid piece;
- (j) in all cases where memorial work rests on a base -
 - (i) such memorial work must have a foundation;
 - (ii) such memorial work must be set with cement mortar;
 - (iii) the bottom base of a single memorial work must not be less than 900mm long 220mm wide x 250mm thick and that of a double memorial

work not less than 2286mm long x 200mm wide x 250mm thick; and

- (iv) if loose stone chips are placed on a grave, the level of such stone chips must not be higher than 10mm below the level of the surrounding kerbstones.

(k) a kerb demarcating any grave and a slab covering are not permitted;

REQUIREMENTS FOR MEMORIAL WORK IN MEMORIAL SECTION

29. The maximum horizontal measurements of any memorial work erected on a Grave in a memorial section must -
- (a) in the case of an adult's grave, be 2500mm in length and 1050mm in width; or
 - (b) in the case of a child's grave, be 1500mm in length and 900mm in width.

CHAPTER 6

CREMATIONS

APPLICATION FOR CREMATION

30. (1) A person intending to cremate must submit a duly completed application form supplied by the Manager: Social Services for approval not later than 15h00 a day before the intended date of cremation and such application must be accompanied by -
- (a) a prescribed fee;
 - (b) a burial or removal order issued in terms of the Births and Deaths Registration Act, and
 - (c) a death certificate.
- (2) If all the above requirements are met, the Manager: Social Services must approve such application.
- (3) The cremation must only take place in a crematorium.
- (4) If the application is made in terms of subsection (1) in respect of a body of a person-

- (a) who at the time of death was suffering from a communicable disease as defined in section 1 of the Health Act; or
- (b) in whom at any time a pacemaker or radioactive material was inserted,

the applicant must clearly indicate this fact and in the case of a body referred to in paragraph (b), whether such pacemaker or radioactive material was removed from the deceased.

CREMATION TIMES

- 31. (1) Cremation may take place from Monday to Friday between 09h00 and 14h00.
- (2) No cremation may take place on Saturdays, Sundays and public holidays.
- (3) Despite the provisions of subsection (1), the Manager: Social Services to whom an application is made, may if he/she is satisfied that the case is one of emergency permit cremation outside cremation time on payment of prescribed fee.

PROVISION OF RECEPTACLES

- 32. (1) The applicant must provide a receptacle with full names of the deceased for receiving ashes, unless such ashes are to be buried by the Municipality.
- (2) (a) A receptacle, which is intended to be placed in a niche in the columbarium, must be made of wood, stone or other suitable material and must be of such a size and design as to fit readily into such niche.
- (b) An inscription plate may be affixed to such a receptacle, or the niche may be closed with a suitable marble or other plaque.

ASH COLLECTION AND DISPOSAL

- 33. (1) After cremation the ashes must be entrusted to the care of the person who applied for the cremation, should he/she so desire if not, be kept by the owner of the crematorium.
- (2) The person collecting the ash must indicate in the duly completed application forms the quantity of ash to be retained for collection.

- (3) If there are no express arrangements for burial or safekeeping the owner of a crematorium may bury or scatter the ashes in a garden of remembrance.

BURIAL AND EXHUMATION OF ASHES

34. (1) A person who wants to bury ashes in a grave, exhume ashes from a grave or scatter ashes must make an application to the Manager: Social Services.
- (2) The Manager: Social Services must, on payment of prescribed fee give written permission to the applicant for burial or exhumation or scattering of ashes, and prepare such grave for burial or exhumation of ashes.
- (3) An ash grave in a crematorium section or wall of remembrance must measure 610mm in length and 610mm in width.

USE OF NICHEs AND SPACES, AFFIXING OF MEMORIAL

35. (1) Ashes may be deposited in a columbarium or garden of remembrance if an application accompanied by a prescribed fee is made to the Manager: Social Services and if the Manager: Social Services gives written permission.
- (2) A niche or a space abutting on a path in a garden of remembrance or a niche or a space in a memorial wall, must not be used for storing ashes or for affixing memorial work, without the consent of the Manager: Social Services and payment of the prescribed fee.
- (3) Identity plaques must be made of material approved by the Director of Parks and affixed simultaneously with the placing of the ashes.
- (4) Ashes and plaques may be removed with the consent of the Director of Parks in charge.
- (5) Flower holders may be affixed to the plaque only with the consent of the Manager: Social Services.

MEMORIAL WORK IN CREMATORIA

36. (1) A person may erect a memorial work in a crematorium in remembrance of the deceased if—
 - (a) the deceased was cremated at that crematorium in terms of 38; or
 - (b) he or she presents a cremation certificate from another crematorium

- (2) Memorial work erected in a garden of remembrance must be made of marble, granite or other suitable material and measure either 230mm by 150mm by 25mm thick, or 250mm by 305mm by 25mm thick, as arranged with the Manager: Social Services, if it is intended -
- (a) to be placed on a space on a memorial wall or on a space encroaching on a path in a garden of remembrance;
 - (b) to seal a niche, be of the same material and size as to conform with the memorial work next to it and have no items affixed to it except the lettering or photo of the deceased; or
 - (c) for erection on a grave, not exceed 610mm in length, 610mm in width and 1,2m in height.
- (3) Memorial work must only be removed from or affixed to a memorial wall or to a space abutting on a path in the garden of remembrance with the written consent of the Manager: Social Services.

DUPLICATE CREMATION CERTIFICATES

37. A person may obtain a duplicate cremation certificate on application and on payment of a prescribed fee to the Manager: Social Services.

CHAPTER 7

PAUPERS AND INDIGENT PERSONS

PAUPERS' AND INDIGENT BURIALS

38. (1) A person making an application for an indigent or pauper's burial must make a declaration to that effect.
- (2) A pauper or an indigent person may be buried or cremated according to the conditions determined by the Municipality.
- (3) If a pauper or an indigent person is cremated the ashes must be retained by the Municipality for a period not exceeding 12 months.
- (4) If ashes are not claimed within the period of 12 months will be buried in an ash grave.

CHAPTER 8

GENERAL

PROHIBITED ACTS

39. (1) No person -
- (a) under the age of 16 years must enter any cemetery or crematorium only when accompanied by an adult or with the consent of the Manager: Social Services;
 - (b) must enter or leave any cemetery or crematorium, except by the gateway provided; or
 - (c) must enter any office or enclosed place in a cemetery or crematorium, where entry is prohibited without the consent of the Manager: Social Services, which may be given only when such person is attending business connected with such cemetery or crematorium.
- (2) No person must, within any cemetery or crematorium -
- (a) interfere with any fountain, statue, monument, equipment, fence, grave or Municipality property;
 - (b) pick, damage, deface or destroy any flower, plant or seed;
 - (c) damage, deface or remove any memorial work, grave, building, fence or fixtures;
 - (d) throw litter outside containers provided by the Municipality for that purpose;
 - (e) sit, stand, walk, climb, draw or write on any grave or memorial work;
 - (f) swim, bath or wash himself him or herself or any animal in a pond, fountain, artificial watercourse, dam or stream;
 - (g) reside in a cemetery or, without the written consent of the Manager: Social Services, build any structure or encroach on any land;
 - (h) capture, chase, shoot at or interfere with any fish, bird or animal except where licensed to do so, or take, touch or damage birds' eggs or nests;

- (i) light any fire or burn any object unless there is a special provision made by the Municipality;
- (j) drive, ride or park any vehicle, bicycle, tricycle or push-cart, wear roller blades or draw or propel any vehicle, except in the places and at the times referred to in these By-laws;
- (k) drive or ride any vehicle, except in the places referred to in paragraph (j) at a speed exceeding 15 km per hour;
- (l) carry on or solicit business, hold any demonstration or perform an activity which is not normally associated with a cemetery or crematorium;
- (m) cause a nuisance or commit any offensive or indecent act;
- (n) play any game except in designated areas;
- (o) use a facility provided for the opposite sex;
- (p) brew, sell or drink alcohol or abuse drugs;
- (q) play any musical instrument without the written consent of the Manager: Social Services;
- (r) deliver a public speech except for a funeral service or cremation, without the written consent of the Manager: Social Services,
- (s) do anything which may endanger or cause disturbance to any person ;
- (t) hold organized functions, advertise, dig any hole, trench or place any tent, caravan, booth screen, stand or any construction or obstruction, without the written consent of the Manager: Social Services;
- (u) undertake any community or voluntary work, without the written consent of the Manager: Social Services
- (v) make any film, without the written consent of the Manager: Social Services, and payment of the prescribed fee;
- (w) remain between sunset and sunrise without the written consent of the Manager: Social Services;
- (x) bring or allow an animal, except a guide dog, without the consent of the Manager: Social Services;

No. 7

MBIZANA LOCAL MUNICIPALITY

BY-LAWS RELATING TO THE MANAGEMENT AND CONTROL OF FLATS OWNED OR ADMINISTERED BY THE MUNICIPALITY

DRAFT 1

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), publishes the Mbizana Local Municipality: By-laws Relating to the Management and Control of Flats Administered by the Municipality, which have been approved by the Municipal Council.

Application of by-laws

1. These by-laws apply to all complexes owned or administered by the Municipality.

Definitions

2. In these by-laws, unless the context otherwise indicates –

“**Animal**” means any dog, cat, bird, horse, mule, donkey, bull, cow, ox, heifer, calf, sheep, goat, pig, ostrich, meerkat, monkey, baboon, baboon, fowl, goose, duck, hare, rabbit, guinea pig or any wild or domesticated animal or beast;

“**Authorized officer**” means –

- (a) A justice of the peace;
- (b) A member of the South African Police Service;
- (c) A member of Municipality’s metropolitan police service;
- (d) A member of a private security company contractually engaged by the Municipality to perform certain duties on behalf of the Municipality; or
- (e) An employee of the Municipality duly authorized to perform a specific function within or in relation to a complex;

“**Complex**” means a rental housing estate or block or blocks of flat units, which collectively form the cluster of buildings commonly known as flats, and includes the land on which the complex’s buildings are situated and the common areas, parking lots and other fixed assets relating to the complex as a whole;

“**Contractual agreement**” means a contractual agreement entered into between a tenant and the Municipality in terms of which the tenant occupies a rental flat unit in a complex;

“**Manager**” means the person assigned or appointed by the Municipality to manage and control a complex on the Municipality’s behalf or any person acting in the manager’s stead or on his or her behalf;

“**Municipality**” means the Mbizana local Municipality established by General Notice 6770 in *Provincial Gazette Extraordinary* 141 of 1 October 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Nuisance**” means –

- (a) Any room or structure of such construction or in such a state or so dirty or verminous as to be offensive, dangerous or injurious to health or liable to cause the spread of any infectious disease;
- (b) Any stream, pool, ditch, gutter, sink, cistern, water closet, pit latrine, privy, urinal, drain, ash heap or rubbish heap so foul or in such a state or so situated or constructed as to be offensive, dangerous or injurious to health or liable to cause the spread of any infectious disease;
- (c) Any well or other source of water supply or any cistern or other water receptacle, whether private or communal, the water from which is –
 - (i) used or could be used by human beings for drinking or domestic purposes or in connection with the manufacture or preparation of any item of food intended for human consumption; and
 - (ii) Polluted or otherwise liable to be offensive, dangerous or injurious to health;
- (d) Any stable, kraal, cowshed or other encampment or structure used for the keeping of animals;
- (e) Any accumulation or deposit of rubbish, refuse, offal, manure, vehicle wrecks or any other matter which is offensive, dangerous or injurious to health;
- (f) Any dwelling or room which is so overcrowded as to be offensive, dangerous or injurious to the health of any tenant or which does not comply with the requirements of –
 - (i) Any by-laws or regulations in force in the Municipality with regard to air space, floor space, lighting, ventilation or building control; or
 - (ii) The applicable town-planning schemes;

- (g) Any area of land kept or permitted to remain in such a state as to be offensive or liable to cause any infectious, communicable or preventable disease or any injury or danger to health; and
- (h) Any other condition whatsoever that is commonly known as a nuisance, irrespective of whether the condition is offensive, injurious or dangerous to the health and safety of any tenant or other person in a complex; and

“**Tenant**” means a person who occupies a rental flat unit in a complex in terms of a contractual agreement with the Municipality.

Appointment of manager

3. The Municipality must, in respect of one complex or more, appoint an officer or assign one of its officials as manager to manage and control such complex in accordance with these by-laws and any contractual agreement between a tenant and the Municipality.

Duties of manger

4. The manager must, in respect of any complex managed and controlled by him or her on behalf of the Municipality –
- (a) Submit, when required by the Municipality to do so, reports in writing on the conditions in and the management of the complex;
 - (b) Ensure that copies of these by-laws are posted and maintained in a prominent place in the complex, for the information of the tenants and all other persons visiting the complex;
 - (c) Ensure that all the passages, stairways, communal facilities and pathways are kept in clean, hygienic and safe condition;
 - (d) Keep a register of all the tenants in the complex, in which register must be entered the following details in respect of the tenancy of each flat unit in the complex in terms of the applicable contractual agreement:
 - (i) the number of the flat unit;
 - (ii) the name and identity number of the tenant;
 - (iii) the reference number of the file of the manager that contains a copy of the tenant’s contractual agreement;
 - (iv) the number of the tenant’s rental account;

- (v) the number of the tenant's municipal service account;
 - (vi) the previous address of the tenant; and
 - (vii) the names, addresses and telephone numbers, if any, of at least two family members of the tenant who do not live at the same address as the tenant; and
- (e) Manage and control the complex in accordance with these by-laws and any applicable contractual agreement.

Application for tenancy

5. (1) Any person who is desirous of obtaining tenancy of a flat unit in a complex owned or administered by the Municipality must apply for such tenancy on the application form prescribed by the Municipality and must submit the application form to any office of the Municipality's housing department. The Municipality's housing department must enter the details of the details of the application in its housing waiting list, which must chronologically rank all applications in the order of the date of their receipt.
- (2) When a flat unit in a complex vacant or available for allocation, the manager must inform the Municipality's housing department, which must allocate the flat unit to the person ranked chronologically as the first-in-line applicant in the housing waiting list referred to in subsection (1), provided that such person –
- (a) Qualities for accommodation in the flat unit in terms of the Municipality's housing policy;
 - (b) Understands, accepts and undertakes to abide by the terms and conditions for accommodations in the flat unit as laid down in the contractual agreement and these by-laws; and
 - (c) Enters into the contractual agreement with the Municipality.
- (3) When a flat unit in a complex is allocated to a tenant in terms of subsection (2), he or she must –
- (a) Satisfy himself or herself that the flat unit is in good order and condition; and

- (b) Immediately report any defect to the manager, who must keep a record of all defects.

Right of entry

- 6. (1) The manager or any other authorized officer has, at all reasonable times and with the due regard to the rights and privacy of any tenant, the right to enter, without interference or obstruction by the tenant or any other person, any flat unit in a complex for the purpose of inspecting the flat unit or performing any other work that may be deemed necessary.
- (2) Subject to the provisions of these by-laws, no person may enter, be present in, sleep over in or accept accommodation in any flat unit in a complex, or in any part of the complex, without the implied or express permission of a specific tenant of the complex, who must in respect of all matters relating to the conduct, actions and behaviour of such person be responsible and accountable to the manager.

Furnishing of names and addresses

- 7. (1) if a person is present in a complex and he or she is not a tenant or a member of a tenant's household, such person must, when so requested by the manager or authorized officer with –
 - (a) his or her full name, identity number and address; and
 - (b) A reasonable explanation for his or presence in the complex.
- (2) if a person contemplated in subsection (1) does not, in the opinion of the manager or authorized, provide any of the required personal particulars or a reasonable explanation for his or her presence in the complex, such person must be requested to leave the complex immediately, failing which an authorized officer must be requested to remove the person from the complex.

Terms and conditions of complex tenancy

- 8. Any tenant, including any member of his or her household, and any other person present in a complex must comply with following terms and conditions in addition to the terms and conditions contained in a contractual agreement:
 - (a) No tenant may relinquish or transfer his or her right to occupy a flat unit in a complex to any other person unless the consent of the Municipality has been obtained, which consent must at all times be embodied in a duly concluded contractual agreement between the Municipality and the said other person;

- (b) no person may occupy any flat unit in a complex, or any other part of the complex, other than that which is allocated to him or her in terms of his or her contractual agreement;
- (c) no person may occupy a flat unit in a complex without having personally entered into a written contractual agreement with the Municipality in respect of such flat unit unless such person –
 - (i) is a member of a legal tenant's household; or
 - (ii) visiting the legal tenant as a guest of the tenant's household.
- (d) no person may use a flat unit in a complex, or any other part of the complex, or any equipment or resources of the complex (such as water, electricity, the land or a parking lot) to conduct any business or other commercial activity in, from or near the complex;
- (e) no person may by any wilful or negligent act damage any flat unit in a complex, or any other part of the complex. Any person who causes such damage must be held personally liable for compensating the Municipality for the damage, provided that if the damage is caused by a member of a tenant's household or by a person visiting a tenant's permission, the damage is imputed to the tenant, in which case such tenant and such member or person must be held jointly and severally liable for compensating the Municipality for the damage.
- (f) tenant must all times keep his or her flat unit in good, clean and habitable condition and the passage in front of his or her flat unit in a clean, tidy and safe condition;
- (g) clothes, linen, eating utensils and other personal or household effects may not be washed, cleaned or repaired in any passageway in front of a flat unit in a complex and may only be washed, cleaned or repaired in any passageway in front of a flat unit in a complex and may only be washed or repaired in the place specifically set aside for such purpose.
- (h) the Municipality must provide receptacles in which rubbish, litter and other waste material are to be deposited, and all tenants must at all times make use of such receptacles for the disposal of rubbish, litter and other waste materials and strictly comply with the Municipality's Solid Waste By-laws in all other respects;
- (i) no tenant may, in his or her flat unit in a complex, or anywhere else in the complex, keep any animal or pet or allow any other person to keep any animal or pet;

- (j) no person may place, keep or store or allow to be placed, kept or stored any trash, garbage, goods, item, furniture or other personal effects of whatever nature in any passage or other common area of a complex. Any such trash, garbage, goods, item, furniture or other personal effects that have been placed, kept or stored in any passage or other common area of a complex must be deemed to have been abandoned by their owner and must be deemed to have been placed, kept or stored in any passage or other common area of a complex must be deemed to have been abandoned by their owner and must be dealt with in accordance with section 10;
- (k) no person may hang any linen or clothing or allow any linen or clothing to be hung on the outside or from the window of a flat unit in a complex or on the balcony of the flat unit or in any other part of the complex, provided that linen and clothing may be hung in the place specifically set aside for that purpose
- (l) no person may alter, tamper with or damage any electrical or other installation inside or outside a flat unit in a complex or drive or allow a nail or screw to be driven into any wall, ceiling or accessory of the flat unit or any other part of the complex. Any person who so alters, tampers with or damages such electrical or other installation or so drives such nail or screw must be deemed to have caused wilful damage as contemplated in paragraph (e) and such person must be dealt with accordingly;
- (m) no person may keep or store any inflammable, hazardous or dangerous substance or material, which might jeopardize the health or safety of any other person in a flat unit in a complex, or anywhere else in the complex;
- (n) no person may –
 - (i) harass, intimidates or threatens any tenant or other person in a complex;
 - (ii) threatens or commit any act of physical violence against any tenant or other person in a complex;
 - (iii) swear or use foul, abusive or threatening language or behaviour towards any tenant or other person in a complex;
or
 - (iv) in any flat unit in a complex, or anywhere else in the complex, perform, commit or allow any act, which, in the opinion of the manager, causes or may cause a nuisance to the Municipality, to any tenant or other person in the complex, or to any other person in the neighbourhood;

- (v) in the event of an incident in which any provision of paragraph (n)(I) has been contravened, the incident must be reported immediately to the manager, who must take the necessary steps to ensure that the contravention is addressed in an appropriate manner, which steps may include the cancellation of a tenant's contractual agreement and the eviction of such a tenant from his or her flat unit and from the complex as a whole.
- (o) The Municipality is not in any circumstances liable for any loss of or damage to property or for personal injury which a tenant or any other person may suffer in any flat unit in a complex or in the complex itself, irrespective of how the loss, damage or personal injury is caused, whether as a result of --
 - (i) poor lighting at a staircase, landing, floor or passage; or
 - (ii) the slipperiness of a staircase, landing, floor or passage owing to the slippery tiles, polish or any other cause whatsoever,

And despite the fact that the loss, damage or personal injury may have been caused by an act or omission on the part of the Municipality, its agents or employees, or by the fact that the flat unit or the complex or any part thereof has fallen into state of disrepair or has become defective.

- (p) no hawker's stall may be run or kept and no meeting or fundraising event or other event may be held in a building of a complex, or in or at any common area or parking lot of a complex, without the express written permission of the manager.

Any common area or parking lot of a complex must be under the control of the manager, and such parking lot may not, without the express written permission of the manager, be used for any purpose other than parking.
- (q) no person may remove, tamper with or damage any fire hose, fire extinguisher or other fire extinguishing equipment of a complex or use such hose, extinguisher or equipment for any other purpose than that for which it is intended.
- (r) no person may throw any object, substance or litter from a window, door or balcony of a flat unit in a complex or from any other part of the complex, and any act of dumping or littering on the premises of a complex must be treated as a contravention of the Municipality's Solid Waste By-laws.
- (s) no person may, in a complex, sell or solicit the sale of any drug, cannabis or other habit-forming substance or any intoxicating liquor as defined in the liquor Act, 1989 (Act 27 of 1989).

- (t) no person may disturb the public peace and tranquillity in a complex by speaking, shouting or wailing through a microphone, loudspeaker or other device through which noise is created or by playing music loudly.
- (u) no person may cause or create in a complex any condition whatsoever which is offensive, injurious or dangerous to the health and safety of any tenant or any other person in the complex.

Contravention of terms and conditions of complex tenancy

9. (1) Should any tenant –

(a) after due written warning by the manager, persist in contravening or ignoring the terms and conditions of tenancy as set out in these by-laws or the contractual agreement; or

(b) be convicted of any offence in terms of section 12;

the manager may serve notice in writing on such tenant, giving him or her due notice of the cancellation of his or her contractual agreement, which cancellation occurs after the expiry of the notice period specified in such notice.

(2) A notice contemplated in subsection (1) must request the tenant to vacate his or her flat unit on a specified date, irrespective of whether the tenant has paid his or her monthly rental in advance and irrespective of whether or not the advance rental has been refunded to the tenant on that date.

(3) for the purposes of these by-laws, the advance rental referred to in subsection (2) must be regarded as an entirely separate matter.

Abandonment of right to tenancy

10. (1) Should a tenant for a period of 60 consecutive days absent himself or herself from his or her flat unit in a complex or fail to personally occupy the flat unit without informing the manager in writing of –

(a) his or her intention to absent himself or herself; and

(b) the proposed date of his or her return to resume permanent occupation of the flat unit;

(2) The manager is entitled to –

- (a) ensure that the tenant has abandoned his or her right to tenancy of the flat unit;
 - (b) immediately cancel the contractual agreement between the tenant and the Municipality without any form of notice to the tenant; and
 - (c) Inform the Municipality's housing department that it may reallocate the flat unit to another applicant on the housing waiting list referred to in section 5.
- (3) Any property or personal effects of a tenant or other occupant of a flat unit that are found in the flat unit formerly occupied by such tenant or occupant must be removed by the manager in a safe place.
- (4) If such property or personal effects remain unclaimed within a period of three months after the date of reallocation of the flat unit under the provisions of subsection (1), the property or personal effects must be sold to the best advantage by the manager or a person designated by the manager, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds of the sale into the Municipality's revenue account, but –
- (a) nothing in this subsection contained may deprive the rightful owner of such property or personal effects or any heir of a deceased tenant of his or her right to the balance of the proceeds of the sale; and
 - (b) Any such property or personal effects that are, in the opinion of the manager, valueless may be destroyed or otherwise disposed of by the manager or the person designated by the manager.
- (5) The manager must maintain a register in which is recorded and appears –
- (a) particulars of all ostensibly abandoned property or personal effects belonging to former tenants or occupants and kept in terms of these by-laws;
 - (b) the date of the removal of the property or personal effects in terms of subsection (2) and the name flat unit number of the owner thereof;
 - (c) (i) the signature or left thumb print of the person who claimed ownership of the property or personal effects and to whom delivery thereof has been made; or
 - (ii) full details of the amount realized on the sale of the property or

personal effects in terms of subsection (2) and the date of the sale;
and

- (d) if the property or personal effects have in terms of subsection (2) been destroyed or otherwise disposed of, a certificate by the manager to the effect that the property or personal effects were valueless.

Motor vehicles, wrecks and movables structures

- 11. (1) In any complex, a motor vehicle may be parked solely at or in a place designated for parking or set aside by the manager for parking. If a motor vehicle is parked at or in –
 - (a) a place not designated for parking or set aside by the manager for parking, the manager may require the owner or driver of the motor vehicle to remove the motor vehicle; and
 - (b) A place where stopping is prohibited by appropriate signage, the manager may, after duly notifying the owner or driver of motor vehicle, remove motor vehicle or have it removed to a place directed by the manager, and the expense of such removal may be recovered from the owner or driver of the motor vehicle.
- (2). (a) Notwithstanding anything to the contrary in these by-laws contained, a tenant who is the owner of a vehicle wreck or other movable structure or thing which, in the opinion of the manager, is unsightly or the keeping of which has not been authorized by the manager, may be ordered by the manager in writing to remove the vehicle wreck or movable structure or thing within ten days after the date of such order being issued.
 - (b) A person convicted of an offence contemplated in section 12(ii) must, within a period specified by the manager, remove the vehicle wreck or other movable structure or thing in respect of which he or she has been convicted, and, failing such removal, the Municipality may effect the removal itself and recover the costs of the removal from such person.
- (3). If the owner of a vehicle wreck or other movable structure or thing cannot be traced, the manager has the right to remove the vehicle wreck or other movable structure or thing to a suitable place and, if the vehicle wreck or other movable structure or thing is not claimed within three months of the removal, it must be sold and the proceeds of the sale must be dealt with in the manner envisaged in section 10.

Offences and penalties

12. (1) A person is guilty of an offence if he or she –
- (a) fails or neglects to comply with any provision of these by-laws;
 - (b) fails or neglects to comply with any provision of his or her contractual agreement;
 - (c) hinders or obstruct an authorized officer in the execution of such authorized officer's duties in complex;
 - (d) occupies a flat unit in a complex without personally having entered into a contractual agreement with the Municipality, except where such person is a member or a visitor of a tenant's household;
 - (e) removes or defaces a copy of these by-laws which the manager has posted in a prominent place in a complex in accordance with section 4(b);
 - (f) (I) obstructs, litters or soils any passage, stairway, communal facility or pathway in a complex by placing in the passage, stairway, communal facility or pathway any object, structure or thing which detrimentally affects clean, hygienic or safe conditions in the complex or which poses an obvious threat to the safety or security of any tenant of the complex or the complex itself; or
(ii) Fails or neglects to remove such object, structure or thing immediately when instructed by the manager to do so;
 - (g) fails or neglects to pay any monies due and payable to the Municipality in terms of these by-laws, a contractual agreement or any other statutory provision;
 - (h) fails or neglects to provide the manager with the information referred to in section 4(d);
 - (i) fails or neglects to vacate a flat unit which has become vacant or available for allocation as contemplated in section 5(2) or hinders or prevents a person contemplated in section 5(2) from taking immediate occupation of a flat unit allocated to such person;
 - (j) hinders, obstruct or prevents the manager or an authorized office from exercising, in accordance with section 6(1), the right to enter any flat unit;

- (k) enters, is found present in, sleeps over in or accepts accommodation in any flat unit in a complex, or any part of the complex, without the implied or express permission of a specific tenant of the complex;
- (l) (I) loiters in or is found present in a complex while not a tenant or a member or visitor of a tenant's household and fails or neglects to furnish the manager or an authorized officer with his or her full name, identity number, address and a reasonable explanation (in the opinion of the manager or authorized officer) for his or her presence in the complex; or
 - (ii) Intentionally furnishes the manager or authorized officer with false, incorrect, incomplete or misleading information in respect of his or her name, identity number, address and explanation for his or her presence in the complex;
- (m) fails or neglects to leave the complex immediately when requested to do so by the manager or authorized officer in terms of section 7(2) or resists any attempt by an authorized officer to remove him or her from the complex in terms of section 7(2);
- (n) hawks, peddles, trades, offers or solicits for sale any goods of whatever nature in a complex, irrespective of whether or not he or she is a tenant or a member or visitor of a tenant's household;
- (o) relinquishes or transfer his or her right to occupy a flat unit in a complex to any other person without the consent of the Municipality, which consent must be embodied in a duly concluded contractual agreement between the Municipality and the said other person;
- (p) occupies any flat unit in the complex, or any part of the complex, other than that which was allocated to him or her in terms of his or her contractual agreement the Municipality;
- (q) uses a flat unit in a complex, or any part of the complex, or any equipment or resources of the complex (such as water, electricity, the land or a parking lot) to conduct any business or other commercial activity in, from or near the complex;
- (r) wilfully or negligently damages a flat unit in a complex, or any other part of the complex;

- (s) fails or neglects to keep his or her flat unit in good, clean and habitable condition or to keep the passage in front of his or her flat unit in a clean, tidy and safe condition;
- (t) washes, cleans or repair clothes, linen, eating utensils or other personal or household effects in any place in a complex other than the place specifically set aside for such purpose;
- (u) fails or neglects to use a receptacle provided by the Municipality for the disposal of rubbish, litter or waste materials or to strictly comply with the Municipality's Solid Waste By-laws in any other respect;
- (v) keeps in his or her flat unit in a complex, or anywhere else in the complex, any animal or pet or allows any other person to keep any animal or pet;
- (w) places, keeps or stores or allows to be placed, kept or stored any trash, garbage, goods, item, furniture or other personal effects of whatever nature in any passage or other common area of a complex;
- (x) hangs any linen or clothing or allows any linen or clothing to be hung on the outside or from the window of a flat unit in a complex or on the balcony of the flat unit or in any other part of the complex other than in the place specifically set aside for such purpose;
- (y) alters, tampers with or damages any electrical or other installation inside or outside a flat unit in a complex, or in any other part of the complex;
- (z) keeps or stores in a flat unit in a complex, anywhere else in the complex, any inflammable, hazardous or dangerous substance or material which might jeopardize the health or safety of any other person;
- (aa) harasses, intimidates or threatens any tenant or other person in a complex or swears at a uses foul, abusive or threatening language or behaviour towards a tenant or other person in a complex or threatens or commits an act of physical violence against a tenant or other person in a complex, or performs, commits or allows in a complex any act which, in the opinion of the manager, causes or may cause a nuisance to the Municipality, to any tenant or other

person in the complex, or to any other person in the neighbourhood

- (bb) runs or keeps a hawker's stall or holds, organizes or participates in any meeting or fundraising event or other event in the building of a complex or in a common area or parking lot of a complex without the express written permission of the manager;
- (cc) removes, tampers with or damages any fire hose, fire extinguisher or other fire extinguishing equipment of a complex or uses such hose, extinguisher or equipment for any other purpose than that for which it is intended;
- (dd) throws any object, substance or litter from a window, door or balcony of a flat unit in a complex, or from any other part of the complex, or commits any act of dumping or littering on the premises of the complex in contravention of the Municipality's Solid Waste By-laws
- (ee) sells or solicit the sale, in any flat unit in a complex, or in any other part of the complex, of any drug, cannabis or other habit-forming substance or any intoxicating liquor or any liquor as defined in the Liquor Act, 1989;
- (ff) disturbs the public peace and tranquillity in a complex by speaking, shouting or wailing through a microphone, loudspeaker or other device through which noise is created or by playing music loudly;
- (gg) causes or creates in a complex any condition whatsoever which is offensive, injurious or dangerous to the health and safety of any other person present in the complex;
- (hh) parks a motor vehicle at or in a place other than that which is designated or set aside by the manager for parking purposes, or fails or neglects to remove immediately a motor vehicle so parked when requested to do so by the manager in term of section 11(1) or by an authorized officer;
- (ii) fails or neglects to remove a vehicle wreck or movable structure or thing within the period specified in writing by the manager in accordance with section 11(2);

- (jj) disturbs the public peace and tranquillity in a complex by shouting, swearing, wrangling or quarrelling, or by using obscene, abusive, insulting or threatening language, or by behaving in an unseemly, disorderly or violent manner; or
- (kk) Organizes, commits or participates in any act of gambling in a complex, or organizes, conducts or participates in any game or entertainment in a complex which is likely to cause a disturbance, nuisance or annoyance to any tenant of the complex or which is likely to lead to public indecency or the subversion of sound moral standards in the complex.

(2) Any person convicted of an offence contemplated in subsection (1) is liable -

- (a) to a fine or, in default of payment of such fine, to imprisonment for a period not exceeding 12 months; and
- (b) in the case of continuing offence, to an additional fine per day for each day on which the offence continues or, in default of payment of such additional fine, to a proportionate period of additional imprisonment for each day on which the offence continues, but the duration of any such proportionate period of additional imprisonment does not exceed three months; and a court of law, in convicting any person of an offences referred to –
 - (i) in subsection (1)(g), (hh) or (ii), may order the payment by such person of any amount due and payable to the Municipality within such period as the court may specify;
 - (ii) in subsection (1)(d), (g), (I), (k), (o) or (p), may, in addition to any other penalty, issue an order for the eviction of such person from a complex after his or her contractual agreement is duly cancelled by the Municipality; and
 - (iii) in subsection (1)®, (y) or (cc), may order such person to repair any damage at his on her own cost or to pay to the Municipality the costs of any damage caused to the complex or any part of the complex.

Repeals

13. The Mbizana Local Municipality hereby in terms of section 13 of the Municipal System Act 32/2000, revokes and repeal all the By-laws Relating to the Management and Control of Flats Owned or Administered by the Mbizana Local Municipality within the area of jurisdiction of Mbizana Local Municipality.

Short title and commencement

14. (1) These are called By-Laws Relating to the Management and Control of Flats Owned or Administered by the Mbizana Local Municipality will come into operation on a date or dates to be determined by the Council by publication in the Provincial Gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 8

MBIZANA LOCAL MUNICIPALITY

**LIBRARY AND INFORMATION SERVICE
BY-LAWS**

DRAFT

LIBRARY AND INFORMATION SERVICE BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Cemeteries and Crematoria By-laws which have been approved by the Municipal Council.

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates and any word or expression to which a meaning has been assigned in the Municipal systems Act must bear that meaning, and -

“charges” means any fine or miscellaneous charges in respect of the library as determined from time to time by the Council.

“Council” means the; the Municipal Council of the Mbizana Local Municipality or its successor-in- title and any committee or person to which or the Council has delegated or sub-delegated any power in terms of Section 59 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000);

“lending period” means the period which the Council determines for the lending out of different types of library material’

“librarian” means the officer (or his representative) appointed by the Council to exercise control over and to manage the library;

“library material” means books, periodicals, newspapers, prints, pictures, documents, posters, printed music, and audio-visual material, regardless of whether it is the property of, or on loan to the Council, and which is available to be perused t, studied, copied or borrowed in or from a library;

“ library week” means a period of one week or more during a year as determined by the Library and Information association of South Africa, during which information services are promoted;

“member” means any person or organization registered as a member of the library;

“ multimedia library” means a library dedicated to provision or presentation of information in any two or more written visual, audiovisual and electronic forms, and includes facilities within a library that are capable of presenting information in such formats;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"organization" means a non-profit organization or company, or cultural association having a constitution;

"Pensioner" means a person aged 60 years over;

"prescribed fee" means a fee determined by the Council by resolution;

"resident" means a person who resides in, is a property owner or rate payer, or who is employed within the area of jurisdiction of the Council;

"visitor" means a person residing, working or studying for a period of not more than three continuous months in the area of jurisdiction of the Council.

USE OF LIBRARY

2. (1) Any person admitted to the library by the Council may use the library facilities during official hours of opening. If a person wishes to borrow library material, such person must first register as a member of the library and pay the prescribed fee.

(2) A librarian may-

- (a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at a given time and may exercise the necessary access control for that purpose;
- (b) for any reasonable cause, instruct a member or other person to leave the library.

MEMBERSHIP

3. (1) Application for membership or visitor's rights must be made on a form prescribed by the Council, which form must contain the undertaking referred to in subsection (2)(a)(ii).

(2) The Council may-

- (a) grant membership of the library to any person residing or employed within the area of jurisdiction of the Council or who is a ratepayer of the Council, membership of the library, subject to the provisions determined by the Council and such person must-
 - (i) pay the prescribed membership fees; and
 - (ii) undertake to abide by the policies of the Council for the conduct of the business of a library, adopted by the Council;
- (b) grant, subject to the conditions it may determine, membership of the library to a pre-school or school-going child, should its parent or guardian consent, in writing, thereto and undertake to stand surety for the observance by such child of the provisions of these By-laws and the rules for conducting the business of the library, adopted by the Council;

- (c) grant membership of the library to a person who is residing outside its area of jurisdiction and who is neither an owner of property within the Council's area of jurisdiction nor a ratepayer of the Council on such conditions as it may determine from time to time;
 - (d) issue a certificate of membership to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the Council from time to time;
 - (e) a library membership card must be issued to each member authorizing that member to borrow from the library such quantity of library materials as may be determined by the Council from time to time;
 - (f) exempt any applicant for membership who is an indigent case wholly or partly from payment of the prescribed fees;
- (3) A membership card is valid from the date of issue thereof for a period as determined by the Council from time to time and the membership of a person to whom such a card has been issued, lapses after the expiry of such period, unless it be renewed prior to the expiry date.
- (4) A member who wishes to cancel his or her membership of the library must-
- (a) notify the librarian in writing;
 - (b) return the membership card or cards in his or her name ;and
 - (c) simultaneously return all borrowed material in his or her possession to the librarian.
- (5) When a member changes his address, he must notify the librarian, in writing, within seven days of such change of address.
- (6) If the library material is not returned such person will be liable in terms of section 8(2) with the necessary changes;
- (7) When a membership card is lost, the member must forthwith notify the librarian, in writing, and -
- (a) the librarian must, on payment of the prescribed charges, issue a duplicate of such certificate;
 - (b) should a lost certificate of membership be found, the duplicate membership card must be returned to the librarian immediately;
 - (c) if a member gives notice in terms of paragraph (a), such member must, despite the provisions of section 8(1), not be liable in terms of the said

section in respect of any library material borrowed against the lost certificate of membership after the date of such notice.

- (8) A person residing for a period of less than three months in the area of jurisdiction of the Council, may register as a visitor if-
- (a) he or she applies for such registration on the form prescribed by the Council and submits the required proof of identification and particulars as determined by the Council;
 - (b) he deposits with the librarian the prescribed deposit; and
 - (c) the librarian approves such application.

(9) The deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her, if any member does not renew his certificate of membership referred to in (1) (d) within a period of three months after the expiry of the period of validity, such deposit must be forfeited to the Council but on any such refund or forfeiture, the registration of the member must be cancelled.

(10) Any person may, on behalf of any organization or similar body, if duly authorized thereto by such organization or body, apply on the form prescribed by the Council for registration of such organization or body as a member of the library.

LOAN OF LIBRARY MATERIAL

4. (1) Library material must be deemed to be on loan from the library to the member against whose membership card it was lent.

(2) No person must be in possession of any library material not lent against membership card.

(3) Library material bearing the mark of the library or the Eastern Cape Provincial Government, and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the Council or Eastern Cape Provincial Government.

(4) (a) A member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he must draw the librarian's attention to the fact;

(b) the librarian must not make damaged library material available for borrowing purposes: Provided that where such damaged library material is nevertheless made available for borrowing purposes, particulars of such damage must be affixed thereto.

5. RETURN OF LIBRARY MATERIAL

A member must return the library material borrowed by him or her to the librarian not later than the last day of the borrowing period but-

- (a) the Council may extend the borrowing period of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the library material, for not more than two further borrowing periods;
- (b) a member must be responsible for the return of library material borrowed by him, and should such member find it impossible to personally return such library material, he may return it in any other way;
- (c) A member who has borrowed library material must not keep it for more than three days after receipt of a written notice from the librarian that such library material is to be returned.

OVERDUE LIBRARY MATERIAL

6. (1) If a member does not return library material borrowed against his or her certificate of membership within the period stated in section 5 (a) or any period determined by the Council in terms of the proviso to that section, as the case may be, such member must be liable for payment to the Council of the prescribed fine for every week portion thereof during which such member fails to return such library material.

(2) The Council may exempt any person from the payment of such fine if he is satisfied that failure to return library material is due to circumstances beyond the borrower's control.

(3) In order to obtain overdue library material, a Council may determine a fine free period for a time in which such library material may be returned.

(4) Every librarian must ensure that rules and fees for overdue material are displayed at a prominent place in such library.

(5) The Council may institute legal action to retrieve outstanding library material, and any prescribed fees or damages payable in connection therewith from a member.

RESERVATION OF LIBRARY MATERIAL

7. A member may, after payment of the prescribed charge, reserve library material –

- (a) If payment of the prescribed fee thereof is made in advance;
- (b) And no library material will be held longer than the period specified by the librarian or his or her authorized representative.

LOST AND DAMAGED LIBRARY MATERIAL

8. (1) It must be stated on the membership card that if a member damages or loses library material, such member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee.

(2) Library material not returned within 100 days from the date of borrowing must be regarded as lost and the member who borrowed it last will immediately become liable for the replacement cost or a fee prescribed in leeu thereof, at the discretion of the librarian.

(3) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose certificate of membership such library material was borrowed must, in addition to any fine or other charges for which he is liable in respect of the said library material, be liable for payment to the Council of the purchase price thereof or an amount to make good the damage as may be determined by the Council, unless he replaces it with a copy of equal value of a copy acceptable to the Council.

(4) Lost or damaged library material must remain the property of the Council or the Eastern Cape Provincial Government even if the prescribed fee in respect thereof or the replacement costs have been paid to the Council.

(5) If damaged material returned by the member is found to be repairable, the member must pay the repair or binding charge incurred by the Council, before being permitted to borrow any further library material.

(6) No further library material must be lent to a member who, in terms of subsection (1), is responsible therefore.

HANDLING OF LIBRARY MATERIAL

9. A member who has borrowed library material or is using it in the library is obliged to-

- (a) keep such material in a clean condition;
- (b) protect such material from being damaged in any way;
- (c) ensure that such material is not mutilated, defaced, marked, creased or damaged;
- (d) ensure that no part of the library material, or any protective coverings or any identification thereof is removed ; or
- (e) lend any such material to any unauthorized person;

EXPOSURE OF LIBRARY MATERIAL TO CONTAGIOUS DISEASES

10. (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her if such handling or contact would expose others to the danger or infection or any form.

(2) The provisions of subsection (1) apply also to any person supervising or in charge of a child known by such person to be suffering from such notifiable medical condition.

(3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in the library.

(4) Any person in possession of such library material from the library, which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.

LIBRARY MATERIAL FOR SPECIAL PURPOSES

11. (1) Library material of a specialized nature, may only be used in areas of the library as are set aside by the Council for special purposes and must not be removed from part of the library without the permission of the librarian.

(2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after the librarian has requested its surrender.

REPRODUCTION OF LIBRARY MATERIAL

12.(1) Any person may use the facsimile and photocopier facilities of the library, subject to-

(a) payment of the prescribed fee;

(b) the furnishing by him or her of a declaration in writing, if requested by the librarian, that the purpose for which the photocopy or photographic reproduction is needed falls within the exceptions to the protection of literary, dramatic, musical and artistic works specified in the Copyright Act, 1965 as amended, and any subsequent amending or replacement legislation.

(2) A librarian must display the relevant sections of such legislation in a prominent place in the library in question.

(3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.

(4) In granting or refusing permission in terms of subsection (2), a librarian may take cognizance of the possibility of damage being caused to such material or object as a result of it being handled for the purposes of making the reproduction, and may impose a condition as it may be reasonably necessary to prevent the damage being caused to the material.

USE OF THE GROUP ACTIVITIES HALL

13. Approval for the use of the group activities vests in the Council subject to such conditions as the Council may determine.

LIBRARY HOURS

14. The hours determined by the Council during which any library will be open to the public must be displayed on a notice at or near the entrance to the library concerned and must state –

- (a) the days and hours during which the library will open and close;
- (b) the hours during which the use of such library or any section thereof will be restricted to adults.

HIRE OF USE OF AUDITORIUM AND LECTURE ROOMS OR LIBRARY SPACE FOR EXHIBITIONS, FILMS OR PROGRAMMING

15. (1) The council may hire out to members or other persons, any auditorium, lecture room or other area within library complex against the payment of a prescribed fee therefore, for the purpose of holding lecture, debate or presentation or staging of an exhibition or filming or programming a sequence of scenes requiring a library background or which incorporates the use of library material

(2) Application for the hire of any such facilities must be made in writing to the librarian

(3) Despite the provisions of section 14(1), such facilities may be made available without charge –

- (a) to organizations supporting the provisions of library services;
- (b) for such specific activities as the council may from time to time either generally or specifically determine

INTERNET VIEWING STATIONS

16. Any person may utilize the internet viewing station of a library, where such facilities are made available by the council, provided that he or she –

- (a) pays the prescribed fee therefore
- (b) obtains prior permission being obtained from a librarian
- (c) obtains the maximum period of use as determined by the librarian;

- (d) obtains from loading personal software on to any hardware comprising an internet viewing station;
- (e) agrees to and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her
- (f) agrees to and does observe the council's policy on e-mail and internet usage' which must be displayed at each station

HIRING OF MULTIMEDIA LIBRARY SPACE

17. (1) A multimedia library may be made available to any person applying therefore against payment in advance of the prescribed fee

(2) Any person who, or body, which wishes to hire a multimedia library, must make advanced reservations with the librarian in charge

- (3) The hiring of a multimedia library must subject to such conditions as the library may determine

PERFORMING ARTS LIBRARY

18. (1) All printed music must be made available for loan free of charge to registered adult members and organizations

(2) Material not for loan may be determined but the performing arts librarian at his/hr discretion.

(3) Orchestral and bulk vocal scores may be made available to orchestras, school libraries and choirs upon written application and against payment of prescribed fee.

LIABILITY FOR LOSS AND INJURY

19. (1) The council is not liable for any damage to, loss or theft of any items brought into the library by the members of the public.

(2) The Council is not liable for any claim or personal injury sustained by any member of the public whilst in the library premises or whilst using any library material.

POSTING OF BY-LAWS IN THE LIBRARY

20.(1). The librarian must place a copy of these By-laws in a prominent place in the library and direct the attention of users of the library where necessary.

(2) There must be a displayed in any library a notice to the effect that neither the Council nor the office bearers or employees of the library are liable for any injury or loss sustained by any person using the library premises or library material.

OFFENCES

21. Any person who-

- (a) conduct or participate in a conversation, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;
- (b) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (c) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
- (d) allow any child under his supervision to create a disturbance in the library;
- (e)
 - (i) act in an uncouth or disorderly fashion;
 - (ii) use unseemly, abusive or blasphemous language; or
 - (iii) lay a bet or gamble in any part of the library;
- (f) recline, sleep or partake of refreshments in the library;
- (g) cause or permit any animal under his supervision to enter or remain in the library;
- (h) while using the library, refuse to comply with any lawful request of the librarian;
- (i) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (j) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (k) damage or deface any part of the library or any fitting, furniture, equipment or contents thereof;
- (l) supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
- (m) enter or remain in any part of the library if he is-
 - (i) unclean on body or dress;

- (ii) suffering from a contagious or infectious disease notifiable in terms of any law;
- (n) enters or remains in any part of the library during the hours that such a library or part thereof is not officially open for service to the public;
- (o) enters or leaves the library by an entrance or exit not officially provided for the use of the public;
- (p) enter or remain in any part of the library which is reserved for the use of the library staff;
- (q) obstruct or block any entrance to or exit from the library;
- (r) remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of these By-laws; or
- (s) retain in his possession any library material for more than 24 hours after the delivery to his registered address of a written demand from the librarian for the return of such material.

PENALTIES

22. (1) Any person not **bona fide** using the library for the purpose for which it is intended or is guilty of misbehaviour in the library, may be removed from the library by the librarian or by a person called upon thereto by the librarian.
- (2) Any person contravening any of the provisions of these By-laws must be guilty of an offence and must, on conviction, be liable to a fine and imprisonment for a period of 3 months or to both such fine and such imprisonment

Repeal of By-laws

23. The provisions of any By-laws relating library and information service by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Short Title

24. These By-laws are called Library and Information Service By-laws.

No. 9

MBIZANA LOCAL MUNICIPALITY

CARAVAN PARKS BY-LAWS

DRAFT 1

CARAVAN PARKS BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Caravan Parks, which have been approved by the Municipal Council.

To provide for the establishment of caravan parks in the Mbizana local Municipality; and for matters connected therewith.

Definitions

1. In this By-law, unless the context otherwise indicates --

“**caravan**” means any vehicle fitter out for use by person for living and sleeping purposes, whether or not such vehicle is a trailer and shall include its towing vehicle;

“**caravan park**” means a caravan park established or deemed to be established under section 2;

“**caretaker**” means an officer appointed by the Municipality in terms of section 3 as caretaker of a caravan park;

“**Municipality**” means the Mbizana Local Municipality;

“**Municipal land**” means land situated inside the area of jurisdiction of the Municipality of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality; and

“**site**” means the land set aside within a caravan park for --

- (i) the parking of a caravan; or
- (ii) the pitching of a tent and the parking of the vehicle of its inhabitants

Establishment of caravan parks

2. (1) The Municipality may on municipal area establish, maintain and administer caravan parks.
- (2) Any caravan park situated on municipal land, administered by the Municipality when this By-law comes into operation, shall, for all purposes be deemed to have been established in accordance with subsection (1).

- (3) The Municipality shall divide a caravan park into sites and provide the necessary ablution and other facilities that may be needed by visitors.

Appointment of caretaker and other officers

3. (1) The Municipality shall appoint a caretaker and such other officers as may be necessary for the administration of each caravan park.
- (2) The caretaker appointed for a caravan park in terms of subsection (1), shall be responsible for –
- (a) collecting the charges for the use of the caravan park and its facilities as determined by the Municipality;
 - (b) the upkeep of the ablution and other facilities of the caravan park;
 - (c) making reservations for visitors who wish to make bookings in advance;
 - (d) the allocation of sites to visitors; and
 - (e) any other matter connected with the day-to-day administration of the caravan park.

Charges

(1) The Municipality must determined charges for the use of the caravan park.

(2) Such charges are payable to the caretaker in advance, and a receipt therefore must be issued by him or her.

Permission to stay longer than 30 days

5. Any person desiring to stay at the caravan park for a period of more than 30 days must apply in writing to the Municipality for permission to do so.

Rules to be observed by users of caravan parks

6. (1) No person shall –
- (a) park a caravan or pitch a tent in caravan park, except in a site allocated to him or her by the caretaker;
 - (b) damage or climb over or through any wire fences or any other fences within or enclosing the caravan park;

- (c) kindle a fire in a caravan park, except in the grates provided for the purpose;
 - (d) create any disturbance, nuisance, implement or hindrance, which may be offensive to any other person within the caravan park;
 - (e) keep any pet or other animal in caravan park, except a dog and then only on condition that it is kept on a leash at all times;
 - (f) wash or hang out to dry any article of clothing elsewhere in the caravan park than in the area provided therefore;
 - (g) dispose of refuse elsewhere in a caravan park than in the refuse bins provided for such purpose;
 - (h) damage, destroy or deface any natural object or remove from the caravan park any flora, fauna, nest, object or historical, archaeological or scientific interest or any property therein belonging to the Municipality.
- (2) Any person who contravenes or fails to comply with the provisions of subsection (1) –
- (a) may be directed by the caretaker to leave the caravan park forthwith; and
 - (b) may be prohibited by the Municipality from entering and using the facilities of the caravan park for a specified period of time or, in a case of a severe or continuous contravention, permanently.

Offences and penalties

7(1) Any person:

- (a) Who contravenes or fails to comply with:
 - (i) any provision of these By-laws;
 - (ii) any condition imposed in terms of these By-laws or;
 - (iii) any notice referred to in terms of these By-laws
- (b) Who obstruct or hinders any officer in the carrying out of any duty in terms of any provisions of these By-laws or

- (c) Who in connection with any provision of these By-laws furnishes information which, to his knowledge, is false or in any material respect misleading,

is guilty of an offence and liable on conviction to a fine or, in default of payment to imprisonment

Repeals

8. The Mbizana Local Municipality in terms of section 13 of the Municipal System Act 32 of 2000 revokes and repeals all the By-laws relating to Caravan Parks within the area of jurisdiction of Mbizana Local Municipality.

Short title and commencement

10. (1) These are called the Caravan Parks By-Laws will come into operation on a date or dates to be determined by the Council by publication in the Provincial Gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 10

MBIZANA LOCAL MUNICIPALITY

TRAFFIC BY-LAWS

DRAFT 1

TRAFFIC BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Traffic By-Laws, which have been approved by the Municipal Council.

Traffic By-Laws

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CHAPTER I

Definitions

1. In these By-Laws any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates:

"**Authorized officer**" means a designated officer authorized by the Municipality to perform and exercise any or all of the functions and powers specified in the this By-Laws;

"**bus**" means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the Act;

"**cycle**" means a bicycle or tricycle designed for propulsion solely by means of human power;

"**minibus taxi**" means a motor vehicle lawfully adapted by a registered manufacturer in compliance with the Act operating an unscheduled public transport service operated on a specific route or routes or where applicable, with a particular area, of the Municipality, by means of a motor-car, minibus or midi bus;

"**Municipal Council**" means the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended;

"**Municipality**" means the Mbizana Local Municipality;

"**public vehicle**" means a public motor vehicle as defined;

"**skate board**" means a device, which includes a mainly flat object mounted on wheels, which is designed in such a manner as to provide room only for one person to stand or squat and is as such propelled by means of either human power of gravitation or both;

"**street**" means any street, road or thoroughfare indicated on the general map of the Municipality, or to which public has by prescription or in any other way obtained a right of way;

"**the Act**" means the Road Traffic Act, 1996 (Act 93 of 1996);

“toy vehicle” means a device designed, made or manufactured with the purpose for people to play with or to amuse themselves with, but excludes motorized vehicles designed to convey people, goods or both;

“tricycle” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“vehicle” means a device designed or prepared for the hauling of other vehicles or for the conveyance of passengers, animals, goods or more than one of these groups simultaneously, and moves principally on wheels or crawler tracks, with the exception of:

- (a) a motor cycle to which a side-car is not attached;
- (b) a bicycle;
- (c) a toy vehicle;
- (d) roller skates;
- (e) skate board; and
- (f) a device moving exclusively on rails; and

CHAPTER II

Application of By-Laws

2. (1) These By-Laws apply within the area of jurisdiction of the Mbizana local Municipality from the date of promulgation.

(2) These By-Laws do not apply in the Municipality in so far as they relate to matters with regard to which there are replacing provincial or national legislation in force in the Municipality to the extent that such replacing legislation deals with the matters.

Prohibition of Stopping

3. No person must stop any vehicle in any street within a distance of 3m from a fuel pump or the kerbstone, except for the purpose to obtain fuel, oil, water or air, or in compliance with a direction given by an authorized officer.

Parking

4. (1) No person shall stop, wait or park a vehicle in a public road-

- (a) on approaches to or departures from major intersections and at grade rail crossings;
- (b) or immediately adjacent to pedestrian crossings, fire hydrants, and public transport lanes and stops;
- (c) in front of driveways or alleyways;
- (d) where double 'no-overtaking' lines are provided at the centre of the carriageway;
- (e) at locations which might interfere with the movement of emergency vehicles, e.g. at hospitals, ambulance and fire stations;
- (f) in tunnels, on bridges or on narrow streets;
- (g) on or over the verge with perpendicular kerbstones;
- (h) on or over the verge which, for purposes of this section also includes the portions commonly known as shoulders, with slanted kerbing or without kerbstones except between lines of marks on the surface indicating the required angle for the parking of vehicles, and then only in such a manner that the part of the vehicle nearest to the property boundary line, bordering on the street or where there is no paved pedestrian pathway, less than 1m or more than 2m from such property boundary line, bordering on the street;
- (i) with the front of such vehicle facing the approaching traffic;
- (j) in any other way than parallel with the kerbing or curb of the roadway: Provided that, subject to the provisions of paragraph (b), where a sidewall, verge or shoulder is marked, or is broad enough for diagonal parking, while no part of such vehicle protrudes over the roadway which is not marked for such parking, a vehicle may be thus parked;
- (k) for the washing, sale of or repair to such vehicle or for advertisement purposes; or
- (l) next to any vehicle which is already parked parallel to the kerb or kerbing on the roadway in a demarcated parking area.

(2) No person must park a vehicle with a tare of 3 500kg or more for a period exceeding an hour at any time after sunset and before sunrise on the roadway.

Special Provisions Relating to Parking

5. (1) Despite anything to the contrary contained in any law, a local authority may exempt:-

(a) in such circumstance and subject to such conditions as it may deem expedient:

(i) a medical practitioner; or

(ii) a registered nurse or midwife as defined in section 1 of the Nursing Act, 1978 (Act 50 of 1978); or

(b) in the prescribed circumstances and subject to the prescribed conditions any person who-

(i) in the opinion of such local authority, has a prescribed physical disability; or

(ii) is conveying or assisting a person contemplated in subparagraph (i), from the provision of any law relating to the parking of a motor vehicle within its area of jurisdiction.

(2) A Municipality must, provide special parking places for the exclusive parking of vehicles driven by persons referred to in subsection (1)(b), and such parking places shall be identified by a road traffic sign.

(3) A Municipality must control the use of the parking places referred to in subsection (2) in the prescribed manner.

CHAPTER III

Parking Meters

6. (1) For the purpose of this section:

“demarcate parking place” means a demarcated parking place in conjunction with which a parking meter has been installed as contemplated in section 106 of the Road Traffic Ordinance, 1986;

“parking meter” means any device which registers and visibly records the passage of time of the parking period and which is brought in to operation either automatically or manually according to the instruction indicted on the device and includes any pole, post or fixtures to which such device is attached or a portable device;

“**parking period**” means the parking period permitted in a demarcated parking place by the insertion of the applicable coin into a parking meter.

(2) The period in which a vehicle may be parked in a demarcated parking place shall at all times be clearly indicated on the parking meter.

(9) (a) No person must park or cause to be parked any vehicle in a demarcated parking place without immediately after parking inserting a coin, as prescribed on such meter.

(b) The obligation to place the coin in a meter applies only between such hours as determined by the Municipality but does not apply to the hours between 14h00 on Saturdays and 08h00 on the following Monday or on public holidays as defined by section 1 of the Public Holidays Act, 1952 (Act 5 of 1952).

(c) No motor cycle must park on a demarcated parking place other than a parking place for motor cycles indicated by a road traffic sign.

(b) Where parking is restricted on a demarcated parking place as defined in paragraph (a), so that parking is permitted only during certain specified hours, or where money for parking is payable only during certain specified hours, a clearly legible notice to this effect must be affixed to the parking meter.

(4) No person must park any vehicle, or cause any vehicle to be parked, in a demarcated parking place, unless a coin has been inserted in the parking meter in accordance with the provisions of these By-Laws but-

(a) such a person may park a vehicle in a demarcated parking place for the period not expired as indicated on the parking meter without the insertion of a coin in that parking meter;

(b) subject to any provisions to the contrary, in these By-Laws, or any other ordinance or act, such a person may park a vehicle in a demarcated parking place where a parking meter is out of order without inserting a coin in such parking meter.

(5) A clearly legible notice affixed to each parking center must indicate-

(a) the amount payable for a specified period; and

(b) the various denominations of coins that may be placed in a parking meter.

(6) No person must-

- (a) insert, or attempt or cause to insert, into a parking meter any foreign object or coin other than a coin of South African currency on a denomination indicate on the parking meter;
- (b) (i) damage or deface, write or draw on a parking meter,

(iii) affix any handbill, poster, placard or other document to a parking meter without the Municipality's consent;
- (c) cause a parking meter in any way whatever to record the passage of time otherwise than that of putting the meter into operation in the prescribed manner; or
- (d) jerk, knock, shake or in any way tamper with a parking meter; and for the purposes of this section, to become less visible.

(7) Every vehicle parked in a demarcated parking place, must be parked in such manner that no part of such vehicle protrudes over the parking marks but where any vehicle parked in a demarcated parking place occupies, by reason of its length, so much of an adjoining parking place, the person parking the said vehicle, must insert the prescribed coins in the parking meters of both such demarcated parking places.

(8) The passage of parking time as indicted by a parking meter is, unless the contrary is proved, deemed to be correct.

(9) The Municipality may allocate and demarcate smaller parking places for the parking of two-wheeled vehicles, and the provisions of this chapter are with the necessary changes applicable to such parking places.

CHAPTER IV

Prohibition of Certain Actions

7. No person must drive or ride on roller skates, stake boards or any other toy vehicle in any street without the written consent of the Municipality and on such conditions as may be determined by the Municipality.

Turn with Combination Vehicles

8. (1) No person must turn with any vehicle that draws a semi trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite direction.

Control of Animals in or Along a Street

9. (1) No person must drive or cause any animal to be driven in a street except which drawing a carriage or vehicle: Provided that the Municipality may grant permission to the driving of animals in certain streets on such conditions as it may deem fit.
- (2) No person shall in or along any street:
- (a) train or break in an animal;
 - (b) allow an animal, which is his property or under his control, to be let loose or to wander uncontrolled;
 - (c) leave an animal which is hurt, weak, sick or dying. Except to obtain assistance to remove such animal; or
 - (d) by making noises, gestures, gesticulations or in any other way frighten or irritate an animal.
- (3) Subject to the provisions of subsection (4), no person must not leave or allow any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on any section of a street where that section is fenced or in any other manner closed along both sides, and no person shall leave such animal in a place from where it may stray onto such section of a street.
- (4) The provisions of subsection (3) will not apply to any animal, which is being-
- (a) ridden or is being used to draw a vehicle along street; or
 - (b) driven from one place to another in a manner as not to constitute a source of danger or injury to any person or vehicle using such road.
- (5) In any prosecution for a contravention of subsection (3), it is presumed, until the contrary is proved that any animal referred to in subsection (3) was left or allowed to be on the section of the street or place concerned by the owner of such animal, and a section of a street is regarded as fenced or enclosed along both sides even though there is an opening providing access to such street in the fence or other enclosure.
- (6) No person must drive any animal referred to in subsection (1), along a street during any other period -
- (a) from sunset to sunrise, unless a person carrying a red light visible unclear weather for a distance of at least 150 metres tends such an animal or, in the case of a flock or herd of more than ten animals, a

person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as afore said follows such animals; or

- (b) unless a person displaying in a conspicuous manner a red cloth, of not less than 300 millimetres by 300 millimetres, tends such animal or, in the case of a flock or a herd or more than 10 animals, a person tending such animals and displaying a cloth as aforesaid follows such animals.

(7) A traffic officer may take charge of any animal referred to in subsection (1) on a public road or take such steps in respect of the animal as may be prescribed.

(8) For the purpose of this section, the word "animal" does not include a dog or a cat.

Animal-drawn Vehicle

10. (1) No person must operate an animal-drawn vehicle on a street unless the name and address of the owner thereof is affixed or painted in a conspicuous position on the left side of such vehicle in the letter not less than 25 millimetres high but nothing herein contained applies to a vehicle used solely for the conveyance of persons otherwise than for hire or reward.
- (2) No person must operate an animal-drawn vehicle on a street unless the vehicle and the harness and other equipment thereof are in an efficient and safe condition.
- (3) The owner of an animal-drawn vehicle must not cause or permit such vehicle to be used on a street by any person who is not competent whether by any reason of his or her age or otherwise to drive and control such vehicle.
- (4) The driver of an animal-drawn vehicle on a street must all times give his undivided attention to the driving of the vehicle under his control, and if the vehicles standing on a street, the driver must not cease or retain control over every animal which is still harnessed to the vehicle, unless such animal, or every such animal is so fastened that it cannot move from the place where it has been left.
- (5) No person must operate on a street a vehicle drawn by a team of animals not controlled by reins, unless there is a person leading the team and exercising control over such team.
- (6) The driver or other person in charge of a vehicle drawn by an animal must not, on a street outside an urban area, permit such vehicle to follow any other vehicle similarly drawn at a distance of less than 150 metres reckoned from the

foremost animal of such first-mentioned vehicle, except for the purpose of the foremost overtaking a vehicle travelling at a slower speed or when a vehicle travelling at a greater speed, having overtaken such vehicle, is drawing away from it.

Queues

11. (1) Persons waiting in a street for the purpose of gaining admittance to any public place shall form a queue not more than two persons abreast, or in a manner as required by an authorized officer.
- (2) Persons arriving first must enjoy precedence in a queue.
- (3) An authorized officer may remove from a queue any person if such a person: -
- (a) refuses to obey any lawful instruction; or
 - (b) behaves in a disorderly or improper manner.

Loads on Cycles

12. No person must cause or permit to be used:-
- (a) any cycle excluding a tricycle, to carry goods exceeding 50kg in mass; or
 - (b) any tricycle to carry goods exceeding 110kg in mass.

Public Transportation

13. (1) (a) No person may operate a road-based public transport service without holding the necessary permit or operating license or, in the case of a special event, a temporary permit issued in terms of section 20 of the Road Transportation Act 1977 (Act No. 74 of 1977) or of an authorization obtained or in terms of any provincial law, for such special event;
- (b) Any person who by means of any motor vehicle or other vehicle convey any passengers or goods or both is presumed to convey such passengers or goods for hire unless the contrary is proved and such motor vehicle or other vehicle is presumed to be a public vehicle unless the contrary is proved.
- (c) If any person has in his or her possession or under his or her control or uses or causes or permits any public vehicle to be used in contravention of the provisions of this section, he/she is guilty of a contravention of these By-Laws.

Allocation and Use of Parking Places for Minibus Taxis

14. (1) Save for any provisions to the contrary in these By-Laws or any other law, the Municipality may -
- (a) demarcate parking places for minibus taxis and distinguish them by applicable traffic signs; and
 - (b) allocate to each taxi association a parking place referred to in paragraph (a).
- (2) The Municipality may impose charges for the allocation of parking places in terms of subsection (1).
- (3) The driver of a minibus taxi who intends to park it on parking place allocated for minibus taxis, must park on the parking place immediately behind the other taxis already parked on such parking places.
- (4) A minibus taxi must be parked on a parking place referred to in subsection (1), in such a manner that it is within the parking space.

Conveyance of Dangerous or Offensive Articles or Dead Bodies.

15. No driver of any minibus taxi must knowingly convey any goods or articles or things of a dangerous or offensive nature, or at any time permit the dead body of any person or the carcass of an animal to be conveyed therein.

Disinfections after Conveyance of Infectious or Contagious Diseases Cases

16. Should any driver convey in a minibus taxi any person suffering from any infectious or contagious disease, he/she must, as soon as it comes to his or her knowledge that he/she is conveying such a person, immediately disinfect such a minibus taxi to the satisfaction of the medical officer of health.

Preventing Engagement

17. No driver of a minibus taxi or any other person must by using force or threats, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other taxi or the driver of such other minibus taxi from obtaining or conveying passengers or loads.

Unauthorized handing over or Abandonment of a Taxi

18. No driver of any taxi must abandon a minibus taxi, which has been entrusted on him or her, or allow any other person to drive such vehicle without the knowledge or consent of the owner of such minibus taxi.

Behaviour and Clothing of Drivers

19. All drivers of minibus taxis must be dressed cleanly and decently and must conduct themselves in a proper, civil and decorous manner and no driver of any minibus taxi must, whilst such minibus taxi is under hire, smoke any tobacco or other substance without the consent of the hirer or passenger.

Property left in Taxi

20. The driver of any minibus taxi who discovers any property left behind therein must within eighteen hours deposit such property in safe custody, at the nearest police station.

Public bus routes

21. (1) No person must drive or cause or allow any public bus to be used for the purpose of conveying passengers, except on a route approved by the Municipality or the relevant transport authority.
- (2) Despite anything to the contrary contained in these By-Laws, every public bus operating over a route within the area of the Municipality must operate subject to the provisions of section 12 (1)(a).

Public Bus Stands and Stopping Places

22. No person must attempt to ascend or alight from any public bus except at such stands or stopping places as have been approved by the Municipality and no driver of a public bus shall allow such bus to stop for the purpose of picking up or allowing any passenger to alight, except at such stands or stopping places as have been approved by the Municipality.

Intending passengers to Board at Approved Stands or Stopping Places only

23. Every driver of a public bus used on any approved route upon being signalled at any approved stand or stopping place by any person wanting to travel on such bus shall stop and pick up such person if he is not prohibited by any act from boarding such public bus.

Public Bus to Stop on request

24. Every driver of a public bus having been requested by any passenger to stop his bus, shall do so at the next approved stopping place to enable such passenger to alight.

Public Bus not to be Left Unattended on a Stand

25. No driver must allow a public bus to remain unattended at any stand or any routine.

CHAPTER VI**29. Offences and penalties**

A person who-

- (a) fails or refuses to give an officer such information as he/she may reasonably require for the purpose of exercising his or her powers or functions under these By-laws or gives such an officer false or misleading information knowing it to be false or misleading;
- (b) contravenes or fails to comply with a provision of these By-laws; or
- (c) fails to comply with the terms of a notice served on him or her in terms of these By-laws;

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

30. Repeal

(1) Any By-Laws applicable in the jurisdiction of the Municipality relating to the subject contained in these By-Laws are repealed to the extent that they conflict with the provisions of these By-Laws.

(2) The repeal of the existing By-Laws is effective from the date of the promulgation of these By-Laws.

31. Short Title and commencement

(1) These By-laws are called the Traffic By-laws and shall come into operation on a date determined by the Municipal Council and published in the provincial gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 11

MBIZANA LOCAL MUNICIPALITY

PARKING AREA BY-LAWS

DRAFT 1

PARKING AREA BY-LAWS

The Municipal Council in terms of section 13 of the local Government Municipal systems Act 32 of 2000 as amended publishes the By-Laws set forth hereinafter, which have been approved by the Council.

PART 1

Definitions.

1. For the purpose of these By-Laws, unless the context otherwise indicates –

“**demarcated parking place**” means a parking place wherein a parking meter has been installed;

“**demarcated space**” means a space within which a vehicle is to be in terms of these By-Laws by means of one or more white lines upon the surface of a parking area or a floor thereof;

“**authorized employee**” means any employee of the Council appointed by it for the purpose of controlling parking in parking areas and access thereto;

“**parking period**” means the period of a parking in a demarcated space on any one-day which a vehicle is permitted to park in a parking area as prescribed in Schedule I hereto;

“**Council**” means the Mbizana local Municipality Council within the meaning of Section 157 (2) & 3 of the Constitution of the Republic of South Africa;

“**Pound**” means any area or place set aside by the Council for the custody of vehicles removed from a parking area in terms of these By-Law;

“**Motor vehicle**” means any self-propelled vehicle and includes: -

- (a) a trailer; and
- (b) a vehicle having pedals and an Engine or an Electric motor as an integral part thereof or attached thereto and which is designed or adopted to be propelled by means of such pedals and engine or motor, but not include:
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) any vehicle which a mass not exceeding 240 kilograms and specifically designed and constructed, and not mercily, for the use

of any person suffering from some physical defect or disability and used solely by such person;

“demarcated parking place for motor cycles” means a parking place wherein a parking meter has been installed intended for the use of motor cycles only;

“motor cycle” means a self-propelled vehicle which has two wheels;

“park” means to keep a vehicle whether occupied or not, stationery for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the persons in charge of such vehicle;

“parking meter” means a device for automatically registering and visibly recording the passage of time in accordance with the insertion of a coin therein, or in accordance with the insertion of a coin therein followed by it being put into operation in terms of Section 2, and shall include any post or fixture to which it is attached;

“parking period” means that period of parking in a demarcated place for motor cycles which is permitted by the insertion into a parking meter of such coin as the Council shall from time to time by resolution determine, and where applicable, the putting into operation of the parking meter in terms of Section 2;

“vehicle” means a device designated or adapted merely to travel on wheels or crawler tracks and include such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves slowly on the rails.

2. The Municipality must prescribe charges payable for the use of parking areas.

PART II

PARKING METER PARKINGS

Conditions of parking

3. (1) No person must park any vehicle or motor cycle, or cause any vehicle or motor cycle to be parked in any demarcated parking place for motor cycles unless-
 - (a) at same time a coin prescribed in terms of section 5 or any other relevant resolution of the Council is inserted in the parking meter;
 - or

- (b) if it is a parking meter which is not put into operation by the insertion of a coin only, such parking meter is thereafter put into operation by turning the handle attached thereto fully towards the right until it automatically registers and visibly shows the passage of time; but-
 - (i) such coin or coins must only be inserted during such hours as the Council may by resolution prescribe and as shall be indicated by notice or sign in respect of everyone demarcated parking place but in any event not between 1 p.m. on Saturdays and 8 am on Monday;
 - (ii) subject to the provisions of sub-paragraph (iii), it is lawful to park without such payment a vehicle or motor cycle in a vacant demarcated parking place for motor cycles for such a part and such part only of any parking period a parking meter may indicate not to be expired; and
 - (iii) where a person has ascertained that the parking meter of a demarcated parking place or demarcated parking place for motor cycles is not operating properly, he or she is entitled to leave a vehicle or a motor vehicle in that parking place but must immediately inform the Chief Traffic Officer by the quickest possible means of the facts, including the registration number, if any, of the said vehicle or motor cycle.
- (2) It shall be unlawful, either with or without the insertion of a fresh coin in the parking meter, and, where applicable the putting into operation again the parking meter in terms of section 2, to leave any vehicle or motor cycle in a demarcated parking place for motor cycle after the expiry, or after such expiry to obstruct the use of that space for any other vehicle.
- (3) The insertion of a prescribed coin in a parking meter in terms of these By-Laws, and where applicable, putting into operation thereof in terms of Section 2, entitles the person inserting it to park a vehicle or a motor cycle in the appropriate demarcated parking place for motor vehicles for the period corresponding with the payment so made, but, nothing in this section entitles any person to ignore a road traffic sign prohibiting the parking of vehicles between specified hours.
- (4) A period during which a motor vehicle or a motor cycle may be parked in any demarcated parking place for motor vehicles and motor cycles and the coin to be inserted in respect of that period in the parking meter allocated to any such parking places will be determined by the Council from time to time by resolution and the said period and the coin to be inserted must be clearly indicated on the parking meter itself.

(5) It is unlawful-

- (a) to insert or attempt to insert a parking meter any coin other than a valid coin of South African currency of a denomination prescribed by the Council;
- (b) to insert or attempt to insert into parking meter any false or counterfeit coin or any foreign object;
- (c) to damage or deface, or to write or draw on, or to affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter, but advertising signs approved by the Council, may be attached to any parking meter pole, subject to conditions laid down by the Council;
- (d) in any way whatsoever cause or attempt to cause a parking meter, to record the passage of time otherwise than by the insertion of the prescribed coin;
- (e) to jerk, knock, shake or in any way agitate a parking meter which is not working properly or working at all; or
- (f) to deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purposes of these By-Laws.

(6) Every vehicle or motor cycle must be so placed in a demarcated parking place motor vehicles or motor cycles, other than one which is at an angle to the kerb, that its near side wheels are not more than 450mm from the kerb, and must be parked within that space and that the driver's seat, or in the case of a motor vehicle with left-hand drive, the front passenger's seat, is opposite and close to the mark painted as the driver's marker on the surface of the road or, in the case of one-way street in which parking on the right-hand side thereof is permitted, on the footway or roadway.

Vehicle of Excessive Size

9. (1) The Council may indicate by notice, which shall be displayed at the entrance to a parking area, that no vehicle which exceeds 6m in length, shall be parked in parking area.
- (2) Where the parking of vehicle, which exceeds 6 m in length, is by notice permitted, the charge payable for such parking shall be twice the charge prescribed for an ordinary vehicle and, where the total length exceeds 7m, three times such charge.

Monthly Tickets

10. (1) Despite anything to the contrary contained in these By-Laws the Council may in respect of any parking area controlled by issue on payment of the charge prescribed, issue a ticket entitling the holder to park a specified vehicle in that area for one calendar month or any lesser period stated therein, at the times on the ticket, if space is available, and such ticket is not transferred to any other person.
- (2) The Council may issue to any of its officers a ticket entitling the holder, when using a vehicle on the business of the Council, to park it free of charge in such parking area as the ticket may specify, provided space is available.
- (3) A ticket issued in terms of subsection (1) or (2) must be affixed to the vehicle in respect on which it is issued in such manner and place that its written or printed context is clearly legible from the outside such vehicle.

Part III

MISCELLANEOUS

Closure of parking areas

- 11 (1) Despite anything to the contrary in these By-Laws, the Council may at any time close any parking area or portion thereof temporarily or permanently and shall indicate the period of such closure by notice displayed at the entrance to the area closed or at the portion closed, as the case may be.
- (2) No person must park or cause or permit a vehicle to be parked or to remain in parking area or portion thereof while it is closed.

Responsibility for offence

12. Whenever a vehicle is parked in contravention of any provision of these By-Laws it is presumed, until the contrary is proved, that it was so parked by the person shown in the records of the appropriate registering authority in terms of the National Road Traffic Act 93 of 1996 as the owner thereof.

Defective vehicles

13. No person must park or cause any vehicle which is defective or is for any reason incapable of movement to be parked or to be or remain on any parking area for the use of which no charge is prescribed, but no offence against this section is deemed to have been committed in respect of any vehicle which, after having been parked in a parking area, develops a mechanical defect which immobilises it

if the person in control of the vehicle proves that he or she took reasonable steps to have the vehicle repaired or removed as soon as is possible.

14. (1) No person must in any parking area-
- (a) park or cause or permit to be parked or caused to be remained, any vehicle other than a vehicle as defined in section 1;
 - (b) when called upon by an authorised employee to do so, fails or refuses to furnish him or her with his or her correct name and address;
 - (c) offers or causes or allows any vehicle to be for hire for the conveyance of passengers or goods or both;
 - (d) cleans, saves in emergency, works on or effects repairs to any vehicle or any part thereof;
 - (e) drives any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;
 - (f) drives any vehicle at more than 10 km/h;
 - (g) parks a vehicle otherwise than in compliance with any notice or sign displayed therein or with an instruction or direction given to him or her by authorised officer or remove a vehicle otherwise than through an entrance thereto or exit there-from, appointed for that purpose;
 - (h) parks or loads a vehicle or allow anything to be on it that obstructs other vehicles or persons or impedes their movement or is likely to do so;
 - (i) without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enters or climbs upon such vehicle or sets the machinery thereof in motion, or in any way tampers or interferes with its machinery or any other part of it or its contents;
 - (j) subject to the provisions of section 7, parks any vehicle that any part of its projects across any white line forming a boundary of a demarcated space or that it is not entirely within the confines of such a space;
 - (k) removes, obscures defaces, damages or interferes with any notice, sign or marking erected by the Council or deal in like manner with other property belonging to it;
 - (l) do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;

- (m) with intent to defraud the Council, forges, imitates, defaces, mutilates, alters or makes any mark upon any ticket issued in terms of the provisions of these By-Laws;
- (2) A sign which the Council displays in a parking area and which conforms to a road-traffic sign prescribed by the National Road Traffic Act 93 of 1996, must for the purpose of these By-Laws, bear the same significance as is given to that sign by that Act.
- (4) Unless one is the holder of a ticket issued in terms of section 10 entitling him or her to do so, no person must park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area.

Damage of vehicles

15. The Council is not liable for the loss of any vehicle or for its lawful removal from the parking area, or for damage to any vehicle or its fittings, accessories or contents which occurs to it when it is moved.

Authorised persons

16. No person must, unless authorised thereto by the Council, enter or be in a parking area otherwise than for the purpose of parking a vehicle or lawfully removing it but this section does not apply to a person permitted to be a passenger by a person in charge of a vehicle.

Obstruction

17. If a vehicle is parked in such a position that, in the opinion of an authorised employee, it is likely to obstruct or impede the movement of other vehicles or persons in the parking area, he or she may cause it to be moved to another part of the area.

Abandoned vehicles.

18. Any vehicles which is parked in the place on a parking area for a continuous period of seven days or longer without being removed by the owner or owner's representative, is deemed to be an abandoned vehicle and must be removed by the Council and the Council be indemnified accordingly.

Refusal of Admission

19. (1) It is in the discretion of an authorised employee of the Council to refuse or admit to a parking area a vehicle with or without any load which by reason of its length, width or height is likely to cause damage to persons or property or to cause an obstruction or undue inconvenience.

- (2) Any person in control of a vehicle who, having been refused admission in terms of the provisions of subsection (1), proceeds to drive it into a parking area is guilty of an offence.

PART IV

1. Offences and penalties

Any person who –

- (a) contravenes or fails to comply with any provisions of these By-Laws;
- (b) fails to comply with any notice issued in terms of these By-Laws;
- (c) fails to comply with any lawful instruction given in terms of these By-Laws; or
- (d) obstruct or hinders any authorized official in the execution of his or her duties under these By-Laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment .

2. Repeal

(1) Any By-Laws applicable in the jurisdiction of the Municipality relating to the subject contained in these By-Laws, are hereby repealed to the extent that they conflict with the provisions of these By-Laws.

(2) The repeal of the existing By-Laws is effective from the date of the promulgation of these By-Laws.

3. Short title and commencement

(1) These By-laws are called the Parking Area By-laws and shall commence from area to area on the date determined by the Municipality

(2) The Municipality may be set different dates of operation for different areas.

No. 12

MBIZANA LOCAL MUNICIPALITY

METERED TAXI, MINIBUS, MIDIBUS OR BUS BY-LAWS

DRAFT

METERED TAXI, MINIBUS AND BUS BY-LAWS

The Municipal Manager of the Mbizana Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal System Act, 2000), publishes the Metered Taxi, Minibus, and Bus By-laws for the Mbizana Local Municipality, as approved by its Council and as concurred with by the Premier: Eastern Cape Province in terms of section 80A of the National Road Traffic Act, 1996 (Act 89 of 1996), as set out hereunder.

MBIZANA LOCAL MUNICIPALITY

METERED TAXI, MINIBUS, MIDIBUS AND BY-LAWS

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Definitions

1. (1) In these By-laws, any word or expression that has been defined in the Eastern Cape Passenger Road Transport Act, 2001 (Act No. 7 of 2001) has that meaning and, unless the context otherwise indicates –

“**Authorised official**” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

“**Council**” means –

- (a) Mbizana Local Municipality, exercising its legislative and executive authority through its Municipal Council;
- (b) its successor in title;
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal System Act, or any other law, as the case may be.

“**Lift club**” means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club or other persons designated by such members, to or from specified places for a specific purpose;

“**Medical officer of Health**” means a person appointed as such under section 22 or 25 of Health Act, 1977 (Act No. 63 of 1977);

“**Prescribed fee**” means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation.

“**Public road**” means a public road as defined in the National Road Traffic Act, 1996;

“**Queue marshal**” means a person designated by a taxi association to regulate minibus taxi-type services; and

“**Rank**” means a facility set aside by the Council for use by public passenger road transport;

(2). If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 21(2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it

CHAPTER 2

Driver to take shortest route

2. (1) A driver of any metered taxi must, while the metered taxi is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passengers.
- (2). A metered taxi driver must have a current map of the Municipal area in his or her possession, which must be made available by the driver to a passenger on request.

Driver to keep engagement

3. (1) A driver of any metered taxi must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver.
- (2). Should a driver of a metered taxi for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger, or let the passenger, or let the passenger arrange for transport to get to his or her destination.

Operation of taximeter

4. (1) The driver of a metered taxi fitted with a taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taximeter in motion, and must upon the termination of hiring immediately stop the taximeter from recording.
- (2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taximeter from recording.
- (3). The owner of a metered taxi must ensure that the provisions of subsection (1) and (2) and the minimum and maximum fare as determined in term of the Eastern Cape Public Passenger Road Transport Act, 2001, if any, are affixed to the interior of his or her taxi, in such a position that they can be easily read by a passenger in the taxi.

CHAPTER 3

BUSES

Stopping places

5. No driver of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

Entering and alighting from a bus

6. A prospective passenger of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may only enter and alight from a bus at a stopping place designated by the Council.

Driver to stop at stopping places

7. The driver of a vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

CHAPTER 4

GENERAL

Parking of metered taxi, minibus, midi bus or bus

8. No person may park a metered taxi, minibus, midi bus or bus on any public road for the purpose of providing a public passenger road transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle.

Parking at places of entertainment or funeral

9. Notwithstanding the provision of section 8 of these By-laws, a metered taxi may park on a public road for the purpose of providing a metered taxi service, where a party or private entertainment is in progress or from which any funeral or wedding procession is about to start.

Engagement of passengers

10. (1) No driver of a metered taxi, minibus, midi bus or bus or any other person, may by using force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other metered taxi, minibus, midi bus or bus or prevent or seek to prevent the driver of such

other metered taxi, minibus, midi bus or bus from obtaining or conveying a passenger or a load

(2) No person may use force, a threat, or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club.

(3) The driver or conductor of a metered taxi, minibus, midi bus or bus may not use a hooters or sounding device to attract the custom of potential passengers or customers.

Failing or refusing to pay or attempting to evade payment of the fare due

11. No hirer of, or passenger in or on a vehicle engaged in a public passenger road transport service, may fail or refuse to pay any fare due by such hirer or passenger.

Furnishing of name and address by person conveyed in or on metered taxi, minibus, midi bus or bus

12. Any person hiring, or conveyed in or on, a vehicle engaged in a public passenger road transport service, who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver, state his or her correct name and address.

Conveyance of filthy or deceased persons

13. (1) A driver of a vehicle engaged in a public passenger road transport service may refuse to convey or carry –
- (a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or
 - (b) any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.
- (2) No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any metered taxi, minibus, midi bus or bus.
- (3). No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any metered taxi, minibus, midi bus or bus or, having entered, remain upon such vehicle after being requested by the driver or conductor thereof to leave the vehicle.

Disinfections of metered taxi, minibus, midi bus or bus

13. (1) The owner, driver, conductor or any other person in charge of a vehicle engaged in a public passenger road transport service must take immediate steps as soon as it comes to his or her knowledge that --
- (a) any person suffering from a contagious disease;
 - (b) the body of any person who has died of such disease; or
 - (c) anything which has been exposed to or contaminated with such disease, has been conveyed in or upon such vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health.
- (2) Any owner, driver, conductor or other person referred to in subsection (1) must carry out every instruction issued by the Medical Officer of Health with regard to the disinfection of such vehicle engaged in a public passenger road transport service.

Driver's right to refuse to convey passengers

14. (1) The driver of a vehicle engaged in a public passenger road transport service may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.
- (2). No person referred to in subsection (1), may remain in or upon such vehicle engaged in a public passenger road transport service, after having been requested by the driver or conductor thereof to leave the vehicle engaged in a public passenger road transport service.

Property left in metered taxi, midi bus, minibus or bus

15. (1) If any property left in a vehicle engaged in a public passenger road transport service is not claimed within 24 hours after it has been discovered in such vehicle engaged in a public passenger road transport service, the driver or conductor of the vehicle must --
- (a) if he or she belongs to a taxi association, take such property to the nearest office of such association;

- (b) if he/she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or
- (c) if he or she does not belong to a taxi association or use a bus depot for the purposes of the business concerned, take such property to the Police Station, and obtain a receipt from the person with whom the property is deposited, or the officer on duty at the Police Station, as the case may be.

(2). If the property referred to in paragraph (a) and (b) or subsection (1) is not claimed within seven days of its receipt in the office of the relevant taxi association or bus depot, the person with whom it was deposited must take it to the Police Station and there deposit it with the officer on duty, who must issue a receipt for such property to the person depositing it.

Possession of dangerous or offensive articles

16. (1) If the driver or conductor of a vehicle engaged in a public passenger road transport service reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or conductor or any other passenger may request the first mentioned passenger to hand such article to the driver or conductor.
- (2). If a passenger in possession of a fire-arm, the driver or conductor may request the passenger to display a valid licence for such fire-arm or if the passenger is required to carry the fire-arm as a member of the national or Municipal police service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957 (Act No. 44 of 1957), the driver or conductor may request the passenger to display the current identity document which was issued to the passenger by such service or force.
- (3). If the passenger refuses to hand the article referred to in subsection (1), or fails to display the licence or identity document referred to in subsection (2), to the driver or conductor, the driver may refuse to convey the passenger.
- (4). the article referred to in subsection (1) must be returned to its owner at the conclusion of his or her journey.

Cleanliness

17. The driver or conductor of any vehicle engaged in a public passenger road transport service must be clean and be neatly dressed at all times while conveying a passenger, and must treat every passenger politely and with respect.

Queue marshal

18. (1) A queue marshal at any rank must be clearly identifiable as to his or her employer and must display his or her name in a conspicuous manner on his or clothing below the left shoulder.
- (2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger.
- (3) Where a queue marshal is controlling the entry of passengers onto a metered taxi, minibus, midi bus or bus he or she must not allow more than the number of passengers permitted by law, to enter such metered taxi, minibus, midi bus or bus.

Clean vehicle

19. The owner and the driver of any metered taxi, minibus, midi bus or bus must keep the vehicle clean and in good condition at all times while engaged in public passenger road transport services.

Offences and penalties

20. Any person who –
- (a) Contravenes or fails to comply with any provisions of these By-laws;
 - (b) fails to comply with any notice issued in terms of these By-laws;
 - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
 - (d) who obstruct or hinders any authorised official of the Council in the execution of his or her duties under these By-laws,
- is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requiring the discontinuance of such offence.

Repeal of By-laws

21. Any By-laws enacted by the Municipality relating to Metered taxis, Mini bus, Midi bus, or busses are repealed in so far as they are in conflict with these By-laws.

Short title

23. These By-laws are called the Metered Taxi, Minibus, Midi bus or Bus By-laws, 2003

No. 13

MBIZANA LOCAL MUNICIPALITY

**FLAMMABLE LIQUIDS AND OTHER
SUBSTANCES**

DRAFT 1

FLAMMABLE LIQUIDS AND OTHER SUBSTANCES**INDEX**

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Definitions

1. For the purpose of this chapter, unless the context otherwise indicates-

"above ground storage tank" means a tank situated above or partly above ground and used or intended to be used for the storage of flammable liquid;

"authorized official" means an official of the Council who has been authorized by the Council;

"boundary line" means the perimeter of any premises in or on which flammable liquid is stored or used;

"bulk depot" means any premises used or intended to be used for storage in bulk of flammable liquids where flammable liquids are to be distributed mainly by road tank wagon or otherwise;

"bulk store" means any building or structure, or part of a building or structure which is used or intended to be used for the storage of flammable liquids in portable containers;

"carbide" means calcium or carbide;

"certificate of registration" means a certificate issued by the Council, authorizing any person to use the premises specified for the storage, use or handling of flammable liquids, or for the storage of carbide, as the case may be;

"Chief officer" means any Chief officer as referred by subsection (2) of section 2;

"container" means any case, tin, barrel, drum or other vessel used or intended to be used for the holding of flammable liquids, but does not include the fuel tank of a motor vehicle or stationary engine in normal use as such;

"dry cleaning machinery" means any machinery used or intended to be used for the cleaning or the treatment of garments or textiles with the aid of flammable liquids;

"dry cleaning room" means any premises used or intended to be used for the cleaning or treatment of garments or textiles with the aid of flammable liquids for gain or reward;

"class A flammable liquid" means any flammable liquid having a true flash point of 23 degrees Celsius and lower;

"class B flammable liquid" means any flammable liquid having a true flash-point over 23 degrees Celsius up to and including 55 degrees Celsius;

"class C flammable liquid" means any liquid, oil or other similar substance having a true flash point of more than 55 degrees Celsius but less than 90 degrees Celsius;

For the purposes of the definition of **"flammable liquids"** flash-point is determined in accordance with the definition contained in the Code of practice for the Petroleum Industry SABS 089: Part I - 1996;

"habitable room" means a room constructed or adapted to be used as a living room or workroom including shops, workshops and offices and the term "habitable" has a like meaning;

"**liquid petroleum gas**" means a gas, being a petroleum by-product which, when stored under pressure in cylinders, assumes a liquid state until the pressure has been reduced;

"**mixing room**" means any room or structure used or intended to be used for the manufacturing or preparation of any product involving the use of a flammable liquid;

"**person**" includes any individual, company, corporate body, partnership or other associated of person;

"**protected works**" means any house, building or other structure used or intended to be used for human habitation or public assembly including schools, clubs and similar institutions which also includes any animal stable, but excludes any administrative offices, change rooms or mess rooms in a bulk depot;

"**pump**" means any pump used or intended to be used for the supply, delivery, proposition or pumping of flammable liquids or substances and includes all apparatus, pipes and appliances used for or in connection therewith, but does not include pumps in bulk depots;

"**registered premises**" means premises registered by the Council in terms of these By-laws for storage of carbide;

"**road tank wagon**" means a vehicle constructed and intended for conveying flammable liquids for distribution principally or solely in a tank constructed as part of and firmly attached to such vehicle;

"**spray booth**" means any subdivision or separate compartment or any spray room, when such subdivision or compartment is used or intended to be used for the purpose of spraying vehicles or articles with flammable liquids, and purposes incidental thereto;

"**spray room**" means any room, building or structure used or intended to be used solely for the purpose of spraying vehicles or articles with flammable liquid and purposes incidental thereto;

"**store**" means any building or structure other than a bulk store which is used or intended to be used for the storage of flammable liquids;

"**transfer under seal**" means the transfer of flammable liquid from or to a road tank wagon in such a manner as to prevent the escape of flammable liquids or its vapour at any point in the system except at such points where the vapour necessarily expelled, is discharged through a vent pipe;

"**transport permit**" means a tank used or intended to be used for the storage of flammable liquids, wholly sunk in and surrounded by earth or solid rock or any such tank situated in a basement below ground level and totally enclosed by a liquid-tight concrete or brick structure, and wholly surrounded by a sand filling;

"vent pipe" means a pipe constructed and installed to allow the escape of flammable liquid vapour into the atmosphere.

Provision of other By-laws to apply

2. The provisions of this Chapter must not apply to any land or premises situated outside a township or residential area to which the general public has no right of access and on which the owner or occupier stores or keeps flammable liquids or substances for his own use in agricultural activities.

Application of this Chapter to existing premises

3. The provisions of section 70, 72, 74, 77, 78, 81, 93, 99, 102 (a), paragraphs 9 (a), (b), (c), (e), (f) and (g) of section 133, paragraphs (a) and (c) of section 136 and paragraphs (a) and (d) of section 140 must not apply to any premises now unlawful use for the storage, use or handling of flammable liquids so as to require such premises to be reconstructed, altered or added to, to conform to the provisions of the said section, but where any such premises or part thereof are constructed, altered or added to, such work must be carried out in conformity with the provisions of this Chapter: Provided that on change of control of ownership of any premises in lawful use for the storage, use or handling of flammable liquids, no renewal of any certificate or registration issued in connection therewith must be made unless and until the provisions of the sections hereinbefore mentioned have been complied with, and the provisions of such section must thereafter apply to such premises.

Application for the approval of plans

4. (1) Every application for the approval of plans or premises in respect of which a certificate of registration is required in terms of section 42, must be made in writing to the Council.

(2) Every application in terms of subsection (1) not relating to premises in respect of which a certificate of registration has previously been issued, must be accompanied by a plan of such premises drawn to a scale of not less than 1:100 which must specify:-

- (a) the premises including their elevation with regard to adjacent buildings or structure above or below the ground, the inside dimensions shown in figures of any room, building, structure or storage tank in which flammable liquid is to be stored, used or handled, and the material shown in writing with which such room, building, structure or storage tank is or is proposed to be constructed;
- (b) full particulars, including position of any pump, storage tank, store, pipeline dry-cleaning machinery, spray room, spray booth or ventilating exhaust equipment.

(3) Every such application must also be accompanied by a block of such premises drawn to a scale of not less than 1:500, which must specify:-

- (a) the premises and all open spaces with stand number thereof and the material of which such premises are constructed or are to be constructed;
- (b) stand with numbers thereof immediately adjoining;
- (c) names of any streets on which the site abuts and the township or residential area in which situated;
- (d) the north point

(4) Every application in terms of subsection (1) relating to existing premises in respect of which a certificate of registration has been issued and wherein it is proposed to make alterations or additions to any apparatus lawfully used or intended to be used thereon for the storage and handling of flammable liquid must be accompanied by a ground plan only. such ground plan must be drawn to a scale of not less than 1:100, and must show such additions or additions or alterations in relation to such existing premises of apparatus.

(5) All plans must be-

- (a) signed by the owner or his agent;
- (b) drawn in Indian ink on tracing linen or clear prints on cloth with white ground;
- (c) coloured with fast colours as follows:-
 - (i) Block plan: Proposed premises; red; other existing buildings: grey or neutral tint; open spaces; uncoloured;
 - (ii) Other plans: Ventilation ducts, pipes or exhausts: blue; storage tanks, pumps, pipelines, dry cleaning machinery and spray booths: red building in which flammable liquid is to be stored, used or handled: uncoloured; other existing buildings where required: grey or neutral tint.

(6) A prescribed amount for every application for the approval of a plan or plans must be paid on submission thereof, and on approval, such plan or plans must become the property of the Council. On approval of such plans written notice must be issued with such conditions endorse thereon as are deemed necessary in accordance with these By-laws.

(7) The approval of plans of premises must in no way imply the acceptance of any responsibility on the part of the Council in regard to such premises.

Certificate of Registration for Storage

5. (1) No person must store, use or handle flammable liquid on any premises in excess of the under mentioned quantities.

- (a) Class A and class B flammable tint - a total of quantity of 50/;
- (b) Class C flammable liquid - a total quantity of 200/,

unless such person is in possession of a certificate of registration in respect of such premises.

(2) No certificate of registration must be issued in respect of any premises for the storage use or handling of flammable liquids, unless application is made in writing to the Council, and accompanied by the prescribed fee as set out in Schedule iii hereto until the provisions of this Chapter have been complied with in respect of such premises.

(3) Such certificate may be issued subject to such conditions as are deemed necessary by the Council having regard to the circumstance pertaining to each application.

(4) Such certificate must state the maximum amount of each class of flammable liquid permitted to be stored, used or handled, the manner in which such liquid must be stored, used or handled and the number of pumps, storage tanks and stores permitted on the premises.

(5) Every such certificate must only be valid for the period terminating on the next succeeding thirty-first day of December.

(6) No certificate of registration other than a renewed thereof must be issued in respect of any premises until the provisions of section 41 have been complied with and the Council therefore has approved the application.

Supply of flammable liquids

6. No person must supply or deliver or cause or permit any flammable liquids to be supplied or delivered-

- (a) to any premises in excess of the quantities specified in section 42, the occupier of which is not in possession of a certificate of registration issued in terms of these By-laws in respect of the said premises;
- (b) to any premises in excess of the amount specified on the certificate of registration relating to such premises.

Exemption and requirements: Class C flammable liquids

7. Despite anything contained in this Chapter-

- (a) flammable liquid must not be deemed to be stored or conveyed or transported when contained in the fuel tank of a motor vehicle or stationary engine in normal use as such;
- (b) any person may keep varnish, lacquer, vulcanizing cement or similar substances which are flammable on any premises where-
 - (i) such substances are entirely contained unsealed metal containers;
 - (ii) no container is opened on such premises except in the open air or in a store as defined in section 38;but :-
 - (a) where 1kl or more of such substances are kept in any room or building-
 - (i) such room or building must be constructed of non-flammable material;
 - (ii) fire appliances must be installed to the satisfaction of the Chief fire officer;
 - (b) where the total quantity of such substances is in excess of 5 kl, such excess quantities must be kept in a separate non-flammable room or building in a store as defined in section 38 but-
 - (i) where the total quantity of such substance is greater than 25 kl, but such quantity does not exceed 5 kl above such 25 kl such excess quantity must be kept as provided in proviso (a)(i) hereof;
 - (ii) where the total quantity of such substances is greater than 25 kl such excess quantity must be kept as provided in proviso (c), hereof;
 - (c) where such room or building is situated in an area outside the area described in Schedule III hereto, 25 kl of such substances may be kept in such room or building, which must be constructed in such manner and surrounded by walls or bunds of such a character that the substances contained in such room or building cannot escape there from, such walls or bunds to be of sufficient capacity to contain not less than 75 per cent of the maximum quantity capable of being stored therein.

When plans null and void

8. the approval by the Council under section 41 of any plans must be null and void if the provisions of this Chapter must not have been complied with within one year after the date of such approval.

Conditions of certificate of registration

9. (1) no person must store, use or handle or cause or permit to be stored, used or handled on any premises-

- (a) any quantity of flammable liquid in excess of the amount stated on the certificate of registration relating to such premises;
- (b) any flammable liquid other than the class or classes specified on the certificate of registration relating to such premises;
- (c) any flammable liquid in a manner other than stated on the certificate of registration relating to such premises;
- (d) a greater number of pumps, storage tanks or stores than specified on the certificate of registration relating to such premises.

(2) Any person in lawful possession of any certificate of registration may make written application to the Council for the amendment to the total quantity or class or flammable liquid state in such certificate. The Council must only grant such application when the proposed amendment is in conformity with the provisions of this chapter. Where the Council has granted any such application, such person must surrender the certificate of registration to the Council for amendment.

Display of Certificate of Registration

10. Every person to whom a certificate has been issued must cause such certificate to be affixed and maintain in conspicuous position of the registered premises. Such certificate must be maintained at all time in such position and in a legible condition.

Renewal of Certificate of Registration

11. Application for the renewal of a certificate of registration must be made not later than the 1st day of December of the year prior to that which such renewal is required, on a form to be provided by the Council and must be accompanied by the prescribed fee as set out in Schedule III hereto. No plans of the premises in terms of section 41 must be required in the case of renewal of a certificate of registration, unless called for by the Council.

Transfer of Certificate of Registration

12. (1) A certificate of registration may be transferred from one person to another.

(2) The person designing such transfer must make application in writing to the Council on a form to be provided by it for such purpose. Such application must be accompanied by the prescribed fee as set out in Schedule III hereto, together with the certificate of registration relating to the premises in respect of which such transfer is desired.

(3) No certificate of registration must be transferable from one premises to another.

Temporary Storage

13. (1) The Council may, in writing, exempt from the provision of section 42 for such period as may deem necessary any person wishing to store not more than 200 l of Class A or Class B flammable liquid or not more than 500 l of Class C flammable liquid required for or in connection with any excavation, building, road making or other like operation of a temporary nature: but-

- (a) application is submitted, in writing to the Council on a form to be obtained from it;
- (b) suitable provision has been to surround the containers of such flammable liquid by walls or bunds of a character that such flammable liquid cannot escape from walls or bunds either under the action of fire or otherwise;
- (c) at least one efficient chemical fire extinguisher of the dry powder type has been provided as set out in section 63.

(2) Any person to whom an exemption has been granted in terms of this section must ensure that at all relevant times-

- (a) all reasonable precautions are taken to prevent any fire, flame or other agency likely to ignite flammable liquid or flammable liquid vapour being brought into contact with such flammable liquid or its vapour,
- (b) such flammable liquid is not placed within 4, 5m of any protective work or public thoroughfare;
- (c) the provisions of paragraphs (a) and (b) of subsection (1) are observed.

Installation and Erection

14. (1) Immediately the installation of any pump, storage tank, filling device, dry-cleaning room, store, spray room or other premises intended for the storage, use or handling of flammable liquid has been completed, the occupier of the premises shall notify the Council, in writing on a form to be obtained from it, of the date on which the work will be ready for inspection.

(2) No person must use or cause or permit to be used such pump, storage tank, filling device, dry-cleaning room, store, spray room or other premises for the storage, used of handling of flammable liquid until such person is in possession of a certificate of registration relating thereto.

Additions and alterations to registered premises

15. (1) No additions or alterations to any existing registered premises must be made unless and until a plan of the existing premises, together with the proposed work, must have been submitted to the Council and approved by it in writing.
- (2) Such plan must be in accordance with the provisions of section 41.

Removal and dismantling

16. (1) Any person who removed or causes or permits to be removed any pump, storage tank or filling device from any registered premises other than a bulk depot must give notice of such removal in writing to the council on a form to be obtained from it.
- (2) The removal of any such pump, storage tank or filling device must ipso facto cancel the certificate of registration in so far as it refers to such pump, tank or filling device, as the case may be, together with any other authority including any exemption granted under this Chapter and no such pump, storage tank, or filling device must be re-erected on such site unless and until anew certificate of registration has been obtained in the manner provided under this chapter but the provision of this section must not apply in respect of any such pump, storage tank or filling device which is temporarily removed for the purpose of effecting repairs thereto.

Storage, use and handling on registered premises prohibited in certain circumstance

17. Except as otherwise provided in this Chapter, no person must store, use of handle, or permit or cause to be stored, used or handled any flammable liquids, on any registered premises-
- (a) where such flammable liquid or its vapour comes or its likely to come into contact with any fire, flame, naked lights or other agency likely to ignite such flammable liquid or its vapour;
- (b) unless such premises are so situated or constructed or so protected by surrounding walls as not to expose any adjoining premises, roof, building, or other property to the risk of danger from fire;
- (c) so situated as to prevent or impede the escape of any person or animal in the case of fire or otherwise;

- (d) unless all equipment and apparatus used in such premises for the storage, use or handling of flammable liquid is maintained in good and proper order and free from leakage of flammable liquid;
- (e) unless such person has taken all due precautions for the prevention of accidents by fire or explosion on such premises, and for the prevention of unauthorized person, obtaining access to the flammable liquid kept thereon.

Prohibition of certain Acts

18. No person who stores, uses or handles or causes or permits to be stored, used or handled any flammable liquid on any premises must do or cause or permit to be done any act which tends or is likely to cause fire or explosion.

Notice to discontinue dangerous method

19. (1) Where on inspection of any premises it appears that any method of storage, use transport or handling of flammable liquid is in conflict with the provisions of this Chapter or is calculated to endanger the safety of the public or of any person employed in or on such premises, any duly authorized official of the Council may require the immediate discontinuance of such method or the removal of the flammable liquid to a place of safekeeping.
- (2) Any person failing to comply with instruction of any duly authorized official of the Council issued in terms of this section must be guilty of an offence under these By-laws.

Flammable liquid escaping into drains

20. No person must cause or permit flammable liquid to enter any sewer or inlet or drain communicating with any sewer or any surface water drain.

Prohibition against device and pumps in basements

21. No person must use or cause or permit to be used in any basement any device for spraying flammable liquid or any pump or other device for the issue or transfer of flammable liquid to vehicles or container.

Filling operations

22. (1) No person must transfer, other than a bulk depot, any flammable liquid from or to any road tank wagon unless such transfer is carried out under seal, and in the case of such wagon, the engine thereof is stopped.
- (2) The re-fuelling of aircraft at an aerodrome or landing ground may be performed from a road tank wagon equipped with an approved power pump but the engine or engines of such aircraft are stopped.

Filling on or Across Public Sidewalks

23. No person must-
- (a) take on or across any public sidewalk or cause or permit to be so taken the hose of a pump for the purpose of replenishing any vehicles or containers with flammable liquid;
 - (b) so replenish or cause permit to be so replenished any vehicles container which is standing on any public sidewalk.

Replenishing fuel tanks

24. No person must-
- (a) upon registered premises strikes a match or smoke a pipe, cigar or cigarette or ignite a petrol lighter or other similar contrivance or approach with any fire, flame, naked light or other agency likely to ignite flammable liquid or its vapour within a distance of 3m of any fuel tank of any motor vehicle such full tank is being replenished or is open;
 - (b) replenish or permit to be replenished any such fuel tank with the engine of such motor vehicle is in motion.

Replenishing of Public Omnibus

25. No person must replenish or cause or permit to be replenish the fuel tank of any motor omnibus or carry or cause or permit to be carried any flammable liquid on or on any motor omnibus, except in the fuel tank thereof whilst any person other than the driver or person responsible therefore is within or upon such omnibus.

Fire appliances

26. (1) Except where otherwise provided in this chapter, the person to whom the certificate of registration has been issued in terms of this chapter must install or cause to be installed in all premises to which such certificate refers in an easily accessible and visible position not less than 1m above the level of the floor of the premises, fire extinguishers and fire buckets on the following scale-
- (a) for each tank or store on the premises two such fire extinguishers which must be of the dry powder type and two such fire buckets but not more than three extinguishers and 6(six) such buckets must be required to be installed in any premises.
 - (b) for each dry-cleaning room on the premises three such fire extinguishers of the dry powder type and two such fire buckets.

- (c) for each spray room, two extinguishers, of the dry-cleaning type and two such fire buckets.
- (2) Such extinguishers must be efficient chemical fire extinguishers, each of capacity of 9 kg but where the Chief fire officer is of the opinion that dry powder type fire extinguishers will not service the purpose, he must permit the installation of other efficient fire extinguishers.
- (3) Such fire bucket must be a metal fire bucket of a capacity of 10 liter painted red with the word "fire" painted in white and legibly maintained thereon and filled with dry sand.
- (4) Where, in terms of this chapter, any chemical fire extinguisher is required to be installed, such extinguisher must be a vessel or appliance manufactured as a fire appliance in which the pressure necessary to project the extinguishing fluid or medium is generated automatically by chemical action and must withstand an internal hydratic test pressure of 2 068 KN/m² (20, 68 bar), which pressure must be maintained for at least five minutes without leakage or distortion.
- (5) The person to whom a certificate of registration, spray room permit or transport permit has been issued in terms of this chapter, must maintain at all times on the premises or vehicle to which such certificate or permit refers-
- (a) all fire extinguishers, buckets, appliances and alarms in accordance with the provisions of this chapter; and
 - (b) all such equipment in good order and ready for immediate use.

Examination of fire appliances

27. (1) Where, in terms of this chapter, any chemical fire extinguishers, fire-fighting equipment, or fire alarm has been extinguisher, equipment or alarm to be examined once every 12 months by the makers thereof or their duly authorized representative or other qualified person.
- (2) Every such extinguisher, equipment and alarm must bear a label on which such person examining it must endorse his name, the date of examination and the condition, in his opinion, of the extinguisher, equipment or alarm at that date.

Reporting accidents

28. The occupier of any premises must immediately report to the Board any fire or accident involving flammable liquid that has occurred in connection with any such premises, where such fire or accident has resulted in damage to any property or injury to any person.

Rules to be observed on unregistered premises

29. (1) No person must store, use or handle or cause or permit to be stored, used or handled any flammable liquid on any unregistered premises unless such flammable liquid is stored, used or handled in such a position or in such a manner that-
- (a) no flammable liquid or its vapour comes or is likely to come into contact with any fire, flame or naked light or other agency likely to ignite such flammable liquid or its vapour;
 - (b) in the case of fire the escape of person or animals will not be prevented or impeded.
- (2) No person must use or handle or cause or permit to be used or handle any flammable liquid on unregistered premises, except in a suitable place in the open air so that the fumes can escape easily, or in a room provided with adequate ventilation to remove the fumes there from and effectively prevent the accumulation of fumes therein.
- (3) On unregistered premises flammable liquid must be stored only in a substantial container which must be kept securely closed when not in immediate use.

Inspection of premises

30. (1) Any duly authorized official of the Council may, for any purpose connected with the carrying out of this chapter, in accordance with the provisions of section 72 of the Local Government Ordinance, 1939, enter upon any premises whatsoever, and make such examination and inquiry thereon as he may deem necessary.
- (2) The owner or occupier, or in their absence from the premises, any other person employed thereon, must upon demand disclose to such authorized official the presence of any flammable liquid in or upon such premises and must answer all enquiries relating either to the observance of this chapter or to any condition in connection with the certificate of registration.

Taking samples

31. Upon inspection of any premises by an authorized official of the Council, such official may take samples for the purpose of analysis or examination of any flammable liquid or substance, or of any liquid or substance of being flammable, which is found upon such premises but:-
- (a) any sample so taken must be taken in the presence of the owner, occupier or other person in charge, as the case may be;
 - (b) the owner, occupier or other person in charge may require the member or servant taking the sample to divide it into two parts and to mark, seal and deliver to him one such part.

Breach of conditions

32. Any person who commits any breach of any condition endorsed on an approval noticed issued in terms of subsection (6) of section 41 or on a certificate of registration must be guilty of an offence under these By-laws.

STORAGE TANKS, PUMPS, PIPELINES AND CONTAINERS**Capacity of underground tanks**

33. The capacity of any underground storage tank must not exceed 23 kl.

Construction of tanks

34. (1) Every storage tank must be constructed of iron, steel or other suitable metal plates of adequate strength and properly riveted and caulked, welded, brazed or otherwise secured by some equally satisfactory process.
- (2) The top and sides of such tank must be supported and strengthened by such uprights, girders, angle-irons and ties as, having regard to the capacity, shape and situation of the tank, may be necessary to render it sufficiently strong for the purpose to which it is being put.
- (3) Every opening in any underground storage tanks, other than a vent pipe, must be securely closed by an effective and properly secured cap, cover, tap or valve
- (4) All pipes other than a ventilating pipe connected to an underground storage tank must be carried down to within 100mm of the bottom of the tank.
- (5) Every aboveground storage tank must have an adequate system of ventilation so as to prevent excessive internal pressure.
- (6) Every storage tank must be maintained at all times in accordance with the respective provisions of this section.

Installation of storage tanks

35. (1) Every underground tank must-
- (a) be so installed that the top of the tank is not less than 600mm below the surrounding ground level, or covered with not less than 150mm concrete mat and not less 150mm of earth or sand;
- (b) be set in firm foundations and wholly surrounded with soft t earth or sand encased in concrete;

- (c) with the exception of any opening to the manhole, to be covered with concrete adequately reinforced in all cases where vehicular traffic passes over such tank;
- (d) be situated within the building line of the premises;
- (e) where such tank is situated in or within 2m of any basement, be installed in a chamber of concrete not less than 150mm thick or brick not less than 225mm thick set in cement mortar with the space within the pit surrounding the tank completely filled with closely-packed earth or sand,

but the provisions of this section must not apply to any bulk depot.

- (2) Above storage tanks must only be installed within a bulk depot.

Ventilation of underground storage tanks

36. Every underground storage tank must have a ventilation pipe of not more than 50mm with an internal diameter of not less than 25mm, which pipe must:-
- (a) be carried up to a height of not less than 4m into the open air;
 - (b) have the upper end protected with a non-corrodible wire gauze of not less than 600 microns and which is secured in such a manner that such gauze may be removed for examination and cleaning;
 - (c) terminate at least 6m away from any fire, flame or naked light or other agency likely to ignite flammable liquid or its vapour.

Installation of storage tanks in buildings

37. No storage tank must be installed in or below any building which is more than one story high, unless the ceiling above such tank is constructed of reinforced concrete.

Abandoned tanks

38. In the event of any underground storage tank being abandoned, the owner of such tank must cause it to be removed or filled with sand or liquid concrete.

Entering of storage tanks

39. No person must-
- (a) enter or cause or permit any person to enter any storage tank which contained flammable liquid until such tank has been totally freed from any flammable liquid vapour, unless such person is wearing an efficient gas mask;

- (b) enter any storage tank at any time unless he is bound to a lifeline which at surface level is under the control of a reliable person continuously responsible for the safety of the person in the storage tank.

Position of pumps

- 40. (1) No pump or other device used or intended to be used for the issue or transfer of flammable liquid to any vehicle must be erected outside the building line of any premises or within 4m of any entrance, or exit of a building adjoining any public place but-
 - (a) where such entrance or exit is set back from such public place the pumper device must be erected not less than 4m from such public place.
 - (b) no such pump or device must be erected in such a position that a hose can be used for the issue or transfer of flammable liquid on or across any public place.
- (2) Despite anything contained in section 40, subsection (1) must not apply to pumps or filling device already on registered premises at the time of the coming into operation of these By-laws, in cases where a change of control or ownership of such premises occurs, unless the position of such existing pump or filling device constitutes or is likely to cause danger or obstruction to the public or vehicular traffic.

Pumps on ramps

- 41. Pumps or other devices used or intended to be used for the issue of flammable liquid to motor vehicles or containers must not be erected on any ramp or within 4m of the beginning of the ramp.

Dipping on ramps

- 42. Dipping sticks must be made of wood or brass or other non-ferrous metal or alloy.

Pump hoses

- 43. Delivery of flammable liquid from any pump to the fuel tank of any vehicle must be made only through sound hose, have an earthing wire in its construction efficiently attached to the metal of the metal of the pump and to the metal nozzle. Except at an aerodrome or landing ground used by aircraft no hose attached to any such pump must exceed 4,5m in length measured from the pump to the tip of the nozzle.

Situation of filling pipes and pumps

- 44. Every filling pipe inlet and every pump must be:-

- (a) at surface level;
- (a) installed in such position that it will not impede the escape of any person or animal from the premises in the case of fire;
- (c) so situated or protected by surrounding walls as not to expose adjoining property to the risk of danger from fire during any filling operation or otherwise

Naked lights and Electrical Apparatus

45. (1) No person must install or take or cause or permit to be installed or or taken any fire, flame, naked light or other agency likely to ignite flammable or its vapour, except an incandescent electric lamp, within 3m of any flammable liquid pump;
- (2) No person must place or cause or permit to be placed any electrical switch, switch, fuse, motor or device is of flame-proof construction;
- (3) The electrical wiring between the distribution board or the junction box and the pump must, where possible, be in one continuous length of wire: Provided that where this is not possible flame-proof junction boxes must be used.

Maintenance of Tanks, Pipelines and Pumps

46. (1) All tanks, pipelines, pumps, machinery, fittings and appurtenances for the storage use or handling of flammable liquid must be:-
- (a) of sound and proper construction;
 - (b) so installed and fixed as not to be liable to be damaged;
 - (C) efficiently electrically earthed;
 - (d) free from leakage of flammable liquids, and as far as is reasonably possible, free from leakage of flammable liquid vapour except by means of a vent pipe;
 - (e) maintained in good and proper order and at all times in accordance with the provisions of this section.
- (2) All pipelines must be below ground level at right

angles to the building line when crossing a public footwalk.

- (3) All earth connections required in terms of this section] must be examined once every 12 months by a qualified person who must enter in a suitable log book, supplied by the occupier of the premises and kept solely for the purpose, the efficiency and condition of such earth connections, his name and address and the date of the examination. All such entries must be signed by such qualified person and must readily available for inspection by any duly authorised official of the Council.

Construction of Portable Containers

47. No person must store or convey or cause or permit to be stored or conveyed in one container any Class A or Class B flammable liquid a quantity exceeding 50l unless such container is constructed of metal not less than 1.60 mm thick.

Filing of Containers

48. No person must carry on or cause or permit to be carried on the trade, business or occupation of filling containers with Class A or Class B flammable liquid other than in fireproof building used solely or such purpose, or in the open air at a distance of not less than 16m from any fire, flame, naked light or other agency likely to ignite flammable liquid or its vapour.

Quantity in Containers

49. No container must be filled with flammable liquid to more than 95 per cent of its capacity.

Containers after Delivery

50. No person taking delivery of any flammable liquid in containers in excess of the quantity stated in section 42 or under circumstances of temporary storage provided in section 50. must cause or permit such containers to remain unattended in any place other than a store or storage tank for a longer period than may be reasonably necessary which, in no circumstances, must exceed a period of 12 hours.

Storage of Empty Containers

51. (1) No person must place any empty container or cause or permit an empty container to be place in any premises other than a store:
Provided that:-
- (a) such a container may be stored in the open air at a distance of not less than 6m from any fire, flame,

naked light or other agency likely to ignited flammable liquid or its vapour;

- (b) no person must cause or allow any empty container to remain in or on any public place.

- (2) Every empty container so stored must at all times be securely closed with a bung or other suitable stopper.

Repairing of Containers

- 52. No person must carry out or permit to be carried out any repairing operations to any container until all flammable liquid and flammable liquid vapours have been removed from such container.

Marking of Containers

- 53. No person must supply or delivery to any person any Class A or Class B flammable liquid in any container of less than 200l capacity unless such containers bears in conspicuous letters the word "flammable" in both official languages.
- 54. the certificate of registration issued in respect of any store must state the class and maximum quantity of flammable liquid permitted to be kept in such store at any one time.

Danger Notice on Store

- 55. No person must use as such or cause or permit to be used as such any flammable liquid store, unless and until the words "DANGER – FLAMMABLE LIQUID – NO SMOKING OR CARRYING OF MATCHES AND LIGHTERS", in letters not less than 150mm in Height, together with the class and maximum quantity of flammable Liquid allowed to be kept in such store is legibly painted in both Official languages on the outer face of the door of such store. Such Notice must at all times be maintained in such position and in a legible condition

Construction and Situation of Store

- 56. (1) Every store must be constructed in accordance with the following requirements:
 - (a) The walls must be constructed of brick or concrete, the floor of concrete or other impervious material, and the roof of reinforced concrete.

- (b) The store must be filled with a 50mm hardwood door, suitably covered with metal of not less than 0,9 mm in thickness, carried on a metal frame or door of not less than 3mm thickness, carried on an angle frame, and having an all-round overlap of not less than 50mm. Such door must open outwards, and be fitted with a substantial lock. The type of door fitted must be at the discretion of the chief fire officer.
- (c) All window frames must be constructed of metal and glazed with wire woven glass, and must be of the non-opening type. Each pane must not exceed 450mm x 450mm.
- (d) Every store must be constructed in such manner, or surrounded by walls or bunds of such a character that the flammable liquid contained therein cannot escape there from. The well formed by such walls or bunds must be sufficient capacity to contain the maximum liquid capacity of the store plus ten per cent thereof.
- (e) The store must be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of flammable liquid vapour within all portions of such store and discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, naked light or other agency likely to ignite such vapour: Provided that where for any reason such ventilation can only be secured by means of a mechanical system of ventilating, such system must conform to the provisions of section 135. All ventilating openings, which are fitted into walls, must be set in iron frames and fitted tightly to the interior faces of the walls. The low ventilating openings must be installed as near the well level as possible.
- (f) The openings must be protected by non-corrodible gauze of not less than 600 microns to the 25 mm.
- (g) A store must not be situated in such a position that it will impede the escape of any person or animal from the premises, or endanger any room, building or premises in the case of fire.
- (h) Any store with a floor area in excess of 10m² must be provided with at least two doors, constructed as described in paragraph (b), situated at such a distance from each other as to allow the free and unimpeded escape of persons within the store from either door in case of fire or other danger.

(2) Subject to the requirements of section 41 and Despite anything to the contrary contained in this chapter, a store may be constructed on non-combustible material if:-

- (a) such store has no building nearer to it than 30m;
 - (b) It is surrounded by the necessary wall or impervious bund as in subsection (1) provided.
- (3) Every store must be maintained at all times in accordance with the provisions of this section.

Lighting of Store

57. All lights installed must be of the incandescent electric type, which must be enclosed, in an outer flameproof fitting and all wiring must be armoured or enclosed in seamless metal tubes, the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment must be outside the store.

Use of Store

58. No person must:-
- (a) use any store or cause or permit such store to be used for any purpose other than the storage of flammable liquid, oils or their containers;
 - (b) engage in or cause or permit any other person to be engaged in any store unless all the doors of the store are fully open and kept entirely unobstructed.

Unauthorised Persons Entering Store

59. No persons must enter any store or cause or permit any store to be entered without the express permission of the occupier or other responsible person in charge of such store:

BULK DEPOTS

Danger Notice at Entrance

60. Prominent notice boards bearing the words "DANGER – FLAMMABLE LIQUID-NO SMOKING" in letters not less than 150mm in all languages commonly spoken in the area of the municipality must be erected at all entrances to bulk depots and must at all times be maintained in such position and in a legible condition.

Storage

61. (1) Flammable liquid must be stored in bulk deposits as follows:

- (a) In underground storage tanks.
 - (b) In above-ground storage tanks.
 - (C) In bulk store
- (2) (a) Every such above-ground storage tank, or group of such tanks with, with a total capacity of over 55kl, must be surrounded by either an embankment (hereinafter called a retaining embankment) or a retaining wall of brick or cement concrete, either plain or reinforced (hereinafter called a retaining wall) so designed and constructed as to form a reservoir capable of containing and retaining the quantity of liquid required to be retained in accordance with paragraph (f): Provided that the top of such retaining embankment or retaining wall must be at least 75mm higher than is necessary to contain and retain such quantity of liquid.
- (b) The retaining embankment must be at least 600mm thick at Top with slopes on each side of 1,5 to 1. Such embankment must be constructed with a central core of concrete not less than 200mm thick at the top with a batter on each side of 1 to 24 of the interior of the area enclosed. The core of the same thickness as at this level must be taken down to such depth, depending on the nature of the soil, as will effectually Prevent any leakage of liquid. He earthwork round the core must be composed of materials well watered and considered.
 - (c) A retaining wall must be constructed in accordance with the following requirements:
 - (I) It must be capable of resisting the full overturning movement Of the liquid in the enclosed reservoir when filled to within 75 mm of the top with a liquid of the same specific gravity as water.
 - (ii) If such wall constituted a partition between two reservoirs, it must be capable of withstanding thrust from either side.
 - (iii) Every retaining wall must be taken down to such depth and be provided with such foundations depending on the nature of the soil, as will ensure stability in all respects effectually prevent any leakage of liquid.
 - (iv) Every retaining wall of reinforced concrete must be no less than 150mm in thickness at the top and the tensile force or the stresses must be wholly taken up by steel rods placed not nearer the surface thereof than 50mm.

- (v) The concrete stress must not exceed 4826 KN/m² (48 bar) and the stress in the steel 110316KN/M² (1103 bar) under fully loaded conditions.
 - (d) Adequate provisions must be made to dispose any water which may be retained by any such retaining embankment or wall. Any drain pipe through such embankment or wall. Any drain pipe through such embankment or wall must be fitted with a cast-iron valve on the outside which, except when in use, must be kept closed and adequately locked;
 - (e) The retaining capacity of such enclosed reservoir surrounding any tanks or group of tanks must be as follows;
 - (f) where there is not more than one tank within such storing place, 90 per cent of the total capacity of the tank.
 - (ii) where there are not more than two tanks within the same enclosed reservoir, 80 per cent of their total capacity.
 - (iii) where there are three or more tanks within the same enclosed reservoir, 75 per cent of their total capacity;
 - (g) the area enclosed by such retaining embankment or wall not occupied by any storage tank must, except for the purpose of carrying out repairs, alterations or additions to such tanks, be kept entirely free and unoccupied.
 - (h) The provisions of paragraphs (b) and (c) must not apply to any existing reservoir in use at the date of promulgation of this chapter.
- (3) Every bulk store must be:-
- (a) constructed of non-combustible material;
 - (b) adequately ventilated to prevent the accumulation of flammable liquid vapour therein;
 - (C) so designed and constructed as to be capable of containing and retaining, either under the action of fire or otherwise, 50 (fifty) per cent of the total quantity of liquid contained therein.

Tank Distances

62. All storage tanks must, in regard to the sizes set out in the first column hereto, be separated from the boundary of the bulk depot and from each other by the distances set out in the bulk depot and from each other by the distances set out in the bulk depot and from each other by the distances set out in the second and third columns hereto respectively;

	Capacity	Distance from boundary	Distance between tanks
	Kilolitres	Metres	Metres
Up to	55	6	1
Up to	85	7,5	1
Up to	110	9	1,5
Up to	140	10	3
Up to	220	12	4,5
Up to	350	13	5,5
Up to	455	15	6
Up to	910	15	7,5
Up to	2300	15	8
Up to	4550	15	12
Over	4550	15	15

Provided that:-

- (a) Where tanks of varying capacities are to be grouped, the distance from boundaries must be observed but the distances between individual tanks must be not less than the sum of the specified distances for each size of the tank divided by two;
- (b) No building or structure for the filling of containers with flammable liquids must be erected within 7,5 m of the boundary of any bulk depot.

Electric Motors

63. No person must place or cause or permit to be placed any electric motor position where it is likely to come into contact with any flammable liquid or its vapour, unless such motor is of flame-proof construction.

Fire Appliances

64. (1) Every bulk storage depot must be connected to the Council's or diameter of not less than 100mm.
- (2) A fire pump connection for each fire service must be installed in a position approved by the Council and within easy access of a street hydrant.
- (3) A reflux valve to shut off the supply from the street mains when the pump connection is being used must be fitted between the stand boundary and the pump connection.
- (4) Standard pattern wheel valve hydrants fitted with Morri's instantaneous 6.5mm couplings must be located in positions approved

by the Council an adjacent to buildings and tanks used for flammable liquid storage, at the rate of one for every 450mm² of floor area and one within 92m of each bulk storage tank.

- (5) 65mm Plastic fire hose and branch pipes with 19mm nozzles of sufficient length for the adjacent area, which is served by such hydrants, must be provided.
- (6) Wheeled dry powder type extinguishers of not less than 45kg capacity, or other similar type of extinguishers, together with foam making branch pipes, must be installed where deemed necessary and required by the Council . Every building used for the storage of flammable liquid or flammable liquid or flammable substances must be provided with 9kg dry powder chemical fire extinguishers at the rate of two for every 450m² of floor area.
- (7) An adequate system of alarm in case of fire (such as bells, whistles or sirens) must be installed.
- (8) All persons employed at or in the bulk depot must be periodically instructed in the use of all fire appliances.

Filling of Road Tank Wagons

65. The filling of road tank wagon with flammable liquid must not be commenced or carried out at a bulk depot:
 - (a) at a lesser distance than 8m from any storage tank or building above ground or boundary or such depot;
 - (b) unless and until all pipes have been efficiently earthed;
 - (c) unless good and sufficient metallic contact has been made and is maintained between such wagon and the metal pipeline to prevent the building up of a static charge of electricity on such wagon.

Starting of Engine at Filing Point

66. No person must at a bulk depot start, or cause or permit to be started the engine of a road tank wagon or any mechanically propelled vehicle if such road wagon or vehicle is within 6m of any place filling operations are taking place not under seal or in any place in which such wagon or vehicle comes or is likely to come into contact with flammable liquid or its vapour.

Steam Engines

67. (1) No person must drive or otherwise bring any road steam engine into any bulk depot.
- (2) No occupier or person authorised by the occupier to be in charge must permit such road steam engine to enter any bulk depot.
- (3) Where it is necessary for steam Locomotives to enter a bulk depot, the occupier must erect a notice board bearing the words "LOCOMOTIVES MUST NOT PASS THIS POINT" in letters not than 150mm in height in all languages spoken in the area of the municipality. The board must be placed in a conspicuous position at a distance of not less than 15m from any operation dealing with flammable liquids or storage thereof.

No flammable liquid or open container containing flammable vapour must be placed or stored at a distance of less than 15m from any portion of the track which may be traversed by a steam locomotive.

Admission to Depots

68. No person must:-
- (a) enter any bulk depot without the express permission of the occupier or the person authorised by the occupier to be in charge of such depot;
- (c) enter any bulk depot while in possession of any matches, cigarette lighter or similar contrivance;
- (d) commit any act which is liable or calculated to cause fire or explosion or its contents.

Supervision of Depots

70. The occupier of a bulk depot must ensure that a responsible person, duly authorised thereto, must at all times during working hours be on constant duty at such depot to ensure against fire hazards or other contingencies which may be a danger to life or property and that a reliable watchman is always on duty at the depot after normal working hours.

TRANSPORT OF FLAMMABLE LIQUIDS

Transport Permit

71. Save as provided in section 117, no person must use or cause or permit to be used in any vehicle for the delivery of flammable liquid within the Council's area of jurisdiction, unless and until he is in possession of a transport permit issued to him by the Council in respect of such vehicle or a permit issued by any local authority.

Issue of Transport Permit

72. (1) No transport permit must be granted in respect of any vehicle unless and until such vehicles:-
- (a) (a) has been exhibited for examination at such place as the Council may direct and the examination fee as prescribed in Schedule IV hereto has been paid
 - (b) complies with the conditions of fitness relating to such vehicle as laid down by the National Road Traffic Act, as amended, and any regulations promulgated thereunder,
 - (C) complies with the requirements of section 109
- (2) (2) Such transport permit must:-
- (a) continue in force for a period of six months or such period as may be stated in such permit;
 - (b) specify the maximum quantity and class of flammable liquid which such vehicle must be permitted to carry;
 - (C) be affixed to the vehicle in respect of which such transport permit was issued and to no other vehicle;
 - (d) be maintained on such vehicle in a good and legible condition by the owner or person in control of such vehicle in a position so as to be plainly visible.

Construction of Vehicles

73. (1) Every road tank wagon must be constructed in accordance with the following requirements:-
- (a) The vehicle must be strongly constructed and as far as is reasonably possible must be constructed of non-combustible material.

- (b) Where electric lighting or other electrical devices are employed the electrical circuit must be heavily insulated and the wiring so fixed and protected as to reduce as far as reasonable possible any risk of damage.

The generator, battery, fuses or switches must not be situated in any position whereby they are likely to come into contact with any flammable liquid or its vapour.

- (c) The tank must be constructed of iron, steel or other suitable metal and riveted, welded, brazed or otherwise made liquid tight.
- (d) Means of cutting off the electrical current close to the battery by a double pole switch or other suitable method must be provided.
- (e) Any tank having a capacity exceeding 6kl must be divided into liquid tight compartments, each compartments to be of a capacity of not more than 6 kl.
- (f) The tank must be securely attached to and be in metal contact with the vehicle.
- (g) The draw-off pipes of the tank must be fitted with internal valves and with strong and secure taps and suitable caps. The taps and caps must be protected from damage by the frame of the vehicle or other effective means.
- (h) Efficient ventilating openings must be fitted to each tank compartment and all such openings must be covered with fine wire gauze of not less than 600 microns to the 2500n and provided with a cock or valve.
- (i) Adequate provision must be made to earth such vehicle efficiently so as to prevent the accumulation of a dangerous static charge of electricity in any part thereof and, in addition, which pipe connection to the tank must be so fitted as to ensure complete electrical connection between the tank and any receptacle being supplied with liquid there from
- (j) All electrical earth connection required in terms of this section must be examined and entered in a log book required in terms of section 83.

- (2) Every vehicle other than a road tank wagon must be:-

- (a) of adequate capacity and connection to convey safely the quantity of flammable liquid, which it is desired to convey on such vehicles, the total quantity must not exceed 30kl.

- (b) equipped with at least four wheels: Provided that a trailer forming a portion of an articulated vehicle must for the purpose hereof be deemed to be equipped four wheels;
- (C) so constructed and equipped as not to be likely to ignite any flammable liquid, which may be conveyed in or on such vehicle.

Maintenance of Vehicles

74. No person must use or cause or allow to be used in any public place any vehicle for the transport of flammable liquid, unless such vehicles is maintained in good condition and in proper working order.

Openings to Tank

75. All openings to the tanks of any vehicle used for the transport of flammable liquid must be kept securely and effectively closed at all times when not in use.

Supervision of Wagon by Responsible Person

76. Every road wagon must be under the constant supervision of a responsible person during the period such tank wagon is in use as such anywhere other than at a bulk depot.

Portion of Road Tank Wagon during Delivery Operations

77. No person must:-
- (a) cause or permit a road tank wagon to stand on or across any public footpath during delivery operations.;
 - (b) place the hose or cause or permit the hose to be placed across such footpath during such operations;
 - (c) cause or permit a road tank wagon to reverse into or off any premises before or after delivery operations to such premises.

Fire Extinguishers

78. (1) No person must use or cause or permit to be used any road tank wagon unless such wagon is provided with at least two efficient 9kg chemical fire extinguishers which must be of the dry powder type;
- (2) Such extinguishers must be carried on the road tank wagon in such a position and must be attached to the road tank wagon in such a manner as to be readily and easily accessible in the case of fire.

Agencies Likely to Ignite Flammable Liquids

79. No person must:-

- (a) bring or cause or permit to be brought any fire, flame or other agency likely to ignite flammable liquid or its vapour within 3m of any vehicle in which flammable liquid is transported;
- (b) carry or cause or permit to be carried any matches, cigarette lighter or similar contrivance on any vehicle used for the transport of flammable liquid;
- (c) while in attendance on such vehicle smoke or permit any other person thereof to smoke during the transport of flammable liquid or the filling of such vehicle with flammable liquid or the discharge of such liquid there from;
- (d) smoke within 3m of such vehicle during the filling of such a vehicle with flammable liquid or the discharge of such there from or while in attendance thereon permit any other person so to smoke.

Precautions

80. Every person responsible for or connected in the conveyance of flammable liquid must take all reasonable precautions for the prevention of accident by the fire or explosions and for the prevention of access by any unauthorised person to any container whilst in transit.

Restriction of Scope of Certain By-laws

81. (1) The provision of section 107 to 114 inclusive, must not apply to the conveyance of flammable liquid on a vehicle, not being a road tank wagon:-
- (a) of a quantity not exceeding 200l of Class A or , flammable liquid or 400l of class C flammable liquid in securely close metal containers of a capacity not exceeding 50l; or
 - (b) of a quantity not exceeding 200l of Class A or B flammable liquid or 1 kl of Class C flammable liquid contained in securely closed metal containers of each a capacity of not less than 200l.
- (2) Such containers must be substantially constructed and packed in such manner as to prevent leakage and obviate becoming broken, defective or insecure in the course of conveyance.

- (3) No flammable liquid must be so conveyed upon or through any thoroughfare in or on any steam-driven vehicle or in on any trailer or other vehicle drawn by a vehicle so driven.

DRY CLEENING ROOMS – GENERAL

Certificate of Dry-Cleaning Room

82. (1) No other permit use or cause or permit to be used any room as a dry – cleaning room unless and until such room has been duly registered as such under this Chapter.
- (2) No certificate must be issued in respect of any premises for use as a dry-cleaning room unless and until such premises comply with the requirements of these By-laws.
- (3) The provisions of section 42 to 49, inclusive and 52 must mutatis mutandis apply to a certificate under this section.

Use of Dry-cleaning Room

83. No dry-cleaning room must be used for any purpose other than that of dry-cleaning and purpose reasonably incidental thereto.

Installation of Machinery

84. (1) No person must install or cause or permit to be installed any dry-cleaning machinery such as washing machines, hydros, clarifiers, stills or setting tanks elsewhere than I the dry-cleaning room.
- (2) All machinery must be efficiently electrically earthed.
- (3) All such electrical earthed connections must be examined and entered in a log book as required in terms of section 83.

Boilers

85. No boiler, including the chimney thereof, must be installed within 6m of any dry- cleaning room: Provided that the boiler may be installed not nearer than 3m to any dry-cleaning room where there is an unbroken brick or concrete wall between such boiler or its chimney an such room of a height of not less than 450 mm above the top of the boiler and its chimney and not less than 2m above the floor of the dry-cleaning room.

Draining Machinery

86. All containers above ground such as washing machines, clarifiers, stills or similar appliances must be drained immediately after the termination of cleaning operations each day.

Electrical Equipment

87. No person must install or cause or permit to be installed in a dry –cleaning room or in any position which comes or is likely to come into contact with flammable liquid or its vapour, any electrical machinery or other electrical apparatus other than:
- (a) an incandescent electric lamp enclosed in an outer flame-proof fitting,
 - (b) electric wires protected throughout by seamless metal tubes, the joint of which are screwed together;
 - (C) one electrical push-button switch of flameproof construction which must be situated not less than 1.45m above the level of the floor and which must be so constructed an connected as to be of use in the case of an emergency to stop the machinery;
 - (d) electric of flame-proof construction.

Handling of Flammable Liquids

88. The storage tank must be connected to the dry –cleaning machinery and no flammable liquid must be handled during any cleaning process: Provided that a total quantity not exceeding 20 litres at any time may be handled in one or more containers for the purpose of handwashing or spotting.

Danger Notice at Entrance

89. The words “DANGER – NO SMOKING” in all languages spoken in the area of the municipality must be prominently displayed in letters not less than 150mm high outside every entrance to every dry-cleaning room and must be at all times be maintained in such positions and in a legible condition/

Removal of Foreign Mater and Metallic Substances from Garments

90. No person must dry-clean or cause or permit to be dry-cleaned any article of clothing or other textile unless and until such article has been thoroughly examined and all materials such as matches, metallic substances, metal buttons and other matters which are liable to cause sparks have been removed therefrom.

Instruction to Employees

91. The occupier must cause all person s employed in the dry-cleaning room to be thoroughly instructed as to the hazards involved in the use of flammable liquids and in the handling and method of usage of all fire appliances required by these By-laws to be on the premises, and must repeat such instructions quarterly.

Unauthorised Persons or Acts

92. (1) No person other than a person lawfully employed on the premises must enter any dry-cleaning room without the express permission of the occupier or person in charge.
- (2) No person must commit any act, which is liable or calculated to cause fire, explosion or other danger to dry-cleaning room or its contents.

Positions of Machinery

93. All dry-cleaning machinery, such a washing machines, hydros, clarifies, stills and setting tanks, must be situated as near as reasonably possible to the exhaust ducts required by section 135.

Shafting

94. Every table used for washing or brushing any material with flammable liquid must comply with the following requirements:
- (a) such table must be provided with a liquid tight top with a curb on all sides not less than 25mm high.
 - (b) The top of such table must be so pitched as to ensure thorough draining by a pipe of not less than 25mm diameter directly connected to an underground tank through a trap which must prevent the return of vapour.
 - (c) Metal tops must be effectively electrically earthed.
 - (d) Such table must be so secured to the floor or wall as not to disturb the electrical earth lead and drain connections.

Portable Lamps

95. No person must take or cause or permit to be taken any flash lamp or any other light or lamp into any dry-cleaning room except an incandescent electrical lamp or safety lamp which has been fitted with an outer flameproof fitting.

SPECIAL PROVISIONS WHERE CLASS A AND B FLAMMABLE LIQUIDS ARE USED FOR DRY-CLEANING**Construction of Dry-cleaning Rooms**

96. Every dry-cleaning room must be constructed in accordance with the following requirements:
- (a) the walls must be constituted of brick or concrete or similar suitable material, the floor of concrete or other impervious material and the roof of fireproof material.

- (b) all windows must be constructed of brick or concrete similar suitable material, the floor of concrete or other impervious material and the roof of fireproof material.
- (c) all doors and door frames must be of metal and the doors must have all-round overlap of 25mm or more and must not be less than 13mm in thickness.
- (d) a sill concrete at least 150mm in height must be erected across all door openings at surface level or the floor of the room must be 150mm below adjacent surface level.
- (e) the dry-cleaning room must be situated not closer than 1,5m to any public thoroughfare or adjacent building unless the wall or walls which are exposed to such thoroughfare or building are constructed without openings: Provided that not more than two sides of any dry-cleaning room must be without openings.
- (f) there must be provided at least two doors opening outwards directly into the open air. Such doors must be so situated and at such a distance from each other as to allow the free and unimpeded escape of the persons within the dry-cleaning room through either door in the case of fire or other danger.
- (g) cleaning room must have any opening into any other room or building: Provided that subject to compliance with the conditions hereunder set out, any room used or intended to be used solely for the purpose of drying materials which have been cleaned or treated with flammable liquid, may be constructed under the same roof the dry-cleaning room:
 - (i) such drying room must be separated from the dry-cleaning room by wall constructed of non-combustible material; and
 - (ii) the entrance to such drying room must be provided with metal door and frame
- (h) no dry-cleaning room must be situated below or above any other room or building.
- (i) every dry-cleaning room must be maintained at all in accordance with provisions of this section

Steam Pipes

97. (1) Every dry-cleaning room must be fitted at least on steam pipe not less than 25 mm in diameter. Every such pipe must be provided with-

- (a) Perforation or jets of at least 6mm in diameter and so spaced as to give as near as practicable an equal distribution of steam in such a manner that room can be immediately flooded with steam in case of fire;
 - (c) A steam trap or other effective means of preventing accumulation of water within such pipe.
- (2) An adequate steam supply for such pipe or pipes must be maintained continuously while any flammable liquid is contained in any washing machines, clarifiers, stills, or similar appliances.
 - (3) Such steam supply system must be provided with a valve placed in the service line and situated outside the building in an easily accessible position in the case of fire.

Ventilation of Dry-cleaning Room

- 98. (1) Every dry-cleaning room must be ventilated with a mechanical system of exhaust and inlet ventilation of such design, construction and capacity as will adequately remove flammable liquid vapour from such room and discharge such vapour into the open air at a point above room and not within 4,5m of any opening to any building.
- (2) Such systems of ventilation must cause the air in the dry –cleaning room to be changed at least thirty times in every hour.
- (3) The blades of the ventilating fans must be made of non-ferrous metal.
- (4) All exhaust ventilation ducts must be installed-
 - (a) as near ground level as practicable: Provided duct or any portion thereof is situated at a level which is less than 150mm above the level of the dry-cleaning room floor, adequate provision must be made to prevent the escape of flammable liquid therefrom in the case of fire or otherwise;
 - (b) as near as practicable to the points of origin of flammable liquid vapour of the dry-cleaning machinery such as washing machines, hydros, clarifiers, stills, settling tanks and such like.
- (5) Any person discovering a fire any dry-cleaning room must immediately take all possible steps to shut down the exhaust ventilating system.

SPECIAL PROVISION WHERE CLASS FLAMMABLE LIQUIDS IS USED FOR DRY-CLEANING**Constitution of Dry-cleaning Room**

99. Every dry-cleaning room must be constructed and maintained in accordance with the following requirement:

- (a) The walls must be constructed of brick or concrete or other similar suitable material and the floor of concrete or other impervious material and the roof of fire proof material.
- (b) A sill of concrete at least 150mm in height must be erected across all door openings at surface level or the floor of the room must be 150mm below the adjacent surface level.
- (c) There must be provided at least two doors opening outwards directly into the open air. Such doors must be so situated and at such a distance from each other as to allow free and unimpeded escape of persons within the dry-cleaning room through either in the case of fire or other danger.
- (d) No dry-cleaning room must be situated below or above any other room or building: Provided that a room or building may be constructed above a dry -cleaning room, if such room or building is not used as a habitable room and is provided with adequate means of escape to the satisfaction of the chief fire officer.

Ventilation of Dry-Cleaning

100. (1) Every dry-cleaning room must be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of flammable liquid vapours within any portion of such room and discharge such vapour into the open air at a point where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour: Provided that where for any reason such ventilation can only be secured by means of a mechanical systems must conform to and comply with the provisions of section 135
- (2) Applicability of certain sections:
- (a) The provisions of section 136 and subsection (1) of this section, must apply to dry-cleaning rooms only where Class C flammable liquids are used.
 - (b) The provisions of section 133, 134 and 135 must apply to dry-cleaning rooms where classes A and b flammable liquids are used for dry-cleaning.

SPRAY ROOMS

Registration of Spray Room

101. (1) No persons must spray or cause or permit to be sprayed any vehicle or article with any flammable liquid in any spray room unless such person is in possession of a spray room permit in respect of such room. Such permit must only be valid for the period terminating on the next succeeding 31st day of December.
- (2) The provisions of sections 41 to inclusive and 52 must with the necessary changes apply to a point under the section.

Issue of Spray Room Permit

102. Spray room permit must be granted in respect of any spray room unless and until such room complies with the requirements of these By-laws.

Construction of Spray Room

103. Every spray room must be constructed in accordance with the following requirements:
- (a) Non-combustible materials only must be used in construction thereof.
 - (b) There must be installed an exhaust method of ventilation such as will adequately remove vapours from, and be capable of changing the air in the spraying room at least 30 times every hour.
 - (c) Where a spray room is subdivided into spray booths as described in paragraph (d), each such booth must be ventilated in accordance with paragraph (b).
 - (d) Where a part of whole of any spray room is subdivided by partitions into separate compartments or booths (herein after described as spray booths) such spray booth must be constructed of metal of other non-combustible material.
 - (e) All exhaust vents leading from spray rooms or spray booths must be so designed and constructed that all vapours are expelled into open air at a point of not less than 4m above the level of the ground and at a distance of not less than 5m from the opening of any building and such vent must be constructed of non-flammable material.
 - (f) All ventilation inlets and outlets must be so placed as t

effect a continuous and complete change of air within any such room or spray booth. The ventilation inlets must be substantially equivalent to the exhaust capacity provided in terms of Chapter. The ventilation or spraying must be so arranged that all flammable liquid vapours must pass as near as reasonably possible directly into the ventilation outlets.

- (g) The blades of any fan used in the spray room must be of non-ferrous metal.
- (h) No electrical equipment must be installed in the spraying room other than:-
 - (i) incandescent electric lamps in outer flame proof fittings;
 - (ii) electric wires protected throughout by seamless metal tubes, the joints of which are screwed together;
 - (iii) electrical apparatus of flame-proof construction used for ventilating purposes;
- (i) The spray rooms, fans and vents must be kept clean and free from flammable deposits and all flames and vents must be kept in proper working order at all times and any scraping necessary to comply with the provisions of this subsection, must be carried out with non-ferrous instruments;
- (j) All drums, cans or similar vessels containing flammable liquids or substances or which have contained the same and have not been degassed or otherwise rendered harmless, must be kept securely closed when not in use and must, after the contents have been used, be removed from the spray room and stored in such a place that, in the opinion of the chief fire officer, they are not likely to cause danger or obstruction or obstruct or impede the escape of safely of persons or similar in the event of fire.

Danger Notice at Entrance

- 104 The words "DANGER NO-SMOKING" in all languages spoken in the area of the municipality must be prominently displayed in letters not less than 150mm high outside the entrance to every spray room, and must at all times be maintained in such position and in a clearly legible condition.

When permits is not Required

- 105 thing contained in sections 138 to 144 inclusive must prohibit the spraying with flammable liquid of any vehicle or article in the opinion air if such

spraying is not within a distance of 15m from any fire, open light or other agency likely to ignite such flammable liquid or its vapour.

Mixing Rooms

106. The provisions of sections 118, 125, 127, 132 and must apply mutates mutandis to mixing rooms.

PROVISIONS WHERE CLASS B FLAMMABLE LIQUIDS ARE USED OR HANDLED

107. The provisions of section 138 must apply mutates mutandis to Class B flammable liquids.

Liquefied Petroleum Gases

108. (1) No person must cause or permit:-
- (a) the filling of any receptacle or vehicle with liquefied petroleum gas on any premises;
 - (b) the use, handling or storage of liquefied petroleum gas on any premises, or
 - (c) the use of any vehicle for the conveyance of liquefied petroleum gas in or on any public place;

unless the requirements of the Code of Petroleum for the Handling, Storage and Distribution of Liquefied Gas in Domestic, Commercial and Industrial Installation of the South African of Standards have been complied with and written permission has been obtained from the chief fire officer.

- (b) The provisions of the coded of practice relating to the Handling Storage and Distribution of Petroleum including Liquefied Petroleum Gas, complied by the South African Bureau of Standard; Code SABS 087 Parts I to VIII Code SABS 089 Parts I and II, must be in force within the Council's Area of Jurisdiction and must be deemed to form a part of these By-laws.

Gas-filled Toys

109. (1) No person must:-
- (a) fill with hydrogen gas any balloon or other device without the permission of the chief fire officer, in writing;
 - (b) use or display any balloon or other device filled with hydrogen gas inside any building to which the public ordinarily has

access to which is used as a club: Provided that the use and sale of balloons filled with hydrogen gas for meteorological scientific or educational purposes must not be prohibited.

- (2) For the purposes of this section the expression "hydrogen gas" includes any mixture of gases in which hydrogen is present unless the mixture is neither flammable nor explosive in air,

CARBIDE

Certificate of Registration in Respect of Storage

110. (1) No person must keep or store carbide in excess of 900 kg on any premises, unless such person is in possession of a certificate of registration in respect of such premises.
- (2) No certificate of registration must be issued in respect of any premises for the storage of carbide until the provisions of these By-laws have been complied with in respect of such premises.
- (3) Such certificate:-
- (a) must state the maximum amount of carbide permitted to be stored on the premises
- (b) may be issued subject to such conditions as are deemed necessary by the Council, having regard to the circumstances pertaining to each application.
- (4) Every such certificate must be valid only until the next succeeding 31st day of December.
- (5) No certificate of registration, other than a renewal thereof, must be issued in respect of any premises until the provisions of section 148 have been complied with and the application therefore has been approved by the Council.

Application of Certificate in Registration

111. (1) Every application for a certificate for a certificate of registration accompanied by the charges prescribed in Schedule III hereto, must be made in writing to the Council on a form to be provided by the Council for the purpose.
- (2) Every such application must be accompanied by a plan of the premises in respect of which the certificate is required, drawn to a scale of not less than 1:100 and showing the elevation of the premises in relation to adjacent buildings above or below the ground.

- (3) Every such application must also be accompanied by a block plan drawn to a scale of not less than 1:500 which must specify:-
- (a) the premises and all open spaces with stand numbers thereof and the materials of which such premises are constructed or are to be constructed;
 - (b) the stands with numbers thereof immediately adjoining;
 - (c) the names of any streets pm which the site abuts and the township in which it is situated; and
 - (d) the north point.

(4) Where the plan relates to existing premises in respect of which a certificate or registration has been issued in terms of section 147 and to which it is proposed to make alterations or additions, only a ground plan together with such application form and prescribed charges must be submitted. Such ground plan until must be drawn to a scale of not less than 1:100 and must show such additions or alterations in relation to such existing premises.

(5) All plans must be:-

- (a) signed by the owner of the premises or his agent;
- (b) drawn in Indian ink on tracing linen or clear prints on cloth with white ground, and
- (c) coloured with fixed colours as follows:

Block plan:

Proposes premises or alterations: Red

Other existing buildings: Grey or neutral colour

Open spaces uncoloured

(6) On approval, such plan or plans must become the property of the Council.

(7) The approval of plans of premises must in no way imply the acceptance of any responsibility on the part of the Council in regard to such premises.

(8) The approval by the Council in terms of these By-laws of any plans must lapse and must be until and void if the provisions of these By-laws must not have been complied with within one year after the date of such approval.

Conditions of Certificate of Registration

112. (1) No person must store or cause or permit to be stored any quantity of carbide on any premises in excess of the amount stated on the certificate of registration relating to such premise.
- (2) Any person in lawful possession of any certificate of registration may make written application to the Council for permission to increase the total quantity of carbide which may be stored in terms of such certificate. Such application must be granted by the Council only if the proposed increase is permissible in terms of these By-laws. When the Council has granted any such application, such person must surrender his certificate of registration to the Council for amendment.

Renewal of Certificate of Registration

113. Application for the annual renewal of a certificate of registration must be made not later than 15th day of November of the year prior to that for which such renewal is required, on a form to be provided by the Council, and must be accompanied by the charges prescribed in Section III hereto. No plans or premises in terms of section 148 must be required in the case of a renewal of registration, unless called for the discretion of the Council.

Transfer of Certificate and Registration

114. (1) A certificate of registration may be transferred from one person to the other.
- (2) The person desiring such transfer must make application in writing to the Council on a form to be provided by the Council for such purpose.
- (3) Such application must be accompanied by the prescribed charges, together with the certificate of registration relating to the premises in respect of which such transfer is desired.
- (4) No certificate of registration is transferable from one premise to another.

Additions and Alterations to Registered Premises

115. No additions or alterations to any existing registered premises must be made unless and until a plan prepared must have been submitted to and approved by the Council in writing.

Fire Appliances

116. The person to whom a certificate of registration has been issued must install or cause to be installed in the premises to which such certificate refers, in an easily accessible and visible position on a wall or other suitable position not less than 1m above the level of the floor of the premises, 6 fire buckets filled with dry sand, of a capacity of 9l each, painted red with word "FIRE" in all languages spoken in the area of the municipality painted in white and legibly maintained thereon, in terms of the provisions of Chapter 2.

Rules to be observed

117. A person must store or cause or permit to be stored any carbide on any premises whether or unregistered, unless such carbide is stored:-
- (a) in such a position that it is not in dangerous proximity to any fire, flame, open light or other agency likely to ignite flammable or explosive gas;
 - (b) in a dry and well ventilated position;
 - (c) in such a position that in the case of fire or explosion, the escape of persons or animals from such premises will not be prevented or impeded;
 - (d) in closed metal containers.

Inspection of Premises

118. (1) Any duly authorised officer of the Council may, for any purpose connected with these By-laws at all reasonable times and without previous notice enter upon any premises whatsoever and make enquiries or examination thereon as he may deem necessary.
- (2) The owner or occupier or, failing their presence on the premises, any other person employed must upon demand disclose to such authorised officer the presence of any carbide in or upon such premises, and must answer all enquiries relating either to the observance of these By-laws or to any conditions in connection with the certificate of registration.

Construction of Store

119. Every store, room or building used for the storage of carbide in excess of 200 kg must:-
- (a) be substantially constructed of non-combustible material;
 - (b) be of such construction and condition that all the contents thereof must be maintained in a dry condition;

- © adequately ventilated to prevent the accumulation therein of flammable or explosive gas;
- (d) be so situated that any gases which may be discharged therefrom are not likely to come into contact with any fire, flame, open light or to other agency likely to ignite flammable or explosive gas;
- (e) have no opening into or communication with any other room or building in which persons reside or which is used for public assembly or stabling of animals;
- (f) be so constructed and situated that there is no possibility of danger from any fire, flame, open or other agency likely to ignite flammable or explosive gas;
- (g) be situated at ground level:

Provided that any such store, room or building used for the storage of carbide in excess of 200 kg, unless situated at a distance of not less than 30m from any other building, must be constructed of brick or concrete and with a roof constructed of non-combustible material and must have no opening into or communication with any other room or building.

Danger Notice on Store

120. No person must use or cause or permit to be used any store, room or building or for the storage of carbide in excess of 900 kg unless and until the words "DANGER-CARBIDE" in letters not less than 150mm in height are legibly painted in both official languages on the outer face of the door of such store, room or building. Such notice must at all times be maintained in such positions in a legible condition.

Purity

121. No person must store, use, sell or expose for sale any carbide which is not commercially pure; Provided that no carbide containing any impurity liable to generate phosphorated or silicuretted hydrogen in such quantities as to render the gas generated likely to ignite spontaneously, must be considered to be commercially pure for the purpose of this section.

Seizure and Removal of Carbide

122. Where any authorised officer of the Council has reasonable cause to believe that any storage of carbide to the contrary provisions of these By-laws, he may seize and detain such carbide and may either require the owner or occupier or, failing their presence on the premises, any other person employed thereon to detain the carbide in those premises or in any other premises under his control, or he may remove it in such manner and to such premises as will, in his

opinion, least endanger the public safety, and there detain it or take such other measures as may be necessary for the protection of the public/

Breach of Conditions

121. Any person who commits any breach of any condition endorsed on the approval notice or certificate of registration issued in terms of these By-laws, must be guilty of an offence in terms of these By-laws.

Penalties

122. Any person contravening any provision of this chapter is guilty of an offence and liable, on conviction:-
- (a) to a fine not exceeding R100 or, in default of payment, imprisonment for a period not exceeding six months or to imprisonment for a period not exceeding six months without the option of a fine; and
 - (b) in the case of successive or continuing offence, to a fine not exceeding R10 for every day such offence continues, or in default of payment, to a fine or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Repeal of By-laws

34. The provisions of any By-laws relating to flammable liquids and other substances by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Short title

124. These By-laws are called By-laws for Flammable Liquids and other Substances

No. 14

MBIZANA LOCAL MUNICIPALITY

BUILDING BY-LAWS

DRAFT

BUILDING BY- LAWS

It is notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), that the Mbizana Municipality publishes the Building By – Laws supplementary and consistent to the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and the Regulations which have been approved by the Municipal Municipality, as set out below:

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BUILDING

1. Definitions

1.1 In these By-laws, unless the context otherwise indicates:-

“**balcony**” means any erection similar to a veranda in front of any storey at a higher level, whether roofed or not;

“**basement storey**” or “**cellar**” means any storey of a building which is under the ground storey;

“**building of the domestic class**” means any building for human occupation or domestic purposes, including outbuildings of dwellings, hospitals, schools, studios and stables;

“**building of the factory class**” or “**factory**” has the same meaning as defined in the Factories Act;

“**building of the office class**” means any building used for offices;

“**building of the warehouse class**” includes any building used for the sale, storage or manufacture of merchandise, including pumping stations, light power houses, markets and any other building exceeding 4500m³ in cubic content and which is neither a public nor a domestic building;

“**Municipality**” means the Mbizana Municipal Municipality;

“**cubic content**” as applied to the measurements of a building, means the space contained within the external surface of the floor of its lowest storey;

“**engineer**” and “**Municipality’s engineer**” means the person from time to time holding the said appointment or acting in the said capacity in connection with the municipality;

“**external wall**” means the outer wall or vertical enclosure of any building, not being a party wall, even though adjoining a wall of another building;

“**fire resisting**” used with reference to any material means the following:-

- (a) Iron and steel columns, girders or wall framing when cased in Cement, concrete or other declared fire-resisting material;
- (b) approval concrete, composed of Cement, broken stone, brick pumice
Stone, chippings or ballast, reinforced concrete and asbestos sheets;
- (c) in the case of staircases, unless otherwise prescribed, approved hardwood with treads and stringers not less than 50mm thick, the underside being protected by declared fire-resisting material;
- (d) approved hardwood, unless otherwise prescribed, when used for beams or posts or in combination with iron or steel, the iron or steel (if any) being protected by plastering or other non-conducting external coating, not less than 50mm in thickness;
- (e) in the case of floors, bricks, tiles, terra-cotta or concrete, not less than 102mm thick in combination with iron or steel, reinforced concrete not less than 100mm thick;
- (f) in the case of roofs, bricks, concrete, terra-cotta or reinforced concrete and sheet metals;
- (g) in the case of internal walls, concrete, terra cotta, brickwork, reinforced Concrete or other similar approved non-combustible material not less than 102mm thick
- (h) in the case of glazing for draught-and-smoke-excluding doors as well as in the case of glazing to internal windows, fanlights or partitions and openings into lift shafts or stairs enclosure described in or require by the National Building Regulations, one thickness or wired glass of not less than 6mm in wood beading fixed with metal screws to styles and rails of doors and in panels not exceeding 750mm by 600mm;
- (i) in the case of doors-
 - (i) doors of wrought iron or steel plate not less than 6mm thick, with
styles and rails on face of plate not less than 75mm by 6mm, dividing door in panels not exceeding 750mm by 1 050mm hung, on wrought iron staple hinges or pivots built into the wall and fitted with bolts at top and bottom; or

- (ii) metal covered doors composed of dressed tongued and grooved boards crossed at right angles, nailed with clinched wrought iron nails, without sunk panels, and completely covered with tinned steel or iron sheets of not less than 0,5mm, not more than 350mm by 500mm in size. With proper welt joints, not less than 10mm in width the edges of the doors being covered with the sheets turned around at least 50mm on each face. The sheets must be fastened closely to the door with screws or barbed nails at least 20mm in length. The thickness of such doors must not be less than the following:

For Openings:-

Up to 2,5m², 45mm

Up to 3,25; 65MM

Over 3.25m², 90mm

All fastenings, hinges or bolts must be bolted right through the door.

All hinges staples or wall fastenings must be built into the brickwork:

Or

- (ii) doors with iron or steel framing filled in with 75mm thickness of concrete reinforced in the centre with 10mm steel bars secured to rails and styles of doors. Fire resisting doors, if on hinges, must, if without lap, be fitted into prepared wrought iron frames with 50mm rebate built or fastened directly into the brickwork. In no case must any holders, blocks, frames or other contrivances of combustible or easily fusible material be used in connection with a fire resisting door (except a fusible link);
- (j) any other material which complies with the SABS No. 476 together with any additions or amendments thereto;
- (k) the term "mill construction" will apply to floors and ceilings of buildings or portions of buildings, used in the erection of mills. The structural members supporting such floors and ceilings must be of fire resisting material on which must be laid planking not less than 75mm thick with tongued and grooved or other similar jointing;

"first storey" means the storey immediately above the ground storey;

"front" as applied to a domestic building means that portion facing the street, or, in the case of any building at the rear or side attached or detached, means the major dimension of the building on which the windows are situated, save that this must not apply to rooms not exceeding three in number, attached to and at the rear of the main building in front thereof, and forming or intended to form part of such building;

“**ground storey**” means that the storey of a building in which there is an entrance from the outside or near the ground level, and, where there are two such storeys, then the lower of the two: provided that no storey of which the upper surface of the floor is more than 1,2m below the level of the adjoining pavement, must be deemed to be the ground storey;

“**heights**” as applied to buildings, must be measured from the kerb level, or if there is no kerb, level from the natural ground level in front of the centre of such building at the junction of the wall. In case of buildings provided with the rooms in the roof, the height must be measured to the ceiling of such rooms, the measurement terms, unless other wise expressly stated means such terms according to metric. S.I. units.

“**new building**” means:-

- (a) any building or any structural alterations or additions to any existing building.
- (b) any building which has been taken down, burnt or destroyed for more than half its cubic content and re-erected or where a commencement with the re-erection thereof has been made after such date;
- (c) any building of which the cubic content has been increased, after such date, by an amount equal to the cubic content of the building as existing before such increase;
- (d) any building to which an upper storey has been added;
- (e) any building which is structurally converted to any purpose different from that for which it was originally intended.

“**occupier**” includes any person in actual occupation of land or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to the lodgers or various tenants, the person receiving the rent payable by lodgers or tenants, whether on his account or as agent for any person entitled thereto or interested therein;

“**owner**” as used in connection with any land or premises, includes any person receiving the rents or profits of such land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account, or as agent for any person entitled thereto or interested therein;

“**owner or occupier**” or other words denoting the person owning or occupying any property, as well as the word “**person**” for the purpose of enforcing the penalties in terms of these By-laws, means in case of a firm or partnership, all or any one or more members of such firm or partnership, and

in case of any company, anybody not being a firm or a partnership in the ordinary meaning of these terms, the secretary or manager of such company or body, or should there be no secretary or manager, then any member of the board of directors or managing board or committee of such company or body.

“public building” means a building used or constructed, adapted, suitable for or a intended to be used, either ordinarily or occasionally and wholly or in part as a public place of congregation or assembly, for persons admitted thereto by ticket or otherwise, whether a charge is made for such ticket or not. **“halls”** incorporated in and forming part of a hotel or a club, must not be classed as **“public buildings”** provided they are not used for the purpose stated in paragraphs (a) and (b). Public buildings include-

- (a) a theatre, including an opera house, playhouse or any building used or designed to be used for the entertainment of spectators, and having a stage on which scenery and theatrical apparatus are used, as well as a proscenium and a fire curtain as required and described in these By-laws. A theatre may be used for all purposes to which a public building may be put;
- (b) a cinematograph hall which may be used for all purposes to which a public building may be put, except as mentioned in paragraph (a), unless suitably designed as constructed as such, as required and described in these By-laws.
- (c) a concert room, ballroom, lecture hall, exhibition room, church, chapel or other place of public worship, which may be used for all purposes to which a public building may be put, except as mentioned in paragraphs (a) and (b) unless suitably designed and constructed as such, as required and prescribed in these By-laws;
- (c) halls incorporated in a hospital, college or school, which may be used for any purpose in terms of paragraphs (a), (b) and (c);
- (d) a tent, shooting gallery, circus and a stand or enclosure for public assembly all of which may only be used for the purpose stated;

“storey” means a height of not more than 6m on ground storey and 4,5m on any storey above that;

“street” includes any street, square, road, lane, sub-way, avenue, bridge, thoroughfare or public passage;

“**tariff**” the tariff of charges as determined from time to time by the Municipality in terms of Section 74 of the Local Government: Municipal Systems Act 32 of 2000

“**topmost storey**” means the uppermost storey in a building whether constructed wholly or partly in the roof or not, and whether used or constructed or adapted for human habitation or not;

“**verandah**” means any roofed erection with sides and front entirely open except where supported in front of the ground storey of a building and over the street footpath;

“**width**” as applied to a street, means the measurement at right angles to and between the boundaries of the stands abutting on such street and on opposite sides thereof.

PART I

PROJECTION FROM BUILDINGS, VERANDAS, BALCONIES, SIGNS AND PAYMENT LIGHT

Permission required

2. (1) No colonnades, verandas, balconies, bay windows, pavement lights, showcases or other projections into or over any part of any street, and no pavement opening in or under any street must be made or constructed without the written permission of the Municipality.
- (2) The Municipality in its discretion may refuse such permission or may grant the same either unconditionally or on such conditions and subject to the payment of such annual or other sum or the performance of such works or service as the Municipality must in each case first and determine in accordance with the tariff of charges.
- (3) Such charges must be paid in advance at the beginning of each year or period fixed by the Municipality and the owner of the building or projection is liable for the payment of deposits, fees and rent in terms of these By-laws for such projections.

Rules for the construction of projections

- 3 (1) The design, arrangement and construction of verandas, balconies, bay windows and other projections over public streets, must be to the satisfaction of and the levels given by the Municipality
- (2) All such verandas, balconies, bay windows and other projections must be constructed entirely of fire resting material, and must be neatly celled with plaster, cement, asbestos or steel sheeting fixed flat or in regular vaulted, covered, coffered or panelled arrangements and must

be supported by cantilevers of reinforced concrete, masonry or steel statically secure.

- (3) If corrugated iron is used for covering a veranda, the exposed surfaces thereof must be painted.
- (4) Unless there must be shown to the satisfaction of the Municipality, good reason to the contrary, a veranda over a public street must conform as nearly as practicable in line, height detail with existing adjoining verandas.

Columns

4. (1) Except in that portion of the municipality as defined by the Municipality from time to time, no veranda columns must be permitted in or on any street or pavement.
- (2) In no case must any column be permitted where the pavement is less than 2.6m wide
- (3) In no case must columns be placed more than 3m from the building measured to the outside of the column nor be placed at less than 3m centre to centre.
- (4) No column must be placed on any pavement at the corner of streets beyond the alignment of the building lines, and no portion of any veranda must be placed at a lesser distance than 600mm back from the front edge of any kerb.
- (5) No twin or double columns must be permitted.
- (6) Where verandas are supported on columns, such columns must have no square arrises and no base must project more than 50mm beyond the bottom diameter, nor must the maximum horizontal axial dimension of such base exceed 350mm.
- (7) Where the form of a column is classic in character, the shaft must have suitable entasis and must have cap and base in due proportion.
- (8) Columns, including cap and base must not be less than 3m nor more than 3.6m in height nor more than 405m including plinth.
- (9) No posts or columns must, except s hereinafter provided, be permitted in streets where reason of the footway or sidewalk being or likely to be so occupied by cables, pipes or other public services, the placing of columns or posts must be deemed inadvisable.

- (10) In such streets, verandas, balconies or other projections permitted over the streets must be supported by means of cantilevers of reinforced concrete or steel.
- (11) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia gender must be 3m.
- (12) The Municipality may permit the erection of veranda columns on streets upon registration of a notarial deed of servitude against the title of the abutting property, whereby the owner of such abutting property undertakes to bear the costs of any work on connection with cables, pipes, or other municipal works or services necessitated by the construction, presence, maintenance or removal of such veranda columns, the cost of such deed of servitude must be borne by the owner of the abutting property.
- (13) Except in the case of monolithic stone columns, steel or wrought iron pipes or other vertical reinforcement of sufficient strength must be properly embedded in all columns of concrete, stone or brickwork, and must be securely fixed at the top of the superstructure and at the bottom of the foundations, by means of bolts, dowels or similar method of fixing.
- (14) In the case of monolithic stone columns, bolts or dowels at least 15mm in diameter must be inserted at least 150mm into the shaft of the column and satisfactorily secured thereto.
- (15) Such bolts or dowels must be fixed right through the cap and base and secured at the top of the foundations.
- (16) Plain piping or tubing must not be used for columns over or on street veranda and balconies unless architecturally treated.
- (17) The depth and width of beams placed on columns must visibly be equal at least to the top diameter of the column.
- (18) The coping, blocking course or balustrade, if any must extend above the floor of the balcony not less than 750mm nor more than 1.05m.
- (19) Nothing in these By-laws must prohibit the erection and use of a party column common to two adjoining verandas whether such column stands partly on the extended boundary lines of two properties or adjoins the same, nor in the case of adjoining verandas must it be prohibited to place any column upon a plinth, provided that this is necessary for alignment and that other provisions of these By-laws are observed.

Balconies and Bay Windows

5. (1) Balconies, bay windows, or similar projections must not overhang a public street if at a height of less than 3m above the pavement and all such projections must be constructed of fire resisting material and supported by cantilevers of reinforced concrete or by masonry or steel.
- (2) Balconies must not project more than 1,35 over any street.
- (3) Bay windows must not project more than 900mm over any street.
- (4) The aggregate horizontal length of bay windows at any level over a street must not exceed one third of the length of the building frontage to that street.
- (5) No part of any window in any bay must be less than 900mm from any party wall of the building to which it belongs and neither any boundary separating stands in separate ownership nor any extension of such boundary.
- (6) Any balcony superimposed upon any veranda must be set back at least 1.2m, from the line of such veranda.
- (7) No part of any balcony attached to any veranda must be carried up to a greater height than two storeys above the pavement level, except that, where the top portion of such balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1m in height and constructed as prescribed by these By-laws must be allowed above the level of such concrete floor or flat roof.
- (8) Dividing walls across balconies over public streets must not exceed 1m in height or 225mm in thickness.
- (9) No balcony over any street must be the sole means of access to any room or apartment.
- (10) No erection of any kind must be allowed on a balcony, except balustrade and light columns not exceeding 150mm in diameter, of good architectural design and supporting the roof and upper balcony sufficiently.
- (11) No person must place or permit or cause to be placed any article upon any balcony over a public street, except ornamental plants, tables, chairs, canvas blinds and awnings, the latter not to be used signs or advertisements.
- (12) Where any floor or a building is used solely for the parking of motor vehicles, bay windows at the level of such floor may project over any street for not more than 1.35m for the full length of the building frontage to that street.

Plinths, Pilasters, Corbels and Cornices

6. (1) No plinths, pilasters or other projections beyond building lines carried upon from ground level must be permitted to encroach on a street.
- (2) Pilasters, cornices, corbels or similar architectural features which are at Least 3m above the ground must not project over the street more than the following-
- (a) pilasters; 450mm. The total aggregate frontage length of pilasters must not exceed one fifth of the building frontage and bay windows in the same storey must be included in the calculation of maximum aggregate length for bay windows;
 - (b) fire resting ornamental hoods or pediments over doors: 600mm and in any part not less than 2,75m in length above the footway or pavement: and
 - (c) cornices: 1.05m where not exceeding 10.5m above the footway or pavement, and one tenth of the height from the footway or pavement if exceeding 10.5m with a maximum of 1.8m.

Verandas and corners

7. Where verandas are carried around corners of streets, they must be properly displayed or rounded to follow the curves of the kerb to a radius approved by the Municipality.

Pavement openings

8. (1) No pavement opening must be the sole means of access to any vault or cellar.
- (2) Every such opening must be formed of thick glasses set in iron or reinforced concrete frames flush with the sidewalk and no piece of such glass must exceed 160cm² in area.
- (3) No pavement opening in any street must extend more than 1,2m beyond the building line.
- (4) Where flaps are permitted in pavement openings each flap not exceed 0,75m in an area and must open upwards and whilst open must be provided with stout iron guardrails and stanchions.
- (5) Flap opening must be opened and used only for the purpose of lowering and raising goods and be kept closed except when such operations are in progress.

- (6) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter from the light margin to the building line below.
- (7) No pavement opening must be covered with metal bar grating or with metal plates or with wood.

Maintenance, Removal and Tenancy of Street Projections

9. (1) The owner of any veranda, balcony, pavement opening and covering must maintain such in good order and repair and is responsible for any accidents or damage arising there from.
- (2) Pavement openings and pavement lights and walls thereof and basement walls must be made and kept water-tight and the owner must be responsible for so doing.
- (3) Any person erecting or possessing projections or encroachments on, under or any street or pavement, such as mentioned in these By-laws, or signs of other fixtures on or over any street or pavement, must be regarded as tenant at will of the Municipality in respect of such projections, encroachments or fixtures and, if called upon by the Municipality to remove any or all of them must do so within 14 days without compensation either for direct, indirect or consequential damages.
- (4) The Municipality may remove such projections, encroachment or fixtures in the event of non-compliance with such notice, or if they are not in accordance with these By-laws and the expenses of such removal must be recoverable in the ordinary process of law from the owner of the building or from the person to whom the projections or encroachments belong.

Cat heads, Cranes and Platform

10. (1) Cat heads, lifting cranes, platforms and other such contrivances must not overhang any sidewalk or street.
- (2) The Municipality may specially sanction lifting cranes and travelers under balconies and above the first floor level, but such machinery must be capable of being housed in the building to which it belongs, and must only lift goods from outside the line of kerb.

Slab footways or pavements

11. (1) No person must lay asphalt, tar macadam, concrete, granolithic or any other type of paving in any pavement or street sidewalk or footway unless given permission by the Municipality to do so.

- (2) If any person desires to construct a paving of any material upon a public footway or pavement he or she must first submit a sample to the Municipality for testing and approval in writing before any such materials are deposited on a public footway or pavement.
- (3) All work must be done to the satisfaction of the Municipality.

Planting of footway and sideways

12. (1) The owner or occupier of an erf adjoining a street may, with the written permission of the Municipality previously obtained and given under the hand of the engineer, grade and plant with grass any land laying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.
- (2) Any permission in terms of Subsection (1) may be granted or refused by the Municipality in its absolute discretion and, if granted, must be revocable and must contain such conditions as the Municipality may think fit to impose regard being had to public safety, the preservation of municipal property and all other relevant circumstances.
- (3) The Municipality may include in a permission given in terms of Subsection (1), permission to plant with flowers or must shrubs a strip of land in question not exceeding 500mm in width immediately adjoining the applicant's erf.
- (4) The Municipality may, on receipt of a written request signed by the owner or occupier of any such erf and upon payment of the charges prescribed in the tariff of charges grade and plant with grass any part of the land referred to in Subsection (1).

Street Gutter Bridges

13. No person must bridge over or enclose any gutter of storm water drain under the control of the Municipality without special sanction from the Municipality.

PART II

SINGS AND HOARDINGS

Definitions

1. (1) "signs" means any advertisement or advertising device of any kind which is visible from any street but does not include an advertisement placed inside a building or any advertisement of an ecclesiastical, amateur sporting, educational, political or charitable meeting, event or function or of the candidature of any person nominated for election to Parliament or the Municipality and "advertising sign" has the same meaning.

- (2) **“hoardings”** means any screen or fence which is used or capable of being used for posting exhibition or display of any advertisement or advertising device on or near or in view of any street, and includes a screen or fence enclosing a building or materials while builders are at work, or enclosing an excavation.

Application for signs

2. No person must paint, fix, post or erect a sign without -
- (a) making an application in writing to the Municipality;
 - (b) submitting detailed drawings of such sign to a scale of not less than 1:20 and a block plan indicating the position of the sign on the site, to a scale of not less than 1:500; and
 - (c) obtaining the written consent of the Municipality.

Fixing of signs and hoardings

3. (1) All signs and hoardings must be properly constructed of the requisite strength and must be satisfactorily fixed to the approval of the Municipality.
- (2) The person by whom such signs and hoardings are erected and the owner fixture on which or to which they are attached must assume all liability and responsibility in connection therewith, including maintenance, and must undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- (3) All glass used in signs other than glass rubbing used in Neon or similar signs must be wired glass at least 6mm thick or approved safety glass at least 3mm thick.
- (4) Every sign for which electric current is used must if necessary be provided with suitable condensers which must give a power factor of not less than 0.90 lagging and not more than 0.98 lagging.
- (5) Every sign and hoardings must be repainted and cleaned regularly in order to prevent them from becoming unsightly.

Advertising signs and hoardings to be licensed

4. (1) No person must except upon a hoarding duly licensed in terms of the By-laws for the licensing of hoardings, advertised or placed or exhibit or display or caused to be advertised, placed or displayed any advertising sign, whether or not the consent of the engineer has been obtained in terms of section 14, unless he is the holder of the current license issued by the Municipality in respect of such advertising signs

- (2) No such license is required by any person who advertises his or her business by means of an approved advertising sign, other than a sky sign, on any premises or, where only part of the premises are used for the applicant's business upon such portion of such premises in which his business is actually conducted.
- (3) No person must advertise, place, exhibit or display or cause to be advertised, placed, exhibited or displayed, any advertising device of any kind upon any hoardings unless he or she is the holder of a current license issued by the Municipality in respect of such hoarding.
- (4) The Municipality may refuse to permit the erection of hoardings for bill posting or other purposes in localities where it deems them likely to be prejudicial to the surrounding neighbourhood or to be a disfigurement of a residential or other street.
- (5) Where any alteration is made in an advertising sign, despite the fact that it was displayed and the consent of the Municipality was obtained in terms of section 14 and the prescribed tariff was paid, another consent must be obtained and another fee be paid before any alterations are made to the electrical wiring or system of the sign as a result of which the message conveyed by it is changed.

Prohibited signs

5. (1) No person must erect or cause or permit to be erected or maintained any of the following signs-
 - (a) Any sign, which is painted on, or fixed on to or between the columns of a street veranda.
 - (b) (i) any sign which projects above or below any fascia, bearer, beam or balustrade of a street veranda or balcony;
(ii) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street veranda or balcony;
 - (c) any streamer sign across any street;
 - (d) any sign or calico, papier mache, woven or similar material or of any kind whatsoever;
 - (e) any swinging signs;
 - (f) any signs which interferes with or which is likely to interfere with any sign or signal for the control of traffic but-

- (i) no sign in red, amber or green colours must be erected, maintained or used within 6m of any traffic sign;
 - (ii) all signs reflected or illuminated by light other than a cream light at a height of less than two storeys or 6m above the footway, whichever be the greater height, must be suitably screened as to satisfactorily prevent any interference with any sign or signal for the control of traffic.
- (g) flashing, occulting or animated signs within 9m of the ground, and the periodicity of which exceeds 30 flashes to the minute
 - (h) any sign or signs, the total area of which exceeds 30m, painted or fixed on a wall of a building not being a front wall of such building;
 - (i) Any sign painted on any fence, not being a licensed hoarding;
 - (j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm by 450mm in size, affixed to the fence or entrance door or gate of a dwelling and in case of a block of flats affixed to the wall of the entrance hall or entrance door of a flat;
 - (k) any sign which is objectionable, unsightly or determined to the neighbourhood or of such intense illumination as to disturb residents in adjacent buildings directly or generally to be a source of disturbance to the public;
 - (l) any sign which does not comply with the requirements of or which is not permitted by these By-laws;
 - (m) any form or type of sign not specifically permitted by these By-laws;
 - (n) no person must operate or cause or permit to be operated any electrically illuminated sign otherwise than between the hours of sunrise to midnight.

Hanging signs under veranda over a streets

- 6. (1) Every sign hanging under a veranda over a street must:-
 - (a) be fixed at right angles to the building line

- (b) have a clearance of less than 2.5m between the surface of the pavement and the lowest portions of the sign
 - (c) not exceed 600mm in depth, and 2.5mm in length and 230mm in thickness between the outside faces thereof.
- (2) A box sign must be constructed entirely of metal or metal and wired glass which must be at least 6mm thick or other approved safety glass at least 3mm thick.

Signs on verandas over street

7. (1) Save as hereinbefore provided with regard to hanging signs, every sign affixed to or onto a veranda over a street must be set parallel to the building line.
- (2) Such signs must not exceed 600mm in depth and must be fixed immediately above the eaves of the veranda roof in such manner as not to project beyond the rear of the roof gutter or must be fixed against but not above or below the veranda parapet or balustrade in such manner as not to project more than 230mm from the outside face of such parapet or balustrade, but-
- (a) a sign on a public building fixed to or on a veranda over a street and which displays only the features or programme on an entertainment to be given in such public building must-
 - (i) have a maximum area of 1m² in aggregate for every 1.5m or part thereof the frontage of such building to the street over which the sign is erected.
 - (ii) Not exceed 1.2m in height
 - (b) nothing in this section contained must be taken to prohibit the painting of signs not exceeding 600mm in depth or beams over veranda columns, or on parapets of verandas.

Projecting signs

8. (1) All projecting signs must be set at right angles to the building line and must be fixed at a height of not less than 2.75m above the pavement.
- (2) Save as is provided in subsection (3), no projecting signs must exceed 600mm in height, nor project more than 900mm from the building to which they are attached.
- (o) despite the provisions of subsection (2), larger projecting signs may be erected but-
 - (i) the owner of the building or the person for whom the sign is being erected must make application for, and

assume all responsibility in connection with such signs, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;

- (ii) the design thereof must be to the satisfaction of the Municipality and it must comply in all aspects with these By-laws;
 - (iii) such signs must be fixed at the right angles to the street and the front of the building upon which it is erected;
 - (iv) such sign must be constructed of metal framing and covered with metal sheeting and must not exceed 300mm in depth from face to face;
 - (v) such sign must not exceed a mass of 450kg or 675kg in case of a sign consisting only of a name of a central public entertainment building as hereinafter defined;
 - (vi) such sign must not exceed 9m in height or 1.5m total projecting from the building, or in case of a sign consisting only of a name of a central public entertainment building as hereinafter defined, 14m in height and 1.8m in total projection from the building: Provided this paragraph must not apply to any sign which has been erected prior to the date of the publication hereof;
 - (vii) the sign must be supported by at least four iron brackets properly fixed to the building, any two of which must be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign must be satisfactorily braced and stayed;
 - (viii) upon receipt of a notification by the Municipality under the hand of the engineer that such sign is unsafe, it must be removed forthwith without the payment by the Municipality of any compensation whatsoever: and

- (ix) the owner of such sign must sign a form declaring himself to accept, and be bound by, the foregoing conditions.

Signs flat on buildings

9. (1) The total area of any sign placed flat or painted on a front wall of a building must not exceed 20m² for every 15m of the building frontage to the street which such sign faces with a maximum area of 200m².
- (2) The maximum projection of such sign over the footway must be 75mm where such sign is less than 2.5m above footway or pavement and 230mm where such sign is more than 2.5m above the footway or pavement.
- (3) In case of sign consisting only of the name of the public entertainment building, the maximum height and length must be 10m by 20m or alternatively 20m by 10m and the maximum projection thereof from the face of the wall must be 230mm.
- (4) Despite the provisions of subsection (1) and (3), the Municipality may, where it considered it desirable in the interests of the aesthetic appearance of the building on which the sign is placed or painted or the neighbourhood of such building, permit or require the dimension of any such sign to be greater than those prescribed.

Sky- signs

10. (1) For the purpose of this section "sky signs" means any sign other than a revolving sign erected or placed on or above the topmost roof or roof parapet or eaves of a building but must not include any sign on the roof of the building.
- (2) The whole of every sky sign must be placed against a peripheral screen or the other structure fixed on the building, which screen, which screen or structure in the opinion of the Municipality is satisfactory for the purpose in respect of the construction, strength, extent and appearance.
- (3) Where any sky-sign rests upon a roof there must be interposed between the sign and the roof a layer of non-combustible material but if the sign rests upon a concrete slab the material so interposed must be waterproof
- (4) The vertical dimension of any sky-sign excluding the screen or other structure against which it is attached will be as follows:

(1) TABLE

a)	Height of building	Vertical dimension
	One or two storeys	1.3m
	Three or four storeys	1.9m
	Five or six storeys	2.6m
	Seven or eight storeys	3.2m
	Over eight storeys	4.8m

But the vertical dimensions specified in the table may at the discretion of the Municipality be exceeded, regarding being the length and height of the building or to the necessary for screening lift houses, tanks or other structures of objections in the roof.

- (1) For the purpose of subsection (4) sky-signs, where they are placed one above the other, whether or not in the same vertical plan must be deemed to be one sign irrespective of their ownership.
- (2) No sky-sign must project horizontally beyond the limits of the screen or other structure against which it is placed in terms of subsection (2).

Hanging lamps and clocks

- 11. (1) Every hanging lamp and clock must be fixed at not less than 2.75m above the side walk.
- (3) A clock must not be deemed to be included in the aggregate height of a sign.
- (4) The owner of any building upon which it is proposed to erect any clock overhanging the street must-
 - (a) be a tenant at will of the Municipality, and must assume the liability and responsibility in connection with such clock;
 - (b) undertake liability for all loss or damage caused to persons or property by reasons of or in any way arising out of the erection, maintenance or existence of such clock;
 - (c) Make an annual inspection of the clock to satisfy himself regarding its safety;
 - (d) Maintain such clock in a good state of repair and in a presentable condition, and at his own expense cause it to be synchronised at least once a week by a competent person;
 - (e) On receipt of notice from the Municipality calling upon him or her to do so, remove such clock within the time stated in such notice.

without the payment by the Municipality of any compensation whatsoever;

(f) Comply with the provisions of these By-laws.

- (5) The owner of or a person erecting such clock must sign a form declaring himself or herself or herself to accept and be bound by the foregoing conditions.

Sun- blinds

12. (1) All sun-blinds must be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.
- (2) Except at street intersections, sun-blinds must only be placed parallel to the building line.
- (3) At street intersections sun blinds, both new and existing must be placed so that they must not cause any interference with vehicular or pedestrian traffic, traffic lights, street nameplates or other notices for the guidance of the public.

Bill postings and hoardings

13. (1) No sign or hoardings which is not placed on a building and no bill posting hoarding must exceed 5m in height above ground level.
- (2) Drawing to scale of 1:20 showing structural details of the supports, framework etc. must be submitted to the Municipality together with other details specially required under By-laws dealing with signs.
- (3) The design of such hoardings and signs must be to the satisfaction of the Municipality

Decorations during public rejoicings

14. All decorations, illuminating and other devices erected on occasions of public rejoicing must be so erected, arranged and secured as to minimise the danger of fire, and secure the public against risk to the satisfaction of the Municipality in these respects.

Showcases

15. Show cases must not exceed 1.5m² in area and must not project more than 150mm beyond the building line.

Signs not to be fixed to veranda columns

16. No sign of any description must be fixed to street veranda posts or columns.

Signs regarded as tenancy at will

17. (1) Any person erecting or possessing signs on or over any street, footway or pavement must be regarded a tenant at will of the Municipality in respect of such signs, and, if instructed by the Municipality to remove any or all of them they must do so within 14 days without any compensation either for direct, indirect or consequential damages.
- (2) The Municipality may remove such signs in the event of non compliance with such instruction or if they are not in accordance with these By-laws, and the expenses of such removal must be recoverable in the ordinary process of law from the owner of the building or from the person to whom the sign belong.

PART III

RENTALS, CHARGES, DEPOSITS AND PENALTIES: GENERAL PROVISIONS

Payment of charge and deposits

- 19 (1) Except where otherwise provided by these By-laws, the charges specified in the tariff of the charges must be paid by the owner of the building or any other person who applies to the Municipality for approval of any proposal or who is seeking its consent thereto in terms of these By-laws.
- (2) The charges must be payable on the making of any application in connection with the matter or operation to which they relate or on receipt of written demand from the Municipality but the Municipality may in its discretion require such payment to be made only on the granting of the application.
- (3) If the Municipality refuses any application made in terms of these By-laws, any payment made in connection therewith may be refunded by the Municipality to the person by whom or on whose behalf the payment was made.
- (4) In addition, the Municipality may in its discretion, refund in whole or in part any payment made in terms of these By-laws where in its opinion the circumstances warrant such a refund.
- (5) No plan must be approved or be regarded as having been approved by the Municipality and no person must begin any building, demolition, renovation, excavation or any other operation on any site unless the Municipality has received the charges payable in terms of these By-laws.
- (6) Despite anything to the contrary in this section contained, the rental payable in respect of the hoardings must be paid to the Municipality three calendar months in advance but if any hoardings

are lawfully removed before the end of any period for which the rent has been paid in advance, the Municipality must make a pro form or on whose behalf it was paid.

- (7) Despite anything to the contrary in this section contained, the rentals payable for projection over and encroachments on the side walks must be payable annually in advance before 1 January.
- (8) Any person who fails to pay the charges or rentals or make the deposits required in terms of these By-laws, is guilty of an offence, but the Municipality may in the event of default of any such charges, rentals or deposits proceeds to recover the same by ordinary process of law applicable to the recovery of a civil debt.

Charges for special services

- 20. The Municipality must have the right in case of any special services being required from the Municipality, including the attendance necessary in respect of a dangerous building to levy charges in regard thereto as well as a prepaid charge of at least a prescribed tariff for attending at a building at a request or to give advice as to the bearing of the By-laws on proportions put forward by architects, builders or owners.

Extra charges on new proposals

- 21. Where an owner, having submitted plans for a building having had such plans examined subsequently submits new proposals either in part or whole extra charges must be payable at the rate of half the ordinary charges applied to the part altered, except when it is done in compliance with a definite written request from the Municipality.

General penalties

- 22. Any person who contravenes or commits a breach of any provision of these By-laws must be liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding one month and in case of continuing offence, a further prescribed fine or every day during the continuance of such offence after a written notice has been issued by the Municipality requiring the discontinuance of such offence and for a second to subsequent offence he must be liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding three months.

Application of these By-laws

- 23. These By-laws apply within the area of jurisdiction of the Mbizana Local Municipality from the date of promulgation.

Short Title

- 24. These By-laws are called the Building By-laws.

No. 15

MBIZANA LOCAL MUNICIPALITY

ELECTRICITY BY-LAWS

DRAFT

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), publishes the Mbizana Local Municipality: Electricity By-laws which have been approved by the Municipal Council.

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DEFINITIONS

1. In these By-laws any word or expression to which a meaning has been assigned in the Electricity Act, 1987 (Act No. 41 of 1987), the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or the Municipal Systems Act, 2000 (Act 31 of 2000) bears that meaning, and unless the context indicates otherwise-

“**approved**” in relation to any article or practice, means approved by the Municipality or the engineer as being suitable and satisfactory in respect of safety, design, performance, and the method of its application, regard being had to be the recognized principles of electrical practice, and “approval” has a corresponding meaning;

“**Certificate of compliance**” means a certificate issued in terms of regulations of the Act as an Electrical Tester for single phase, an Installation Electrician or a Master Installation Electrician, as the case may be;

“**consumer**” means any person who has entered into an agreement with the Municipality for the supply to him or her of electricity or if there is no person, the owner of premises;

“**consumer’s agreement**” means an agreement as referred to in section 3;

“**contractor**” means an electrical contractor or a permit holder in terms of the Act;

“**electrical installation**” means electrical installation as described in the regulations to the Act;

“**engineer**” means an official appointed by the Municipality and in charge of the Municipality’s electricity undertaking or any other official duly authorized to perform his or her duty on his or her behalf;

“**high-voltage enclosure**” means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage above 1 000 and the expression “high voltage” has a corresponding meaning;

“**installation work**”, means installation or installing work as described in the Act;

“**low-voltage enclosure**” and “enclosure for a special supply at low voltage” means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage at or below 1 000 and the expression “**low voltage**” has a corresponding meaning;

“**meter**” means a device for measuring and totalling the variable of consumption;

“**meter-reading period**” means the period extending from one reading of a meter to the next;

“**meter cabinet**” means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment determined by the engineer and designed to operate at low voltage;

“**Municipality**” means Mbizana Local Municipality;

“**Municipal Council**” means the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**occupier**” in relation to any premises means-

- (1) any person in occupation of premises at any relevant time;
- (2) any person legally entitled to occupy the premises; or
- (3) any person in control or management of the premises;

“**owner**” means and includes the registered owner of the land or premises, or his or her authorized agent or any person receiving the rent or profits issuing there from, or who would receive such rents or profits, if such land or premises were let, whether on his or her own account or as agent for any person entitled thereto or interested therein;

“**point of control**” means the point of control as defined in the Regulations

“**point of consumption**”, means point of consumption as described in the Act;

“**point of metering**” means the point at which the consumer’s consumption of electricity is metered and which may be at the point on the distribution system of the Municipality or the electrical installation of the consumer specified by the Municipality and it must meter all or the consumer’s consumption of electricity;

“**point of supply**” means point of supply as described in the Act;

“**premises**” means any land and any building, erection or structure, above or below the surface of any land and includes any aircraft, vehicle or vessel;

“**pre-payment meter**” means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

“**Regulations**” means the regulations made in terms of the Occupational Health and Safety Act, 1993(Act 85 of 1993);

“**Safety Standard**” means the code of practice for wiring of premises SABS0142 incorporated in the Regulations;

“**service connection**” means the cable or conductor leading from the supply main to the point of supply of the electrical installation and includes any high voltage or other equipment connected to that cable or conductor, any meter; and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Municipality;

“**service fuse**” or “**service circuit breaker**” means a fuse or service circuit breaker belonging to the Municipality and forming part of the electrical circuit of the service connection;

“**skilled person**” means any person who in the opinion of the Municipality is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to high voltage with regard to his or her experience and knowledge of electrical practice;

“**special supply at low voltage**” means a supply of electricity exceeding 40 kVA at low voltage;

“**supply**” means a supply of electricity from the supply main;

“**supply main**” means any cable or wire forming that part of the Municipality’s electrical distribution system to which service connections may be connected;

“**tariff**” means the tariff of charges as determined from time to time by the Municipality, by Special Resolution, in terms of section 4 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);

“**the Act**” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the regulations made in terms of that Act;

“**working days**” mean the day the Municipality is open for business and excludes weekends, public holidays.

APPLICATION FOR AND CONDITIONS OF SUPPLY

2. (1) Application for a supply must be made to and in a form prescribed by the Municipality.
- (2) The Municipality may, before granting a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with these By-laws or other applicable legislation.

CONSUMER'S AGREEMENT

3. (1) No person is entitled to use an electrical supply from the Municipality unless or until the owner or occupier of the premises or some person acting on his or her behalf has entered into a consumer agreement in writing with the Municipality for such supply, and such agreement together with the provisions of these By-laws will govern such supply.
- 2) If a person uses an electricity supply without entering into an agreement he/she is liable for cost of electricity and any other costs incurred by the Municipality in such circumstances.
- (3) The charge payable for electricity used is in accordance with applicable tariff as per tariff schedule determined by the Municipality.
- (4) Any person who was a consumer before the promulgation of these By-laws, is deemed to have entered into a consumer agreement with the Municipality in terms of section 3 (1).
- (5) The Municipality may decide whether a consumer's agreement must be concluded by it with the owner or with the occupier of the premises or some person acting on his or her behalf.
- (6) No person must, without first having obtained the Municipality's or the engineer's permission in writing, supply electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.
- (7) If the consumer fails to pay the account referred to in section 7(7), the electricity supply may be discontinued.

TERMINATION OF CONSUMER'S AGREEMENT

4. (1) Subject to the provisions of sections 7(6), any consumer's agreement may be terminated by the consumer, his or her authorized representative, or by the Municipality on giving **7 day's notice** in writing calculated from the date of service thereof and if such notice purports to terminate an agreement on a Saturday, Sunday or public holiday, such termination must only take effect on the following working day.
- (2) After a consumer's agreement has been terminated, any consumption recorded before another consumer's agreement is entered into in respect of the same premises is, until the contrary is proved, deemed to have been consumed by the owner of the premises who will be liable for payment of the charge as determined by the Municipality.

CONTINUATION OF SUPPLY TO NEW CONSUMER

5. (1) The Municipality may, on the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer for the continuation of the supply.
- (2) The Municipality will on termination of the supply, take a final reading of the electricity meters.
- (3) The consumer who is a party to the new consumer's agreement referred to in subsection (1) is liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.
- (4) consumer's decision to dispute an account does not entitle him or her to defer payment beyond the due date stipulated in the account.
- (5) In the event of the Municipality not being able to gain access to a meter for two consecutive meter readings the Municipality may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates.
- (6) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any other grounds other than inaccuracy of a meter

DEPOSITS

- (1) The Municipality will only supply the services if the consumer pays -
 - (a) a deposit as security which will vary according to risk; or
 - (b) a minimum deposit which will be equivalent an average of two months account.
- (2) A deposit may be in cash or a bank guaranteed cheque.
- (3) The Manager: Financial Services may increase the deposit of defaulting consumers or consumers who apply for a supply of a higher capacity than he/she is receiving.
- (4) Such deposit will not be regarded as being payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in these By-laws.
- (5) Any sum deposited by or on behalf of a consumer must, on being claimed, be refunded within 30 days after the termination of the consumer's agreement after deducting any amount due by the consumer to the Municipality.
- (6) Subject to the provisions of subsection (5), any person claiming a refund of a deposit or part thereof, must either-

- (a) surrender the receipt which was issued for payment of the deposit; or
 - (b) if such receipt is not available, sign a receipt prescribed by the Municipality for the refund to him or her of such deposit or part thereof,
- and satisfy the Municipality that he/she is the person entitled to such refund.
- (7) If a deposit or part thereof has been refunded in accordance with subsection (5) the Municipality will be absolved from any further liability in respect thereof.
 - (8) The consumer's agreement may contain a provision that any sum deposited by the consumer, must be forfeited to the Municipality if it is not claimed within 2 years after either such agreement has been terminated or he/she has ceased, for any reason, to receive a supply in terms of such agreement.
 - (9) No interest is payable by the Municipality or its authorised agent on the amount of a deposit held by it in terms of this section.

ACCOUNTS

- 7. (1) The Municipality must, in respect of each scale of the tariff governing a supply, provide such number of meters that it deems necessary.
- (2) The Municipality may, during any meter reading period render to the consumer -
 - (a) a provisional account in respect of a part of such a period (which part must as nearly as practically possible be a period of 30 days and the amount of such account must be determined as provided in subsection (4)) as soon as possible after the meter reading at the end of such period;
 - (b) an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum paid by him or her on a provisional account.
- (3) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.
- (4) The amount of a provisional account referred to in subsection (2)(a) is determined by the Municipality by reference to such previous consumption, on the same premises, reflecting what in the Municipality's opinion, constitutes a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account.

- (5) Where there has been no such previous consumption the Municipality must determine the amount of the said account by reference to such consumption on other similar premises which, in the Municipality's opinion, affords reasonable meter, the Municipality must make such enquiries and tests as it thinks necessary and must-
- (a) if satisfied that the consumer has been wrongly charged, adjust his or her account accordingly; or
 - (b) if not so satisfied, charge him or her if the Municipality's actions are the result of a complaint by the consumer, in addition the cost of making such enquiries and tests,
- but no such adjustment must be made in respect of a period in excess of 12 months prior to the date on which the wrong charge was observed or the consumer notified the Municipality of such wrong charge.

READING OF METERS

8. (1) The amount of electricity supplied to any premises during any meter reading period must be taken as the difference of the reading of the meter at the beginning and the end of such period and where maximum demand metering pertains, the demand will also constitute a part of the meter reading.
- (2) A multiplication factor will be applied to the reading where applicable.
- (3) The reading shown by a meter will, be at face value proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the Municipality's books must be face value proof that the meter showed the reading, which the entry purports to record.
- (4) If for any reason, whatsoever, a meter cannot be read, the Municipality may render an estimated account base on reading. The energy consumption must be adjusted in a subsequent account in accordance with the actual energy consumption.
- (5) When a consumer vacates a property and a final reading cannot be taken or is not possible, an estimation of the consumption will be made and the final account rendered accordingly.
- (6) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error must be corrected in a subsequent account.
- (7) Any such correction must only apply in respect of an account for a period of 36 months preceding the date on which the error on the account was discovered, must be-

- (a) free of interest up to date on which the correction is found to be necessary; and
 - (b) based on the actual tariffs applicable during the period.
- (8) In the event of the Municipality not being able to gain access to a meter for two consecutive meter-reading periods the Municipality may forthwith discontinue the supply of electricity with respect to the premises to which that meter relates.

PREPAYMENT METERING

9. (1) No refund of the amount tendered for the purchase of electricity credit must be given at the point of sale after initiation of the progress by which the prepayment token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (b)
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund of credit remaining or left on the meter must be made to such a consumer.
- (4) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and must not guarantee the continued operation of any vendor.
- (5) The Municipality may take a percentage of the money tendered for the purchase of electricity as part of the outstanding account.
- (6) The Municipality must determine the percentage taken from time to time.
- (7) When the consumer vacates the premises where a prepaid meter has been installed the consumer may not remove the meter or ask the Municipality to refund the consumer for the prepaid meter.
- (8) All meter remains the property of the Municipality.
- (9) The Municipality must install prepaid meters at the cost of the consumer unless the Municipality determines otherwise.

TESTING ACCURACY OF METER

10. (1) If a consumer or owner has reason to believe that a meter is not registering correctly he/she may give written notice to the Municipality that he/she requires the meter to be tested, such notice to be accompanied by the fee prescribed in the tariff for the testing of

meters, and the Municipality must as soon as possible thereafter subject the meter to test.

- (2) The Municipality's finding as to the accuracy of a meter after the test referred to in subsection (1) has been carried out is final, and a meter must be deemed to be registering correctly if it is shown by the test to be over- or under-registering by not more than an average of 5% when tested in accordance with-
 - (a) the code of practice of the South African Bureau of Standards for the testing of electricity meters; or
 - (b) in accordance with procedure laid down by the Municipality.
- (3) The fee payable in terms of subsection (1) must be refunded if the meter is shown by the test to be registering incorrectly.
- (4) The engineer must, immediately before removing a meter for testing, take a reading of that meter and the current meter-reading period must be terminated at the time of such reading.
- (5) If after testing a meter the Municipality is satisfied that it is not registering correctly, it must render to the consumer a statement of account adjusted in accordance with the consumption ascertained to have been over- or under-registered in respect of the period of 3 months before the date of termination of the current meter reading period in terms of subsection (4) and an adjusted account issued must be paid within 10 days of the date of issue.

FAILURE OF METER TO REGISTER CORRECTLY

11. (1) When the Municipality is satisfied that a meter has ceased to register correctly the reading shown thereby must be disregarded and the consumer-
 - (a) must be charged in respect of the current meter reading period the same amount as he/she paid in respect of the corresponding period in the preceding year, subject to adjustment necessitated by any alteration to the electrical installation of the tariff; or
 - (b) if he/she was not in occupation of the premises during the corresponding period referred to in paragraph (a), must be charged on the basis of his or her consumption during the 3 months preceding the last date on which the meter was found to be registering correctly; or
 - (c) if he/she was not in occupation of the premises during the whole of the period referred to in paragraph (b), must be charged on the basis of his or her consumption during the 3

months following the date from which the meter was again registering correctly.

- (2) If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period referred to in subsection (1), the consumer may be charged with the amount determined in accordance with the said subsection or for a longer period but no amount will be charged in respect of a period in excess of 12 months prior to the date on which the meter was found to be registering incorrectly.

DISCONNECTION OF SUPPLY

- 12 (1) When any charges due to the Municipality for or in connection with electricity supplied are in arrear, the Municipality may at any time disconnect the supply to the electrical installation concerned or any part thereof until such charges together with the reconnection fee laid down in the tariff are fully paid.
- (2) When conditions are found to exist in an electrical installation which in the opinion of the Municipality constitute a danger or potential danger to person or property or interfere with the supply to any other consumer, the Municipality may at any time without notice disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed.
- (3) The Municipality may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.
- (4) The Municipality must, on application by a consumer in a form prescribed by the engineer, disconnect the supply and must reconnect it on payment of the fee prescribed in the tariff.

UNAUTHORIZED CONNECTION

13. (1) No person other than an authorized employee of the Municipality must connect or reconnect or attempt to connect or reconnect any electrical installation with the service connection or the supply main.
- (2) If the supply to any electrical installation is disconnected in terms of section 12(1) or (2), the consumer concerned must take all reasonable steps within his or her power to ensure that such supply is not reconnected in contravention of subsection (1).
- (3) If such supply is nevertheless so reconnected after it has been disconnected by the Municipality the consumer concerned must forthwith take all reasonable steps within his or her power to ensure that no electricity is consumed on the premises concerned and must, in

addition, forthwith notify the Manager: Financial Services of such reconnection.

- (4) If the consumer referred to in subsection (2) or (3) is not in occupation of the premises concerned, then the occupier of those premises must comply with the provisions of the mentioned subsections.
- (5) In any prosecution for a contravention of or failure to comply with subsection (2) or (3) or both, or of any or both of those subsections read with subsection (4), any contravention or failure to comply, whether intentional or negligent, must be sufficient to constitute an offence and, unless the contrary is proved, it must be deemed that-
 - (a) reasonable steps referred to in subsections (2) and (3) were not taken; and
 - (b) such contravention or failure was due to an intentional act or omission of the person charged.
- (5) No electricity service may be provided to a person who is in arrears and is deemed to be a regular offender unless the balance in arrears has been cleared or an arrangement of payment has been made with the Municipality.
- (6) Applications for temporary connections for any reasons and any other connections are made at a cost prescribed by the Municipality

FRAUDULENT USE

14. (1) A supply for which a charge is laid down in the tariff and which is measured by a meter or set of meters must not be used for any purpose for which a higher charge is laid down.
 - (1) Unless the Municipality has granted permission in writing no electricity supplied by it must be used unless it has first passed through the meter connected to the electrical installation.
 - (3) No consumer may connect another consumer using extension cords or any other means of connections unless the Municipality makes such connections

RESALE OF ELECTRICITY

15. Where a person resells electricity supplied by the Municipality-
 - (a) such electricity must, in respect of each purchaser, be metered through a sub-meter which, and the installation of which, has been approved by the Municipality;

- (b) the Municipality is not liable for any inaccuracy or other defect in any sub-meter whether or not the Municipality has approved such sub-meter or the installation thereof;
- (c) the charge made by such seller must not exceed the tariff which would have been payable had the purchaser been a consumer of the Municipality; and
- (d) the conditions of resale must not be less favourable to the purchaser than the terms on which the Municipality itself supplies electricity and every such purchaser is entitled to require the seller to furnish him or her with all such accounts, documents and other information as may be necessary to enable the purchaser to ascertain whether the accounts rendered to him or her for electricity supplied are correct.

INSTALLATION DIAGRAM AND SPECIFICATIONS

16. The Municipality may require a contractor to submit to him or her for approval a wiring diagram and specifications covering any proposed construction of, alteration, extension or repair to any electrical installation, and where the Municipality required such a diagram and specifications the proposed work must not be commenced until they have been submitted and approved.

INSPECTION AND TESTS

17. (1) The engineer may, at any reasonable time or in case of emergency at any time, enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of these By-laws or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, must remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.
- (2) Before any test or inspection in terms of this section is carried out the owner or the occupier must be informed of the purpose thereof and if it is established that a breach of these By-laws has been committed, the Municipality is, despite the provisions of subsection (3), not liable to restore and make good in terms thereof.
- (3) The Municipality must, save as is provided in subsection (2), restore and make good any disturbance of, damage to, or interference with, the premises occasioned by any inspection or test made in terms of subsection (1).
- (4) While any electrical installation is in the course of construction, alteration, extension or repair the engineer may inspect and test any part of the work as often as he deems necessary, and if any work which

the engineer requires to inspect or test, has been covered up, the engineer may require the contractor or the owner of the premises at no cost to the Municipality to uncover that work, to expose any joints or wires and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever, and any work or reinstatement rendered necessary must likewise be carried out at no cost to the Municipality.

- (5) Every reasonable facility to carry out tests and inspections must be provided to the engineer by the contractor, the owner and the occupier of the premises and such facilities must in the case of a contractor include the provision of suitable stepladders.
- (6) Where cables or conduits of an electrical installation are laid underground the trenches containing them must be left open until the work has been inspected and approved.
- (7) Any contractor must give the engineer at least 3 working days' notice in a form prescribed in the Act that he required the engineer to carry out an inspection or test of any electrical installation
- (8)
 - (a) After receipt of notice in terms of subsection (7), the engineer must make such inspection and test.
 - (b) If an electrical installation requires retesting according to regulation C177 (4) of the Act, such a re-test is subject to the payment of a charge laid down in the tariff.

LIABILITY OF MUNICIPALITY AND CONTRACTOR

18. (1) Neither the engineer's approval of an electrical installation after making any inspection or test thereof nor the granting by him or her of permission to connect the installation to the supply must be taken as constituting, for any purpose any guarantee, by the Municipality that the work has been properly executed or that the materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.
- (2) The Municipality is not liable for any installation or other work or for any loss or damage caused by fire or other accident arising fully or partly from the condition of an electrical installation.

SERVICE CONNECTIONS

19. (1) The owner of the premises concerned must make application for the installation or reinstatement of a service connection in a form prescribed by the Municipality.

- (2) A service connection must be installed at the expense of the owner and the cost thereof as determined by the Municipality must be paid to the Municipality before supply is authorized.
- (3) Every part of the service connection must remain the property of the Municipality.
- (4) Despite the fact that the service connection to an approved electrical installation may already have been completed the Municipality may in its absolute discretion refuse to supply electricity to that installation until all sums due to the Municipality by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.
- (5) No owner is entitled to require more than one service connection for a supply for any premises even if it comprises or occupies more than one stand.
- (6) The Municipality may, subject to such conditions as it deems fit, impose on the owner, provide more than one service connection to a premises and where more than one service connection is so provided, stipulate that it is unlawful to interconnect them.
- (7) The applicant for a service connection must, before work on its installation is commenced, furnish the Municipality with such indemnity as it may specify.
- (8) The Municipality may, despite any indemnity given in terms of subsection (7), refuse to install a service connection until it is satisfied that no person is entitled to object to such installation.

SEALED APPARATUS

20. Where any seal or lock has been placed by the Municipality on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the Municipality, no person other than an authorized employee of the Municipality will for any reason whatsoever remove, break, deface, or otherwise interfere with any such seal or lock.

TAMPERING

21. (1) No person must in any manner or for any reason whatsoever paint, deface, tamper or interfere with any service connection and only an authorized employee of the Municipality may make any adjustment or repair thereto.
- (2) Any person found tampering with electricity in terms of section (1) will in addition to the penalties referred to in section 38 be liable to pay for expenses incurred in fixing such service connection.

- (3) If such interference caused the service of the electricity not to be metered or not to be correctly metered, such person will be liable to pay an amount determined according to the provisions of section 11(1).

LIABILITY FOR DAMAGE TO SERVICE CONNECTION

22. (1) The owner of the premises or the consumer is liable to make good to the Municipality any damage that may occur to the service connection or any part thereof or to any other Municipality apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Municipality.
- (2) If any damage occurs to the cable or any other part of the service connection, the consumer must inform the Municipality as soon as he/she becomes aware of that fact and the Municipality or a person authorized by him or her must repair the damage.

TYPE OF SUPPLY

23. The Municipality may in any particular case determine whether the supply must be high or low voltage and the type of such supply.

METER CABINETS

24. Before a low voltage supply is given, the applicant or owner must, if required to do so by the Municipality at no expense to the Municipality and in a position approved by the Municipality, provide a cabinet of approved design and construction for the accommodation of the Municipality's service connection.

HIGH VOLTAGE ELECTRICAL INSTALLATIONS

25. (1) All the apparatus used in connection with a high voltage electrical installation must be of approved design and construction.
- (2) Before any work is commenced in connection with a new high voltage electrical installation or for the extension of an existing high voltage installation, a site plan and a drawing showing in detail to the Municipality's satisfaction the particulars and layout of all electrical apparatus which it is proposed to install together with full technical information concerning the apparatus must be submitted to the Municipality and no work as aforesaid must be commenced until the proposed installation or extension has been approved.
- (3) No person other than a skilled person must undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with high voltage apparatus.
- (4) Despite any approval previously given by it the Municipality may-

- (a) at any reasonable time and in case of emergency, at all times, inspect any high voltage apparatus and subject it to such tests as it may deem necessary; and
 - (b) if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the Municipality's satisfaction.
- (5) The owner or the consumer is liable to the Municipality for the cost of carrying out any of the tests referred to in subsection (4) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.
- (6) Despite anything contained in section 26 no high voltage apparatus which has been newly installed, altered or extended must be connected to the supply without the permission in writing of the Municipality, which permission will not be given unless and until every requirement of this section has been complied with.

ENCLOSURES FOR SUPPLY EQUIPMENT

26. (1) Where required by the Municipality, an owner must at no expense to the Municipality provide and maintain an approved enclosure for accommodating the Municipality's and consumer's supply equipment in a position determined by the Municipality.
- (2) No person must enter the enclosure accommodating the Municipality's supply equipment or touch or interfere with any apparatus therein, unless authorized thereto by the Municipality.
- (3) Every low voltage enclosure associated with a high voltage enclosure and every enclosure for a special supply at low voltage must be kept locked by the consumer and a key thereto must, if required by the Municipality, be deposited with it or provision made for the fitting of an independent lock by the Municipality which is entitled to access to the enclosure at all times.
- (4) The consumer or owner of premises must at all times provide and maintain safe and convenient access to a low voltage enclosure or an enclosure for a special supply at low voltage and such enclosure must at all times be kept clean and tidy by the consumer to the satisfaction of the Municipality and must be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.
- (5) The consumer or owner of the premises must at all times provide and maintain safe and convenient access to a high voltage enclosure, such access to be direct to that part of the enclosure into which the high

voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or the owner of the premises.

- (6) The Municipality may use any enclosure for supply equipment in connection with a supply to consumers on premises other than those on which that enclosure is situated.

PERMANENTLY CONNECTED APPLIANCES

27. Appliances permanently connected to an electrical installation must be approved by the Municipality.

SURGE DIVERTERS

28. Every electrical installation connected to an overhead supply main must be provided with one or more approved surge diverters in positions determined by the Municipality.

POSITION OF COOKING APPLIANCES

29. No heating or cooking appliance must be installed, placed or used below any meter belonging to the Municipality.

PROVISION OF CIRCUIT BREAKERS

30. When required by the Municipality, the owner must supply and install approved supply circuit breakers in a position determined by the Municipality.

MAINTENANCE OF INSTALLATION

31.
 - (1) The consumer must, at all times, maintain any electrical installation on any premises connected with the supply, in good working order and condition to the satisfaction of the Municipality.
 - (2) The Municipality may require a consumer who takes a multiphase supply, to distribute his or her electrical load, as approved by the Municipality, over the supply phase and may install such devices in the relevant service connection as he/she may deem necessary to ensure that this requirement is complied with.
 - (3) No consumer must operate electrical equipment having load characteristics or having unbalanced phase currents, which fall outside the standards determined by the Municipality.
 - (4) The assessment of interference with other consumers must be carried out by means of measurements taken at the point of common coupling.
 - (5) If required by the engineer, the power factor of any load must be

maintained within the limits of 0.85 lagging and 0.9 leading

- (6) Where for the purpose of complying with subsection (5), it is necessary to install power factor correction devices, such correction devices must be connected to the individual terminals unless the correction of the power factor is automatically controlled.
- (7) No person must, except with the consent of the Municipality and subject to such conditions as may be imposed-
 - (a) construct, erect or permit the erection of any building structure or other object, or plant, trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical distribution system;
 - (b) excavate, open up or remove the ground above, next to or under any part of the electrical distribution system;
 - (c) damage, endanger, remove or destroy any part of the electrical distribution system; or
 - (d) make an opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted or diverted any electrical distribution system there from.
- (8) The owner must limit the height of the trees or length of projection branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the trees from interfering with the conductors should the tree or branch fall or be cut down;
- (9) If the owner fails to observe this provision the Municipality must have the right after prior written notification, or at any time in an emergency, to cut or trim the tree or other vegetation in such a manner as to comply with this provision and must be entitled to enter the property for this purpose and the cost of any work by the Municipality as necessitated by contravention of these By-laws, must be for the account of the person who acted in contravention of section (7).
- (8) The Municipality may-
 - (a) demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of section (7);
 - (b) fill in and make good any ground excavated or removed in contravention of section (7);

- (c) repair and make good any damage done in contravention of these By-laws or resulting from a contravention of section (7);
- (d) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

CONTROL APPARATUS

32. (1) At times of peak load or in emergency, or when in the opinion of the Engineer, it is necessary for any reason to reduce the load of the electricity on such supply system of the Municipality, the Municipality may without notice interrupt and for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.
- (2) The Municipality is not liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity.
- (3) The Municipality may install on premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1) and the engineer or duly authorized official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing, adjusting or changing such apparatus.
- (4) Despite the provisions of subsection (3), the consumer or the owner, as the case may be, must when installing an electrically operated storage heater, provide such necessary accommodation and wiring as the Engineer may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (3).
- (5) The engineer may on written request by the consumer to any apparatus not connected to a control relay, in which event the consumer will, for the period during which such apparatus is not so connected, pay a monthly charge determined by the Municipality.
- (6) The engineer may provide a set of electrical contacts, which will close when the relay referred to in subsection (1) is operative, and which will enable the consumer to operate his or her own load control apparatus and warning devices.
- (7) Any person other than an authorized person tampering, removing, disconnecting or destroying the control apparatus referred to in subsection (1) will be charged in terms of section 38.

OBSTRUCTING EMPLOYEES

33. (1) No person must refuse to give such information as may reasonably be required of by any duly authorized official of the Municipality or give any false information to any official regarding any electrical installation work completed or referred to.
- (2) No person must wilfully-
- (a) hinder, obstruct or interfere with any employee of the Municipality in the performance of any duty relating to these By-laws;
 - (b) refuse to give such information as the Municipality may reasonably require; or
 - (c) give to the Municipality any information which to his or her knowledge is false or misleading.

IRREGULAR SUPPLY

34. The Municipality is not liable for the consequences to the consumer or any other person of any stoppage, failure, variation, surge or other deficiency of electricity from whatsoever cause if compliance with the Electricity Act, 1987 (Act No. 41 of 1987) is maintained.

COMPLAINTS FOR FAILURE OF SUPPLY

35. If an authorized employee of the Municipality is called to the Consumer's premises by any consumer to attend a complaint concerning any failure of supply and the cause thereof is found to be due to the consumer's electrical installation, a charge determined by the Municipality is payable by the consumer for such attendance.

OWNER'S AND CONSUMER'S LIABILITY

36. (1) The owner and the consumer are jointly and severally liable for compliance with any financial obligation or other requirement imposed upon them by these By-laws.
- (2) The liability for compliance with any financial obligation in respect of the consumption of electricity is the sole responsibility of the consumer.

NOTICES

37. (1) Any notice or other document issued by the Municipality in terms of these By-laws is deemed to have been so issued if it is signed by an authorized official of the Municipality.

- (2) Where any notice or other document is required by these By-laws to be served on any person it is deemed to have been properly served if served -
- (a) personally on him or her;
 - (b) on any member of his or her household over the age of 16 years at his or her place of residence;
 - (c) to such person's last known place of residence or business as appearing in the records of the Manager: Financial Services if sent by registered post; or
 - (d) on an officer of that company at its registered office or sent by registered post to such office, if such person is a company

OFFENCES AND PENALTIES

38. (1) Any person contravening or failing to comply with any provision of these By-laws is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding 12 months.
- (2) The occupier or, if there is no occupier, the owner of any premises supplied with electricity, on which a breach of these By-laws is committed, is deemed to be guilty of that breach unless he/she proves that-
- (a) he/she did not know and could not have known that it was being or was likely to be committed; and
 - (b) it was committed by some other person over whose acts he/she has no control.
- (3) Any person who contravenes the provisions of section 13 and who is not charged for electricity consumed or is charged for such electricity at a rate lower than that at which he/she should properly be charged is, despite any penalty which may be imposed in terms of this section-
- (a) liable to pay to the Municipality for the sum which would have been paid to it had the said offence not been committed; and
 - (b) such sum must be calculated in terms of the highest charge which could have been made according to the tariff applicable from the date when the contravention first took place.
- (4) Any fines being paid by the consumer for contravention of any section of these By-laws must be paid over to the Municipality.

REPEAL OF BY-LAWS

39. The provisions of any By-law relating to electricity by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

SHORT TITLE AND COMMENCEMENT

40. These By-laws are called the Electricity By-laws and will come into operation on a date fixed by the Municipal Council.

No. 16

MBIZANA LOCAL MUNICIPALITY

**ENCROACHMENT OF MUNICIPAL PROPERTY
BY-LAWS**

DRAFT

The Municipal Manager of Mbizana local municipality hereby, in terms of section 13(a) of the local government: municipal systems act, 2000 (act no 32 of 2000), publishes the encroachment of property By-laws for the Mbizana Local Municipality, as approved by its council as set out below

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Definitions

1. (1) in these By-laws, any word or expression which has been defined in the national building regulations and building standards act, 1977 (Act No 103 of 1977), has that meaning and, unless context states otherwise-
 - (a) "**Council**" means Mbizana municipal council established in terms of section 12 of the Local Government: Municipal Structures Act, 1999 (act no 117 of 1998);
 - (b) "**encroachment** " means any physical object which intrudes on or over municipal property, or property which the council has control over or other property in respect of which a servitude or other property right has been registered in favour of the council;
 - (c) "**m**" means meter;
 - (d) "**mm**" means millimeter;
 - (e) "**prescribed**" means determined by the resolution of the council made from time to time;
 - (f) "**prescribed fee**" means a fee determined by a council resolution in terms of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

(g) “**public road**” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public has a right of access, and includes –

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part or connected or belonging to such road, street or thoroughfare.

(2) If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Local Government: of the Municipal Systems Act, 2000 (Act No 32 of 2000), or any other law assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

Council permission required

2. (1) No person may, without prior written permission of the Municipality, make or construct any colonnade, veranda, balcony, bay window, pavement light, showcase or other encroachment on or over any part of a public road, and pavement opening in or under any public road.
- (2) The Municipality may refuse permission required in terms of section (1) or may grant such permission either unconditionally or with conditions and subject to the payment of the prescribed fee annually or the performance of work or service determined by the council in each in each case.
- (3) The prescribed fee mentioned in subsection (2) is payable in advance at the beginning of each year which is calculate from the date of the written permission or the date determined by the council, and the owner off the encroachment is liable for the payment of the prescribed fee for each encroachment.
- (4) The owner of an encroachment must within 90 days after the date of commencement of these By-laws notify the council in writing of-
- (a) the existence of an encroachment; and
- (b) the horizontal dimensions of every encroachment measured-parallel to the road boundary on or over which the encroachment exists.

- (5) Until the council is notified of the horizontal dimensions of the encroachment in terms of subsection (4)(b), every encroachment relating to a building is deemed to have an aggregate horizontal dimension equal to the total road frontage on or over which the encroachment exists, of the property on which the building concerned is situated.

Rules for the construction of encroachments

- 3 (1) The design, arrangement and construction of a veranda, balcony, bay window, or other encroachment on or over a public road, as well as the paving, kerb and gutter thereof must be to the satisfaction of and to the levels approved by the council.
- (2) If corrugated iron is used for covering a veranda, its exposed surface must be painted.
- (3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

Columns

- 4 (1) The Municipality may determine areas within the Municipal area where no person may place veranda columns over any public road or pavements.
- (2) No person is permitted to place any veranda column over any pavement where such pavement is less than 2.6 m wide.
- (3) No person may place any veranda column more than 3m from the building line measured to the outside of the column or at less than 3m centre to centre.
- (4) No person may place any veranda column over any pavement at the corner of a public road that is beyond the alignment of the building lines.
- (5) No person may place a portion of any veranda column at a distance less than 600mm back from the front edge of the kerb.
- (6) No person may place a twin or double veranda column over any public road or pavement.
- (7) If a veranda is supported on columns, the columns may not have square arris, no base may project more than 50mm beyond the bottom diameter of the column and the maximum horizontal axial dimensions of such base may not exceed 350mm.
- (8) If the form of a column is classic in character, the shaft must have suitable entasis and cap with the base in due proportions.

- (9) No column including the cap and base, may be less than 3m or more than 3.6m in height and more than 4.5m including plinth
- (10) No person may, without prior written permission from the council, place a column on a public road where the footway or sidewalk is, or is likely to be occupied by any cable, pipe or other municipal service.
- (11) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3m.
- (12) Plain piping or tubing may not be used for any column for a veranda and balcony over or on a public road unless architecturally treated for aesthetic purposes.
- (13) The coping, blocking course or balustrade, if any, may not extend less than 750mm or more than 1.05 m above the floor of a balcony.
- (14) Nothing in these By-laws prohibits-
 - (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
 - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these By-laws are complied with.

Balconies and bay windows

- 5 (1) No balcony, bay window or encroachment may overhang a public road if it is at a height of less than 3m above the pavement.
- (2) No balcony may encroach more than 1.35 m over any public road.
- (3) No bay window may encroach more than 900mm over any public road.
- (4) The aggregate horizontal length of a bay window at any level over a public road may not exceed one-third of the length of the building frontage on that road.
- (5) Any balcony superimposed upon a veranda must be set back at least 1,2m from the line of such veranda.
- (6) No part of a balcony which is attached to any veranda may be carried up to a height greater than two storeys above the pavement level except that, if the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1m in height is allowed above the level of the floor.

- (7) No dividing wall across a balcony over a public road may exceed 1m in height or 225mm in thickness.
- (8) A balcony over any public road may not be the sole means of access to any room or apartment.
- (9) No person may place or permit or cause to be placed any articles upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.
- (10) If any floor of a building is used solely for the parking of a motor vehicle, no bay window at the level of the floor may project over any public road for more than 1.35 m of the full length of the building frontage on to that road.

Plinths , pilasters, corbels and cornices

- 6 (1) No plinth, pilaster or other encroachment beyond a building line carried up from ground level is permitted to encroach on a public road.
- (2) Any pilaster, cornice, corbel, or similar architectural feature which is at least 3m above the ground may not exceed the following encroachment of a public road:
 - (a) A pilaster : 450mm the total aggregate frontage length and any bay window in the same storey must be included in the calculation of the maximum aggregate length for bay window
 - (b) A fire- resisting ornamental hood or pediment over a door : 600mm and in any part not less than 2.75m in height above the footway or pavement;
 - (c) A cornice : 1.05m if not exceeding 10.5m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10.5m with a maximum of 1,8m.

Verandas around corners

7. If a veranda is built around a corner of a public road it must be properly displayed rounded to follow the curve or kerb.

Pavement openings

- 8 (1) No pavement opening may be the sole means of access to any vault or cellar.
- (2) No pavement opening on any public road may extend more than 1,2 m beyond the building line.
- (3) If flaps are permitted in a pavement opening, no flap may exceed 0,75 square meters in area and must open upwards and while open, must be provided with stout iron guardrails and stanchions.

- (4) A flap opening may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress
- (5) The wall in front or parallel to the kerb in every pavement opening must be built with a suitable batter to the satisfaction of the council.
- (6) No pavement opening may be covered with a material bar grating or with a metal plate or with wood.

Maintenance, removal and tenancy of projections

- 9 (1) The owner of any encroachment must maintain the encroachment in good order and state of repair
- (2) Any pavement opening, pavement light, wall thereof and basement wall must be made and kept water-tight by the owner.

Encroachments erected in front of buildings

10. If any encroachment has been erected or constructed in front of any building, the owner must at his, her or its expense-
 - (a) pave the whole footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and
 - (b) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement

Encroachments

11. (1) (a) Any person wishing to erect or construct on, under or over any public, or any immovable property owned by or vested in the Municipality, must apply to the Building Control Officer on a form prescribed by the Municipality for that purpose.
 - (b) If, in the opinion of the Building control Officer, drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other charge is payable to the Municipality.
- (2) The owner of any encroachment or fixture, whether in the course of construction or erection or completed, on, under or over any public road, is regarded as a tenant in respect of the encroachment and, if notified in writing by the council under the hand of the Building Control officer to remove any such encroachment or fixture, must do so within a reasonable period stated in the notice.
- (3) The owner of the building in connection with which any encroachment exists, or is proposed-

- (a) must defray any cost incurred in connection with which any encroachment exists, or is proposed; and
- (b) must allow the Municipality to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities of the Municipality.

Offences and Penalties

12. Any person who-

- (a) contravenes or fails to comply with any provisions of these By-laws ;
- (b) fails to comply with any notice issued in terms of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) obstructs or hinders any authorized representative or employee of the Municipality in the execution of his or her duties under these By-laws,

is guilty of an offence and is liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine no exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such offence.

Repeal of By-laws

13. The provisions of any By-law relating to encroachment of Municipal Property are repealed insofar as they relate to matters provided for in these By-laws.

Short Title

14. This By-law is called Encroachment of Municipal Property By-laws.

No. 17

MBIZANA LOCAL MUNICIPALITY

REFUSE AND SANITARY BY-LAWS

DRAFT

REFUSE AND SANITARY BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), publishes the Mbizana Local Municipality: Refuse and Sanitary By-laws, which have been approved by the Municipal Council

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27. Short title and commencement

CHAPTER 1

1. Definitions

For the purposes of these By-laws unless the context otherwise indicates-

“**bin-liner**” means a plastic bag as prescribed by the Municipality which may be placed inside a container with a conserving capacity not exceeding 0,1m³;

“**builder’s refuse**” means refuse generated by demolition, excavation or building activities on premises;

“**bulky refuse**” means refuse which cannot by virtue of its mass shape, size or temporary extraordinary generation conveniently be stored in a refuse receptacle or container but must not include builders refuse or special domestic refuse;

“**business refuse**” means refuse generated on any premises but which can be readily removed by means of, and without damaging the bin-liner, including garden refuse but excluding builder’s refuse, bulky refuse, domestic refuse or objectionable refuse;

“**container**” means a refuse container as prescribed by the Municipality and which may be supplied by the Municipality at the prescribed tariff, at ruling prices or at hiring charges;

“**disposal site**” means a site for the disposal of refuse which is owned by the Municipality or has been approved for the purpose by the Municipality;

“**domestic refuse**” means refuse which is normally generated on residential premises and which can readily be removed by means of or without damaging the bin-liner, including garden refuse;

“**garden refuse**” means refuse which is generated as a result of normal gardening activities on any premises such as grass cuttings, leaves, plants, flowers, weeds clippings of trees, hedges or fences and other similar small and light matter;

“**Municipality**” means Mbizana Municipality;

“**Municipal Council**” means the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 1998(Act No. 117 of 1998), as amended;

“**objectionable refuse**” means refuse which is toxic, dangerous, injurious or harmful or which may pollute the environment or which results from a manufacturing process or the pre-treatment for disposal purposes of any industrial or mining liquid waste, which in terms of the Municipality’s Drainage By-laws may not be into a drain or sewer;

“**occupier**” includes a person in actual occupation of land or premises without regard to the title under which he/she occupies and in the case of various tenants whether on his or her own account or as agent for any person entitled thereto or interested therein;

“**occupier** in respect of premises held on the Sectional title register opened in terms of the Sectional Titles Act, 1995 (Act 95 of 1995), means a body corporate, as defined in the Act, in relation to such premises;

“**owner**” includes any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who will receive such rent or profits if such land or premises were let, whether on his or her own account or as agent for any person entitled thereto or interested therein;

“ **public place**” includes any road, street, thoroughfare, bridge, sub-way, foot pavement, footpath, side walk, cave, square, open space, garden, park or enclosed space nested in town;

“**prescribed**” means prescribed by the Municipal Council by resolution in terms of these By-laws;

“**special industrial refuse**” means refuse consisting of liquid sludge, resulting from a manufacturing process or the pre-treatment for disposal purposes of any industrial liquid waste, which, in terms of the National Building Standards Act, 1977 (Act No 103 of 1977), and any regulations made in terms thereof, may not be discharged into a drain or sewer and includes refuse containing toxic materials;

“ **tariff charge**” means the charge determined by the Municipality from time to time, in terms of the Municipality’s policy.

CHAPTER 2

REMOVAL OF REFUSE

THE MUNICIPALITY’S SERVICE

2. (1) The Municipality provides a service for the collection and removal of refuse at the prescribed tariffs or through the services of a private entrepreneur.
- (2) The occupier of premises on which refuse is generated, must avail himself or herself of the Municipality’s service for the collection and removal of such refuse except where special exemption is granted.
- (3) The owner of the premises on which the refuse is generated is liable to the Municipality for all charges in respect of the collection and removal of such refuse from such premises.

NOTICE TO MUNICIPALITY

- 3 (1) The occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which refuse is generated, must within seven days after the commencement of the generation of such refuse notify the Municipality that-

- (a) the premises are being occupied; or
 - (b) builders refuse or bulky refuse or business refuse or domestic refuse or objectionable refuse is being generated on the premises.
- (2) The owner or occupier of the premises on which refuse is being generated must in a manner as determined by the Municipality, furnish to the Municipality with all the particulars required with regard to the composition of the refuse.

PROVISION OF REFUSE BINS

4. (1) The Municipality must determine the type and number of the containers required on premises.
- (2) If the Municipality supplies the container, such container must be supplied free of charge, or at ruling prices or at a hiring tariff, as the Municipality may determine.
- (3) If required by the Municipality, the owner of premises will be responsible for the supply of the pre-determined number and type of containers.
- (4) Where a container is supplied at a hiring tariff by the Municipality, such container must remain the property of the Municipality and the owner of the premises is liable to the Municipality for the loss or damage to such container.

PLACING OF REFUSE BINS

5. (1) The owner of premises must provide adequate space on the premises for storage of bins or container on the premises as approved by the Municipality.
- (2) The space provided in terms of subsection (1) must-
- (a) be in such a position on the premises as will allow the storage of bins or container units without their being visible from a street or public place, unless otherwise determined by the Municipality;
 - (b) where domestic refuse is being generated on the premises, be-
 - (i) in such a position as will allow for the collection and removal of refuse by the Municipality's employees without hindrance; and
 - (ii) not more than 20m from the entrance to the premises used by the Municipality's employees;

- (c) be so located as to permit convenient access to and exit from such space for the Municipality's refuse removal vehicles;
 - (d) be sufficient to house any receptacle used in the sorting and storage of the refuse referred to in section 6(1)(a)(i) and 7(7) and any refuse not being stored in a receptacle but this requirement must not apply to cases where permission, in terms of sections 6(1)(a)(i) or 7(7), is not required.
- (3) The occupier of premises, or in the case of in premises occupied by more than one person, the owner of such premises, must place the bins supplied in terms of section 4 in a space provided in terms of subsection (1) and must at all times keep them there.
- (4) Despite anything to the contrary contained in subsection (3)-
- (a) in case of buildings erected or building of which the buildings plans have been approved prior to the coming into effect of these By-laws;
 - (b) in the event of the Municipality, in its opinion, being unable to collect and remove refuse from the space provided in terms of subsection (1); and
 - (c) and having regard to the avoidance of nuisance and the convenience of collection of refuse,
- (5) Indicate a position within or outside the premises where the bin must be placed for the collection and removal of refuse and bin must be placed in such positions at such times and for such period as the Municipality may prescribe.

USE AND CARE OF REFUSE BINS AND BIN-LINERS

6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises must ensure that-
- (a) all the domestic or business refuse generated on the premises is placed and kept in such bin-liners for removal by the Municipality but the provisions of this sub section will not prevent any occupier or owner-
 - (i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill. for consumption; or

- (ii) from utilizing such domestic refuse as may be suitable for making compost, and refuse remains on the premises and does not cause a nuisance.
 - (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin-liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of these By-laws, is placed in bin-liners before he/she has taken such steps as may be necessary to avoid such damage or injury;
 - (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin-liners unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin-liners;
 - (d) each container on the premises is closed, save when refuse is being deposited therein or discharged there from, and that every refuse bin is kept in a clean and hygienic condition;
 - (e) no person deposits refuse in any other place than in the containers provided for that purpose.
- (2) No refuse bin may be used for any purpose other than the storage of business, industrial or domestic refuse and no fire must be lit in such container.
 - (3) The bin-liners containing refuse must be removed by the Municipality only if such bin-liners have been placed at the prescribed places, as provided for in section 5 and at such intervals, as the Municipality may deem necessary.
 - (4) The Municipality is not be liable for the loss of or for any damage to the bin or bin-liner.

COMPACTION OF REFUSE

- 7 (1) If the quantity of domestic or business refuse generated on premises is such that, in the opinion of the Municipality, the major portion of such refuse is compactable or if the owner or occupier of the premises wish to compact such refuse, such owner or occupier, as the case may be, must-
 - (a) use an approved equipment designed to shred or compact or compact refuse; and
 - (b) put the refuse so treated into an approved plastic paper or other disposable container or into a compaction unit container, but the provisions of section 4 will remain applicable to all other refuse.

- (2) The capacity of the plastic, paper or other disposable container referred to in subsection (1) must not exceed 0,1 cubic meters.
- (3) After the refuse, treated as referred to in subsection (1), has been put into a plastic paper or other disposable container must be placed into a container unit.
- (4) The owner or the occupier, as the case may be, must be supply the container mentioned in subsection (1).
- (5) If the container referred to in subsection (1) is made of steel, such container must, after the collection thereof and after the Municipality has emptied it, be returned to the premises.
- (6) The Municipality must remove and empty the containers referred to in subsection (1) at such intervals, as the Municipality may deem necessary in the circumstance.
- (7) The provisions of this section must not prevent any owner or occupier of premises, as the case may be, after having obtained the Municipality's prior written consent from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumer purposes.

CHAPTER 3

GARDEN AND BULKY REFUSE

REMOVAL, DISPOSAL OF GARDEN AND BULKY REFUSE

8. (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden or bulky garden refuse is generated, must ensure that such refuse is disposed of in terms of this Chapter within reasonable time after the generation thereof but garden refuse may be retained on the premises for the making of compost if it will not cause a nuisance
- (2) Despite the provisions of section 2 (1) any person may remove and dispose of garden or bulky garden refuse or other bulky refuse but the conditions of section 16 must be adhered to.
- (3) Garden or bulky refuse must, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Municipality as a disposal site for such refuse.

MUNICIPALITY'S SPECIAL SERVICE

9. (1) At the request of the owner or any occupier of any premises and after the payment of the prescribed tariff charge, the Municipality must remove bulky garden and other bulky refuse from premises, if the Municipality is able to do so with its refuse removal equipment.
- (2) All such refuse must be placed within 3 m of the boundary loading point, but not on the sidewalk.
- (4) the Municipality may determine the type and quantity of the containers which must be used for the storage and removal of such refuse.

CHAPTER 4**BUILDER'S REFUSE****RESPONSIBILITY FOR BUILDERS' REFUSE**

10. (1) The owner of premises on which builders refuse is generated must ensure that such refuse is disposed of in terms of section 7 within a reasonable time after the generation thereof
- (2) Despite the provisions of section 2(1) anyone may render a service for the removal of refuse should the Municipality render such a service, it must do so at the prescribed tariffs and the provisions of section 8 will apply with the necessary changes.

CONTAINERS

11. (1) If containers or other receptacles used for the removal of builder's refuse, bulky refuse or other waste material from premises can, in the opinion of the Municipality, not be kept on the premises, such containers or other receptacles may with the consent of the Municipality be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1) will be subject to such conditions as the Municipality may deem necessary but in giving or refusing its consent or in laying down the conditions the Municipality must consider the convenience and safety of the public.
- (3) The written consent of the Municipality referred to in subsection (1) will only be given on payment of a tariff charge for the period of such consent.
- (4) Each container or other receptacle used for the removal of builder's refuse must -

- (a) have the name and address or telephone number of the person in control of the container on it clearly marked;
- (b) be fitted with reflecting chevrons on or reflectors which must completely outline the front and back thereof; and
- (c) be closed at all times other than when actually receiving or being emptied of such refuse so that no displacement of its contents or dust nuisance can occur.

DISPOSAL OF BUILDERS' REFUSE

12. (1) Subject to the provisions of subsection (2), all builder's refuse must be deposited at the Municipality's disposal sites.
- (2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Municipality be deposited at a place other than the Municipality's disposal site.
- (3) Any consent given in terms of sub section (1) is subject to such conditions as the Municipality may deem necessary, but in giving or refusing its consent or in laying down conditions the Municipality will have regard to-
- (a) the safety of the public;
 - (b) the environment of the proposed disposal site;
 - (c) the suitability of the area including the drainage thereof;
 - (d) the expected manner and times of depositing of refuse at the site;
 - (e) The levelling of the site;
 - (f) the control of dust; and
 - (g) other relevant factors.

CHAPTER 5

SPECIAL INDUSTRIAL REFUSE

NOTIFICATION OF GENERATION OF SPECIAL INDUSTRIAL REFUSE

13. (1) A person engaged in the activity which causes special industrial refuse to be generated must inform the Municipality of its composition, the quantity generated, how it is stored and how and when it will be removed.

- (2) If so required by the Municipality, the information referred to in subsection (1) must be substantiated by an analysis certified by a qualified industrial chemist.
- (3) The Municipality or any person authorized by the Municipality may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) Having notified the Municipality in terms of subsection (1), the person mentioned in subsection (1) must notify the Municipality of any changes in the composition and quantity of the special industrial refuse occurring thereafter.

STORING OF SPECIAL INDUSTRIAL REFUSE

14. (1) The person referred to in section 13(1) must ensure that the special industrial refuse generated on the premises is kept and stored in terms of subsection (2) until it is removed from the premises in terms of section 13.
- (2) Special industrial refuse stored on premises must be stored in such manner that it cannot become a nuisance or pollute the environment.
- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on where it is generated, the Municipality may order the owner of the premises and the person referred to in section 11(1) to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may itself or through a contractor remove it at the owner's expense.

REMOVAL OF SPECIAL INDUSTRIAL REFUSE

15. (1) No person must remove special industrial refuse from the premises where it was generated without the written consent of the Municipality.
- (2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit.
- (3) In laying down conditions the Municipality must have regard to-
 - (a) the composition of the special industrial refuse;
 - (b) the suitability of the vehicle and container to be used;
 - (c) the place where the refuse must be dumped; and
 - (d) proof to the Municipality of such dumping.

- (4) The Municipality must not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and to comply with the conditions laid down by the Municipality.
- (5) The person referred to in section 11(1) must inform the Municipality, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of section 11(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (6) If any person contravenes the provisions of this section, such person must dispose of the refuse removed by him as directed by the Municipality.

CHAPTER 6

DISPOSAL SITES

CONDUCT AT DISPOSAL SITES

16. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality, must-
- (a) enter the disposal site only at an authorized access point;
 - (b) give the Municipality all the particulars required in regard to the composition of the refuse; and
 - (c) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person must bring intoxicating liquor onto a disposal site controlled by the Municipality.
- (3) No person must enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of these By-laws and then only at such times as the Municipality may from time to time determine.
- (4) No person must incinerate any material or object on the disposal site controlled by the Municipality;

OWNERSHIP OF REFUSE

17. (1) All refuse removed by the Municipality, and all refuse on refuse disposal sites controlled by the Municipality are the property of the

Municipality and no person who is not duly authorized by the Municipality to do so must remove or interfere therewith.

- (2) Only refuse, which is generated on premises within the Municipality's area of jurisdiction, may be disposed on the Municipality's refuse disposal sites but written permission may be granted by an authorized official of the Municipality in this regard to institutions situated outside the Municipality's jurisdiction.

CHAPTER 7

LITTERING, DUMPING AND ANCILLARY MATTERS

LITTERING

18. (1) No person must-
- (a) throw, let fall, deposit or spill any refuse into or onto any public place, vacant stand, vacant erf, stream or water course;
 - (b) sweep any refuse into a gutter on a public place; or
 - (c) allow any person under his control to do any of the acts referred to in paragraphs (a) and (b).
- (2) For the purposes of this section a person is deemed to have allowed the acts referred to in subsection (1) of persons under his or her control, unless the contrary is proved.

DUMPING

19. (1) Subject to any provisions to the contrary in these By-laws contained, no person must abandon anything or allow anything under his or her control to be abandoned at a place where such thing has been brought with the intention of abandoning it there.
- (2) Once it has been proved that such person left a thing or allowed it to be left at a place where he/she is not the owner or occupier, he/she is deemed to have contravened the provisions of subsections (1), unless and until he/she proves the contrary.
- (3) Any person who contravenes the provisions of subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

ABANDONED OBJECTS

20. Anything, other than a vehicle deemed to have been abandoned which is, in the light of such factors as-

- (a) the place where it is found;
- (b) the period it has been lying at such place; and
- (c) the nature and condition of such object,

reasonably regarded by the Municipality as abandoned, the Municipality may remove it and disposed of it as may deem fit.

LIABILITY OF RESPONSIBLE PERSON

21. (1) Where anything has been removed and disposed of by the Municipality in terms of section 20, the person responsible is liable to pay to the Municipality the tariff charge in respect of such removal and disposal.
- (2) For the purposes of subsection (1) the person responsible must be-
- (a) the owner of the object, and must includes any person who is entitled to be in possession of the thing by virtue of a hire purchase agreement or any agreement of lease at the time when it was abandoned or put in the place where it was removed by the Municipality unless he or she can prove that he or she was not concerned in and did not know of its being abandoned or put in such place; or
 - (b) any person who put it in the said place; or
 - (c) any person who knowingly permitted it to be put in said the place.

CHAPTER 8

GENERAL PROVISIONS

ACCESS TO PREMISES

22. (1) Where the Municipality provides a refuse collection service, the occupier of premises must-
- (a) grant the Municipality access to the premises for the purpose of collecting and removing refuse; and
 - (b) ensure that nothing obstructs, frustrates or hinders the Municipality in carrying out it service.
- (2) Where in the opinion of the Municipality the collection or removal of refuse from any premises is likely to cause damage to the premises or the Municipality's property, or injury to the refuse collectors or any other person it may, as condition of rendering a refuse collection

service in respect of the said premises, require the owner or occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

ACCUMULATION OF REFUSE

23. When any category of refuse defined in Chapter 1 of these By-laws, accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Municipality may make a special removal of such refuse and the owner is liable in respect of such special removal to pay the tariff charge therefore.

CHARGES

24. (1) Save where otherwise provided in these By-laws, the person to whom any service mentioned in these By-laws has been rendered by the Municipality is liable to the Municipality for the prescribed tariff charge in respect thereof.
- (2) Services rendered by the Municipality in respect of which a monthly tariff charge is prescribed, must only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.
- (3) The monthly tariff charges are payable until the Municipality receives the notice mentioned in subsection (2) or it becomes clear to Municipality that the generation of refuse on the premises has ceased.
- (4) The Municipality must have the right at any time to levy tariff charges in respect of a service rendered to any premises in terms of these By-laws, although the Municipality has not received an application to render such services from the owner or occupier of such premises.

OFFENCES AND PENALTIES

25. (1) Any person who contravenes or fails to comply with any provision of these By-laws is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.
- (2) In the event of a continuing offence any person who contravenes or fails to comply with any provisions of these By-laws, is guilty of a separate offence for every 24 hours or part of such period during which the offence continues, and is liable as set out in subsection (1) in respect of each separate offence.

REPEAL OF BY-LAWS

26. (1) Any By-laws applicable in the jurisdiction of the Municipality and which relate to the subject matter of these By-laws, are repealed to the extent that they are in conflict with the provisions of these By-laws.
- (2) The repeal of the existing By-laws, in the matter prescribed in subsection (1) is effective from the date of the promulgation of these By-laws.

SHORT TITLE AND COMMENCEMENT

27. These By-laws are called Refuse and Sanitary By-laws and will come into operation on a date fixed by the Municipal Council.

No. 18

MBIZANA LOCAL MUNICIPALITY

PUBLIC AMENITIES BY-LAWS

DRAFT 1

PUBLIC AMENITIES BY-LAW

In terms of section 156(2) of the Council of the Republic of South Africa, 1996, the Local Government: Municipal Systems Act, 2000 and the Local Government: Municipal Structures Act, 1998, the Mbizana Municipal Council has made the following By-Laws as set forth hereunder.

1. Definitions

In this By-law, unless the context otherwise indicates-

“**Council**” means the Mbizana Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Managers and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“**notice**” means a clear and legible official notice drawn up by a Council in both English and Xhosa and displayed by order of the Council at every entrance to or at a conspicuous place at or on a public amenity and to which the Council shall make known provisions and directions adopted by it in terms of a By-law;

“**public amenity**” means

- (a) any land, square, camping, site, swimming-bath, public resort, recreation site, nature reserve, zoological-, botanical- or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;
- (b) any building, structure, hall room or office including any part thereof and possessed, controlled or leased by a Council and to which the general public has access, whether on payment of admission fees or not;
- (c) also any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the Council;

2. Maximum number of visitors

- (1) A Council may determine the maximum number of visitors who may be present at a specific time in or at a public amenity, but different numbers may so be determined for different public amenities.

- (2) The number referred to in subsection (1) are made known by the Council by means of a notice.

3. Admission to and residence in a public amenity

- (1) A public amenity is, subject to the provisions of these By-Laws, open to the public on the times determined by the Council concerned, but different times may be determined in respect of different public amenities.
- (2) No visitor must enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The times and places contemplated in subsection (1) and (2), must be made known by the Council concerned by means of a notice.

4. Entrance fees

- (1) A visitor to a public amenity must pay the entrance fees determined from time to time by the Council, and such entrance fees must be made known by means of a notice.
- (2) Different entrance fees may so be determined in respect of visitors of different ages.

5. Nuisance

No person must perform or permit any of the following acts to be performed in or at a public amenity-

- (a) use of language or the performance of any other act with the purpose of disturbing the good order;
- (b) firing of firearms, air guns, air pistols, fireworks or the use of sling-shots or catapults;
- (c) burning of rubble or refuse;
- (d) causing of unpleasant or offensive smells;
- (e) production of smoke nuisance; or
- (f) causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments, or similar equipment.

6. Health matters

No person must in or at a public amenity-

- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
- (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- (c) enter any bath or swimming-bath while suffering from an infectious or contagious disease or having an open wound on his or her body;
- (d) perform any act that may detrimentally affect the health of any other visitor to a public amenity.

7. Structures

No person must, without the written consent of the Council having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside for that purpose by notice, but application for such consent must be made to the Council on a form provided for that purpose, at least 21 days before such erection.

8. Liquor and food

(1) No person must, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.

(2) Subject to the provisions of subsection (1)-

- (a) no person must on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice;
- (b) but the preparation and cooking of food in or at a public amenity must be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; and
- (c) no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

9. Animals

(1) No person must bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the Council, but different directions may be determined in respect of different public amenities and different types of animals, birds, fish and poultry.

(2) Directions referred to in subsection (1), must be made known by means of a notice.

10. Loitering

No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street, public place or on a private place or who habitually begs for money or goods or persuades others to beg for money and goods on his or her behalf, may loiter or linger about in a public amenity.

11. Gatherings and processions

(1) No person must without the consent of the Council, or contrary to any condition which the Council may in or at a public amenity, impose when granting such consent-

- (a) arrange, present or attend any public entertainment;
- (b) collect money or any other goods for charity or any other purpose from the general public;
- (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
- (d) arrange, hold, address or attend any meeting;
- (e) arrange, hold or attend a public gathering or procession, exhibition or performance;
- (f) conduct any trade, occupation or business;
- (g) display, sell or rent out or present for sale or rent any wares or articles;
- (h) hold or attend an auction; or
- (i) tell fortunes for compensation.

- (2) For the purposes of these By-Laws “public gathering or procession” means a procession or gathering of 12 or more persons.
- (3) Consent referred to in section (1), may be refused only if the Council is of opinion that-
- (a) it would give rise to-
 - (i) public rioting;
 - (ii) disturbance of public peace; or
 - (iii) committing of an offence;
 - (b) it would be detrimental to the public or the users of or visitors to the public amenity; or
 - (c) it would be detrimental to the public amenity.
- (4) Any person who requires the Council’s written consent for any action referred to in subsection (1), must apply in writing to the Council at least 21 days before such action on the form provided for this purpose, provided that the Council may, but is not obliged to, consider an application which is received less than 21 days prior to the event.

12. Safety and order

- (1) No person shall, subject to subsection (2), in or at a public amenity-
- (a) damage or disfigure anything within such amenity;
 - (b) use or try to use anything within which amenity for any purpose other than that for which it is designated or determined by notice;
 - (c) light a fire or barbecue meat, except at a place indicated for that purpose by notice;
 - (d) throw away any burning or smouldering object;
 - (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
 - (f) pullout, pick or damage any tree, plant, shrub, vegetation or flower;
 - (g) behave himself /herself in an improper, indecent, unruly, violent or unbecoming manner;

- (h) cause a disturbance;
 - (i) wash, polish or repair a vehicle: Provided that this provision shall not be applicable to the emergency repair of a vehicle;
 - (j) walk, stand, sit or lie in a flower bed;
 - (k) kill, hurt, follow, disturb, ill treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
 - (l) walk, stand, sit or lie on grass contrary to the provisions of a notice;
 - (m) lie on a bench or sitting place or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - (n) play or sit on play park equipment, except if the person concerned is a child under the age 13 years; or
 - (o) swim, walk or play, contrary to the provisions of a notice in a fishpond, fountain, stream or pond.
- (2) A Council may by way of notice and subject to such conditions as the Council deems necessary and mentioned in the notice authorize any of the actions contemplated in subsection (1).

13. Water

No person may misuse, pollute or contaminate any water source or water supply or wastewater in or at any public amenity.

15. Laundry and crockery

No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

15. Vehicles

- (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aircraft, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Council concerned, but different directions may be determined for different public amenities and for different such vehicles, craft or aircraft.
- (2) The Council may determine the speed limit applicable in a public amenity, but different speed limits may be determined for different public amenities and for different such vehicles, craft and aircraft.

- (3) The directions referred to in subsection (1) and the speed limit referred to in subsection (2) must be made known by the Council by way of notice.

16. Games

No game of any nature whatsoever must be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the Council and which is made known by way of notice.

17. Improper or indecent behaviour

No person may in or at a public amenity-

- (a) perform an indecent act or conduct himself/herself improperly by exposure of his person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd dirty or indecent language;
- (c) write paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;
- (d) defecate, urinate or undress, except in such building or on premises intended or indicated by notice for such purpose or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex.

18. Clothing

Visitors to or a user of a public amenity at all times shall be clothed decently in public.

19. Powers of a person in control

The Municipal Manager, Manager Corporate Services or a person appointed by Council to control a public amenity may-

- (b) at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of these By-law are complied with; and
- (c) for the better exercising of any power or the performance of any function or duty assigned or granted to him or her, take along an interpreter who, while acting under the lawful order of such a person, has the same powers, functions and duties as such person.

20. Offences and penalties

Any person who –

- (a) contravenes or fails to comply with any provisions of these By-Laws;
- (b) fails to comply with any notice issued in terms of these By-Laws;
- (c) fails to comply with any lawful instruction given in terms of these By-Laws; or
- (d) obstruct or hinders any authorized official in the execution of his or her duties under these By-Laws.

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment .

21. Repeal

(1) Any By-Laws applicable in the jurisdiction of the Municipality relating to the subject contained in these By-Laws, are hereby repealed to the extent that they conflict with the provisions of these By-Laws.

(2) The repeal of the existing By-Laws is effective from the date of the promulgation of these By-Laws

30. Short Title and commencement

(1) These By-laws are called Public Amities By-laws and shall come into operation on a date or dates determined by the Municipal Council and published in the provincial gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 19

MBIZANA LOCAL MUNICIPALITY

**SWIMMING POOLS AND SPA BATHS
BY-LAWS**

DRAFT 1

SWIMMING POOLS AND SPA-BATHS BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Swimming Pools and Spa Baths By-laws which have been approved by the Municipal Council.

Section	Index
1.	Definitions
2.	Requirement for premises
3.	Duties of the Spa-bath keeper
4.	Duties of the swimming-pool keeper
5.	Water Supply
6.	Safety of water
7.	Prohibition on the use of a swimming pool or spa-bath
8.	Right of Entry
9.	Order and Behaviour
10.	Short title and commencement

1. Definitions

In these By-laws, unless the context otherwise indicates –

"Municipality" means Mbizana Municipality;

"Municipal Council" means the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, (Act No. 117 of 1998), as amended;

“**National Building Regulations and Building Standards Act**” means National Building Regulations and Building Standards Act, 1977(Act No. of 1977), as amended;

“**premises**” means any land, building or structure.

2. Requirement for premises

(1) Separate change-rooms, shower and toilet facilities must be proved for each sex with easy access of the spa-bath and swimming pool and must be in accordance with the National Building Regulations and Building Standards Act.

(2) A swimming pool must be surrounded by an approved wall or fence as contemplated in the National Building Regulations and Building Standards Act.

(3) The surface of the floor area surrounding the sp-bath or swimming pool must be of an impervious, non-slip material.

(4) A suitable chemical gasmask must be provided at the chlorinator installation, and if required by the health officer, an oxygen or air breathing apparatus must be provided.

(5) An adequate number of refuse receptacles must be provided on the premises.

3. Duties of the Spa-bath keeper

- (a) The premises must be kept in a safe, clean and sanitary condition and in good repair at all times.
- (b) an approved, fully equipped first-aid box, clearly designated, properly maintained and kept in a prominent, easily accessible and protected positions must be provided.
- (c) The spa-bath keeper must ensure that the water is purified, treated and maintained to an acceptable quality at all times when the spa-bath is in use.
- (d) Equipment for testing the quality of the spa-bath water for pollution and for disinfections must be provided and maintained in proper working order.
- (e) The spa-bath keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- (f) A daily operating record of the water quality must be maintained.

3. Duties of the swimming-pool keeper

- (a) the premises must be kept in a safe, clean and sanitary condition at all times;
- (b) provide an approved fully equipped first-aid box, life-saving equipment and resuscitation appliance clearly designated, properly maintained and kept in a prominent, easily accessible and protected position;
- (c) The swimming-pool keeper must be qualified and proficient in life saving, rendering first aid, use of the resuscitation appliance, the operation of the swimming pool and testing and maintain the safety of the water;
- (d) The swimming-pool keepers must ensure that the water is purified, treated and maintained to an acceptable quality at all times when the swimming pool is in use.
- (e) Provide and maintain in proper working order equipment for testing the quality of the swimming-pool water for pollution and disinfections;
- (f) The swimming-pool keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof;
- (g) A daily operating record of the water quality must be maintained.

4. Water Supply

- (a) No water from a source other than water from the Municipality's supply, must be used to clean, fill or maintain the level in a swimming-pool or spa-bath unless the environmental health officer has issued a certificate to the swimming-pool or spa-bath keeper, stating that such water is suitable for such use.

The environmental health officer must take samples of the swimming-pool or sp-bath water at intervals as he deems fit for the purpose of a chemical analysis or bacteriological examination, to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)

5. Safety of water

Every spa-bath keeper and swimming-pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following when it is in use-

- (a) The water must be free from floating, suspended or settled debris or swimming organisms and the wall, floor, access ladders or steps and gutters must be free from slime and algae;

- (b) The pH value of the water must be not less than 7 and not greater than 8;
- (c) Where chlorine based disinfectants are used, minimum free available chlorine residual of 0,5 mg/l with a maximum free available chlorine residual of 3 mg/l must be maintained
- (d) Where a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of subsection (3).
- (e) The total viable bacteriological count of any sample submitted for analysis in accordance with the acceptable methods must not exceed 100 organisms per ml of water
- (f) Escherichia coli type 1 bacteria must not be present in any 100 ml of water; and
- (g) Appropriate water quality testing equipment must be available and maintained.

6. Prohibition on the use of a swimming pool or spa-bath

(a) If the water in the swimming-pool, or spa-bath when available for use, does not comply with the provisions of section 5, and if, in the opinion of the environmental health officer, the use of such swimming-pool or spa-bath is not in the interest of public health, he or she may forthwith prohibit the use of such swimming-pool or spa-bath.

(b) A prohibition in terms of subsection (1) must remain in force until written revocation thereof by the environmental health officer has been served upon the swimming pool or spa-bath keeper.

7. Right of Entry

(a) The environmental health officer may at all reasonable times, when the swimming pool or spa-bath is available for use, enter any premises for the purpose of inspection and take samples of water as he may deem necessary for chemical or bacteriological examination or analysis.

8. Order and Behaviour

No person must-

- (a) interfere with the spa-bath keeper, swimming-pool keeper or any official of Municipality in the execution of their duties;
- (b) allow any dog or other pet belonging to him or her or under his care to enter or to remain within the premises;

- (c) use any premises whilst knowingly or suspecting of suffering from any communicable or contagious disease; or
- (d) urinate, defecate, spit or blow his nose in the spa-bath or swimming-pool.

Repeal of By-laws

34. The provisions of any By-laws relating to swimming pools and spa baths by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

9. Short title and commencement

These By-laws are called Swimming Pools and Spa Baths By-laws and will come into operation on a date fixed by the Municipal Council by notice in a Gazette.

No. 20

MBIZANA LOCAL MUNICIPALITY

HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES BY- LAWS

DRAFT 1

HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Hairdressing, Beauty and Cosmetology Services which have been approved by the Municipal Council.

Definitions

1. In this chapter, unless the context otherwise indicates --

“body piercing,” means the piercing of the skin for the purpose of inserting any foreign object;

“cosmetology or beauty service” includes, but is not limited to, any one or more of the following services:

- (a) manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used;
- (b) eyebrows shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes;
- (c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means;
- (d) facial skin care;
- (e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation of substance is used in any of these operations;
- (f) body piercing and tattooing for cosmetic purposes;
- (g) Massaging;
- (h) body bronzing by means of ultraviolet radiation or any similar method; or
- (i) body contouring including all forms of slimming;

“hairdressing” includes, but is not limited to, any one or more of the following services:

- (a) Shampooing and cleansing, conditioning and treating hair; chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (b) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
- (c) hair cutting and shaping;
- (d) barbering services including shaving and singeing of hair;
- (e) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
- (f) trichology and tricological treatment of the hair including the treatment of abnormalities and disorders of the hair;

“salon” means any place where any or more of the following service are performed for gain:

- (a) hairdressing service;
- (b) cosmetology or beauty service;
- (c) body piercing and tattooing; or
- (d) massaging service;

“salon service” means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

Permit requirements

2. (1) No person may operate a salon except in terms of a permit authorising that activity.
- (2) A person desiring to operate a salon must make an application for a permit from the Municipality and complete a prescribed form.

Requirements for premises

3. No person may operate a salon on any premises which do not comply with the following requirements:
- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
 - (b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
 - (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Buildings Standards Act;
 - (d) adequate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
 - (e) an approved system for the disposal of waste water must be provided;
 - (f) adequate storage facilities must be provided;
 - (g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed;
 - (h) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall; and
 - (i) Adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing:
 - (i) an adequate metal locker for every employer;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
 - (j) if no change-room has been provided in terms of paragraph (i) –

- (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
- (ii) an adequate metal locker must be provided for every employee in the work area.

Duties of salon operators

4. Any person operating a salon must –

- a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin;
- c) provide employees on the premises with approved protective clothing and equipment;
- d) collect all hair clippings and other waste in an approved container after every service;
- e) store or dispose of waste in an approved manner;
- f) adequately train any person working on the premises;
- g) not permit any animal on the premises unless it is a guide dog accompanying a blind person; and
- h) ensure that every person working in the salon complies with the requirements of this section and section 55 and 56.

Required minimum health standards for the operation of a salon

5. Any person operating or employed in a salon must take the following measures:

- (a) adequately disinfect the following instruments after each use:
 - (i) Razors;
 - (ii) blades;
 - (iii) nail files;

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- (iv) scissors;
 - (v) clippers;
 - (vi) hairbrushes;
 - (vii) combs;
 - (viii) bristle brushes;
 - (ix) metal clips; and
 - (x) rollers;
- (b) adequately sterilise the following instruments after each use:
- (i) any instrument use for body piercing or tattooing;
 - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear disposable gloves when providing one of the following salon services:
- (i) any chemical services;
 - (ii) any hair implant;
 - (iii) body piercing; and
 - (iv) tattooing;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;

- (i) dispose of all waste, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;
- (j) store razors, blades, needles and other sharp instruments separately in a "sharp instrument" box;
- (k) adequately treat any injury or wound which may occur on the premises;
- (l) clean and disinfect all surfaces that have been contaminated by blood after each service; and
- (m) keep an approved first aid kit on the premises at all times.

Prohibition against the use of salon premises for other purposes

6. (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person, who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

Offences and penalties

7. Any person:
- (a) who contravenes or fails to comply with:
 - (i) any provision of these By-laws;
 - (ii) any condition imposed in terms of these By-laws or;
 - (iii) any notice referred to in terms of these By-laws
 - (b) who obstruct or hinders any officer in the carrying out of any duty in terms of any provisions of these By-laws or
 - (c) who in connection with any provision of these By-laws furnishes information which, to his knowledge, is false or in any material respect misleading,
- is guilty of an offence and liable on conviction to a fine or, in default of payment to imprisonment for a period of six months.

Repeals

8. The Mbizana Local Municipality hereby in terms of section 13 of the Municipal System Act 32/2000, revokes and repeal all the By-laws Relating to Hairdressing, Beauty and Cosmetology Services within the area of jurisdiction of Mbizana Local Municipality.

Short title and commencement

9. (1) These are called By-Laws Relating to Hairdressing, Beauty and Cosmetology Services will come into operation on a date or dates to be determined by the Council by publication in the Provincial Gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 21

MBIZANA LOCAL MUNICIPALITY

PUBLIC OPEN SPACES BY-LAWS

DRAFT 1

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Open Spaces By-Laws, which have been approved by the Municipal Council.

SUMMARY OF PERTINENT PROVISIONS OF THE DRAFT PUBLIC OPEN SPACES BY-LAWS

CHAPTER I: INTERPRETATION AND FUNDAMENTAL PRINCIPLES

Application and Purpose

1. The By-law applies to all public open spaces, other than cemeteries, in the Mbizana Local Municipality. Public open spaces refers to, any land which, for example, the public has a common right to use or which has been set aside for the purposes of public recreation or conservation or which is undeveloped and open and has not been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan.
2. The purpose of the By-law is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework:
 - (a) to ensure that Council control, management and development of public open spaces is environmentally sustainable, and is in the long-term interests of the whole community of Mbizana, including future generations; and
 - (b) that clearly defines the rights and obligations of the public in relation to public open spaces.

CHAPTER II: MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

Principles

The following principles are applicable: -

3. (1) Public open spaces must be managed, and where appropriate developed, in the interests of the whole community.
- (2) Public open spaces must be managed in an environmentally sustainable manner.
- (3) People must be given access to public open spaces on a non-discriminatory and equitable basis.

- (4) Where necessary, special measures must be taken to facilitate access to public open spaces by historically disadvantaged persons and by disabled person.
- (5) Access to a public open space may be restricted but not in a manner that unjustifiably discriminates against any person or class of persons.
- (6) The recreational, educational, social and other opportunities which public open spaces offer must be protected and enhanced to enable local communities, particularly historically disadvantaged communities, and the public to improve and enrich their quality of life.
- (7) Local communities must be encouraged to use and care for public open spaces in their areas.
- (8) The natural environment and heritage resources within public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community, the public and future generations.

Application of principles

4. The principles set out above together with the principles set out in the National Environmental Management Act, 1998 (Act 107 of 1998) must be considered and applied by any person exercising a power or function or performing a duty under these By-Laws or formulating or implementing a policy which is likely to impact on public open spaces.

General powers

5. The Council, which is defined to include a service provider such as Mbizana Parks, may in relation to any public open space –
 - (a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these By-Laws may be undertaken;
 - (b) develop any public open space in accordance with the principles set out in section 1;
 - (c) exercise any power reasonably necessary to discharge its management of public open spaces obligations in terms of the By-law.

FEES

6. The Council may require members of the public to pay a prescribed fee, for amongst other things –
 - (a) the use of recreational or other facilities;

(b) entrance to public open spaces which are significantly more expensive to maintain than other public open spaces, such as botanical gardens;

(c) the right to undertake a special event;

the exclusive use of municipal property for a specific period.

Restricting access

7. The Council may restrict access to any public open space or to any part of a public open space for a specified period of time to --

(a) Protect any aspect of the environment within a public open space;

(b) reduce vandalism and the destruction of property;

(c) improve the administration of a public open space;

(d) develop a public open space;

(e) enable a special event to proceed; or

(f) undertake any activity that the Council reasonably considers necessary or appropriate to achieve the purposes of these By-Laws.

Procedure when exercising powers

8. Before exercising its powers the Council must

(a) give notice of the proposed action; and

(b) consider the comments and objections received in response to the notice.

Powers of enforcement officers

9. In relation to any public open space, an enforcement officer may issue a notice in terms of the Criminal Procedure Act or the By-Laws, or order a person to leave a public open space where she or he reasonably believes that the By-law has not been complied with.

Obligations in relation to public open spaces

10. (1) The Council must within a public open space erect any notice required under these By-Laws.

- (2) In relation to recreational public open spaces, the Council must ensure that they are open to the public between the sunrise and sunset, unless specified otherwise.

CHAPTER III: PROHIBITED CONDUCT

Prohibited activities

Any person who undertakes an activity or behaves in a manner that is prohibited under this chapter commits an offence.

General

11. No person shall within a public open space --
- (a) act in a manner that is dangerous to life or property;
 - (b) contravene the provisions of any notice within any public open space;
 - (c) unlawfully enter a public open space to which access has been restricted;
 - (d) cause a nuisance;
 - (e) behave in an indecent or offensive manner; or obstruct any authorized official who is exercising a power under these By-Laws.

Use

12. Unless authorized, no person shall within a public open space may --
- (a) swim in or wash him- or herself, an animal or any object, including clothing, in any water body;
 - (b) use a watercraft on any water body;
 - (c) make a fire;
 - (d) camp in any public open space;
 - (e) consume, brew, store or sell any alcoholic beverage,
 - (f) use any sound equipment;
 - (i) play an active game, except in an area designated for that purpose;
 - (ii) shoot; or
 - (g) ride a horse or bicycle.

Waste

13. No person may deposit dump or discard any waste, except in a receptacle provided by the Council for that purpose.

Vehicles

14. Limitations are placed on the driving and parking within a public open space.

Animals and vegetation

15. No person shall may disturb, damage, destroy or remove any vegetation;
plant any vegetation; molest or in any other way disturb any fish, bird or animal; or place on any tree any printed matter.

Selling and special events

16. Unless so authorized no person may use municipal property in a way that unfairly restricts or prevents other users of the public open space from enjoying that municipal property or sell, hawk, offer or display any goods or articles for sale or hire.

Community service

17. No person shall within a public open space undertake any community or voluntary work of any description.

CHAPTER IV: APPLICATIONS FOR AUTHORIZATION**Application for a special event permit**

18. (1) An application for permission to hold a special event in a public open space must be made at least three weeks before the proposed date of the special event.
(2) The time period referred to in subsection (1) may be reduced on good cause at the Council's discretion.
(3) The application must contain specified information.

Application for permission to farm in an urban agricultural public open space

An application for permission to farm in an urban agricultural public open space must contain specified information.

CHAPTER V: CO-OPERATIVE MANAGEMENT AGREEMENTS

19. The Council may enter into a written agreement with any organ of State, local community or organization to provide for –
- (a) the co-operative development of any public space; or
 - (b) the co-operative management of any public open space; and
 - (c) the regulation of human activities within a public open space.

CHAPTER VI: TREE PRESERVATION ORDERS

General

20. If the Council believes that any tree or group of trees in a public open space requires legal protection the Council may issue a tree preservation order in respect of that tree or group of trees.

CHAPTER VII: APPEALS

21. A person whose rights are affected by a decision taken by any authorized official under these By-Laws, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

CHAPTER VIII: GENERAL PROVISIONS

22. Offences and penalties

A person who-

- (a) fails or refuses to give an officer such information as he/she may reasonably require for the purpose of exercising his or her powers or functions under these By-laws or gives such an officer false or misleading information knowing it to be false or misleading;
- (b) contravenes or fails to comply with a provision of these By-laws; or
- (c) fails to comply with the terms of a notice served on him or her in terms of these By-laws;

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

22. Repeal

(1) Any By-Laws applicable in the jurisdiction of the Municipality relating to the subject contained in these By-Laws are repealed to the extent that they conflict with the provisions of these By-Laws.

(2) The repeal of the existing By-Laws is effective from the date of the promulgation of these By-Laws.

23. Short Title and commencement

(1) These By-laws are called the Public Open Spaces By-laws and shall come into operation on a date or dates determined by the Municipal Council and published in the provincial gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 22

MBIZANA LOCAL MUNICIPALITY

AERODROME BY-LAWS

DRAFT 1

Aerodrome By-laws

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), publishes the Mbizana Local Municipality: Milk By-laws, which have been approved by the Municipal Council.

DEFINITIONS

1. In these By-laws, unless inconsistent with the context -

“**aerodrome**” means the aerodrome known as the Mbizana aerodrome;

“**Air Navigation Regulations**” means the Air Navigation Regulations, 1963, 1963, published under Government Notice No. R.1779 dated 15 November 1963, as amended;

“**authorized agent**” means the person, organization or undertaking who or which at a particular time has physical control over an aircraft, and acts on behalf of the owner or operator of an aircraft;

“**Caretaker**” means the person who at any time in the Council’s service holds the office of Aerodrome Manager in charge of the aerodrome, and includes also any other person who is in a specific instance duly authorized to act on his behalf;

“**charges**” means the charges payable to the Council as determined from time to time by the Council by special resolution;

“**Municipality**” means Mbizana Local Municipality;

“**Municipal Council**” means Mbizana Municipal Council contemplated in section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), in terms of Section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108, 1996), or person designated by any legislation or resolution of Municipality to represent it;

“**Director**” means the person who in the Municipality’s service holds the office of Municipal Engineer, or who has been appointed or authorized by the Municipality to execute the duties of the said office, and includes officials in the Municipality Engineer’s Department who, under the control of such person, exercise any function, duty or power in terms of these By-laws;

“**maintenance area**” means the area adjacent to the hangars and other buildings on the aerodrome, excluding the public enclosures;

“**manoeuvring area**” means the runways and marked taxiways for aircraft while proceeding to or from the runways;

“**operator**” means the person, organization or undertaking who or which at a particular time renders or offers to render aircraft services;

“**owner**” means the person, organization or undertaking who or which at a particular time is registered with the Civil Aviation Directorate as the owner of an aircraft;

“**public aircraft hangar**” means an aircraft hangar over which the Council has control and which is not as a whole let to a person, but in which there are parking spaces which are let to a person upon application;

“**public enclosures**” means the areas of the aerodrome site set aside and fenced by the Council for use by members of the public, and include the parking area for vehicles;

“**runway**” means a specific rectangular area prepared or constructed for the landing and take-off run of aircraft along its length;

“**taxiway**” means a specific path on the airport, marked in accordance with the directives of the Aviation Regulations and intended for a taxiing aircraft.

POWERS OF THE CARETAKER

2. (1) The Caretaker may –
 - (a) prohibit any person who fails to pay an amount in respect of any facility on the aerodrome of which he makes use after such charges have become payable, to make use of any facility of the aerodrome;
 - (b) should he for any reason deem it necessary at any time, for such period as he may determine, prohibit or limit the admission of people or vehicles, or both, to the aerodrome or to any particular area thereof;
 - (c) order any person who, in his view, acts in such a way as to cause a nuisance or detrimentally affect the good management of the aerodrome to leave the aerodrome and if such person refuses to obey his order, take steps to have such person removed;
 - (d) if he deems it essential for the proper control of the aerodrome, order a person lawfully in control of a vehicle or aircraft to move such vehicle or aircraft to some other place, indicated by him, or to remove it altogether from the aerodrome, and if such person refuses or fails to obey his order he may move such

vehicle or aircraft, or have it moved, to an indicated place on the aerodrome or have it removed from the aerodrome, and recover the costs of such action from such person;

- (e) in the case of a damaged or disabled aircraft, order the owner, operator or authorized agent to move such aircraft or any part thereof or any cargo or article in or on such aircraft, to a place on the aerodrome indicated by him, or to remove it altogether from the aerodrome, and if such person refuses or fails to obey his order, take the steps necessary to move such aircraft or part thereof or any cargo or article in or on such aircraft, to a safe place on the aerodrome or to remove it from the aerodrome, and to recover the costs of such steps from the owner, operator or authorized agent.
- (2) Neither the Municipality nor the Caretaker must be liable for any loss or damage, whether directly or indirectly, owing to or arising from any act which the Caretaker performed or caused to be performed in terms of subsection (1)(d) or (e).

CONTROL OF AIRCRAFT, PILOTS AND PASSENGERS

- (1) The owner of a aircraft or his authorized agent must immediately on landing on the aerodrome, complete an arrival form in full at the information office in the terminal building and pay the landing charges laid down in terms of these By-laws
- (2) The pilot or any other person who is in control of an aircraft at a specific time, must take adequate precautions to keep other persons at a safe distance from the aircraft before the engines are started and while the engines are running.
- (3) No person must --
 - (a) park an aircraft on the aerodrome without securing it to the ground when the aircraft is left unattended;
 - (b) leave an aircraft unattended on the manoeuvring area;
 - (c) start an aircraft engine unless there is a licensed pilot or competent engineer in the cockpit;
 - (d) run an aircraft engine so that the air stream caused by such engine blows into or against a building or another aircraft or person;
 - (e) leave a chock, loading step or any other object which causes an obstruction or hazard on the manoeuvring area or the maintenance area;

- (f) save with the express permission of the person lawfully in command of an aircraft, board such aircraft or tamper with such aircraft or anything used in connection therewith; and
- (g) do night flight training on the aerodrome, unless the permission in writing of the Director must have been obtained and the conditions laid down by the latter complied with.

MEASURES FOR THE PREVENTION OF FIRE AND THE SUPPLYING OF FUEL TO AIRCRAFT

4. (1) No person must –
- (a) smoke on the manoeuvring area, the maintenance area, at the fuel dump or within 15 metres of an aircraft;
 - (b) light a fire on the aerodrome or in any manner cause fire or smoke, except in a place indicated by the Caretaker and the fire officer on duty;
 - (c) interfere with or tamper with any fire hose, fire hydrant or any equipment provided for fire fighting;
 - (d) draw off fuel from an aircraft, unless it is done under the supervision of a fire officer of the Municipality or his or her nominee, or ignore an instruction given in this regard by such officer or his nominee;
 - (e) park a motor vehicle in an aircraft hangar;
 - (f) carry out repairs to or maintenance or servicing of an aircraft unless sufficient and serviceable fire-fighting equipment is at hand;
 - (g) supply fuel to any aircraft on the aerodrome except at a place and in a manner approved by the Caretaker;
 - (h) interfere with the fuel supply equipment on the aerodrome; or
 - (i) start the engine of an aircraft or allow it to run while such aircraft is being fuelled.
- (2) Any person in control of an aircraft while it is being fuelled must –
- (a) take all reasonable precautions to ensure that fires are avoided; and
 - (b) supervise such aircraft and immediately after fuelling, remove it to another place on the aerodrome.

CONTROL OF MOTOR VEHICLES

5. (1) The driver of a motor vehicle entering or leaving the aerodrome must furnish to the Caretaker all information required by him or her.
- (2) No person must –
 - (a) without the prior permission of the Caretaker, enter upon the manoeuvring area or move thereon with a motor vehicle, unless such motor vehicle is equipped with a two-way radio tuned to the current radio frequency of air traffic control, or is escorted by a vehicle equipped with such two-way radio;
 - (b) enter or be on the maintenance area with a motor vehicle unless an entry permit issued by the Caretaker is displayed in a conspicuous place on the motor vehicle;
 - (c) with a vehicle exceed a speed of 10 kilometres per hour on the aerodrome, except in an emergency;
 - (d) park a vehicle on the aerodrome in such a way as to obstruct the normal flow of through traffic, or
 - (e) park a vehicle on the aerodrome in a place where parking is prohibited by means of notice boards or traffic signs.

ADMISSION TO THE MAINTENANCE AREA

6. (1) No person except the following persons, must enter upon or be on the maintenance area-
 - (a) the pilot and crew of an aircraft who use the aerodrome in the execution of their duties;
 - (b) technical personnel who have to enter upon the said area in the execution of their duties.
 - (c) a learner pilot, for the purpose of instruction or practice.
 - (d) an aerodrome ground personnel member on duty and other aerodrome personnel who have to be on the said area in the execution of their duties.
 - (e) an air passenger, only while directly going to or coming from an aircraft.
 - (f) any person to whom the Caretaker has given express permission to be on such area.

GENERAL

7. (1) The provisions of these By-laws must not detract from the provisions of the Aviation Act, 1962 (Act 74 of 1962), and the regulations promulgated there under.
- (2) The Director has control over the use of the hangars, buildings and other aerodrome facilities on the and from time to time determines the conditions applicable to such use.
- (3) All persons on the aerodrome must be under the control of the Caretaker.
- (4) The Caretaker may determine in which cases a landing must be regarded as an actual landing, according to which landing charges must be calculated.
- (5) No person must –
- (a) park an aircraft for more than six hours on the paved area of the lading apron unless the Caretaker approves other arrangements in this regard; or
- (b) enter a public aircraft hangar or meddle with the aircraft in such hangar unless he must have obtained prior permission from the Caretaker.
- (6) The charges for the use of any facility must be paid within a period of 30 days from the date of rendering of an account for such charges.

OFFENCES AND PENALTIES

8. Any person who contravenes or fails to comply with any provision of these By-laws, is guilty of an offence and, on conviction, is liable to a fine or, in default of payment, imprisonment for a period not exceeding 12 months, or to both such

Repeal of By-laws

9. The provisions of any By-laws relating to aerodromes by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Short title

10. These By-laws are called the Aerodromes By-laws.

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PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol. 16

BISHO/
KING WILLIAM'S TOWN, 27 FEBRUARY 2009

No. 2042
(Extraordinary)

We all have the power to prevent AIDS

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affects
us all



A
new
struggle

Prevention is the cure

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DEPARTMENT OF HEALTH

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**PART 2 OF 4
ENGLISH**



No. 23

MBIZANA LOCAL MUNICIPALITY

BY-LAWS ON LEGAL AID TO OFFICIALS

DRAFT 1

LEGAL AID TO OFFICIALS BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Legal Aid to Officials By-laws which have been approved by the Municipal Council.

Section	Index
1	Definitions
2	Conditions of legal aid
3	Short title and commencement

Definitions

1. In these By-laws, unless inconsistent with the context-

"Municipal Council" means the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, 1998(Act No. 117 of 1998), as amended;

"Municipality" means Mbizana Local Municipality.

Conditions of legal aid

2. Whenever-

- (a) any law imposes upon any officer or employee of the Municipality, acting in his official capacity, a statutory duty;
- (b) such officer or employee is charged with a criminal offence arising out of any matter or thing done or omitted by him in the performance of such statutory duty;
- (c) such officer or employee has forthwith reported to the Municipality, in writing, the fact that such criminal proceedings have been instituted against him and has furnished such particulars thereof as may be required; and
- (d) the Municipality has resolved that, in its opinion, the officer or employee concerned acted in good faith in the performance of the statutory duty in question;

the Municipality may, subject to such conditions as it may deem fit to impose, authorize the defence of such officer or employee at the cost of the Municipality.

Short title and commencement

3. These By-laws are called Legal Aid to Officials By-laws and will come into operation on a date fixed by the Municipality

No. 24

MBIZANA LOCAL MUNICIPALITY

TARIFF BY-LAWS

DRAFT 1

TARIFF BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Tariff By-Laws, which have been approved by the Municipal Council.

1. Definitions

In this By-law, unless inconsistent with the context:

“Council” means the Mbizana Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“cost to be recovered” means the cost of purchasing, the cost of changing the product to the delivered, capital cost, administrative and support systems cost;

“domestic consumers” means in regard to the electricity services, it includes private dwelling houses, residential flats, hostels if provided with a separate meter;

“bulk consumers” means in regard to the electricity service, it exclude domestic consumers and relates to any consumer whose electricity demand exceeds 100 KVA per month for an uninterrupted period of 12 months;

“commercial and general consumers” means in regard to the electricity service, it excludes domestic consumers and relates to any consumers whose maximum electricity demand is less than 100 KVA per month for a period of 12 months;

“off-peak supply” means it is an electricity supply on written request to bulk consumers during off peak hours or contributed to the Council’s maximum demand whichever is the greatest;

“temporary consumers” includes builders, fairs, amusement of any consumer of a temporary nature.

2. Cost of Services to be recovered

- 1) Council shall levy charges for the delivery of services.
- 2) The levied charges shall recover the cost to deliver the following services:
 - (a) Electricity
 - (b) Refuse removal

- (c) Sanitation/Sewage, and
- (d) Water

3. Surpluses obtained

- 1) The Council may obtain surpluses on the following services:
 - (a) Electricity and water
 - (b) Sanitation/Sewage and Refuse Removal:

4. Services co-funded by property tax

- 1) Council may charge regularity tariffs to recover cost to deliver the following services:
 - (a) Libraries
 - (b) Cemeteries
 - (c) Nature Reserves
 - (d) Recreational Resorts
 - (e) Fire Services
 - (f) Information Services
 - (g) Cleansing services
 - (h) Other services it is required to deliver

- 2) Council may adjust the service charges annually.

5. Electricity services

- 1) Council may by resolution provide a number of units free to indigent households in terms of the indigent policy of Council.
- 2) Council may charge the following tariffs:
 - (a) Basic charge differentiated amongst various consumers;
 - (b) Availability charges based on consumption, type of stands and nature of consumers.
 - (c) Consumption charges per KWH;
 - i. Domestic Consumers
 - ii. Commercial and General consumers
 - iii. Bulk consumers
 - iv. Temporary consumers
 - v. Selected bulk consumers

(d) Consumption charges (per KVA demand):

- i. Bulk consumers
- ii. Off-peak hours
- iii. Selective bulk consumers

(e) Special charges:

- i. Test of meter
- ii. Special reading
- iii. Connection fees

(f) VAT is not included in the tariffs and must and be added and levied.

3) Council may lower business tariffs in line with NER (National Electricity Regular) policy and incentive schemes of Council.

4) All electrical supplies are to be metered.

Refuse Removal

1) Council may by resolution subsidize refuse removal to the indigent households as determined in the indigent policy.

2) Council may charge the following rates:

(a) Refuse removals to private dwellings, hospitals, churches, boarding houses, sport clubs, and charitable institutions: once a week per bin.

(b) Block of flats: per flat

(c) Removal from business premises, offices, industrial premises and government institutions: per bin –

i. Three times per week

ii. Five times per week

(d) Compacted refuse: per removal –

i. Per 0.084 m³

ii. Per container until per m³

(e) Per mass container:

- i. 1,1 m³ capacity
 - ii. 5,5 m³ capacity
 - iii. 4 m³ capacity
 - iv. 750 litre capacity
 - v. 600 litre capacity
 - vi. 1,75 m³ capacity
- (f) Medical waste: per removal.
 - (g) Renting of mass containers.
 - (h) Vacuum tank services:
 - i. Special removals
 - ii. Garden refuse
 - iii. Building rubble or bulk refuse.
 - (i) Removals of dead animals.
 - (j) Cleaning premises of long grass, weed shrubs and accumulation of refuse.
 - (k) Rendering cleansing services out of town.
 - (l) Sale of plastic bags.
 - (m) All other services for which provision has not been made in this By-law.
 - (n) VAT is not included and should be added and levied.

6. Sanitation/Sewerage

- 1) Council may, as resolved, grant a subsidy for the indigents as defined in the indigent Policy.
- 2) Council shall apply the principle of equality for this service.
- 3) Council may charge the following tariffs:
 - (a) Application fees (building plans).
 - (b) Usage charges (operational charges) differentially.
 - (c) Availability charges:

i. Based on size of land

(d) Work charges:

- i. Sealing openings
- ii. Re-openings sealed
- iii. Removing blockages
- iv. Alterations to gullies
- v. Connection to sewer.

4) VAT is not included and must be added and levied.

7. Water services

1) 6 (six) kl is provided free of charge for all households.

2) Council may charge the following tariffs:

- (a) Availability charges
- (b) Consumption charges

i. Metered supply

(aa) A sliding scale will be applicable to domestic consumers and will be as follows:

0 – 6 Kl
7 – 10 Kl
11 – 40 Kl
Above 40 kl

(bb) With water restrictions an increased tariff may be charged on the following sliding scale:

0 – 6 Kl
7 – 10 Kl
11 – 40 Kl
41 – 100 Kl
Above 100 kl

(c) Metered supply

i. With water restriction the sliding scale will be the same as mentioned in section 8.2.2.1.2.

(d) Metered supply: Businesses and industries

i. The Council may charge a uniform tariff per K1 for businesses and industries.

(e) Charges for connection to the main.

(f) Charges for connection of water supply.

(g) Sundry charges:

- i. Testing of meters
- ii. Special readings
- iii. Any other service not mentioned

(h) Filling of a swimming pool.

(i) VAT is not included and must be added and levied.

8. Property tax

- 1) Property tax on the different entities is charged differently on their own valuation rolls.
- 2) Council shall compile a valuation roll for the whole area so that the whole area will be charged uniformly.
- 3) Council may allow discounts on the following categories:
 - (a) Pensioners receiving a government pension or whose pension is equal to or less than the government pension;
 - (b) Grant -in-Aid to registered welfare organizations, welfare organizations, which perform charitable, work, institution for veterans, amateur sport grounds, Boy Scouts or similar organizations and allowed institutions on defined in the Cultural Institutions Act, 1969.
 - (c) The categories referred to in (a) and (b) shall not automatically qualify and will have to apply for a discount.

10. Offences and penalties

Any person who –

- (i) contravenes or fails to comply with any provisions of these By-Laws;
- (j) fails to comply with any notice issued in terms of these By-Laws;

- (k) fails to comply with any lawful instruction given in terms of these By-Laws; or
- (l) obstruct or hinders any authorized official in the execution of his or her duties under these By-Laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment .

11. Repeal

(1) Any By-Laws applicable in the jurisdiction of the Municipality relating to the subject contained in these By-Laws, are hereby repealed to the extent that they conflict with the provisions of these By-Laws.

(2) The repeal of the existing By-Laws is effective from the date of the promulgation of these By-Laws.

12. Short title and commencement

(1) These By-laws are called Tariff By-laws and will come into operation on a date or dates determined by the Municipal Council and published in the provincial gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 25

MBIZANA LOCAL MUNICIPALITY

CUSTOMER CARE AND REVENUE MANAGEMENT BY-LAWS

DRAFT 1

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Customer care Management By-Laws, which have been approved by the Municipal Council.

CUSTOMER CARE AND REVENUE MANAGEMENT BY-LAWS

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Definitions

1. For the purpose of these By-Laws, unless the context otherwise indicates –

“**account holder**” means any person who is due to receive a municipal account, which includes a user or pre-paid electricity or water;

“**Act**” means the Local Government: Municipal Systems Act, 2000 (Act No, 32 of 2000);

“**applicant**” means a person who applies for the supply of municipal services;

“**billing**” means invoicing on a municipal account to an account holder of an amount or amounts payable for assessment rates, metered services, other municipal charges, levies, fees, fines, taxes, or any other amounts payable arising from any other liability or obligation;

“**Departmental Head: Electricity**” means the person who holds the position as “**Departmental Head Electricity**” either substantively or in an acting capacity with Council, or any other officer authorized by the Departmental Head: Infrastructure;

“**Council**” means the Mbizana Local Municipality Council or any service provider to Council;

“**credit control**” means all the functions relating to the collections of revenue;

“**consumer**” means the occupier of any premises to which the Council has agreed to supply or is actually supplying municipal services agreement with the Council for the supply of municipal services to such premises, or, if there be no such person, then the owner of the premises;

“**customer management**” means the focusing on the account holder’s needs in a responsive and proactive way to encourage payment and thereby limiting the need for enforcement;

“**customer service centre**” means and serves as:

- (a) an office where an applicant may apply for services and enter into a service agreement with Council;
- (b) an office where an account holder may settle an account or may make pre-payment for services;
- (c) a credit screening point where the credit assessment of an applicant can be processed; or

“due date” means the date specified as such on a municipal account dispatched from the offices of the responsible officer for any charges payable and which is the last day allowed for the payment of such charges;

“interest” means an amount calculated at a rate determined by Council on a municipal account in arrears;

“municipal account” means an account rendered on which it is billed an amount or amounts payable to Council for assessment rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation;

“Municipal Manager”

means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“municipal services” means those assessment rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation reflected on the municipal account for which payment is required by Council;

“occupier” means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes:

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person’s own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and
- (e) the owner of those premises;

“officer” means an employee of Council or any other person who is specifically authorized thereto by Council to perform any act, function or duty in terms of, or exercise any power under these By-Laws;

“owner” means –

- (a) a person in whom the legal title to a premises is vested;

- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in the case where Council is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including, but not limited to –
 - (i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), Trust inter vivos, Trust mortis causa, a Closed Corporation registered in terms of the Closed Corporation's Act, 1984 (Act No. 69 of 1984), a voluntary association;
 - (ii) any Department of State;
 - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa; and
 - (iv) any Embassy or other foreign entity; and
- (g) a lessee of municipal property who will be deemed to be the owner for the purposes of rendering a municipal account;

“person” includes a legal person;

“preferred customer” means a person who may be granted special concessions by Council;

“premises” means any piece of land, the external surface boundaries of which are delineated on –

- (a) a general plan or diagram registered in terms of Land Survey, Act of 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry, Act of 1937 (Act No. 47 of 1937), or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 93 of 1986), which is situated within the area of jurisdiction of Council;
- (c) and includes any other land and any building or structure above or below the surface of any land;

“prescribed charge” means a charge prescribed by Council;

“revenue” means all monies due to Council and to which Council has the right to exact and to enforce payment of, irrespective of the reason for or the origin of its factuality;

“tampering” means any unauthorized interference with Council’s supply, seals and metering equipment and “tamper” has a corresponding meaning;

“target” means realistic targets which may be set by Council from time to time; and

“unreliable customer” includes an account holder, who according to his or her payment record fails to settle his or her municipal account by the due date or who is in arrears with payments due to councillor who tampers or interferes with metering equipment, seals, or the supply of municipal services.

1. Scope of By-Laws

The Municipality aims -

- (a) to move progressively towards the social and economic upliftment of the community in harmony with its natural environment;
- (b) to provide basic services that are affordable to all its people, and specifically to the poor and disadvantaged, provided that, where applicable, service fees, assessment rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable, arising from any other liability or obligation, are paid for;

- (c) to engage the active participation of the community in the Municipality's affairs, in particular in planning, service delivery and performance management;
- (d) to provide efficient, effective and transparent administration that conforms to constitutional principles;
- (e) to ensure that the Municipality is financially and economically viable; and
- (f) to create, a more harmonious relationship between the Municipality and the community through the acknowledgement of reciprocal rights and duties, and these By-Laws are designed to regulate on and implement, within the scope and spirit of the Act –
 - (i) a customer care and management system which aims –
 - (aa) to create a positive and reciprocal relationship between the Municipality and an account holder;
 - (bb) to establish mechanisms for an account holder to give feedback to the Municipality regarding the quality of the services and the performance of the Municipality;
 - (cc) to ensure that responsible steps are taken to inform an account holder of the costs involved in service provision, the reasons for payment of service fees, and the manner in which monies raised from the services provided, are utilized;
 - (dd) to ensure, where the consumption of the services has to be measured, that reasonable steps are taken to measure the consumption by individual account holders of services through accurate and verifiable metering systems;
 - (ee) to ensure that an account holder receives regular accurate accounts that indicate the basis for calculating the amount due;
 - (ff) to provide accessible mechanism for an account holder to query or verify a municipal account and metered consumption and appeal procedures which allow the account holder to receive prompt redress for inaccurate accounts;
 - (gg) to provide accessible mechanisms for dealing with complaints from an account holder, together with prompt

replies and corrective action by the Municipality, and to provide mechanisms to monitor the response time and efficiency of the municipal's actions;

- (hh) to provide for accessible pay points and other mechanisms for setting an account or for making pre:- payments for services; and
- (ii) credit control and debt collection mechanisms and procedures which aim to ensure that all money that is due and payable, from whatever cause, to the Municipality, subject to the Act and other legislation, is collected.

IMPLEMENTATION AND ENFORCEMENT OF BY-LAWS, AND DELEGATIONS

2. Municipal Manager responsible officer

The Municipal Manager –

- (a) is responsible to the Mayor for the implementation and enforcement of the provisions of these By-Laws;
- (b) must, for the purpose of (a) take the necessary steps to implement and enforce the provisions of these By-Laws;
- (c) is accountable to the Mayor for the agreed performance targets as approved by Council and the Mayor, and for these purpose must –
 - (i) from time to time, report to the Mayor on matters relating to these By-Laws, including but not limited to –
 - (aa) the effectiveness of administrative mechanisms, resources processes and procedures to collect money that is due and payable to the Municipality;
 - (bb) billing information, including the number of account holders , accruals, cash flow, and customer management;
 - (cc) the satisfaction levels of account holders regarding services rendered; and
 - (dd) the effectiveness of the assistance to the poor scheme; and
 - (ii) at regular intervals meet with Municipal Officials with the aim of submitting a joint recommendation on the policy to the Mayor;

- (iii) where necessary, propose steps to the Mayor with the aim of improving the efficiency of the credit control and debt collection mechanisms, processes and procedures;
- (iv) where necessary, propose to the Mayor actions and adjustments to correct deviations;
- (v) establish effective communication channels between Council and account holders with the aim of keeping account holders abreast of all decisions by Council that may affect account holders;
- (vi) establish customer service centres which are located in such communities as determined by Council;
- (vii) identify, appoint, and enter into agreements with suitable business concerns, institutions, organizations, establishments or parastatal institutions to serve as agencies for the purposes of these By-Laws;
- (viii) convey to account holders information relating to the costs involved in service provision, the reasons for payment of service fees, and the manner in which monies raised from the services are utilized, and may where necessary, employ the services of local media to convey such information;
- (ix) expedite the processing of complaints or inquiries received from an account holder and must ensure that an account holder receives a response within a time determined by Council and must monitor the response time and efficiency in these instances;
- (x) in the line with the latest technological and electronic advances, endeavour to make electronic inquiry and payment facilities available to account holders;
- (xi) encourage and bear on account holders, where needed, to settle outstanding accounts within the ambit of these By-Laws; and
- (xii) with the consent of an account holder, enter into an agreement with the account holder's employer to deduct from the salary or wages of the account holder –
 - (aa) any outstanding amounts as may be agreed; and
 - (bb) such regular monthly amounts as may be agreed to, and employees to consent to such agreements.

3. Delegations

Council must, in terms of and subject to the provisions of section 59, 60, 61, 63, 64 and 65 of the Act develop a system of delegation –

- (a) that will maximize administrative and operational efficiency; and
- (b) that will provide for adequate checks and balances to ensure that proper financial controls are exercised.

APPLICATION FOR SUPPLY OF MUNICIPAL SERVICES, SERVICE AGREEMENTS, DEPOSITS, CREDIT SCREENING, PAYMENT FOR SERVICES SUPPLIED, AND BILLING

5. Application for supply of Municipal services and service agreements

- (1) Any application for any supply of services to any premises must be made at least one working days prior to the service being required in the prescribed format and must comply with the conditions as determined by the Municipal Manager or his or her nominated officer from time to time.
- (2) After the commencement of these By-Laws and subject to the provisions of section 32 only the owner of a property or his duly authorized agent on his or her behalf may apply for municipal services to be supplied to a property.
- (3) No services shall be supplied unless and until application has been made the owner and a service as prescribed by Council have entered into agreement in the format and a deposit provided for in section 7 has been paid.
- (4) An application for a supply for a period of less than six months is regarded as an application for a temporary supply.

6. Deposits

- (1) On approval of the application and before the service is made available, Council may require the applicant –
 - (a) to deposit for Municipal services with Council a sum of money;
 - (b) to provide any other form of security; or

- (c) to agree to special conditions regarding payment of the municipal account, and monies so deposited with Council will serve as security and working capital.
- (2) The Municipal Manager or his or her nominated officer reserves a right to review from time to time the sum of money deposited or the amount for which additional security is required.
- (3) The Municipal Manager or his or her nominated officer may, in respect of preferred customers, consider relaxation of the conditions pertaining to deposits as set out in terms 7(1) and 7(2) above.
- (4) On termination of the supply of services, the amount of such deposit, less any payments due to Council, must be refunded to an account holder.

7. **Billing and payment**

- (1) The account holder must pay all amounts due to Council as reflected in the Municipal account, and the onus is on the account holder to verify the accuracy of such account.
- (2) An account holder must pay for metered services, the assessment rates, other municipal charges, levies, fees, fines, interest, taxes or any other liability or obligation from the date of origin of such municipal charges until the written termination of the services.
- (3) An account holder –
 - (a) has one account number and will be rendered one account, on which the due date for settlement of the total amount owing is reflected; and
 - (b) will be rendered an amount monthly in cycles of approximately 30 days;
- (4) Payment must be received on or before the due date at close of business on the due date.
- (5) Payment made via any of the service provider appointed by Council to receive payments on its behalf, should be made at least two working days before the due date to enable the payment to be processed, and interest will accrue should Council receive payment after the due date.
- (6) Where the account holder effects payment of an account via a service provider two working days or more before the due date and such service provider fails to furnish the Council with the relevant payment details,

such service provider may be held liable for all charges incurred by Council to recover an arrear amount of the account holder, as well as for interest charges.

- (7) Council may estimate the quantity of metered services supplied in respect of a period or periods within the interval between actual successive readings of the meters, and may render an account to an account holder for the quantity of metered services so estimated.
- (8) If an account holder is dissatisfied with an account rendered for metered services supplied by Council, such account holder may, prior to the due date stipulated therein, object in writing to the account, setting out reasons for such dissatisfaction.
- (9) Should any dispute arise as to the amount owing by an account holder, and subject to the provisions of section 102 of the Act, the account holder must notwithstanding such dispute proceed to make regular payments by the due date based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of Council.
- (10) An error or omission in any account or failure to render an account shall not relieve the account holder of the obligation to pay by the due date.
- (11) If an account holder uses water or electricity for a category of use other than that for which it is supplied by Council and is in consequences not charged for water or electricity so used, or is charged for the water or electricity at a rate lower than that at which the account holder should be charged, the account holder is liable for the amount due to Council in accordance with the prescribed charges in respect of:
 - (a) the quantity of water or electricity which in the opinion of the relevant Head of Department, the account holder has used and for which the account holder has not been charged; or
 - (b) the difference between the cost of the water or electricity used by the account holder at the rate at which the account holder has been charged and the cost of the water or electricity at the rate at which the account holder should have been charged.
- (12) An account holder shall not be entitled to a reduction of the amount payable for metered services which are lost due to a default in the meter, save in terms of the Provisions of Clause 17 (8)(c).
- (13) Council may –

- (a) consolidate any separate accounts of an account holder liable for payment to the Municipality; and
- (b) credit any payment by an account holder against any debt of that account holder.

8. Termination of service agreement

- (1) Termination of the service agreement must be in writing to the other party of the intention to do so.
- (2) An owner may terminate a service agreement where a property is sold by giving Council not less than one working day notice in writing.
- (3) The relevant Head of department may, by notice in writing of not less than fourteen working days, advise an account holder of the termination of the agreement for a supply of municipal services if –
 - (a) the account holder has not consumed any water or electricity during the preceding six months, or has vacated the property and has not made satisfactory arrangements for the continuation of the agreement;
 - (b) the account holder has committed a breach of these by –laws and has failed to rectify such breach; or
 - (c) Council cannot continue to supply the account holder with municipal services, as in the terms of an arrangement with another authority shall in future supply municipal; services to the account holder.

ASSESSMENT RATES

9. Amount due for assessment rates

- (1) Joint owners of property are jointly and severally liable for payment of assessment rates.
- (2) Assessment rates is levied annually as a single amount and is payable as such, or could be paid monthly by arrangement.
- (3) Payment of assessment rates may not be deferred beyond the due date by reason of an objection to the valuation of the property appearing on the Valuation Roll.

10. Claim on rental for assessment rates in arrears

Council may apply to court for the attachment of any rent due in respect of rateable property to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the determined date.

11. Liability of directors and members for assessment rates

Where a company, closed corporation, trust or a body corporate in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986) is responsible for the payment of any arrear amounts to Council, the liability for such entry shall be extended to the directors or members thereof jointly as the case may be.

NON-PAYMENT OF MUNICIPAL ACCOUNTS**12. Arrangements for payments**

- (1) Should an account holder, before any of the steps have been taken in terms of section 15, not be able to pay the municipal account in full, the account holder may approach Council with the aim of making short-term arrangements to settle the account.
- (2) Should an account holder, after any of the steps have been taken in terms of section 15, experience difficulties in paying the municipal account, the account holder may approach Council with the aim of making arrangements to settle the account and the account holder must enter into a written agreement with Council to repay to Council the outstanding and due amount under the conditions and on basis as determined, from time to time, by the Municipal Manager, or his nominated officer.
- (3) The written agreement has to be signed on behalf on Council by a duly authorized officer.
- (4) In the instance where arrangements for payment have been made, Council may –
 - (a) review the deposit;
 - (b) require of an account holder to pay by means of a stop order or debit order;
 - (c) require of an account holder to convert to a pre-paid metering system; or

- (d) require any other form of security, including personal surety ship by the directors or members of a company, closed corporation, trust or body corporate.

13. Interest on overdue municipal accounts

- (1) Council may, from time to time, by resolution of its determined number of members, charge or recover interest at a determined interest rate in respect of any arrear amount due and payable to Council.
- (2) Irrespective of the reason for non-payment, or where an arrangement has been made in terms of section 13, interest will accrue if an account is unpaid.
- (3) Interest is calculated monthly according to the interest rate approved by Council, and a portion of a month is regarded as a month.
- (4) Interest is payable if payment is not received at an office of Councilor to the credit of the bank account of Council at the close of business by the due date.

14. Debt collection mechanisms

- (1) Where appropriate, the Municipality will at all times attempt to advise an account holder of an impending disconnection or restriction of a supply, and the following mechanisms may be applied should an account holder fails to settle a municipal account by the due date.
 - (a) Delivering or mailing of a final demand and explaining to the account holder the status of the account and the consequences of not paying or concluding an arrangement;
 - (b) Informing the account holder telephonically or by any other electronic means of the overdue amount and the impending disconnection or restriction of services;
 - (c) Disconnecting or restricting the supply of municipal services to the premises and the serving of a disconnection or restriction notice on the account holder; or
 - (d) Debiting the municipal account of the account holder with all relevant fees or penalties as approved by Council.
- (2) Where the metered supply had been disconnected or restricted, and should the account holder still fail to pay the account, the premises will be revisited at regular intervals to ensure that the metered supply remains

disconnected or restricted, and if it is found that the supply which had been disconnected or restricted previously has been restored –

- (a) Council will have the right to take whatever action is required in terms of section 21 of these By-Laws, and the account holder shall be responsible for the relevant fees or charges or damages caused;
 - (b) Council may refuse to supply services for a period determined by Council from time to time; and
 - (c) In the instance of the use of a pre-paid meter, Council may cease further vending of pre-paid services.
- (3) Where a duly authorized officer of Council has visited the premises for the purpose of disconnecting or restricting the supply and was obstructed or prevented from effecting such disconnection or restriction, an amount equal to the prescribed fee for a reconnection shall become payable for each visit necessary for the purpose of such disconnection or restriction, subject to a maximum of two such visits during which disconnection or restriction could not be effected.
- (4) Council may use any one or more of the following mechanisms to secure full payment of any amounts owing to it:
- (a) Restricting or denying the sale of pre-paid services to an account holder, or disconnecting any pre-paid metering system of an account holder, who is in arrears with other services;
 - (b) requiring of the account holder to convert to another metering system;
 - (c) allocating a portion of any pre-paid payment to other debt;
 - (d) releasing debtor information to a credit bureau;
 - (e) publishing a list of account holders who remain a default;
 - (f) withholding payment of a grand-in-aid and subject to the provisions of section 23, excluding the account holder from the tender process;
 - (g) withholding payment on contracts for settlement of the municipal account;
 - (h) reviewing and altering the conditions of the service agreement;
 - (i) instituting legal proceedings for the recovery of the debt;
 - (j) classifying the account holder as an unreliable customer;

- (k) using the services of external debt collection specialists or agencies; insisting on conversion to pre-paid metering at the cost of the account holder; or
 - (l) employing any other methods authorized by Council from time to time to recover arrear amounts.
- (5) The cost of collection, where applicable, will be to the account holder's account.
- (6) The right to deny, restrict, disconnect or terminate services due to the non-payment for any assessment rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation prevails notwithstanding the fact that –
- (a) payment was intended for any specific service; or
 - (b) the person who entered into a service agreement for supply of services with Council and the owner are different entities or persons, as the case may be.

METERING EQUIPMENT AND METERING OF SERVICES

15. General Provisions

- (1) Council may introduce various metering equipment and may encourage an account holder to convert to a system, which is preferred by Council when there are benefits for Council.
- (2) After commencement of these By-Laws, and where possible and applicable, pre-paid meters shall be preferably be installed for all new connections.

16. Metering equipment and measuring of consumption

- (1) Council shall, at the consumer's cost in the form of the direct charge or prescribed fee or as decided by Council, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring metered services.
- (2) Council reserves the right to meter the supply to a block of shops, flats, tenement houses and similar buildings for the building as a whole, or for an individual unit, or for a group of units.

- (3) Where any building referred to in subsection 17(2) is metered by Council as a whole --
 - (a) the owner may, at own cost, provide and install appropriate sub-metering equipment for each shop, flat and tenement; or
 - (b) the relevant Business Unit Manager may require the installation, at the account holder's expense, of a meter for each unit of any premises in separate occupation for the purpose of determining the quantity of metered services supplied to each such unit.
- (4) Where the electricity used by consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (5) Where sub-metering equipment is installed, accommodation separate from Council's metering equipment must be provided where appropriate.
- (6) Except in the case of pre-payment meters, the quantity of metered services used by a consumer during any metering period is ascertained by reading the appropriate meter or meters supplied and installed by Council at the beginning and end of such metering period, except where the metering equipment is found to be defective.
- (7) For the purpose of calculating the amount due and payable for the quantity of metered services consumed, the same amount of metered services shall be deemed to be consumed during every period of 24 hours between readings.
- (8) The following apply to the accuracy of metering:
 - (a) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection 17(13), is found to be within the limits of error as provided for in the applicable standard specifications;
 - (b) The Municipality has a right to test its metering equipment, and if it is established by test or otherwise that such metering equipment is defective, the Municipality shall in accordance with the provisions of subsection 17(6)
 - (i) in case of a credit meter, adjust the account rendered; or
 - (ii) in the case of pre-payment meters:
 - (aa) render an account where the meter has been under-registering; or

- (bb) issue a free token where the meter has been over-registering; and
 - (c) the consumer is entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee, and if the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of paragraph 17(8)(b) and subsection 17 (7) shall be made and the aforesaid fee shall be refunded.
- (9) No alterations, repairs, additions or connections of any description may be made on the supply side of the point of metering unless specifically approved in writing by the Municipal Manager or a duly authorized officer or Council.
- (10) Prior to the Municipality making any upward adjustment to an account in terms of paragraph 17 (8)(b), the Municipality must –
 - (a) Notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (b) In such notification provide sufficient particulars to enable the consumer to submit presentations thereon; and
 - (c) All upon the consumer in such notice to present it with reasons in writing, if any, within 21 days or such longer period as Council may permit, why the account should not be adjusted as notified, and should the consumer fail to provide any presentation during the period referred to in paragraph 17 (10) (c) Council shall be entitled to adjust the account as notified in paragraph 17 (10) (c):
- (11) The Municipality must consider any representation provided by the consumer in terms of subsection 17 (10) and must, if satisfied that a case has been made out therefore, adjust the account appropriately.
- (12) If the Municipal Manager or a duly authorized officer or Council decides, after having considered the representation made by the consumer, that such representation does not establish a case warranting an amendment to the monetary value established in terms of subsection 17 (15), Council is entitled to adjust the account as notified in terms of paragraph 17 (10) (a), and the consumer has a right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000 (Act No. 3 of 2000).

- (13) Meters are tested in the manner as provided for in the applicable standard specifications.
- (14) When an adjustment is made to the consumption registered on a meter in terms of paragraphs 17 (8)(b) or 17 (8) (c), such adjustment is based either on the percentage error of the meter as determined by the test referred to in subsection 17 (13), or upon a calculation by the Municipality from consumption data in its possession and where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect consumption.
- (15) When an adjustment is made as contemplated in subsection 17 (14), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate, however the application of this subsection does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (16) The relevant Head of Department may dispense with the use of a meter in case of –
 - (a) special circumstances at the Head of department's discretion.
- (17) Council may by notice –
 - (a) prohibit or restrict the consumption of metered services
 - (i) for specified or non-specified purposes;
 - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
 - (iii) in a specified or non-specified manner; and
 - (b) determine and impose -
 - (i) limits on the quantity of metered services which may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of metered services in excess of a limit contemplated in subparagraph (I); and
 - (iii) a general sub-charge on the prescribed charges in respect of the supply of metered services; and

- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which metered services is used or consumed, or on the connection of such appliance.
- (18) Council may limit the application of the provisions of a notice contemplated by subsection 17 (17) to specified areas and classes of account holders, premises and activities, and may provide for the engineer to permit deviations and exemptions from, and the relaxation of any of the provisions on such grounds as he or she may deem fit.
 - (19) To ensure compliance with a notice published in terms of subsection 17(17), the relevant Head of Department may take, or by written notice require an account holder at an account holder's expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of metered services as may be necessary.
 - (20) In addition to the person by whose act or omission a contravention of or failure to comply with the terms of notice published in terms of subsection 17 (17) is actually committed, an account holder in respect of the premises to which metered services are supplied is presumed also to have committed the contravention or to have so failed to comply, unless it is proved that the account holder had taken all reasonable steps to prevent such a contravention or failure to comply by any other person, however, the fact that the account holder issued instructions to the other person shall not of itself be accepted as sufficient proof that the account holder took all such reasonable steps.
 - (21) The provisions of this section also apply in respect of metered services supplied directly by Council to account holders outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection 17 (17).
 - (22) If such action is necessary as a matter of urgency to prevent waste of metered services, refuse or sewerage, damage to property, danger to life, or pollution of water, the relevant Head of Department may-
 - (a) without prior notice disconnect the supply of metered services to any premises; and
 - (b) enter upon such premises and do such emergency work, at the account holder's expense, as he or she may deem necessary, and in addition by written notice require account the holder to do within a specified period such further work as the relevant Business Unit Manager may deem necessary.

- (23) Before any metered or pre-paid metered supplies which have been disconnected or restricted for non-payment is restored, an account holder must pay all fees and charges as determined by Council, from time to time.
- (24) The relevant officer may, at the written request of an account holder and on the dates requested by the account holder
- (a) disconnect the supply of metered services to the account holder's premises; and
 - (b) restore the supply, and the account holder must before the metered services is restored pay the prescribed charge for the disconnection and restoration of his or her supply of metered services.
- (25) After disconnection for non-payment of an account or a contravention of any provision of these By-Laws, the prescribed fees must be paid before reconnection is made.
- (26) The following apply to the reading of credit meters :
- (a) Unless otherwise prescribed, credit meters are normally read at intervals of approximately one month and the fixed or minimum charges due in terms of the tariffs are assessed accordingly and Council is not obliged to effect any adjustments to such charges;
 - (b) if for any reason the credit meter cannot be read, Council may render an estimated account, and estimated consumption shall be adjusted in a subsequent account in accordance with the consumption actually consumed;
 - (c) when an account holder vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly;
 - (d) if a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee; and
 - (e) if any calculating, reading or metering error is discovered in respect of any account rendered to a consumer
 - (i) the error shall be corrected in subsequent accounts;

- (ii) any such correction shall only apply in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered;
 - (iii) the correction shall be based on the actual tariffs applicable during the period; and
 - (iv) the application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (27) The following apply to prepayment metering:
- (a) No refund on the amount tendered for the purchase of electricity or water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
 - (b) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer;
 - (c) When an account holder vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the owner by Council;
 - (d) Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens;
 - (e) Where an account holder is indebted to Council for any assessment rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amounts payable arising from any other liability or obligation, Council may deduct a percentage from the amount tendered to offset the amount owing to Council; and
 - (f) Council may appoint vendors for the sale of credit for payment meters and does not guarantee the continued operation of any vendor.

16. Resale of electricity

- (1) No account holder who is supplied with metered services in terms of these By-Laws may sell electricity, supply to the account holder's premises under an agreement with Council, to any other person or persons for such use upon any premises other than those in respect of which such agreement is made, or permit or suffer such resale or supply to be made,

unless provision has been made therefore in a special agreement or unless prior permission from Council to do so has been obtained.

- (2) If Council grants the permission referred to in subsection 18 (1), it may stipulate maximum price at which the electricity may be sold and impose such other conditions as it may deem fit.
- (3) Permission referred in subsection 18 (1) may be withdrawn at any time.
- (4) Where electricity is resold for use on the premises, such resale must be in accordance with the tariff and subject to such conditions as Council may decide.

17. Assistance to the poor

- (1) To qualify as indigent household, the following requirements must be met:
 - (a) The applicant must be an account holder;
 - (b)
 - (i) The applicant must occupy the property;
 - (ii) in the case of tenants, the tenant must apply in person and will only qualify for electricity, water and sewerage charges, i.e. the charges for which he or she receives a municipal account. The landlord will be responsible for rates and refuse charges;
 - (iii) The existing and future accounts of poor households where the account has deceased, i.e. an "estate late" account, be accepted under the assistance scheme, on condition that only the surviving spouse and/or dependant children may apply or benefit;
 - (c) The applicant may not be the owner of more than one property within or outside the Municipal area, and vacant land will not qualify as a property;
 - (d) The collective household income may not exceed an amount as determined by Council or Council may determine a certain maximum amount for consumption of water or electricity or the municipal valuation. Council may utilize any combination of these values.
 - (e) The municipal valuation of the property may not exceed the value as determined by Council from time to time.
- (2) The applicant must immediately notify Council should his or her position change regarding 19(1)(b) to 19(1)(d) above, thus enabling Council to reconsider the household's status as a poor household.

- (3) The applicant must, before a date determined by Council, apply annually, or at such intervals as determined by Council from time to time, to be granted the status as a poor household, and for these purposes must:
 - (a) complete and sign the prescribed forms; and
 - (b) provide any other documentation as may be required by Council from time to time.
- (4) Households which qualify as poor households may receive a credit for some or all of the following:
 - (a) A quantity of electricity, as determined by Council from time to time;
 - (b) A quantity of water, as determined by Council from time to time;
 - (c) The refuse removal charges, as determined by Council from time to time;
 - (d) The sewerage charges, as determined by Council from time to time;
 - (e) Assessment rates, as determined by Council; or
 - (f) Any other service fees, taxes or charges over and above the rendered services.
- (5) Council has the right to visit the property mentioned in subsection 1(b) at any reasonable time for the purposes of auditing or application.
- (6) The normal rates, fees and charges and requirement to pay an account will apply should a household account exceed the credit given.

MISCELLANEOUS PROVISIONS

18. Council's powers to restrict or disconnect supply of services

Council may, over and above the provisions of any other provisions in these By-Laws restrict or disconnect the supply of electricity, or discontinue any other service to any premises if –

- (a) an administration order is granted in terms of section 74 of the Magistrate Court Act, 1944 (Act No. 37 of 1944), in respect of an account holder;
- (b) an account holder of any service fails to comply with a condition of supply imposed by a Council;

- (c) an account holder obstructs the efficient supply of electricity or any other municipal services to another account holder;
- (d) an account holder supplies such municipal services to any person who is not entitled thereto or permits such service to continue;
- (e) an account holder causes a situation which in the opinion of Council is dangerous or a contravention of relevant legislation; or
- (f) is placed under a provisional registration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act No. 24 of 1936).

19. Tampering, unauthorized connections and reconnections, and improper use

- (1) Council reserves the right to monitor the service network for signs of tampering or irregularities.
- (2) No person may in manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of Council.
- (3) Where prima facie evidence exists of a consumer or any person having contravened subsection 21(2), Council has the right to disconnect the supply immediately and without prior notice to the account holder, and the account holder is liable for all fees and charges levied by the Municipality for such disconnection.
- (4) Where an account holder or any person has contravened subsection 21(2) and such contravention has resulted in the meter recording less than the true consumption, Council has the right to recover from the account holder the full cost of his estimated consumption.

20. Clearance certificate

To affect the transfer of any immovable property from one registered owner to another, the Registrar of Deeds requires a clearance certificate. The certificate is obtainable from the Municipal Manager or a duly authorized officer of Council, upon payment of the prescribed fee and subject to the conditions of section 118 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) being met.

21. Tenders and grants-in-aid

- (1) Each tender submitted to the Tender Committee must be accompanied by a certificate from the Municipality stating that the proposed supplier is not indebted to the Council for any arrears amount reflected on the Municipal account.
- (2) Should a proposed supplier be so indebted, the tender committee may disallow the tender.
- (3) The Tender Committee may only consider a tender once a proposed supplier has made satisfactory arrangements to pay the outstanding amount by means of instalments, or has settled all arrears amounts in full.
- (4) The Municipal Manager or a duly authorized officer of Council shall in the condition of contract, provide for the deduction from moneys owed to the supplier in order to settle any outstanding amount.
- (5) Payment of any grants-in-aid approved by the authorized, may be withheld pending payment of any outstanding municipal account, or pending an agreement between Council and the receiver of a grant-in-aid in which satisfactory arrangements have been made regarding the settlement of the outstanding municipal account.

22. Power of entry and inspection

- (1) A duly authorized representative of Council may for any reason related to the implementation or enforcement of these By-Laws, at all reasonable times or in emergency at any time, enter premises, request information and carry out such inspection as deemed necessary, and may for purposes of installing or repairing any meter or service connection for reticulation disconnect, stop or restrict the provision of any service.
- (2) If Council considers it necessary for work to be performed to enable an officer to perform a function referred to in 23 (1) above properly and effectively it may:
 - (a) by written notice require an account holder to do, at own expense, specified work within a specified period; or
 - (b) if the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the account holder.
- (3) If the work referred to in 23 (2) is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention has taken place, Council shall bear the expense connected therewith together with that of restoring the premises to their former condition.

23. Relaxation, waiver and differentiation of customers

- (1) Council may differentiate between different categories of ratepayers, account holders, customers, debtors, taxes, services, service standards and other matters.
- (2) Council may, in writing exempt an account holder, category of account holders, or other persons from complying with a provision of these by-laws, subject to any conditions it may impose, if the applicant or operation of that provision would be unreasonable, however Councillor its authorized agent may not grant exemption from any section of these by-laws that may result in:
 - (a) the wastage or excessive consumption of water or electricity;
 - (b) the evasion or avoidance of water or electricity restrictions;
 - (c) significant negative effects on public health, safety or environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not acceptable in terms of Council's prescribed standard; or
 - (f) any Act, or any regulation made in terms thereof, not being complied with.
- (3) Councillor its authorized agent may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection 24(2).

24. Power of Council to recover costs

- (1) Where a bank dishonours any payment made to Council, Council may levy and recover all related costs and any administration fees against an account of the defaulting account holder and may disconnect or restrict the supplies to the premises of such account holder.
- (2) All legal costs, including attorneys-and-own-client cost incurred in the recovery of amounts in arrears and payable in terms of the Magistrates Court Act, 1944 (Act No. 32 of 1944) shall be levied against the arrears account of the account holder.
- (3) For any action taken in demanding payment from account holder or reminding an account holder by means of telephone, fax, electronic mail, letter or otherwise that

payments are due, a fee will be levied against the Municipal account of the account holder in terms of Council's tariff provisions.

25. Prima facie evidence

A certificate reflecting the amount due and payable to Council, under the hand of the Municipal Manager or a duly authorized officer of Council, is upon mere production thereof prima facie evidence of the indebtedness.

26. Authentication and service of orders, notices and other documents

- (1) An order, notice or other document requiring authentication by Council must be sufficiently signed by the Municipal Manager or by a duly authorized officer of Council, such authority being conferred by resolution of Council or by a by-law or regulation and when issued by Council in terms of these by-laws is deemed to be duly issued if it is signed by an officer authorized by Council.
- (2) Any notice or other document that is served on a person by a duly authorized officer of Council in terms of these by-laws, is regarded as having been served:
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs 27(2) (a), 27(2)(b) or 27 (c);
 - (e) if that person's address agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate;
or

- (g) when it has been delivered, at the request of a person, to that person's electronic mail address.
- (3) When any notice or other document has to be authorized or served on the owner, an account holder or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, account holder or holder of the property or right in question, and it is not necessary to name that person.
- (4) Service of a copy shall be deemed to be service of the original.
- (5) Any legal process is effectively and sufficiently served on Council when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

27. Abandonment of bad debts, and full and final settlement of an account

- (1) Before terminating the debt collection procedure in any individual instance, the Municipal Manager must –
 - (a) ensure that all debt collection mechanisms as provided for in these by-laws have been utilized where reasonable;
 - (b) maintain an audit trail; and
 - (c) document the reasons for terminating the debt collection procedure, including the cost of enforcement and necessary financial adjustments,
- (2) The Municipal Manager or duly authorized officer of Council may consider an offer for full and final settlement, and must, if in the interests of Council, in writing consent to the acceptance of a lesser amount as full and final settlement of the amount due and payable.
- (3) Where the exact amount due and payable to Council has not been paid in full, any lesser amount tendered to and accepted by any Council employee, except the Municipal Manager or the Municipal Manager's delegate, shall not be deemed to be in full and final settlement of such an amount.

28. Right of appeal

- (1) A person whose rights are affected by a decision of a Municipal officer may appeal against that decision by giving written notice of the appeal and

reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

- (2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection 29(4).
- (3) The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by:
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Mayor is the appeal authority; or
 - (c) a political structure or political officer bearer or a Council or, a committee of councillors who were not involved in the decision and appointed by Council., for this purpose is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide upon the appeal within a period of twelve weeks.

29. Offences

A person is guilty of an offence and liable upon conviction to a period not exceeding six months of community service or a fine or a combination of the aforementioned if he or she –

- (a) fails to give access required by an officer in terms of these by-laws;
- (b) obstruct or hinders an officer in the exercise of his or her powers or performance of functions or duties under these by-laws;
- (c) uses or interferes with Council equipment or consumption of services supplied;
- (d) fails or refuses to give Councillor an officer such information as Council or the officer may reasonably require for the purpose of exercising powers or functions under these by-laws, or give Councillor the officer false or misleading information knowing it to be false or misleading;
- (e) fails to comply with the terms of a notice served upon him or her in terms of these by-laws;

- (f) fails to notify Council in terms of section 19 (2); or
- (g) tampers or break any seal on a meter or on any equipment belonging to Council, or for any reason as determined by the Municipal Manager causes a meter not to register the services used properly, and the person shall furthermore be charged for usage.

30. Repeal

(1) Any By-Laws applicable in the jurisdiction of the Municipality relating to the subject contained in these By-Laws are repealed to the extent that they conflict with the provisions of these By-Laws.

(2) The repeal of the existing By-Laws is effective from the date of the promulgation of these By-Laws

33. Short Title and commencement

(1) These By-laws are called Customer Care and Revenue By-laws and will come into operation on a date or dates determined by the Municipal Council and published in the provincial gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 26

MBIZANA LOCAL MUNICIPALITY

CREDIT CONTROL BY-LAWS

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CREDIT CONTROL BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act no 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act no 108 of 1996), publishes the Mbizana Local Municipality: Credit Control By-laws approved by the Municipal Council, as contained hereunder.

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SCHEDULE 1A

SCHEDULE 1B

1. DEFINITIONS

For the purpose of these By-laws, unless the context indicates otherwise-

“apparatus” includes a building, structure, pipe, pump, wire, cable, meter, machine or any fitting;

“arrangement” means a written agreement entered into between the Municipality and the debtor where specific repayment parameters are agreed to;

“billing” means proper formal notification (invoicing) on a statement to each customer of amounts levied for assessment rates and services and the net accumulated balance of the account;

“**credit control**” means all the functions relating to the collection of monies owed by ratepayers and user of municipal services;

“**customer**” means an occupier of any premises to which the Municipality has agreed to supply or is actually supplying services, or if there is no occupier, the owner of the premises;

“**customer management**” means the focusing on the client’s needs in a responsive and pro-active way to encourage payment, thereby limiting the need for enforcement;

“**defaulter**” means that person owing the Municipality in respect of taxes or service charges.

“**interest**” constitutes a levy equal to service levies and is calculated at a rate determined by the Municipality on all service levies in arrears.

“**Manager: Financial Services**” means a person appointed by the Municipality to manage, the Municipality’s financial administration and debt collection of the Municipality’s debtors;

“**municipal Account**” includes levies or charges in respect of the following services or taxes-

- (a) electricity consumption;
- (b) water consumption;
- (c) refuse removal;
- (d) sewerage services;
- (e) rates and taxes charged in relation to the value of the premises;
and
- (f) interest;

“**Municipal Council**” means the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures, Act 1998(Act no 117 of 1998, as amended);

“**Municipal Services**” those services, rates and taxes reflected on the municipal account for which payments is required by Municipality;

“**Municipality**” means Mbizana Local Municipality;

“**occupier**” means any person who occupies any premises or part thereof, without regard to the title under which he/she occupies;

“**owner**” means-

- (a) person in whom from time to time is vested the legal title to premises;
- (b) in a case where a person in whom the legal title is vested is insolvent, dead or is under any form of legal disability whatsoever, the person in whom the administration of and

control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

- (c) in a case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to-
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act no 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
 - (a) any legal person including but not limited to-
 - (b) a company registered in terms of the Companies Act, 1973 (Act no 61 of 1973), Trust inter vivos, Trust mortis causa, a Closed Corporation registered in terms of the Close Corporations Act, 1984 (Act no 69 of 1984), a Voluntary Association;
 - (c) any Department of State;
 - (d) any Municipality or Board established in terms of any legislation applicable to the Republic of South Africa; or
 - (e) any Embassy or other foreign entity;

"premises" includes any piece of land, the external surface boundaries of which are delineated on-

- (a) a general plan or diagram registered in terms of the Land Survey Act no 9 of 1927) or in terms of the Deeds Registry Act 1939 (Act no 47 of 1937);
- (b) a sectional plan registered in terms of the Sectional Titles Act 1998, (Act, 95 of 1986), which is situated within the area of jurisdiction of the Municipality;

"prescribed" means prescribed by the Municipal Council by resolution, in terms of these By-laws.

2. Objectives Credit Control Policy

(1) The Municipality must have a written policy on credit control and debt collection, which provides for-

- (a) credit control procedures and mechanisms;
- (b) debt control procedures and mechanisms;
- (c) provision for indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents;
- (d) interest on arrears;
- (e) extensions of time for payment of accounts including arrangements;
- (f) termination of services or the restriction of the provision of services when payments are in arrears;
- (g) provision of new services;
- (h) an agreement between a debtors employer and the Municipality to deduct amounts from the debtors salary or wage;
- (i) the sale in execution of any property; and
- (j) any other matter which is incidental to the credit and debt control.

(2) In determining its policy the Municipality may differentiate between categories of persons, clients, debtors and owners, as it may deem appropriate.

DELEGATION

3. The Municipal Manager is responsible for the implementation of the Credit Control By-laws but that power is, in terms of the Municipal Systems Act, delegated to the Manager: Financial Services.

SERVICE AGREEMENT

4. (1) The Municipality will not supply services unless an application is made and a service agreement, in the Municipality's prescribed form in format or as close to the format reflected in Schedules 1A (Household Consumers) and 1B (Business Consumers) is entered into.

(2) A 48-hour notice of intention to terminate the service agreement must be in writing by one party to the other.

DEPOSITS

5. (1) The Municipality will only supply the services if the consumer pays -

- (g) a deposit as security which will vary according to risk; or

- (h) a minimum deposit which will be equivalent an average of two months account.
- (2) A deposit may be in cash or a bank guaranteed cheque.
- (3) The Manager: Financial Services may increase the deposit of defaulting consumers or consumers who apply for a supply of a higher capacity than he/she is receiving.
- (7) Such deposit will not be regarded as being payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in these By-laws.
- (5) Any sum deposited by or on behalf of a consumer must, on being claimed, be refunded within 30 days after the termination of the consumer's agreement after deducting any amount due by the consumer to the Municipality.
- (6) Subject to the provisions of subsection (5), any person claiming a refund of a deposit or part thereof, must either-
 - (a) surrender the receipt which was issued for payment of the deposit; or
 - (b) if such receipt is not available, sign a receipt prescribed by the Municipality for the refund to him or her of such deposit or part thereof,and satisfy the Municipality that he/she is the person entitled to such refund.
- (7) If a deposit or part thereof has been refunded in accordance with subsection (5) the Municipality will be absolved from any further liability in respect thereof.
- (8) The consumer's agreement may contain a provision that any sum deposited by the consumer, must be forfeited to the Municipality if it is not claimed within 2 years after either such agreement has been terminated or he/she has ceased, for any reason, to receive a supply in terms of such agreement.
- (9) No interest is payable by the Municipality or its authorised agent on the amount of a deposit held by it in terms of this section.

Accounts and Billing

- 6.(1) The Municipality must issue an understandable and accurate account to a consumer and such account must consolidate all service costs of the property.
- (1) The accounts must be produced according to the meter reading cycle linked to the due dates.
- (2) The monthly cycles of rendering accounts will be approximately 30 days.
- (3) It is the consumer's responsibility to ensure timeous payment of accounts even if he/she has not received the account.

Accounts

7. The Municipality may-

- (a) consolidate separate accounts of persons liable for payment of services;
- (b) credit any unspecified payment by a consumer against any account of such consumer; or
- (c) implement any of the debt and credit control measures provided for in these By-laws in relation to any arrears on any accounts of such consumer.

POWER OF THE MUNICIPALITY TO RECOVER COSTS**Dishonoured payments**

8. Where the bank later dishonours any payment made to the Municipality, it may levy such costs and administration fees as may be reasonable and enforceable in terms of prevailing legislation.

Legal Fees

9. All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears must be levied against the arrears account of the debtor.

Cost to remind debtors of arrears

10. Any cost incurred in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, email, letter or otherwise, that his or her payments are due, may be levied against the account of the debtor.

Disconnection fees

11. Where any service is disconnected as a result of non-compliance with these By-laws by a customer, the Municipality is entitled to levy and recover the standard disconnection fee as determined by it from time to time from the user of the services.

Reconnection of services

12. The Manager: Financial Services must authorize the reconnection of services or reinstatement of service delivery after satisfactory payment or arrangement for payment has been made according to the Municipality's Credit Control Policy.

Power to restrict or disconnect supply of services

13.(1) The Municipality may, restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises whenever a user of any service-

- (a) fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any amount for services, rates or taxes;
 - (b) fails to comply with a condition of supply imposed by the Municipality;
 - (c) obstructs the efficient supply of electricity, water, gas or any other municipal services to another customer;
 - (d) causes a situation which in the opinion of the Municipality is dangerous or a contravention of relevant legislation;
 - (e) causes a situation which in the opinion of the Municipality is dangerous or a contravention of relevant legislation;
 - (f) supplies municipal services to a customer who is not entitled to it or permits such a service to continue;
 - (g) tampers with any municipal supply meter or bypasses any metering equipment in order to obtain an unmetered service;
 - (h) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency Act 1936(Act No 24 of 1936); or
 - (i) if an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act No 32 of 1944) in respect of such user.
- (2). The Municipality must reconnect and restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding and due, including the costs of such disconnection and reconnection, if any, have been paid in full and any other condition or conditions of the Municipality as it may deem fit have been complied with.
- (3). The right of Municipality to restrict water to any premises or customer is subject to the provisions of section 4 of the Water Services Act, 1977 (Act No. 108 of 1997).
- (4). The right to restrict, disconnect or terminate service will be in respect of any service rendered by Municipality, and will prevail despite the fact that payment has been made in respect of any specific service and despite the fact that the person who entered into agreement for supply of services with the Municipality and the owner are different entities or persons, as the case may be.

Disputes

14. (1) Any dispute on an account rendered by the Municipality must be lodged in writing within 30 days after rendering such account.
- (2) Where a written dispute has been received the Municipality must strive to settle it within 5 working days after receiving it.

(3) In the interim the consumer must pay an average of the last three month's account where history is available and where no such history is available the consumer must pay an estimate provided by the Divisional Manager: Income, until the matter has been resolved.

(4) If the consumer alleges that a meter is defective or inaccurate, the Municipality may arrange for the meter to be tested at a cost payable by the consumer.

(5) If the test proves that the meter is defective, the Municipality will reimburse the consumer.

Power of entry and inspection

15. (1) A duly authorized representative of the Municipality may for any purpose related to the implementation or enforcement of these By-laws, at all reasonable times or in an emergency enter premises, request information and carry out such inspection and examination as he/she may deem necessary and for purposes of installing or repairing any meter or service connection for reticulation or to disconnect, stop or restrict the provision of any service.

(2) If the Municipality considers it necessary that work be performed to enable an officer to perform a function referred to in paragraph (1) properly and effectively, it may-

- (a) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period; or
- (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.

(3) If the work referred to in paragraph (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws is committed and no such contravention has taken place, the Municipality will bear the expense connected therewith together with that of restoring the premises to their former condition.

16. Arrangements to pay outstanding and due amount in consecutive instalments

(1) A debtor may enter into a written arrangement with the Municipality to repay any outstanding and due amount to the Municipality under the following conditions-

- (a) the outstanding balance, costs and any interest thereon must be paid in regular and consecutive monthly instalments;
- (b) the written arrangement has to be signed on behalf of the Municipality by a duly authorized officer.

(2) If any dispute arises about the amount owed by an owner in respect of municipal services the owner must, despite such dispute, proceed to make regular minimum payments based on the dispute and taking into account the time value of money to be

determined by the Manager: Financial Services as well as the annual amendments of tariffs of the Municipality.

GENERAL PROVISIONS

17. Notices and Documents

- (1) A notice or document issued by the Municipality in terms of these By-laws is deemed to be duly issued if an officer authorized by the Municipality signs it.
- (2) If a notice is to be served on a person in terms of these By-laws, such service will be effected -
- (a) by delivery of the notice to him or her personally or to his or her duly authorised agent;
 - (b) by delivering the notice at his or her residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed at that place;
 - (c) if he/she has a nominated address, for legal purposes, by delivering the notice to such an address;
 - (d) by a registered or certified post addressed to his or her last known address;
 - (e) in the event of a body corporate, by delivering it at the registered office or the business premises of such body corporate;
 - (f) if service cannot be effected in terms of paragraphs (b) to (e) by affixing it to the principal door of entry to the premises, posting it to the principal door of entry to the premises, posting it to a conspicuous place on the land to which it relates.

Authentication of documents

18. (1). Every order, notice or other document requiring authentication by the Municipality must be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized officer of the Municipality, such authority being conferred by resolution of the Municipality or by a By-law or regulation.

(2). Delivery of a copy is deemed to be delivery of the original document.

Full and final settlement of an amount

19. (1). The Manager: Financial Services is at liberty to appropriate in his or her official capacity, monies received in respect of any of its municipal services as he/she deems fit.

(2). Where the exact amount due and payable to the Municipality has not been paid in full, any lesser amount tendered to and accepted by any Municipality employee will,

except where the Manager: Financial Services or his or her fully authorised delegate has approved, will not be deemed to be in final settlement of such an amount.

(3). The provision of section (1) will prevail despite the fact that such lesser payment was tendered or accepted in full settlement.

(4). The Manager: Financial Services or his or her delegate must consent to the acceptance of such a lesser amount in writing.

Interest charges

20. Subject to the provisions of the Local Government: Municipal Systems Act, 2000(Act No. 32 of 2000) or any other law relating to interest, the Municipality may by resolution of majority of the members of the Municipality, charge and recover interest in respect of any arrear amount due and payable to the Municipality.

Prima facie evidence

21. A certificate reflecting the amount due and payable to the Municipality, under the hand of the Municipal Manager, or suitably qualified person authorized by the Municipal Manager, will upon mere production thereof, be accepted by any court of law as prima facie evidence.

Proof of indebtedness

22. A certificate reflecting the amount due and payable to the Municipality under the hand of the Municipal Manager, or a suitably qualified person authorised by the Manager: Financial Services, is on mere production acceptable by the court as proof of indebtedness.

ASSESSMENT RATES

Amount due for assessment rates

23. (1) All assessment rates due by property owners are payable by the fixed date as determined by Municipality.

(2) Joint owners of property are jointly and severally liable for payment of assessment rates.

(3) Assessment rates may be paid as an annual single amount, or in equal payments or payments of varying amounts.

(4) Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

Claim on rental for assessment rates in arrears

24. The Municipality may apply to a Court of law for the attachment of any rent due in respect of rateable property, to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

Liability of Company Directors for assessment rates

25. Where a company, closed corporation or a body corporate in terms of the Sectional Titles Act, 1986 (Act No.95 of 1986) is responsible for the payment of any arrears amount to the Municipality, the liability of such entity must be extended to the directors or members thereof jointly and severally, as the case may be.

Liability of purchaser for assessment rates

26. (1) The purchaser of Municipality property is liable for the payment of assessment rates on the property in respect of the financial year in which the Purchaser becomes the new owner.

(2) In the event that the Municipality repossesses the property, any outstanding and due amount in respect of assessment rates must be recovered from the Purchaser.

Restraint on Transfer of property

27.(1). A registrar of deeds or other registration officer of immovable property may not register the transfer of property except on production to that registration officer of a prescribed certificate-

- (i) issued by the Municipality; and
- (j) which certifies that all amounts due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the three years preceding the date of application for the certificate have been fully paid.

(2) In the case of the transfer of immovable property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act, 1936(Act No.24 of 1936), an amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge on the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.

Assessment rates payable on Municipal property

28. (1) The lessee of Municipal property is responsible for payment of any general assessment rates payable on the property for the duration of the lease, as if he is the owner of such property.

(2) The Manager: Financial Services may elect to include the assessment rates in respect of a property in the rent payable by the lessee, instead of billing it separately as in the case of owners of properties.

Relaxation, waiver and differentiation

29. (1) The Municipality may differentiate between different categories of ratepayers, users of services, customers, debtors, taxes, services, service standards and other matters.

(2). The Municipality may, in a specific instance and for a particular owner or customer, relax or waive in writing the requirements of a provision of these By-laws.

(3). Any such differentiation or relaxation must be on such conditions as it may deem fit to impose, if it is of the opinion that the application or operation of that the application or operation of that provision in that instance would be unreasonable.

(4) Such differentiation or relaxation must not amount to unfair discrimination.

Reporting of defaulters

30. (1). The Municipality may in its discretion through a duly delegated officer report such persons that owe the Municipality monies to bodies that collate and retain such information.

(2). The information that must be included in such a report must be the available personal information of the defaulter, or in the event of a legal person, the available statutory details, including information pertaining to the responsible officers of such legal person.

Change to prepaid meter

31. (1) A consumer will only be allowed to change to a prepaid meter at the discretion of the extension committee or if he/she has settled his or her account.

(2) Consumers who are constantly in arrears with their accounts will have their meters changed to prepaid meters at their own cost.

Agreement with employers

32. The Municipality may enter into an agreement with the consumer's employer with the consent of the consumer to deduct any outstanding amount due by the consumer to the Municipality or any regular monthly amounts from the salary of the consumer.

Repeal of Municipality credit control By-laws

33. The provisions of any by-law relating to the control of credit by the Municipality are repealed insofar as they relate to matters provided for in these By-laws but such provisions are not deemed to be repealed in respect of any By-law which has not been repealed and which is not contrary to these By-laws.

Offences and penalties

34. A person who-

- (a) fails to give the access required by an officer in terms of these By-laws;
- (b) obstructs or hinders an officer in the exercise of his or her power or performance of functions or duties under these By-laws;
- (c) uses or interferes with Municipality equipment or consumption of services supplied;
- (d) tampers or breaks any seal on a meter or on any equipment belonging to the Municipality, or for any reason as determined by the Manager: Financial Services causes a meter not to properly register the service used, will be charged for use estimated by the Manager: Financial Services based on average use;
- (e) fails or refuses to give an officer such information as he/she may reasonably require for the purpose of exercising his or her powers or functions under these By-laws or gives such an officer false or misleading information knowing it to be false or misleading;
- (f) contravenes or fails to comply with a provision of these By-laws; or
- (g) fails to comply with the terms of a notice served on him or her in terms of these By-laws;

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

35. Conflict of By-laws

If there is any conflict between these By-laws and any other By-laws of the Municipality relating to credit control these By-laws will prevail.

36. Short Title and commencement

These By-laws are called Credit Control By-laws and will come into operation on a date determined by the Municipal Council.

SCHEDULE 1A

ACCOUNT AND SERVICE APPLICATION –HOUSEHOLD CONSUMERS

SECTION A: PERSONAL PARTICULARS: KINDLY COMPLETE IN PRINT

Surname		Preferred Name		Title	
---------	--	----------------	--	-------	--

Name in full(as in ID)	
------------------------	--

Identity/Passport number		Age	
--------------------------	--	-----	--

Employer		Telephone and code	
Address		Contact person	

Home telephone number		Language preference	English	Afrikaans
-----------------------	--	---------------------	---------	-----------

Vehicle registration number		Marital status	
-----------------------------	--	----------------	--

Pension number		Payment office	
----------------	--	----------------	--

NB: the following documents must accompany this application:

1. In the case of duets, a duet sketch plan of the premises.
2. Copy of the identity document of the person handing in the application on behalf of the applicant.
3. In the case of minors, the prescribed letter of consent and of undertaking by the legal parents / guardians.
4. In the case of newly built buildings, a certificate of occupation and an electricity approval certificate.

PLEASE MARK THE APPROPRIATE BLOCK:

Owner	Tenant	Buyer	Contractor
-------	--------	-------	------------

Date on which service is required	
-----------------------------------	--

SECTION B: DATE OF OCCUPATION

OWNER: A copy of the offer to purchase or the deed of sale stipulating the date of occupation must be supplied.

TENANT: A copy of the lease agreement stipulating the date of occupation must be supplied.

Alternatively the following part can be completed for leased properties by caretaker / agent / owner.

I,, confirm
 that.....(the tenant) has moved/ will move into the premises
 on(date of occupation).

.....

SIGNATURE, CAPACITY AND STAMP TEL NO OF AGENT/OWNER/CARETAKER DATE

SECTION C: ACCOUNT PARTICULARS

APPLICATION FOR

FLATS ONLY

Flat name and number			
Street name and number		Suburb	

HOUSES ONLY

Street name and number	
------------------------	--

Erf description		Suburb	
-----------------	--	--------	--

PLOTS ONLY

Plot number		District	
Pole number			

rendering			
Suburb/Post Office		Postcode	

SECTION D: REFERENCES (ALSO APPLICABLE TO IMMIGRANTS)

1.	Spouse: Name in full(as in ID)		
	Passport or identity number		
	Employer	Telepho ne	
	Vehicle registration number		

2.	Official physical address (Only if it differs from the service address in Section C)		

3.	Reference (non-resident)	(1)	(2)
	Name		
	Residential Address		
	Telephone (Code included)		
	Relationship		

Number	Date	Amount
Deposit receipt _____	_____	

Guarantee _____		
Finalised by: _____	Checked by: _____	
Water certificate: _____	Electricity certificate: _____	
Occupational certificate _____		

ANNEXURE 2

SCHEDULE 1B

ACCOUNT AND SERVICE APPLICATION: BUSINESS CONSUMERS

(Companies/CC's/Trusts, etc)

SECTION A: PARTICULARS OF BUSINESS KINDLY COMPLETE IN PRINT

Name of business	
------------------	--

Registration number of business		Contact person	
---------------------------------	--	----------------	--

Proxy: Full name and Surname			
ID/Passport number of proxy	Language preference	English	Afrikaans

Directors/Members/Partners/Trustees

Initials and surname	Residential address	Suburb	Telephone number
----------------------	---------------------	--------	------------------

			and code

NB: THE FOLLOWING DOCUMENTS MUST ACCOMPANY THIS APPLICATION:

1. copy of the registration document of the business or copy of the founding statement of the trust.
2. Letter of authority in which the proxy is named.
3. Copy of the proxy's identity document.
4. In the case of newly built buildings, a certificate of occupation and an electricity approval certificate.
5. Identity document of the person handing in the application.

PLEASE MARK THE APPROPRIATE BLOCK:

Owner	Tenant	Buyer	Contractor
-------	--------	-------	------------

Date on which service is required	
-----------------------------------	--

SECTION B: DATE OF OCCUPATION

OWNER: A copy of the offer to purchase or the deed of sale stipulating the date of occupation must be supplied.

TENANT: A copy of the lease agreement stipulating the date of occupation must be supplied.

Alternatively the following part can be completed for LEASED properties by caretaker / agent / owner.

I,, confirm
 that.....(the tenant) has moved/ will move into the premises
 on(Date of occupation).

Telephone number of Agent/Owner.....

.....

SIGNATURE, CAPACITY AND STAMP TEL NO OF
AGENT/OWNER/CARETAKER /DATE

SECTION C: ACCOUNT PARTICULARS

Building/flat name and number	
Street name and number	

Suburb	
Erf description	

Plot number		Distric t	
Pole number			

Postal address for account		
Rendering		
Suburb/Post Office		

Official physical address (Only if It differs from services)	
---	--

address)	

SECTION D: DECLARATION

1. We declare that the information furnished on this application is true and correct.
2. We accept the conditions set out in the By-laws and regulations for the control of electricity and water, as amended from time to time
3. We declare that, should any dispute whatsoever (whether or not political) arise between the Municipality, and us we will continue to pay the monthly levies in full. If a levy is in dispute due to its abnormality, we undertake to still monthly pay an amount equal to the average of the previous 3 monthly levies for this particular levy until my enquiry has been addressed.
4. We accept that if the deposited amount is insufficient, the deposit will be increased to the required amount as determined by the Municipality.
5. We accept liability for any tracing costs and / or legal costs incurred owing to my default.
6. We accept liability for any outstanding amounts in respect of the premises in Part B has not been completed correctly.
7. We declare that we will not be exempt from settling my account if we have not received it.
8. We accept that interest, at a rate that the Municipality may determine from time to time, will be charged on all overdue amounts.
9. We accept liability for consumption on the premises until the date on which the Municipality receives a notice of cancellation of services from us, which notice must be received 48 hours before the cancellation of services.
10. We accept that the Municipality has the authority to terminate a service due to non-payment of any other service rendered by the Municipality.
11. We accept that payment made by us will be allocated to outstanding balances in the following order-

outstanding balances;
 outstanding balances;
 water;
 assessment rates;
 electricity.

.....

SIGNATURE OF

PROXY/DATE

FOR OFFICE USE ONLY

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No. 27

MBIZANA LOCAL MUNICIPALITY

BY-LAWS ON STREET TRADING

DRAFT

STREET TRADING BY-LAWS

The Municipal Manager of the Council of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act No. 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: Street Trading By-laws which have been approved by the Municipal Council.

Street Trading**Index:**

Section	Contents
1	Definitions
2	Prohibition/prohibited conduct
3	Restrictions/restricted conduct
4	Cleanliness
5	Signs indicating restricted and prohibited areas
6	Removal and impoundment
7	Offences and penalties
8	Vicarious responsibilities of persons carrying
9	Repeal of Street Trading By-laws
10	Offences and penalties
11	Short title and commencement

Definitions

l(1) In these By-laws, except as otherwise expressly provided or unless the context otherwise indicates-

“**Act**” means the Businesses Act , 1971, (Act No. 71 of 1991);

“**approval**” means approval by the Municipal Council and “**approve**” has a corresponding meaning;

“**authorized official**” means a designated officer authorized by the Municipal Council to perform and exercise any or all of the functions and powers specified in this By-law, and subject to the provisions of that Chapter and to the provisions of any other law;

“**business**” means any act of selling or supplying goods;

“**Municipality**” means Mbizana Municipality;

“**Municipal Council**” means the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998);

“**Municipal services**” means any system conducted by or on behalf of a Municipality for the collection conveyance, treatment or disposal of refuse, sewage or storm water or for the generation, impounding, storage or purification or supply of water, gas or electricity, or Municipal services;

“**Municipal service works**” means all property or works of whatever nature Necessary for or incidental to municipal services;

“**Goods**” means any movable property and includes a living thing;

“**Intersection**” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996;

“**Litter**” includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a trader or by his or her customers;

“**Motor vehicle**” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

“**National Road Traffic Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**Pavement**” means a sidewalk defined in section 1 of the National Road Traffic Act;

“**Prescribed**” means prescribed by the Municipal Council by resolution;

“**Property**” in relation to a street trader, means any article, container, vehicle or Structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

“**Public building**” means a building belonging to or occupied solely by the State or The Municipality;

“**Public Monument**” means those monuments and memorials as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

“**Public place**” means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No 17 of 1939);

“**Public road**” means a public road as defined in section 1 of the National Road Traffic Act;

“**Roadway**” means a roadway as defined in section 1 of the National Road Traffic Act;

“**Sell**” includes –

- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store with a view to sell; or
- (d) provide a service for reward and “sale” “selling” has a corresponding meaning;

“**Sidewalk**” means a sidewalk as defined in section 1 of the National Road Traffic Act, 93 of 1996;

“**Street furniture**” means any furniture installed by the Municipality on the street for public use;

“**Street trader**” means a person who carries on the business of street trading;

“**Street trading**,” means the selling of any goods or the supplying or offering to supply any service for reward in a public road or public place by a street trader;

“**The Act**” means the Business Act, 1991, (Act No. 71 of 1991); and includes the regulations promulgated there under;

“**Verge**” means a verge as defined in section 1 of the National Road Traffic Act;

2. (1) In these By-laws, unless the context otherwise indicates, any words or Expressions to which a meaning has been assigned in the Business Act, 1991, must have a corresponding meaning in these By-laws.

(2) For the purpose of these By-laws a single act of selling, offering or rendering of services in a public road or public place constitutes street trading.

(3) For the purpose of these By-laws a reference to person carrying on the

business of street trader includes any employee of such person.

(4) For the purpose of these By-laws, a reference to any legislation is a reference to that legislation and the regulations promulgated thereunder;

Prohibited Conduct

1. (1) No person must carry on the business of a street trader –

(a) at a place or in an area declared by the Municipality in terms of section 6A (2) (a) of the Act as a place or area in which street trading is prohibited;

(b) in a garden or a park to which the public has a right of access; or

(c) on a verge contiguous to –

(i) a building belonging to, or occupied solely by, the State or the Municipality;

(ii) a church or other place of worship;

(iii) a building declared to be a Public monument under the National Heritage Resources Act, 1999 (Act No 25 of 1999);

(iv) an auto teller bank machine.

(a) at a place where it causes an obstruction in front of –

(i) a fire hydrant;

(ii) an entrance to or exist from a building;

(b) at a place where it causes an obstruction to vehicular traffic;

- (c) at a place where it substantially obstructs pedestrians in their use of the sidewalk;
 - (d) on that half of a public road contiguous to a building used exclusively for residential purposes, if the owner or person in control or any occupier of that building objects thereto; and such objection is made known to the street trader by an authorized official;
 - (e) on a stand or in any area demarcated by Municipality in terms of section 6A(3)(b) of the Act if he is not in possession of a written proof that he has hired such stand or area from the Municipality or that such stand has otherwise been allocated to him; nor must he trade in contravention of the terms and conditions of such lease or allocation; or
 - (f) Within 5 (five) metres of any intersection as defined in Regulation 322 of National Road Traffic Act 1996 (Act 93 of 1996).
- (2). Unless the carrying on of such business is permitted by the Municipality in terms of an agreement of sign erected or displayed by the Municipality and in compliance therewith.

Restricted Conduct

3. A person carrying on the business of a street trader must-
- (a) not sleep overnight at the place of such business;
 - (b) not erect any structure for the purpose of providing shelter, other than a device approved of by the Municipality;
 - (c) not place his or her property on a public road or public place with the exception of his or her motor vehicle or trailer from which trade is conducted and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic;

- (d) ensure that his or her property does not cover an area of a public road or public place which is greater in extent than 6 square metres (with a maximum length of 3 metres) or unless otherwise approved by the Municipality and which on any sidewalk does not leave a space less than 1,5 metres for pedestrian traffic measured over the width between the wall of the shop contiguous to which he/she conducts his or her business and does not leave a space of less than 1m from the kerb of the roadway;
- (e) not place or stack his or her property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or cause damage to any property;
- (f) not place his or her property, on a public road or public place that is not capable of being easily removed to a place of safety that is not a public road or public place at the end of the day's business;
- (g) not obstruct access to a fire hydrant;
- (h) not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier or person in control of such building or property;
- (i) on request by an authorised official of the Municipality or supplier of telecommunication or electricity or other Municipality services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (j) not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp, pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (k) not carry on such business in such a manner as to-
 - (i) create a nuisance;

- (ii) damage or deface the surface of any public road or public place or any public or private property; or
- (iii) create a traffic and / or health hazard;
- (l) not make an open fire that poses health or environmental hazard to any person or property or to any street furniture referred to in (j) above;
- (m) not interfere with the ability of persons using the sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- (n) not obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
- (o) not obstruct access to or the use of street furniture and other facilities designed for the use of the general public;
- (p) not obscure any road traffic sign displayed in terms of the National Road Traffic Act, and regulations made there under or any markings, notices or signs displayed or made in terms of these By-laws;
- (q) not carry on business or take up a position or place his or her property on a portion of sidewalk or public place in contravention of a notice or sign erected or displayed by the Municipality for the purposes of these By-laws;
- (r) not, other than in a refuse receptacle approved or supplied by the Municipality, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any litter on any land or premises or any public road or public place or on any public or private property;
- (s) on concluding business for the day remove his or her property, except any structure permitted by the Municipality, to a place which is not part of a public road or public place;

- (t) not store his or her property in a manhole, storm water drain, public toilet and bus shelter or in a tree; and
- (u) not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Municipality in terms of section 6A(2)(a) of the Act.

4. Cleanliness

A street trader must-

- (a) keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (b) keep his or her property in a clean, sanitary and well maintained condition;
- (c) dispose of litter generated by his or her business in whatever receptacles provided by the Municipality for the public or at the dumping sites of the Municipality;
- (d) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (e) ensure that on completion of business for the day, or the area or site occupied by him or her for the purposes of trade is free of litter;
- (f) take such precautions as may be necessary to prevent the spilling onto a public road or public place or into a storm water drain of any fat, oil or grease in the course of conducting his or her business;
- (g) ensure that no smoke, fumes or other substances, odours and noise emanating from his or her activities causes a nuisance or pollution of any kind; and

- (h) On request by an authorised official or agent of the Municipality, move his or her property so as to permit the cleansing of the space of the area or site where he/she is trading or the effecting of the Municipality services.

5. Signs indicating restricted and prohibited areas

(1). The Municipality may, by resolution and in terms of section 6A(2) (a) to (j) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited and must, in compliance therewith, prescribe or make signs, markings or other devices indicating-

- (a) specified hours, places, goods or services in respect of which street trading is restricted or prohibited;
- (b) the locations of boundaries of restricted or prohibited areas;
- (c) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
- (d) the fact that any such stand or area has been let or otherwise allocated;
- (e) any restriction or prohibition against street trading in terms of these By-laws.

(2).The Municipality may display any such sign, marking or device in such a position and manner as will indicate the restrictions or prohibitions and the location or boundaries of the area or stand concerned.

(3).The signs erected in terms of these By-laws or any other law will serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned.

(4).The signs may be amended from time to time and displayed by the Municipality for the purpose of these By-laws and must have the same effect as road signs in terms of the National Road Traffic Act, 1996(Act No 93 of 1996)

Removal and impoundment

6. (1). An authorised official may remove and impound any property of a street trader-

- (a) which he/she reasonably suspects is being used or intended to be used or has been used in or in connection with street trading; and
- (b) which he/she finds at a place where street trading is restricted or prohibited and which, in his or her opinion, constitutes an infringement of any such restriction or prohibition;

whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.

(2) Any authorised official acting in terms of subsection (1) above must, except in the case of goods that have been left or abandoned, issue to the person carrying on the business of street trader, a receipt for any property so removed and impounded and which receipt must contain such terms and conditions as relating to-

- (a) the address whereat the impounded property will be kept and the period thereof;
- (b) the conditions for the release of the impounded property; and
- (c) the sale of unclaimed property by public auction.

(3). If any impounded property is attached to any immovable property or structure, and such property is under the apparent control of a person present thereat, any authorised official of the Municipality may order such person to remove the object, and if such person refuses or fails to remove the object, he/she is guilty of an offence.

(4). When any person fails to comply with an order to remove the property referred to in subsection (3), any authorised official of the Municipality may take such steps as may be necessary to remove such property

(5). Neither the Municipality nor a Municipal official, officer or employee of the Municipality is liable for any loss of or damage to any property removed or impounded in terms of these By-laws.

Vicarious responsibility of persons carrying on business

8. When an employee of a person trading contravenes a provision of these By-laws, whether by act or omission, the employer is deemed to have committed such contravention himself or herself, unless such employee satisfies the court that –

- (a) he/she neither connived at nor permitted such contravention and;
- (b) he/she took reasonable steps to prevent such contravention, provided that the fact that the employer issued instructions prohibiting such contravention, must not in itself constitute sufficient proof of such reasonable steps.

Offences and penalties

7. (1) Any person who -

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws;
- (d) who obstructs or hinders any authorised representative or employee of the Municipality in the performance of his or her duties under these By-laws;

(e) fails or refuses to give an officer such information as he/she may reasonably require for the purpose of exercising his or her powers or functions under these By-laws or gives such an officer false or misleading information knowing it to be false or misleading;

(e) contravenes or fails to comply with a provision of these By-laws; or

(g) fails to comply with the terms of a notice served on him or her in terms of these By-laws,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

Repeal of Municipality Street Trading By-laws

9. The provisions of any By-law relating to the street trading by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Short Title and commencement

11. These By-laws are called By-laws on Street Trading and will come into operation on a date determined by the Municipal Council.

No. 28

MBIZANA MUNICIPALITY

BY-LAWS ON BURSARIES

DRAFT 1

The Municipal Manager of the Municipality of Mbizana in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: By-laws on Bursaries, which have been approved by the Municipal Council.

Definitions

1. In these By-laws, unless the context indicates otherwise –

“**Act**” means the Local Government Municipal Systems Act, 2000 (Act 32 of 2000);

“**bursary holder**” means a resident or dependant of a resident, whom a Bursary has been granted

“**Bursaries**” means the fund established by the Municipality in terms of the provisions of section 79 (51) of the Local Government Ordinance 1939 read with section 68 of the Act to provide for bursaries for study purposes and wherein the Municipality may from time to time deposit such funds as it may decide;

“**Course**” means a learnership, or training module towards a degree, diploma or certificate or any portion thereof consisting of a special number of subjects or modules completed within the fixed period as determined by educational institutions, and/or relevant sector education and training authorities (SETA) and which the Municipality has approved;

“**Education institution**” means an institution registered as University, College, Technikon or other institution of further or higher education and training

“**a learnership provider**” means an institution or organisation accredited by the Local Government and Water Sector Education and Training, or other relevant SETA, and registered as a learnership provider in compliance with the National Qualifications Framework.

“**interest**” means the amount of money calculated on the outstanding balance of the Bursary as on the first day of each relevant month at an interest rate as determined from time to time by the Municipality and which is added to the Bursary on a monthly basis;

“**Municipality**” means Mbizana Local Municipality;

“**Municipal Council**” means Mbizana Municipal Council referred to in section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), in terms of Section 157(1) of the Constitution of the

Republic of South Africa, 1996 (Act 108, 1996), or person designated by any legislation or resolution of Municipality to represent it;

“**official**” means any employee whose name appears on the permanent staff establishment of the Municipality;

“**Skills Act**” means the skills development act, (No 97 of 1998)

“**Publication costs**” means the costs relating to-

- ❖ The remuneration of a professional typist after submission of an estimate by the resident or official
- ❖ The remuneration of a professional proof reader or linguist after the submission of an estimate by the bursary holder/borrower;
- ❖ The cost of printing and the binding of the script, dissertation or thesis in accordance with the technical and quality requirements of the education institution

“**Resident**” means any person who himself or herself resides or whose parents reside within the Municipal area of Mbizana at the time of application;

“**Workplace Skills Plan**” means the training plan, formulated and adopted by Municipality, in accordance with the Skills Development Act, 1998 (Act No. 97) of 1998 and submitted to the LGW Seta annually.

BURSARIES TO RESIDENTS

Purpose and Amount of the Bursary

2.(1) The Municipality may budget an amount from its own funds or from donations for the purpose of providing bursaries in each year and determine the number of bursaries which may be granted in that year.

(2) The Municipality may grant-

- (a) bursaries annually, of the prescribed amount to applicants approved by the Municipality for the purpose of assisting such applicants to attend a course of study;
- (b) more than one bursaries to any one person in respect of one course of study, provided that a bursary must be a prescribed amount per annum;
- (c) a bursary to an applicant attending or proposing to attend a course at a properly registered tertiary institution within the Republic of South Africa;

- (d) a bursary to persons whose parents have at the date of application for such bursary been residing for at least two years within the municipal area,

(3) Preference will be given to applicants coming from families declared as indigent in terms of the Municipality's Indigent Policy.

Primary requirements for selection of students

3. (1) Bursaries are available to both gender, whose parents have resided in the jurisdiction of the Municipality from a period exceeding two years or who are rate payers. Applications from students who attend the local high schools in the Municipality area will be given preference.

(2) The Municipality will consider an application for a bursary subject to satisfactory proof of good character, and by virtue of academic merit proven by submission of proof of results of previous studies, or a matriculation certificate.

(3) The committee must allocate bursaries to approved learners each year for post matriculation purposes, for a course of which the duration must not exceed four years subject thereto that the bursary holder must submit an application for renewal annually.

(4) One study course should be relevant to the activities of a Municipality.

Bursary Agreement

4. (1) The Municipality and the bursary holder must before a bursary is paid out enter into a written agreement in which the provisions of these By-laws are incorporated.

(2). The Municipality must take out on the life of bursary holder an approved life insurance policy for the amount of the Bursary over the years of study, plus five years and cede it to the Municipality, the premiums of such policy will be added to the loan.

CONDITIONS OF BURSARY

Payment of Bursary

5.(1) The Municipality must pay the amount of the Bursary to the institution at which a person is attending or proposes to attend the course in respect of which the Bursary has been granted, unless otherwise requested by the applicant in writing.

(2) The remaining portion of such amount after all study fees and charges in connection with the course for that year have been met, must be paid to the bursary holder.

Termination of study course

6. (1) Subject to the provisions of section 7(9) and (10), the bursary holder must on completion termination of study course or if he or she abandons the course serve the

Municipality for a period equivalent to the years spent at the educational institution failing which the amount of the bursary together with interest must-

- (a) be repaid to the Municipality by way of equal monthly instalments payable on or before the 7th day of every month over a period of five years as from the first day of April of the year succeeding the year in which that person completed his or her course at such institution; or
- (b) subject to approval in writing by Municipality, the repayment can commence within two months of the employment of the bursary holder.

(2) For the purposes of subsection (1), the date of completion of a course or the date of abandonment of such course will be the date stated in a letter written by the head of the institution addressed to the Municipal Manager, or written by the person duly authorised by such head.

(4) The Municipality reserves the right to claim immediate payment of the total outstanding amount of the bursary, together with the interest, through a court of law if the bursary holder fails to serve the Municipality or pay any instalment referred to in section 6 by the due date.

BURSARY TO OFFICIALS

Primary requirements of Bursary to officials

6. (1) An official must apply for a bursary in writing on the form provided for this purpose and in the application furnish full particulars of the proposed course or learnership with reference to the subjects and modules as well as the educational institution where classes will be attended, study guidance or study course material to be received and study material to be obtained.

(2) The Municipality must pay out a bursary by directly to the applicable educational institution or learnership provider on presentation of an account or to the applicable borrower on submission of a receipt to the satisfaction of the Municipality.

(3) Any course or learnership, which is followed by the employee to whom a bursary from bursary fund has been granted, must have bearing on and be applicable to the activities of the Municipality.

(4) A bursary must not be granted to an employee unless the Municipality has approved the course, which such employee intends to follow.

(5) Before a Bursary is paid out by the Municipality-

- (a) a written agreement by and between the applicable employee and the Municipality must be entered into wherein the provisions of section 6 of these By-laws must be affirmed;
 - (b) in the event of death or disability, must not be repayable to the Municipality on condition that a certified death certificate or written proof of disability is submitted.
- (6) If the bursary holder fails to serve the Municipality on completion of the course the amount of the bursary together with interest must be repaid by the official in at least 12 equal monthly instalments starting on the first day of the month following the date on which he fails to serve the Municipality.
- (7) If an official, for any reason whatsoever, terminates his or her service with the Municipality but has not yet received his or her results or was unsuccessful, the outstanding amount of the bursary must be repayable immediately.
- (8) The Municipality is entitled, at its discretion, to withdraw a bursary from the official if such official is guilty of misconduct, or is not progressing satisfactorily with his or her studies, or is not complying with any of his or her commitments in terms of these By-laws or the bursary agreement and the bursary holder must serve the Municipality for the years spent at the institutions or pay the amount of the bursary with interest.
- (9) An official who has paid for his or her studies and completed a course, module or learnership or portion thereof successfully, may be compensated for his or her study fees and study expenses after written proof of receipts and examination results by the educational institution has been submitted to the Municipality and on submission the provision of section 12(3) are with the necessary changes applicable to the official, if the necessary bursary application forms have been completed by such an official.
- (10) If any provisions of these By-laws have not been explicitly determined under the headings "Bursaries to Residents, Bursary or Bursaries to officials, or bursaries to dependants of officials", finality is vested in the Municipality at its exclusive discretion.

Bursaries to dependants of officials

7. (1) An official must apply for a Bursary for his or her dependant in writing on the form provided for this purpose and in the application furnish full particulars, of the proposed course, module or learnership with reference to the subjects and modules as well as the educational institution where classes will be attached, study guidance or courses or learnership material to be received and study material be obtained from.
- (2) A bursary must be paid out by the Municipality directly to the applicable educational institution, on presentation of an account or to the applicable borrower on submission of a receipt, to the satisfaction of the Municipality.

(3) Before a bursary is paid out by Municipality a written agreement by and between the applicable employee and the Municipality must be entered into wherein the provisions of section 6 of these By-laws must be reaffirmed,

(4) If the dependant fails to serve the Municipality at completion of the study course the amount of the bursary, together with interest calculated on the outstanding balance must be repaid by the official in 12 equal monthly instalments starting on the first day of the month following the date on which the cheque was issued.

(5) If an official for any reason whatsoever terminated his or her service with the Municipality, the outstanding amount of the bursary must be repayable immediately, but the Municipality is entitled to deduct the amount from the last salary of the official and leave money due to the official in order to settle such loan.

Granting of bursaries and applications

8. (1) Bursaries may be granted to employees who qualify in terms of Municipal Council resolution for admission to the particular course or remainder thereof at the relevant educational institution.

(2) Employees must apply in writing to the Municipal manager before 15 January of the relevant year for a Bursary and in the application must furnish full particulars of present academic qualifications, the intended course, stating the major and other subjects and the educational institution at which lectures must be attended or from which studies must be obtained and the section of the Municipality's services in which such employee is employed.

(3) A Bursary must not be granted to an employee before the Municipality has approved the relevant course and fees or remainder thereof, which such employee intends following. If an employee had been given a bursary previously he or she will only qualify for another bursary after furnishing his or her previous results.

(4) The Municipality may in its discretion, approve or reject an application for a bursary, but as soon as the Municipality has approved a bursary, a certificate to that effect must be issued to the employee for submission to the relevant educational institution, to exempt the employee from the payment of any study fees at the time of registration.

Purpose and amount of Bursaries

9. (1) The Municipality must grant bursaries to employees for -

- (a) payment of study fees (registration fees included), in respect of courses or remainders of courses for which such employees have enrolled at any educational institution so as to assist such employees to obtain the necessary training and academic

background of the functions of local authorities without being financially burdened; and

(b) the necessary handbooks.

(4) A pro-rata repayment, calculated in relation to the number of subjects passed, must also be made to an employee who finances his or her studies himself, on condition that the Municipality has approved of the relevant course or remaining portion thereof which such employee intends following prior to the commencement of each year's study course and the employee contractually undertakes to remain in the Municipality's service for the ensuing 12 months, that is from the date on which he provides written proof of subjects passed.

Repayment of Bursary on termination of services during contract period

10. In the event of an employee, for any reason whatsoever, at any time, leaving the Municipality's service before completion of the contract period, he or she is bound immediately to repay to the Municipality an amount calculated on the basis that one month's service rendered is equivalent to one twelfth of the amount paid out to him or her, and in such instance the Municipality may attach the monies mentioned in section 12(a).

Repeal of By-laws

11. The provisions of any By-laws relating bursaries by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Short title

12. (1) These are called the Bursaries By-Laws will come into operation on a date or dates to be determined by the Council by publication in the Provincial Gazette.

(2) The Municipality may be set different dates of operation for different areas.

No. 29

MBIZANA LOCAL MUNICIPALITY

BY-LAWS FOR THE CONTROL OF RECREATIONAL FACILITIES

DRAFT 1

BY-LAWS FOR THE CONTROL OF PUBLIC RECREATIONAL FACILITIES

It is notified according to section 13 of the Local Government Municipal Systems Act, 2000 (Act No.32 of 2000) that the Mbizana Municipal Council publishes the Control of public recreational facilities By-laws as set out below:

INDEX

1. Definitions
2. Application of the By-laws
3. Planning of recreational facilities
4. Financing and development of recreational facilities
5. Environment, sport and recreation
6. Control of recreation facilities
7. Restriction on entry into or residence in parks and recreational facilities and prohibition of certain acts therein
8. Purpose for which permission to enter or reside in a recreational premises may be granted
9. Sale of food
10. Sale of other goods
11. Charges relating to the use of municipal recreational facilities
12. Safety measures to be observed
13. Repeal
14. Short title and commencement

Definitions

1. In these By-laws, unless the context otherwise indicates:-

"animal" means animal of the animal kingdom;

"Municipal Council" means the Mbizana Municipal Council and any officer to whom the Municipality has delegated the powers, functions and duties vesting in the Municipality in relation to these By-laws;

"Municipality" means the Mbizana Local Municipality;

"Municipal entertainment facilities" means parks, public halls, stadia, sports grounds and Municipality;

"recreational facilities" means Municipal entertainment facilities;

Application of the By-laws

2. (1) These By-laws will apply within the area of jurisdiction of the Municipal area, from the date of promulgation.

(2) These By-laws will not apply in the Municipality in so far as they relate to matters with regard to which there are replacing provincial or national legislation in force in the Municipality to the extent that such replacing legislation deals with the matters.

Planning of recreation facilities

3. The Municipality will, when planning such facilities for sport and recreation ensure that special consideration is given to the accessibility of such facilities to sports people and spectators with disabilities.

Financing and development of recreation facilities

4. (1) The Municipality may form partnership with other related sport organisation that have an interest in sport and recreation and mass participation, in order to:-

- (a) enlist financial assistance towards the expansion of mass participation in sport and recreation programmes and services; and
- (b) provide physical facilities for sport and recreation.

(2) The Municipality will ensure that-

- (a) women;

- (b) the youth attending school and those who are no longer attending school;
- (c) the disabled;
- (d) senior citizen; and
- (e) neglected rural areas within the area of the Municipality; receive priority regarding programmes for development and delivery of sport and recreational facilities

Environment, sport and recreation

5. All sport and recreation activities must be conducted in such a way that the environment is not adversely affected.

Control of recreation facilities

6. (1) The Municipality must control, manage maintain the recreation facilities within its Municipal area:

(2) The Municipality may-

- (f) construct and erect such roads, bridges, buildings, dams, fences, breakwaters, seawalls, boathouse, landing stages, mooring places, swimming pools, oceanariums and underwater tunnels and carryout such other works as it may consider necessary for the control, management or maintenance of the facilities;
- (g) take such steps as will ensure the security of visitors, the animal and plant life and the preservation of the facilities premises and the animals and vegetation therein in a natural state;
- (h) provide meals and refreshments for visitors to the facilities;
- (i) carry on any business or trade for the convenience of visitors to parks and other recreational facilities;
- (j) supply any other service for the convenience of visitors to the recreational premises;
- (k) establish, erect, equip and maintain any building, structured or depot required for the use of the premises;
- (l) determine such charges which are to be paid in respect of permission to enter or reside in a recreational premises;
- (m) authorise any person to carry on, subject to such conditions and to the payment of such charges as the Municipality considers fit any a activity, except the sale of liquor, which in terms of this subsection may be carried on by the Municipality;

- (n) the Municipality may temporarily lease or in any other manner make available any land, building, structure or other facility which has been acquired or erected in terms of these By-laws to another person for the purpose and on the conditions agreed upon with that person.

Restriction on entry into or residence in parks and recreation facilities and prohibition of certain acts therein

7. (1) No person other than an officer or employee acting under the authority of the Municipality may-

- (o) enter or reside in a park, sporting facility or public hall without the permission of the Municipality or any officer or employee authorised to grant such permission;
- (p) convey into or within a park, sporting facility, public or any place of public entertainment or be in possession of any weapon, explosive trap or poison;
- (q) within a park or sporting facility hunt or otherwise wilfully or negligently kill or injure any animal;
- (r) within a park or sporting facility take, damage or destroy any egg or nest of any bird, or take honey from a beehive;
- (s) wilfully or negligently cause a veldt fire, or any damage to any object of geological archaeological, historical, ethnographical, oceanographic, education or other scientific interest in park, public hall or any place of public amusement;
- (t) introduce any animals or permit any domestic animal to stray into or enter a place of public amusement;
- (u) cut, damage, remove or destroy any tree or any part thereof, dry firewood, grass or other plant (including any marine plant) in a place of amusement;
- (v) remove seed from any tree or other plant within a place of public amusement without the permission of the Municipality or any officer or employee authorised to grant such permission;
- (w) feed any animal in a park or sporting facility;
- (x) drive a motor vehicle in a place of amusement without a valid driver's licence, or permit any other person to drive a motor vehicle in a place of public amusement without a valid driver's licence.

Purpose for which permission to enter or reside in a recreational premises may be granted

8. (1) The permission to reside or enter a recreational premises or public hall other than in a normal course of a recreational activity may be granted subject to such conditions as may be deemed necessary and must be granted only for the purpose of:-

- (c) health, educational or recreational or matters incidental thereto;
- (d) transacting any lawful business with or concerning any person within the premises;
- (e) enabling any person in the employ of the government or of any provincial administration to carry out any official duty.

Sale of food

9. (1) Save where otherwise provided in these By-laws a person authorised to utilise entertainment facilities or to whom any other service mentioned in these By-laws has been rendered by the Municipality must be liable to the Municipality for the tariff charge in respect thereof.

(2) Any person desiring to utilise any entertainment facility of the Municipality must apply therefore in a form prescribed by the Municipality seven days in advance.

(3) A minimum of ten percent of the gate takings must be charged for the use of public entertainment facilities provided by the Municipality.

(4) The Municipality may exempt any person or organisation from paying the charge mentioned in subsection (3).

(5) The payment contemplated in subsection (3) must be made to the Municipality within a period of three days after the event.

(6) The Municipality may determine any other charge payable for the use of its facilities in terms of these By-laws.

(7) Any person who fails to pay any the charges contemplated in this section in respect of services rendered by the Municipality must be guilty of an offence.

Safety measures to be observed

12. The Council must maintain public entertainment facilities in accordance with the provision of the Disaster Management Act, Act of 2000.

Repeal

13. (1) Any law applicable in the jurisdiction of the Municipality and which relates to the control of recreational facilities is repealed to the extent that it conflicts with these By-laws.

(2) Repeal is effective from the promulgation of these By-laws.

Short title and commencement

14. These By-laws must be called Control of Public Recreational Facilities By-laws and will come into effect after being published in the Provincial Gazette.

No. 30

MBIZANA LOCAL MUNICIPALITY

MBIZANA LOCAL MUNICIPALITY

BY-LAWS ON FOOD HANDLING

DRAFT

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal Systems Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), publishes the Mbizana Local Municipality: By-laws on Food Handling which have been approved by the Municipal Council.

Food Handling

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1	Definitions
2	Applications
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4	Prohibitions on handling and transportation of food
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8	Standards and requirements for display, storage and temperature of food
9	Standards and requirements for protective clothing
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11	Duties of a food handler
12	Standards and requirements for handling of meat
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Short Title and commencement

Annexure

1. Section 8(6)
- 2 Code of practise for measuring temperature of food
- 3 Measurement of temperature
- 4 Presumption in respect of representative temperature reading

Definition

1. In these By-laws any word or expression to which a meaning has been assigned in the Act must have such meaning and, unless the context otherwise indicates-

“**available**” includes available elsewhere than on the food premises in question;

“**best available method**” means a method which is practicable and necessary for the protection of food against contamination or spoilage, having due regard to local conditions and circumstances whether at or on food premises or elsewhere, the prevailing extent of established practice and financial implications thereof;

“**certificate of acceptability**” means a certificate of acceptability referred to in section 3;

“**clean**” means free of any direct, impurity, objectionable matter or contamination to the extent that state of hygiene is attained, and “keep clean” has a similar meaning;

“**container**” or “**food container**” includes anything in which or with which food is served, stored, displayed, packed, wrapped, kept or transported and with which food has direct contact;

“**contaminate**” means the effect exerted by an external agent on food so that it-

- (a) does not meet a standard or requirement determined by law;

- (b) does not meet acceptable food hygiene standards or consumer norms or standards; or
- (c) is unfit for human consumption;

and “**contamination**” has a corresponding meaning;

“**core temperature**” means the temperature reading taken in the estimated centre of the food;

“**facility**” means any apparatus, appliance, equipment, implement, storage space, working surface of object used in connection with the handling of food;

“**food**” means a foodstuff intended for human consumption as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972), excluding food referred to in regulation 14;

“**food handler**” means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use;

“**food premises**” means a building, structure, stall or other similar structure, and includes a caravan, vehicle, stand or place used for or in connection with the handling of food;

“**good manufacturing practice**” means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process;

“**handle**” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport, display, sale or for serving, and “**handling**” has a corresponding meaning;

“**hands**” includes the forearm or the part of the arm extending from the wrist to the elbow;

“**health hazard**” includes any condition, act or omission that may contaminate or spoil food so that consumption of such food is likely to be dangerous or detrimental to health;

“**inspector**” means a medical officer or health appointed in terms of section 22(1) of the Act, or an environmental health officer or veterinary surgeon appointed in terms of section 24(1) of the Act;

“**Meat Safety Act**” means Meat Safety Act, 2000 (Act No. 40 of 2000).”

“**Municipal Council**” means the Mbizana Municipal Council and any officer to whom the Municipality has delegated the powers, functions and duties vesting in the Municipality in relation to these By-laws;

“**Municipality**” means Mbizana Local Municipality;

“National Building Standards Act” means the National Building Standards Act, 1977 (Act No. 103 of 1977);

“perishable food” means any foodstuff which on account of its composition, ingredients, moisture content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes thereon or therein if the foodstuffs listed in Government Notice No. R.1183 of 1 June 1990, as amended, excluding fruit and vegetables;

“person in charge” with regard to any food premises, means a natural person who is responsible for the food premises or the owner of such food premises, as the case may be;

“pre-packed food” means food which, before it is presented for sale or for serving, has been packed as contemplated in section 7(3);

“ready-to-consume food” means any perishable food which may be consumed without having to undergo any further process of preparation to make it consumable;

“serve” includes the provision of food whether for a consideration or otherwise;

“the Act” means the Health Act, 1977 (Act No. 63 of 1977);

“thermometer” means an apparatus which can give the temperature readings referred to in these regulations, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0,5oC;

“these By-laws” includes any annexure to these By-laws;

“unsound” means unwholesome sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever;

“vehicle” means train, trolley, wagon, cart, bicycle, sledge, truck, boat, ship or aeroplane, and includes any other craft, vehicle or conveyance used in-the handling or transport of food;

“water” means water that complies with the requirements set out ins SABS 241: Water for domestic supplies.

Application

2. (1) If the Municipality does not have the services of an inspector at its disposal for any reason may use the services of an inspector from another health authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these By-laws.
- (2) No provision of these By-laws that is in conflict with regulations made under the Act with regard to the handling or transport of certain foods must be valid in so far as it so conflicts.

Certificate of acceptability

3. (1) Subject to the provisions of subsection (2) and section 15(5), no person must handle food or permit food to be handled-
 - (a) on food premises in respect of which valid certificate of acceptability has not been issued or is not in force; or
 - (b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.
- (2) The provisions of subsection (1) must come into effect in the case of food premises existing at the time of publication of these By-laws on the first day following a period of six months after the date of promulgation of these By-laws.
- (3) The person in charge of any food premises wishing to obtain a certificate of acceptability in respect of such food premises must apply in writing to the Municipality on a form containing at least the particulars that are substantially the same as those contained in the form in the Annexure to these By-laws
- (4) On receipt of an application referred to in subsection (3), the Municipality must without delay refer the application to an inspector for consideration.
- (5) An inspector may, in considering such an application, request such further information as he/she may deem necessary or expedient from the applicant or from any other person.
- (6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities and subject to the provisions of sections 4(2) and 15-
 - (a) in all respects comply with the provisions of section 5 and 6, the Municipality must issue a certificate of acceptability in the name of the person in charge on a form that is substantially the same as the form in Annexure B these By-laws; or
 - (b) do not in all respects comply with the provisions of section 5 and 6, a local authority may, subject to the provisions of section 4(2), grant an extension for a maximum of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question but during the said period of extension the provisions of subsection (1) must not apply to the person concerned.
- (7) A certificate or acceptability must be displayed in a conspicuous place for the information of the public on the food premises in respect of

which it was issued or a copy thereof must immediately be made available on request where the display thereof is impractical.

- (8) If the person in charge of food premises is replaced by another person, such person must inform the Municipality in writing of such replacement within 30 days after the date thereof and the Municipality must subject to the provisions of section 4(2), issue a new certificate of acceptability in the name of the new person in charge.
- (9) A certificate acceptability-
- (a) is not transferable from one person to another person and from one food premises to another food premises;
 - (b) is valid only in respect of the nature of handling set out in the application of or a certificate of acceptability;
 - (c) may at any time be endorsed by the Municipality by-
 - (i) the addition of any further restriction that may be necessary to prevent a health hazard; and
 - (ii) the removal of any restriction with regard to the category or type of food or the method of handling;
 - (c) must expire temporarily for the period during which a prohibition under section 4(2) is in effect;
 - (d) must expire permanently if a prohibition referred to in section 4(2) is not removed within a stipulated period which must not exceed six months from the date on which a notice was issued in terms of section 4(2); and
 - (e) must expire permanently if the provisions of subsection (8) are not complied with.
- (10) No person may make any unauthorized changes or additions to or forge a certificate of acceptability.

Prohibition on handling and transportation of food

4 (1) No person must handle food in a manner contrary to the provisions of these

By- laws.

(2) If an inspector following an inspection of food premises or a facility is of the opinion that-

- (a) such food premises or facility-

- (i) are or is in such a condition or used in such a manner; or
 - (ii) do or does not comply with these sections to the extent;
- (b) a particular activity with regard to the handling of food takes place in such a manner referred to in subsection(1); or
- (c) such circumstances exist with regard to the food premises or facility or any other activity, that constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited,
- the Municipality may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written notice in terms of section 52 of the Act on the person in charge or, if he/she is not available, his or her representative informing such person of the prohibition.
- (3) A notice referred to in subsection (2) must contain at least the following particulars:
- (a) The reason(s) for the prohibition; and
 - (b) a statement in writing that the prohibition will be removed by a Municipality as soon as the reasons for the prohibition are removed and the inspector is satisfied that the reasons for the prohibition are not likely to recur.
- (4) (a) A prohibition will come into operation at a date stated by the Municipality in the notice and served under subsection (2).
- (c) No person must perform any act that is contrary to such prohibition.
- (5) An inspector must, within 72 hours of receiving a request for the removal of a prohibition carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition.
- (6) The Municipality must on completion of such investigation, in writing, inform the person on whom the prohibition notice was served or, if he/she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.
- (7) The Municipality may levy an inspection fee equivalent to the expenses incurred by it for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of subsection (5).

Standards and requirements for food premises

5. (1) Subject to section 15 no person must handle food elsewhere than on food premises that meet the requirements of this section and section 6.

(2) Food premises must be of such location, design, construction and finish and must be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed-

(a) without creating health hazard; and

(b) in such manner that food-

(i) can be handled hygienically on the food premises or with the equipment thereon; and

(ii) can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.

(3) For the purpose of subsection (2) food premises must meet the following requirements;

(a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area must-

(i) have no open joints or open seams and must be made of smooth, rust-free, non-toxic, cleanable and non-absorbent material that is dust-proof and water-resistant but in a food-serving or storage area of-

(aa) face brick;

(bb) similar walls the joints of which are formed properly or are so formed and finished are easy to clean; or

(cc) decorative wall or ceiling finishes which are easy to clean, may be used; and

(ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.

- (b) Each room of food premises must be -
- (i) ventilated effectively by means of-
- (aa) natural ventilation through openings or unobstructed sections which are directly connected to the outside air and so positioned in the external wall or roof that effective cross-ventilation is possible but such openings must have a surface area equal to at least 5% of the floor area of the room concerned; or
- (bb) artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act,
- whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;
- (ii) illuminated by means of-
- (aa) unobstructed transparent surfaces in the external wall and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the concerned; and
- (bb) artificial illumination which complies with the requirements of the National Building Regulations and the Building Standards Act, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.
- (c) Food premises must-
- (i) have a wash-up facility with hot and cold water for the cleaning of facilities;
- (ii) be rodent proof in accordance with the best available method but this requirement will not apply in respect of food premises on which no food is handled or kept after the trading hours of the premises;

- (iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;
 - (iv) have a wastewater disposal system approved by the Municipality.
- (d) The following must be available in respect of food premises:
- (i) The number of latrines, urinal stall and hand washbasins specified in Annexure C to these By-laws for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises but separate sanitary facilities for workers and clients are not required but where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities must not be required for workers of different sexes;
 - (ii) hand-washing facilities which must be provided with cold or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleaning and drying of hands by such workers and persons;
 - (iii) liquid proof, easy-to-clean refuse container with close-fitting lids suitable for the hygienic storage refuse pending its removal from the food-handling area;
 - (iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse container on the food premises;
 - (v) a separate changing area with storage facilities for clothes; and
 - (vi) an adequate supply of water.
- (e) No room in which food is handled must have a direct connection with any area-
- (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoiled; or

- (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;
- (f) A room in which food is handled may be connected to a room in which a latrine or urinal is situated-
- (i) only via a properly ventilated lobby but all relevant interconnecting doors must cover the whole area of their apertures but they must be equipped with durable self-closing devices; or
 - (ii) without such a lobby between them but the connecting aperture must have a self-closing door as contemplated in subparagraph (1) but the latrine or urinal room must be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

Standards and requirements for facilities on food premises

6. (1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food must be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams but wooden chopping blocks, cutting boards and utensils not be prohibited if such items are kept in such condition that dirt does not accumulate thereon or therein.
- (2) No surface referred to in subsection (1) and no crockery, cutlery, utensils, basins or any other such facilities must be used for the handling of food if they are not clean or if they are chipped, split or cracked.
- (3) Any utensil or item which is suitable for single use only-
- (a) must be stored in a dust-free container until used; and
 - (b) must not be used more than once.
- (4) A surface referred to in subsection (1) and a facility referred to in subsection (2) must be-
- (a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and
 - (b) cleaned and washed, as and when necessary, during and immediately after handling of food, so that contamination of the

food that comes into contact with any such surface or facility must, before food comes into direct contact therewith, contain-

- (i) no more than 100 viable micro-organisms per cm² upon analysis, conducted in accordance with acknowledged scientific micro-biological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique; and
- (ii) no remains of cleaning material or disinfectants which may pollute the food.

(5)(a) Every chilling and freezer facility used for the storage, display or transport of perishable food must be provided with a thermometer which at all times must reflect the degree of chilling of the refrigeration area of such facility and which must be in such a condition and positioned so that an accurate reading may be taken unhampered.

(b) Every heating apparatus or facility used for the storage, display or transport of heated perishable food must be provided with a thermometer which at all times must reflect the degree of heating of the heating area concerned and which must be in such a condition and positioned so that an accurate reading may be taken unhampered.

Standard and requirements for food containers

7. (1) No person must sell canned or hermetically sealed food in a container which-
- (a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;
 - (b) is in any way blown or from which gas escapes when it is opened or punctured, unless-
 - (i) the container contains an aerated ring; or
 - (ii) gas has been used as a preservative;
 - (c) is so rusted or damaged that it is liable to contaminate or spoil the food or that it leaks or has become unsealed; or
 - (d) had a leak which was resealed.
- (2) A container must be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.

(3) Repacked food, depending on the type of food, must be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and must be so packed or sealed that the food cannot be removed from its container with the stopper or lid or similar seal being removed or without the wrapping, container seal being damaged.

(4) Perishable food, excluding the products referred to in section 14 and products that are not pre-packed, except food for consumption as meals on food premises, must, when served to the consumer, be packed in a container that protects the food therein against contamination.

Standards and requirements for display, storage and temperature of food

8. (1) Food that is displayed or stored must not be in direct contact with a floor or any ground surface.

(2) Any shelf or display case used for displaying or storing food or any container must be kept clean and free from dust or any other impurity.

(3) Non-repacked, ready-to-consume food, including food served as meals and displayed in an open container, must be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

(4) (a) Subject to subsection (6) all food specified in the Annexure to these By-laws must, excluding the time taken by the food to cool down or to be heated to the required temperature in accordance with good manufacturing practice, during the storage, transport or display thereof be kept at a core temperature not exceeding the core temperature specified for food and must be sold if, in the case of frozen or chilled food products, the core temperature thereof is higher than the required core temperature or the surface temperature thereof is more than 2°C higher than the required temperature thereof is lower than the required core temperature or the surface temperature thereof or is more than 2°C lower than the required core temperature.

(b) The provisions of paragraph (a) must not apply to -

(i) any perishable food that will be sold directly to a consumer within one hour of being processed or prepared or that will be consumed on the food premises within one hour of being processed or prepared;

(ii) venison, for a period not exceeding eight hours after the animal concerned has been killed but the surface temperature thereof must not exceed 25°C;

- (iii) unprocessed raw fish, molluscs or crustaceans or raw meat or edible off or the carcasses of cattle, sheep, goats, pigs, horses, mules, donkeys, rabbits or ostriches while being transported for a period not exceeding one hour during delivery but the surface temperature thereof must not exceed 25oC;
 - (iv) any food exposed to high temperatures than those referred to in this regulation during a maturation period or as part of a manufacturing process but exposure to such higher temperatures must be in accordance with good manufacturing practice.
- (5) Any food that is marketed as frozen product and has thawed both the surface temperature of which has not exceeded 7oC may be refrozen but such refrozen product must be handled in accordance with good manufacturing practice.
- (6) The code of practice for measuring the temperature of food set out in Annexure to these By-laws must, in so far as it is applicable, be applied to measuring the temperature of food.

Standards and requirements for protective clothing

9. (1) No person is allowed to handle food without wearing suitable protective clothing as specified in subsection (2).
- (2)The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated must-
- (a) be clean and neat when such person begins to handle the food;
 - (b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food; and
 - (c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

Duties of person in charge of food premises

10. A person in charge of food premises must ensure that -
- (a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;

- (b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person:
and
- (c) refuse is removed from the food premises or from any room in which food is handled as often as is necessary and whenever an inspector requires it to be done;
- (d) refuse is stored or disposed of in such a manner that it does not create a nuisance;
- (e) refuse bins are-
 - (i) cleaned regularly; and
 - (ii) disinfected whenever necessary and whenever an inspector requires it to be done;
- (f) waste water on the food premises is disposed of to the satisfaction of the local authority;
- (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary material, goods or items that do not form an integral food premises;
- (h) no person handling non-pre-packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
- (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that-
 - (i) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
 - (ii) fish, molluscs or crustaceans may be kept alive until prepared for consumption;
 - (iii) a live animal may be killed in a separate room before the carcass is handled, subject to section 4(2);
- (j) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
- (k) the provisions of these By-laws are complied with;

- (l) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 9 and 11, respectively;
- (m) a room or area in which food is handled shall not be used for-
 - (i) sleeping purposes;
 - (ii) washing, cleaning or ironing of clothing or similar laundry;
 - (iii) any other purpose or in any manner that may contaminate the food therein or thereon;
- (n) no food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice; and
- (o) the reporting of diseases and conditions are properly recorded and kept for perusal by an inspector.

Duties of a food handler

11. (1) Food, a facility or a container shall not be handled by any person-
- (a) whose fingernails, hands or clothes are not clean;
 - (b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner-
 - (i) immediately prior to the commencement of each work shift;
 - (ii) at the beginning of the day's work or after a rest period;
 - (iii) after every visit to a latrine or urinal;
 - (iv) every time he/she has blown his or her nose or after his or her hands have been in contact with respiration or with his or her hair, nose or mouth;
 - (v) after handling a handkerchief, money or a refuse container or refuse;
 - (vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;
 - (vii) after he/she has smoked or on return to the food premises; or

(viii) after his or her hands have become contaminated for any other reason.

(2) Food, a facility or a container shall not be handled by any person-

- (a) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary material, goods or items that do not form an integral food premises;
- (b) no person handling non-pre packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
- (c) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that-
 - (i) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
 - (ii) fish, molluscs or crustaceans may be kept alive until prepared for consumption;
 - (iii) a live animal may be killed in a separate room before the carcass is handled, subject to section 2(4);
- (d) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
- (e) the provisions of these By-laws are complied with;
- (f) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 9 and 11, respectively;
- (g) a room or area in which food is handled shall not be used for-
 - (i) sleeping purposes;
 - (ii) washing, cleaning or ironing of clothing or similar laundry;
 - (iii) any other purpose or in any manner that may contaminate the food therein or thereon;

- (h) no food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice;
- (i) the reporting of diseases and conditions contemplated in section 11(2)(b) are properly recorded and kept for perusal inspector;
- (j) while he/she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

Standards and requirements for handling of meat

- 12. (1) (a) No person shall on food premises handle meat derived from an animal slaughtered in contravention of subsection 3.
- (b) No person shall on food premises handle the meat of an animal exempted from the provisions of sections 3(1) and 10(1) of the Meat Safety Act, unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18mm high, is displayed at the food premises: "The meat sold on these premises has been exempted from inspection in terms of section 10(1) of the Meat Safety Act."
- (2) Meat on a carcass must not be handled on food premises, unless-
 - (a) the carcass has been properly bled;
 - (b) the abdominal viscera were removed within 30 minutes after the killing of content nor any other matter polluted or spoiled the meat; and
 - (c) the thoracic viscera were removed within three hours after the killing of the animal.
 - (d) Unskinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.
 - (e) Subject to section 3 of the Meat Safety Act, no animal must be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice but no further handling or processing of any such carcass must take place in that room.
- (3) (1) No person must-

- (a) slaughter any animal at any place other than an approved abattoir;
 - (b) permit the slaughter of any animal at any place under his/her control, unless such place is an approved abattoir; or
 - (c) sell or provide meat for human and consumption unless it has been slaughtered at an abattoir.
- (2) (a) Subsection (1) does not apply to slaughter for own consumption or for cultural or religious purposes; and
- (b) No meat or animal product obtained from an animal slaughtered as contemplated in paragraph (a) may be sold.

Standards and requirements for transport of food

13. (1) No person shall transport food including the products referred to in section 14 on or in any part of a vehicle-
- (a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;
 - (b) together with-
 - (i) contaminated food or waste food;
 - (ii) poison or any harmful substance;
 - (iii) a live animal; or
 - (iv) any object that may contaminate or spoil the food.
- (2) Subject to subsections (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid proof and dustproof sealed containers must-
- (a) have an interior surface made of an easy-to-clean and smooth, rust free, non-toxic and non-absorbent material without open joints or seams and, before food is laded into such freight compartment, no square centimetre of the said surface shall upon analysis as referred to in section 6(4) contain more than 100 viable micro-organisms;
 - (c) be rustproof; and
 - (d) not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) Despite any provisions to the contrary contained in this section, no non-pre-packed food shall be-

- (a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or
- (b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

(4) Subsections (2) and (3)(a) shall not apply to the transport of venison, fish, mollusks or crustaceans between the food premises and the place where the animals are hunted or the place where the fish, molluscs or crustaceans are caught or harvested: Provided that such transport shall be by the best available method and within a suitable time limit for transport as required by circumstances

Provisions concerning unprocessed products

14. Despite any provisions to the contrary contained in these regulations, an inspector shall, if he/she is of the opinion that conditions prevail that constitute a health hazard with regard to the packing, storage, display, sale or transport of fresh, raw and unprocessed fruit and vegetables and unprocessed maize, wheat, rye, unshelled peanuts, sugar cane, sunflower seed or other unprocessed agricultural crops, or with regard to the handling of food referred to in section 15(5)(a)-

- (a) subject to regulations made in terms of section 35 of the Act relating to inspections and investigations in respect of the handling of food, order that any condition that led to or could lead to such or any other health hazard be corrected or that any provision of these regulations be complied with; or
- (b) prohibit the continued use of the facility or food premises for the packing, storage, display, sale or transport of any of the said products, and the provisions of regulations 4 (2) to (5) shall with the necessary changes apply to such prohibition.

Exemptions, additional requirements and reservations

15. (1) A person in charge of food premises may, subject to section 3(1)(a), apply to the Municipality concerned for exemption from any of the provisions of these By-laws excluding exemption from the issuing of a certificate of acceptability.
- (2) Upon receipt of an application referred to in subsection (1) a local authority shall refer the application to an inspector without delay, and exemption shall not be granted unless the inspector has submitted a report to the local authority to the effect that he/she is satisfied that -

- (a) the provision from which exemption is requested imposes unreasonable requirements in the case in question; and
 - (b) the granting of such exemption does not or will not result in conditions that constitute a health hazard.
- (3) An exemption referred to in this section must be -
- (a) subject to the conditions listed by the Municipality in the certificate of acceptability or notice of exemption, as the case may be; and
 - (b) withdrawn by the Municipality on the grounds of an inspection report and a recommendation by an inspector to the effect that he/she is of the opinion that such exemption will result in conditions that constitute a health hazard.
- (4) Subject to section 3(6)(a) the Municipality may, on the grounds of an inspection report and recommendations from an inspector, set additional requirements to be met on any food premises where, despite compliance with any provisions contained in these By-laws, a health hazard exists which is not provided for in these By-laws, which additional requirements shall, subject to the principles of the best available method and good manufacturing practice, be limited to the minimum necessary to remove the health hazard in question.
- (5) (a) Subject to the principles of the best available method and good manufacturing practice, the provisions of sections 3(1) and 5 do not apply in respect of the killing, bleeding or evisceration of an animal after the hunting thereof or of fish, molluscs or crustaceans after the catching or harvesting thereof.
- (b) The provisions of section 3(1) do not apply to a private residence where food is handled for the purpose of making it available without compensation to a church, educational or amateur sports organization or any registered welfare or fund-raising organization, for sale.
- (c) The person in charge of any such organization who receives such food must keep a record of the type of food and the address of the private residence where the food was handled for a period of at least 30 days after receipt of food, and any vehicle used by the person in charge of food premises, for which a certificate acceptability exists, to transport, display or serve pre-packed food deriving from such food premises, will apply in respect of a vehicle used for the transport of perishable food on behalf of another person.
- (6) These By-laws do not apply to a private household, which handles food for consumption by such household or, without compensation, by any other person.

Repeal of Municipality By-laws on Food Handling

15. The provisions of any by-law relating to Food handling by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Offences

16. Any person who contravenes a provision of these By-laws or allows such a contravention to take place shall be guilty of an offence and shall upon conviction be liable for a payment of a fine to imprisonment for a period not exceeding 180 days or both such fine and such imprisonment.

Short title and commencement

17. These By-laws are called By-laws on Food handling and will come into operation on a date fixed by the Municipal Council.

ANNEXURE**CODE OF PRACTICE FOR MEASURING TEMPERATURES OF FOOD****1. Informing person in charge or person responsible**

The inspector must inform a person in charge or a person supervising the operation if the person in charge is not available, that he/she wishes to measure the temperatures of the food concerned and must explain to him or her all the procedures contained in this code.

2. Precautionary measures

- (1) All procedures must be carried out as far as is practicable in a manner that is aseptic and free from chemical pollutants.
- (2) In the case of pre-packed food, and if it is necessary, the inspector must remove the packaging in such a manner that the minimum and only the most reasonable essential damage is caused, or the person in charge or the person supervising the operation must remove the packaging at his or her own risk.
- (3) The temperature of food must as far as is practicable be measured without removing the food from a chilling, freezing or heating facility.

3. Measurement of temperature**Pre-packed food**

- (1) If the food is pre-packed, the estimated temperature of the food may be measured by placing at least one minute the stem of a thermometer (hereinafter referred to as the "stem") between two or more food packages or, in the case of a single food package, on the outer surface of the package.
- (2) If the temperature reading is not in compliance with the core temperatures specified in Annexure to these regulations or if the inspector has any doubt regarding the temperature of the food inside the package, the surface to core temperature of the food may be measured to determine the actual temperature.

Core temperature

4. If the food product is frozen a hole must be drilled in the food up to the estimated core of the food product with a sterilized stainless steel bit with an external measurement of about 4mm. The sterilize stem must be inserted in to the hole up to the estimated centre of the product and a reading shall be taken after two minutes. In the case of a heated, chilled or unchilled product, the sterilized stem must be inserted up to the estimated core of the food product and a reading must be taken after one minute.

Surface temperature

5. The surface temperature shall be measured by placing the sterilized stem directly on the surface of the food for at least one minute or, in the case of liquid, in the liquid for at least one minute, and the reading shall be taken immediately thereafter.

6. **Presumption in respect of representative temperature reading**

The food temperature determined in accordance with this code of practice shall be regarded as being representative of the temperature of all food in the freezing, chilling or heating facility concerned if the inspector is satisfied that such food is in the same condition or has the same characteristics as the food the temperature of which was taken.

No. 31

MBIZANA MUNICIPALITY

BY-LAWS RELATING TO DOGS

DRAFT 1

Dogs By-laws

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Dogs By-laws

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: By-laws Relating to Dogs which have been approved by the Municipal Council.

Definitions

1. In these By-laws, unless the context indicates otherwise-

"dog" means both a male and a female dog;

"driving fees" means the fees payable when a dog has been seized and transported to the pound by an authorized officer of the Municipality in terms of these By-laws;

"Kennel" means any premises referred to in item 18(2)(a), (b) and (c) of Schedule 1 of the Licenses Ordinance, 1974;

"Municipality" means the Mbizana Municipal Council;

"Municipal Council"

the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998, as amended;

"Owner" in relation to a dog includes any person who keeps or has in his or her possession or is in charge of a dog excluding-

- (a) a person referred to in paragraph (2)(c) and (d) of item 18 of Schedule 1 to the License Ordinance, 1974;
- (b) a veterinary surgeon in respect of a dog left in his or her care for treatment;
- (c) a society for the prevention of cruelty to and the advancement of the welfare of animals registered as such in terms of the Societies for the Prevention of Cruelty to Animals Act, 1993 (Act No. 169 of 1993);

"pound master" means a person in charge of a pound;

"prescribed" means prescribed by the Municipal Council in terms of these By-laws;

"tax" means the tax levied in the appropriate schedule to these By-laws;

" **tax receipt**" means a receipt issued by the Municipality as proof that tax has been paid;

"**year**" means a period of twelve month ending 24h00 on 31 December.

Liability for Tax

2. (1) The owner must pay the prescribed tax in respect of each dog, which is six months old or older.
- (2) No owner may keep a dog, which is six months old or older within the Municipal area unless such dog has been registered at the Municipal offices and a tax receipt for the payment for such dog has been obtained.
- (3) In any legal proceedings instituted in terms of these By-laws against any person for not paying the tax prescribed in terms of sub-section (1), such dog must be deemed to be six months old or older unless the contrary is proved.

Person Liable for tax

3. For the purpose of these By-laws any person who keeps a dog or within whose premises any dog is found or seen, is deemed to be the owner of such dog until the contrary is proved.

Exemption from payment of tax

4. The following owners are exempted from the payment of tax referred to in section 2:
 - (1) Any person residing outside the Municipal area-
 - (a) who brings a dog into the Municipal area for a period not exceeding 30 days;
 - (b) who brings a dog into the Municipality for treatment or boarding at a veterinary surgeon or a kennel, but such dog must be removed from the Municipality immediately after such treatment or boarding and the owner of that dog must be in possession of a license issued by the authority within whose jurisdiction such dog is normally kept.
 - (2) A blind person using a dog as a guide or lead dog.

Application to pay tax

5. (1) Every person applying for a dog tax receipt must furnish his or her full name and address as well as particulars with regard to the breed and sex of the dog.

- (2) The tax payable in terms of section 2 is levied annually and is payable: -
- (a) on or before 31 January of each year in respect of each dog which has attained the age as determined in section 2 (1); or
 - (b) within 30 days after attaining such age prescribed for each dog, after 31 January but in any case where a dog attains the age of six months after 30 June of the year concerned, only half the prescribed tax must be paid.
- (3) If the tax due is not paid, interest as determined by the Municipality may be levied but such interest must not exceed the tax due.
- (4) Application for tax may be refused to application for the registration of dogs that are known to be vicious and may pose a danger to the public.

Duplicate tax receipt

6. Any person may obtain a duplicate tax receipt issued in terms of section 2 on payment of the relevant charges as determined by the Municipality.

Transfer of tax receipt

7. Where the ownership of a dog is transferred to someone else, the transferee must, after payment to the Municipality of the prescribed charges, cause such transfer, together with his or her name and address, to be endorsed on the tax receipt or on the duplicate thereof.

Tax receipt to be produced for inspection

8. The owner must produce the tax receipt for inspection to any authorized officer when reasonably requested to do so.

Impounding of dogs

9. (1) Any authorized officer may seize and impound any dog -
- (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he or she reasonably believes that the tax due in terms of these By-laws has not been paid.
- (2) Any person may seize and impound any dog found trespassing on property which he or she is the owner or occupier and -
- (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these By-laws has not been paid.

(3) Despite the provisions of subsection (1) and (2) no person must seize or impound-

- (a) any dog if he or she reasonably believes that such dog is exempted from tax in terms of section 4;
- (b) any bitch rearing unwanted young, unless such bitch and unwanted young are impounded together; or
- (c) any diseased dog in respect of which the provisions of the Animal Disease Act of 1984 as amended, apply.

(4) Any person who has seized a dog in terms of this section must ensure that such dog is not ill treated in any manner.

(5) No person must set free any dog that is seized, is being kept in custody or is impounded in terms of this section.

(6) Subject to any provisions to the contrary in these By-laws contained, any dog impounded must be kept in the pound until the person claiming such dog produces to the pound master a tax receipt in respect thereof, and must have paid to the pound master the prescribed charges.

(7) Where the name and address of a person appears on the collar of any dog impounded, the pound master must forthwith give notice to such person that such dog has been impounded.

(9) A written notice addressed to the address appearing on the collar is deemed to be sufficient notice.

Unclaimed dogs may be sold or destroyed

10. (1) Where an impounded dog is not claimed by any person entitled thereto within five days after it was impounded, an authorized officer may cause the dog to be sold or destroyed.

Dog's collar not to be unlawfully used or removed

11. (1) The owner of every dog aged six months or older, must provide it with a collar declaring a clear impression of the name and address of such owner.
- (2) No person must unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

Certain dogs not allowed in public areas

12. (1) Subject to provisions to the contrary in these By-laws or any other law, no person must bring or allow in a public place any dog that-
- (a) is wild, dangerous or ferocious;

- (b) is in the habit of charging or chasing people, vehicles, animals, fowls or birds outside the premises where such dog is kept;
- (c) can cause damage to any person or property; or
- (d) is a bitch on heat.

(2) Any authorized officer may impound a dog referred to in subsection (1).

Dogs not be incited

13. No person must, without reasonable cause-
- (a) set any dog on any person, animal or bird; or
 - (b) permit any dog under his or her supervision or in his or her custody to attack or terrify any person, animal or bird.

Dogs causing disturbance

14. No person must keep a dog that-
- (a) creates a disturbance or nuisance; or
 - (b) suffers from a contagious disease, excluding a veterinary surgeon that keeps such dogs in clinic for treatment.

Destruction of dogs

- 15 (1) The Municipality may, subject to the provisions of section 10, order the destruction of a dog where-
- (a) it appears that such dog is the type described in section 12(1)(a), (b) and (c) and that the person claiming such dog is not entitled to its return in terms of section (7);
 - (b) such dog is found at large in any public place and appears to be ownerless;
 - (c) such dog is found at large in public place and the owner refuses or fails to pay the tax due in terms of these By-laws in respect of such dog; or
 - (d) such dog is in such a state of injury that it would, in the opinion of the Municipality, be humane to do so.

Number of dogs on premises

16. No person must keep more than three dogs on his premises unless permission is obtained from the Municipality to keep more dogs, on good use shown.

Control of dogs in public places

17. (1) No person must allow any dog in a public place unless the owner or another person keeps such dog on a leash.
- (2) An authorized officer may impound any dog found wandering at large and uncontrolled in a public place.
- (3) Except in the event of a blind person being led by a guide dog, any person in charge of a dog in a public place, must remove any faeces left by such dog.

"Beware of dogs" sign

18. (1) Every person who keeps a vicious dog on his premises must place on the gate of the premises a "Beware of dogs" sign.
- (2) Vicious animals must always be bound or chained or kept at places where they do not pose a threat to the public or municipal servants.

Entering premises

19. An authorized officer may for any purpose connected with the application of these By-laws-
- (a) at a reasonable time and without notice, enter any premises, accompanied, if he or she deems it necessary, by an interpreter or other assistant with a view to-
 - (i) carrying out any examination, inspection or enquiry as he or she may deem necessary;
 - (ii) exercising any other power in terms of these By-laws and he or she may for that purpose take any necessary appliance with him or her onto the premises.
 - (b) call upon the owner of a dog to render such assistance or to furnish information, including his or her full name and address, as such officer may reasonably require.

Kennels

20. Subject to the provisions of any other law, no person may establish, manage or keep any kennels or a pets' boarding establishment as defined in item 18(2)(a), (b) and (c) of Schedule 1 of the License Ordinance, 1974 in any residential area or in any area that has been classified in terms of an approved town-planning scheme for residential usage, or within 50 meters thereof.

Establishment and lease of dog pound

21. (1) The Municipality may for the purpose of these By-laws establish a dog pound and lease such pound to any person or body on the terms and conditions deemed fit by the Municipality.
- (2) If a pound is leased to any person or body-
- (a) the powers and duties set forth in section 9, 10 and 15 are deemed to have been delegated to such person or body or to any authorized official employed by such person or body and the provisions of the said sections will, with the necessary changes, apply.
 - (b) such person or body must accept in the pound any dog seized in terms of section 9 or 17(2) for the purpose of impounding it and must be disposed of in accordance with these By-laws.
 - (c) such person or body must be entitled to any fees payable in terms of these By-laws for an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 10 (1).

Duties of pound master

22. The Pound master must-
- (a) keeps the pound open between 08h00 and 16h30 during every day of the week;
 - (b) receives any dog brought to the pound in terms of these By-laws during hours when the pound is open and must, subject to the provisions of these By-laws, keep such dog in the pound but the pound master may refuse to receive a dog and may release any dog if he or she at any time has reason to believe that such dog was not lawfully seized or impounded;
 - (c) keeps a register in which the following particulars in respect of every impounded dog are recorded-

- (i) the name, residential address and telephone number of the person who impounded the dog;
 - (ii) the time and date on which the dog was impounded ;
 - (iii) the place where the dog was seized or found;
 - (iv) the date and the time at which the dog was seized or found;
 - (v) the reason for impounding the dog;
 - (vi) the age, breed, sex, colour markings and any injury found on it when the pound master received it;
 - (vii) the manner in which the dog was disposed of;
 - (viii) the amount of money obtained for the release or sale of the dog;
 - (ix) the cost of any veterinary services incurred in respect or sale of the dog;
- (d) ensures that all utensils used in connection with impounded dogs are at all times kept in a clean condition and in a good state of repair;
- (e) ensures that the pound is at all times free from flies, insects, rodents and odious smells;
- (f) ensure that every dog in the pound is properly fed and cared for;
- (g) isolates bitches on heat;
- (h) takes all reasonable steps to prevent fighting among dogs in the pound; and
- (i) isolates a diseased dog, unless such dog is treated by a veterinary surgeon and takes all possible steps to recover the costs incurred in this respect from the owner.

Penalties

23. Any person contravening any of the provisions of these By-laws must be guilty of an offence and liable, on conviction, to a fine or in default of payment, to imprisonment for a period not exceeding three months, or both such fine and imprisonment.

Repeal of By-laws

24. The provisions of any By-law relating to Dogs by the Municipality are repealed insofar as they relate to matters provided for in these By-laws but such provisions are not deemed to be repealed in respect of any By-law which has not been repealed and which is not contrary to these By-laws.

Short title

25. These By-laws are called Dogs By-laws.

No. 32

MBIZANA MUNICIPALITY

BY-LAWS ON KEEPING OF ANIMALS

DRAFT 1

**BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND
POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS,
BIRDS, POULTRY OR PETS**

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162

of The Constitution of the Republic of South Africa, 1996(Act 108 of 1996), publishes the Mbizana Local Municipality: By-laws Relating to Keeping of Animals, Birds and Poultry and Businesses involving the Keeping of Animals, Birds, Poultry or pets, which have been approved by the Local Municipality.

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CHAPTER I

GENERAL.

DEFINITIONS.

1. In these By-laws, unless the context otherwise indicates -

“adequate” means adequate in the opinion of the Municipality;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

“approved” means approved by the health officer regard being had to the reasonable public health requirements of the particular case;

“aviary” means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;

“battery system” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“bird” means a feathered vertebrate other than poultry’

“cattery” means premises in or on which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

“Municipality” means Mbizana Local Municipality established in terms of section 13 of the Local Government: Municipal Structures Act, 1999 (Act No 29 of 1999);

“dwelling” means any building or part thereof used for human habitation;

“enclosure” in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

“health officer” means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

“kennels” means premises in or on which –

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes; or

- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;

“**livestock**” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“**Local Municipality**” means Mbizana Local Municipality contemplated in section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), in terms of Section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108, 1996), or person designated by any legislation or resolution of Municipality to represent it;

“**nuisance**” means a nuisance as defined in the Health Act, 1977 (Act 63 of 1977);

“**permit holder**” means the person to whom a permit has been issued by the health officer in terms of these By-laws;

“**person in control**” means the person actually managing or actually in control of a premises or a business;

“**pet**” means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

“**pet salon**” means any premises in or on which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“**pet shop**” means the business of keeping and selling pets on premises licensed for that purpose under the Licenses Ordinance, 1974 (Ordinance 19 of 1974);

“**pigsty**” means a building, structure or enclosure in which pigs are kept;

“**poultry**” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“**poultry house**” means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;

“**poultry run**” means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry is kept;

“**premises**” means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these By-laws are carried on;

“**public place**” means any road, street, pavement, sidewalk, park or other place to which the public has authorized and unimpeded access;

“**rabbit hutch**” means any roofed-over building or structure, other than one in which a battery system is operated, in which rabbits are kept;

“**rabbit run**” means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;

“**stable**” means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys;

“**stray animals**” means animals found in the municipal area which were not approved by the municipality.

APPLICATION OF BY-LAWS

2. (1) The provisions of these By-laws must not apply to --
 - (a) the keeping of cows for commercial milk production;
 - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
 - (c) any laboratory where animals, poultry or birds are kept for research purposes,

but the health officer may, if he or she is satisfied that the application of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.
- (2) The provisions of sections 4, 5, 10 and 11 must not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior approval of the health officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provision of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 must apply only to premises which are newly constructed, re-constructed or converted after the commencement of these By-laws: Provided that the health officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.
- (4) The provisions of sections 12(d), (f) and (g) and 13(d) to (h) inclusive, must not apply to the keeping of poultry not in excess of ten in number.
- (5) The provisions of sections 14(c) and (e) and 15(d) to (h) inclusive, must not apply to the keeping of rabbits not in excess of ten in number.

PREMISES FOR THE KEEPING OF LIVERSTOCK AND KENNELS

3. No person must -
- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Municipality as unsuitable for the keeping of livestock and the maintenance of kennels but the foregoing must not apply in respect of a veterinary clinic or veterinary hospital operating with the Municipality's consent;
 - (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent but in the case of a dealer or speculator in livestock the land must not be less than 2,5 ha in extent.

KEEPING OF ANIMALS, POULTRY AND BIRDS

4. No person must keep any animal, poultry or bird in or on any premises -
- (a) which does not comply with the provisions of these By-laws;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the health officer, likely to cause a nuisance or injury to health.

PERMITS FOR KEEPING OF ANIMALS AND POULTRY

5. (1) No person must keep any animal, poultry or bird in or on any premises -
- (a) which does not comply with the provisions of these By-laws;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds is, in the opinion of the authorized official, likely to cause a nuisance or injury to health.

PERMITS FOR KEEPING ANIMALS AND POULTRY

6. No person must-
- (a) keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, must not be taken into account;
 - (b) keep or allow to be kept, more than 100 poultry in number on an agricultural holding but-

- (i) the authorized official may if he or she is of the opinion that a nuisance or danger is not likely to be caused to public health, on written application by the owner, grant such an owner a permit to keep more than the maximum poultry in number;
 - (ii) and the provisions of this section are not applicable to a bona fide poultry farmer.
- (2) Application for such a permit must be made to the environmental health officer in the prescribed form.
- (3) A permit is not transferable and expires on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder must in writing notify the health officer, if he or she ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Municipality may cancel a permit issued in terms of subsection (1)(a), if –
 - (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws; or
 - (b) the permit holder contravenes, or fails to comply with any such provision; and
 - (c) the permit holder fails to comply with a written notice from the health officer requiring him or her to make such premises comply with these By-laws or to stop such contravention or failure within a period specified in such notice;
 - (d) any disease, which in the opinion of the health officer or a veterinarian, is of such a nature that it is likely to constitute a danger to public health to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
 - (e) the permit holder or person in control of the premises at the time personally or through his or her employee obstructs the health officer in his or her execution of his or her duties under these By-laws;
 - (f) the permit holder has been found guilty by a competent court of a contravention of these By-laws;

- (g) in the opinion of the environmental health officer, a public nuisance exists due to the keeping of the animals.
- (6) The health officer must, as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The health officer may, subject to the foregoing provisions of this section, issue a new permit if he or she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

DUTIES OF KEEPER OF ANIMALS, BIRDS OR POULTRY

- 7. (1) Every person keeping animals must-
 - (a) maintain the premises, any equipment, apparatus, container and receptacles used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (b) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches, rodents and other vermin; and
 - (c) remove all manure from the stable, pigsty and the enclosure at least once every 7 days from the enclosure, building or shed for goats and sheep;
 - (d) ensure that the manure is disposed of in a manner which will not create a nuisance.
- (2) Every person keeping birds and poultry must-
 - (a) comply with the necessary changes with the provisions of 6(1)(a), (b), and (c);
 - (b) maintain the premises free from offensive odours arising from the keeping of birds and poultry; and
 - (c) ensure that poultry or birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER II**KEEPING OF CATTLE, HORSES, MULES AND DONKEYS.****REQUIREMENTS FOR PREMISES**

8. For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, must be provided-
- (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces of the stable must be of smooth brick or other durable surface brought to a smooth finish;
 - (c) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained in terms of section 25;
 - (d) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material so constructed as to prevent such animals from breaking out;
 - (e) no enclosure must be situated within 100 m and no stable must be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
 - (g) A portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

9. Every person keeping any cattle, horse, mule or donkey must -
- (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d).

CHAPTER III**KEEPING OF PIGS.****REQUIREMENTS FOR PREMISES**

10. (1) For the keeping of pigs, a pigsty complying with the following requirements must be provided-

- (a) Every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface;
- (b) the pigsty must have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m²;
- (c) the junction between the walls and the floor must be covered;
- (d) the floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty;
- (e) the pigsty must be so constructed as to prevent the pigs from breaking out;
- (f) no pigsty must be situated within 100 m of any dwelling or other building or structure used for human habitation or of the boundary of any land or of any well, water course or other source of water supply intended or used for human consumption.

(2) no person must keep any pigs, on premises situated on land less than 1 ha in extent. Provided that in the case of a dealer or speculator in livestock the land must not be less than 2.5 ha in extent

(3) no enclosure must be situated within 100m and no stable must be situated less than 15m of any boundary of any land dwelling or other building or structure used for human habitation or within 50m of any well, water course or other source of water supply intended or used for human consumption.

(4) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

DUTIES OF A PIG KEEPER

11. No person keeping any pigs in any premises must -

- (a) ensure that the pigs are kept in a pigsty;

- (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d).

CHAPTER IV

KEEPING OF GOATS AND SHEEP.

REQUIREMENTS FOR PREMISES

12. For the keeping of any goat or sheep, premises complying with the following requirements must be provided-
- (a) an enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m²;
 - (b) if a building or shed is provided for such keeping, it must comply with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material not less than 2 m in height and must have a smooth internal finish;
 - (ii) the floor must be constructed so as to prevent the forming of standing water and be of such a nature to be cleaned and graded to the lowest point of the premises;
 - (c) no building or shed must be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption; and
 - (d) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

DUTIES OF KEEPER OF GOATS AND SHEEP

13. Every person keeping any goat or sheep must -
- (a) ensure that every such animal is kept within an enclosure, building or shed;
 - (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d).

CHAPTER VI

KEEPING OF POULTRY

REQUIREMENTS FOR PREMISES

14. For the keeping of poultry, premises complying with the following requirements must be provided-
- (a) a poultry house complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
 - (iii) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material;
 - (iv) it must have an area of at least 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl, 0,5 m² for each grown goose, turkey, peacock and 0,14 m² for each grown pigeon to be accommodated therein, with a minimum aggregate area of 4 m²;
 - (b) A poultry run, if provided, must be enclosed with wire mesh or other durable material;
 - (c) if a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped in accordance with the following requirements, must be provided-
 - (i) every wall, if provided, must be at least 2,4 m high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area equal to not less than 15% of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth

- finish, and if required by the health officer, the floor surface must be graded and drained by means of a channel drained in terms of section 25;
- (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 250 mm high around its extremities;
 - (v) every junction between the floor and walls and curbing must be coved;
 - (vi) the cages of the battery system must be constructed of an impervious material;
 - (vii) If required by the health officer, a tray of an impervious material and design must be fitted under every cage for the collection of manure.
 - (viii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25;
- (d) a potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house;
 - (e) there must be at least 3 m of clear unobstructed space between any poultry house, poultry run, or building or structure housing a battery system and the nearest point of any dwelling, other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;
 - (f) A store-room must be provided for the storage of feed, where a battery system is to be operated;
 - (g) a curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, must be provided within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of section 25.

DUTIES OF KEEPER OF POULTRY

15. Every person keeping poultry must -

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;

- (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d);
- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the health officer from a building or structure housing a battery system; place the manure and other waste matter in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance; and
- (f) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure.

CHAPTER VI

KEEPING OF RABBITS

REQUIREMENTS FOR PREMISES

16. For the keeping of rabbits premises complying with the following requirements must be provided-
- (a) a rabbit hutch complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor surface, which must be at least 150 mm above ground level, must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor must be graded to a channel drained in terms of section 25;
 - (iii) natural light and ventilation must be provided;
 - (iv) it must have a minimum area of 0,4 m² for every rabbit to be accommodated;

- (v) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run;
- (b) if a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped in accordance with the following requirements must be provided-
 - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface must be graded to a channel drained in terms of section 25;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 150 mm high around its extremities;
 - (v) every junction between the floor and the walls and curbing must be coved;
 - (vi) the cages of the battery system must be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine; and
 - (vii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25;
- (c) A portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or the rabbit hutch.
- (d) There must be at least be 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land-

- (i) a rodent proof store-room must be provided for the storage of feed, the floor area of which must be not less than 7 m², the width not less than 2,2 m and the height not less than 2,4 m.
- (ii) if the health officer is satisfied that, having regard to the number of rabbits being kept, a store-room of dimensions less than the minimum dimensions required in terms of subparagraph (i) or other storage facilities are suitable. He may permit such smaller storeroom or other storage facilities.
- (iii) a curbed concrete washing platform or a stainless steel trough with draining board and with a constant supply of water laid on, within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of section 25.

DUTIES OF KEEPING RABBITS

17. Every person keeping rabbits must -

- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least one every 48 hours and place it in the manure storage receptacles;
- (c) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b) and(d);
- (d) not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure.

CHAPTER VII

KEEPING OF BIRDS

REQUIREMENTS FOR PREMISES

18. For the keeping of birds in an aviary, premises complying with the following requirements must be provided-

- (a) the aviary must be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes;
- (b) if the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300 mm above ground level;
- (c) no aviary must be situated within 3 m of any building or structure, boundary fence or boundary wall; and
- (d) a portable supply of water must be provided adequate for drinking and cleaning purpose.

DUTIES OF A KEEPER OF BIRDS

19. Every person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
- (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b) and(d).

CHAPTER VIII

DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

REQUIREMENTS FOR CONDUCTING BUSINESS

20. (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection (2) and (3).
- (2) (a) Subject to the provisions of section 31, the requirements of section 2 to 15 inclusive, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
 - (b) An enclosure with an area of at least 10 m² per head of cattle, horse, mule or donkey and 1,5 m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m² must be provided.
 - (c) (i) A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of the sex are employed in the keeping of animals or poultry.

- (ii) Every such change room must have a floor area of at least 0,5 m² per employee, subject to an overall minimum area of 6,5 m² and a minimum width of 2,1 m.
 - (iii) Every such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee.
 - (iv) For each employee for whom no change room is required in terms of subparagraph (i), a metal clothes locker must be provided.
 - (d)
 - (i) One wash hand basin and one shower-bath must be provided for every 15 persons, or part of that number, employed.
 - (ii) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms, must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
 - (c) Soap and towelling must be provided at the wash hand basin and shower-bath.
 - (f) Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises -
- (a) sleeping accommodation equipped with a bed for each such employee must be provided;
 - (b)
 - (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part of that number of a particular sex employed.
 - (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 25;
 - (c)
 - (i) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
 - (ii) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 25;

- (iii) every bowl of the sink must have a minimum capacity of 55 l be fitted with a 150 mm high splash screen on the side nearest the wall and be positioned at least 100 mm away from any wall surface;
- (d) laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 25, must be provided;
- (e) a refuse receptacle must be provided in the scullery;
- (d) a locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

CHAPTER IX

DOG KENNELS AND CATTERIES.

REQUIREMENTS FOR PREMISES

21. (1) No person must maintain kennels or a cattery, unless the requirements of subsection (2) to (12), inclusive are complied with.
- (2) Every dog or cat must be kept in an enclosure complying with the following requirements:
- (a) It must be constructed of durable materials and must have access thereto adequate for cleaning purposes.
 - (b) The floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of an earthenware pipe 100 mm in diameter.
 - (c) A curb 150 mm high must be provided along the entire length of the channel referred to in paragraph (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.
- (3) Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:

- (a) Every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
 - (b) The floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be coved.
 - (c) Every shelter must have adequate access thereto for cleaning and de-verminising.
- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.
- (5) A concrete apron extending at least 1 m wide around the extremities of the enclosure must be provided, which apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) A portable water supply must be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.
- (7) (a) If required by the health officer, a separate room or roofed area with a floor area of not less than 6,5 m², a width of not less than 2,1 m and a height of not less than 2,4 m must be provided for the preparation of food.
- (b) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
- (c) The internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light coloured washable paint.
- (d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 25.
- (e) Every bowl of the sink must have a minimum depth of 225 mm and a minimum capacity of 55 l.
- (8) A rodent proof store-room must be provided for the storage of food, the floor area of which must not be less than 6,5 m² and the width not less than 2,1 m: Provided that if the health officer is satisfied that,

having regard to the number of dogs or cats being kept on the premises, a store-room of smaller dimensions than the minimum dimensions required or other storage facilities would be adequate, he may permit a smaller store-room or other storage facilities as he deems fit.

- (9) At least 5 m of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- (10) Isolation facilities must be provided for sick dogs or cats.
- (11) If washing, clipping or grooming of pets is done, the following facilities must be provided:
 - (a) A bathroom with a minimum floor area of 9 m², a width of not less than 2,1 m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on.
 - (b) A clipping and grooming room with a minimum floor area of 10 m², a width of not less than 2,1 m and fitted with approved impervious topped tables and an adequate number of portable storage receptacle of an impervious durable material with close fitting lids for the storage of cut hair pending removal.
 - (c) The rooms referred to in paragraphs (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30%.
 - (d) The floors of the rooms referred to in paragraphs (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 25.
 - (e) Every junction between the floor and walls of such room must be coved and the coving must have a minimum radius of 75 mm.
 - (f) Every internal wall surface must be smooth plastered and painted in a light coloured washable paint.
- (12) If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

DUTIES OF PERSON IN CONTROL OF KENNELS OR CATERIES

22. Any person in control of kennels or a cattery must -

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b)
 - (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;
- (e) store all loose food in receptacles with close fitting lids within the food store;
- (f) provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10° C;
- (g) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of dogs or cats;
- (h) provide refuse receptacles with close fitting lids in the food preparation room or roofed area required in terms of section 19(7).
- (i) keep any sick dog or cat in the isolation facilities required in terms of section 19(10), whilst on the premises;
- (j) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER X

PET SHOPS AND PET SALON

REQUIREMENTS OF PREMISES

23. No person must conduct a business of a pet shop or pet salon in or on any premises -
- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
 - (b) unless the premises are constructed and equipped in accordance with the following requirements:
 - (i) Every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
 - (ii) The floor of any building must be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (iii) The ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
 - (iv) One wash hand basin with a constant supply of hot and cold running water laid on, must be provided for every 15 or part of that number of persons employed on the premises which must be drained in terms of section 25.
 - (v) (aa) A rodent proof store-room, with a floor area of not less than 16 m² must be provided.
 - (bb) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he may permit a smaller store-room.
 - (vi) Facilities for the washing of cages, trays and other equipment must be provided in the form of either -

- (aa) a curbed and roofed over platform with a surface of at least 1,5 m² raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or
 - (bb) a stainless steel sink or trough not less than 304 mm deep with a drainage board and with a constant supply of water laid on;
- (vii) The platform, sink or trough referred to in subparagraph (vi) must be drained in terms of section 25 and any wall surface within 0,5 m of such platform, sink or trough must be permanently covered with durable water proof material to a height of at least 1,4 m above the floor.
- (viii) (aa) A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
- (bb) Every such change room must have a floor area of at least 0,5 m² for each employee with a minimum overall floor area of 6,5 m² and a minimum width of 2,1 m and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
- (cc) For each employee for which no change room is required in terms of subparagraph (aa), a metal clothes locker must be provided.
- (ix) No door, window or other opening in any wall or a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- (x) If the washing, clipping or grooming of pets is done on the premises the requirements of section 19(11) must be complied with.

DUTIES OF TRADER

24. Every person who conducts the business of a pet shop must -

- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with:

- (i) the cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (ii) every cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed.
 - (iii) every cage must be of such size and mass and so placed that it can be readily moved.
 - (iv) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable receptacle.
 - (v) every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
 - (vi) the distance from any cage to the nearest wall must at all times be not less than 150 mm.
 - (vii) the cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed;
- (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
 - (c) provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10° C;
 - (d) maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;
 - (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
 - (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises;

- (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
- (h) not keep any pet in the yard or other open space on the premises, unless otherwise approved by the health officer;
- (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
- (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
- (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
- (l) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

CHAPTER XI

STREET TRADING IN POULTRY AND RABBITS.

REQUIREMENTS FOR STREET TRADING

25. **No person must sell in the street poultry or rabbits, unless the following requirements are complied with-**
- (a) the business of a street trader must be conducted from premises on which poultry or rabbits must be kept in compliance with the provisions of Chapters V and VI and facilities must be provided for the parking of the vehicle used for street trading after normal trading hours;
 - (b) a vehicle of sound construction, oil painted and bearing the name of the street trader, together with his residential address and the address of his business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
 - (c) that part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made;
 - (d) (i) Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
 - (e) (ii) such cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;

- (f) every cage, crate or division must be provided with a drinking vessel, not less than 100 mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

DUTIES OF STREET TRADER

26. Every person selling poultry or rabbits in the street must -
- (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
 - (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
 - (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
 - (d) store all feed in rodent proof receptacles or storeroom.

CHAPTER XII

MISCELLANEOUS

DRAINING

27. All sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these By-laws, must be drained to an external gully, connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Municipality.

NUISANCE

28. No person must -
- (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
 - (c) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

ILLNESS ATTRIBUTABLE TO ANIMALS

29. The illness of any person, which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, must be reported to the health officer within 24 hours of diagnosis by the person making the diagnosis.

INSPECTIONS

30. The health officer and any officer authorized thereto by the Municipality may, in order to satisfy himself that the provisions of these By-laws are being complied with -
- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
 - (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
 - (d) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

31 PROVISIONS OF CAMPS

The Municipality may reserve and fence off or conditionally allow to be fenced off such portions of land within its area of its jurisdiction, as may be deemed desirable by the municipality and establish a special camp or camps as it deems fit in order to ensure proper administration and to prevent soil erosion.

32 GRAZING FEES

Any grazing fees prescribed by the municipality must be payable by every person in whose name animals are registered or should on terms of these By-law be registered

33 REGISTER OF ANIMALS

The Municipality must cause all information furnished in support of an application for permission in terms of section 3 to be entered in a register of animals in a suitable form if such application is approved. Any animals reflected in the register of animals must be deemed to be registered.

34 DUTIES OF A KEEPER OF ANIMALS

Anyone who keeps an animal within the jurisdiction of the Municipality must:

- (a) keep animals identified by a mark in terms of the Agriculture Act;
- (b) keep a register of all animals;
- (c) provide a copy of register of all animals to the Municipality;
- (d) keep kraals in a clean and hygienic condition at all times;
- (e) cause all animals to be tested for tuberculosis and brucellosis in accordance with the Animal Health Act 2002, or as often as required by the authorized official;
- (f) cause an animal to be vaccinated as required in terms of the Animal Health Act 2002 (Act No. 7 of 2002);
- (g) cause all manure from animals to be stored and disposed of in an approved manner;
- (h) cause all feed to be stored in a rodent proof place;
- (i) cause the premises to be kept in such a condition as not to attract or provide shelter for rodents

35 ANIMALS KEPT IN AN UNSATISFACTORY MANNER

Whenever, in the opinion of the authorized official, any animals kept on any premises are causing a nuisance or danger to health, the authorized official may by written notice require the owner or occupier of such premises within a period to be stated in such notice but not less than 24 hours after the date of such notice to remove the cause of and to abate such nuisance or danger to health and carry out such steps as the authorized official may deem necessary for the said purpose.

36 OFFENCES AND PENALTIES

- (1) Any person –
 - (a) who contravenes or fails to comply with any provision of these By-laws;
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;

- (c) who fails or refuses to give access to premises to the health officer or any officer contemplated in section 29 when requested to give such access;
- (e) who obstructs or hinders the health officer or other officer in the execution of this duties under these By-laws;
- (f) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information; or
- (g) fails or refuses to comply with a notice in terms of section 2,

is, subject to the provisions of subsection (2), guilty of an offence and must be liable on conviction to a fine or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a prescribed fine or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.

- (2) It must be competent defence if a person referred to in subsection (1)(b) proves that he or she did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

Repeal of By-laws

32. The provisions of any By-laws relating keeping of animals by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Short title

These By-laws are called the By-laws for Keeping of Animals.

SCHEDULE 1

Local Authority Permit No:
 Date:.....

PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS.E

With reference to your application dated a permit to keep the animals-poultry as specified hereunder at address so specified is hereby granted.

*Animals/Poultry:
Address:
.....
.....

The granting of the permit is subject to your complying with the provisions of the
aforementioned By-laws.

Your attention is invited to the provisions of section 5(4) of the said By-laws
requiring a permit holder to notify the Municipality's Health Officer of any increase
in the number of animals or poultry in excess of the number authorized by the permit
and section 5(5) regarding the cancellation of a permit.

Yours faithfully

For Health Officer

*Specify number and kind of animals or poultry

SCHEDULE 2

Local Authority

For office use

Application No:

Date received:

Application granted/refused:

Permit No:

Date:

**APPLICATION FOR A PERMIT: BY-LAWS RELATING TO THE KEEPING
OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING
THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS.**

i/We
(full name of applicant/s)

Hereby apply for a permit to keep * animals/poultry/rabbits on premises situated at

Stand

Street

Township, in terms of the aforementioned By-laws of the

.....

(name of Local Authority). Details of the * animals/poultry-rabbits to be kept are as
follows:

SPECIES NUMBER

.....
.....
.....

.....

I/We accept the responsibility of the keeping of * animals. poultry, rabbits, in accordance with the provisions of the said By-laws and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said By-laws.

Signature of Applicant/s:

Capacity:

No. 33

BIZANA LOCAL MUNICIPALITY

BY-LAWS ON MILKING SHEDS AND THE TRANSPORT OF MILK

DRAFT

MILK BY-LAWS

The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), publishes the Mbizana Local Municipality: Milk By-laws, which have been approved by the Municipal Council.

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CHAPTER III

REQUIREMENTS AND INSTRUCTIONS

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CHAPTER I

Definition

1. In these By-laws, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act must have that meaning and,

"**adequately ventilated and illuminated**" means ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least ten percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area and so placed that cross ventilation is facilitated;

"**approved milking shed**" means a milking shed in respect of which a certificate of acceptability has been issued and is in force, and, in the application of sections 2(1) and 7(1), includes a milking shed in respect of which a provisional certificate of acceptability has been issued and is in force;

"**certificate of acceptability**" means a certificate of acceptability as referred to in section 3;

"**dairy stock**" means cows, she-goats, ewes, mares or jenny asses used in the production of milk for human consumption and "milk animal" have a corresponding meaning;

"**disposal system**" means a subterranean or ground-level tank or other vessel, sewerage system, dam or farm-land into or onto which effluent may be discharged;

"**effluent**" means any liquid, liquid or solid waste or liquid or solid manure emanating from a milking shed;

"**existing milking shed**" means a milking shed legally used as such immediately before the date of commencement of these By-laws;

"**holder**" means the person in whose name a certificate of acceptability has been issued;

"**inspector**" means person contemplated in section 53(1) of the Act;

"**milking parlour**" means that area of the milking shed in which dairy stock are milked;

"**milk tanker**" means a vehicle for transporting milk in bulk;

“**Municipality**” means Mbizana Local Municipality;

“**Municipal Council**” means Mbizana Municipal Council contemplated in section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), in terms of Section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108, 1996), or person designated by any legislation or resolution of Municipality to represent it;

“**new milking shed**” means a milking shed that will be put into use after the date of commencement of these By-laws;

“**own use**” with regard to milk, means milk-

- (a) that is used, or meant to be used, exclusively by the owner or possessor of dairy stock or by such person's household; or
- (b) that is provided free of charge to employees of such person for the use of such employees or their households;

“**provisional certificate of acceptability**” means clean and clear water that contains no E. coli organisms per 100ml and is free from any substance in concentrations detrimental to human health;

“**prescribed fee**” means a fee determined by the Municipality by resolution;

“**the Act**” means the Health Act, 1977 (Act 63 of 1977).

Prohibition on the production of milk except in an approved milking shed

- 2. (1) No person must use a milking shed for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed in which the dairy stock are milked in is an approved milking shed and such milking shed is used in accordance with provisions of these By-laws and the conditions of the certificate of acceptability or provisional certificate of acceptability issued in respect of that milking shed.
- (2) The provisions of subsection (1) will -
 - (a) not be applicable to a milking shed in which milk is produced solely for own use if the said owner or possessor does not so apply on 1 July 1989 or on the date of an order referred to in subsection (3);
 - (b) come into effect in the case of an existing milking shed -
 - (i) if the owner or possessor of the existing milking shed applies within 24 months after the commencement of these By-laws for a certificate of acceptability - on the date on which a certificate of acceptability or a

provisional certificate of acceptability, as the case may be, is issued in respect of that milking shed or on the date on which the application is turned down; and

- (ii) if the said owner or possessor does not so apply within 24 months after the commencement of these By-laws or on the date of an order as referred to in subsection (3), whichever date comes first.

(3) If a Municipality is of the opinion that an existing milking shed is being used in a way which constitutes an immediate and real health hazard or that a situation has developed in the milking shed constituting such an immediate and real hazard, the Municipality may, despite the provisions of subsection (2)(b), order in writing the owner or possessor of an existing milking shed, not to remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the level authority.

CHAPTER II

Application for a certificate of acceptability

3. (1) Any person wishing to apply for a certificate of acceptability in respect of a milking shed must apply for it in writing and in his or her application furnish the following information:
- (a) The name, address and telephone number of the applicant;
 - (b) a title description of the premises; and
 - (c) an indication of the number of staff who are employed, or who will probably be employed, and the maximum number of animals that will be milked.
- (2) Such an application must be submitted to the Municipality in whose area of jurisdiction the milking shed is located or will be erected together with a layout sketch to a scale of 1:100 of all the milking shed facilities referred to in section 9, consisting of a ground plan, a sectional view and a vertical elevation.
- (3) The Municipality may, in considering the application, request from the applicant or any other person such further information, as he or she may deem necessary.
- (4) The Municipality must not consider an application for the issue of Certificate of acceptability unless an inspector of the Municipality concerned has carried out a full inspection of the premises concerned, and his or her report on such inspection, and recommendation on such issue, is in the possession of the Municipality.

(5) If the Municipality, on consideration of an application for the issue of a certificate of acceptability, the relevant report and recommendation by the inspector and any other documents tabled or information obtained, is satisfied that the milking shed concerned-

- (a) complies with all the provisions of these By-laws; and
- (b) is deemed in all respects suitable for the production and hygienic handling of milk, it must issue in the name of the applicant a certificate of acceptability, in the form determined by the Municipality, in respect of the milking shed concerned.

Provisional certificate of acceptability

4. (1) If, on consideration of an application, the Municipality has ascertained that the milking shed concerned is in all respects suitable for the production and hygienic handling of milk but does not comply with all the provisions of these By-laws-

- (a) it must in the case of an existing milking shed; and
- (b) it may, in the case of a new milking shed,

issue in the name of the applicant a provisional certificate of acceptability, in the form determined by the Municipality, in respect of the milking shed concerned to enable the applicant to modify the milking shed so that it complies with the provisions of these By-laws.

(2) The Municipality may, at the request of the holder of a provisional certificate of acceptability and on the strength of an inspection report and the recommendation of an inspector, revoke a provisional certificate of acceptability and replace it with a certificate of acceptability.

Conditions subject to which a certificate of acceptability or a provisional certificate of acceptability is issued

5. It is a condition of a certificate of acceptability and a provisional certificate of acceptability that the milking shed, the staff that are employed there and the dairy inspector -

- (a) may be transferred by the holder to someone else only with the prior approval of the Municipality; and
- (b) the milking shed be used in accordance with the provisions of these By-laws.

Transfer of a certificate of acceptability

6. (1) A holder intending to transfer his certificate of acceptability to someone else must submit the certificate of acceptability, together with a written application for approval of the transfer, to the Municipality which issued the certificate of acceptability.
- (2) If the Municipality approves the application it may in its own discretion endorse the existing certificate of acceptability accordingly and enter the new holder's name on it or cancel the existing certificate of acceptability and issue a new certificate of acceptability in the name of the new holder.

Suspension or withdrawal of a certificate of acceptability or a provisional certificate of acceptability

7. (1) If the Municipality has approved a milking shed on the strength of an inspector's report and the recommendation of an inspector, is of the opinion that the milking shed-
 - (a) is being used in such a way that it constitutes an immediate and real health hazard or that a situation has developed in the milking shed constituting an immediate and real health hazard, the Municipality may for as long as, in its opinion that hazard exists suspend the certificate of acceptability or provisional certificate of acceptability concerned and must in writing notify the holder accordingly;
 - (b) is being used contrary to the provisions of these By-laws or the terms and conditions of the certificate of acceptability or the provisional certificate of acceptability, the Municipality must in writing notify the holder accordingly.
- (2) Any notice referred to in subsection (1) must state the particulars which must be sufficient within reason to inform the holder concerned on what grounds the judgement of the Municipality is based, and must instruct the holder to reply within 21 days of receipt of notice to the allegations made in the notice.
- (3) If such a reply is received, the Municipality may, after consideration of the reply received, issue an order to the holder instructing him before a specified date to rectify the similarly specified matters complained about, and stating that if this is not done the certificate of acceptability or provisional certificate of acceptability, as the case may be, may be withdrawn without further notice.
- (4) A notice issued in terms of subsection (1), must be served on the holder or person in charge of the milking shed concerned, and the person on whom the notice is served, must deal, in the manner determined in the notice, with such notice and the certificate of acceptability or provisional

certificate of acceptability concerned, in cases where the certificate concerned is suspended or withdrawn

(5) the suspension or withdrawal of a certificate of acceptability or provisional certificate of acceptability in terms of this section must have the effect that as long as the certificate concerned is suspended and from the date on which the certificate is withdrawn, no milk, produced or received in the milking shed concerned must be used for human consumption.

CHAPTER III

REQUIREMENTS AND INSTRUCTIONS

Milking sheds

8. (1) (a) An approved milking shed must consist of at least-
- (i) a milking parlour referred to in subsection (2);
 - (ii) a milk room referred to in subsection (3), where milk must be received from the milking parlour, and where such milk must be stored and may be treated, processed and packed;
 - (iii) a change room referred to in subsection (4); and
 - (vi) a scullery for the washing, cleansing disinfections and sterilization of milk containers and others unfixed apparatus and equipment used in the handling of milk.
- (b) (i) The facilities referred to in paragraph (a) must, subject to the provisions of subparagraph (i), be erected as separate rooms in one building complex or as separate detached buildings.
- (ii) A scullery referred to in paragraph (a) must, subject to the provisions of subparagraph (ii), one erected as an integral part or a milk room or as a separate room
- (2) In the case of a milking parlour-
- (a) there must be no direct connection with a latrine or with a room where gases, smoke, vapours, dust or a soot deposit are present or may originate owing to the nature of the activities in such room;
 - (b) which provides standing-room for more than one row of dairy stock parallel with one another, there must be a dividing corridor of at least one metre wide between the rows;

- (c) the partitions if any, that separate dairy stock from each other when they are being milked, must be of a smoothly finished non-absorbing and corrosion resistant material free of any open seams and cracks;
 - (d) mangers must be arranged so that fodder which accumulates behind the mangers can be removed;
 - (e) the exterior walls-
 - (i) must be at least 2,4 metres high on the inside;
 - (ii) must, at places where dairy stock are milked, extend to at least 2,1 metres above the level on which the dairy stock stand;
 - (f) the interior surfaces of the walls must be smooth and washable;
 - (g) the roof must be of a water-resistant and washable material;
 - (h) the floor must-
 - (i) be of a material which is waterproof and cleanable;
 - (ii) drain thoroughly into a drain which is connected to a disposal system so that no pools of standing water are formed on the floor;
 - (i) such parlour must be-
 - (i) adequately ventilated and illuminated;
 - (ii) provided with at least one water tap with running pure water to which a flexible pipe may be connected for washing purposes; and
 - (j) the entrances and exits for dairy stock must have a floor covering with an impenetrable surface connected to a disposal system, and such floor covering must be installed in such a way that any milk animal entering or leaving the milking parlour must walk on it for a distance of at least 4 metres.
- (3) In the case of milk room -
- (a) such milk room must comply with the provision of subsection (2) (e) (i), (f), (g), (h) and (i);
 - (b) where the scullery forms an integral part of the milk room as referred to in

- subsection (1) (b) (ii) there must be sufficient space to allow for the cleansing and disinfections of all milk containers, and the storage of milk;
- (c) the milk room must be provided with at least one sink, with hot and cold piped running pure water and with run-off connected to a disposal system;
 - (d) such milk room must be erected so that a milk pipe from a milk tanker can be connected to a bulk farm tank through a door, and the distance between the two connection points must not exceed 6 metres;
 - (e) such milk room must be rodent-proof;
 - (f) the doors and windows must be dust-proof when closed; and
 - (g) the milk room may be equipped with a bulk farm tank referred to in section 9(3) for the storage of milk.
- (4) A change room must -
- (a) comply mutatis mutandis with subsection (2)(e)((i), (f), (g), (h)(i) and (i);
 - (b) have at least one hand wash-basin and one shower provided with piped running pure water for every 15 persons or part of this number working at the milking shed concerned, and must be provided with soap, a nail brush and disposable towels, and used water from such hand wash-basin and shower must drain into a disposal system;
 - (c) be within easy reach of the milking parlour and milk room.
- (5) Any effluent originating from a milking shed must -
- (a) not be stored, treated or dumped in any place except in or on a disposal system;
 - (b) not be conveyed to or dumped in or on a disposal system in any other way than by means of a pipeline, or cement ditches or in a container;
 - (c) not be dumped so that a water source is or may be polluted by it;
 - (d) not constitute a nuisance or cause a condition that is a health hazard.
- (6) Only pure water must be used at a milking shed.
- (7) A holder must see to it that -
- (a) in a milking shed -

- (i) a nuisance or condition that is a health hazard is not caused or does not arise;
 - (ii) no poisonous or hazardous substances or gases are stored; or
 - (iii) no activity is carried on which can pollute or harm the milk,
- (b) rodents, flies, cockroaches and other insects on the premises of the milking shed are controlled.
- (8) A milking shed must not be used for any other purpose except the production and handling of milk.
- (9) Unfixed milk containers and other apparatus and equipment used in the handling of milk must not be washed, cleansed, disinfected or sterilized in a place other than the scullery referred to in subsection (1)(a)(iv).
- (10) No person must use or handle tobacco in any form or eat in a milking shed except in the change room or dining room of a milking shed.
- (11) As soon as milk animal have left a milking shed, all manure must be removed from the milking shed and the floor and all entrances and exits of the milking shed must be washed clean.

Milk containers and milking machines

9. (1) A milk container -

- (a) must not be made wholly or partly of copper, or any copper alloy or any toxic material;
- (a) must have a smooth finish, free of open seams, cracks and rust stains;
- (b) must be constructed in such a way that any surface that comes into contact with milk is accessible for the purpose of washing and disinfections; and
- (c) must not be used for any other purpose except the handling of milk.

(2) A milking machine must -

- (a) be manufactured in such a way that the vacuum pipe of the machine can be drained to remove all the moisture;
- (b) be equipped with a device rendering visible the milk flow from each milk animal, and
- (c) comply with subsection (1)(a), (b) and (c) with the necessary changes.

(3) A bulk farm tank must -

- (a) have a drainage incline leading directly to the outlet point,
 - (b) be fitted with an outlet pipe manufactured and fitted in such a way that all liquid can drain out of such tank, and the end of such outlet pipe must be screw-threaded and fitted with a screw-on cap permitting such end to be shut off;
 - (c) be fitted with a stirring mechanism capable, within five minutes of being put into operation, of mixing milk in such tank;
 - (d) be fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest 20C;
 - (e) be quipped to cool the milk in such tank to 50C or a lower temperature within three hours, and of keeping such cooled milk at a temperature of between 10C and 50C.
 - (f) be installed at a minimum distance of 0,5 metres from any roof, ceiling wall;
 - (g) be insulated in such a way that when no cooling takes place, the temperature of the milk in such tank must not increase by more than 30C in 12 hours if the surrounding temperature is 320C;
 - (h) comply mutatis mutandis with subsection (1)9a), (b) and (c).
- (4) The tank of a milk tanker must-
- (a) be installed in such a way that it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position;
 - (b) be insulated in such a way that the temperature of the milk in such tank must not increase by more than 20C every 48 hours; and
 - (c) have at least one opening fitted with a dust-proof lid through which the inside of such tank can be inspected and must be equipped so that all surfaces that come into contact with milk may be washed and disinfected as prescribed in subsection (6);
 - (d) comply with subsection (1)(a), (b) and (c).
- (5) All apparatus used for heat treatment of milk, must be fitted with dial thermometers and thermostats accurate to 0,50C in respect of the entire

given series of scales and, in addition to mechanical temperature and time regulators, such apparatus must have flow-regulating and flow-averting valves by which milk not subject to heat treatment is automatically redirected to the balance tank.

(6) Milk container and other fixed and unfixed apparatus and equipment must be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on surfaces coming into contact with milk does not exceed 10 bacteria per 100 mm² of such surfaces after disinfections.

Milk

10. (1) the first milk from every teat must be taken as a sample to be tested and must be disposed of after testing and if such testing reveals any signs of an abnormality in the milk, the milk of the animal concerned must be kept separate and must not be mixed with other milk nor used for human consumption.

(2) milk obtained from dairy stock during the first seven days following parturition (*post-partum*) must not be added to milk destined for human consumption

(3) Milk must not be transferred from one milk container to another by means of a third container.

(4) Milk must be protected from direct sunlight.

(5) Except when milk is being pasteurised or is undergoing some other heat treatment process, the milk must, within three hours of being received in the milk room, be cooled to a temperature of 5°C or lower, but above freezing point, and kept at the temperature until it is removed from the milking parlour.

Dairy stock

11. (1) Every milk animal must be marked with a distinguishing and indelible mark by which such an animal can be identified.

(2) A register must be kept of each separate milk animal's diseases each withdrawal from the dairy herd, each return to the dairy herd for milking purposes and all veterinary examinations and veterinary treatment with the name of the veterinary surgeon if a veterinary surgeon was involved in such examinations or treatments.

(3) Each individual milk animal must be examined by a veterinary surgeon at least once in every two-year cycle and a report must be obtained from the veterinary surgeon.

(4) The milk of any milk animal that is or appears to be ill must not be made available for human consumption until such time as the holder has made sure that, that animal is not suffering from a disease mentioned in subsection (5).

- (5) The milk of dairy stock that suffers or presumably suffers from-
- (a) mastitis;
 - (b) in duration of the udder;
 - (c) a secretion of bloody or ropy milk or milk otherwise abnormal;
 - (d) tuberculosis;
 - (e) salmonellosis;
 - (f) acute fever (with the inclusion of anthrax, anaplasmosis);
 - (g) red water;
 - (h) ephemeral fever and lumpy skin disease;
 - (i) septic metritis;
 - (j) septic multiple mange; or
 - (k) serous tick infection or brucellosis,

that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, must not be made available or used for human consumption unless steps have been taken to the satisfaction of the Municipality to eliminate such health hazard.

(6) If lubricants are used in the milking process on teats of dairy stock, such lubricants must be kept in containers that are free of foreign matter and direct, and such container when not in use must be covered with tight-fitting lids.

(7) All flanks, udders, bellies and tails of dairy stock must before the milking process be free of visible dirt and if a flank, udder, belly or tail is washed it must be dried with a clean towel.

Milkers and handlers of milk

12. (1) *The hands and fingernails of every milkier or handler of milk must be washed thoroughly with soap and water, and there must be no accumulation of grime under the nails of the milk handler when handling milk.*

(2) Each person handling milk, must daily before the commencement of his or her activities put on clean and undamaged over-clothes and gumboots and wear them continuously while he or she is handling milk.

(3) No person who suffers from a communicable disease or who has an open sore or abscess on his arms, hands, head or neck must handle milk.

CHAPTER IV

TRANSPORT OF MILK

Duties of the driver of a vehicle

13. If milk is not already packed in its final retail packaging is loaded on a vehicle at a milking shed for transport to a further distribution point or processing point, the driver of such vehicle must-

(a) before any milk is loaded on such vehicle-

(i) carry out an alizarol test (68 percent alcohol) on a sample of the milk to be loaded, which sample must be taken by himself or herself or order the direct supervision, from the milk container from which such milk is to be loaded; and

(ii) take the temperature of the milk in the bulk form tank and, if the alizarol test is positive, or if the temperature of such milk in the bulk form tank exceeds 5oC, not accept such milk for transport.

(b) ensure that a milk tanker or milk container is so cleaned and disinfected as soon as all the milk has been unloaded to the effect that the bacteriological count on the surfaces coming into contact with milk does not exceed 10 bacteria per 100mm² of such surfaces after disinfections; and

(c) take a sample of milk at every milking shed where milk is loaded and mark such sample with a mark by which the milking shed concerned can be identified and keep that sample separate in a container or that the temperature of the sample does not exceed 5oC at its final destination.

GENERAL PROVISIONS

Exemption

14. (1) the Municipality may exempt in writing any person from compliance with some of these By-laws if in the opinion of the Municipality, such non-compliance neither does nor will create a nuisance.

(2) Such an exemption must be subject to the conditions valid for the period determined and stated in the said document by the Municipality.

Appeal

15. (1) Any person who is of the opinion that an injustice has been done to him or her by a decision of the Municipality made in terms of these By-laws may appeal to the Minister against such a decision.
- (2) Such an appeal must be lodged within 42 days by the delivery to the Municipality concerned, for submission to the Minister, of a notice in which the grounds for the appeal are stated clearly and concisely.
- (3) The Municipality must, within 14 days of receipt of the said notice, send a copy of-
- (a) the said notice;
 - (b) a written statement setting out its reasons for the decision being appealed against; and
 - (c) the report and recommendation of the inspector considered by the Municipality in making the decision being appealed against;
 - (d) to the Minister, and copies of the said statement and report to the appellant.
- (4) The appellant may, within 14 days of receipt of the copies of the said statement and report, submit to the Minister a representation.
- (5) The Minister must, upon receipt of the appellant's representation if the appellant submit a representation, consider the appeal subject to the submitted to him or her and he or she may confirm, change or substitute for the decision of the Municipality being appealed against another decision which in his or her opinion should have been made by the Municipality and order the Municipality to do what is necessary to carry out his or her decision.
- (6) The Director-General must in writing inform the appellant and the Municipality of the outcome of the appeal.
- (7) The commencement of the decision of the Municipality being appealed against, must be postponed from the date on which the notice referred to in subsection (2) is delivered to the date on which the appeal is withdrawn or is finalized by the Minister.

Penalties

16. Any person contravening or failing to comply with any provision of these By-laws is guilty of an offence and liable, on conviction, to a fine or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Repeal of By-laws

17. The provisions of any By-laws relating to milking sheds and the transport of milk by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

Short title

18. These By-laws are called By-laws regulating Milking sheds and the Transport of Milk.



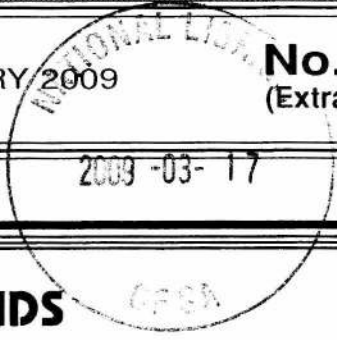
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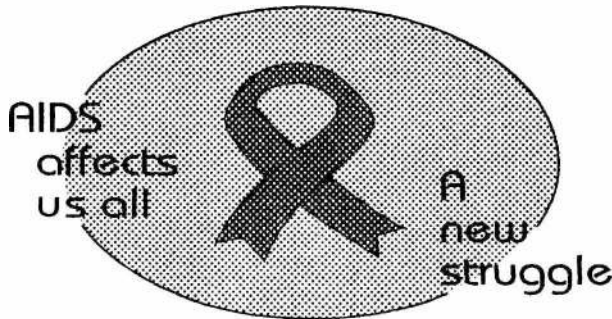
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No. 5

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA
YOKUSETYENZISWA KOMHLABA**

UYILO LOKU-1

IMITHETHO KAMASIPALA YOKUSETYENZISWA KOMHLABA

Kwaziswa ukuba ngokuhambelana necandelo le-13 likaRhulumnte waseKhaya: UMthetho ka-2002 weeNdlela zokwenza zikaMasipala (uMthetho nomb.32 ka-2002) iBhunga likaMasipala waseMbizana lazisa ngoMthetho kaMasipala wokuSetyenziswa koMhlaba njengoko kubekiwe apha ngezantsi;

ISALATHISO

Intshayelelo

- 1. Inkcazelo**
 - 2. Izicelo**
 - 3. Ngaphambi kokufaka isicelo**
 - 4. Iifomu zezicelo**
 - 5. Ukwamkelwa kwezicelo**
 - 6. Ukwaziswa kwezicelo**
 - 7. Isigqibo esenziwa ngu Masipala**
 - 8. Ukuvavanywa ngomlomo**
 - 9. Isaziso sovavanyo olucetywayo**
 - 10. Ukumelwa**
 - 11. Ukuqhutywa kovavanyo**
- Umdla kumcimbi oza kuvavanywa**
- Isithuba samaxesha**
- Indlela yokwazisa iBhunga**
- Ulwazi olongeziweyo**
- Emva kokunikezelwa**
- Isaziso**
- Ukubhangiswa**

Iinkcazelo

“**umntu ochaphazelekayo**” uthetha nabani na onamalungelo achaphazeleka ngokubalulekileyo nangokuchaseneyo sisigqibo esenziwe kusetyenziso lomhlaba olucetywayo;

“**umfaki-sicelo**” uthetha umnini/umnikazi weprophati okanye umntu ogunyaziswe ngumnini/umnikazi ukuba afake isicelo sokutshintsha amalungelo okusebenzisa loo prophati;

“**iBhunga**” lithetha iBhunga likaMasipala waseMbizana kwaye, liquka naliphi na iBhunga, iKomiti, iBhungana okanye iKomiti yewadi esekwe nguMasipala njengoko kunokuba njalo, okanye igosa lakwaMasipala elinegunya lokuthatha isigqibo ngesicwangciso sokusetyenziswa komhlaba.

“**iintsuku**” kukubalwa kweentsuku ezichaphazelekayo, ubalo luquka usuku lokuqala nelokugqibela ngaphandle kokuba usuku olo lokugqibela lingomhla weholideyi kawonke-wonke.

“isicwangciso sokufaka isicelo sokusetyenziswa komhlaba” kuthetha ukwenziwa kwesicelo sotshintsho lwamalungelo okusetyenziswa komhlaba okanye inguqulelo kwizithintelo zokusetyenziswa komhlaba ngokwemiqathango yowiso-mthetho olulawula olo setyenziso noluku kodwa lube lungaphelelanga kulwahlulo ngokutsha lwemimandla,

“**uMphathi kaMasipala**” uthetha umntu owonyulwe phantsi kwecandelo lama-82 loMthetho ka-2000 weeNkqubo zakwaMasipala (uMthetho nomb.32 ka-2000) kwaye kuquka naliphi na igosa lakwaMasipala eligunyaziswe nguMphathi kaMasipala ebethumele abantu phantsi kwale Mithetho kaMasipala.

“**uMasipala**” uthetha uMasipala waseMbizana osekwe ngokwemiqathango yecandelo le-12 loMthetho nomb. 118 ka-1998 wamaCandelo kaMasipala.

1. Ukusetyenziswa kweMithetho kaMasipala

(1) Ngokubhekisele kwicandelwana 2.2 apha ngezantsi, le Mithetho kaMasipala isetyenziswa kuzo zonke izicelo zezicwangciso zokusetyenziswa komhlaba ezingeniswe kuMphathi wakwaMasipala ukuba aziqwalasele kwaye kuthathwe nesigqibo nguMasipala phantsi kowiso-mthetho olulawulayo lokusetyenziswa komhlaba.

(2) Le Mithetho kaMasipala ayiyi kusebenza kwizicelo ezenziwe ngokwemiqathango yoMthetho ka-1995 Wokwenziwa lula koPhuculo (uMthetho nomb. 67 ka-1995)

2. Ngaphambi kokufaka isicelo

(1) Umfaki-sicelo phambi kokuba angenise isicelo sokusetyenziswa komhlaba kufuneka abuze kuMphathi wakwaMasipala ngomnxeba, ifeksi, i-imeyile okanye yena buqu ukukhangela umthetho, imigaqo yeenkqubo zemimmandla, imigaqo-nkqubo kunye nezikhokelo ezinokusetyenziswa kwisicelo.

(2) Ukuba nawaphi na amaphepha-mvume, izigunyaziso okanye izamkelo eziyimfuneko phantsi kwawo nawuphi na umthetho ongomnye kufuneka zifunyanwe phambi kokuba singeniswe isicelo okanye phambi kokuba kuthathwe isigqibo nguMasipala .

(2) Xa zikhona izicelo zamaphepha-mvume, izigunyaziso okanye izamkelo kufuneka kwaziswe ngaxeshanye nesicelo umfaki-sicelo afuna ukusifaka.

(4) Uhlobo lokwaziswa kunye nezinye iindlela zokuthatha inxaxheba eziza kufuneka zihambelane neemfezeko zomthetho, imithetho kaMasipala okanye imigaqo-nkqubo elawula uMasipala;

3. Imirhumo ehlawulelwa isicelo

UMphathi kaMasipala kufuneka abonelele umfaki-sicelo ngolwazi oluyimfuneko kwangethuba.

4. Ifomu yesicelo

(1) Umfaki-sicelo kufuneka aqinisekise ukuba isicelo-

(a) singeniswa ngefomu yesicelo esivunyiweyo nguMasipala;

(b) sikhathshwa ngumrhumo omiselweyo;

(c) ukuba sifakwe yiarhente yomfaki-sicelo sikhathshwa sisigunyaziso segqwetha esigunyazisa ukuba iarhente leyo immele umfaki-sicelo;

(d) Ukuba sifakwe egameni lenkampani sikhathshwa yimizuzu yesisombululo esithathwe yinkampani igunyazisa ukuba umntu makafake isicelo kwaye, xa kufanelekile inikezele ngegunya lokuchonga iarhente ukuba immele inkampani;

(e) Apho kuyimfuneko, sikunye nesiqinisekiso sobunini bepropathi leyo okanye isatifikethi sokuhambisa, esiqinisekisa ukuba ngenye indlela sibe sibonisa ukuba isicelo esicetywayo asiphikisani nezithintelo zesiqinisekiso sobunini propati, kungenjalo isicelo siquka isicelo sokususa imiqathango esisithintelo kwiimeko zobunini-propathi;

(f) Xa intatho nxaxheba yabantu iza kuhoywa ngumfaki-sicelo ingahoywa nguMasipala;

- (i) siquka uyilo lwesaziso kunye okanye noyilo lweleta eya kubantu okanye amaqela achaphazelekayo;
 - (ii) ukuba kuza kubanjwa iintlanganiso zikawonke-wonke uluhlu lomhla neendawo eziza kungenela kuzo iintlanganiso kunye noyilo loluhlu lwemibutho eza kumenywa;
- (g) sibe noluhlu lwenombolo yepropathi(erf), ubungakanani bepropathi, imimandla ekhoyo kunye nokusetyenziswa okukhoyo okuquka nokuba olu setyenziso lungile na okanye alulunganga;
- (h) sikhathwa zezi dayagram kunye nezicwangciso ezinenkcaza egcweleyo ukwenzela ukuba nabaphi na abachasi okanye amaqela anomdla abhale izimvo zawo kwisicelo kwaye, uMasipala avavanye uhlobo olucetywayo lotshintsho kusetyenziso lomhlaba okanye utshintsho kwizithintelo zokusetyenziswa komhlaba.
- (i) sibe nenkuthazo eyaneleyo phantsi komthetho osetyenziswayo, imigaqo-nkqubo kunye nendlela ekucwangciswe ngayo utshintsho olucetywayo kusetyenziso lomhlaba okanye kwisithintelo sosetyenziso lomhlaba.
- (j) sibonise ukuba kukho nawaphi na amaphepha-mvume angamanye, izigunyaziso okanye izamkelo phantsi kwawo nawuphi na omnye umthetho ongekamiselwa;
- (k) indlela yokunxibelelana ekhethiweyo ngumfaki-sicelo kuquka ukuhanjiswa kwezichasi kwifomu ukuba umfaki-sicelo abhale izimvo kunye nengxelo yakhe kwisicelo.
- (2) Umfaki-sicelo kufuneka anike uMasipala ngenani elivakalayo leekopi zezicelo njengoko kumiselwe nguMphathi wakwaMasipala ukulungiselela ukuba abachasi banikwe iikopi zezicelo.

5. Ukwamkelwa kwezicelo

- (1) UMphathi wakwaMasipala kufuneka ahambise isicelo kwiintsuku ezintathu zokwamkelwa kwesicelo ukuze kubhalwe izimvo ngamasebe angaphakathi afanelekileyo akwaMasipala;
- (2) Amasebe angaphakathi kufuneka abonelele uMphathi wakwaMasipala ngokubhala izimvo zawo kwisithuba sexesha leentsuku ezili-14 esifumene isicelo;
- (3) UMphathi wakwaMasipala kwisithuba seentsuku ezi-5 ezifumene izimvo ekubhekiswa kuzo ku(2) apha ngasentla kufuneka azise umfaki-sicelo ngembalelwano ukuba-
- a. iinkcukacha ezongezelelweyo kunye nokhuthazo ziyafuneka;

b. kufuneka ezinye iinkcukacha, umhla wokungeniswa kwesicelo ngumhla wokungeniswa kwezinye iinkcukacha eziyimfuneko:

(4) La magatya angasentla awathinteli uMphathi wakwaMasipala ukuba afune enye into elulutho okanye ezinye iinkcukacha kulo naliphi na inqanaba ngexesha lokuvavanywa kwesicelo.

6. Ukwaziswa kwesicelo

(1) Ukuba isicelo sime ngendlela efanelekileyo, uMphathi wakwaMasipala kufuneka ngokubonisana nomfaki-sicelo amisele indlela yokwazisa ngesicelo. Ixesha lokuphelelwa kwesaziso kufuneka lingekho ngaphantsi kwesithuba sexesha leentsuku ezingama-21.

(2) Indlela yokwazisa ixhomekeke kwiimeko kunye nemigaqo-nkqubo yakwaMasipala yesaziso kunye nentatho nxaxheba yabantu.

(3) Ukuba umfaki-sicelo kufanele ukuba aziphathele, uMphathi wakwaMasipala kufuneka amkele umxholo wazo naziphi na izaziso okanye naziphi na iileta ezinokusetyenziswa.

(4) Umxholo wezaziso okanye iileta kufuneka ubuncinci wenze isingqinisiso kwinkcazelo yenombolo yepropathi (erf), idilesi ezinze kuyo, iinkcukacha zobume besicelo apho isicelo singahlolwa khona ukuvuleleleka kunye nexesha esinokuhlolwa ngalo;

(4) UMphathi kaMasipala unokufuna la maqela achaphazelekayo nabebhalelwa iileta ukuba asayine ikopi yesicwangciso okanye idayagram ebiboniswe kubo ibonisa ubume besicelo ukuba bayavumelana nesicelo;

(5) UMphathi kaMasipala kufuneka amisele amasebe kumaqumrhu kaRhulumente kaZwelonke kunye nowePhondo, maqumrhu lawo aza kwaziswa ngesicelo;

(6) Apho kufuneka kwaziswe amasebe kaZwelonke nawePhondo uMphathi kaMasipala kufuneka acele izimvo zala masebe kwisicelo zingaphelanga iintsuku ezingama-60 sifunyenwe isicelo;

(7) UMphathi kaMasipala kufuneka aqinisekise ukuba :

- (a) ikopi egcweleyo yesicelo ilungele ukuhlolwa ngabantu kwiiofisi zikaMasipala;
- (b) ngokokubona kwakhe, isicelo silungele ukuhlolwa kwezinye iindawo ezifikelelekayo kwabo bachaphazelekayo sisicelo;
- (c) uluhlu lwamaxabiso okufotostatha lubekwe kwindawo ebonakalayo apho sikhoyo isicelo esilungele ukuhlolwa;
- (d) enziwe amalungiselelo okucacisa isicelo kunye nokurekhoda izichaso zabachasi abangakwaziyo ukufunda okanye ukubhala;

- (e) izaziso zokwazisa amaqela achaphazeleka kakhulu nangendlela egxekekileyo zibekwa kwindawo ebonakalayo sisicelo ukuze bakwazi ukuba bacele sivavanywe ngomlomo liBhunga;
- (f) iifomu zesicelo sovavanyo ngomlomo ngendlela efanayo nale ibekwe kwiSihlomelo A sele zikhona;

(8) Kanye ukuvalwa kwexesha lokuchasa uMphathi kaMasipala kwisithuba seentsuku ezili-10 kufuneka ahambise izichasi kumfaki-sicelo ukuba abhale izimvo zakhe mfaki-sicelo lowo oza kuthi angenise izimvo zakhe kuMasipala kwisithuba seentsuku ezingama-60 emva kokwaziswa ngendlela ebekwe kwicandelo 4.2.13 apha ngasentla. UMphathi kaMasipala unokulandisa eli xesha. Ukuba nje umfaki-sicelo uye wawasilela ukuhambelana namagatya eli candelwana, uya kuthathwa njengongakhange abe nazimvo.

7. Isigqibo esithathwe nguMasipala

(1) Kwiintsuku ezingama-60 zifunyenwe izimvo zomfaki-sicelo kwizichasi kwaye, ukuba zonke iimpembelelo zovavanyo ebezifuniwe zifakiwe nezimvo ezivela kumaqumrhu kaRhulumente kaZwelonke kunye nowePhondo zifumanekile, uMphathi kaMasipala ukuba kunokuthathwa isigqibo kwisicelo phantsi komthunywa ogunyazisiweyo kufuneka aqinisekise ukuba ukuthathwa kwesigqibo kwenziwe ngexesha elifanelekileyo;

(2) Ukuba umcimbi awuthunyelwanga amagosa, uMphathi kaMasipala kufuneka aqulunqe ingxelo kunye nesindululo;

- (a) athumele ikopi yengxelo esayiniweyo kunye nesindululo kumfaki-sicelo nakubachasi;
- (b) abhale ingxelo kwiajenda yeBhunga;

(3) Apho naliphi na iqela liye lafuna uvavanyo ngomlomo, phambi kokuba uMasipala athathe isigqibo uMphathi kaMasipala kufuneka alandele inkqubo ebekiweyo kwicandelo lesi-8 phambi kokubhala ingxelo kwiajenda yeBhunga.

8. Iimvavanyo ngomlomo

(1) Nabani na, nokuba ngumfaki-sicelo okanye umntu olungelo lakhe likhulu yaye lichaphazeleka ngendlela egxekekileyo sisicelo sokusetyenziswa komhlaba angalucela uvavanyo ngomlomo phambi kokuba iBhunga lithathe isigqibo.

(2) Kwimeko yomchasi apho eso sicelo sovavanyo sinokukhapha isichasi esichasa isicelo sokusetyenziswa komhlaba. Kwimeko yomfaki-sicelo isicelo sinokukhapha isicelo okanye izimvo kwisichasi.

(3) Akukho zimvavanyo ngomlomo ziya kuqwalaselwa apho isigqibo siza kuthathwa ngamagosa kaMasipala phantsi kwamagunya abawanikiweyo.

(4) Kanye emva kokuba ingxelo nezindululo zoMphathi kaMasipala zisayiniwe ingxelo nesicelo kuya kufuneka zibekwe phambi kweBhunga eliya kuthatha isigqibo sokunikezela okanye ukunganikezeli kwethuba lovavanyo ngomlomo phambi kokuba kuthathwe isigqibo.

(5) Ekumiseleni kokunikwa okanye ukunganikwa isicelo sovavanyo ngomlomo iBhunga linokujonga ubume besicelo, iqondo lokunxaxha kwesicelo kwimithetho esetyenziswayo, inani labantu abachaphazeleka kakhulu nangokugxekekileyo sisicelo, ubume benyaniso ekuphikiswana ngayo phakathi komfaki-sicelo nabachasi kunye nayo nayiphi na imeko apho kufuneka kwenziwe ubulungisa.

9. Isaziso sovavanyo olucetywayo

(1) Onke amaqela kufuneka aziswe ngovavanyo ngale ndlela bacele ukwaziswa ngayo ngoku bebecela uvavanyo ngomlomo kwifomu yesicelo, ubuncinci kwiintsuku ezisi-7 phambi kovavanyo. Kufuneka kubhalwe idilesi, ixesha kunye nomhla ochanekileyo kwisaziso malunga novavanyo oluza kubakho.

(2) Amaqela anikwe ithuba lokuvavanywa ngomlomo anokucela imvume yokufumana ifayile kuMphathi kaMasipala ngenjongo yokuzilungiselela uvavanyo, ukuba baye bakwenza oko ngesaziso esibhaliweyo basinike uMphathi wakwaMasipala, ukuba baye bakwenza oko kwiintsuku ezintathu ngapambi kokuba bakwenze oko.

10. Ukumelwa

Onke amaqela ngemvume yeBhunga angamelwa ngokufanelekileyo kuvavanyo.

Ukuqhlutywa kweemvavanyo

11. Umdla kumcimbi ophethweyo

Amalungu eBhunga anomdla othe ngqo nongathanga ngqo ekufakeni isicelo phambi kweBhunga kufuneka akwenze oko ngokuhambelana noMgaqo wokuziphatha njengoko uchaziwe kuRhulumente kaMasipala: UMthetho nomb.32 ka-2000 weeNkqubo zikaMasipala.

12. Isithuba sexesha

(1) Umfaki-sicelo unemizuzu eli-15 yokuchaza ngomcimbi wakhe kunye nexesha elifanelekileyo lokuphendula imibuzo yamanye amaqela ukuba nguye owubeke umcimbi wakhe kuqala kwiBhunga.

- (2) Abachasi banemizuzu eli-15 yokuchaza umcimbi wabo kunye nexesha elifanelekileyo lokuphendula imibuzo yamanye amaqela ukuba ngabo ababeke kuqala umcimbi wabo kwiBhunga.
- (3) Apho kukho abachasi abaliqela, abachasi kufuneka bachelwe ukuba bonyule umntu oza kuba sisithethi sabo ukuba athethe egameni labo.
- (4) Ukuba abakwazi ukuba bangonyula isithethi njengoko kuyimfuneko kwicandelwana elingasentla umchasi ngamnye kufuneka anikwe ixesha lokubeka umcimbi wakhe kwiBhunga.
- (5) Isithethi sinokumcela umchasi othethayo ukuba adlulele kumba olandelayo ukuba inti athetha ngayo sele ithethiwe ngumntu obengaphambili kwakhe okanye ukuba umchasi uphindaphinda into enye okanye uyaphuma emxholweni.
- (6) Isithethi xa imeko zomcimbi zikulungele ukuba kungenziwa njalo unokulivumela ulwandiso lwexesha kulo naliphi na iqela.

13. Indlela yokwenza intetho kwiBhunga

- (1) Iqela elo lizindululo ezikwingxelo yoMphathi kaMasipala zingahambelaniyo nalo lenza intetho kuqala kwiBhunga kuqala. Nje ukuba bagqibe iqela lokuqala linikwa ithuba lokuphendula kwaye, kufuneka lithi gqabagqaba kwaye kufuneka lijongane nale miba mitsha iphakanyisiweyo.
- (2) Amaqela kufuneka ngawo onke amaxesha aqwalasele imiyalelo kwaye ahambelane neenkqubo ezibekwe liBhunga.
- (3) Akukho kubuzwa mibuzo kuya kuvumeleka kulo nakweliphi na iqela.
- (4) Emva kwentetho nganye amalungu eBhunga anokubuza imibuzo yengcaciso kulo nakweliphi na iqela okanye igosa.

14. Ulwazi olongezelekileyo

- (1) Ukuba amaqela aye anqwenela ukunikezela ngeefoto, izicwangciso okanye amanqaku abhaliweyo ukucacisa incam yale nto bathetha ngayo kufuneka kwenziwe iikopi ezaneleyo kunikwe onke amalungu eBhunga kunye nabanye abantu abangaba bakhona.
- (2) Izinto zemiba emitsha kwisicelo zinokuphakanyiswa okokuqala kuvavanyo xa isithethi sikhethe ngolo hlobo. Isithethi xa sibona kufanelekile kufuneka siyithathele ingqalelo into yokuba ngaba kulungile na ngokwezo meko ukuba kuvunyelwe ukumanyelwa kwezinto ezintsha.
- (3) Isithethi xa sithatha isigqibo kufuneka siqwalasele ukuba kungalinika na elinye iqela ithuba lokuvavanya nokuxoxa ezi nkukacha zintsha. Ukuba iinkukacha ezintsha eziphakanyisiweyo zintsokothile kwaye zicacisiwe isithethi sinokuwimisela

omnye umhla uvavanyo lwalo mcimbi ngenjongo zokulungiselela elinye iqela ukuba libe nexesha elaneleyo lokuziqwalasela ezo nkukacha.

16. Emva kokwenziwa kwentetho

- (1) Kanye emva kokuba uvavanyo lugqityiwe akukho zinkcazelo zintetho zimbi ziya kuvunyelwa.
- (2) IBhunga lenza ingxoxo nawo onke amaqela akhoyo ngaphandle kokuba baye baqwalasela iimeko babona ukuba kufanelekile ukuba ivalwe iseshini.
- (4) IBhunga linokuza nesigqibo kwiseshini okanye ngomnye umhla.
- (5) Ukuba iBhunga liye leza nesigqibo ngexesha leseshini, iSithethi kufuneka sixelele onke amaqela ngesigqibo esithathwe liBhunga kunye nezizathu zeso sigqibo.
- (6) Amaqela kufuneka acetyiswe ngalo naliphi na ilungelo lokubhena anganalo kwaye, isaziso esibhaliweyo seso sigqibo siya kulandeliswa.
- (7) Ukuba iBhunga liye lamkela ingxelo yoMphathi kaMasipala izizathu ziqulathwe kwingxelo. Naziphi na ezinye izizathu ezongeziweyo liBhunga kufuneka zenziwe zicace kweli nqanaba. Ukuba iBhunga aliyamkeli ingxelo uMphathi kaMasipala iBhunga kufuneka lichaze izizathu zokuba kuthathwe eso sigqibo.

17. Isaziso

(1) UMphathi kaMasipala kufuneka anike umfaki-sicelo, abachasi kunye nabo bonke abangenise iinkcazelo ezibhaliweyo isaziso esibhaliweyo sesigqibo seBhunga kunye nezizathu zeso sigqibo kwiintsuku ezingama-60 senziwe.

(2) Apho abachasi bangenise uxwebhu lwezicelo, kumntu onoxanduva lwesicelo eso uya kuthathwa anjengowazise wonke ubani osayinileyo kwisicelo eso.

(3) Isaziso kufuneka sibalule :

- (a) Xa isigqibo sele sithathiwe okanye xa isindululo senziwe okanye singenziwanga kwelinye iqumrhu likaRhulumente;
- (b) Kwiimeko apho isigqibo esasithathwe phantsi komthunywa ogunyazisiweyo, iinkcukacha zelungelo langaphakathi lokubhena elichaziweyo ngokwemiqathango yecandelo lama-62 loMthetho nomb.32 ka-2000 weNkqubo zikaRhulumente kaMasipala waseKhaya, kunye nesithuba sexesha kuquka nneenkqubo eziza kulandelwa ukuqhuba eli lungelo lokubhena;
- (c) Xa likhona ilungelo lokubhena kwiqumrhu langaphandle okanye kwelinye iqumrhu likaRhulumente likwanika iinkcukacha zexesha kunye neenkqubo eziza kulandelwa ukuqhuba eli lungelo lokubhena.

- (d) Apho kuthathwe isigqibo, amaqela mawaziswe ukuba isigqibo sinqunyanyisiwe de kufike ixesha lokuba isibheno sangaphakathi okanye esangaphandle siphela.
- (e) Izibheno zangaphakathi ngakwisigqibo esithathwe ngamagosa phantsi komthunywa ogunyazisiweyo kuya kujongwana nazo ngokwemiqathango yeNkqubo yeMithetho kaMasipala.
- (f) Isaziso sinokuthunyelwa ngeposi ekhuselweyo okanye ngefeksi.

17. Amatyala nezohlwayo

Umntu othe-

- (a) wasilela okanye wala ukunika igosa olo lwazi linokubona kufanelekile ukuba lulufunmane ngenjongo yokwenza amagunya okanye imisebenzi yalo phantsi kwale Mithetho yakwaMasipala okanye othe wanika igosa ulwazi olungeyonyani okanye olukhohlisayo elwazi ukuba aluyonyani okanye luyinkohliso.
- (b) waphazamisana okanye wasilela ukuhambelana negatya lale Mithetho kaMasipala; okanye
- (c) wasilela ukuhambelana nemiqathango yesaziso asikhutshelweyo okanye ngokwemigqaliselo yale Mithetho;

ufunyanwa enetyala kwaye kufanelekile ngokomthetho ukuba agwetyelwe isohlwayo okanye ukuya entolongweni kangangesithuba sexesha elingadlulanga kwiinyanga ezintandathu okanye agwetywe zombini, isohlwayo nokuya entolongweni.

18. Ukubhangiswa kwemithetho kaMasipala

- (1) Iyabhangiswa ayiphi na iMithetho kaMasipala esetyenziswa kwiqumrhu lomthetho kaMasipala enxulumene nezinto ezikule Mithetho apho ithe yakhabana namagatya ale Mithetho kaMasipala.
- (2) Ukubhangiswa kweMithetho kaMasipala esele ikho iqala ukusebenza ngomhla wokwaziswa kwale Mithetho kaMasipala.

14. Isihloko esifutshane nokusungulwa kwayo

- (1) Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala yezeMali kwaye iya kuqala ukusebenza ngomhla okanye ngemihla emiselwe liBhunga likaMasipala kwaye, iya kupapashwa *kwiGazethi yePhondo*.

(3) UMasipala angabeka imihla eyahlukeneyo yokusebenza kwale Mithetho kaMasipala kwindawo ngeendawo.

Inkqubo yeMithetho kaMasipala yokuFaka iSicelo sokuSetyenziswa koMhlaba

IGAMA

UMBUTHO OMELWEYO (UKUBA UKHO)

IDILESI

INOMBOLO YOMNXEBA (YASEMINI)

(Le nombolo ifunelwa ukukuxelela ngomhla wodliwano-ndlebe)

INOMBOLO YEFEKSI

(le nombolo ifunelwa ukuthumela ulwazi oluyimfuneko ngokukhawuleza)

UKUBA AWUNAYO INOMBOLO YEFEKSI NCEDA UCHAZE UKUBA

UNGAKWAZI NA UKUYOKULANDA ULWAZI ELIFUNA

UKUKUXHOBISA NGALO IBHUNGA

ENYE INDLELA EKUNOKUGQITHISWA NGAYO ISAZISO

ISIZATHU SOKUCELA UVAVANYO NGOMLOMO

QAPHELA

Uza kwaziswa ukuba ngaba ulinikiwe na ithuba lokuvavanywa ngomlomo, imvavanyo ngomlomo zeBhunga zihlala zibanjelwa kwi.....e.....

Uya kwaziswa ngexesha lovavanyo. Nceda uqaphele ukuba uvavanyo lunokungaqali ngexesha olinikiweyo kuba ezinye imvavanyo ziqala emva kwexesha. Ukufika kwakho kwindawo yovavanyo, nceda unike iinkcukacha kuNobhala weKomiti ukuze abhale phantsi ukuba sele ufikile. Ukuba ufuna itoliki nceda wazise uNobhala weBhunga kwiintsuku ezili-15 zokusebenza ubuncinci, phambi komhla wovavanyo.

Ukuba ungumququzeleli wepetishini unoxanduva lokwazisa abantu abasayinele isicelo sepetishini malunga novavanyo. Ikwaxanduva lwakho ukufumana isithethi esiza kuthetha egameni labantu abasayine ipetishini yesicelo.

Ukuba baninzi abachasi, iBhunga liya kukucela ukuba ukhethhe isithethi. Kuba njalo ngakumbi xa izichasi zithetha ngomba ofanayo. Uyacelwa ukuba uzame ukuthetha nabanye abachasi ngaphambi kovavanyo ukuba bonyule umntu oza kuthetha egameni labo.

Ukuba amalungelo akho ayachaphazeleka lolu fako-sicelo unelungelo lokucela ukubona ifayile kaMasipala malunga nolu fako-sicelo. Ukuba ifayile okanye kukho iinkcukacha ezithile ezingekhoyo kuyo xa ubujonga isicelo, nceda unike amagosa kaMasipala isaziso esibhalwe phantsi sesithuba seentsuku zokusebenza ezi-3 ubuncinci ubaxelela ukuba unqwenela ukubona ifayile. Ungazicela neekopi zazo naziphi na iinkcukacha ezikuloo fayile. Nceda usibhale esi sicelo ukuba siya ku (faka). Inombolo yeFeksi (faka). Ixabiso lephepha ngalinye lekopi lifakiwe.

No. 6

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YAMANGCWABA NEENDAWO
ZOKUTSHISA IZIDUMBU**

UYILO

UMphathi woMasipala waseMbizana ngokwemiqathango yecandelo le-13 likaRhulumente waseKhaya; UMthetho ka-2000 weeNkqubo zakwaMasipala (uMteto omb.32 ka-2000), ufundwa necandelo le-162 loMgaqo-siseko woMzantsi Africa ka-1996 (uMthetho nomb.108 ka-1996), wazisa ngeMithetho kaMasipala waseMbizana yamaNgcwaba kunye nokutshiswa kweziDumbu, eyamkelwe liBhunga likaMasipala.

Isalathiso

1. Iinkcazelo
2. Iimfuneko zokulahla umzimba
3. Isicelo sokungcwaba
4. Ukubekelwa umngxunya wokungcwaba
5. Ukumiswa okanye ukurhoxiswa komngcwabo
6. Inani lemizimba ebhokisini
7. Umngcwabo kunye nomngcwabo olandelayo
8. Amalungelo angasese
9. Ubungakanani bamangcwaba
10. Ukwandisa nokugrumba nzulu ingcwaba
11. Iibhokisi
12. Ukogqunywa kweebhokisi
13. Iingxowa zemizimba

Isahluko sesi-2

Iingcwabo

14. Iinkonzo zokholo okanye zesikhumbuzo
15. Ukulawulwa kweenqwelo ezilayisha izidumbu emangwabeni
16. Ukuhanjiswa kweebhokisi zokungcwaba kunye nemizimba
17. Imiyalelo emangwabeni
18. Ubude bexesha lenkonzo
19. Iiyure zesingcwabo

Isahluko sesi-3

Ukuvulwa kwakhona kwamangcwaba kunye nokukhutshwa kwesidumbu engcwabeni

20. Iimeko zokukhutshwa kwezidumbu emangcwabeni
21. Ukukhutshwa kwezidumbu emangcwabeni ze ziphinde zingcwatywe
22. Ukuvavanywa kokukhutshwa engcwabeni

Isahluko sesi-4**Ukukhathalelwa kwamangcwaba**

23. Ukusetyenzwa kwamangcwaba kunye nezinye izinto ezisemangcwabeni

Isahluko sesi-5**Icandelo lezikhumbuzo**

24. Ukwakhiwa kwelitye lesikhumbuzo
25. Ilitye lesikhumbuzo esikumgangatho ophantsi
26. Imibhalo kwelitye lesikhumbuzo
27. Ukudilizwa kwelitye lesikhumbuzo
28. Okulindelekileyo ngokuthe gabalala ngelitye lesikhumbuzo
29. Okulindelekileyo ngelitye lesikhumbuzo kwicandelo lesikhumbuzo

Isahluko sesi-6**Ukutshiswa kwezidumbu**

30. Isicelo sokutshiswa komzaimba

31. Amaxesha okutshiswa komzimba
32. Ukunikezela ngezitya zokugalela uthuthu
33. Ukuqokelelwa kothuthu kunye nokulahlwa kwalo
34. Ukungcwatywa nokonjiwa kothuthu emangcwabeni
35. Ukusetyenziswa kwamagolokonxa kunye neendawo zokuncamathisela kwisikhumbuzo
36. Ilitye lesikhumbuzo kwindawo yokutshiswa kwezidumbu
37. Izatifikethi zokhutshiswa kwezidumbu eziphindwe kabini

Isahluko sesi-7

Iindwayi namahlwempu

38. Imingcwabo yeendwayi namahlwempu

Isahluko sesi-8

Ngokubanzi

39. Izenzo ezingavumelekanga
40. Igatya lesohlwayo
41. Ukubhangiswa kweMithetho kaMasipala
42. Isihloko esifutshane kunye nokusungulwa

Iinkcazelo

1. Kule Mithetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into-

“umntu omdala” uthetha umntu obhubhileyo ongaphezulu kweminyaka eli-12 kunye nawuphi na umntu obhubhileyo nobhokisi yakhe ingenako ukubekwa kumngxuma ongumlinganiselo ozimitha ezili-1.40 ubude kunye nemilimitha ezingama-400 ububanzi;

“imali ehlawulwa emva kwexesha lomsebenzi” ithetha imali eninzi nengaphezulu kwemali emiselweyo yokungcwaba okanye eyokutshisa umzimba ngaphandle kweeyure zokusebenza emangcwabeni kusuku lweveki oluqhelekileyo ngaphandle kwemeko apho isingcwabo okanye utshiso oluthi ngenxa yenkolo yonqulo lwenziwe emveni kwezo yure okanye kwimeko apho abazili bathembisa ukulivala ingcwaba.

“isifundo solwazi ngamalungu omzimba” luthetha umzimba oziswe esigunyazisiweyo solwazi ngamalungu omzimba ngokwemiqathango yoMthetho ka-1983 weNyama ethile yoMzimba womMntu, (uMthetho nomb.65 ka-1983);

“uthuthu” luthetha iintsalela zothuthu lomzimba otshisiweyo;

“ibhem” ithetha indawo eyenziwe ngekhonkrithi apho kumiswa khona ilitye lesikhumbuzo;

“icandelo lebhem” lithetha icandelo emangcwabeni elibekwe bucala ngumasipala apho kumiswa khona ilitye lesikhumbuzo kwibhem;

“uMthetho wokuBhaliswa kwabaZalwayo nabaSwelekayo” uthetha uMthetho ka-1992 woBhaliso lwabaZalwayo nabaSwelekayo, (uMthetho nomb. 51 ka-1992);

“isidumbu” sithetha umzimba womntu oswelekileyo kuquka nesidumbu somntwana ozelwe sele eswelekile;

“umyalelo wokungcwaba” uthetha umyalelo okhutshwe ngokwemiqathango yoMthetho woBhaliso lwabaZalwayo nabaSwelekayo;

“umngcwabo” uthetha umngcwabo okanye nakuphi na ukuqhushekwa emhlabeni okanye nayiphi na indlela yokungcwaba ekuquka nesakhiwo esilingcwaba kunye nesikhumbuzo kunye nayiphi na indlela yokulahla umzimba;

“indawo yokungcwabela” ithetha nawuphi na umhlaba okanye inxalenye yawo kugunyaziwe wasekhaya obekelwe bucala nguMasipala okanye evunye nguMasipala njengendawo yokungcwaba;

“umntwana” uthetha umntu oswelekiyo ongaphantsi kweminyaka eli-12 nobhokisi yakhe ingenakudlula kumlinganiselo wabantwana ekubhekiswa kuwo kwicandelo le-10;

“ikholumbariyam” ithetha indawo ebekwe bucala kwisiseko sendawo yokutshisa imizimba okanye indawo yenkonzo engamagolokongxo yokubeka izitya ezinothuthu olugciniweyo;

“ukukhutshwa kwesidumbu engwabeni” kuthetha ukususwa kwesidumbu kwingcwaba ebesikulo ;

“ingcwaba” lithetha nasiphi na isiqwengana somhlaba esigrunjelwe ukungcwaba umzimba emangcwabeni kuquka izinto ezikwintloko yengcwaba okanye nasiphi na isibonisi sendawo enjalo kunye nasiphi na isakhiwo esisesinye esikuloo ndawo okanye esayanyaniswa nayo.

“ingcwaba lembambano” lithetha ingcwaba lomntu osweleke ekhusela ilizwe;

“igorha” lithetha umntu owenza izinto zobugorha esenzela ilizwe yaye unikwe newonga lobugorha nguMasipala.

“intendelezo yamangcwaba amagorha” ithetha ummandla womhlaba obekwe bucala ulungiselelwe ukungcwaba amagorha.

“ihlwempu” lithetha umntu osweleke eludwayi kwiimeko zobuhlwempu okanye akukho sizalwane okanye omnye umntu ongomnye, umbutho wentlalo-ntle okanye uMbutho oNgekho phantsi kukaRhulumente ungafunyanwa ukuba uhlawule iindleko zokungcwaba okanyezokutshiswa kwalo mntu uswelekileyo kwaye ‘udwayi’ luthetha intsingiselo efanayo nale yehlwempu;

“ukuncedwa kwehlwempu” kuthetha uncedo olufunyenweyo lokungcwaba okanye ukutshiswa komzimba walo;

“igosa lonyango lezempilo” lithetha igosa elonyulwe nguMasipala okanye nabani na osebenza njengegosa lonyango lezempilo;

“icandelo lezikhumbuzo” lithetha icandelo elibekwe bucala emangcwabeni lokumisa izikhumbuzo;

“ilitye lesikhumbuzo” uthetha nawuphi na umsebenzi wentloko yelitye lesikhumbuzo okanye nawuphi na umsebenzi eyeleleneyo okanye ukwandiswa okucetywayo ekujongwe ukuba umiswe kuyo nayiphi indawo yamangcwaba khunjulwe umfi/umfikazi kuquka umqokumbelo owahlula ingcwaba kunye nesixwemba selitye eligqume ingcwaba;

“uMasipala” uthetha uMasipala waseMbizana;

“ummandla kaMasipala” uthetha ummandla ophantsi kolawulo likaMasipala;

“iBhunga likaMasipala” lithetha iBhunga loMasipala waseMbizana njengoko kukhankanyiwe kwiCandelo lama-69, ufundwa necandelo lama-81 (2) loMthetho ka-2000 weeNkqubo zikaMasipala woRhulumente baseKhaya, (uMthetho nomb.32 ka-2000);

“iiyure zokusebenza” zithetha ukuqala ngoMvulo ukuya kuma ngolwesiHlanu, ngentsimbi yesi-07h00-16h00 ngaphandle komgqibelo, icawa kunye neentsuku zeeholide zikaWonke-wonke;

“uMlawuli: weeNkonzo zeNtlalo-ntle” uthetha umntu ogunyaziswe nguMasipala ukuba alawule nawaphi na amangcwaba;

“okumiselweyo” kuthetha okumiselwe nguMasipala;

“intlawulo emiselweyo” ithetha intlawulo emiselwe nguMasipala ngesindululo ngokwemiqathango yecandelo 10G(7)(a)(ii) loMthetho ka-1993 woRhulumente woMasipala weNguquko waseKhaya, (uMthetho nomb. 209 ka-1993) okanye naluphi na uwiso-mthetho olulolunye olukhoyo;

“umgingqi-matyey” uthetha umntu oqingqa amatye oneshishini lokuqingqa amatye;

“ingcwaba” lithetha ingcwaba elingaphezulu kwegumbi lengcwaba;

“iXhoba leMbambano” lithetha ixhoba elicaciswe kwicandelo loku-1 loMthetho ka-1999 weMithombo yeSizwe yezaMafa, (uMthetho nomb.25 ka-1999)

ISAHLUKO SOKU-1

UKUL AHLWA KOMZIMBA

OKULINDELEKILEYO KULAHLO LOMZIMBA

2. Umntu kufuneka awungcwabe okanye awutshisele emangcwabeni kuphela umzimba-
 - (a) ngemvume yoMphathi: weeNkonzo zeNtlalo-ntle; kwaye
 - (b) emva kokubeka umhla kunye nexesha lalo mngcwabo nalo Mphathi: weeNkonzo zeNtlalo-ntle.

UKUFAKA ISICELO SOKUNGCWABA

3. (1) (a) Umntu oceba ukungcwaba umzimba kufuneka angenise ngokufanelekileyo ifomu egcwaliswe ngokupheleleyo yesicelo kuMphathi: weeNkonzo zeNtlalo-ntle ukuba asamkele.

- (b) Isizalwane somfi/umfikazi okanye omnye umntu ongomnye ogunyaziswe sisizalwane somfi/womfikazi ukuba sityikitye eso sicelo;
- (c) Nangon ngokwamagatya omhlathi (b) uMphathi: weeNkonzo zeNtlalo-ntle, ukuba uyaneliseka ukuba utyikityo lwesizalwane alunakufumaneka ngethuba, amkele isicelo somntu onomdla.
- (d) Umfaki-sicelo kufuneka-
 - (i) angenise isicelo ubuncinci kwiintsuku ezintathu zokusebenza phambi komngcwabo;
 - (ii) abonise ukuba ngaba isicelo siyakubonakalisa na okanye asikubonakalisi ukungcwatywa kokuqala, okwesibini okanye okwesithathu malunga nengcwaba elithile; kwaye
 - (iii) Achaze umhla nexesha lalo mngcwabo.
- (2) UMphathi: weeNkonzo zeNtlalo-ntle kufuneka asamkele isicelo ukuba –
 - (a) sikhathswa luqobo lomyalelo ngokwemiqathango yoMthetho yokuBhaliswa k wabaZalwayo nabaSwelekayo;
 - (b) ihlawulwe imali emiselweyo; kwaye
 - (c) isicelo singenisiwe ngokwemiqathango yecandelwana loku-1.
- (3) UMphathi: weeNkonzo zeNtlalo-ntle xa kufanelekile kufuneka athathele ingqalelo amasiko omfi/umfikazi kunye nabantu abanoxanduva lokumngcwaba.

UKUBEKELWA INGCWABA

- 4. (1) Isicelo sokubekelwa ingcwaba kufuneka senziwe kuMphathi weeNkonzo zeNtlalo-ntle.
- (2) Umlingane womfi/umfikazi ophilayo angafaka isicelo sokubekelwa umngxunya kufuphi nomngxunya weqabane lakhe.
- (3) UMphathi: weeNkonzo zeNtlalo-ntle kufuneka anike umfaki-sicelo elinye ingcwaba kulo mangcwaba ukuba omnye umntu ongomnye ongengomfaki-sicelo uye waphazama wasebenzisa elo ngcwaba belibekiwe; kwaye
- (4) Ingcwaba liya kubekwa kuphela ukuba kuhlawulwe intlawulo emiselweyo.

UKUMISWA OKANYE UKURHOXISWA KOMNGCWABO

- 5. (1) Umfaki-sicelo kufuneka anike uMphathi: weeNkonzo zeNtlalo-ntle isaziso sokumiswa okanye ukurhoxiswa komngcwabo kwifomu yesicelo esigcwaliswe ngokufanelekileyo Mphathi lowo ekufuneka amkele isicelo ubuncinci kusuku olunye phambi komngcwabo.
- (2) Kwimeko yokurhoxiswa komngcwabo-

- (a) Ayiyi kubuyiselwa kumfaki-sicelo intlawulo yeendleko ebesele zenziwe zetyala lokuvula umngxunya osele ukhona; kwaye
- (b) uMasipala uya kumbuyisela intlawulo umfaki-sicelo xa kugrinjwe umngxunya omtsha.

INANI LEMIZIMBA EBHOKISINI

- 6. (1) Mnye kuphela umzimba ongafakwa kwibhokisi yokungcwaba okanye yokutshiswa komzimba.
- (2) Ukungcwatywa kwemizimba engaphezulu kwisinye kwibhokisi enye kuvunyelwa xa bekwenziwe isicelo sokwenza oko kwaye samkelwa nguMphathi: weeNkonzo zeNtlalo-ntle kwaye, nentlawulo emiselweyo ihlawuliwe;
- (3) Eso sicelo singenziwa ngokubhekisele-
 - (a) kumalungu osapho asweleke ngexesha elinye okanye elinye lisweleke phambi komngcwabo welinye ilungu;
 - (b) kumama nomntwana abasweleke ngexesha lokuzalwa komntwana;
 - (c) (i) kubantu ababini abahlala kunye njengabalingane; okanye (ii) kubantu ababini abaswelekileyo babe bengazalani, (iii) abazizalwane zabo zingenampikiso, okanye
 - (d) lintsalela zalowo kwenziwe uvavanyo ngamalungu omzimba,
 - (e) zihlale zinolwazi lwamalungu omzimba.

UMNGCWABO KUNYE NEMNGCWABO ELANDELAYO

- 7. (1) Umngcwabo kufuneka wenziwe kuphela kwingcwaba elinikezelwe nguMphathi: weeNkonzo zeNtlalo-ntle.
- (2) (a) Ngokubhekisele kumhlathi (b) ayiyi kuvunyelwa imingcwabo engaphezulu kwemibini kumngxunya omnye;
 - (b) Umngcwabo wesithathu ungavunyelwa kuphela xa-
 - (i) Isicelo senziwe kuMphathi: weenkonzo zeNtlalo-ntle kunye nemvume ebhaliweyo enikezelweyo;
 - (ii) ingcwaba lenziwe nzulu; kwaye
 - (iii) nentlawulo emiselweyo ihlawuliwe
- (c) Umntu onikwe imvume nokuba yeyomngcwabo wesibini okanye wesithathu kufuneka-
 - (i) anike ubuncinci isaziso seentsuku ezimbini; kwaye

- (ii) ngeendleko zakhe asuse kwaye, emva komngcwabo abuyisele yonke imisebenzi yesikhumbuzo kweloo ngcwaba.

AMALUNGELO ANGASESE

8. (1) Umnini/umnikazi wamalungelo aquka-
- (a) umntu othenge ingcwaba okanye ofumene ingcwaba njengesipho esivela kumthengi nogama lakhe elikwirejista kaMasipala;
 - (b) umntu ohlawule irhafu malunga nomngcwabo wokuqala engcwabeni;
 - (c) umntu onamalungelo akhe abucala engcwabeni atshintshiweyo;
 - (d) umntu ofumene amalungelo abucala njengelifa.
- (2) Amalungelo abucala engcwaba ayatshintshelwa komnye umntu kodwa, olo tshintsho luya kuqala ukusebenza xa sele ebhalisiwe nguMasipala.
- (3) Xa kukho ukuphikisana malunga nomnini/umnikazi wamalungelo abucala, ukuphikisana kufuneka kusiwe kuMphathi: weeNkonzo zentlalo-ntle ukuze enze ummiselo.

UBUNGAKANANI BAMANGCWABA

9. (1) Iziza zamangcwaba abantu abadala
- (a) ingcwaba elilodwa
 - (i) Ubungakanani besiza- 2500 x 1500mm;
 - (ii) Ubungakanani bomhombiso (ngaphandle komlinganiselo)-2 500 x 1500mm; buze
 - (iii) Ububanzi bomqokumbelo - 150 mm.
 - (b) Isiza sengcwaba eliphindwe kabini
kuphindwa kabini ubungakanani bengcwaba elinye
 - (c) Ingcwaba losapho
Ukuphinda-phindwa kwengcwaba elinye.
- (2) Imilinganiselo yangaphambili kufuneka isetyenziswe kwiziza zamangcwaba abonelelwe ngemiqokumbelo. Apho ungekhoyo, ububanzi besiza sengcwaba kufuneka bulinganiselwe nge-30 mm.
- (3) Isiza yengcwaba labantwana-
- (a) Ubungakanani besiza- 1 500 x 1 000mm;
 - (b) Ubungakanani bomhombiso (ngaphandle komlinganiselo)-2 500 x 1500mm;

- (c) ububanzi bomqokumbelo - 150 mm.
- (4) Ukuvuleka kwamangcwaba abantu abadala-
 - (a) Ubude -2 210 mm;
 - (b) Ububanzi emagxeni – 750 mm;
 - (c) Ububanzi entloko – 500 mm;
 - (d) Ububanzi ezinyaweni – 450 mm;
 - (e) Ubunzulu obungekho ngaphantsi kwe- 1 830 mm;
- (5) Ukuvuleka kwamangcwaba abantwana-
 - (a) Ubude - 1 400 mm;
 - (b) Ububanzi emagxeni – 400 mm;
 - (c) Ububanzi entloko – 310 mm;
 - (d) Ububanzi ezinyaweni – 450 mm; buze
 - (e) Ubunzulu bungabikho ngaphantsi kwe- 1 500 mm;

Nabani na onqwenela ukuvuleka kwengcwaba okungaphezulu kwemilinganiselo yalo naliphi na ingcwaba kufuneka yena nesaziso sokungcwaba banike imilinganiselo yebhokisi kuquka nez. into ezifakelweyo.

UKWANDISA NOKUGRUMBA NZULU INGCWABA

10. (1) Umfaki-sicelo somngcwabo ngokunika ubuncinane isaziso seeyure ezingama-24 phambi kwesingcwabo angacela ukuba ingcwaba landiswe kwaye ligrunjwe nzulu.
- (2) Xa ibhokisi inkulu kakhulu kubukhulu bengcwaba lomntu omdala, elo ngcwaba liya kwandiswa ukuze lilingane loo bhokisi.
- (3) Xa ibhokisi yomntwana inkulu kakhulu kwingcwaba lomntwana ku funeka ingcwatywe kwingcwaba lomntu omdala, ekubeni kubhatalwe intlawulo emiselweyo.
- (4) Ingcwaba kwisicelo nasekubhatalweni kwentlawulo emiselweyo lingagrunjwa nzulu kulungiselelwe ukungcwatywa kwebhokisi yesithathu.

IIBHOKISI

11. (1) Iibhokisi zokungcwaba kufuneka zenziwe ngomthi wendalo okanye elenziwe ngesixhobo esonakalayo ngaphandle kwekhaskhethi yelotho nesinyithi.
- (2) Iibhokisi ekucetywa ukuba zisetyenziselwe ukutshiswa komzimba kufuneka zenziwe ikakhulu ngomthi okanye ngento evela emthini.

UKOGQUNYWA KWEEBHOKISI

12. (1) Ibhokisi nganye kufuneka yogqunywe ngomhlaba obuncinci buyi-300 mm kwangoko emva komngcwabo;
- (2) Kufuneka ubuncinci kubekho-
 - (a) i-1 2000 mm yomhlaba phakathi kwebhokisi yomntu omdala ongcwatyweyo kunye nomphandle womhlaba;
 - (b) i-900 mm yomhlaba kwimeko yebhokisi yomntwana.
- (3) Amagatya ecelandwana (2) awasebenzi kumngcwabo osengwabeni.

IINGXOWA ZEMIZIMBA

13. (1) Xa ibhokisi inomzimba ongaphezulu kwesinye umzimba ngamnye kufuneka Ube kwingxowa yomzimba eyahlukileyo.
- (2) Umzimba ocetywa ukungcwatywa emangcwabeni okanye ocetywa ukutshizwa kwindawo yokutshisa umzimba kufuneka utywinwe kwingxowa yomzimba engaphakathi ebhokisini ngaphandle kokuba oko kuyaphikisana nesithethe, isiko okanye iinkolo yalo mntu uswelekileyo okanye umfaki-sicelo.

ISAPHLUKO SESI-2**IMINGCWABO****IINKONZO ZENKOLO NEZEZIKHUMBUZO**

14. Umntu onqwenela ukuba nenkonzo yenkolo okanye eyesikhumbuzo emangcwabeni okanye kwindawo yokutshisa umzimba kufuneka afake isicelo sokwenza oko kuMphathi: Weenkonzo zeNtlalo-ntle kwaye, ahlawule nentlawulo emiselweyo.

**UKULAWULWA
EMANGCWABENI****KWEENQWELO****EZITHUTHA****IMIZIMBA**

15. Akukho mntu emangcwabeni uno-

- (a) kuqhuba inqwelo yokuthutha imizimba okanye unokubangela ukuba inqwelo yokuthutha imizimba iqhutywe ngaphandle kokuba iqhutywa kwindlela eyenzelwe oko;
- (b) kupakisha inqwelo yokuthutha imizimba endleleni emva kokuba ibhokisi isusiwe enqwelweni yokuthutha imizimba; okanye
- (c) unokupakisha inqwelo yokuthutha ngendlela ephazamisa ezinye izingcwabo eziqhubayo.

UKUHANJISWA KWEEBHOKISI ZOKUNGCWABA KUNYE NEMIZIMBA

- 16. (1) Umfaki-sicelo ngokwemiqathango yecandelo lesi-4 unoxanduva ngeendleko zakhe ukuba aqinisekise ukuba ibhokisi iyahanjiswa ukuyokungcwatywa emangcwabeni okanye kwindawo yokutshisa umzimba.
- (3) Akukho mntu nakwesiphi na isitalato, amangcwaba, indawo yokutshisa imizimba okanye kwindawo kawonke-wonke ekufuneka ahambise umzimba ngendlela engenantlonipho.

IMIYALELO EMANGCWABENI

- 17. (1) UMphathi : weeNkonzo zeNtlalo-ntle emangcwabeni unokunika imiyalelo ebhekisele-
 - (a) ekupakishweni kwezithuthi;
 - (b) kwindlela omawuhambe ngayo umngcelele womngcwabo; kunye
 - (c) nobude bexesha lenkonzo yomngcwabo.
- (2) Wonke umntu othatha inxaxheba kumngcelele womngcwabo emangcwabeni okanye ozimase inkonzo yokutshisa umzimba kufuneka ahambisane nayo yonke imiyalelo efanelekileyo yoMphathi: weeNkonzo zeNtlalo-ntle.

UBUDE BEXESHA LENKONZO YOMNGCWABO

18. Akukho mntu kufuneka ahlale kwigumbi lenkonzo emangcwabeni ngenjongo yenkonzo yesingcwabo okanye yokutshiswa komzimba isithuba sexesha elingaphezulu kweyure ezimbini ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalo-ntle kunye nokuhlawulo kwentlawulo emiselweyo.

IYURE ZOMNGCWABO

19. (a) Umngcwabo kufuneka uqhubeke phakathi ko-06h00 no-18h00 kuphela.
- (b) UMphathi: weeNkonzo zeNtlalo-ntle kwiimeko ezithile njengoko enokumisela kwaye, ekuhlawulweni kwentlawulo emiselweyo unokunika imvume yokungcwaba ngaphandle kwexesha elimiselweyo.
- (c) Ukuba umngcwabo uqhubeka ngaphandle kwexesha elimiselweyo umfaki-sicelo uya kuzisa izixhobo aze athathe uxanduva lokudibana ingcwaba.
- (d) Ukuba umfaki-sicelo ufuna ukuba uMasipala abonelele ngeenkonzo ezingaphandle kwexesha elimiselweyo, uMasipala unokunikezela ngezo nkonzo xa kuhlawulwe intlawulo emiselweyo yasemva kweeyure zoluhlu lwamaxabiso ngokubhekisele kwezo meko njengoko uMphathi weeNkonzo zeNtlalo-ntle enokumisela.

ISAHLUKO SESI-3**UKUYULWA KWAKHONA KWAMANGCWABA NOKUKHUTSHWA KWEZIDUMBU EMANGCWABENI****IIMEKO ZOKUKHUTSHWA KWEZIDUMBU EMANGCWABENI**

20. (1) Akukho mntu kufuneka akhuphe isidumbu emangcwabeni okanye enze ukuba kukhutshwe umzimba ngaphandle kwemvume ebhalwe phantsi-
- (a) yiNkulumbuso yePhondo leMpuma Koloni;
- (b) nguMasipala;
- (c) liSebe lezeMpilo lePhondo;
- (d) nguMlawuli wamaNgcwaba;
- (e) liGosa likaMasipala lezoNyango lezeMpilo; kunye
- (f) neNkonzo yaMapolisa oMzantsi Afrika.
- (4) Nanini na xa ukukhutshwa kwesidumbu emangcwabeni kuzokwenzeka uMphathi: weeNkonzo zeNtlalo-ntle kufuneka azise uKhomishina

wamaPolisa.

- (5) Ipolisa kufuneka lihlale likhona xa kukhutshwa isidumbu emangcwabeni.
- (6) Ukukhutshwa kwesidumbu makungenzeki xa amangcwaba avulelwe uwonke-wonke kwaye kufuneka kube phantsi kwemehlo loMphathi: weeNkonzo zeNtlalo-ntle.
- (7) Ukuba iintsalela ziza kukhutshwa kulo naliphi na ingcwaba ngumzi wokungcwaba kuphela phantsi kwemehlo loMphathi: weeNkonzo zeNtlalo-ntle ekufuneka lwenze ukuba ingcwaba ligrunjelwe oko kukhutshwa komzimba engcwabeni.
 - (a) Ukuba ingcwaba liza kugrunjwa kukhutshwe isidumbu uMphathi: weeNkonzo zeNtlalo-ntle kufuneka anike isaziso esibhaliweyo kwisithuba seeyure ezingama-48 phambi kwexesha lokukhutshwa kwesidumbu.
 - (b) Ugunyaziwe ekubhekiswa kuye ku(1)(d) kwaye nentlawulo emiselweyo kufuneka ikhapse eso saziso.
- (8) Umntu onqwenela ukukhupha iintsalela zehlwempu engcwabeni kufuneka ahlawule iindleko ezenziwe nguMasipala ngexesha lomngcwabo kuMlawuli wamaNgcwaba.
- (9) Umntu oqhuba ukukhutshwa kwesidumbu engcwabeni kufuneka aqinisekise ukuba umzimba kunye nengcwaba zibulewe ngokufanelekileyo iintsholongwane kwaye zikwaqholwe ngokufanelekileyo.
- (10) Amapolisa kufuneka-
 - (a) xa kukho ubungqina bomngcwabo ongekho mthethweni bokungcwaba awukhuphe ngokukhawuleza umzimba engcwabeni kwaye;
 - (b) bawuthathe bawuse kumzi kaRhulumente wokugcina izidumbu, kwenziwe uphando.
- (11) Ingcwaba lexhoba lengxwaba-ngxwaba kunye nengcwaba elibudala bungaphezulu kweminyaka engama-60 kufuneka isidumbu sikhutshwe engcwabeni ngemvume yeArhenteyoMthombo woLwazi wezaMafa oMzantsi Afrika.
- (12) Izidumbu ezikwingcwaba loMlo wamaThanga kufuneka zikhutshwe ngokwecandelo lesi-3 loMthetho ka-1992 wamaNgcwaba oMlo wamaThanga, (uMthetho nomb.8 ka-1992).

UKUKHUTSHWA KWEZIDUMBU EMANGCWABENI NOKUNGCWATYWA KWAZO KWAKHONA

21. (1) UMasipala unokwenza ukuba umzimba ukhutshwe engcwabeni kwaye

uphinde ungcwatywe kwakhona kwelinye ingcwaba xa loo mzimba ubungcwatywe nokuchasana nale Mithetho kaMasipala.

(2) Izizalwane zomfi/umfikazi kufuneka-

- (a) Zaziswe ngokukhutshwa kwesidumbu engcwabeni okucetywayo kunye nokungcwatywa kwakhona kwaso; kwaye
- (b) Zivunyelwe ukuba zizimase.

UKUVAVANYWA KOKUKHUTSHWA ENGCWABENI

22. (1) Ingcwaba ekuza kukhutshwa kulo isidumbu kufuneka livavanywe kwimboniselo yoluntu ngexesha kusenziwa loo msebenzi.
- (2) Umntu oqhuba ukukhutshwa kwesidumbu kufuneka anike isitya esifanelekileyo sokufaka umzimba ngamnye okanye iintsalela.

ISAHLUKO SESI-4

UKUKHATHALELWA KWAMANGCWABA

UKUSETYENZWA KWAMANGCWABA KUNYE NEZINYE IZINTO EZISEMANGCWABENI

23. (1) UMasipala unoxanduva lokugcina amangcwaba ecocekile ngaphandle kokuba kunikezwe ngenye indlela.
- (2) Akukho mntu kufuneka-
- (a) Agawule okanye asuse izityalo, amatyholo okanye iintyatyambo engcwabeni ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalontle; okanye
 - (b) agawule okanye asuse izityalo, amatyholo okanye iintyatyambo kwicandelo lebhem;
- (3) Umntu unokwandisa, abeke, okanye ashiye into okanye isihombiso engcwabeni kuphela, emva kweentsuku ezingama-30 ezilandela umngcwabo.
- (4) Iintyatyambo zeNdalo okanye ezokwenziwa ezisesityeni zingabekwa engcwabeni nangaliphi na ixesha kodwa kufuneka zibekwa engcwabeni elikwicandelo lebhem okanye kwilitye lesikhumbuzo, ezo ntyatyambo

zinokubekwa kuphela kwiziseko ezilungiselelwe oko.

- (6) UMphathi: weeNkonzo zeNtlalo-ntle unoku-
- (a) susa zonke iintyatyambo zendalo ezibunileyo, ezimbatshileyo, iintyatyambo ezizezokwenziwa ezonakeleyo kunye nasiphi na isitya seentyatyambo engcwabeni; okanye
 - (b) susa zonke izinto zokuhombisa emva kweentsuku ezingama-30 emva kokupapasha isaziso somntu wonke, xa kungumdlawoluntu olo.
- (6) UMasipala akanaxanduva lwayo nayiphi na ilahleko okanye umonakalo wayo nayiphi na into esengcwabeni ngaphandle kokuba loo lahleko okanye loo monakalo wenzeke ngenxa yokungakhathali kwabasebenzi bakwaMasipala.

ISAPHLUKO SESI-5

ICANDELO LESIKHUMBUZO

UKUMISWA KWELITYE LESIKHUMBUZO

24. (1) Umntu onqwenela ukumisa ilitye lesikhumbuzo kufuneka enze isicelo kwifomu egcwaliswe ngokupheleleyo nangokufanelekileyo kuMphathi: weeNkonzo zeNtlalo-ntle.
- (2) Eso sicelo kufuneka senziwe kwiintsuku ezingekho ngaphantsi kwezili-5 zokusebenza phambi komhla womiso.
- (3) Iilitye lesikhumbuzo linokumiswa kuphela ngexesha leeyure zokusebenza kodwa ngemvume yoMphathi: weeNkonzo zeNtlalo-ntle.
- (4) Akukho mntu kufuneka-
- (a) akhe ilitye lesikhumbuzo okanye aze nezixhobo zokwakha ilitye lesikhumbuzo ngaphandle kwemvume ebhaliweyo yoMphathi: weeNkonzo zeNtlalo-ntle;
 - (b) akhe ilitye lesikhumbuzo esenzela umbhalo owongezelelweyo okanye ulungiso ngaphandle kwemvume ebhaliweyo yoMphathi: weeNkonzo zeNtlalo-ntle;
 - (c) akhe ilitye lesikhumbuzo ngoMgqibelo, ngeCawa okanye ngosuku lweholide kaWonke-wonke ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalo-ntle.
- (5) UMasipala akanaxanduva lokonakaliswa kwelitye lesikhumbuzo ngenxa yomhlaba oqhuzukayo.
- (6) Nabani na owakha ilitye lesikhumbuzo kufuneka abonise imvume

ebhaliweyo xa icelwa nguMphathi: weeNkonzo zeNtlalo-ntle.

- (7) Iitye lesikhumbuzo okanye isixhobo esiza kusetyenziswa ekwakhiweni kwalo kufuneka singahanjiswa emangcwabeni okanye kwindawo yokutshisa umzimbangendlela enokonakalisa iindlela, amabala anengca echetywayo, amabala okanye ezinye izikhumbuzo.
- (8) Nasiphi na isixhobo esiyintsalela okanye ubugoxo obuwela ekwakhiweni kwalo naliphi ilitye lesikhumbuzo amaqhekeza amatye avela kufuneka asuswe ngumntu owenze olo lwakhiwo ngoko nangoko emva kokuba egqibile.

ILITYE LESIKHUMBUZO ELISEMGANGATHWENI OPHANTSI

25. (1) UMasipala unokungaluvumeli ulwakhiwo lwelitye lesikhumbuzo okanye unokulisusa ilitye lesikhumbuzo elakhiweyo-
- (a) \Elingcolileyo, elibi, elinokuchaswa; okanye
(b) oluchasana nale Mithetho kaMasipala,

ngaphandle kokunika umnini/umnikazi imbuyekezo.

IMIBHALO KWILITYE LESIKHUMBUZO

26. (1) Naliphi ilitye lesikhumbuzo kufuneka libonise inani elinikwe elo ngcwaba nguMphathi: weeNkonzo zeNtlalo-ntle ngeempawu ezisisigxina nezibonakalayo-
- (a) kwicala lesiseko selitye lesikhumbuzo; okanye
(b) ngaphezulu komphandle , kwikona ekwicala elisezantsi ekholikekelayo.
- (2) Igama lombhali-mpawu wamanqaku, umyili okanye umakhi welitye lesikhumbuzo linokubonakala elityeni kwaye kufuneka libekwe kwisiseko selitye lesikhumbuzo.

UKUDILIZWA KWELITYE LESIKHUMBUZO

27. (1) Ngumnini/umnikazi wamalungelo abucala okanye umntu ogunyazisiweyo nguloo mnini/umnikazeli waloo malungelo ngokubhalwe phantsi nguMphathi: weeNkonzo zeNtlalo-ntle onokudiliza okanye aphazamise naliphi na ilitye lesikhumbuzo engcwabeni.
- (2) Iitye lesikhumbuzo eliqhaqhiweyo kufuneka lisuswe emangcwabeni okanye lishiywe kwingcwaba apho ilitye lesikhumbuzo elo belakhiwe kona.

- (3) Kwimeko yomngcwabo wesibini okanye olandelayo kweloo ngcwaba uMphathi: weeNkonzo zeNtlalo-ntle unokunika imvume yokuba ilitye lesikhumbuzo lishiywe kwindawo ethile emangcwabeni kangangesithuba sexesha elingadlulanga kwiintsuku ezingama-30 emva kwaloo mngcwabo.
- (4) Umntu odiliza indawo yesikhumbuzo kufuneka kwangoko emva kokuba umsebenzi ugqityiwe asuse naziphi na iintsalela okanye ubugoxo obenzeke ngelixa bekudilizwa naliphi na ilitye lesikhumbuzo.
- (5) Ukuba umnini/umnikazi wamalungelo okanye umntu ekubhekiswa kuye kwicandelwana loku(1)-
 - (a) Uyasilela ukwakha kwakhona ilitye lesikhumbuzo elidiliziweyo kwiintsuku ezingama-30 emva kokudilizwa; okanye
 - (b) Elo litye lesikhumbuzo lidiliziweyo lishiywe kwalapho emangcwabeni ngokuchaseneyo necandelwana (2),
- (6) UMasipala unokunika isaziso esibhaliweyo seentsuku ezingama-30 loo mnini/mnikazi wamalungelo okanye loo mntu ukuba ngendleko zakhe asuse elo litye lesikhumbuzo nabuphi ubugoxo obuvele apho.
- (7) Ukuba naliphi na ilitye lesikhumbuzo eliye -
 - (a) lonakaliswa;
 - (b) layingozi eluntwini; okanye
 - (c) lakhiwe ngokuchasene nale Mithetho kaMasipala,
- (8) UMasipala unokunika umnini/umnikazi wamalungelo okanye umntu isaziso esibhaliweyo esimyalelayo ukuba ngesithuba sexesha elichazwe kwisaziso, ngeendleko zakhe maka-
 - (a) guqule okanye enze elo litye lesikhumbuzo likhuseleke ukuze ihambelane namagatya akwiMithetho kaMasipala;
 - (b) qhaqhe kwaye asuse ilitye lesikhumbuzo emangcwabeni kunye nabuphi ubugoxo obuvele koko kudiliza.
- (7) Ukuba loo mnini/mnikazi okanye loo mntu uyasilela ukuhambelana nesaziso ngokwemiqathango yecandelwana (5) okanye (6), uMasipala anga-
 - (a) lakha kwakhona ilitye lesikhumbuzo;
 - (b) diliza kwaye alilahle ilitye lesikhumbuzo kwaye, asuse nabuphi na ubugoxo obuvele koko kuqhaqha; okanye
 - (c) enze ilitye lesikhumbuzo likhuseleke,

kwaye loo mnini/mnikazi okanye umntu uya kuba noxanduva lwazo

naziphi na iindleko angene kuzo uMasipala.

(8) UMasipala ngaphandle kokunika isaziso okanye afune naziphi na iimfanelo kumnini/umnikazi malungelo okanye umntu uno-

- (a) kudiliza ilitye lesikhumbuzo kwaye alisuse kunye nabo nabuphi na ubugoxo obuvela koko kudiliza ngaphandle kwelitye lesikhumbuzo elihlelwe njengendawo yezaMafa eSizwe; okanye
- (b) kwenza ilitye lesikhumbuzo likhuseleke,

ukuba elo litye lesikhumbuzo iye yanobungozi eluntwini ekufuneka kuthathwe amanyathelo akhawulezileyo okukhusela uluntu.

(9) Emva kokuba uMasipala esebenze ngokwemiqathango yecandelwana (8) kuya kufuneka kwangoko abhale isaziso esazisa umnini/umnikazi wamalungelo okanye loo mntu ukuba uMasipala uza kulilahla ilitye lesikhumbuzo, ngaphandle kokuba uphinde wayebanga kwakhona ilitye lesikhumbuzo emangcwabeni kwisithuba sexesha elibalulweyo.

(10) Loo mnini/umnikazi wamalungelo okanye umntu onoxanduva lokuhlawula iindleko ezifunyenwe nguMasipala.

(11) Ukuba umnini/umnikazi wamalungelo okanye umntu uyasilela ukuhlawula iindleko okanye ukubanga kwakhona ilitye lesikhumbuzo elidilizweyo nguMasipala, uMasipala unokuyilungelelanisa indawo yesikhumbuzo nangayiphi na indlela ayibona ifanelekile.

(12) Ukuba nayiphi na ingeniso iyafumaneka ekulahlweni loo ngeniso iya kulinganiswa neendleko zokudilizwa, ukususwa, ukugcinwa nokulahlwa kwelitye lesikhumbuzo kunye nobugoxo obuvela apho.

**OKULINDELEKILEYO NGOKUTHE GABALALA NGELITYE
LESEKHUMBUZO**

28. (1) Iilitye lesikhumbuzo kufuneka lakhiwe okanye lenziwe ngezixhobo ezihlala ixesha elide, nekulindeleke ukuba zibe nobomi obuyiminyaka engama-25 obamkelweyo liZiko leMigangatho loMzantsi Africa (SABS).
- (2) Nabani na owakha ilitye lesikhumbuzo emangcwabeni okanye kwindawo yokutshisa imizimba, kufuneka akwenze oko ngokuvunyelwa nguMphathi: weeNkonzo zeNtlalo-ntle.
 - (3) Umntu owakha ilitye lesikhumbuzo kufuneka ahambelane nezi mfunneko zilandelayo-

- (a) xa edibanisa nayiphi na inxalenye yelitye lesikhumbuzo kuyo nayiphi na inxalenye engenye yelitye lesikhumbuzo umntu kufuneka asebenzise ubhedu okanye iziqhoboshi zesinyithi ezogqunyiweyo ngolu hlobo lulandelayo:
- (i) kusenzelwa ilitye lesikhumbuzo ukuya kuthi ga kumphakamo oyi-500 mm weziqhoboshi ezibini okanye ezingaphezulu ezibukhulu buzi-15mm kunye nobude obuyi-100mm; okanye
 - (ii) kusenzelwa ilitye lesikhumbuzo eliyi-501mm ukuya kuthi ga kumphakamo oyi-1000mm weziqhoboshi ezibini okanye ezingaphezulu kunezo zibukhulu buzi-10mm kunye nobude obuyi-200mm; okanye
 - (iii) kusenzelwa ilitye lesikhumbuzo eliyi-1001mm ukuphakama ubukhulu beziqhoboshi ezibini okanye ngaphezulu eziyi-20mm ubukhulu kunye ne-300mm ubude;
- (b) nayiphi na inxalenye yelitye lesikhumbuzo ehleli emhlabeni, elityeni, okanye kwisiseko kufuneka ifakelwe ngokukhuselekileyo kwaye yendlalelwe.
- (c) isixhobo esinobungqindilili obungayondelelananga masingasetyenziswa;
- (d) iziseko zelitye ngalinye lesikhumbuzo elithe tyaba kunye nesiseko selitye lesikhumbuzo kufuneka zitshone ubuncinci kangange-50mm ngaphantsi kwenqanaba lomhlaba elidaliweyo;
- (e) ungqameko olungaphezulu kwe-225mm ngaphezulu komhlaba okanye ngaphezulu kobunzulu obuyi-200mm kufuneka lungasetyenziswa ngaphandle kwemvume kaMasipala;
- (f) onke amatye ezikhumbuzo kunye namatye ongqameko kufuneka eqhotyoshelwe ngokukhuselekileyo ngobhedu olungqukuva okanye iziqhoboshi zesinyithi ezogqunyiweyo;
- (g) onke amatye esikhumbuzo ukuza kuthi ga kubukhulu obuyi-150mm kufuneka buncanyatheliswe ngokukhuselekileyo kwisiseko;
- (h) onke amacandelo elitye lesikhumbuzo kufuneka agqitywe phambi kokuba asiwe emangcwabeni;
- (i) amatye okubeka iinyawo kufuneka enziwe ngeceba elinye elomeleleyo;
- (j) kuzo zonke iimeko apho ilitye lesikhumbuzo ihleli kwisiseko-
- (i) elo litye lesikhumbuzo kufuneka libe nesiseko;

- (ii) elo litye lesikhumbuzo kufuneka lenziwe ngodaka lwesamente;
 - (iii) umphantsi osisiseko welitye lesikhumbuzo elilodwa, kufuneka ingabikho ngaphantsi kwe-900mm ubude, 200mm ububanzi, x250mm ubukhulu kwaye nalowo welitye lesikhumbuzo eliphinda-phindiweyo ingabikho ngaphantsi kwe-2286mm ubude, x 200mm ububanzi, x250 ubukhulu; kwaye
 - (iv) ukuba amacwecwe amatye angaqinanga abekwe engcwabeni , umgangatho walo macwecwe amatye kufuneka ungaphakami ukodlula i-10mm ngaphantsi kwenqanaba elijikeleze ilitye lomqokumbelo.
- (k) umqokumbelo owahlula naliphi na ingcwaba okanye nesigqubuthelo esisisixwemba asivunelekanga.

IIMFUNO ZELITYE LESIKHUMBUZO KWICANDELO LESIKHUMBUZO

29. Imilinganiso ethe tyaba ekwinqanaba eliphezulu lokwandiswa kwendawo yesikhumbuzo engcwabeni kwindawo yesikhumbuzo kufuneka-
- (a) kwimeko yengcwaba lomnu omdala ubude bube yi-2500mm bona ububanzi bube yi-1050mm; okanye
 - (b) kwimeko yengcwaba lomntwana ubude bube yi-1500mm bona ububanzi bube yi-900mm.

ISAHLUKO SESI-6

UKUTSHISWA KWEMIZIMBA

ISICELO SOKUTSHISWA KOMZIMBA

30. (1) Umntu oceba ukutshisa umzimba kufuneka angenise ifomu yesicelo egcwalise ngokufanelekileyo enikezwe nguMphathi: weeNkonzo zeNtlalo-ntle ukuba ayivume ingabethanga intsimbi ye-15h00 kusuku oluphambi komhla ekucetywa ukutshiswa ngawo umzimba kwaye, eso sicelo kufuneka sikhathshwe-
- (a) yintlawulo emiselweyo;
 - (b) ngumyalelo wokungcwaba okanye ukususa okhutshwe ngokwemiqathango yoMthetho wokuBhalisa abaZalwayo nabaSwelekayo; kunye
 - (c) nesatifikethi sokusweleka.
- (2) Ukuba zihlangatyezwe zonke ezi mfuno zilapha ngasentla, uMphathi: weeNkonzo zeNtlalo-ntle kufuneka asivume eso sicelo.
- (3) ukutshiswa komzimba kufuneka kuqhutyelwe kwindawo yokutshisa imizimba.

(4) ukuba isicelo senziwe ngokwemiqathango yecandelwana (1) ngokumalunga nomzimba womntu-

(a) ngexesha lokufa sisifo esosulelayo njengoko kuchaziwe kwicandelo (1) loMthetho wezeMpilo; okanye

(b) nangaliphi na ixesha owayefakwe isixhobo esilawula intliziyo (ipacemaker) okanye imitha ebangwa kukuqhekeka kweeatom (iradioactive),

umfaki-sicelo kufuneka ayicacise loo nto kwaye, kwimeko yomzimba ekubhekiswa kuwo kumhlathi (b), nokuba ngaba eso sixhobo silawula intliziyo (ipacemaker) okanye imitha ebangwa kukuqhekeka kweeatom sakhutshwa na kumfi/umfikazi.

AMAXESHA OKUTSHISWA KOMZIMBA

31 (1) Ukutshiswa komzimba kufuneka kuqhutywe ngomvulo ukuya kuma ngolwesihlanu phakathi ko-09h00 ukuya ku-14h00.

(2) Akukho kutshiswa komzimba kunokuqhutywa ngeMigqibelo, ngeeCawa nangemihla yeeholideyi zikawonke-wonke;

(3) Ngaphandle kwamagatya ecandelwana (1) uMphathi: weeNkonzo zeNtlalontle ekwenziwa kuye isicelo ukuba ukholisekile ukuba imeko leyo yenye yeemeko ezingxamisekileyo angavuma ukuba umzimba lowo utshiswe xa ihlawulwe intlawulo emiselweyo ngaphandle kwexesha lokutshiswa komzimba.

UKUNIKEZELWA NGEZITYA ZOKUGALELA UTHUTHU

32. (1) Umfaki-sicelo kufuneka ukuba anikezele ngesitya esinamagama apheleleyo omfi/umfikazi ukulungiselela ukwamkela uthuthu ngaphandle kokuba olo thuthu luza kungcwatywa nguMasipala.

(2) (a) Isitya sokugalela uthuthu ekucetywa ukuba sibekwe egolokonxeni kwikholambriyam kufuneka senziwe ngomthi, ilitye okanye esinye isixhobo esisesinye esifanelekileyo kwaye, kufuneka sibe bubungakanani kwaye siyilelwe ukulingana negolokonxa esele likhona.
(b) Icingci lombhalo inokuncanyatheliswa kweso sitya sokugalela uthuthu okanye igolokonxa linokuvalwa ngelitye eligudiswayo nelisetyenziswa ekwakheni nasekwenzeni imifanekiso okanye esinye isivingci esisesinye.

UKUQOKELELWA KOTHUTHU KUNYE NOKUL AHLWA KWALO

33. (1) Emva kokutshiswa komzimba uthuthu kufuneka lubephantsi kokhathalelo lomntu ofake isicelo sokuthsisa umzimba, ukuba kuye kwathi kanti ayisingomqweno wakhe ukwenza oko luya kugcinwa ngumnini/umnikazi wendawo yokutshiswa komzimba.
- (2) Umntu oqokelela uthuthu kufuneka abonise kwifomu yesicelo egcwaliswe ngokufanelekileyo ubungakanani bothuthu ekufuneka lugcinelwe ukuqokelelwa.
- (3) Xa kungekho malungiselelo angxamisekileyo esingcwabo okanye ukugcinwa khuselekileyo, umnini/umnikazi wendawo yokutshisa umzimba angalungcwaba uthuthu okanye alusasaze egadini yesikhumbuzo.

UKUNGCWATYWA NOKUKHUTSHWA KOTHUTHU EMANGCWABENI

34. (1) Umntu ofuna ukungcwaba uthuthu engcwabeni, ukukhupha uthuthu engcwabeni okanye ukusasaza kothuthu kufuneka enze isicelo kuMphathi: weeNkonzo zeNtlalo-ntle.
- (2) UMphathi: weeNkonzo zeNtlalo-ntle kufuneka xa kuhlalulwe intlawulo emiselweyo anike umfaki-sicelo imvume ebhaliweyo yokungcwaba, ukukhupha uthuthu engcwabeni okanye ukusasaza uthuthu kwaye, alungise elo ngcwaba alilungiselele ukungcwaba okanye ukukhutshwa kothuthu engcwabeni.
- (3) Ingcwaba lothuthu kwindawo yokutshiswa kwemizimba okanye kudonga lwesikhumbuzo kufuneka lilinganiswe libe bubude obuyi-610mm kunye nobubanzi obukwayi-610mm.

UKUSETYENZISWA KWAMAGOLOKONXA KUNYE NEZITHUBA ZOKUNCANYATHELISWA KWESIKHUMBUZO

35. (1) Uthuthu lungalelwa kwikholambariyam okanye kwigadi yesikhumbuzo ukuba isicelo sikhathshwa yintlawulo emiselweyo eyenziwe kuMphathi: weeNkonzo zeNtlalo-ntle kwaye, ukuba uMphathi: weeNkonzo zeNtlalo-ntle unikezele ngenimvume ebhaliweyo.
- (2) Igolokonxa okanye isithuba esayame kwindlela esegadini yesikhumbuzo okanye igolokonxa okanye isithuba esikwidonga lesikhumbuzo kufuneka lingasetyenziselwa ukugcina uthuthu okanye ukuncamaathisela ilitye

lesikhumbuzo ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalo-ntle kunye nentlawulo emiselweyo.

- (3) Amacwecwe okwazisa ukuba ungubani kufuneka enziwe ngesixhobo esivunywe ngumLawuli weePaki kwaye, ancanyathiselwe ngaxesha nye nokubekwa kothuthu.
- (4) Uthuthu namacwecwe lungasuswa ngemvume yomLawuli weePaki olawulayo.
- (5) Iivazi zeentyatyambo zingancanyatheiliswa kwicwecwe kuphela ngemvume yoMphathi: weeNkonzo zeNtlalo-ntle.

**ILITYE LESIKHUMBUZO KWINDAWO YOKUTSHISWA
KWEMIZIMBA**

36. (1) Umntu unokumisela ilitye lesikhumbuzo kwindawo yokutshiswa kwemizimba ngelokukhumbula umfi/umfikazi ukuba-
 - (a) umzimba womfi/umfikazi wawutshiswe kuloo ndawo yokutshiswa kwemizimba ngokwemiqathango yecandelo lama-38; okanye
 - (b) ubonisa isatifikethi sokutshiswa kwemizimba senye indawo yokutshiswa kwemizimba.
- (2) Iilitye lesikhumbuzo elakhiwe kwigadi yesikhumbuzo kufuneka lenziwe ngelitye eligudiswayo nelisetyenziswa ekwakheni imifanekiso, inyengane okanye enye into efanelekileyo ekunokwenziwa ngayo kwaye kufuneka ilinganiswe ngobukhulu obuyi-230mm nge-150mm nge-25mm okanye ngobukhulu obuyi-250mm nge-305mm nge25mm, njengoko kulungiselelwe nguMphathi: weeNkonzo zeNtlalo-ntle, ukuba kucetywa-
 - (a) ukuba sibekwe kwisithuba esiseludongeni lwesikhumbuzo okanye kwisithuba esingena kwindlela ekwigadi yesikhumbuzo;
 - (b) ukutywina igolokonxa lifane ngendlela yokwenziwa nangobungakanani ukuze lihambelane nelitye lesikhumbuzo elimelene nalo kwaye, libe lingabinazinto ezincanyatheliswe kulo ngaphandle konobumba okanye ifoto yomfi/umfikazi; okanye
 - (c) ukwakhiwa kwengcwaba okungadlulanga kubude obuyi-610mm, ububanzi obuyi-610mm kunye nokuphakama obuyi-1,2m.
- (3) Iilitye lesikhumbuzo kufuneka lisuswe okanye lincanyatheliswe kwidonga kwigumbi lesikhumbuzo okanye kwisithuba esingena kwindlela esegadini yesikhumbuzo kuphela ngemvume ebhaliweyo yoMphathi: weeNkonzo zeNtlalo-ntle .

UKUPHINDWA KABINI KWEZETIFIKETHI ZOKUTSHISWA KOMZIMBA

37. Umntu angafumana isetifikethi esiphindwe kabini sokutshiswa komzimba xa efake isicelo nangokuhlawula intlawulo emiselweyo kuMphathi: weeNkonzo zeNtlalo-ntle.

ISAPHLUKO SESI-7**IINDWAYI NAMAPHLWEMPU****IMINGCWABO YAMAPHLWEMPU NEENDWAYI**

38. (1) Umntu owenza isicelo sokungcwaba ihlwempu kufuneka akwazise oko.
- (2) Ihlwempu liya kungcwatywa okanye umzimba walo utshiswe ngokweemeko ezimiselwe nguMasipala.
- (3) Ukuba umzimba wehlwempu uye watshiswa kufunekka uthuthu lugcinwe nguMasipala kangangesithuba sexesha elingadlulanga kwiinyanga ezili-12.
- (4) Ukuba uthuthu akukhange kubekho mntu ulubangayo kwisithuba sexesha leenyanga ezili-12 luya kungcwatywa kwingcwaba lokungcwaba uthuthu.

ISAPHLUKO SESI-8**NGOKUBANZI****IZENZO EZINGAVUMELEKANGA**

39. (1) Akukho mntu-
- (a) ongaphantsi kweminyaka eli-16 ekufuneka engene nakwawaphi na amangcwaba okanye indawo yokutshisa umzimba, angangena kuphela xa ekhatshwa ngumntu omdala okanye ngemvume yoMphathi: weeNkonzo zeNtlalo-ntle;
- (b) kufuneka angene okanye ashiye nawaphi na amangcwaba okanye indawo yokutshisa umzimba ngaphandle kwesango lokwenza oko; okanye
- (c) kufuneka kuyo nayiphi na iofisi okanye indawo evaliweyo emangcwabeni okanye kwindawo yokutshisa umzimba apho ukungena kungavumelekanga ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalo-ntle, eyakuthi

inikezelwe kuphela xa loo mntu ehambele umcimbii onxulumene naloo mangcwaba okanye indawo yokutshisa umzimba.

- (2) Akukho mntu kuwo nawuphi na amangcwaba okanye indawo yokutshisa umzimba kufuneka-
- (a) aphazamisane nawo nawuphi na umthombo, umfanekiso oqingqiweyo, ilitye lesikhumbuzo, ucingo, ingcwaba okanye iprophati kaMasipala;
 - (b) akhe, onakalise, onakalise inkangeleko yento okanye atshabalalise nayiphi na intyatyambo, isityalo okanye imbewu;
 - (c) onakalise, onakalise inkangeleko yento okanye asuse nawuphi na umsebenzi wesikhumbuzo, ingcwaba, isakhiwo, ucingo okanye izimakade;
 - (d) alahle izinto ezimdaka ngaphandle komgqomo wenkunkuma obekelwe oko nguMasipala;
 - (e) ahlale, eme, ahambe, akhwele, azobe okanye abhale kulo naliphi na ingcwaba okanye umsebenzi wesikhumbuzo;
 - (f) adade, ahlambe isiqu sakhe okanye nasiphi na isilwanyana esikiti, emthonjeni, umlambo onguzenzele, idami okanye umjelo;
 - (g) ahlale emangcwabeni okanye akhe nasiphi na isakhiwo okanye ukungena kuwo nawuphi na umhlaba ngaphandle kwemvume ebhaliweyo nguMphathi: weeNkonzo zeNtlalo-ntle;
 - (h) abambe, agxothe, adubule okanye aphazamisane nayo nayiphi na intlanzi, intake okanye isilwanyana ngaphandle kokuba unempepha-mvume yokwenza oko okanye athathe, athathe okanye onakalise amaqanqa okanye iindlwana zentaka;
 - (i) alumeke umlilo okanye atshise nayiphi na into ngaphandle kokuba kukho isibonelelo esikhethekileyo sokuba enze loo nto esenziwe nguMasipala;
 - (j) aqhube, akhwele okanye apakishe nasiphi na isithuthi, ibhayisikili, itrayisikile okanye inqwelo eqhutywa ngesandla, anxibe izityibilikisiezizamavili okanye azobe okanye aqhube nasiphi na isithuthi, ngaphandle kokuba kukwindawo nangexesha ekubhekiswa kulo kwiMithetho kaMasipala;
 - (k) aqhube okanye akhwele nasiphi na isithuthi ngaphandle kokuba kukwiindawo ekubhekiswa kuzo kumhlathi (j) kwisantya esingadlulanga kwi-15 km ngeyure;

- (l) aqhubeke neshishini okanye nokubongoza kwishishini, enze umboniso okanye enze umsebenzi ongaqhelekanga ukuba udibane namangcwaba okanye indawo yokutshisa umzimba;
- (m)enze inkathazo okanye enze nasiphi na isenzo esibi okanye esingenantlonipho;
- (n)adlale nawuphi na umdlalo ngaphandle kwakwiindawo ezichongelwe oko;
- (o)asebenzise iindawo ezibekelwe esinye isini;
- (p)adidiyele, athengise, asele utywala okanye asebenzise iziyobisi ngendlela exhaphazayo;
- (q)adlale nasiphi na isixhobo somculo ngaphandle kwemvume ebhaliweyo yoMphathi: weeNkonzo zeNtlalo-ntle;
- (r) enze intetho esidlangalaleni ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalontle, ngaphandle kokuba loo ntetho uyenza emngcwabeni okanye kutshiso lomzimba;
- (s) enze nantoni na enokwenzakalisa okanye yenze uphazamiseko nakubani na;
- (t) abambe iziyunguma eziququzelelweyo, athengise, agrumbe nawuphi na umngxunya, umjelo okanye abeke nayiphi na intente, ikharaveni, isikhuseli sendlwana yokuthengisa isihlalo, ukuma okanye nasiphi na isakhiwo okanye isithintelo ngaphandle kwemvume ebhaliweyo yoMphathi: weeNkonzo zeNtlalo-ntle;
- (u)enze nawuphi na umsebenzi wasekuhlaleni okanye owokusebenza ngokuzithandela, ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalo-ntle;
- (v)enze nawuphi na umboniso bhanyabhanya, ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalo-ntle, benze nentlawulo emiselweyo;
- (w)ahlale ephakathi kokutshona nokuphuma kwelanga ngaphandle kwemvume ebhaliweyo nguMphathi: weeNkonzo zeNtlalo-ntle;
- (x)azise okanye avumele isilwanyana, ngaphandle kokuba yinja emkhokelayo, ngaphandle kwemvume yoMphathi: weeNkonzo zeNtlalo-ntle;

No. 7

UMASIPALA WASEMBIZANA**IMITHETHO KAMASIPALA EBHEKISELE
KULAWULO LWEEFLETHI ZIKAMASIPALA
OKANYE EZIPHANTSI KOLAWULO
LUKAMASIPALA****UYILO LOKU-1**

Umlawuli kaMasipala waseMbizana ngokwemiqathango yecandelo 13 loMthetho weNkqubo kaMasipala kuRhulumente waseKhaya ka-2000: (uMthetho nomb.32 ka-2000), ufundwa necandelo lama-162 loMgaqo-siseko woMzantsi Afrika ka-1996 (uMthetho nomb. 108) upapasha iMithetho kaMasipala waseMbizana eBhekisele kuLawulo lweeFlethi zikaMasipala kunye neziLawulwa nguMasipala neyamkelwe liBhunga likaMasipala.

Ukusetyenziswa kwemithetho kaMasipala

1. Le Mithetho kaMasipala isetyenziswa kuzo zonke iikhompleksi zikaMasipala okanye eziphantsi koLawulo lwakhe.

Iinkcazelo

2. Kule Mithetho ngaphandle kokuba umxholo uthetha enye into;

"isilwanyana" sithetha nayiphi nainja, ikati, intaka, ihashe, imeyile, idonki, inkunzi yenkomo, imazi yenkomo, inkabi yenkomo, ithokazi lenkomo, ithole, igusha, ibhokhwe, ihagu, inciniba, igala, inkawu, imfene, inkukhu, irhanisi, idada, umvundla, **ihagu yasendle**, okanye nasiphi na isilwanyana sasendle okanye esifuywe ekhaya okanye isilo.

"igosa eligunyazisiweyo" lithetha -

(a) Umgcini womthetho;

(b) Ilungu leeNkonzo zamaPolisa oMzantsi Afrika;

(c) IPolisa likaMasipala;

(d) Ilungu lomantshingilane elifunwe nguMasipala ukuba enze imisebenzi ethile egameni likaMasipala; okanye

(e) Umsebenzi kaMasipala ogunyaziswe ngokufanelekileyo ukuba enze imisebenzi ethile ngaphakathi ekhohompleksini;

"iKhompleksi" ithetha naziphi na izindlu eziqeshiweyo okanye ibhloko okanye amabhloko eeflethi ezindaweninye zenza isicuku sezakhiwo esibizwa ngokuba ziiflethi kuquka, nomhlaba esime kuwo izakhiwo zekhompleksi neendawo ezingamabala ekhohompleksini, iindawo zokupakisha kunye nezinye izinto ezifakwe kwikhohompleksi iphela;

"isivumelwano sesibhambathiso sesibhambathiso" sithetha isivumelwano sesibhambathiso sesibhambathiso ekungenwe kuso ngumqeshi weflethi noMasipala ngokwemiqathango apho umqeshi weflethi yengqesho ahlala kwiflethi esekhohompleksini;

"umLawuli" uthetha umLawuli ochongwe okanye oqeshwe nguMasipala ukuba alawule ikhompleksi egameni likaMasipala okanye nabani na olibambela lomLawuli okanye nabani na egameni lakhe;

"uMasipala" uthetha uMasipala waseMbizana osekwe ngeSaziso

ngokuBanzi esikhutshwe kwiGazethi yePhondo Yenjongo ethile engaqhelekanga, nomb. 141 ye-1 Okthobha ka-2000 ngokwemiqathango yoRhulumente waseKhaya: uMthetho ka-1998 weZakhiwo zikaMasipala, (uMthetho nomb.117 ka-1998);

"inkathazo" ithetha-

- (a) naliphi na igumbi okanye icandelo leso sakhiwo okanye elikulo meko okanye elimdaka okanye elinezilwanyana ezikhathazayo ezisasaza izifo ezinokuhlasela, elinobungozi bungozi njengokuhlasela, okanye ukwenzakalisa empilweni okanye elinokubangela ukunwenwa kwesifo esosulelayo;
- (b) nawuphi umlanjana, ichibi, umsele, igatha, isinki, itanki, igunjana lokugcina amanzi, umngxunya ongaphandle wendlu yangasese, indlu yangasese, izala lokuchamela amadoda, idreyini, induli yothuthu okanye izala lenkunkuma elingcolisayo okanye elikulo meko okanye elihleli okanye elakhiwe ngendlela enokuhlasela, enobungozi, okanye ukwenzakalisa empilweni okanye enokubangela ukusasazeka kwesifo esosulelayo.
- (c) naliphi iqula okanye enye indawo ekuvele kuyo amanzi okanye itanki okanye enye into ekhongozela amanzi nokuba yeyabucala okanye yeyabantu bonke bokuhlala, amanzi-
 - (i) asetyenziswa okanye anokusetyenziswa ngabantu ekuseleni okanye kwimisebenzi yasekhaya okanye ngokunxulumene nokwenziwa okanye ukulungiswa kwento yokutya okwenzelwe ukutyiwa ngabantu, kwaye
 - (ii) Angcolisekileyo okanye ngendlela ethile anokuhlasela, anganobungozi okanye anokwenzakalisa empilweni.
- (d) Nasiphi isitali, uthango, ubuhlanti beenkomo okanye enye inkampu okanye isakhiwo esisetyenziselwa ukugcina izilwanyana.
- (e) Nakuphi ukunqunjaniwa okanye ukuchithwa kwenkunkuma, imfucumfucu, umgquba, ubugoxo bemoto okanye nayiphi into enokuhlasela, enobungozi, enokulimaza empilweni.
- (f) Nayiphi indawo yokuhlala okanye igumbi eligcwele kangangokuba libenokuhlasela, libenobungozi okanye libe nokulimaza empilweni

yakhe namphi umqeshi weflethi okanye elingahambelaniyo nemiqathango;

- (i) yayo nayiphi iMithetho kaMasipala okanye imimiselo esebenzayo kuMasipala ngokubhekisele emoyeni, emgangathweni (phantsi), embaneni, kukhutsho lomoya okanye kulawulo lwesakhiwo; okanye
 - (ii) Yezicwangciso zophuhliso zedolophu ezisebenzisekayo.
- (g) Nawuphi ummandla womhlaba ogcinwe okanye ovunyelwe ukuba uhlale ukwesio simo sokuba uhlasele okanye ubangele nasiphi isifo esosulelayo, esinwenwayo okanye esinokukhuseleka okanye nakuphi ukulimala okanye ingozi kwimpilo; kwaye
- (h) Nayiphi enye imeko ngaphandle kwamathandabuzo eyaziwa njengenkathazo, ukungathaliseki nokuba imeko iyahlasela, iyalimaza okanye inobungozi kwimpilo nokhuseleko lakhe namphi umqeshi weflethi okanye omnye umntu ekhomplesini; kwaye

“umqeshi weflethi” uthetha umntu ohlala kwindlu eqeshisayo kwikhomplesini ngokwemiqathango yesivumelwano sesibhambathiso noMasipala.

Ukuqeshwa koMlawuli

3. UMasipala nokuba yikhomplesini okanye ziikhomplesini ezingaphezulu kwesinye kufuneka aqeshe igosa okanye achonge elinye lamagosa akhe njengoMlawuli wokulawula ezo khomplesini ngokuhamelana nale Mithetho kaMasipala kunye naso nasiphi isivumelwano sesibhambathiso esiphakathi komqeshi weflethi kunye noMasipala.

Imisebenzi yoMlawuli

4. Umlawuli kuyo nayiphi na ikhomplesini ephantsi kolawulo lwakhe egameni likaMasipala kufuneka-
- (a) Angenise ingxelo ezibhaliweyo ngeemeko kunye nokulawulwa kwekhomplesini xa ecelwe nguMasipala ukuba enze njalo;
 - (b) Aqinisekise ukuba iikopi zale Mithetho kaMasipala ixhonyiwe kwaye igcinwe kwindawo efanelekileyo apho ekhomplesini ukuze

abaqeshi beeflethi bafumane ulwazi kuquka nabo bonke abantu abazindwendwe apho ekhohlele; abazindwendwe apho ekhohlele;

- (c) Aqinisekise ukuba zonke iipaseji, izitepsi, okanye izixhobo ezisetyenziswa ngabantu abaninzi kunye neendlela zigcinwa zicocekile, zisempilweni kwaye, zikwimeko ekhuselekileyo;
- (d) Agcine irejista yabo bonke abaqeshi beeflethi, rejista leyo kufuneka inezi nkukucha zilandelayo ngokubhekisele ekumqeshweni kweflethi nganye esekhohlele ngokwemiqathango yokusetyenziswa kwesivumelwano sesibhambathiso:
 - (i) inombolo yeyunithi yeflethi;
 - (ii) igama kunye nenombolo yesazisi somqeshi weflethi;
 - (iii) inombolo yereferensi yefayile yoMlawuli enekopi yesivumelwano somqeshi weflethi;
 - (iv) inombolo yeakhawunti yokuqesha yomqeshi weflethi;
 - (v) inombolo yomqeshi weflethi yeakhawunti yeenkonzo zikaMasipala;
 - (vi) idilesi ebehlala kuyo ngaphambili umqeshi weflethi;
 - (vii) amagama, iidilesi kunye neenombolo zomnxeba ukuba zikho ezamalungu osapho lomqeshi weflethi amabini ubuncinci angahlali kwidilesi efanayo naye; kwaye
- (e) Alawule ikhohlele ngokuhambelana nale Mithetho kaMasipala kunye nasiphi na isivumelwano sesibhambathiso esisetyenziswayo.

Ukufaka isicelo sokuba ngumqeshi weflethi

- 5. (1) Nabani na onqwenela ukuqesha iyunithi yeflethi kwikhohlele kaMasipala okanye elawulwa nguMasipala kufuneka afake eso isicelo sokuqesha weflethi kwifomu yokufaka isicelo emiselwe nguMasipala kwaye; kufuneka angenise ifomu yesicelo kuyo nayiphi na iofisi yeSebe likaMasipala lezezindlu. ISebe

likaMasipala lezezindlu kufuneka ingenise iinkcukacha zesicelo kuluhlu lwalo lokulindela indlu, ekufuneka lulandelelane ngokwamaxesha okubhalisa kuzo zonke izicelo ngokwendlela ebezifunyenwe ngayo.

- (2) Xa iyunithi yeflethi ingenamntu ekhohlelweni okanye ifumaneka ukuba kungeniswe umntu kuyo, kufuneka umlawuli azise iSebe likaMasipala lezezindlu ekufuneka lingenise umntu olandelayo ngokuba sekuqaleni kuluhlu lwesicelo lokulindela izindlu ekubhekiswa kulo kwicandelwana (1) ukuba loo mntu-
- (a) Ukufanele ukuba angahlala kwiyunithi yeflethi ngokwemiqathango yomgaqo-nkqubo wezindlu kaMasipala;
- (b) Uyaziqonda, uyazamkela kwaye uyazibophelela ekuthobeleni imiqathango kunye neemeko zokuhlala kwiyunithi yeflethi njengoko ibekiwe kwisivumelwano sesibhambathiso kunye nale Mithetho kaMasipala; kwaye
- (c) Angene kwisivumelwano sesibhambathiso noMasipala.
- (3) Xa iyunithi yeflethi ekhohlelweni inikwe umqeshi weflethi ngokwemiqathango yecandelwana (2), kufuneka-
- (a) Azanelise ngoingangatho kunye nemeko ekuyo iyunithi yeflethi; kwaye
- (b) Kwangoko makazise nasiphi na isiphene kumlawuli ekufuneka egcine iingxelo zazo zonke iziphene.

Ilungelo lokungena

6. (1) Umlawuli okanye naliphi na igosa eligunyazisiweyo lokungena ngaphandle kokuphazanyiswa okanye ukunqandwa ngumqeshi weflethi okanye ngomnye umntu ongomnye kuyo nayiphi iflethi esekhohlelweni okanye ngenjongo yokuhlola iflethi ezokwenza nawuphi omnye umsebenzi onokubonakala ufanelekile ukuba wenziwe ngawo onke amaxesha afanelekileyo kunye nangokubhekisele ekuqaleni amalungelo nobomi bangasese bomqeshi

weflethi.

- (2) Ngokubhekisele kumagatya ale Mithetho kaMasipala, akukho mntu unokungena, unokuba kho, unokulala okanye unokwamkela ukuhlala kuyo nayiphi iflethi esekhomplesini okanye kuyo nayiphi inxalenye yekhomplesini ngaphandle kwemvume entluvisayo okanye echazwe ngokucacileyo yomqeshi othile weflethi esekhomplesini noyakuba noxanduva lokuphendula kumlawuli ngayo yonke imicimbi edibaniselene nokuziphatha kunye nezenzo zaloo mntu.

Ukunikezelwa ngamagama kunye needilesi

7. (1) Ukuba umntu usekhomplesini abe engengomqeshi weflethi okanye ilungu losapho lomqeshi weflethi, loo mntu kuya kufuneka anikeze xa umlawuli okanye igosa eligunyazisiweyo licela-
- (a) igama lakhe elipheleleyo, inombolo yesazisi kunye nedilesi; kunye
- (b) nesizathu esivakalayo sobuhko bakhe apho ekhomplesini.
- (2) Ukuba umntu okhankanywe kwicandelwana (1) ngokokubona koMlawuli okanye igosa eligunyazisiweyo akanikezeli ngazo naziphi na iinkcukacha zakhe ezifunwayo okanye akasichazi isizathu esivakalayo sobukho bakhe ekhomplesini kufuneka acelwe ukuba aphume aphele ekhomplesini ngoko nangoko, ukuba akakwenzi igosa eligunyazisiweyo kufuneka licelwe ukuba limkhuphe ekhomplesini.

Imiqathango neemeko zokuqeshwa kweflethi ekhomplesini

8. Nawuphi umqeshi weflethi kuquka, naliphi ilungu losapho lwakhe kunye nabani na ongomnye okhoyo ekhomplesini kufuneka ahambelane nale miqathango ilandelayo kunye neemeko ezongezelelweyo kwimiqathango neemeko ezikwisivumelwano sesibhambathiso:
- (a) Akukho mqeshi weflethi unokushiya okanye atshintshele ilungelo lakhe lokuhlala ekhomplesini nakubani na ongomnye ngaphandle kokuba ufumene imvume kaMasipala, mvume leyo ngawo onke amaxesha kufuneka iqulethwe ngokuphetha isivumelwano sesibhambathiso esigqitywe

ngokufanelekileyophakathi kukaMasipala sikaMasipala kunye naloo mntu kuthethwa ngaye;

- (b) akukho mntu unokushiya kuyo nayiphi iflethi ekhohlepleksini okanye kuyo nayiphi inxalenye yekhohlepleksi ngaphandle kwaleyo inikezelwe kuye ngokwemiqathango yesivumelwano sesibhambathiso sakhe;
- (c) akukho mntu unokuhlala eiflethini esekhohlepleksini ngaphandle kokungena kwisivumelwano sesibhambathiso esibhaliweyo phakathi kwakhe noMasipala ngeflethi leyo ngaphandle kokuba loo mntu-
 - (i) ulilungu losapho lomqeshi osemthethweni weflethi; okanye
 - (ii) undwendwele umqeshi osemthethweni weflethi njengondwendwe losapho.
- (d) akukho mntu unokusebenzisa iflethi esekhohlepleksini okanye nayiphi inxalenye yekhohlepleksi okanye nasiphi isixhobo okanye izinto zekhohlepleksi (ezinje ngamanzi, umbane, umhlaba okanye indawo yokupakisha) ukuqhuba naliphi na ishishini okanye omnye umsebenzi worhwebo ongomnye ekhohlepleksini okanye ecaleni kwayo;
- (e) akukho mntu ngabom okanye ngesenzo sokungakhathali uya konakalisa nayiphi iflethi esekhohlepleksini okanye inxalenye engenye yekhohlepleksi.

Nabani na obangela loo monakalo kufuneka ethwaliswe uxanduva lokubuyekeza uMasipala ngaloo monakalo, ukuba loo monakalo ubangelwe lilungu losapho lomqeshi weflethi okanye ngumntu obemndwendwele ngemvume yakhe, umonakalo ubekwa phantsi kwetyala lomqeshi weflethi, ngokwaloo meko umqeshi flethi nelo lunguokanye naloo mntu kufuneka bahlawule umonakalo ngokudibeneyo nangokwahlukeneyo kuMasipala ngomonakalo.
- (f) umqeshi weflethi kufuneka ngawo onke amaxesha ayigcine iflethi yakhe ikwimeko entle, ecocekileyo nakwimeko yokuhlaleka kunye nepaseji ephambi komnyango weflethi yakhe icocekile kwaye ikwimeko ekhuselekileyo;

- (g) iimpahla, amalaphu, izixhobo zokutya nezinye izinto ezizezinye zomntu okanye ezasendlwini azinakuhlanjwa, zicocwe okanye zilungiswe kuyo nayiphi na indlela yepaseji engaphambi kweflethi esekompleksini kwaye, zinokuhlunjwa, zicocwe, okanye zilungiswe kuphela, kwindawo elungiselelwe ukwenza oko;
- (h) uMasipala kufuneka abonelele ngemigqomo ekuza kulahlwa kuyo inkunkuma, izinto ezimdaka nezinye izinto ezingazukuphinda zisetyenziswe kwaye, bonke abaqeshi beflethi kufuneka ngawo onke amaxesha belahla inkunkuma, izinto ezimdaka okanye abangazukuphinda bazisebenzise bazilahle kuloo migqomo babonelelwe ngayo nguMasipala kwaye, ngokungqongqo kufuneka ngayo nayiphi na indlela bahambelane neMithetho kaMasipala yokuLahlwa kwezinto eziQinileyo ezingazukuphinda zisetyenziswe;
- (i) akukho mqeshi weflethi unokugcina nasiphi isilwanyana okanye isilwanyana sasekhaya okanye avumele omnye umntu ongomnye ukuba agcine nasiphi isilwanyana okanye isilwanyana sasekhaya eflethini yakhe okanye naphina ekompleksini;
- (j) akukho mntu unokubeka, agcine, okanye avumele ukuba kubekwe okanye kugcinwe nayiphi loo nkunkuma, iimpahla, into, ifenitshala okanye ezinye izinto ezizezakhe zalo naluphi uhlobo kuyo nayiphi ipaseji okanye enye indawo evulelekileyo esetyenziswa ngabantu bonke ekompleksini. Nayiphi inkunkuma, iimpahla, into, ifenitshala okanye ezinye izinto ezilutshintsho ezenziwe ngumntu ezibekwe okanye ezigcinwe kuyo nayiphi ipaseji okanye kwenye indawo evulekileyo esetyenziswa ngabantu bonke eziya kuthathwa anjengezilahliweyo ngabanini/abanikazi bazo kwaye, kufuneka zithathwe njengezibekwe, zigcinwe kuyo nayiphi ipaseji okanye indawo evulekileyo esetyenziswa ngabantu bonke, kufuneka zithathwe njengezilahliweyo ngumnikazi wazo kwaye, kufuneka ziqwalaselwe ngokuhambelana necandelo le-10;
- (k) akukho mntu unokuxhoma naliphi ilaphu okanye iimpahla okanye avumele ukuba naliphi ilaphu ixhonywe ngaphandle okanye efestileni yeflethi esekompleksini okanye kwibhalkhoni yeflethi okanye kuyo nayiphi inxalenye yekompleksi ngaphandle kokuba loo malaphu okanye iimpahla zinokuxhonywa kwindawo elungiselelwe oko;

- (l) akukho mntu unokuguqula okanye abhucabhuca okanye onakalise nayiphi into yombane okanye olunye ufakelo olungaphakathi okanye olungaphandle kweflethi khompleksi okanye abhole okanye avumele isikhonkwane okanye isikrifu ukuba sibholelwe kulo naluphi udonga isilingi okanye enye into engenye eflethini okanye kwinxalenye yekhompleksi. Nabani na oye waguqula, wabhucabhuca wonakalisa lo mbane okanye olo fakelo okanye othi abethelele eso sikhonkwane okanye isikrifu uya kuthathwa njengobangenle ingozi ngabom njengoko kukhankanyiwe kumhlathi (e) kwaye, loo mntu kuya kujongwana nayengokufanelekileyo;
- (m) akukho mntu unokugcina okanye abeke nantoni na enokutsha okanye enobungozi okanye isixhobo esinobungozi esinokuthi sibeke emngciphekweni impilo okanye ukhuseleko lakhe namphi umntu oseflethini ekhompleksini okanye naphi na kwikhompleksi;
- (n) akukho mntu-
- (i) unokuhlupha, anyanzele okanye oyikise nawuphi umqeshi weflethi okanye namphi omnye umntu ekhompleksini;
 - (ii) unokoyikisa okanye enze nasiphi na isenzo njengokubetha emzimbeni nawuphi umqeshi weflethi okanye omnye umntu ekhompleksini
 - (iii) unokuthuka okanye asebenzise ulwimi olungcolileyo, oluthukayo okanye oloyikisayo okanye aziphathe kakubi ngakumqeshi weflethi okanye omnye umntu ekhompleksini; okanye
 - (iv) kuyo nayiphi iflethi esekhompleksini okanye naphina ekhompleksini unokwenza okanye avunmele nasiphi isenzo ngokokubona koMlawuli esibangele okanye esinokubangela inkathazo kuMasipala, kuye nawuphi umqeshi weflethi okanye omnye umntu ekhompleksini okanye kuye namphi omnye umntu ebumelwaneni;
 - (iv) kwisihlo apho naliphi igatya lomhlathi (n) (i) lithe lophulwa, isihlo kufuneka sixelwe kwangoko kumlawuli oza kuthatha amanyathelo afanelekileyo ukuqinisekisa ukuba olo phazamiso

luzalulungiswa ngendlela efanelekileyo, manyathelo lawo anokuquka ukucinywa kwesivumelwano sesibhambathiso somqeshi weflethi kwaye, nokukhutshwa kuloo flethi ebeyiqeshile nasekhompleksini iphela

- (o) UMasipala akanaxanduva naphantsi kwayo nayiphi imeko ngayo nayiphi ilahleko okumonakalo wepropati okanye ukwenzakala komqeshi weflethi nawuphi omnye umntu onokugula kuyo nayiphi iflethi ekhompleksini okanye ikhompleksi uqobo nokuba injani ilahleko, umonakalo okanye ingozi ebangiweyo, nokuba ibangwe ziziphumo-
- (i) zesibane esingekho mgangathweni ezitepsini, umhlaba ekufikelela kuwo isinyuko, phantsi emgangathweni okanye epasejini; okanye
- (ii) okanye ukutyibilikisa kwesinyuko, umhlaba ekufikelela kuwo isinyuko, phantsi emgangathweni okanye kwipaseji ebangelwa zithayile, ipolishi okanye nayiphi enye into enokuba ngunobangela,

Kwaye, ngaphandle kwento yokuba ilahleko, umonakalo okanye ukwenzakala komqeshi weflethi kunokuba kubangelwe sisenzo okanye ukungenzi kwicala likaMasipala iiarhente zakhe okanye abasebenzi bakhe okanye ngesizathu seflethi sokuba iflethi okanye ikhompleksi okanye nayiphi inxalenye kubhekiswa kuyo ide yabe ikumgangatho wokungalungiseki okanye ayilunganga.

- (p) akukho ndawo yokubeka izinto zomthengisi inokuqhutywa okanye igcinwe kwaye, akukho ntlanganiso okanye mbhiyozo wokonyusa imali okanye omnye umbhiyozo onokubanjelwa kwisakhiwo sekhompleksi okanye kuyo nayiphi indawo evulelekileyo esetyenziswa ngumntu wonke okanye indawo yokupakisha yekhompleksi ngaphandle kwemvume ebhaliweyo ngumlawuli.

Nayiphi indawo evulelekileyo esetyenziswa ngumntu wonke okanye indawo yokupakisha yekhompleksi kufuneka ibe phantsi kolawulo yoMlawuli kwaye, loo ndawo yokupakisha ayinakusetyenziselwa nasiphi isizathu ngaphandle kokupakisha, ngaphandle kwemvume ebhaliweyo ngumlawuli.

- (q) Akukho mntu unokususa okanye aphathaphathe okanye onakalise nawuphi umbhobho wamanzi wokucima umlilo, isicima-mlilo okanye esinye isixhobo sekhompleksi sokucima umlilo okanye asebenzise loo mbhobho, isicima-mlilo okanye isixhobo kwinjongo engenye ngaphandle kwaleyo icetyelwe yona.
- (r) Akukho mntu unokujwila nayiphi into, okanye inkunkuma ngefestile, umnyango okanye ibhalkhoni yeflethi kwikhompleksi okanye nakweyiphi inxalenye yekhompleksi kwaye, nasiphi isenzo sokulahla, nokungcolisa kumhlaba wekhompleksi masithathwe njengolwaphulo lweMithetho kaMasipala wokohlwaywa okuqinileyo.
- (s) Akukho mntu ekhompleksini unokuthengisa okanye acenge ukuba kuthengiswe nasiphi isiyobisi, intengo okanye esinye isiyobisi esitshintsha imo yokuziphatha yomntu okanye nasiphi isiselo esinxilisayo njengoko kuchaziwe kuMthetho Wotywala ka-1989 (uMthetho nomb.27 ka-1989)
- (t) Akukho mntu unokuphazamisa uxolo lukawonke-wonke nenzolo kwikhompleksi ngokuthetha, ngokungxola okanye akhale ngomtshini wokwandisa isandi, isixhobo sokukhwaza okanye nasiphi isixhobo ekuthi ngaso kudaleke inxolo okanye ngokudlalela umculo phezulu.
- (u) Akukho mntu ekhompleksini unokubangela okanye adale nayiphi imeko ehlaselayo, elimazayo okanye enobungozi kwimpilo nokhuseleko lakhe namphi umqeshi weflethi okanye namphi omnye umntu ekhompleksini.

Ukwaphulwa kwemimiselo neemeko zengqesho ekhompleksini

9. (1) Ukuba nje nabani na oqeshe iflethi-

- (a) uye emva kokuba enikwe isilumkiso esibhaliweyo ngumlawuli waqhubeka nokwaphula okanye ukungayinaki imiqathango kunye neemeko zokuqesha iflethi njengoko zibekiwe kule Mithetho kaMasipala okanye kwisivumelwano sesibhambathiso; okanye
- (b) uthe wagwetyelwa naluphi isohlwayo ngokwemiqathango

yecandelo le-12; umlawuli unokunikezela ngesaziso esibhaliweyo kuloo mqeshi weflethi ngokumnika isaziso esiya kuye sokupheliswa kwesivumelwano sesibhambathiso, pheliso olo lusenzeka emva kokuphelelwa kwesithuba sexesha elichazwe kweso saziso.

- (2) Isaziso esikhankanywe kwicandelwana (1) kufuneka sicele umqeshi weflethi ukuba aphume eflethini yakhe ngomhla ochaziweyo nokuba umqeshi lowo sele eyihlawule intlawulo yenyanga kwangaphambili kwaye, nokuba loo ntlawulo ibihlawulwe kwangaphambili ibuyiselwe kumqeshi weflethi ngaloo mhla.
- (3) ngeenjongo zale Mithetho kaMasipala ukuhlawulwa kwentlawulo kwangaphambili ekubhekiswa kuko kwicandelwana (2) kufuneka kuthathwe njengemeko ngokupheleleyo.

Ukuphulukana nelungelo lengqesho yeflethi

10. (1) Ukuba nje umqeshi weflethi uye akabikho iintsuku ezingama-60 zilandelelana eflethini yakhe esekhomplesini okanye usilele yena buqu ukuhlala eflethini ngaphandle kokwazisa umlawuli ngokumbhalela-
 - (a) ngenjongo zokungabikho kwakhe; okanye
 - (b) ngomhla wokubuya awucebisayo ukuza kuqhubela ukuhlala okusisigxina apho eflethini.
- (2) Umlawuli unelungelo-
 - (a) lokuqinisekisa ukuba umqeshi weflethi ulilahlile ilungelo lakhe lokuba ngumqeshi eflethini;
 - (b) kwangoko ukusiphelisa isivumelwano sesibhambathiso phakathi komqeshi weflethi kunye noMasipala ngaphandle kwalo naluphi na uhlobo lwesaziso kumqeshi weflethi; kunye
 - (c) nokwazisa isebe lezindlu likaMasipala ukuba angafaka omnye umntu kuloo flethi, umntu okuluhlu lokulinda, ekubhekiswa

kulo kwicandelo lesi-5.

- (3) Nayiphi na ipropati okanye izinto ezizezomqeshi weflethi okanye omnye umhlali weflethi ezifunyenwe eflethini ebekuhleli kuyo loo mqeshi kufuneka akhutshwe ngumlawuli amse kwindawo ekhuselekileyo.
- (4) Ukuba loo propati okanye ezo zinto zizezomqeshi weflethi tshintsho azikhange zibangwe kwisithuba sexesha leenyanga ezintathu emva komhla ekufakwe ngawo umntu eflethini phantsi kwamagatya eandelwana (1), ipropati yezinto zomqeshi kufuneka ithengiswe ngeyona ntlawulo ingcono nguMlawuli okanye umntu ochongwe ngumlawuli, ekufuneka emva kokuthabatha nayiphi na intlawulo eyimfuneko okanye nayiphi inkcitho eyenziweyo, uya kudiphozitha inzuzo eshiyekayo yentengiso yokuqhubeka kwiakhawunti yengeniso kaMasipala, kodwa-
 - (a) akukho nto kweli candelwana equlathiweyoengavimba umnini olilungelo lalo propati okanye izinto ezizezakhe okanye indlalifa yomqeshi oswelekileyo ilungelo lakhe kwintsalela kwinzuzo yentengiso; kwaye
 - (b) Nayiphi loo propati okanye izinto ezizezomqeshi ngokokubona koMlawuli ezingenaxabiso, zinokutshatyalaliswa okanye zilahlwe ngumlawuli okanye umntu ochongwe ngumlawuli.
- (5) Umlawuli kufuneka agcine irejista ekubhalwe nekubonakala kuyo-
 - (a) iinkcukacha zayo yonke ipropati elahliweyo okanye izinto ezizezomqeshi obekade eqeshe iflethi okanye obengumhlali kwaye, ezigcinwe ngokwemiqathango yale Mithetho kaMasipala;
 - (b) umhla wokususwa kwepropati okanye izinto ezizezomqeshi ngokwemigqaliselo yecandelwana (2), negama kunye nenombolo yeflethi yomnini/umnikazi ekubhekiswa kuye;
 - (c) (i) utyikityo lobhontsi wasekhohlo womntu obanga ubunini bepropati okanye izinto ezizezomqeshi nongumntu ekuhanjiswa kuye loo propati kubhekiswa kuyo;

okanye

(ii) iinkcukacha ezipheleleyo zesixa ekuthengiswe ngaso loo propati okanye izinto ezizezomqeshi ngokwemiqathango yecandelwana (2) kunye nomhla wentengiso;

kwaye

(d) ukuba ipropati okanye izinto ezizezomqeshi ngokwemiqathango yecandelwana(2) zitshatyalalisiwe okanye ngendlela ethile zilahliwe okanye umlawuli makenze isetifikethi esichaza ukuba ipropati okanye izinto ezizezomqeshi bezingenaxabiso.

Izithuthi, ubugoxo kunye nezinto ezinokuhanjiswa

11. (1) Kuyo nayiphi ikhompleshi, isithuthi sinokupakishwa sodwa kwindawo elungiselelwe ukupakishwa okanye ebekwe bucala ngumlawuli wokupakisha. Ukuba isithuthi sipakishwe-
 - (a) kwindawo engalungiselelwanga ukupakisha okanye engabekelwanga bucala ukupakishwa ngumlawuli, umlawuli unokucela umnini/umnikazi okanye umqhubi wesithuthi ukuba asisuse; kwaye
 - (b) kwindawo apho ukumisa isithuthi kungavumelekanga ngophawu olululo, umlawuli unokusisusa isithuthi okanye enze ukuba sisuswe sisiwe kwindawo eyalathwe ngumlawuli emva kokwazisa umnini/umnikazi okanye umqhubi kwaye, iindleko zoko kususwa zinokuhlawulwa ngumnini/umnikazi weso sithuthi;
- (2) (a) Nangona nantoni na ephikisana nokuqulethwe yile Mithetho kaMasipala, umqeshi weflethi ongumnini/umnikazi wobugoxo besithuthi okanye enye into enokuhanjiswa nengokokubona koMlawuli isemfihlakalweni okanye ukugcinwa kwayo akugunyaziswanga ngumlawuli, kungayalelwa ngumlawuli ngokubhaliweyo ukuba obo bugoxo besithuthi okanye enye into inokuhanjiswa masisuswe kwiintsuku ezilishumi emva komhla okhutshwe ngawo loo myalelo.
 - (b) Umntu ogwetywe isohlwayo esikhankanywe kwicandelo le-12(ii)

kwisithuba sexesha elichazwe ngumlawuli kufuneka esisusile eso sithuthi saphukileyo okanye loo nto inokuphakanyiswa okanye into leyo agwetyelwe yona kwaye, ukusilela kwakhe ukususa, uMasipala unokulwenza ngokwakhe olo suso aze azibuyise iindleko zakhe ezithatha kuloo mntu.

- (3) Ukuba umnini/umnikazi wobugoxo besithuthi okanye enye into enokuhanjiswa okanye engenakulandeleka, umlawuli unelungelo lokubususa obo bugoxo besithuthi okanye enye into eyenye ephathekayo sisiwe kwindawo efanelekileyo kwaye, ukuba isithuthi esaphukileyo okanye into eyenye enokuphakanyiswa ayikhange ibangwe kwisithuba seenyanga ezintathu sokususwa iya kuthengiswa kwaye inzuzo efunyenwe kolo thengiso kufuneka iqwalaselwe phantsi kwemeko emiselwe kwicandelo le-10.

Amatyala nezohlwayo

12. (1) Umntu ufunyanwa enetyala ukuba-
- (a) uyasilela okanye akakukhathalela ukuhambelana nawo nawaphi na amagatya ale Mithetho kaMasipala;
 - (b) uyasilela okanye akakukhathalela ukuhambelana nawo nawaphi amagatya esivumelwano sesibhambathiso sakhe;
 - (c) uthintela okanye uphazamisa igosa eligunyazisiweyo ekwenzeni imisebenzi yalo ekhohlelweni;
 - (d) uhlala eflethini ekhohlelweni ngaphandle kwesivumelwano sesibhambathiso phakathi kwakhe nomasipala, ngaphandle kokuba loo mntu ulilungu okanye undwendwe lomnini/umnikazi weflethi;
 - (e) ususa okanye wonakalise imbonakalo yekopi yale Mithetho kaMasipala ebekwe ngumLawuli kwindawo efanelekileyo apho kwikhohlelweni ngokuhambelana necandelo 4 (d);
 - (f) (i) uphazamisa, ulahla, ugalela inkunkuma engcolisa nayiphi na ipaseji, izitepsi, isixhobo esisetyenziswa ngabantu bonke okanye indlela ekhohlelweni ngokubeka epasejini,

ezitepsini, kwisixhobo esisetyenziswa ngumntu wonke okanye endleleni yayiphi into, isakhiwo okanye into eyonakalisa ucoceko, impilo okanye iimeko zokhuseleko ekhohompleksini okanye eyenza isoyikiso esicacileyo kukhuseleko lwakhe namphi umqeshi wekhohompleksi okanye olwekhohompleksi uqobo;

- (ii) usilela okanye akakukhathaleli ukususa loo nto, isakhiwo okanye ngokukhawuleza xa eyalelwe ngumLawuli ukuba enze njalo;
- (g) usilela okanye akakukhathaleli ukuhlawula naziphi na imali ebekufanele ukuba uzihlawule kuMasipala ngokwemiqathango yale Mithetho kaMasipala, isivumelwano sesibhambathiso okanye nasiphi na isibonelelo esisesinye esimeselwe ngokusemthethweni;
- (h) usilela okanye akakukhathaleli ukunika umLawuli ulwazi ekubhekiswa kulo kwicandelo 4 (d);
- (i) usilela okanye akakukhathalelanga ukuphuma aphele kwiflethi eye ayabinamntu okanye eye yakho ukuba kungafakwa omnye umntu njengoko kukhankanyiwe kwicandelo 5(2) okanye uthintela umntu okhankanyiwe kwicandelo 5(2) ekubeni ahlale ngokukhawuleza eiflethini enikezwe kuoo mntu;
- (j) uthintela okanye uphazamisa okanye unqanda umLawuli okanye igosa eligunyazisiweyo ekwenzeni imisebenzi yalo ngokuhambelana necandelo 6(1), ilungelo lokungena nakweyiphi na iflethi;
- (k) ungena, ufunyanwa engaphakathi, elele eiflethini okanye wamkela ukuhlala kuyo nakweyiphi iflethi esekhohompleksini okanye kuyo nayiphi na inxalenye yekhohompleksi ngaphandle kwemvume engacangaciswanga okanye ecacisiweyo yomqeshi othile wekhohompleksi;
- (l) (i) uvuma ngokungenanjongo okanye ufunyanwa ekhohompleksini engengomhlali ngelixa engengomqeshi okanye ilungu okanye undwendwe lomhlali walapho kwaye, usilela okanye

akakukhathalelanga ukuchaza kumLawuli okanye igosa eligunyazisiweyo igama lakhe elipheleleyo, inombolo yesazisi, idilesi kunye nenkcazelo evakalayo (ngokombono womLawuli okanye igosa eligunyazisiweyo) ngobukho bakhe ekhohlelweni; okanye

- (ii) ngeenjongo unika umLawuli okanye igosa eligunyazisiweyo iinkcukacha ezingeyonyani, ezingalunganga okanye eziyinkohliso malunga negama lakhe, inombolo yesazisi, idilesi okanye ubukho bakhe apho ekhohlelweni;
- (m) usilela okanye akakukhathaleli ukuphuma ekhohlelweni wamkela xa ecelwa ukuba enze njalo ngumLawuli okanye igosa eligunyazisiweyo ngokwemiqathango yecandelo 7(2) okanye uye wala nawuphi umzamo wegosa eligunyazisiweyo wokumkhupha ekhohlelweni ngokwemiqathango yecandelo 7(2);
- (n) uthengisa, uhamba ethengisa, urhweba, unika okanye ubongoza ukuthengisa naluphi uhlobo lweempahla ekhohlelweni engayiseso eyokuba unguye okanye akanguye umqeshi walapho okanye engelolungu okanye undwendwe lomntu ongumhlali walapho;
- (o) uyeka okanye utshintshela ilungelo lakhe lokuhlala eiflethini ekhohlelweni kunye namphi omnye umntu ngaphandle kwemvume kaMasipala, mvume leyo kufuneka iqulathwe kwisivumelwano sesibhambathiso esifanelekileyo phakathi kukaMasipala kunye nalo mntu kuthethwa ngaye;
- (p) uhlala kuyo nayiphi na iflethi ekhohlelweni okanye kwinxalenye yekhohlelweni engeyiyo leya wayevunyelwe ukuba ahlale kuyo ngokwemiqathango yesivumelwano sakhe noMasipala;
- (q) usebenzisa iflethi esekhohlelweni okanye nayiphi na inxalenye yekhohlelweni okanye nasiphi na isixhobo okanye izinto zekhohlelweni ezinje (ngombane, amanzi, umhlaba okanye indawo yokupakisha) ukuqhuba naliphi na ishishini okanye enye indlela eyenye yokurhweba ekhohlelweni okanye kufuphi nayo;
- (r) wonakalisa iflethi ekhohlelweni ngeenjongo okanye ngokungakhathali okanye kuyo nayiphi na inxalenye eyenye

yekhompleksi;

- (s) usilela okanye akakukhathalelanga ukugcina iflethi yakhe ikwimeko intle, ecocekileyo nekunokuhlalwa kuyo okanye ukugcina ipaseji ephambi kweflethi yakhe icocekile kwaye, ikwimeko ekhuselekileyo;
- (t) uhlamba, ucoca okanye ulungisa iimpahla, amalaphu, izixhobo zokutya okanye ezinye izinto zakhe ezizezinye okanye ezendlu nakuyiphi na indawo ekhompleksini engaphandle kwendawo ebekelwe bucala loo njongo;
- (u) usilela okanye akakhathalelanga ukusebenzisa isitya esibekwe nguMasipala sokulahla inkunkuma okanye izixhobo ezingazukuphinda zisebenze okanye ukuhambelana ngokungqongqo neMithetho kaMasipala ebhekisele ekuLahlweni kwezinto eziqinileyo phantsi kwayo nayiphi na imeko;
- (v) ugcina eflethini yakhe esekhompleksini okanye nandawoni na ekhompleksini isilwanyana okanye isilwanyana sasekhaya okanye uvumela nabani na ukuba agcine isilwanyana okanye isilwanyana sasekhaya;
- (w) ubeka, ugcina okanye uvumela ukuba kubekwe okanye kugcinwe nayiphi inkunkuma, iimpahla, into, ifenitshala okanye ezinye izinto zakhe zalo naluphi uhlobo nayiphi ipaseji kwenye indawo ekuhlalwa kuyo kwingingqi yekhompleksi;
- (x) uxhoma naliphi ilaphu okanye iimpahla okanye uvumela naliphi ilaphu okanye iimpahla ukuba zixhonywe ngaphandle efestileni okanye kwifestile yeflethi esekhompleksini okanye kwibhalkhoni okanye kuyo nayiphi na inxalenye yekhompleksi engeyiyo le ndawo ebekelwe loo njongo;
- (y) utshintsha ubhucabhuca okanye wonakalisa nayiphi na into yombane okanye nayiphi into efakwe ngaphakathi okanye ngaphandle kwiflethi esekhompleksini okanye kuyo nayiphi inxalenye yekhompleksi;
- (z) ugcine eflethini esekhompleksini, naphi na ekhompleksini, into enokutshisa, eyingozi okanye isixhobo esinokubeka emngciphekweni impilo okanye ukhuseleko lomnye umntu;

- (aa) uhlasela, unyelisa okanye woyikisa nawuphi na umqeshi okanye omnye umntu ekhohlelweni okanye uthuke esebenzisa ulwimi olungcolileyo, olonyelisayo okanye oloyikisayo okanye isimo ngakumhlali okanye omnye umntu ekhohlelweni okanye woyikisa okanye wenza isenzo sobundlobongela kumqeshi okanye uvumela ukuba kwenziwe nasiphi isenzo ekhohlelweni, senzo eso ngokokubona komLawuli sibangela okanye sinokubangela inkathazo kuMasipala, kuye nawuphi na umqeshi okanye omnye umntu ekhohlelweni okanye ebumelwaneni;
- (bb) uqhuba okanye ugcina izindawo yomntu othengisayo okanye ubamba, uququzelela okanye uthathe inxaxheba kuyo nayiphi na intlanganiselo okanye umbhuyo wokunyusa imali okanye omnye umbhuyo okwisakhiwo okanye kwindawo evulekileyo okanye kwindawo yokupakisha yekhohlelweni ngaphandle kwemvume yomLawuli ebhalwe phantsi;
- (cc) ususa, ubhucabhuca okanye wonakalisa nawuphi umbhobo wamanzi okucima umlilo, isicimi-mlilo okanye esinye isixhobo sokucima umlilo sekhohlelweni okanye usebenzise loo mbhobo, eso sicimi-mlilo okanye isixhobo sayo nayiphi injongo ngaphandle kwale bekulindeleke ukuba sisetyenziselwe yona;
- (dd) uphosa nantoni na, inkunkuma ngefestile, ngomnyango okanye kwibhalkhoni yeflethi esekhohlelweni okanye kuyo nayiphi inxalenye yekhohlelweni okanye wenza nasiphi isenzo zokunyengeza okanye ukungcolisa kumhlaba wekhohlelweni ngokwaphula iMithetho kaMasipala yokuLahla izinto eziqinileyo ezingazukuphinda zisebenze;
- (ee) uthengisa okanye ubongoza ukuthengisa kuyo nayiphi na iflethi esekhohlelweni okanye kuyo nayiphi na inxalenye yekhohlelweni nasiphi isiyobisi, intsangu okanye nasiphi isiyobisi esenzisa umkhuba owenza into okanye nabuphi na utywala obunxiliso okanye nabuphi na utywala njengoko kuchaziwe kuMithetho ka-1989 wotywala;
- (ff) uphazamisa abantu behleli ngoxolo nangokuzola ekhohlelweni ngokuthetha, ukungxola okanye ukukhala kwisandisi-sandi

(imakhrofowuni) okanye isandisi-zwi (ilawudispikha) okanye esinye isixhobo esibangela ingxolo okanye ngokudlalela phezulu umculo;

- (gg) ubangela okanye udala nayiphi imeko ekhomplesini ecaphukisayo, elimenzayo okanye eyingozi kwimpilo nakukhuseleko lakhe namphi umntu ongomnye okhoyo apho ekhomplesini;
- (hh) upakisha isithutthi kwindawo engeyiyo eyenzelwe loo njongo okanye ebekwe bucala ngumLawuli ngenjongo zokupakisha okanye usilele okanye akakukhathalelanga ukususa kwangoko isithuthi ebesipakishile xa ecelwe ngumLawuli okanye igosa eligunyazisiweyo ukuba asisuse ngokwemiqathango yecandelo 11(1);
- (ii) usilela okanye akakukhathalelanga ukususa ubugoxo besithuthi okanye into ehambisekayo ukususa into ngexesha elichaziweyo ngokubhalwe phantsi ngumLawuli ngokwemiqathango yecandelo 11(2);
- (jj) uphazamisa abantu behleli ngoxolo nangokuzola ekhomplesini ngokungxola, ethukisela, exabana okanye ngokusebenzisa ulwimi olunamanyala, olunyelisayo, oluthukayo okanye oloyikisayo okanye ngokuziphatha ngokungafanelekanga, ngendlela ephazamisayo okanye enobundlobongela;
- (kk) Uququzelele, wenze okanye uthathe inxaxheba kuso nasiphi na isenzo sokungcakaza ekhomplesini okanye uququzelela, uqhube okanye uthatha inxaxheba kuwo nawuphi na umdlalo okanye ulonwabo ekhomplesini ekulindeleke ukuba ubangele uphazamiso, inkathazo okanye ukucaphukisa kuye namphi umqeshi wekhomplesini okanye ekulindeleke ukuba ukhokelele kukungamkelwa ngabantu okanye kubhukuqo lwemigangatho yokuziphatha ekhomplesini.

(2) Nabani na ofunyenwe enetyala elikhankanywe kwicandelwana (1) ukwimfanelo-

- (a) yokugwetywa isohlwayo okanye xa ehluleka ukuhlawula eso sihlwayo aye entolongweni isithuba sexesha elingadlulanga

kwiinyanga ezili-12; kwaye

- (b) kwimeko yokuqhubeka kwesohlwayo, ukongeza kwisohlwayo sosuku usuku ngalunye lokuqhubeka kwesohlwayo okanye ukusilela ukuhlawula eso sohlwayo songeziweyo kumlinganiselo wesithuba sexesha lentolongo elongeziweyo kusuku ngalunye lokuqhubeka kwesohlwayo kodwa, ixesha lawo nawuphi na umlinganiselo wesohlwayo esongezelelweyo sokuya entolongweni asidluli kwiinyanga ezintathu nenkundla yamatyala xa igweba nabani na isohlwayo ekubhekiswa kulo-
- (i) kwicandelwana (1)(g), (hh) okanye (ii) inokuyalela intlawulo yaso nasiphi na isixa nguloo mntu kwaye, ihlawulwe kuMasipala ngesithuba sexesha njengoko inkundla inokumisela;
- (ii) kwicandelwana (1) (d), (g), (I), (k), (o) okanye (p) ukongeza nakwesiphi isohlwayo kunokukhutshwa umyalelo oya kuloo mntu ekhomplesini emva kokuba isivumelwano sesibhambathiso sakhe sirhoxiswe ngokufanelekileyo nguMasipala;
- (iii) kwicandelwana (1) (R), (y) okanye (cc) kunokuyalelwa loo mntu ukuba alungise nawuphi na umonakalo ngeendleko zakhe okanye ahlawule iindleko kuMasipala zawo nawuphi umonakalo awenzileyo ekhomplesini okanye kwinxalenye yayo.

Ukubhangiswa kwemithetho kaMasipala

13. UMasipala waseMbizana ngokwemiqathango yecandelo le-13 loMthetho nomb.32 ka-2000 weNkqubo zikaMasipala wazisa ukuba uyayirhoxisa kwaye, uyayibhangisa yonke iMithetho kaMasipala eBhekisele kuLawulo lweeFlethi zikaMasipala okanye eziphantsi koLawulo loMasipala waseMbizana kwingingqi yolawulo loMasipala waseMbizana.

Isihloko esifutshane kunye nokusungulwa kwayo

14. (1) Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala eBhekisele kuLawulo lweeFlethi zikaMasipala okanye eziphantsi koLawulo loMasipala waseMbizana iya kuqala ukusebenza ngomhla okanye ngemihla emiselwe liBhunga ngokupapasha kwiGazethi yePhondo leMpuma Koloni.
- (2) UMasipala unokubeka imihla eyahlukeneyo yokuqalisa ukusebenza kwayo kwiindawo ezahlukeneyo.

No. 8

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YAMATHALA EENCWADI KUNYE
NEENKONZO ZOLWAZI**

UYILO LOKU-1

IMITHETHO KAMASIPALA YAMATHALA EENCWADI KUNYE NEENKONZO ZOLWAZI

UMphathi woMasipala waseMbizana ngokwemiqathango yecandelo le-13 loRhulumente woMasipala: uMthetho ka-2000 weNkqubo kaMasipala (uMthetho nomb. 32 ka-2000), ufundwa necandelo lama-62 loMgaqo-siseko ka-1996 weRiphabhlikhi yoMzantsi Afrika, (uMthetho nomb.108 ka-1996) ipapasha iMithetho kaMasipala waseMbizana yamaThala eEncwadi kunye neeNkonzo zoLwazi evunywe liBhunga likaMasipala.

1. IINKCAZELO

Kule Mithetho kaMasipala ngaphandle kokuba umxholo uthetha enye into kwaye, naliphi na igama okanye inkcazele entsingiselo yayo echongwe kuMthetho weenkqubo kaMasipala kufuneka inalo nkcazele, kwaye-

"intlwawulo" ithetha nasiphi na isohlwayo okanye iintlobo ngeentlobo zentlawulo ezihlawulwa kwithala leencwadi njengoko kumiselwe liBhunga ixesha nexesha.

"iBhunga" lithetha: iBhunga likaMasipala waseMbizana okanye abo bangene endaweni yalo kunye nayiphi na ikomiti okanye umntu onguMthunywa weBhunga okanye othunywe nguMthunywa obethunyiwe kulo naliphi na igunya ngokwemiqathango yeCandelo lama-59 loMthetho ka-2000 weNkqubo kaRhulumente woMasipala (uMthetho nomb.32 ka-2000);

"ixesha lokuboleka" lithetha ixesha lokubolekisa ngaphandle ngezixhobo ezahlukeneyo zethala leencwadi njengoko kumiselwe liBhunga;

"unoncwadi" uthetha igosa (okanye ummeli walo) elichongwe liBhunga ukuba lilawule ithala leencwadi;

"izixhobo zethala leencwadi" zithetha iincwadi, amaphepha-ncwadi, amaphepha-ndaba, imibhalo ebhaliweyo, imifanekiso, amaxwebhu, izibhengezo, umculo oshicilelweyo, izixhobo ezivakalayo nezancedisa ekufundiseni, nokuba ziyipropati yeBhunga okanye zibolekwe kulo nezithi zifumaneke ukuba zifundwe ngenyameko, zifundwe, kwenziwe ikopi okanye ibolekwe kwithala leencwadi;

"iveki yethala leencwadi" ithetha isithuba sexesha elingangeveki enye enyakeni okanye nangaphezulu njengoko kumiselwe nguMbutho woMzantsi Afrika weThala leencwadi neeNkonzo zoLwazi ngexesha lokukhuthazwa kwazo;

"ilungu" lithetha nabani na okanye nawuphi na umbutho obhalise njengelungu lethala leencwadi;

"ithala leencwadi" lithetha ithala leencwadi elizimisele ekuboneleleni nasekunikeni ulwazi kuzo naziphi na iintlobo ezimbini nangaphezulu imibhalo ebhalwe

ngokubonakalayo, ngezixhobo ezivakalayo nezibonakalayo ezincedisa ekufundiseni, neendlela zekhompyutha kwaye, oko kuquka nezixhobo eziphakathi kwithala leencwadi nezinako ukunika ngolwazi ngezo ndlela;

"uMthetho weeNkqubo zikaMasipala" uthetha uRhululumente woMasipala: uMthetho ka-2000 weeNkqubo zikaMasipala (uMthetho nomb.32 ka-2000);

"umbutho" uthetha umbutho ongangenisi ngeniso okanye inkampani okanye umbutho wenkcubeko onomgaqo-siseko;

"umntu odla umhlalaphantsi" uthetha umntu oneminyaka engama-60 nangaphezulu;

"intlawulo emiselweyo" ithetha intlawulo emiselwe liBhunga ngesisombululo;

"umhlali" uthetha umntu ohlala, osebenza, ongumnini/mnikazi weprophati okanye umhlawuli werhafu okanye oqeshwe kwingingqi yolawulo lweBhunga;

"undwendwe" luthetha umntu ohlala, osebenza okanye ofunda kangangesithuba sexesha elingadlulanga kwiinyanga ezintathu zilandelelana kwindawo yolawulo weBhunga.

UKUSETYENZISWA KWETHALA LEENCWADI

(2) (1) Nabani na owamkelweyo kwithala leencwadi liBhunga angazisebenzisa izixhobo zethala leencwadi kwiiyure ezisesikweni zokusebenza. Ukuba umntu unqwenela ukuboleka izixhobo zethala leencwadi, loo mntu kufuneka aqale ngokubhalisa njengelungu aze ahlawule intlawulo emiselweyo.

(2) Unoncwadi unoku-

(a) misela ngokokubona kwakhe elona nani likhulu labantu abanokuvunyelwa ukuba babe yinxalenye yethala leencwadi ngexesha elimiselweyo kwaye, ngokwenza njalo unokuba usebenz isa ulawulo lokungena olufanelekileyo;

(b) yalela ilungu okanye omnye umntu ongomnye ukuba alishiye ithala leencwadi ngaso nasiphi na isizathu esivakalayo.

UBULUNGU

3. (1) Isicelo sokuba lilungu okanye amalungelo okundwendwela kufuneka enziwe kwifomu emiselwe liBhunga, fomu leyo ekufuneka inolwamkelo ekubhekiswa kulo kwicandelwana (2)(a)(ii).

(2) IBhunga linoku-

- (a) bunikezela nakubani na ubulungu bethala leencwadi ohlala, okanye oqeshwe kwingingqi yolawulo lweBhunga okanye ongumrhafi weBhunga, ngokubhekisele kumagatya amiselwe liBhunga kwaye, loo mntu kufuneka-
- (i) ahlawule intlawulo emiselweyo yokuba lilungu;
 - (ii) avume ukuzibophelela ngemigaqo-nkqubo yeBhunga yokuqhuba ishishini lethala leencwadi eyamkelwe liBhunga;
- (b) nikezela ngobulungu bethala leencwadi kumntwana okwisikolo sabantwana abandulela ibanga lokuqala esikolweni okanye kumntwana ohamba isikolo ukuba abazali okanye abameli babo bayavuma ngokubhala phantsi ukuba baqinisekise ukumjonga umntwana lowo xa esebenzisa ezo ncwadi ngokwamagatya eMithetho kaMasipala kunye nemigaqo yokuqhuba ishishini lethala leencwadi elamkelwe liBhunga;
- (c) nikezela ngobulungu bethala leencwadi kumntu ohlala ngaphandle kwengingqi yolawulo kwaye, nongenguye umnini/umnikazi weprophati kwingingqi yolawulo lweBhunga okanye umrhafi weBhunga ngokwaloo meko njengoko kunokumiselwa ixesha nexesha;
- (d) khupha isatifikethi sokuba lilungu esigunyazisa ilungu ukuba lingaboleka kwithala leencwadi obo bungakanani bezixhobo zethala leencwadi njengoko kunokumiselwa liBhunga ixesha nexesha;
- (e) ikhadi lokuba lilungu lethala leencwadi kufuneka likhutshwe kwilungu ngalinye ligunyazisa ilungu ukuba lingaboleka kwithala leencwadi obo bungakanani bezixhobo zethala leencwadi njengoko kunokumiselwa liBhunga ixesha nexesha;
- (f) khululela nawuphi na umfaki-sicelo ubulungu umntu olihlwempu okanye oza kukhupha inxenye yentlawulo emiselweyo;
- (3) Ikhadi lokuba lilungu lisebenza ukusukela ngomhla elikhutshwe ngawo kangangesithuba sexesha elimiselwe liBhunga ixesha nexesha kwaye, ubulungu bomntu okhutshelwe elo khadi, buphelelwa emva kwelo xesha, ngaphandle kokuba liye lahlaziywa ngaphambi kwexesha lo'kuphelelwa.
- (4) Ilungu elinqwenela ukurhoxisa ubulungu balo kwithala leencwadi kufuneka -

- (a) lazise unoncwadi ngokubhala phantsi;
 - (b) libuyise ikhadi okanye amakhadi akhe okuba lilungu asegameni lakhe; kwaye
 - (c) ngaxeshanye libuyisele kunoncwadi zonke izixhobo ebelizibolekile ezikuye;
- (5) Xa ilungu liye latshintsha idilesi kufuneka lazise unoncwadi ngokubhala phantsi kwiintsuku ezisi-7 ngolo tshintsho lwedilesi;
- (6) Ukuba isixhobo sethala leencwadi asibuyiswanga loo mntu ngokwemiqathango yecandelo lesi-8(2) yotshintsho olufanalekileyo kunye nobutyala;
- (7) Xa ikhadi lobulungu lilahlekile ilungu kufuneka kwangoko lazise unoncwadi ngokubhala phantsi kwaye, -
- (a) unoncwadi xa kuhlawulwe iintlawulo ezimiselweyo kufuneka akhuphe isatifikethi sesibini seso satifikethi besele sikhutshiwe;
 - (b) ukuba isatifikethi sobulungu ebesilahlekile siye safunyanwa isatifikethi sesibini seso besele sikhutshiwe kufuneka sibuyiselwe kunoncwadi kwangoko;
 - (c) ukuba ilungu lenze isaziso ngokwemiqathango yomhlathi (a) kufuneka elo lungu ngaphandle kwamagatya ecandelo (8)(1) lingabi naxanduva ngokwemiqathango yecandelo elichaziweyo ngokubhekisele kuzo naziphi na izixhobo ebezibolekwe ngesatifikethi sobulungu esilahlekileyo emva komhla weso saziso;
- (8) Umntu ohlala kangangesithuba sexesha esingekho ngaphantsi kweenyanga ezintathu kwingingqi yolawulo lweBhunga, unokubhalisa njengondwendwe ukuba-
- (a) afake isicelo sokwenza olo bhaliso kwifomu emiselwe liBhunga kwaye, angenise ubungqina bokuba ungubani na obuyimfuneko kunye neenkukacha njengoko kumiselwe liBhunga; kwaye
 - (b) enze idiphosithi emiselweyo kunoncwadi;
 - (c) unoncwadi usamkele eso sicelo.
- (9) Idiphosithi ekhankanywe licandelwana (6)(b) kufuneka ibuyiselwe kwilungu xa lifake isicelo , ukuba naliphi na ilungu alisihlaziyi isatifikethi salo sobulungu

ekubhekiswa kuso ku (1) (d) kwisithuba seenyanga ezintathu emva kwesithuba sokuphelelwa kwexesha lokusebenza, loo diphozithi kufuneka itshone kwiBhunga. Kolo buyiselo okanye utshono ubhaliso lwelungu kufuneka lurhoxiswe.

(10) Nabani na egameni lawo nawuphi na umbutho okanye iqumrhu eliyelele apho ukuba angagunyaziswa nguloo mbutho okanye iqumrhu unokufaka isicelo kwifomu emiselweyo liBhunga ukubhaliswa kwalo mbutho okanye iqumrhu njengelungu lethala leencwadi.

UKUBOLEKWA KWENTO YETHALA LEENCWADI

4. (1) Isixhobo sethala leencwadi kufuneka sithathwe njengesibolekiweyo kwithala leencwadi lilungu ekusetyenziswe ikhadi lalo lobulungu ukuboleka isixhobo.

(2) Akukho mntu kufuneka enaso nasiphi na isixhobo sethala leencwadi esingabolekwanga ngekhadi lobulungu.

(3) Isixhobo sethala leencwadi esinophawu lwethala leencwadi okanye eloRhulumente wePhondo leMpuma Koloni nekungekho mboniso osesikweni wokuba sirhoxisiwe, sisusiwe okanye sathengiswa, iseyipropati yeBhunga okanye uRhulumente wePhondo leMpuma Koloni.

(4) (a) Ilungu eliboleka incwadi kwithala leencwadi kufuneka liqondisise ukuba eso sixhobo lisibolekayo asonakalanga na kwaye, ukuba sonakele kufuneka lichazwe unoncwadi;

(b) unoncwadi kufuneka isixhobo esonakeleyo asisuse singazubolekwa: Ukuba eso sixhobo asisuswanga senziwa sanako ukuba singabolekwa umonakalo lowo waso kufuneka uchazwe/ubhalwe kuso.

5. UKUBUYISWA KWENTO YETHALA LEENCWADI

Ilungu kufuneka lisibuyise isixhobo sethala leencwadi ebelisibolekile kunoncwadi lungadlulanga usuku lokugqibela lesithuba sexesha loboleko kodwa-

(a) iBhunga linako ukwandisa isithuba sexesha loboleko lwaso nasiphi na isixhobo sethala leencwadi ekungekho lungu lisifunayo emva kokuqwalasela isicelo soko lilungu elo beliboleke isixhobo sethala leencwadi kangangesithuba sexesha esingadlulanga kumatyeli amabini okuqhubeka nokuboleka;

(b) ilungu kufuneka lithathe uxanduva lokubuyisa isixhobo sethala

leencwadi ebelisibolekile kwaye ukuba elo lungu alikhange likwazi ukusibuyisa eso sixhobo ngokwalo lingasibuyisa ngenye indlela engenye;

- (c) Ilungu ebeliboleke isixhobo sethala leencwadi singasigcini ngaphezulu kweentsuku ezintathu emva kokufumana isaziso esibhaliweyo esivela kunoncwadi esithi masibuyiswe eso sixhobo.

INTO YETHALA LEENCWADI EDLULELWE LIXESHA

6. (1) Ukuba ilungu alisibuyisi isixhobo sethala leencwadi ebelisibolekile ngekhadhi laso lobulungu kwisithuba sexesha elichazwe kwicandelo (5)(a) okanye kuso nasiphi na isithuba esimiselwe iBhunga ngokwemiqathango yonciphiso kwelo candelo njengoko kunokuba njalo, elo lungu linoxanduva lokuhlawula kwiBhunga isohlwayo esimiselweyo seveki nganye ekubhekiswa kuyo ngexesha elo lungu lisasilela ukubuyisa eso sixhobo sethala leencwadi.

(2) IBhunga linokukhulula nabani na kwintlawulo yeso sohlwayo ukuba lanelisekile lusilelo lokubuyisa isixhobo sethala leencwadi olungenxa yeemeko ezingaphaya kolawulo lomboleki.

(3) Ukuze iBhunga lisifumane isixhobo esidlulelwe lixesha singabuyiswa kukuba limisele ixesha lokubuyisa lasimahla elingenasohlwayo isithuba sexesha de sibe sinokubuyiswa isixhobo sethala leencwadi;

(4) Unoncwadi ngamnye kufuneka aqinisekise ukuba imigaqo kunye neentlawulo zezixhobo ezidlulelwe lixesha ibekwe emboniselweni eselubala kwelo thala leencwadi.

(5) IBhunga linokuthatha amanyathelo omthetho ukubuyisa izixhobo zethala leencwadi kunye neentlawulo ezimiselweyo okanye umonakalo ohlawulwe ngokunxulumene noko kwilungu.

UKUBEKWA BUCALA KWENTO YETHALA LEENCWADI

7. Ilungu emva kwentlawulo emiselweyo linokusibekelwa isixhobo sethala leencwadi-

- (a) Ukuba intlawulo emiselweyo yenziwe kwangaphambili;
- (b) kwaye akukho sixhobo sethala leencwadi siya kugcinwa ngaphezulu kwesithuba sexesha elibekiweyo ngunoncwadi okanye ummeli amgunyazisielyo.

UKULAHLEKA NOKONAKALA KWENTO YETHALA LEENCWADI

8. (1) Kufuneka kubhalwe kwikhadi lobulungu ukuba xa lithe ilungu lalahla okanye

lonakalisa isixhobo sethala leencwadi, elo lungu liya kuba noxanduva ngokwemiqathango yecandelwana (2) lokuhlawula kwiBhunga intlawulo emiselweyo.

(2) Isixhobo sethala leencwadi esingabuyiswanga kwiintsuku ezili-100 ukusukela ngomhla wokubolekwa kwaso kufuneka sithathwe njengesilahlekileyo kwaye, ilungu lokugqibela ukusiboleka kwangoko liya kuba noxanduva lokubuyisa iindleko okanye intlawulo emiselweyo ngokokubona kononcwadi.

(3) Ukuba isixhobo sethala leencwadi siye salahleka okanye sonakaliswa okanye sathathwa njengesilahlekileyo ngokwemiqathango yecandelwana (2), ilungu ekwabolekwa ngekhadi lalo lobulungu isixhobo sethala leencwadi kufuneka ukongeza kuso nasiphi na isohlwayo okanye intlawulo engenye ekufaneleke ukuba ayihlawule njengoko kutshiwo kwisixhobo sethala leencwadi liya kuba noxanduva lokuhlawula ixabiso lokuba ithengwe okanye intlawulo yokulungisa eso sixhobo njengoko kunokumiselwa liBhunga ngaphandle kokuba uye weza nenye ikopi ekwixabiso elilinganayo nekopi evunyiweyo liBhunga.

(4) Isixhobo sethala leencwadi esilahlekileyo okanye esonakeleyo kufuneka sihlale siyipropati yeBhunga okanye uRhulumente wePhondo leMpuma Koloni nokuba intlawulo emiselweyo ihlawulwe ngokunxulumene noko okanye iindleko zokubuyiselwa kwenye kuhlawulwe kwiBhunga.

(5) Ukuba isixhobo sethala leencwadi siye sabuyiswa lilungu kwafumaniseka ukuba sinako ukulungiseka, ilungu kufuneka lihlawule ukulungiswa okanye intlawulo yokuzibophelela efunwa liBhunga phambi kokuba livunyelwe ukuba liqhubeke nokuboleka isixhobo sethala leencwadi.

(6) Akuyi kuqhutyekwa nokubolekwa ilungu isixhobo sethala leencwadi elinoxanduva ekubhekiswa kulo ngokwemiqathango yecandelwana (1).

UKUPHATHWA KWENTO YETHALA LEENCWADI

9. Ilungu eliboleke isixhobo sethala leencwadi okanye sisisebenzisa kulo liyazibophelela-

- (a) ukusigcina eso sixhobo sikwimeko ecocekileyo;
- (b) ukusikhusela eso sixhobo kuko nakuphi na ukonakala;
- (c) ukuqinisekisa ukuba eso sixhobo asonakaliswanga, ayonakaliswanga inkangeleko yaso, asiphawulwanga okanye asishwatyaniswanga;
- (d) ukuqinisekisa ukuba akukho nxalenye yesixhobo sethala leencwadi okanye nakuphi na ukogqunywa okukhuselekileyo okanye kukho

nakuphi na ukwaziwa kwaso okususiweyo;

(e) ukubolekisa ngaso nasiphi na isixhobo nakubani na ogunyaziswanga.

UKUBA SEMNGCIPHEKWENI WEZIFO EZOSULELAYO KWENTO YETHALA LEENCWADI

10. (1) Akukho mntu unesifo esosulelayo kufuneka ebolekwe okanye ephathe nasiphi na isixhobo sethala leencwadi kwaye, akukho mntu kufuneka avumele ukuba omnye umntu onesifo esosulelayo aphaathe eso sixhobo sethala leencwadi asibolekiweyo ukuba oko kuphatha kuya kubeka emngciphekweni wengozi okanye olo sulelo ngayo nayiphi na indlela.

(2) Amagatya eandelwana (1) akwasetyenziswa nakuye nabani na ojonge okanye oqwalasele umntwana owaziwayo nguloo mntu ukuba uneso sifo esinobungozi kakhulu.

(3) Isaziso sengulo enobungozi kakhulu enemizekelo eyaziwayo kufuneka siboniswe elubala kwindawo efanelekileyo kwithala leencwadi.

(4) Nabani na onezo zixhobo zethala leencwadi ebezithathe kwithala leencwadi ezazikumngcipheko wesifo esosulelayo kufuneka kwangoko azise unoncwadi ngeso sixhobo esthala leencwadi ebisemngciphekweni.

INTO YETHALA LEENCWADI EYENZELWE IINJONGO EZIKHETHEKILEYO

11. (1) Isixhobo sethala leencwadi esenzelwe imeko ekhethekileyo sinokusetyenziswa kuphela kwiindawo zethala leencwadi ezibekelwe bucala kulungiselelwe ezo meko zikhethekileyo liBhunga kwaye, kufuneka singasuswa kwinxalenye yethala leencwadi ngaphandle kwemvume kanoncwadi.

(2) Akukho mntu unesixhobo sethala leencwadi esitsalwe kwicandelo lereferensi yethala leencwadi unokusigcina isithuba sexesha elingaphezulu kwemizuzu elishumi emva kokuba unoncwadi eyifunile incwadi ukuba ibuyiswe.

UKUVELISWA NGOKUTSHA KWESIXHOBO SETHALA LEENCWADI

12. (1) Nabani na unokuyisebenzisa ifeksi nomatshini wokufothostata izixhobo zethala leencwadi ngokubhekisele-

(a) kuhlawulo lwentlawulo emiselweyo;

(b) kuxhotyiso olwenziwe nguye lokwenza inkcazo ebhalwe phantsi isizathu akufunela kona ukufothostata okanye ukuvelisa ngokutsha ngokufota ngeenjongo zokukhusela uncwadi, imidlalo, umculo,

imisebenzi yobugcisa ebalulweyo kuMthetho ka-1965 wamaLungelo obunini njengoko ulungisiwe kwaye, naluphi ulungiso okanye ukufakwa kunye nenguqu zamva okanye ufakelo into kulo mthetho.

(2) Unoncwadi kufuneka abeke elubala amacandelo afanelekileyo kolo wiso-mthetho kwindawo ebonakalayo kwithala leencwadi elichaphazelekayo.

(3) Imvume kanoncwadi kufuneka ifunyanwe ngaphambi kokuba nasiphi na isixhobo sethala leencwadi okanye into ekwithala leencwadi iveliswa ngokutsha ngokufotwa, ibhanyabhanya, islayidi okanye nangayo nayiphi na indlela.

(4) Xa enikezela okanye esala ngemvume ngokwemiqathango yecandelwana (2) unoncwadi unokuqaphela ubukho bomonakalo owenziwe kweso sixhobo okanye kuloo nto njengesiphumo sokuphathwa ngenjongo yokwenza imveliso ngokutsha kwaye, kuya kuyibonakalisa imeko njengoko kungayimfuneko ukuthintela umonakalo onjalo kweso sixhobo.

UKUSETYENZISWA KWEHOLO YEMICIMBI YAMAQELA

13. Ukwamkelwa kokusebenza kwamaqela kugunyaziswa kwiBhunga ngokweemeko njengoko iBhunga linokumisela.

IYURE ZOKUSEBENZA KWETHALA LEENCWADI

14. Iyure ezimiselwe liBhunga zamaxesha okuvulwa kwalo naliphi na ithala leencwadi ukuba lisetyenziswe luluntu kufuneka liboniswe kwisaziso esisemnyango okanye ngasemnyango wethala leencwadi ekubhekiswa kulo kwaye, kufuneka kubhalwe-

(a) iintsuku neeyure ithala leencwadi elivula nelivala ngazo;

(b) iiyure ekuvulwa ngazo nalapho ukusetyenziswa kwelo thala leencwadi okanye naliphi na icandelo livumeleke kubantu abadala.

UKUQESHWA KWEHOLO YABAPHULAPHULI (IODITHORIYAM) KUNYE NAMAGUMBI OKUFUNDISELA OKANYE INDAWO YEMIBONISO, IIFILIMU OKANYE IINKQUBO ZEMIBONISO KWITHALA LEENCWADI

15. (1) IBhunga linokuqeshisa amalungu okanye abantu abangabanye, nayiphi na iholo yabaphulaphuli, igumbi lokufundisela okanye indawo kwalapho kwithala leencwadi ngokuhlawula intlawulo emiselweyo ngenxa yoko, ngenjongo yokufundisa, ukuxoxa, ukwenza intetho, ukubonisa umboniso, ifilimu, iinkqubo zoludwe lwemiboniso ezifuna imeko yethala leencwadi okanye ezidibanisa ukusetyenziswa kwesixhobo sethala leencwadi.

(2) Isicelo sokuqeshiswa ngaso nasiphi na isixhobo kufuneka kubhalelwe unoncwadi

(3) Ngaphandle kwamagatya ecandelo (14) (1), ezo zixhobo zinokwenziwa zibekhona ngaphandle kwentlawulo-

- (a) kwimibutho exhasa amagatya eenkonzo zethala leencwadi;
- (b) kwimisebenzi ethile njengoko iBhunga ixesha nexesha linokumisela ngokubanzi okanye ngokukhethekileyo.

UKUJONGWA KWEZITISHI ZE-INTANETHI

16. Nabani na unokusisebenzisa isitishi sethala leencwadi sokujonga i-intanethi apho iBhunga lizenze zakhona izixhobo zokwenza oko ukuba-

- (a) uhlawule intlawulo emiselweyo ngenxa yoko;
- (b) ufumene imvume kunoncwadi;
- (c) ufumene isithuba sexesha elikhulu sokusetyenziswa njengoko kunokumiselwa ngunoncwadi;
- (d) ufumene imigaqo yokuzikhuphelela uluhlu lweenkqubo ezifakwa kwikhompyutha kuyo nayiphi na **ihardware** enesitishi sokujonga i-intanethi;
- (e) uyavuma kwaye ukulungele ukuhlawula iindleko zokulungiswa nawuphi na umonakalo owenziwe ngabom okanye ngokungakhathali kwisixhobo se-intanethi ngexesha besisetyenziswa nguye;
- (f) uyavuma kwaye uwuqwalasele umgaqo-nkqubo weBhunga nge-imeyile nangokusetyenziswa kwe-intanethi ekufuneka ubekwe elubala kwisitishi ngasinye sethala leencwadi.

UKUQESHA KWENDAWO YEMULTIMEDIA KWINDAWO YETHALA LEENCWADI

17. (1) Ithala leencwadi le*multimedia* linokwenziwa lifumaneke nakubani na ofake isicelo ngenxa yoko waza wahlawula ngaphambili intlawulo emiselweyo;

(2) Nabani na okanye nawuphi na umntu onqwenela ukuqesha ithala leencwadi kufuneka enze ubekelo labucala kunye nononcwadi olawulayo ngokuhlawula ngaphambili intlawulo emiselweyo;

(3) Ukuqesha kwethala leencwadi le-multimedia kufuneka kwenziwe ngokwezo meko njengoko ithala leencwadi linokumisela.

UKUSEBENZA KOBUGCISA KWITHALA LEENCWADI

18. (1) Wonke umculo obhaliweyo kufuneka ufumaneke kwindawo yokubolekisa

ngaphandle kwemali kumalungu amadala nemibutho ebhalisileyo;

(2) Izixhobo ezingabolekisiyo zinokumiselwa ngunoncwadi wokusebenza kobugcisa kwithala leencwadi ngokokubona kwakhe;

(3) Umculo obhaliweyo neorkhestra okanye wamazwi amaninzi anokwenziwa afumaneke kwiiokhestra, kumathala eencwadi esikolo nasezikwayarini ngesicelo esibhaliweyo nangokuhlululwa kwentlawulo emiselweyo.

UXANDUVA LOKULAHLEKA NOKWENZAKALA

19. (1) IBhunga alinaxanduva lwawo nawuphi na umonakalo, ilahleko, okanye ukubiwa kwayo nantoni na ekuziwe nayo kwithala leencwadi lilungu loluntu.

(2) IBhunga alinaxanduva lwalo naliphi na ibango okanye ingozi yokwenzakala kwelungu loluntu ngelixa likwizakhiwo zethala leencwadi okanye ngexesha ebelisebenzisa ngalo nasiphi na isixhobo sethala leencwadi.

UKUXHONYWA KWEMITHETHO KAMASIPALA KWITHALA LEENCWADI

20. (1) Unoncwadi kufuneka abeke ikopi yale Mithetho kaMasipala kwindawo eselubala kwithala leencwadi abonise abasebenzisi bethala leencwadi xa kufanelekile.

(2) Kulo naliphi na ithala leencwadi kufuneka kuxhonywe elubala isaziso sokuba iBhunga okanye amagosa eofisi okanye abasebenzi bethala leencwadi abayi kuba noxanduva lwako nakuphi na ukwenzakala okanye ilahleko eyehlele nabani na obesebenzisa isakhiwo okanye isixhobo sethala leencwadi.

AMATYALA

21. Nabani na-

- (a) oqhuba okanye othatha inxaxheba kwincoko, ukufundela phezulu, ukucula, ukukhalisa umlozi kwithala leencwadi ngendlela ephazamisa abanye abantu abakhoyo kwisakhiwo sethala leencwadi;
- (b) othintela, ophazamisa okanye ngenye indlela engenye ophazamisa nabani na ongomnye ophazamisa ngokuvakalayo ukusetyenziswa kwethala leencwadi;
- (c) wala ukuhambisa nasiphi na isixhobo sethala leencwadi kunoncwadi ngexesha elifanelekileyo emva kokuba eceliwe ngomlomo okanye ngomnxeba ukuba asibuyise;
- (d) uvumela umntwana ophantsi kweliso lakhe ukuba enze

- uphazamiso kwithala leencwadi;
- (e) (i) oziphatha ngendlela engamkelekanga okanye engalawulekiyo:
- (ii) usebenzisa ngokungafanelekanga, ngokuxhaphazayo intetho eyonyelisayo; okanye
- (iii) obheja okanye ukungcakaza kuyo nayiphi na indawo eyinxalenye yethala leencwadi;
- (f) ongqengqa, alale okanye atye kwithala leencwadi;
- (g) onokwenza okanye avumele nasiphi na isilwanyana esiphantsi kweliso lakhe ukuba singene okanye sihlale sihleli apho kwithala leencwadi;
- (h) ngelixa akwithala leencwadi owala ukuhambelana naso nasiphi na isicelo esisemthethweni sikanoncwadi;
- (i) ozisa nasiphi na isithuthi, into yokuphatha okanye isingxobo kwithala leencwadi ngaphandle kwemvume kanoncwadi;
- (j) osasaza okanye wenza idiphozithi kwithala leencwadi ngokusasaza, izixhobo zentengiso, upapasho okanye nangayo nayiphi na enye indlela eyenye ngaphandle kwemvume kanoncwadi;
- (k) owonakalisa okanye wonakalisa inkangeleko yayo nayiphi na inxalenye yethala leencwadi okanye nayiphi into efakelweyo, ifenitshala, isixhobo okanye izinto ekubhekiswa kuzo;
- (l) onika igama okanye idilesi engeyonyani ngenjongo yokungena nakweyiphi na inxalenye yethala leencwadi okanye ukufumana kuyo nayiphi na inkonzo enikezelwa lithala leencwadi;
- (m) ongena okanye uhlala ehleli kuyo nayiphi na inxalenye yethala leencwadi ukuba-
- (i) umdaka umzimba okanye iimpahla;
- (ii) unesifo esosulelayo esiqaphelekayo ngokwemiqathango yawo nawuphi na umthetho;
- (n) ongena okanye uhlala ehleli kuyo nayiphi inxalenye yethala leencwadi ngexesha elo thala leencwadi okanye loo nxalenye kubhekiswa kuyo ekungavumelekanga ukuba ingasetyenziswa luluntu;

- (o) ongena okanye ushiya ithala leencwadi ngomnyango wokuphuma okanye indawo yokuphuma engavulwanga ngokusesikweni ukuba ingasetyenziswa luluntu;
- (p) ongena okanye uhlala ehleli kuyo nayiphi na inxalenye yethala leencwadi ebekelwe bucala ukuba isetyenziswe ngabasebenzi bethala leencwadi;
- (q) othintela okanye uvala indawo yokungena neyokuphuma kwithala leencwadi;
- (r) osusa kwithala leencwadi okanye oya kufunyanwa enesixhobo sethala leencwadi ukubolekwa kwaso okungabhaliswanga ngunoncwadi ngokwemiqathango yale Mithetho kaMasipala; okanye
- (s) ogcina izixhobo zethala leencwadi kangangesithuba sexesha eliziyure ezingama-24 emva kokuhanjiswa kwidilesi yakhe ileta evela kunoncwadi eyalela ukubuyiswa kweso sixhobo.

IZOHLWAYO

- 2 2. (1) Nabani na onganyanisekanga ekusebenziseni ithala leencwadi ngenjongo ecetyiweyo okanye ofunyanwa enetyala lokungaziphathi kakuhle kwithala leencwadi unokukhutshwa kwithala leencwadi ngunoncwadi okanye ngumntu obizwe ngunoncwadi ukuba ajongane nalo meko.
- (2) nabani na othintela nawaphi na amagatya ale Mithetho kaMasipala kufuneka afunyanwe enetyala kwaye, kufuneka agwetywe, abe kwimfanelo yesohlwayo kunye nokusiwa entolongweni ixesha lesithuba esingadlulanga kwiinyanga ezintathu okanye agwetywe zombini, isohlwayo okanye ukusiwa entolongweni.

Ukubhangiswa kweMithetho kaMasipala

23. Amagatya ayo nayiphi na iMithetho kaMasipala enxulumene nethala leencwadi kunye neenkondo zolwazi nephunyezwe nguMasipala iyabhangiswa apho inxiulumana nemicimbi ekule Mithetho kaMasipala.

Isihloko esincinane

24. Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala yethala leencwadi kunye neNkonzo zoLwazi

No. 9

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YEENDAWO
ZEEKHARAVANI**

UYILO LOKU-1

IMITHETHO YAKWAMASIPALA YEENDAWO ZEEKHARAVANI

UMphathi kaMasipala woMasipala waseMbizana ngokwemiqathango yecandelo le-13 likaRhulumente waseKhaya; UMthetho ka-2000 weeNkqubo zakwaMasipala (uMthetho nomb.32 ka-2000), ufundwa necandelo le-162 loMgaqo-siseko woMzantsi Africa ka-1996 (uMthetho nomb.108 ka-1996), wazisa ngeeNdawo zeeKharavani kuMasipala waseMbizana, owamkelwe liBhunga likaMasipala.

Ukuchaza ngokusekwa kweendawo zeeKharavani nguMasipala waseMbizana; kunye neminye imiba enxulumene noko.

Iinkcazelo

1. Kulo Mthetho wakwaMasipala, ngaphandle kokuba umxolo uthetha enye into-

“ikharaveni” ithetha nasiphi na isithuthi esilungele ukuba umntu angasisebenzisela ukuhlala nokulala, nokuba siyinqwelo erhuqwayo okanye asiyiyo kuquka nesithuthi sokuyirhuqa;

“iNdawo yeekharavani” ithetha i-Ndawo yeekharavani esekwe okanye ethathwa njengesekwe phantsi kwecandelo lesi-2;

“umgcini-ndawo” uthetha igosa elichongwe nguMasipala ngokwemiqathango yecandelo lesithathu njengomgcini wendawo yokupakisha iikharaveni;

“uMasipala” uthetha uMasipala waseMbizana;

“umhlaba kaMasipala” uthetha umhlaba okwingingqi yolawulo lukaMasipala nalapho umnini/umnikazi womhlaba inguMasipala okanye apho ulawulo lomnini/umnikazi lunikezelwe kuMasipala; kwaye

“isiza” sithetha umhlaba obekwe ecaleni kwi-Ndawo yeekharavani kulungiselelwa-

- (i) ukupakishwa kwekharaveni; okanye
- (ii) ukugxunyekwa kwentente kunye nokupakishwa kwesithuthi kunye nabantu baso

Ukusekwa kweendawo zeekharavani

- 2. (1) UMasipala unokuseka agcine, kwaye alawule ii-Ndawo zeekharavani kwindawo kaMasipala.
- (2) Nayiphi na i-ndawo yeekharavani ekumhlaba kaMasipala nelawulwa nguMasipala xa uqalile ukusebenza umthetho kaMasipala ngazo zonke iinjongo kuya kuthathwa njengosekwe ngokuhambelana necandelo loku-1.
- (3) UMasipala uya kwahlula iNdawo yeekharavani ibe ziziza kwaye abonelele ngeendawo zokuhlamba kunye nezinye izixhobo ezinokuba yimfuneko kubakhenkethi.

Ukuqeshwa komgcini-ndawo kunye namanye amagosa angamanye

- 3. (1) UMasipala uya kuqesha umgcini-ndawo namanye amagosa angamanye anokuba yimfuneko kulawulo lweNdawo yeekharavani nganye.
- (2) Umgcini-ndawo oqeshelwe ukugcina i-Ndawo yeekharavani ngokwemiqathango yecandelwana loku-1 uya kuba noxanduva lokwenza ezi zinto zilandelayo-
 - (a) ukuqokelela imali yentlawulo yokusetyenziswa kweeNdawo yeekharavani kunye nezixhobo zazo njengoko kumiselwe nguMasipala;
 - (b) ukugcina iindawo zokuhlamba nezinye izixhobo ze-Ndawo yeekharavani;
 - (c) ukubekela abakhenkethi apho bafuna ukubekelwa indawo kwangethuba;
 - (d) ukwabela abakhenkethi iziza;

- (e) aqwalasele nawuphi na umcimbi wemihla ngemihla wokulawulwa kwe-Ndawo yeekharavani.

Iintlawulo

4. (1) UMasipala kufuneka anisele intlawulo yokusetyenziswa kweeNdawo yeekharavani

(2) Ezo ntlawulo zihlawulwa kumgcini-ndawo kwangethuba kwaye, kufuneka ekhuphe irisithi.

Imvume okuhlala isithuba sexesha leentsuku ezingaphezulu kwezingama-30

5. Nabani na onqwenela ukuhlala kwi-Ndawo yeekharavani kangangesithuba sexesha leentsuku ezingama-30 kufueka afake isicelo ngenbalelwano kuMasipala acele imvume yokwenza oko.

Imithetho yokwakhela umkhanyo abasebenzisi beekharavani

- 6 (1) Akukho mntu uya-

- (a) kupakisha okanye agxumeke intente kwi-Ndawo yeekharavani ngaphandle kokuba ukwenza oko kwisiza asinikwe ngumgcini-ndawo ukuba asisebenzise;
- (b) konakalisa okanye akhwele ngaphezulu okanye kuwo nawuphi na umbiyelo wamacingo okanye komnye umbiyelo ongomnye ongaphakathi okanye ophakathi kwi-Ndawo yeekharavani;
- (c) kulumeka umlilo kwi-Ndawo yeekharavani ngaphandle kokuba oko ukwenza kwindawo elungiselelwe oko.
- (d) kudala naluphi na uphazamiseko, inkathazo, isenzo okanye isithintelo esihlaselayo kuye nabani na ohlala kwi-Ndawo yeekharavani;

- (e) kugcina kwi-Ndawo yeekharavani nasiphi na isilwanyana sasekhaya okanye esinye isilwanyana esisesinye ngaphandle kwenja egcinwe kwindlu yayo ngamaxesha onke;
- (f) kuhlamba okanye axhome naziphi na iimpahla kwenye indawo engeyiyo le yenzelwe oko apho kwi-Ndawo yeekharavani;
- (g) kulahla inkunkuma kwenye indawo apho kwi-Ndawo yeekharavani engalungiselelwanga ukuba kwenziwe oko kuyo;
- (h) konakalisa, atshabalalise, onakalise inkangeleko yayo nayiphi na into eyindalo okanye asuse izinto ezisezi kwi-Ndawo yeekharavani ezinje ngeentyatyambo, izilwe zonke zelizwe elithile (fauna), indlu yentaka, into okanye ezembali okanye ezakudala okanye ezenza umdla kwisayensi okanye nayiphi na ipropathi elapho eyiyekaMasipala.

(2) Nabani na oye wachasana okanye wasilela ukuhambelana namagatya ecandelwana loku-1-

- (a) angayalelwa ngumgcini-ndawo ukuba ahambe kwangoko kwi-Ndawo yeekharavani;
- (b) angathintelwa nguMasipala ukuba angene kwaye asebenzise izinto ezikwi-Ndawo yeekharavani kangangesithuba sexesha elimiselweyo okanye kwimeko engqongqo okanye uphazamiso oluqhubekayo, ngokusisigxina.

Amatyala nezohlwayo

7. (1) Nabani na:

- (a) ophazamisana okanye osilele kuzo:
 - (i) nawaphi na amagatyaale Mithetho kaMasipala okanye;

(ii) nayiphi na imeko ebekwe ngokwemiqathango yale Mithetho kaMasipala;

(b) ophazamisana nalo naliphi na igosa ekwenzeni nawuphi na umsebenzi walo ngokwemiqathango yawo nawaphi na amagatya ale Mithetho kaMasipala; okanye

(c) oqhagamshelana nalo naliphi na igatya lale Mithetho kaMasipala wanikezela ngeenkcukacha ezingeyonyani ngokolwazi lwakhe okanye nantoni na ekhohlisayo,

ufunyanwa enetyala kwaye kuyimfanelo ukuba isigwebo sibe sisohlwayo okanye ukuba uyahluleka ukuhlawula uya kuya entolongweni

Ukubhangiswa kweMithetho kaMasipala

8. UMasipala waseMbizana ngokwemiqathango yecandelo le-13 loMthethoka-2000 weNkqubo kaMasipala (uMthetho nomb.32 ka-2000) urhoxisa kwaye ubhangisa yonke iMithetho kaMasipala enxulumene neekharaveni kwingingqi yelawulo likaMasipala waseMbizana.

Isihloko esifutshane nokusungulwa kwayo

10. (1) Le Mithetho ibizwa ngokuba yiMithetho yeeNdawo zeekharavani kaMasipala, iya kusungulwa ngomhla okanye ngemihla emiselwe liBhunga likaMasipala ngokupapashwa kwi*Gazethi yePhondo*.

(2) UMasipala angabeka imihla eyahlukileyo yokusungulwa kwingingqi ezahlukeneyo.

No. 10

UMASIPALA WASEMBIZANA

**UMTHETHO KAMASIPALA WOKUHAMBA
KWEZITHUTHI ENDLELENI**

UYILO LOKU-1

IMITHETHO KAMASIPALA YOKUHAMBA KWEZITHUTHI ENDLELENI

UMphathi woMasipala waseMbizana ngokwemiqathango yecandelo le-13 likaRhulumente waseKhaya; UMthetho ka-2000 weeNkqubo zakwaMasipala (uMthetho nomb.32 ka-2000), ufundwa necandelo le-162 loMgaqo-siseko woMzantsi Africa ka-1996 (uMthetho nomb.108 ka-1996), upapasha iMithetho kaMasipala waseMbizana yokuhamba kweZithuthi eNdleleni, eyamkelwe liBhunga likaMasipala.

IMithetho kaMasipala yokuhamba kwezithuthi endleleni

Isalathiso

ISahluko soku-1

1. Iinkcazelo

ISahluko II

2. Ukusetyenziswa kweMithetho yakwaMasipala
3. Ukuthintela ukumiswa kwezithuthi
4. Ukupakisha
5. Amagatya akhethekileyo anxulumene nokupakisha

IS AHLUKO III

6. Iimitha zokupakisha

ISahluko IV

7. Ukuthintelwa kwezenzo ezikhethekileyo
8. Ukujika ngezithuthi ezidibeneyo
9. Ukulawulwa kwezilwanyana endleleni okanye ezihamba ecaleni kwendlela

10. Isithuthi esirhuqwa sisilwanyana
11. Ukrozo/umgca wokulinda
12. Imithwalo yebhayisikile
13. Uthutho lukawonke-wonke
14. Ukwabiwa nokusetyenziswa kweendawo zokupakisha iitekisi eziluhlobo lweminibhasi
15. Ukuhanjiswa kwezinto eziyingozi okanye ezimbi okanye imizimba yabantu ababhubhileyo
16. Ubulalo lweentsholongwane emva kokuhanjiswa kweemeko ezinezifo ezosulelayo
17. Ukuthintela ukungaboni ngasonye/umlo
18. Unikezelo lweteksi olungagunyaziswanga okanye ukulahlwa kweeteksi
19. Isimo nesinxibo sonoteksi
20. Ipropathi eshiywe eteksini
21. Iindlela zebhasi kawonke-wonke
22. Izitophu zebhasi
23. Abakhweli abaza kukhwela kwizitophu ezivunyiweyo kuphela
24. Isitophu sikawonke-wonke esicelwayo
25. Ibhasi kawonke-wonke engamelanga kuhamba ingenamntu

ISahluko V

26. Izohlwayo
27. Ukubhangiswa kweMithetho kaMasipala
28. Isihloko esifutshane nokusungulwa kwayo

ISAHLUKO I

Iinkcazelo

1. Kule Mithetho kaMasipala, ngaphandle kokuba umxholo ngomnye, amagama asetyenziswe apha aya kunikwa intsingiselo eyodwa, yaye-

“Igosa eligunyazisiweyo”

lithetha igosa elichongwe lagunyaziswa nguMasipala ukuba lenze nayiphi na imisebenzi kwaye lenze yonke imisebenzi echazwe kule Mithetho kaMasipala ;

“ibhasi” ithetha isithuthi esiyilelwe okanye esilungiswe ngokusemthethweni yinkampani eyenza izithuthi ngokuhambelana noMthetho;

“ibhayisikile”

ithetha ibhayisekile okanye itrayisekile eyilelwe ukuqhutywa ngumntu kuphela;

“iminibhasi” ithetha isithuthi esilungiswe ngokusemthethweni yinkampani yokwenza izithuthi ebhalisiweyo ngokuhambelana noMthetho wokusebenza kwezithuthi zikawonke-wonke ezingenaludwe lwenkqubo yokusebenza kwindlela ethile okanye kwiindlela okanye apho kufanelekileyo ukuba sisebenze khona kummandla othile kaMasipala, singayimoto, iminibhasi okanye imidibhasi;

“iBhunga likaMasipala” lithetha iBhunga loMasipala waseMbizana elisekwe ngokwemiqathango yecandelo le-12 loRhulumente waseKhaya: uMthetho ka-1998 wamaCandelo kaMasipala, (uMthetho nomb. 117 ka-1998) njengoko ulungisiwe;

“uMasipala” uthetha uMasipala waseMbizana;

“isithuthi sikawonke-wonke” sithetha isithuthi sikawonke-wonke njengoko sichaziwe;

“ibhodi yokusikeketha” sithetha isixhobo esiquka ikakhulu into emtyaba eyakhiwe ngaphezulu kwamavili neyenziwe ngenlela yokusetyenziswa ngumntu omnye, emile okanye echophile kwaye, iqhutywa ngumntu ngamandla omntu okanye ngokutsalelwa maxa wambi ngazo zombini;

“isitalato” sithetha nasiphi na isitalato, indlela okanye indlela ecanda phakathi kwezindlu ngokwemephu kaMasipala okanye kwindawo apho uluntu ngokommiselo okanye ngenye indlela eyenye banelungelo lokusisebenzisa.

“uMthetho” uthetha uMthetho ka-1996 wokuHamba kweziThuthi endleleni. (uMthetho nomb. 93 ka-1996);

“isithuthi sokudlala” sithetha isixhobo esiyilwe, senziwa okanye senziwa ngenjongo yokuba abantu badlale ngaso okanye bazonwabise ngaso kodwa, sibe singesiso isithuthi esiyilelwe ukuhambisa abantu, iimpahla okanye zombini abantu nempahla;

“itrayisekile” ithetha inqwelo enamavili amathathu eyilelwe okanye elungiselelwe kuphela ukuba mayihambise iimpahla kwaye iqhutywe ngamandla omntu omnye;

“isithuthi” sithetha isixhobo esiyilelwe okanye esilungiselelwe ukuhambisa ezinye izithuthi okanye ukuhambisa abakhweli, izilwanyana, iimpahla okanye ukuhambisa ngaxeshanye ngaphezulu kwesinye kula maqela kwaye sihambe ikakhulu ngamavili okanye sihambe ngendlela engumzila ngaphandle:

- (a) kwesithuthuthu, apho kungekho moto incinci inokuncanyatheliswa;
- (b) ibhayisekile;
- (c) isithuthi esiyithoyi;
- (d) irolaskeythi;
- (e) ibhodi yokusikeytha; kunye
- (f) isixhobo esihamba kumzila kuphela;

ISIAHLUKO II

Ukusetyenziswa kweMithetho kaMasipala

2. (1) Le Mithetho kaMasipala isetyenziswa kwingingqi yolawulo loMasipala waseMbizana ukusukela ngomhla yokwaziswa kwayo.

(2) Le Mithetho kaMasipala ayisebenzi kukho imithetho yePhondo okanye kaZwelonke ekhoyo kuMasipala ebhekisele kuloo mcimbi

Ukuthintela ukumiswa kwezithuthi

3. Akukho mntu kufuneka amise nasiphi na isithuthi kuso nasiphi na isitalato umgama ongangemitha ezi-3 ukusuka kwimpompo yamafutha (fuel) okanye kwilitye lomqokumbelo wendlela, ngaphandle kokuba umise ngenjongo yokwetha amafutha, oiyile, amanzi okanye umoya okanye ngokuhambelana nemigaqo ayinikwe ligosa eligunyazisiweyo.

Ukupakisha

4. (1) Akukho mntu uya kuma, alinde okanye apakishe isithuthi kwindlela kawonke-wonke-

- (a) xa esondele esiphambukeni nakwimizila enqumlayo;

- (b) okanye kwakamsinya kwindawo ekuwela kuyo abahambi ngeenyawo, imibhobho yamanzi esetyenziswa xa kucinywa umlilo xa kusitsha knuye nakwimizila yezithuthi zikawonke-wonke okanye indawo yazo yokuma,
- (c) ngaphambili kwendlela yemoto esuka esitratweni eya endlwini okanye indlela emxinwa ephakathi kwezakhiwo;
- (d) apho kukho imigca ephindwe kabini esisisithintelo esisembindini wendlela yezithuthi;
- (e) kwiindawo apho sinokuphazamisana nokuhamba kwezithuthi zethuba likaxakeka umzekelo, ezasesibhedlele, iiambulensi kunye nezezikhululo zemililo;
- (f) ematoneleni, ezibhlorhweni nakwizitrato ezimxinwa;
- (g) kumda okanye ngaphezulu komda othe nkqo welitye lomqokumbelo wendlela;
- (h) kumda okanye ngaphezulu komda ngenxa yeli candelo okwaquka neendawo ezaziwa njengamagxalaba, anelitye lomqokumbelo wendlela othambekileyo okanye ongenalo ilitye lomqokumbelo ngaphandle kwaphakathi kweemigca yeempawu ezingaphezulu ezibonisa iengile yokupakisha kwezithuthi, kunye nangendlela inxalenye yesithuthi ekufutshane nomda weprophati, iyamene nesitalato okanye nendawo engenandlela igangathiweyo yokuhamba abahambi ngenyawo engaphantsi kwe-1m okanye ngaphezulu kwe-2m ukusuka kuloo mda weprophati ekoyameni isitalato.
- (i) umphambili weso sithuthi sijonge ngakwicala elihamba izithuthi;
- (j) ngayo nayiphi na indlela kukunxusana nelitye lomqokumbelo wendlela okanye ulawulo lwendlela: Ukuba ngokwamagatya omhlathi (b) apho icala levili, umda okanye igxalaba iphawulwe okanye ibanzi ngokwaneleyo ukuba kungapakishwa ngokuxwesileyo ze kungabikho nixalenye yeso sithuthi ingaphumela ngaphandle kwendlela engenalo uphawu lokupakisha, ngale ndlela isithuthi sinokupakishwa.
- (k) Ukuhlanjwa, ukuthengiswa, okanye ukulungiswa kweso sithuthi okanye ngeenjongo zentengiso; okanye
- (l) Ecaleni kwaso nasiphi na isithuthi esipakishwe sanxusa umqokumbelo wendlela ekwindawo eyenzelwe ukupakisha izithuthi.

- (2) Akukho mntu kufuneka apakishe isithuthi esinobunzima obuyi-3 500kg okanye nangaphezulu kudlulise kwisithuba sexesha elingangeyure nanini na emva kokutshona kwelanga naphambi kokuphuma kwalo kwindlela kawonke-wonke.

AmaGatya aKhethekileyo aBhekisele kuPakisho lwezithuthi

5. (1) Nangona kungasiwa so nakuphi ukuchasa nawuphi na umthetho ugunyaziwe wasekhaya unokukhulula:-

(a) kwiimeko apho kwaye, kuxhomekeke nakwimiqathango anokubona iyimfuneko:

- (i) ugqirha; okanye
- (ii) umongikazi obhalisiweyyo okanye ongumbelekisi njengoko kuchaziwe kwicandelo loku-1 loMthetho ka-1978 waboNgikazi (uMthetho nomb.50 ka-1978); okanye

(b) kwiimeko ezimiselweyo kwaye, nangokubhekisele kwimiqathango emiselweyo nabani na-

- (i) okhubazekileyo ngokokubona kwalo gunyaziwe wasekhaya; okanye
- (ii) uhambisa okanye uncedisa umntu okhankanywe kumhlathana (i) wegatya lawo nawuphi na umthetho obhekisele kupakisho lwemoto kwindawo yakhe yolawulo.

(2) UMasipala kufuneka abonelele ngendawo eyodwa yokupakisha izithuthi eziqhutywa ngabantu ekubhekiswa kuye kwicandelwana (1) (b) kwaye, loo ndawo yokupakisha iya kubonakaliswa ngophawu lokuhamba kwezithuthi ezindleleni.

(3) UMasipala kufuneka alawule ukusetyenziswa kweendawo zokupakisha ekubhekiswa kubo kwicandelwana (2) ngendlela efanelekileyo.

ISAHLUKO III

Izixhobo ezikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuzo (iimitha zokupaka)

6. (1) Ngokwesi sahluko:

“**indawo eyahlulelwe ukupakisha** ” ithetha indawo eyahlulelwe ukupakisha edityaniswe kwindawo esifakwe kuyo isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso, njengoko kukhankanyiwe kwicandelo le-106 loMthetho wokuHamba kweziThuthi eNdloleni;

“isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso” sithetha nasiphi isixhobo esishicilela nesichaza ngokubonakalayo iirekhodi zexesha lesithuba sexesha lokupakisha nesenziwa ukuba sisebenze ngokuzenzekelayo okanye esenziwa ngesandla ngokwemiyalelo eboniswa kwisixhobo nequka nayiphi ipali, isimakade esimiselweyo apho eso sixhobo sincanyathiselwe kuso okanye isixhobo esiphathwayo;

“isithuba sexesha lokupakisha”

sithetha isithuba sexesha lokupakisha elivunyiweyo kwindawo eyahlulelwe ukupakisha ngokufaka imali ezinkozo esebenzayo kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso.

(2) Isithuba sexesha ekunokupakisha ngalo nasiphi isithuthi kwindawo eyahlulelwe ukupakisha iya kuboniswa ngokucacileyo ngawo onke amaxesha kwisixhobo sokulinganisa.

(9) (a) Akukho mntu kufuneka apakishe okanye abangele ukuba kupakishwe nasiphi isithuthi kwindawo eyahlulelwe ukupakisha ngaphandle kwangoko emva kokufika imali ezinkozo njengoko kumiselwe kweso isixhobo sokulinganisa.

(b) Isinyanzelo sokubeka imali ezinkozo kwisixhobo sokulinganisa sisetyenziswa kuphela ngezo yure njengoko zimiselwe nguMasipala kodwa, sibe singasebenzi kwiiyure eziphakathi kweye-14h00 ngeMigqibelo ukuya kwiyure ye-08h00 kuMvulo olandelayo okanye ngeeholide zikawonke-wonkenjengoko kucacisiwe licandelo loku-1 loMthetho ka-1952 weeHolide likaWonke-wonke (uMthetho nomb.5 ka-1952).

(c) Akukho sithuthuthu kufuneka sipakishwe kwindawo eyahlulelwe ukupakisha ngaphandle kwakwindawo yokupakisha izithuthuthu eboniswa luphawu lokuhamba kwezithuthu endleleni.

(b) Apho ukupakisha kungavumelekanga kwindawo eyahlulelwe ukupakisha njengoko kucacisiwe kumhlathi (a), ukuba ukupakisha kuvunyelwa kuphela ngexesha elithile leeyure ezibalulweyo okanye apho imali yokupakisha ihlawulwa kuphela ngexesha leeyure ezithile ezibalulweyo, isaziso esifundeka ngokucacileyo kule ndawo kufuneka sincanyatheliswe kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso.

(4) Akukho mntu kufuneka apakishe nasiphi isithuthi okanye abangele ukuba kupakishwe nasiphi isithuthi kwindawo eyahlulelwe ukupakisha ngaphandle kokuba imali ezinkozo ifakiwe kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso ngokuhambelana namagatya ale Mithetho kaMasipala kodwa-

- a) loo mntu unokusipakisha isithuthi kwindawo eyahlulelwe ukupakisha kangangesithuba esingadlulanga kweso sibonise kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo

kuso, ngaphandle kokufaka imali ezinkozo kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso;

- (b) ngokubhekisele kuwo nawaphi amagatya achasana nale Mithetho kaMasipala okanye nawuphi omnye umthetho ongomnye, loo mntu unokusipakisha isithuthi kwindawo eyahlulelwe ukupakisha apho singasebenziyo isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso, ngaphandle kokufaka imali ezinkozo kuso.

(5) Isaziso esifundeka ngokucacileyo esincanyatheliswe kwindawo nganye yokupakisha kufuneka sibonise –

- (a) isixa semali esihlawulwayo ngesithuba sexesha elibalulweyo; kwaye
- b) kunye neentlobo-ntlobo zemali ezinkozo enokufakwa kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso.

(6) Akukho mntu kufuneka-

- (a) angenise okanye azame okanye abangele ukufakwa kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso nayiphi na into yelinye ilizwe okanye imali ezinkozo engeyiyo eyalapha eMzantsi Afrika kwiintlobo-ntlobo ezibonisiweyo kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso;
- (b) (i) onakalise okanye onakalise inkangeleko, abhale okanye azobe kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso,
- (ii) ancamathelise nasiphi isaziso esinikezelwa ngesandla, isibhengezo esibhaliweyo okanye olunye uxwebhu kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso ngaphandle kwemvume kaMasipala;
- (c) abangele ukuba isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso ngayo nayiphi indlela sishicilele ixesha lokupakisha elihambileyo ngaphaya kokubeka isixhobo sokulinganisa ukuba sisebenze ngendlela emiselweyo; okanye
- (d) axhuzule, abethe, ashukumise okanye nangayiphi indlela abucabhucane nesixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso; yaye ngeenjongo zeli candelo siphela sibonakala kancinci.

(7) Isithuthi ngasinye esipakishwe kwindawo eyahlulelwe ukupakisha kufuneka

sipakishwe ngendlela apho kungekho nxalenye yeso sithuthi iya kuthi phuhlu kwiimpawu zokupakisha kodwa, kwindawo apho nasiphi isithuthi sipakishwe kwindawo yokupakisha esiyithabathileyo ngesizathu sobude baso, obayamane kakhulu nendawo yokupakisha. Umntu opakishe isithuthi sele sixeliwe kufuneka afake imali ezinkozo emiselweyo kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuzo zombini iindawo ezahlulelwe ukupakisha.

(8) Ixesha lokupakisha elihambileyo njengoko ibonisiwe sisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo ithathwa njengechanekileyo ngaphandle kokuba kungqinwe ukuchasana.

(9) UMasipala unokwabela yaye, ahlule iindawo zokupakisha ezincinci zokupakisha izithuthi ezihamba ngamavili amabini yaye, amagatya esi sahluko anotshintsho olufanelekileyo alinakusetyenziswa kwezo ndawo zokupakisha.

ISAHLUKO IV

UkuThintelwa kweZenzo eziThile

7. Akukho mntu kufuneka aqhube okanye akhwele irolaskeythi, ibhodi yokutyibiliza okanye nasiphi isithuthi sokudlala kuso nasiphi isitalato ngaphandle kwemvume ebhalwe nguMasipala nangeemeko njengoko kunokumiselwa nguMasipala.

Ukujika ngeziThuthi ezidibeneyo

8. (1) Akukho mntu kufuneka ajike nasiphi isithuthi esitsala itreyilana, itreyila okanye izithuthi ezidibeneyo kuyo nayiphi indawo apho indlela inqamlezayo ngenjongo yokuqhubela kwelinye icala.

Ukulawulwa kwezilwanyana endleleni okanye ezihamba ecaleni kwesitalato

9. (1) Akukho mntu kufuneka aqhube okanye abangele ukuba nasiphi isilwanyana siqhutyelwe esitalatweni ngaphandle kokuba sirhuqa ikari okanye isithuthi: Ngaphandle kokuba uMasipala unokunikezela imvume yokuqhuba izilwanyana kwizitalato ezithile ngokwezo meko njengoko kunokubonakala kufanelekile.

(2) Akukho mntu uya kuthi endleleni okanye ecaleni kwesitalato:

(a) aqeqeshe okanye aqhelise isilwanyana;

(b) avumele isilwanyana esisesakhe okanye esiphantsi kolawulo lwakhe ukuba siyekwe nje okanye sihambe unothanda singajongwangwa mntu;

- (c) ashiye isilwanyana esenzakeleyo, esibuthathaka, esigulayo okanye esifayo, ngaphandle kokuba uyokufuna uncedo lokusisusa eso silwanyana; okanye
- (d) enze ingxolo, iimpawu, okanye nayiphi na into engenye ukoyikisa okanye ukuphazammisa isilwanyana.
- (3) Ngokubhekisele kumagatya eandelwana (4), akukho mntu kufuneka ashiye okanye avume ukuba nasiphi isilwanyana esiyinkomo, ihashe, iesile, imeyile, igusha ibhokhwe ihagu, okanyen inciniba ukuba sibe kulo naliphi icandelo lesitalato apho icandelo libiyelweyo okanye livalwe nangeyiphi indlela kuwo omabini amacala kwaye, akukho mntu uya kushiya eso silwanyana kwindawo apho sinokulahleka kwelo candela lesitalato.
- (4) Amagatya eandelwana (3) awayikusebenza kuso nasiphi isilwanyana, esi-
- (a) khwelwe okanye esiza kusetyenziselwa ukurhuqa isithuthi esitalatweni; okanye
- (b) esiqhutyelwa kwenye indawo ngendlela engasi engozini okanye ekulimaleni kuye nabani na okanye kuso nasiphi isithuthi esisebenzisa loo ndlela.
- (5) Kulo naluphi utshuntsho ngenxa yokutyeshela icandelwana (3), kuyacingeleka ukuba de kube kwamkelwe ukuphikisana kokuba nasiphi isilwanyana ekubhekiswa kuso kwicandelwana (3) sashiywa okanye savunyelwa ukuba sibe kwicandelo lesitalato kwindawo efunwa ngumniniso kwaye, icandelo lesitalato lithathwa njengelibiyiweyo okanye esivaliweyo kuwo omabini amacala, nangona kukho indawo yokuphuma evulekileyo ukuya kweso sitalato ecingweni okanye kulo ndawo ivaliweyo.
- (6) Akukho mntu kufuneka aqhube nasiphi isithuthi ekubhekiswa kuso kwicandelwana (1) esitalatweni ngexesha apho nasiphi isithuba sexesha-
- (a) lokutshona kwelanga ukuya ukuphuma kwelanga, ngaphandle kokuba umntu uphethe ilaphu elibomvu elibonakalayo kwimozulu ebgacacanga umgama ubuncinci ozimitha ezingama-150 okanye kwimeko yomhlambi weegusha okanye wezilwanyana ezingaphezulu kwezili-10, umntu olondoloze ezo zilwanyana kwaye, ephethe ilaphu elibomvu elandela eso silwanyana, njengoko kutshiwo; okanye
- (b) ngaphandle kokuba umntu ophethe ngokugqamileyo ilaphu elibomvu uelibukhulu bungekho ngaphantsi kweemilimitha ezingama-300 icala ngalinye, ulondoloze esi silwanyana okanye kwimeko yomhlambi ongaphezulu kwe-10 yezilwanyana, umntu olondoloze ezi zilwanyana kwaye uphethe ilaphu njengoko kuchaziwe ulandela emva kwezi lwanyana ezo.

(7) Igosa lendlela linokusithathela amanyathelo nasiphi isilwanyana ekubhekiswa kuso kwicandelwana (1) esikwindlela kawonke-wonke okanye athathe loo manyathelo ngokubhekisele kwisilwanyana njengoko kunokumiselwa njalo.

(8) Ngenjongo zeli candelo, igama elithi "isilwanyana" aliqukiinja okanye ikati.

Isithuthi esirhuqwa sisilwanyana

10. (1) Akukho mntu kufuneka asebenzise isithuthi esirhuqwa sisilwanyana esitalatweni, ngaphandle kokuba igama nedilesi yomnini ekubhekiswa kuye lincanyathiselwe libhalwe ngepeyinti ngendlela nakwindawo ebonakalayo kwicala lasekhohlo leso sithuthi kwaye sibhalwe ngonobumba abangaphantsi kwemilimitha ezingama-25 ubukhulu kodwa, akukho nto ithetha ngesithuthi esisetyenziselwa kuphela ukuhanjiswa kwabantu ngapha koko esiqeshisayo okanye umvuzo.

(2) Akukho mntu kufuneka asebenzise isithuthi esirhuqwa sisilwanyana esitalatweni ngaphandle kokuba isithuthi kunye nezixhobo zokubophelela isilwanyana enqwelweni kunye nezinye izixhobo ekubhekiswa kuzo zikwimeko efanelekileyo kunye nekhuselekileyo.

(3) Umnini wesithuthi esirhuqwa sisilwanyana kufuneka angabangeli okanye avume ukuba eso sithuthi sisetyenziswe esitalatweni nguye nabani na ongakulungelanga ukwenza oko nangasiphi na isizathu sobudala okanye esinye ukuba aqhube okanye alawule eso sithuthi.

(4) Umqhubi wesithuthi esirhuqwa sisilwanyana esitalatweni kufuneka iingqondo yakhe ayimilisele kule nto ayenzayo ngawo onke amaxesha eqhuba okanye elawula isithuthi esiphantsi kolawulo lakhe kwaye, ukuba isithuthi sime endleleni kufuneka umqhubi angayeki okanye agcine ulawulo lwesilwanyana ngasinye esisabotshelelwe kwisithuthi, ngaphandle kokuba eso silwanyana okanye eso silwanyana ngasinye sibotshelelwe ukuba singasuki kuloo ndawo sishiywe kuyo.

(5) Akukho mntu kufuneka asebenzise esitalatweni isithuthi esirhuqwa liqela lezilwanyana ezingatsalwa ngumkhala ngaphandle, kokuba kukho umntu okhokele elo qela lezilwanyana kunye nolawula elo qela.

(6) Umqhubi okanye omnye umntu oqhuba isithuthi esitsalwa lelo qela lezilwanyana akufuneki ukuba avumele eso sithuthi ukuba esitalatweni okanye kummandla wedolophu silandele nasiphi isithuthi esifanayo neso sirhuqwayo kumgama obalelwa kongaphantsi kozimitha ezingama-150 ukusuka ngaphambili kweso silwanyana seso sithuthi sikhankanywe ekuqaleni ngaphandle kokuba, oko kwenziwa ngenjongo yokudlula eso sithuthi singaphambili sihamba ngesantya esicothayo okanye xa sihamba ngesantya esikhulu, ngokudlula eso sithuthi usishiya le kude.

Imigca yokulinda

11. (1) Abantu abalinde esitalatweni ngenjongo yokufumana ulwamkelo kuyo nayiphi indawo kawonke-wonke baya kwenza umgca ongekho ngaphezulu kwabantu ababini abameleneyo okanye ngendlela efunwa ligosa eligunyazisiweyo.
- (2) Abantu abafike kuqala kufuneka benemfanelo yokukhokela umgca wokulinda.
- (3) Igosa eligunyazisiweyo linokususa nabani na emgce ni ukuba loo mntu :-
 - (a) uyala ukuthobela nawuphi na umyalelo osemthethweni; okanye
 - (b) uziphethe ngendlela exakileyo okanye ngendlela engafanelekanga.

Imithwalo kwibhayisikile

12. Akukho mntu kufuneka ebangele okanye avumele ukusetyenziswe:-
 - (a) nayiphi ibhayisikile kuquka netrayisekile, ukuba siphathe imithwalo edlulileyo kubunzima obuyi-50 yeekhilogram; okanye
 - (b) nayiphi itrayisekile ukuba ithwale imithwalo edlulileyo kubunzima obuli-110 yeekhilogram.

Uthutho lukawonke-wonke

13. (1) (a) Akukho mntu unokusebenzisa isithuthi sikawonke-wonke esihamba endleleni ngaphandle kwemvume efanelekileyo okanye ilayisensi yokushishina okanye kwimeko yesehlo esikhethekileyo, imvume yethutyana enikezelwe ngokwemiqathango yecandelo le-20 loMthetho ka-1977 loMthetho wezoThutho ezindleleni (uMthetho nomb. 74 ka-1977) okanye ngokwesigunyaziso esifunyenweyo okanye ngokwemiqathango yawo nawuphi na umthetho wePhondo, weso sehlo sikhethekileyo;
 - (b) Nabani na ngaso nasiphi isithuthi okanye isithuthi esisesinye esihambisa nabaphi na abakhweli okanye iimpahla okanye zombini kulindeleke ukuba siqeshelwe sihambise abo bakhweli okanye iimpahla ngaphandle kokuba unika inkcazo eyanelisayo echasa oko, eso sithuthi okanye isithuthi esisesinye sisetyenziswa njengesithuthi sikawonkewonke ngaphandle kokuba unika inkcazo eyanelisayo echasa oko.
 - (c) Ukuba nabani na unemvume okanye phantsi kolawulo lwakhe usebenzise okanye ubangele okanye uvumele nasiphi isithuthi sikawonke-wonke ukuba

sisetyenziswe ngokuchasana namagatya eli candelo, uya kufunyanwa enetyala lokutyeshela nale Mithetho kaMasipala.

Ukwabiwa kunye nokusetyenziswa kweeNdawo zokuPakisha iiTeksi

14. (1) Ngaphandle kwawo nawuphi amagatya achasana nale Mithetho kaMasipala okanye nawuphi umthetho ongomnye, uMasipala uno-
- (a) kwahlula iindawo zokupakisha iitekisi kwaye, unokuzahlula ngophawu lokuhamba kwezithuthi ezindleleni; kwaye
 - (b) abele umbutho wetekisi ngamnye indawo yokupakisha ekubhekiswa kuyo kumhlathi (a).
- (2) UMasipala unokuyifuna intlawulo zokwabiwa kweendawo zokupakisha ngokwemiqathango yecandelwana (1).
- (3) Umqhubi wetekisi onqwenela ukuyipakisha kuloo ndawo yabelwe ukupakisha iitekisi kufuneka ipakishe ngqo kwindawo yokupakisha emva kwenye itekisi esele ipakishile kuloo ndawo yokupakisha.
- (4) Itekisi kufuneka ipakishwe kwindawo yokupakisha ekubhekiswa kuyo kwicandelwana (1) ngendlela ekuyiyo kwindawo yokupakisha.

Ukuhanjiswa kwezinto ezinobungozi, eziNgalunganga okanye iziDumbu

15. Akukho mqhubi wayo nayiphi itekisi ekufuneka athi esazi ahambise nayiphi imithwalo okanye izinto okanye izinto ezinobungozi okanye ezingalunganga okanye nangaliphi ixesha avumele isidumbu sakhe nabani na okanye isilwanyana esixheliweyo ukuba sihanjise ngayo.

Ukubulawa kweentshongolwane emva kokuHanjiswa kweeMeko zeSifo eSosulelayo

16. Ukuba nawuphi umqhubi uhambisa ngetekisi nabani na onesifo esosulelayo kufuneka, kwangoko ukwazi kwakhe ngaloo meko yokuhambisa loo mntu abulale iintsholongwane kuloo tekisi ngokwanelisa igosa lezempilo lezonyango.

Ukunqanda ubandakanyo

17. Akukho mqhubi wetekisi okanye nabani na ekufuneka esebenzise ukunyanzelisa okanye izoyikiso, okanye ngendlela efihlakeleyo okanye ngenye indlela eyenye, ukunqanda okanye ukufuna ukunqanda nabani na ekuqesheni nayiphi enye itekisi engenye umqhubi wenye itekisi ekufumaneni okanye ekuhambiseni abakhweli okanye iimpahla.

Ukunikezela okungagunyaziswanga okanye Ukulshiywa kweTeksi ingakhathalelwanga

18. Akukho mqhubi wayo nayiphi iteksi ekufuneka eshiye iteksi ebeyiphathiswe ngethemba okanye avumele nabani na ongomnye ukuba aqhube loo teksi ngaphandle okanye ngemvume yomnini/umnikazi walo teksi.

Ukuziphatha kunye nonkuNxiba kwabaqhubi

19. Bonke abaqhubi beeteksi kufuneka banxibe kakuhle nangokucocekileyo kwaye kufuneka baziphathe kakuhle, ngembeko nangokufanelekileyo kwaye, akukho mqhubi wayo nayiphi iteksi ngexesha loo teksi iphantsi kwengqesho unokutshaya naluphi uhlobo lwecuba okanye enye into engenye ngaphandle kwemvume yomqeshi okanye umkhweli.

Iimpahla ezishiywe eteksini

20. Umqhubi wayo nayiphi iteksi ofumene nayiphi impahla eshiywe eteksini yakhe kufuneka kwiiyure ezili-18 ayise kwindawo yokugcina iimpahla kwisikhululo samapolisa esikufutshane loo mpahla.

Iindlela zebhasi kawonke-wonke

21. (1) Akukho mntu kufuneka aqhube okanye abangele okanye avumele nayiphi ibhasi kawonke-wonke isetyenziselwe ukuhambisa abakhweli, ngaphandle kwakwindlela eyamkelwe nguMasipala okanye igosa lezothutho eligunyazisiweyo.

(2) Ngaphandle kwayo nantoni na echasana nokuqulethwe kule Mithetho kaMasipala, yonke ibhasi esebenza kuloo ndlela kwindawo kaMasipala kufuneka isebenze ngokubhekisele kumagatya ecandelo le-12 (1)(a).

IziTendi zeeBhasi zikaWonke-wonke kunye neziTophu

22. Akukho mntu kufuneka azame ukonyuka okanye ehle kuyo nayiphi ibhasi kawonke-wonke ngaphandle kokuba ukwenza oko esitendini okanye esitophini njengoko kwamkelwe nguMasipala kwaye, akukho mqhubi webhasi kawonke-wonke uya kuvumela ukuma ngenjongo yokukhwelisa okanye yokuvumela nawuphi umkhweli ukuba ehle, ngaphandle kokuba kukweso sitendi okanye isitophu njengokokwamkelwe nguMasipala.

Abakhweli abaceba ukweHla kwiziTendi ezaMkelweyo okenye eziTophini kuphela

23. Umqhubi ngamnye webhasi kawonke-wonke esetyenziswa kuyo nayiphi indlela emva kokuba ibalulwe kuso nasiphi isitendi okanye isitophu nguye nabani ofuna

ukuhamba ngaloo bhasi uya kuma amkhwelise loo mntu xa kungekho sithintelo sokuba angenza nasiphi na isenzo sokumisa loo bhasi kawonke-wonke.

Ibhasi kaWonke-wonke eza kuMisa ngokuCelwa

24. Umqhubi ngamnye webhasi kawonke-wonke ocelwe nguye nawuphi umkhweli ukuba amise ibhasi yakhe uya kukwenza oko kwisitophu esilandelayo avumele loo mkhweli ukuba ehle.

Ibhasi kaWonke-wonke eShiywe esiTophini ingenaMntu

25. Akukho mqhubi kufuneka avumele ukuba ibhasi kawonke-wonke ihlale ingenamntu kuso nasiphi isitendi okanye isitophu okanye kuyo nayiphi indlela.

ISAHLUKO VI

Amatyala kunye nezohlwayo

Umntu-

- (a) osilela okanye owala ukunika igosa ezo nkcukacha njengoko linokuzifuna ngokufanelekileyo xa lisenza imisebenzi yalo okanye amagunya alo phantsi kwale Mithetho kaMasipala okanye onikezele ngeenkcukacha ezingeyonyani okanye ezilahlekisayo esazi ukuba aziyonyani okanye ziyalahlekisa;
- (b) ochasana okanye osilela ukuhambelana negatya lale Mithetho kaMasipala; okanye
- (c) osilela ukuhambelana nemiqathango yesaziso asinikiweyo ngokwemiqathango yecandelo lale Mithetho kaMasipala;

ufunyanwa enetyala kwaye, ekwimfanelo yokugwetywa isohlwayo okanye ukuya entolongweni kangangesithuba sexesha elingadlulanga kwiinyanga ezintandathu okanye zombini isohlwayo nokuya entolongweni.

30. Ukubhangiswa kweMithetho kaMasipala

- (1) Nayiphi iMithetho kaMasipala esetyenziswayo kumthetho kaMasipala enxulumene nokuqulethwe kule Mithetho kaMasipala iya bhangiswa apho ithi ingqubane namagatya yale Mithetho kaMasipala.
- (2) Ukubhangiswa kweMithetho kaMasipala esele ikho iqala ukusebenza ukusuka ngomhla wokuobhengezwa kwale Mithetho kaMasipala.

31. Isihloko esifutshane kunye nokusungulwa kweMithetho kaMasipala

(1) Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala yokuHamba kweziThuthi eziNdleleni kwaye, iya kusebenza ngomhla omiselwe libhunga likaMasipala kwaye ipapashwe kwiGazethi yePhondo.

(2) UMasipala unokubeka imihla eyahlukeneyo yokusebenza ngokwahlukana kweendawo.

No. 11

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YEENDAWO
ZOKUPAKISHA IZITHUTHI**

UYILO 1

IMITHETHO KAMASIPALA YEENDAWO ZOKUPAKISHA IZITHUTHI

IBhunga likaMasipala ngokwemiqathango yecandelo le-13 loRhulumente wamaKhaya loMthetho nomb. ka-2000 weNkqubo kaMasipala njengoko ulungisiwe upapasha le Mithetho kaMasipala elungiselelwe ixesha elizayo neyamkelwe liBhunga.

ICANDELO I**Iinkcazelo**

1. Ngenjongo yale Mithetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into-

"indawo eyahlulelwe ukupakisha izithuthi" ithetha indawo yokupakisha ekufakwe kuyo isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali kuso;

"indawo ephawuliweyo" ithetha iisithuba emasibe phakathi kuso isithuthi ngokwemiqathango yale Mithetho kaMasipala ngomgca omhlophe omnye okanye ongaphezulu koko kumhlaba wendawo yokupakisha okanye kumgangatho ekubhekiswa kuwo;

"umsebenzi ogunyazisiweyo" uthetha nawuphi na umsebenzi weBhunga oqeshwe liBhunga ngenjongo yokulawula ukupakisha kwiindawo zokupakisha kunye nokufikelela kuzo;

"isithuba sexesha lokupakisha" sithetha isithuba sexesha elipakishiweyo kwindawo eyahlulelwe ukupakisha ngayo nayiphi na imini enye apho isithuthi sivunyelwa ukuba sipakishe kwindawo yokupakisha emiselwe kwiShedyuli ekubhekiswa kuyo;

"iBhunga" lithetha iBhunga loMasipala waseMbizana kwintsingiselo yeCandelo 157 (2) kunye no(3) woMgaqo-siseko weRiphabhlikhi yoMzantsi Africa;

"isikiti" sithetha nayiphi na ingingqi okanye indawo ebekwe bucala liBhunga ukuze ivalele izithuthi ezisuswe kwindawo yokupakisha ngokwemiqathango yale Mithetho kaMasipala;

"isithuthi esiyimoto" sithetha nasiphi na isithuthi esizihambelayo nesiquka-

(a) itreyila; kunye

(b) nesithuthi esinezinyathelo kunye neNjini okanye imoto yoMbane

njengxenye eyimfuneko kuso okanye encanyatheliselwe kuso neyenzelwe okanye elungiselelwe ukuqhutywa ngumntu omnye ngezo zinyathelo kunye nenjini okanye imoto, kodwa kungaquki-

(i) nasiphi na isithuthi esiqhutywa ngamandla ombane afumaneka kugcino lweebhetri nesilawulwa ngumhambi ngeenyawo; okanye

(ii) nasiphi na isithuthi esinobunzima obungadlulanga kwikhilogram ezingama-240 nesenzelwe ngokukodwa nangokungenanceba ukuba sisetyenziswe nangubani na onengxaki yamalungu omzimba angasebenziyo okanye okhubazekileyo nemasisetyenziswe nguloo mntu.

"indawo eyakhelwe ukupakisha izithuthuthu" ithetha indawo yokupakisha apho kufakwe isixhobo esikuxelela ixesha ongapakisha ngalo emva kokuba ufake imali ezinkozo nesifakelwe ukusetyenziswa zizithuthuthu zodwa;

"isithuthuthu" sithetha isithuthi esinamavili amabini esizihambelayo;

"ukupakisha" kuthetha ukumiswa kwesithuthi nokuba sinomntu okanye asinamntu sime isithuba sexesha elide kunelo lifanelekileyo lokhwelisa okanye ukothula abantu okanye iimpahla, kodwa oko kube kungaquki nakuphi na oko kumiswa kweso sithuthi ngesizathu esingaphaya kolawulo lwabantu beso sithuthi;

"isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso" sithetha isixhobo esizibhalisela ngokwaso kwaye sibonakalise ushicilelo lwexesha ngokuhambelana nokufakwa kwemali kuso okanye ngokuhambelana nokufakwa kwemali ezinkozo kuso kulandele ukusebenza kwaso ngokwemiqathango yeCandelo lesi-2 kwaye, kuya kuquka nasiphi isibonda okanye isimakade esixhonywe kuso;

"isithuba sexesha lokupakisha" lithetha isithuba sexesha lokupakisha kwindawo eyahlulelwe ukupakisha izithuthuthu evunyelweyo ngokufaka imali ezinkozo kwisixhobo esixela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso njengoko iBhunga amaxesha ngamaxesha ngesindululo linokumisela kwaye, apho sinokusetyenziswa, kwenziwe ukuba isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali kuso sisebenze ngokwemiqathango yeCandelo lesi-2;

"isithuthi" sithetha isixhobo esakhelwe okanye esilungiselwe kuphela ukuhamba ngamavili okanye imizila yokurhubuluza nekuquka eso sixhobo sidityaniswe ngentonga yokutsala kwisithuthi esitsala ezophukileyo yaye, isetyenziswa njengenxalenye yesixhobo sokurhuqa isithuthi esirhuqa ezophukileyo ukuxhasa nayiphi na iasi okanye zonke iiasi zesithuthi esirhuqwayo ngaphandle kweso sixhobo sihamba kancinci esiporweni.

2. UMasipala kufuneka emisele iintlawulo ezihlawulelwa ukusebenzisa iindawo zokupakisha.

ICANDELO II

UKUPAKISHA APHO KUNESIXHOBO ESIKUXELELA IXESHA ONGAPAKISHA NGALO EMVENI KOKUBA UFAKE IMALI EZINKOZO KUSO

Imigaqo yokupakisha

3. (1) Akukho mntu kufuneka apakishe nasiphi na isithuthi okanye isithuthuthu okanye enze ukuba isithuthuthu sipakishwe kuyo nayiphi na indawo eyahlulelwe ukuba ibe yindawo yokupakisha izithuthuthu ngaphandle kokuba-

- (a) kwangaxeshanye imali ezinkozo emiselwe ngokwemiqathango yeCandelo lesi-5 okanye nasiphi na isindululo seBhunga esisesinye ifakiwe kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso; okanye
- (b) ukuba ayisosixhobo sikuxelela ixesha ongapakisha ngalo esisebenza kuphela xa kufakwe imali ezinkozo eso sixhobo sichaze ixesha ongapakisha ngalo sisebenze ngokuyijika indawo yokubamba encanyatheliselwe ngokupheleleyo kuso ngasekunene de ibe iyazishicilelela ngokwayo kwaye, iya kubonakalisa ngokucacileyo ukudlula kwexesha; kodwa-
 - (i) loo mali izinkozo kufuneka ifakwe kuphela ngezo yure njengoko iBhunga linokumisela ngesindululo yaye, njengoko kuya kubonakaliswa sisaziso okanye uphawu ngokubhekisele kuye nabani na owahlulelwe indawo yokupakisha kodwa, kuso nasiphi na isehlo kungabikho

phakathi ko-1 emva kwemini ngemigqibelo nango-8 kusasa ngomvulo;

- (ii) ngokubhekisele kumagatya omhlathana (iii), kusemthethweni ukupakisha ngaphandle kwalo ntlawulo isithuthi okanye isithuthuthu kwindawo engenanto eyahlulelwe ukupakisha izithuthuthu kuloo nxalenye kwaye, loo nxalenye kuphela yaso nasiphi na isithuba sexesha lokupakisha, isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso sinokubonisa ukungaphelelwa; kwaye
- (iii) apho umntu aqinisekise khona ukuba eso sixhobo sikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso sendawo yokupakisha okanye indawo eyabelwe ukupakisha izithuthuthu ayisebenzi kakuhle unelungelo lokushiya eso sithuthi okanye imoto kuloo ndawo yokupakisha, kwangoko azise iGosa leNdlela eliyiNtloko ngokona kukhulu ukukhawuleza malunga noko, kuquka inamba pleyiti yeso sithuthi okanye isithuthuthu (ukuba ikho).

- (2) Kuya kuba akuakho mthethweni, ifakiwe okanye ingafakwanga imali ezinkozo entsha kwisixhobo esixela ixesha ongapakisha ngalo yaye, apho kufanelekileyo ukwenziwa kwesixhobo esixela ixesha lokupakisha sisebenze kwakhona ngokwemimiselo yecandelo 2, ukushiya nasiphi isithuthi okanye isithuthuthu emva kokuphela kwexesha okanye emvo kokokuphela kwexesha ukuphazamisa ukusetyenziswa kwalo ndawo siso nasiphi na esinye isithuthi.
- (3) Ukufakwa kwemali ezinkozo emiselweyo kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso ngokwemiqathango yale Mithetho kaMasipala, kwaye apho kufanelekileyo, ukwenziwa sisebenze isixhobo esixela ixesha lokupakisha ngokwemiqathango yeCandelo lesi-2, sinike umntu ilungelo lokuyifaka ukuze apakishe isithuthi okanye isithuthuthu kwindawo efanelekileyo ephawulelwe ukupakisha isithuthi kangangesithuba sexesha elihambelana nentlawulo eyenziweyo, kodwa, akukho nto kweli candela evumela mntu ukuba angalunaki uphawu oluthintela ukupakisha kwezithuthi phakathi kweeyure ezichaziweyo.

- (4) Isithuba sexesha apho isithuthi okanye isithuthuthu sinokupakishwa kuyo nayiphi na indawo eyabelwe ukupakisha izithuthi nezithuthuthu kunye nemali ezinkozo efakwa ngokubhekisele kwisithuba selo xesha kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso, eyabelwe kuyo nayiphi na indawo yokupakisha iya kumiselwa liBhunga ixesha nexesha ngesindululo kunye nenesithuba sexesha elimiselweyo kunye nemali ezinkozo emayifakwe kufuneka zibekwe ngokucacileyo kwisixhobo ngokwaso esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso.
- (5) Akukho mthethweni -
- (a) ukufaka kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso nayiphi na imali ezinkozo ngaphandle kohlobo lwemali ezinkozo emiselwe liBhunga nesebenzayo kweli lizwe loMzantsi Afrika;
- (b) ukufaka okanye ukuzama ukufaka kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso, nayo nayiphi na imali ezinkozo yobuxoki okanye eyenkohliso okanye nayiphi na engeyiyo eyesixhobo;
- (c) ukonakalisa okanye ukonakalisa inkangeleko yento okanye ukubhala, ukuzoba okanye ukuncamathisela isaziso esinikezelwa ngesandla, isibhengezo esibhaliweyo, iphekepheke okanye naluphi na uxwebhu olulolunye nokuba siluhlobo lwentengiso okanye asilulo lwayo kwisixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso kodwa iimpawu zentengiso ezamkelwe liBhunga, zinokuncanyathiselwa kuyo nayiphi na ipali yesixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso ngokubhekisele kwimiqathango ebekwe phantsi liBhunga;
- (d) nangayiphi na indlela eyakuthi ibangele okanye izame nakanjani ukuba isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso sishicilele ukuhamba kwexesha ngenye indlela engeyiyo le yokufakwa kwemali

ezinkozo emiselweyo;

- (e) ukuxhuzula, ukubetha, ukushukumisa okanye nangayiphi na indlela yokususa isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali ezinkozo kuso, esingasebenzi kakuhle okanye esingasebenziyo kwaphela; okanye
 - (f) ukonakalisa inkangeleko, uncolisa, ukucima okanye ngenye indlela ukunika nganeno ngokubonakalayo okanye ukuphazamisana nalu naluphi uphawu olutyatyekwe endleleni, okanye naluphi uphawu okanye isaziso esigxunye kiweyo ngenjongo yale Mithetho kaMasipala.
- (6) Sonke isithuthi okanye isithuthuthu kufuneka sibekwe kwindawo eyabelwe ukupakisha isithuthi okanye isithuthuthu, ingeyiyo indawo etenxileyo kumqokumbelo wendlela kwicala ekulo amavili amavili angakumqokumbelo angabi ngaphezulu kwe-450mm ukusuka kuwo kwaye, kufuneka sipakishwe ngaphakathi kuloo ndawo kwaye, isihlalo somqhubi okanye kwimeko yesithuthi esilungiselelwe ukuqhutywa linxele, isihlalo somkhweli wangaphambili simelene kwaye sisondele kuphawu oluqatywe njengophawu lomqhubi kuqweqwe lendlela okanye, kwimeko yesitalato esihamba iimoto zisiya kwicala elinye apho ukupakisha kuvunyelweyo kwicala lasekunene ekubhekiswa kulo, kwindlela yeenyawo okanye endleleni.

Isithuthi esinobungakanani obudlulisileyo

- 9. (1) IBhunga linokubonisa ngesaziso, esimele siboniswe ekungeneni kwindawo yokupakisha ukuba akukho sithuthi esidlulayo kwi-6m ubude siya kupakishwa kwindawo yokupakisha.
- (2) Apho ukupakishwa kwesithuthi esidlulileyo kwi-6m ubude, Kuvunyelweyo ngesaziso, intlawulo ehlawulwayo ngoko kupakisha iya kuphindwa kabini intlawulo emiselweyo ngesithuthi esiqhelekileyo, yaye, apho ubude obupheleleyo budlulisile kwi-7m loo ntlawulo iya kuphindwa kathathu.

Amatikiti akhutshwa inyanga nenyanga

- 10. (1) Ngaphandle kwayo nantoni na echasana nokuqulathwe liBhunga kule Mithetho kaMasipala ngokunxulumene nayo

nayiphi na indawo yokupakisha elawulwa ngokukhutshwa kwentlawulo emiselweyo, ukukhutshwa kwetikiti elinika ilungelo kumnini/umnikazi ukuba apakishe isithuthi esichaziweyo kuloo ndawo isithuba sexesha elingangenyanga enye okanye nalo naliphi na ixesha elingaphantsi kwelo kubhekiswa kulo ngexesha elikwitikiti ukuba indawo ikhona kwaye, elo tikiti aliyi kutshintshelwa kunye namphi omnye umntu.

- (2) IBhunga linokukhuphela itikiti kuwo nawaphi na amagosa alo elinika ilungelo kumnini/ubunikazi ukuba apakishe mahala kuloo ndawo yokupakisha xa esenza umsebenzi weBhunga njengoko itikiti liya kube lichaza, ukuba indawo ikhona.
- (3) Itikiti elikhutshwe ngokwemiqathango yecandelwana (1) okanye (2) kufuneka lincanyathiselwe ngaphandle kwisithuthi eso sikhutshelwe itikiti ngendlela nakwindawo oza kubonakala ngokucacileyo umbhalo kuyo.

ICANDELO III

IZINTO NGEZINTO

Ukuvalwa kweendawo zokupakisha

11. (1) Ngaphandle kwayo nayiphi na into ephikisana nale Mithetho kaMasipala, iBhunga nanini na linokuyivala indawo yokupakisha okanye inxalenye ekubhekiswa kuyo okwethutyana okanye ngokusisigxina kwaye, liya kuchaza isithuba sexesha lokokuvalwa ngesaziso esiboniswe ekungeneni kwindawo evaliweyo okanye kwinxalenye evaliweyo njengoko, kunokuba njalo.
- (2) Akukho mntu omakapakishe okanye abangele okanye avumele isithuthi ukuba sipakishe okanye sihlale sihleli kwindawo yokupakisha okanye kwinxalenye ekubhekiswa kuyo ngelixa ivaliwe;

Uxanduva lolwaphulo-mthetho

12. Nanini na isithuthi sipakishwe ngokuchasana nalo naliphi na igatya lale Mithetho kaMasipala, sithathwa ngokuba sipakishiwe nguloo mntu ubonakala kwiirekhodi zikagunyaziwe ofanelekileyo wobhaliso ngokwemiqathango yoMthetho ka-1996

weSizwe wokuHamba kweziThuthi eNdleleni; njengomnini, de kube kungqinwa ngenye indlela.

Izithuthi ezineziphene

13. Akukho mntu kufuneka apakishe okanye abangele ukuba nasiphi na isithuthi esinesiphene okanye nangaso nasiphi na isizathu esingakwaziyo ukuhamba ukuba sipakishwe okanye sihlale sihleli kuyo nayiphi na indawo yokupakisha siyisebenzisa ngaphandle kwentlawulo emiselweyo, kodwa akukho lwaphulo-mthetho bukweli candelo luya kuthathwa njengolwenziweyo kuso nasiphi na isithuthi esithe emva kokuba sipakishwe kwindawo yokupakisha, sivelelwa sisiphene sokhando esiyenza ingabinakuhamba xa umntu elawula isithuthi angqine ukuba uthabathe amanyathelo afanelekileyo ukuba isithuthi silungiswe okanye sisuswe ngokukhawuleza.
14. (1) Akukho mntu kufuneka kuyo nakweyiphi na indawo yokupakisha-
- (a) apakishe enze okanye avume ukuba kupakishwe enze ukuba sihlale sihleli nasiphi na isithuthi ngaphandle kwesithuthi njengoko kuchaziwe kwicandelo loku-1;
 - (b) ale okanye asilele ukunikezela ngegama okanye idilesi yakhe echanekileyo xa umsebenzi ogunyaziswe nguMasipala efuna ukuba enze njalo;
 - (c) abonelele okanye abangele okanye avumele nasiphi na isithuthi ukuba siqeshelwe ukuhambisa abantu okanye imithwalo okanye zombini;
 - (d) acoce, ahlangule kwithube likaxakeka, asebenze kuso okanye enze ulungiso lwaso nasiphi na isithuthi okanye inxalenye yaso ekubhekiswa kuyo;
 - (e) aqhube nasiphi na isithuthi kakubi okanye ngokungakhathali okanye ukungathatheli ingqalelo efanelekileyo yokhuseleko okanye okufanele abanye abantu;
 - (f) aqhube nasiphi na isithuthi ngaphezulu kwesantya esisi-10km/h;

- (g) apakishe isithuthi ngenye indlela engeyiyo le ihambelana naso nasiphi na isaziso okanye isikhombisi esibonakaliswe apho okanye ngomyalelo okanye ngecala alixelelwa ligosa eligunyazisiweyo okanye asisuse ngenye indlela engeyiyo le yokungena apho okanye eyokuphuma eyenzelwe loo njongo;
- (h) apakishe okanye alayishele isithuthi okanye avumele nantoni na Ukuba ibekuso ethi ithintele ezinye izithuthi okanye abantu okanye ixine ukuhamba kwazo okanye kulindeleke ukuba yenze njalo;
- (i) ngaphandle kwesizathu esifanelekileyo okanye ngaphandle kolwazi okanye ngemvume yomnini/umnikazi okanye umntu olawula ngokusemthethweni isithuthi ngokusemthethweni, angene okanye agwencele kweso sithuthi okanye enze ukuba oomatshini abalapho bahambe okanye ngayo nayiphi na indlela abhucabhuce okanye aphazamisane noomatshini okanye nayiphi na inxalenye yawo okanye izinto zawo;
- (j) ngokubhekisele kumagatya ecandelo lesi-7, apakishe nasiphi na isithuthi esinenxalenye yaso ezinqamleze kuwo nawuphi na umgca omhlophe owenze umda wendawo eyahluliweyo okanye engekho ngokupheleleyo kuloo ndawo ingumda;
- (k) asuse, asithe onakalise inkangeleko yento, onakalise okanye aphazamisane naso nasiphi na isaziso, uphawu okanye uphawu olugxunyekiweyo liBhunga okanye kwisivumelwano ngendlela efanayo nenye ipropati yayo;
- (l) enze nasiphi na isenzo okanye azise nantoni na ethintela okanye ebonakala ingathintelaukuhamba kwezithuthi nabantu;
- (m) ngenjongo zokuqhatha iBhunga,enze ngenkohliso, alinganise, onakalise inkangeleko yento, enzakalise, aguqule okanye enze naluphi na uphawu kulo naliphi na itikiti elikhutshwe ngokwemiqathango yamagatya ale Mithetho kaMasipala;
- (2) Uphawu olubonisa iBhunga kwindawo yokupakisha noluhambelana nophawu lwendlela olumiselwe nguMthetho ka-1996 weSizwe wokuHamba kweziThuthi eNdleleni kufuneka ugcine ukubaluleka okufanayo njengoko kunikeziwe kolo phawu nguloo

Mthetho ngeenjongo zale Mithetho kaMasipala.

- (4) ngaphandle kokuba lowo mntu ungumnini wetikiti onetikiti elikhutshwe ngokwemiqathango yecandelo le-10 elimvumela ukuba enze njalo, akukho mntu kufuneka apakishe isithuthi okanye abangele okanye avumele ukuba sipakishwe kuyo nayiphi na indawo yokupakisha ngaphambi kokuqala okanye ukuphelelwa kwesithuba sexesha lokupakisha elimiselweyo lendawo yokupakisha.

Ukonakala kwezithuthi

15. UMasipala akanaxanduva ngokulahleka kwaso nasiphi na isithuthi okanye ukususwa kwaso ngokusemthethweni kwindawo yokupakisha okanye umonakalo waso nasiphi na isithutho, izixhobo zaso ezifakelweyo, izinto ezifakiweyo eziluncedo okanye izinto eziqulathileyo owenzeka xa sisuswa.

Abantu abagunyazisiweyo

16. Akukho mntu ngaphandle kokuba ugunyaziwe ukuba makenze oko liBhunga, kufuneka angene okanye abe kwindawo yokupakisha ngaphandle kokuba ungenela isizathu sokupakisha isithuthi okanye ukususa isithuthi ngokusemthethweni, kodwa eli candelo alisebenzi kumntu ovunyelwe ukuba abe ngumkhweli kweso sithuthi ngumntu olawula eso sithuthi.

Isithintelo

17. Ukuba isithuthi sipakishwe ngendlela apho, ngokokubona kumsebenzi ogunyazisiweyo singathintela okanye sixine ukuhamba kwezinye izithuthi okanye abantu kwindawo yokupakisha okanye unokwenza ukuba sisuswe sisiwe kwenye indawo eyinxalenye yayo.

Izithuthi ezilahliweyo

18. Naziphi na izithuthi ezipakishwa kwindawo ekumhlaba wokupakisha isithuba seentsuku ezisixhenxe zilandelelana okanye nangaphezulu koko zingamane zisuswa ngabanini/abanikazi okanye ngumntu obameleyo ziya kuthathwa njengezilahlweyo kwaye, iBhunga lizisuse lize lizikhusele ngokunjalo.

Ukwala ukwamkela

19. (1) Kusekuboneni komsebenzi ogunyaziswe liBhunga ukwala okanye ukwamkela isithuthi kwindawo yokupakisha nokuba sinawo okanye asinawo nawuphi na umthwalo ngenxa yobude baso, ububanzi okanye ukuphakama kulindelekile ukuba singabangela umonakalo ebantwini okanye kwipropati okanye isithintelo okanye uphazamiseko olungalindelekanga.
- (2) Nabani na olawula isithuthi othi akube alelwe ngokwemiqathango yamagatya ecandelwana (1) noqhubeka nokusiqhubela kwindawo yokupakisha unetyala lokwaphula umthetho.

ICANDELO IV

1. Amatyala nezohlwayo

Nabani na-

- (a) ochasa okanye osilela ukuhambelana nawo nawuphi na amagatya ale Mithetho kaMasipala;
- (b) osilela ukuhambelana naso nasiphi na isaziso esikhutshwe ngokwemiqathango yale Mithetho kaMasipala;
- (c) osilela ukuhambelana nawo nawuphi na umyalelo awunikwe ngokwemiqathango yale Mithetho kaMasipala; okanye
- (d) othintela okanye ophazamisa naliphi na igosa eligunyazisiweyo ekwenzeni imisebenzi yalo phantsi kwale Mithetho kaMasipala,

ufunyanwa enetyala kwaye ekwimfanelo yokugwetywa isohlwayo ekubanjweni kwakhe okanye ekusileleni kwakhe ukuhlawula asiwe entolongweni.

2. Ukubhangiswa kweMithetho kaMasipala

- (1) Nayiphi na iMithetho kaMasipala esetyenziswa ngokolawulo lomthetho kaMasipala ngokunxulumene nezinto eziqulathwe yile Mithetho kaMasipala, iyabhangiswa ngenxa

yokuba ichasana namagatya yale Mithetho kaMasipala.

(2) Ukubhangiswa kweMithetho kaMasipala esele ikhona kuqala ukusebenza ukusukela ngomhla yokubhengezwa kwayo.

3. Isihloko esifutshane nokusungulwa kwayo

(1) Le Mthetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala yeeNdawo zokuPakisha kwaye, iya kuqala ukusebenza kwingingqi nengingqi ngomhla omiselwe nguMasipala.

(2) UMasipala unokubeka imihla yokuqala ukusebenza eyahlukeneyo kwiingingqi ezahlukeneyo.

No. 12

UMASIPALA WASEMBIZANA

IMITHETHO KAMASIPALA YEETEKSI EZIHLAWULWA NGOKOMGAMA EZIWUHAMBILEYO, IIMIDIBHASI OKANYE IIBHASI

UYILO

IMITHETHO KAMASIPALA YEETEKSI EZIHLAWULWA NGOKOMGAMA
EZIWUHAMBILEYO, IIMINIBHASI NEEBHASI

UMphathi kaMasipala waseMbizana wazisa ngokwemiqathango yeCandelo le-13(a) loMthetho woRhulumente wazeKhaya ka-2000 weNkqubo kaMasipala upapasha iMithetho kaMasipala yeteksi ehlawulwa ngokomgama ewuhambileyo, iteksi, imidibhasi kunye nebhasi kuMasipala waseMbizana, njengoko kwamkelwe liBhunga lawo yavunywa nayiNkulumbuso yePhondo leMpuma Koloni ngokwemiqathango yeCandelo 80A loMthetho ka-1996 kaZwelonke wokuHamba kweziThuthi eNdleleni (uMthetho nomb.89 ka-1996), njengoko ubekiwe apha ngezantsi.

UMASIPALA WASEMBIZANA

IMITHETHO KAMASIPALA YETEKSI EHLAWULWA NGOKOMGAMA EWUHAMBILEYO, ITEKSI, KUNYE NEBHASI

IZIQULATHO

ISAPHLUKO SOKU-1

UKUTOLIKWA KWAYO

1. Iinkcazelo

ISAPHLUKO SESI-2

Ukuqhuba komqhubi ahambe ngeyona ndlela yakha yamfutshane

2. Ukugcinwa kokuzibophelela ngumqhubi
3. Ukusebenza kwesixhobo esibala intlawulo yeteksi

ISAPHLUKO SESI-3 IBHASI

4. Izitophu
5. Ukukhwela nokwehla ebhasini
6. Ukumisa komqhubi ezitophini

ISAPHLUKO SESI-4 NGOKUBANZI

7. Ukupakishwa kweteksi ehlawulwa ngokomgama ewuhambileyo, iteksi,

- imidibhasi okanye ibhasi
8. Ukupakisha kwiindawo zolonwabo okanye zomngcwabo
 9. Ukuzibophelela kwabakhweli
 10. Ukusilela okanye ukwala ukuhlawula okanye ukuzama ukubaleka nentlawulo efanele ukuhlawulwa
 11. Ukunikezela ngegama nedilesi yomntu obehanjiswe ngeteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi
 12. Ukuhanjiswa kwezinto ezingcolileyo okanye umntu oswelekileyo
 13. Ukubulala iintsholongwane kwiteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi
 14. Ilungelo lomqhubi lokwala ukuhambisa abakhweli
 15. Impahla eshiywe kwiteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi
 16. Ukuphatha izinto eziyingozi nezizizenyeliso
 17. Ucoceko
 18. Umcwangcisi wokuma kwabantu
 19. Ukucoceka kwesithuthi
 20. Amatyala nezohlwayo
 21. Ukubhangiswa kweMithetho kaMasipala
 22. Isihloko esifutshane

Iinkcazelo

1. (1) Kule Mithetho kaMasipala naliphi igama okanye inkcaza ecacisiweyo kuMthetho ka-2001 wokuThuthwa kwabaKhweli kwiPhondo leMpuma Koloni (uMthetho nomb.7 ka-2001) inaloo ntsingiselo kwaye, ngaphandle kokuba umxholo uthetha enye into-

"iGosa eligunyazisiweyo" lithetha naliphi na igosa leBhunga eligunyazisiweyo ukuba lilawule, lenze kwaye, liyalele amagatya ale Mithetho kaMasipala;

"iBhunga" lithetha -

(a) uMasipala waseMbizana ophumeza uwiso-mthetho lwawo kunye namagunya esigqeba ngoMasipala wabo;

(b) abalandeli babo esikhundleni;

(c) isigqeba okanye umntu owenza amagunya awathunyiweyo okanye owenza nawuphi umyalelo apho naliphi na igunya elikule Mithetho kaMasipala linikezelwe kuye okanye yena ulinikezele komnye umntu okanye umyalelo onikeziweyo, njengoko kukhankanyiwe kwicandelo lama-59 loMasipala waseKhaya: loMthetho ka-2000 weNkqubo kaMasipala, (uMthetho nomb.32 ka-2000); okanye

(d) umnikezeli weenkonzelo wokuphumeza uxanduva oluphantsi kwale Mithetho kaMasipala olwabelwe yena ngokwemiqathango yecandelo lama-81(2) loMasipala waseKhaya: loMthetho weNkqubo kaMasipala okanye nawuphi na umthetho ongomnye njengoko kunokuba njalo;

"iKlabhu yokukhwelisana" ithetha nayiphi na iklabhu apho lonke ilungu ngaphandle kwembuyekezo ethe ngqo nengathanga ngqo liya kuhambisa okanye lenze kuhanjiswa ngemoto amalungu alo klabhu okanye abanye abantu abachongwe ngabo ukuya nokubuya kwindawo ebilungiselelwe ukuya kuyo;

"iGosa lezempilo lonyango" lithetha igosa elonyulelwe oko phantsi kwecandelo lama-22 okanye elama-25 loMthetho wezeMpilo ka-1977 (uMthetho nomb.63 ka-1977)

"iNtlawulo emiselweyo" ithetha intlawulo emiselwe liBhunga ngesisombululo secandelo 10G(7)(a)(ii) loMthetho ka-1993 woRhulumente woMasipala oGuqukayo;

"iNdlela kawonke-wonke" ithetha indlela kawonke-wonke njengoko ichaziwe kuMthetho ka-1996 kaZwelonke wokuHamba kweziThuthi eNdleleni;

"uMcowangisi wokuma kwezithuthi" uthetha umntu ochongwe ngumbutho weeteksi ukuba alawule iinkonzo zeeteksi; kwaye

"IRenki" ithetha isixhobo esibekelwe bucala liBhunga ukuba sisetyenziswe sisithuthi sokukhwelisa abantu;

(2) Kukho igatya kule Mithetho kaMasipala elinikezela igunya kumsebenzi weBhunga kwaye elo gunya okanye umsebenzi ngokwemiqathango yecandelo 21 (2) loMasipala waseKhaya: loMthetho ka-2000 weNkqubo kaMasipala okanye ngokomnye umthetho elo gunya linikezelwe kumnikezeli weenkono naphi na apho kusilelwa khona kwaye oko makuthathwe njengokuba kuxelwa loo mnikezeli weenkono.

ISAHLUKO SESI-2

Ukuqhuba komqhubi ahambe ngeyona ndlela imfutshane

2. (1) Umqhubi wayo nayiphi na iteksi ehlawulwa ngomgama ewuhambileyo ngexesha ekuqeshwe ngalo iteksi leyo kufuneka athathe eyona ndlela imfutshane ahambise abakhweli abase kwindawo abaya kuyo, ngaphandle kokuba kuvunyelwene ngenye indlela okanye indlela leyo iyalelwe ngabakhweli.

(2) Umqhubi weteksi ehlawulwa ngomgama ewuhambileyo kufuneka enemephu esetyenziswa ngoku kwingingqi kaMasipala okanye eyiyeyakhe ekufuneka ayenze ibekhona ayinike umkhweli xa eyicela.

Ukugcinwa kwezibophelelo ngumqhubi

3. (1) Umqhubi wayo nayiphi na iteksi ehlawulwa ngomgama ewuhambileyo kufuneka ahambise umkhweli kunye nempahla zakhe ukuya kwindawo abavumelene ngayo.

(2) Ukuba nje umqhubi weteksi ehlawulwa ngomgama ewuhambileyo ngaso nasiphi na isizathu akakwazi ukuhambisa umkhweli kunye nempahla zakhe ayo kumbeka kwindawo ebekuvunyelwene ngayo, kufuneka loo

mqhubi athathe onke amanyathelo afanelekileyo okufunela umkhweli lowo enye iteksi okanye ayekele kuye ukuba azifunele isithuthi esiza kumbeka kule ndawo aya kuyo.

Ukusebenza kwesixhobo esibala intlawulo yeteksi

4. (1) Umqhubi weteksi ehlawulwa ngomgama ewuhambileyo nefakwe isixhobo sokubala intlawulo-teksi kufuneka, nje ukuba umqhubi afike kuloo ndawo aqalisa kuyo uhambo aluqeshelweyo, hayi ngaphambi kokuba luqale uhambo, asisete isixhobo eso xa iqala ukuhamba iteksi kwaye, kufuneka asicime ukufika kwakhe kwindawo leyo ebesiya kuyo ukuze singaqhubeki nokubala.

(2) Kuko nakuphi na ukumisa okuye kwenzeka kungabangelwanga yingxinano yezithuthi okanye sisenzo okanye ngesicelo somkhweli nawuphi na, umqhubi kufuneka asicime isixhobo singaqhubeki nokubala;

(3) Umnini/umnikazi weteksi ehlawulwa ngomgama ewuhambileyo kufuneka aqinisekise ukuba amagatya ecandelwana (1) no (2) kunye nelona xabiso lokukhwela liphantsi kunye nelona liphezulu njengoko kumiselwe ngokwemiqathango yoMthetho ka-2001 wokuThuthwa kwabaKhweli kwiPhondo leMpuma Koloni, ukuba ikhona nayiphi na incanyathiselwe ngaphakathi eteksini kwindawo ebonakalayo umkhweli uya kuzifundela.

ISAHLUKO SESI-3

IIBHASI

Izitophu

5. Akukho mqhubi webhasi, njengoko kuchaziwe kuMthetho ka-2000 kaZwelonke weNguqulelo yezoThutho (uMthetho nomb.22 ka-2000) unokuyimisa ibhasi xa ekhwelisa okanye esothula naba ni na okhweleyo, ngaphandle kwakwindawo echongwe liBhunga ukuba angema kuyo.

Ukukhwela nokwehla ebhasini

6. Umkhweli webhasi olindelekileyo njengoko kuchaziwe kuMthetho ka-2000 kaZwelonke weNguqulelo kwezoThutho (uMthetho nomb.22 ka-

2000) angangena kwaye ehlike ebhasini kwisitophu esichongwe liBhunga;

Ukumisa komqhubi ezitophini

7. Umqhubi wesithuthi ozibandakanye kwiinkonzo zokuthutha abakhweli ngesithuthi sikawonke-wonke nothe ngaxesha lithile akakwelisa elona nani liphezulu ebefanele ukulikhwelisa kwisithuthi eso kufuneka eme kuso nasiphi na isitophu esichongiweyo xa kukho umkhweli olinde ukukhwela.

ISAHLUKO SESI-4

NGOKUBANZI

Ukupakishwa kweteksi ehlawulwa ngokomgama ewuhambileyo, iteksi, imidibhasi okanye nebhasi

8. Akukho mntu unokupakisha iteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi kuyo nayiphi na indlela kawonke-wonke ngenjongo yokunikezela ngenkonzo yokuthutha umkhweli kwindlela kawonke-wonke ngeso sithuthi, ngaphandle kokuba kukwindawo yokupakisha ephawulwe ngophawu lwezindlela njengoko kumiselwe ngokwemiqathango yoMthetho ka-1996 kaZwelonke wokuHamba kwezithuthi eNdleleni;

Ukupakisha kwiindawo zolonwabo okanye zomngcwabo

9. Nangona icandelo legatya lesi-8 lale Mithetho kaMasipala, iteksi ehlawulwa ngomgama ewuhambileyo inokupakishwa kwindlela kawonke-wonke inikezele ngeenkonzo zayo apho kuqhubeka khona ipati okanye umbhiyozo wabucala okanye apho umngcwabo okanye umtshato kumbovu ukuba uqalise;

Ukubandakanywa kwabakhweli

10. (1) Akukho mqhubi weteksi ehlawulwa ngoma ewuhambileyo, iteksi, imidibhasi okanye ibhasi okanye nabani na onokusebenzisa indlela enyanzelisayo okanye eyimfihlo okanye ngenye indlela eyenye, unokuthintela okanye ukufuna ukuthintela nabani na

ekuqesheni nayiphi na iteksi engenye ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi okanye ukufuna ukuthintela umqhubi wenye iteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi okanye ibhasi ekufumaneni okanye ekuhambiseni umhambi okanye umthwalo.

(2) Akukho mntu unokusebenzisa ukunyanzelisa, ukoyikisa okanye enye indlela eyoyikisayo okanye enye indlela engenye ukuthintela okanye ukuzama ukuthintela nabani na ukuba omnye umntu ekuthatheni inxaxheba kwiklabu yokukhwelisa.

(3) Umqhubi okanye ukondaktha weteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi akanako ukukhalisa ihutara okanye isixhobo esenza ingxolo ukutsala abakhweli abanokubakho.

Ukusilela okanye ukwala ukuhlawula okanye ukuzama ukubaleka nentlawulo efanele ukuhlawulwa

11. Akukho mqeshi okanye inkhweli kwisithuthi esibandakanya ukunikezelwa kweenkonzo zothutho loluntu ezindleleni unokusilela okanye ale ukuhlawula nayiphi na intlawulo yohambo oluhanjwe ngulo mqeshi okanye umkhweli.

Ukunikezela ngegama nedilesi lomntu obehanjiswe ngeteksi ehamba ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi

12. Nabani na oqesha okanye ohanjiswa kwisithuthi okanye ngesithuthi esinikezela ngeenkonzo zothutho loluntu ezindleleni othe wasilela okanye wala ukuhlawula nayiphi na intlawulo amele kukuyihlawula kufuneka aachaze igama nedilesi yakhe echanekileyo. xa eceliwe ngumqhubi ukuba enze njalo.

Ukuhanjiswa kwezinto ezingcolileyo okanye umntu oswelekileyo

13. (1) Umqhubi wesithuthi esibandakanya ukunikezelwa kweenkonzo zothutho loluntu ezindleleni angala ukuhambisa okanye ukukhwelisa-

(a) nabani na ngokucacileyo okwinqanaba lokungcola okanye lokuba naso nasiphi na isifo esosulelayo; okanye

(b) nasiphi na isilwanyana esifileyo ngaphandle kwesilwanyana okanye inkukhu efunelwa ukusetyenziswa, xa eso silwanyana okanye loo nkukhu isongelwe kakuhle.

(2) Akukho mntu unomntu ophantsi kogcino lwakhe okanye amaziyo obesekuhleni okanye obesulelwe siso nasiphi na isifo unokukhwelisa loo mntu kwiteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi.

(3) Akukho mntu ukwinqanaba lokungcola ngokucacileyo okanye nasiphi na isifo esosulelayo unokungena kuloo teksi ihlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi okanye engenile oya kuhlala kweso sithuthi emva kokuba eceliwe ngumqhubi okanye ikondaktha ukuba aphume kuso.

Ukubulala iintsholongwane kwiteksi ehlawulwa ngomgama ewuhambileyo, imidibhasi okanye ibhasi

14. (1) Umnikazi, umqhubi, ikondaktha okanye nabani na ongomnye oselulawulweni lwesithuthi esizibandakanya neenkonzo zothutho loluntu ezindleleni kufuneka kwangoko angenelele kwangoko kwa-ukuba ayazi ukuba-

(a) azi nabani na onesifo esosulelayo;

(b) umzimba wakhe nabani na oswelekileyo seso sifo; okanye

(c) nantoni na ethe yasekuhleni kweso sifo okanye yosulelwa seso sifo, ehanjiswe ngeso sithuthi okanye isithuthi esizibandakanya neenkonzo zothutho loluntu ezindleleni kufuneka ichazwe kwiGosa lezoNyango lezeMpilo.

(2) Nawuphi na umnini/umnikazi, umqhubi, ikondaktha okanye omnye umntu ekubhekiswa kuye kwicandelwana (1) kufuneka athathe yonke imiyalelo ekhutshwe liGosa lezoNyango lezeMpilo ngokubhekisele ekubulaweni kweentsholongwane zeso sithuthi sizibandakanya neenkonzo

zothutho loluntu ezindleleni.

Ilungelo lomqhubi lokwala ukuhambisa abakhweli

15. (1) Umqhubi wesithuthi esizibandakanya neenkonzco zothutho loluntu ezindleleni unokwala xa ethathe eso sigqibo okanye ecelwe ngomnye umkhweli ukuba ahambise nabani na amaziyo ukuba uyotywe okanye uyangxola, undlongondlongo okanye akakwazi ukuziphatha kakuhle.

(2) Akukho mntu kubhekiswa kuye kwicandelwana (1) unokuhlala kwisithuthi esizibandakanya neenkonzco zothutho loluntu okanye kweso sithuthi emva kokuba ecelwe ngumqhubi okanye ikhondaktha ngenxa yoko ukuba asishiye eso sithuthi sizibandakanya neenkonzco zothutho loluntu ezindleleni.

Impahla eshiywe kwiteksi ehlawulwa ngomgama ewuhambileyo, imidibhasi okanye ibhasi

16. (1) Nayiphi na impahla eshiywe kwisithuthi esizibandakanya neenkonzco zothutho loluntu ezindleleni ukuba iye ayabangwa kwiiyure ezingama -24 emva kokuba iboniwe kweso sithuthi sizibandakanya neenkonzco zothutho loluntu ezindleleni, umqhubi okanye ikondaktha kufuneka-

- (a) ukuba ulilungu lombutho athathe loo mpahla ayise kulo ofisi Ikufutshane yombutho lowo;
- (b) ukuba usebenzisa idepho yebhasi ngenjongo yomsebenzi awenzayo kufuneka athathe loo mpahla kuloo depho;
- (c) ukuba akalolungu lombutho okanye akasebenzisi loo depho yebhasi ngenjongo yomsebenzi awenzayo uya kuyithatha loo mpahla ayise etshajofisi,

afumane irisithi kuloo mntu amnike impahla leyo okanye kwigosa eliphangeleyo etshajofisi, njengoko kunokuba njalo.

(2) Ukuba loo mpahla kubhekiswa kuyo kumhlathi (a) kunye no(b) okanye kwicandelwana (1) ayibangwanga kwiintsuku ezisixhenxe zokufunyanwa kwayo kwiofisi yombutho efanelekileyo, umntu eyayinikwe yena kufuneka

ayithathe ayise etshajofisi ayinike igosa elisemsebenzini ekufuneka likhuphe irisithi yayo.

Ukuphatha izinto eziyingozi nezizenyelis osithuthi sizibandakanya neenkonzozothutho loluntu.

17. (1) Ukuba umqhubi okanye ikondaktha yesithuthi esizibandakanya neenkonzozothutho loluntu ezindleleni uye wasola ngokufanelekileyo ukuba kukho nawuphi na umkhweli ophethe nantoni na eyingozi okanye esisenyeliso ngaphandle kwesibham njengoko kucacisiwe kwicandelwana (2), umqhubi okanye ikondaktha okanye nabani na ongumkhweli ongomnye unokumcela la mntu ebechazwe kuqala ukuba anikezele loo nto ayiphetheyo kumqhubi okanye ikondaktha.

(2) Ukuba umkhweli uphetha isibham, umqhubi okanye ikondaktha inokucela umkhweli ukuba aveze ilayisensi yeso sibham okanye ukuba umkhweli kufuneka ephethe isibham njengelungu lenkonzo kaMasipala esekwe ngokwemiqathango yoMthetho ka-1995 wamaPolisa oMzantsi Afrika okanye njengelungu lomKhosi wezoKhuselo weLizwe osekwe phantsi koMthetho ka-1957 wezoKhuselo, (uMthetho nomb.44 ka-1957), umqhubi okanye ikondaktha unokucela umkhweli ukuba aveze isazisi sakhe esisebenzayo ewayesinikwe yilo nkonzo okanye ngulo mKhosi.

(3) Ukuba umkhweli uyala ukudlulisa into ekubhekiswa kuyo kwicandelwana (1), okanye uyasilela ukuveza ilayisensi okanye isazisi ekubhekiswa kuso kwicandelwana (2) kumqhubi okanye kwikondaktha, umqhubi unokwala ukumhambisa loo mkhweli.

(4) into ekubhekiswa kuyo kwicandelwana (1) kufuneka ibuyiselwe kumnini/umnikazi wayo ekupheleni kohambo.

Ucoceko

18. Umqhubi okanye ikondaktha yaso nasiphi na isithuthi esizibandakanya neenkonzozothutho loluntu kufuneka acoceke kwaye anxibe cocekileyo ngamaxesha onke xa ehambisa abakhweli, kwaye kufuneka umkhweli ngamnye amphathe ngokuphucukileyo nangentlonipho.

Umcwangcisi wokumisa abantu

19. (1) Umcwangcisi wokumisa abantu kuyo nayiphi na irenki kufuneka abonakale ngokucacileyo kumqeshi wakhe kwaye kufuneka aliveze ekuhlени igama lakhe kwimpahla yakhe ezantsi kweligxa lasekhohlo.
- (2) Umcwangcisi wokumisa abantu kufuneka umsebenzi wakhe awenze ngembeko nangendlela ephucukileyo kwaye, ahloniphe umkhweli ngamnye.
- (3) Apho ummcwangcisi wokumisa abantu alawula ukungena kwabakhweli kwiteksi ihlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi kufuneka angavumeli ukuba kukhwele abakhweli abangaphezulu kwenani eliqingqiweyo ukuba likhwele ngokusemthethweni.

Ukucoceka kwesithuthi

20. Umnini/umnikazi wayo nayiphi na iteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi kufuneka asigcine sicocekile isithuthi kwaye, sikwimeko elungileyo ngamaxesha onke esazibandakanya neenkonzozo zothutho loluntu ezindleleni.

Amatyala nezohlwayo

21. Nabani na-

- (a) ochasa okanye osilela ukuhambelana nawo nawuphi na amagatya ale Mithetho kaMasipala;
- (b) osilela ukuhambelana naso nasiphi na isaziso esikhutshwe ngokwale miqathango yale Mithetho kaMasipala;
- (c) osilela ukuhambelana nawo nawuphi na umyalelo osemthethweni okhutshwe ngokwemiqathango yale Mithetho kaMasipala; okanye
- (d) othintela okanye ophazamisa naliphi na igosa leBhunga kumsebenzi walo phantsi kwale Mithetho kaMasipala,

unetyala kwaye, ukwimfanelo yokugwetywa isohlwayo okanye ukuba uyasilela ukuhlawula asiwe entolongweni isithuba sexesha elingadlulanga kwiinyanga ezintandathu kwaye, kwimeko

yokuqhubeka kwesohlwayo uya kunikwa esinye isohlwayo esingadlulanga kwi-R50 okanye ukuba uyasilela ukuhlawula uya kusiwa entolongweni isithuba sexesha elingadlulanga kusuku olunye, imihla ngemihla sisaqhubeka eso sohlwayo, emva kokuba kukhutshwe isaziso esibhaliweyo liBhunga nesinikwe umntu ochaphazelekayo, ocela ukurhoxiswa kwezo sohlwayo.

Ukubhangiswa kweMithetho kaMasipala

22. Nayiphi na iMithetho kaMasipala ephunyezwe nguMasipala enxulumene neteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi iphelisiwe ngenxa yokukhabana nale Mithetho kaMasipala.

Isihloko esifutshane

23. Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala ka-2003 yeteksi ehlawulwa ngomgama ewuhambileyo, iteksi, imidibhasi okanye ibhasi.

No. 13

UMASIPALA WENGINQI YASEMBIZANA

ULWELO OLUNOKUTSHA NEZINYE IZINTO

UYILO 1

ULWELO OLUNOKUTSHA NEZINYE IZINTO**ISALATHISO**

1. Icandelo
2. Inkcazelo
3. Okubanzi
4. Ukugcinwa kolwelo olunokutsha
5. Iindawo zokugcina isambuku
6. Ukuthuthwa kolwelo olunokutsha
7. Amagumbi okucoca impahla kusetyenziswa amachiza: Jikelele
8. Amalungiselelo awodwa apho ulwelo olunokutsha olukudidi A noB olusetyenziselwa ukucoca impahla kusetyenziswa amachiza.
9. Amalungiselelo awodwa apho ulwelo olukudidi C lusetyenziselwa ukucoca impahla kusetyenziswa amachiza
10. Amagumbi okutshizela
11. Amagumbi okuxubela
12. Amalungiselelo apho ulwelo olukudidi B lusetyenziselwa okanye luphathwa khona
13. Igesi yePetroleum enyibilikisiweyo
14. Izinto zokudlala ezizaliswe ngegese
15. Ikhabide
16. Amatyala nezohlwayo

Uludwe lwenkqubo 111
Uludwe lwenkqubo 1v

Iinkcazelo

1. Ngokwesisahluco, ngaphandle kokuba imeko ubonisa ngakumbi-
“itanki yokugcina engaphezulu komhlaba” ithetha itanki eyakhiwe ngaphezulu okanye engxenywe yayo yakhiwe ngaphezulu komhlaba

esetyenziselwa okanye enjongo yayo ikukusetyenziselwa Ukugcinwa kolwelo olunokutsha;

“igosa elisemagunyeni” lithetha igosa leBhunga eligunyaziswe liBhunga;

“umgca womda” uthetha umjikelezo wesakhiwo nomhlaba waso apho ulwelo olunokutsha lugcinwe okanye lusetyenziswa khona;

“indawo yokugcina isambuku” ithetha nasiphi isakhiwo nomhlaba waso esisetyenziselwa okanye enjongo yaso ikukusetyenziselwa ukugcina isambuku solwelo olunokutsha apho ulwelo olunokutsha luzakwabiwa khona ingakumbi ziinqwelo ezinamatanki okanye ngenye indlela;

“ukugcinwa kwesambuku” kuthetha nasiphi isakhiwo, okanye ingxenye yesakhiwo esisetyenziselwa okanye enjongo yaso ikukusetyenziselwa ukugcinwa kolwelo olunokutsha olukwisikhongozelo esinikuphathwa;

“ikhabide” ithetha isiqalelo esithile esithambileyo esimhlophe okanye ikhabide;

“isiqinisekiso sobhaliso” sithetha isiqinisekiso esikhutshwe liBhunga, esigunyazisa nabani na ukuba angasebenzisa isakhiwo nomhlaba waso esibalulelwe ugcino, ukusetyenziswa nokuphathwa kolwelo olunokutsha, okanye ugcino lwekhabide, kuxhomekekile;

“igosa eliyiNtloko” lithetha naliphi na igosa eliyiNtloko ngokubhekisele kwicancelwana (2) lecandelo 2

“isikhongozelo” sithetha nayiphi na ityesi, itoti, nawuphi na umphanda, umgqomo, okanye noba yeyiphi enye into esisitya esetyenziselwa okanye enjongo yayo ikukusetyenziselwa ufaka ulwelo olunokutsha, kodwa itanki yamafutha yemoto okanye injini esebenza imile azibalwa;

“oomatshini bokucoca impahla kusetyenziswa amachiza” bathetha nabaphi na oomatshini abasetyenziselwa okanye enjongo yabo ikukusetyenziselwa ukucoca okanye ukusetyenziswa kwezambatho okanye impahla elukiweyo ngoncedo lolwelo olunokutsha;

“igumbi lokucoca impahla kusetyenziswa amachiza” lithetha nasiphi na isakhiwo nomhlaba waso ezisetyenziselwa okanye enjongo yazo ikukusetyenziselwa okucoca okanye ukusetyenziswa kwezambatho okanye impahla elukiweyo ngoncedo lolwelo olunokutsha ukuze kubekho inzuzo okanye umvuzo;

“ulwelo olunokutsha olukudidi A” luthetha naluphi na ulwelo olunokutsha olunenkomba eyiyo ubushushu obukwiqondo lama23 nagaphantsi;

“ulwelo olunokutsha olukudidi B” luthetha naluphi na ulwelo olunokutsha olunenkomba eyiyo yobushushu obungaphezulu kweqondo lama23 ukuya kuquka neqondo lama55;

“ulwelo olunokutsha olukudidi C” luthetha naluphi na ulwelo, ioli, okanye ezinye izinto ezifana nazo ezinekomba eyiyo yobushushu obungaphezulu kweqondo lama55 kodwa bungaphantsi kweqondo lama90; Ngokokwale nkcazelo yo**“lwelo olunokutsha”** inkomba imiswe ngokungqinelana ne nkcazelo equlethwe kumqulu wendlela yokusebenza yaMashishini ePetroleum SABS 089: Part 1 – 1996;

“igumbi elinokuhlaliwa” lithetha igumbi elakhelwe okanye elilungiselelwe ukuba lisetyenziswe nje nge gumbi lokuhlala okanye lokusebenzela kuquka iivenkile, iizindlu zokusebenzela neofisi yaye eli gama lithi **“elinokuhlaliwa”** linentsingiselo ekwa njalo;

“igesi yePetroleum elulwelo” ithetha igesi, esisiveliso esilisoloty sePetroleum ethi xa igcinwe phantsi kocinezelo kwisilinda ithathe imo yolwelo de ucinezelo lube luphungulwe;

“igumbi lokuxubela” lithetha naliphi na igumbi okanye isakhiwo esisetyenziselwa okanye enjongo yaso ikukusetyenziselwa ukwenziwa okanye ukulungiselelo lwayo nayiphi na imveliso equka ukusetyenziswa kolwelo olunokutsha;

“umntu” ubandakanya nawuphi na umntu oyedwa, inkampani, iqumrhu, indibanisela okanye enye into enokwenza nomntu;

“imisebenzi ekhuselweyo” ithetha nayiphi na indlu, isakhiwo okanye olunye uhlobo lwesakhiwo olusetyenziselwa okanye enjongo yaso ikukusetyenziselwa ukuhlalisa abantu okanye intlanganiso yoluntu kuquka izikolo, imibutho namanye amaziko aloluhlobo akwa quka nasiphi na isitali sezilwanyana, kodwa iiofisi zokulawula amagumbi okutshintshela okanye amagumbi okungcolisela akwindawo yokugcina isambuku akabalwa;

“impompo” ithetha nayiphi na impompo esetyenziselwa okanye enjongo yayo ikukusetyenziselwa ukunikwa, ukuhanjiswa, ukundululwa okanye ukumpontshwa kolwelo olunokutsha okanye izinto yaye kuquka zonke izixhobo, imibhobho nezinye izixhobo ezisetyenziswa ngokunxulumene noku, kodwa ayiziquki iimpompo ezikwiindawo zokugcina isambuku;

“izakhiwo nemihlaba yazo ezibhalisiweyo” zithetha isakhiwo nemihlaba yazo ebhaliswe liBhunga ngokwa le mithetho kamasipala yogcino lwekhabide;

“inqwelo enetanki” ithetha nayiphi na inqwelo eyakhelwe yamiselwa ukuthutha ulwelo olunokutsha olwabiwa kuqala okanye kuphela kwitanki eyakhiwe yayingxenye yenqwelo leyo yaze yacanyatheliswa kuyo ngokomeleleyo;

“indlwana yokutshizela” ithetha naluphi na ulwahlulo kwakhona, okanye ikompatimenti ezimeleyo, okanye naliphi na igumbi lokutshiza, xa ulwahlulo kwakhona okanye ikompatimenti elolu hlobo isetyenziselwa ukutshizela iinqwelo okanye izinto ngolwelo olunokutsha neminye imisebenzi ehambelana noko;

“amagumbi okutshizela” athetha naliphi na igumbi okanye isakhiwo eliseyenziselwa okanye enjongo yalo ikukusetyenziselwa ukutshizwa

kweenqwelo nezinye izinto ngolwelo olunokutsha neminye imisebenzi ehambelana noko;

“isitori” sithetha nasiphi na isakhiwo esingesiso isitori sokugcina isambuku esisetyenziselwa okanye enjongo yaso ilugcino lolwelo olunokutsha;

“utshintsho ululihlebo” luthetha utshihstho lolwelo olunokutsha lusuka kwinqwelo enetanki ngendlela ekhalimela ukuphuncuka kolwelo olunokutsha okanye umsi wayo nakwesiphi na isithuba kolu nkqubo ngaphandle kweendawo apho umsi ukhutshwa ngabom kusetyenziswa intuja yombhobho;

“isithuthi semvume” sithetha itanki esetyenziselwa okanye enjongo yayo ikukusetyenziselwa ugcino lolwelo olunokutsha, erhangqwe ngokupheleleyo ngumhlaba okanye ngamatye aqinileyo okanye nayiphi na itanki emiselwe azantsi phantsi komhlaba evaleleke gingci ngesamente okanye isakhiwo sezitena esingenakuphuma lulwelo erhangqwe ngokupheleleyo yisanti;

“intunja yombhobho” ithetha umbhobho owakhiwe wafakelwa ukuvumela ukuphuma komsi wolwelo olunokutsha uye eyoyeni ojikeleza umhlaba.

Ulungiselelo lweminye imithetho kamasipala ezakusetyenziaswa

2. La malungiselelo akwesi Sahluko makangasetyenziswa nakowuphi na umhlaba okanye isakhiwo nomhlaba waso ezimiselwe ngaphandle kwelokishi okanye indawo yokuhlala apho uwonke-wonke angavumelekanga kungena khona kunye nalapho umnikazi okanye umhlali agcina okanye abeka khona ulwelo olunokutsha okanye ezinye izinto zezolimo azisebenzisa yena.

Ukusetyenziswa kwesi Sahluko kwizakhiwo nemihlaba yazo esele ikhona

3. Amalungiselelo ecandelo lama: 70, 72, 74, 77, 78, 81, 93, 99, 102 (a), imihlathi 9 (a), (b), (c), (d), (e), (f) no (g) yecandelo le133, imihlathi (a) no (c) yecandelo le136 nemihlathi (a) no (d) yecandelo 140 makangasetyenziswa nakwisiphi na isakhiwo ekungekho senthethweni ngoku ukusisebenzisela ugcino, okanye ukuphathwa kolwelo olunokutsha ngendlela ezakufuna ukuba ezizakhiwo nemihlaba yazo idinge okwakhiwa ngokutsha, ukuguqulwa okanye ukongezelelwa, khon'ukuze zihambelane necandelo eli likhankanyiweyo, kodwa apho kuthe nasiphi na isakhiwo nomhlaba waso sakhiwa ngokutsha, saguqulwa okanye songezelelwa, lo msebenzi kumelwe wenziwe ngokuhambiselana namalungiselelo esi Sahluko: Ukuba kuthe xa kutshintsha umnini ndawo yaso nasiphi na isakhiwo nomhlaba waso ngokwesicelo esisemthethweni sogcino, ukusetyenziswa okanye ukuphathwa kolwelo olunokutsha, akukho hlaziyo lwaso nasiphi na isiqinisekiso okanye ubhaliso omalukhutshwe ngokunxibelele noku ngaphandle kokuba naked kube amalungiselelo alamacandelo akhankanywe apha abe athotyelwe, kwaye amalungiselelo alamacandalo kufuneka emva koko asetyenziswe kwezizakhiwo nemihlaba yazo.

Isicelo sokuvunywa kweeplani

4. (1) Isicelo ngasinye sokuvunywa kweeplani okanye isakhiwo nemihlaba yazo apho kufuneka khona isiqinisekiso sobhaliso ngokuhambelana necandelo 42, kufuneka sibhalwe phantsi sisiwe eBhungeni.

(2) Isicelo nagsinye ngokuhambiselana nesahlukwana (1) engaxulumananga nezakhiwo nemihlaba yazo ezakhe zanikwa isiqinisekiso sobhaliso ngaphambili, kufuneka sikhathshwe yiplani yesizizakhiwo nemihlaba yazo izotywe kwisikali esingekho ngaphantsi kwe 1:100 ekufuneka icacise:-

(a) izakhiwo nemihlaba yazo kuquka nokonyusawa kwazo ngokuphathelene nezakhiwo emelene nazo ngaphezulu okanye ngaphantsi komhlaba, ubukhulu bangaphakathi bubuniswe ngemizobo yalo naliphi na igumbi, isakhiwo okanye itanki yokugcina apho ulwelo olunokutsha luzakugcinwa, setyenziselwa okanye phathwa khona, nezinto ekucetywa ukwakhiwa ngazo eligumbi, sakhiwo, okanye itanki lokugcina;

(b) iinkcukacha ezizeleyo, kuquka iindawo ekuzakubekwa kuzo impompo, itanki yokugcina, istori, oomatshini bokucoca impahla kusetyenziswa amachiza abasendleleni, igumbi lokutshiza, indlwana yokutshiza, nezixhobo zombobho wokukhupha igesi.

(3) Isicelo ngasinye esiloluhlobo kufuneka sikhathshwe ngumfanekiso wezizakhiwo nemihlaba yazo izotywe kwisikali esingekho ngaphantsi kwe 1: 500, ekufuneka icacise:-

(a) izakhiwo nemihlaba yazo nazo zonke izikhala ezingenanto nenani lezitendi zazo kunye nento isakhiwo ezo ezakhiwe okanye ezizakwakhiwa ngayo;

(b) izitendi eziyamane ngqo nazo namanani azo;

(c) amagama ezitrato apho soyamene khona isiza nelokishi okanye indawo yokuhlala esikuyo;

(d) incam esemantla

(4) Isicelo ngasinye ngokuhambiselana sesahlukwana (1) ngokunxulumene nezakhiwo nemihlaba yazo esele zikhona apho isiqinisekiso sobhaliso sele sikhutshiwe nalapho kucetywa ukwenza inguqulo, okanye ukwengezwa kuzo nasiphi na izixhobo ezisemthethweni ezisetyenziswa okanye enjongo yazo ikukusetyenziselwa ugcino nokuphathwa kolwelo olunokutsha kufuneka sikhathshwe yiplani yaphantsi kuphela. Le plani yaphantsi kufuneka izotywe kwisikali esingekho ngaphantsi kwe 1:100, kwaye kufuneka ibonise ungezelelo okanye tshintsho ngokunxulumene nezakhiwo nemihlaba yazo esele zikhona nezixhobo.

(5) Zonke iiplani kufuneka-

- (a) zityikitywe ngumnini nearhente yakhe;
- (b) zizotywe nge inki yamaIndiya kwilineni yokuyila okanye ishicilelwe ngokucacileyo elaphini ngewhile ground;
- (c) zibe nemibala engoluhlobo:-
 - (i) Iplani yebloko: Izakhiwo nemihlaba yazo ecetywayo; bomvu; ezinye isakhiwo esele zikhona: ngwevu okanye ithinti engenambala; izikhala ezingena nto; zingafakwa mbala;
 - (ii) Ezinye iiplani: imibhobho yomoya, imobhobho: luhlaza okwesibhakabhaka; amatanki okugcina, iimpompo, iintambo zemibhobho, oomatshini bokucoca kusetyenziswa amachiza neendlwana zokutshiza: bomvu; isakhiwo apho kuzakugcinwa, setyenziselwa okanye phathwa khona ulwelo olunokutsha: zingafakwa mbala; ezinye izakhiwo esele zikhona apho kudingekayo: ngwevu okanye ithinti engenambala.

(6) Isixa esimiselweyo sesicelo ngasinye sokwamkelwa kweplani okanye iiplani kufuneka sihlawulwe xa singeniswa, xa ithe yamkelwa, loo plani okanye ezo plani kufuneka zibe yimpahla yeBhunga. Ekwamkelweni kweziplani, isaziso esibhaliweyo kufuneka sikhutshwe sinemiqathango ehambelana nale mithetho kamasipala.

(7) Ukwamkelwa kweplani zezakhiwo nemihlaba yazo makungarheshi nakancinci ukwamkelwa koxanduva lwezizakhiwo nemihlaba yazo liBhunga.

Isiqinisekiso sobhaliso lwendawo yogcino

5. (1) Akukho mntu umakagcine, asebenzise okanye aphaathe ulwelo olunokutsha nakuziphi na isakhiwo nemihlaba yazo ngaphezu kwemilinganiselo ekhankanywa ngezantsi.

- (a) Ithinti enokutsha ekudidi A noB – umlinganiselo wama 50/ uwonke;
- (b) Ulwelo olunokutsha olukudidi C – umlinganiselo wama 200/ uwonke,

ngaphandle kokuba umntu lowo unesiqinisekiso sobhaliso oluhambelana nezakhiwo nemihlaba yazo enjalo.

- (2) Akukho siqinisekiso sobhaliso emasikhutshelwe naziphi na isakhiwo nemihlaba yazo yogcino, ukusetyenziswa nokuphathwa kolwelo olunokutsha, ngaphandle kokuba isicelo esibhaliweyo senziwe eBhungeni, sikhutshwa sisixa esimiselweyo kuludwe lwenkqubo iii de

kube amalungiselelo esiSahluko ngokwezizakhiwo nemihlaba yazo alandelwe.

- (3) Esi siqinisekiso singakhutshwa ngokwemiqathango ebonwa ifanelekile liBhunga ijonge imeko ehamba nesicelo ngasinye.
- (4) Esi siqinisekiso kufuneka sixele esona sixa siphezulu sodidi ngalunye lolwelo olunokutsha ekuvumekekileyo ukuba lugcinwe, lusetyenziswe okanye luphathwe, indlela olu lwelu emalugcinwe, lusetyenziswe okanye luphathwa ngayo nenani leempompo, amatanki okugcina nezitori ezivumelekileyo kwezizakhiwo nemihlaba yazo.
- (5) Isiqinisekiso ngasinye esiloluhlobo kufuneka silungele kuphele ixesha eliphela ngomhla wamashumi amathathu ananye kwinyanga yoMnga elandelayo.
- (6) Akukho siqinisekiso ngaphandle kwesihlaziwayo masikhutshelwe nasiphi na isakhiwo nemihlaba yazo de amalungiselelo esahluko sama 41 abe alandelwe nebhunga libe lisamkele isicelo.

Ukunikwa kolwelo olunokutsha

6. Akokho mntu makanike okanye ahambise okanye avumele naluphi na ulwelo olunokutsha ukuba lunikwe okanye luhanjiswa-
 - (a) nakuziphi na izakhiwo nemihlaba yazo ngaphezu kwemilinganiselo emiselweyo kwisahluko 42. Umhlali wezizakhiwo nemihlaba yazo ongenaso isiqinisekiso sobhaliso esikhutshwe ngokwale mithetho kamasipala;
 - (b) nakuziphi na isakhiwo nemihlaba yazo ngaphezu kwesixa esimiselweyo kwisiqinisekiso sobhaliso sezakhiwo ezo.

Ukhululo neemfuneko: ulwelo olunokutsha olukudidi C

7. Ngaphandle kwayo nantoni na equlethwe seiSahluko-
 - (a) makungacingwa ukugcina okanye ukuhambisa okanye ukuthutha ulwelo olunokutsha xa luqulethwe kwitanki yamafutha emoto okanye injini esebenza imile;
 - (b) nabani na angayigcina ivanishi, isikhazimlisi, isamente yokwenza lukhuni okanye ezinye izinto eziloluhlobo ezinokutsha nakwiziphi na isakhiwo nemihlaba yazo apho-
 - (i) ezi zinto ziqulethwe ngokupheleleyo kwizikhongozelo zenkcenkce ezivaliweyo;
 - (ii) kungekho sikhongozelo sivuliweyo kwezizakhiwo nemihlaba yazo ngaphandle kwaphandle okanye esitorini nje ngokuba kusitshiwo kwisahluko sama38;

kodwa:-

- (a) apho i1kl nangaphezulu zalento zigcinwe khona nakwiliphi na igumi okanye isakhwiwo-
- (i) elo gurribi okanye eso sakhiwo kufuneka sakhiwe ngento engenakutsha;
 - (ii) izixhobo zomlilokufuneka zikakelwe ngendlela eyanelis igisa lomlilo eliyiNtloko;
- (b) apho ubuninzi bezi zinto bugqithise nge5 kl, obubuninzi bugqithisileyo kufuneka bugcinwe kwigumbi elilodwa okanye kwisakhiwo esisodwa ezingenakutsha nje ngokuba kutshiwo kwisahlko sama38 kodwa-
- (i) apho ubuninzi obupheleleyo bale nto bungaphezulu kwe25 kl kodwa obu buninzi bungagqithisanga kwi5 kl ngaphezu kwale25 kl obu buninzi bugqithisileyo kufuneka bugcinwe nje ngokuba kulungisiwe kunciphiso (c), apha;
 - (ii) apho ubuninzi obupheleleyo bezi zinto bungaphezulu kwe25 kl obu buninzi bugqithisileyo kufuneka bugcinwe njengokuva kulungiselelwe kunciphiso (c), apha;
- (c) apho eli gumbi okanye esi sakhiwo sibekwe endaweni engaphandle kwendawo echazwe kuludwe lwenkqubo III, i25 kl yazi zinto ingagcinwa egumbini okanye kwisakhiwo esiloluhlobo, emasakhiwe ngendlela yokuba irhangqwe ziindonga okanye iibhandi eziluhlobo apho ezi zinto zigcinwe kweli gumbi okanye esi sakhiwo zingenakuphuma kuyo, ukuze ezindonga okanye iibhandi zibe nombilini owaneleyo ukufaka hayi ngaphantsi komyinge wama75 ekhulwini bobona buninzi obunokugcinwa apho.

Xa iiplani ziphuthe kanye

8. ismkelo sazo nasiphi na iiplani esenziwe liBhunga phantsi kwesahluko sama41 kufuneka siphuthe kanye kuba amalungiselelo esiSahluko akalandelwanga ungaphelanga unyaka omnye emva kosuku lwesi samkelo.

Imiqathango yesiqinisekiso sobhaliso

9. (1) akukho mntu makagcine, asebenzise, okanye avumele ukugcinwa, ukusetyenziswa okanye ukuphathwa kuzo naziphi na isakhiwo nemihlaba yazo-
- (a) nabuphi na ubuninzi bolwelo olunokutsha obugqithisileyo kwisixa esixelwe kwisiqinisekiso sobhaliso sezizakhiwo nemihlaba yazo;
 - (b) naluphi na ulwelo olunokutsha ngaphandle kolo didi lukhankanywe kwisiqinisekiso sobhaliso sezizakhiwo nemihlaba yazo;
 - (c) naluphi na ulwelo olunokutsha ulukwisimo esingesiso esixelwe kwisiqinisekiso sobhaliso sezizakhiwo nemihlaba yazo;

- (d) inani elingaphezulu leempompo, amatanki okugcina okanye izitori kweli likhankanywe kwisiqinisekiso sobhaliso sezizakhiwo nemihlaba yazo.

(2) Nabani na onesiqinisekiso sobhaliso esisemthathweni angabhala isicelo sokulungisa ubuninzi obupheleleyo okaye udidi okanye isimo solwelo olunokutsha esiya eBhungeni kwesi siqinisekiso. IBhunga linganika esisicelo kuphela xa olu lungiso lucetywayo luhambelana namalungiselelo esi Sahluko. Apho iBhunga linikezele khona isicelo esiloluhlobo, loo mntu kufuneka anikezele ngesiqinisekiso sobhaliso kwiBhunga kuzokulungiswa.

Ukuboniswa weSiqinisekiso soBhaliso

10. Umntu ngamnye okhutshelwe isiqinisekiso kufuneka enze okokuba esi siqinisekiso sixhonywe kwaye sihlale endaweni ebonakalayo kwezo zakhiwo nemihlaba yazo ibhalisiweyo. Esi siqinisekiso kufuneka sigcinwe kule ndawo maxa onke sikwi simo esifundekayo.

Ukuhlaziywa kweSiqinisekiso soBhaliso

11. Isicelo sokuhlaziywa kwesiqinisekiso sobhaliso kufuneka senziwe ungafikanga umhla wokuqala kweyoMnga kunyaka ophambi kwalo olu hlaziyo lufuneka ngawo, lwenzuwa kwifom ekhutshwa liBhunga kwaye kufuneka sikhathshwe ngumrhumo omiselweyo kuludwe lwenkqubo III . Iplani zezizakhiwo nemihlaba yazo azidingeki xa kuhlaziywa isiqinisekiso sobhaliso nje ngoko kusitshiwo kwisahluko 41, ngaphandle kokuba zifunwe liBhunga.

Utshintsho lweSiqinisekiso soBhaliso

12. (1) Isiqinisekiso sobhaliso singatshintshelwa komnye umntu.

(2) Umntu oyila olu tshintso kufuneka enze isicelo esibhaliweyo kwiBhunga kwifom eliyikhuphela oku. Esi sicelo kufuneka sikhathshwe ngumrhumo omiselwe kuludwe lwenkqubo III, kunye nesisiqinisekiso sobhaliso sezizakhiwo nemihlaba yazo olutshintsho lufunelwa zona.

(3) Akukho siqinisekiso sobhaliso emasitshintshwe sisuka kwesinye isakhiwo nomhlaba waso sisiya kwesinye.

Ugcino Lokwexeshana

13. (1) IBhunga lingakhulula, ngokubhaliweyo, kumalungiselelo esahluko 42 ngokwexesha elibona kufanelekile nabani na onomnqweno wokugcina hayi ngaphezulu kwe 200 l yolwelo olunokutsha olukuDidi A noB okanye hayi ngaphezulu kwe 500 l yolwelo olunokutsha olukuDidi C ezidingeka ngokunxulumene noluphi na ugrumbo, ulwakhiwo okanye ukwenziwa kwendlela okanye nawuphi na omnye umsebenzi onjalo ongowe xeshana: kodwa-

- (a) isicelo singeniswa sibhaliwe eBhungeni kwifom efaneka kulo;

- (b) amalungiselelo afanelekileyo enziwe ukurhangqa isikhongozelo ezinolulwelo olunokutsha ngeendonga okanye iibhandi ezenziwe ngendlela yokuba olu lwelo olunokutsha lungaphumi kwezindonga okanye iibhandi xa kunokuthi kubekho umlilo okanye nokuba kunge nxa yantoni;
- (c) kubekho isicimi-mlilo nokuba sinye esisebenzayo somchiza oluhlobo olungumgubo owomileyo nje ngokuba kusitshiwo kwisahluko 63.
- (2) nawuphi na umntu okhululweyo ngokwesi sahluko makaqinisekise ukuba ngalo lonke ixesha-
- (a) amanyathelo afikelelekayo okuvikela umlilo, idangatye, okanye ezinye izinto ezingavuthiza ulwelo olunokutsha okanye into engasondeza umophu wolwelo olunokutsha nolulwelo olunokutsha okanye umophu walo athatyathiwe;
- (b) olu lwelo olunokutsha alubekwanga kumgama ongaphantsi kwe 4,5m yendawo yokhuselelo okanye indawo kawonke-wonke yokunqumla;
- (c) amalungiselelo emihlathi (a) no (b) esahlukwana (1) aqwalaselwe.

Ukufakelwa noKumiswa

14. (1) Ngokukhawuleza emva kokufakelwa kwayo nayiphi na impompo, itanki yokugcina, isixhobo sokugcwalisa, igumbi lokucoca kusetyenziswa amachiza, isitori, igumbi lokutshiza okanye ezinye isakhiwo nemihlaba yazo enjongo yazo ilugcino, ukusetyenziswa okanye ukuphathwa kolwelo olunokutsha kugqityiwe, umntu ohlala kuloo ndawo uzakwazisa iBhunga, ngokubhaliweyo kwifom efumaneka kulo, ngosuku umsebenzi lowo uyakulungela ukuhlolwa.

(2) Akukho mntu umaka sebenzise, okanye enze okanye avumele ukusetyenziswa kwempompo, itanki yokugcina, isixhobo sokugcwalisa, igumbi lokucoca kusetyenziswa amachiza, isitori, igumbi lokutshizela okanye nasiphi na ezinye isakhiwo nomhlaba waso ngenjongo zokugcina, ukusetyenziswa okanye ukuphathwa kolwelo olunokutsha de abe loo mntu unesiqinisekiso sobhaliso sokwenza oku.

Ukwengezwa nokuguqulwa kwezakhiwo nemihlaba yazo ezibhalisiweyo

15. (1) Akukho kwengezwa okanye nguqulo kunokwenziwa nakuziphi na isakhiwo nemihlaba yazo else zikhona ezibhalisiweyo ngaphandle kokuba nade kube iplani yezizakhiwo sele zikhona kunye nalo msebenzi ucetywayo zifakiwe eBhungeni zaza zamkelwa lilo ngokubhaliweyo.

(2) Lo plani kufuneka ihambelane namalungiselelo akwisahluko sama 41.

Ukususwa nokuQhaqhwa

16. (1) Nabani na osusa okanyw owenza okanye onika imvume yokuba kususwe nayiphi na impompo, itanki yokugcina okanye isixhobo sokugcwalisa kuzo nasiphi na

isakhiwo nemihlaba yazo ezibhalisiweyo ngaphandle kwasendaweni yokugcina isambuku kufuneka azise ngokubhaliweyo iBhunga kwifom efumaneka kulo ngokukususa.

(2) Ukususwa kwayo nayiphi na impompo, itanki yokugcina, okanye isixhobo sokugcwalisa sizakusicima isiqinisekiso sobhaliso nalo naliphi na igunya kuquka ukukhululwa okunikezwe phantsi kwesi Sahluko salompompo, itanki okanye isixhobo sokugcwalisa, kuxhomekeke ukuba yeyiphi kwezo, kwaye akukho mpompo, itanki yokugcina, okanye isixhobo sokugcwalisa maziphinde zimiswe kweso siza ngaphandle kokuba nade kube kufunyenwe isiqinisekiso sobhaliso esitsha ngokwendlela elungiselelwe kesi Sahluko, kodwa olulungiselelo malungasetyenziswa kwisithuba sempompo, itanki yokugcina okanye isixhobo sokugcwalisa ezisuswe okwethutyana kuba ziyokulungiswa.

Ugcino, ukusetyenziswa nokuphathwa kwizakhiwo nemihlaba yazo ezighalisiweyo okungavumelekanga kwiimeko esithile

17. Ngaphandle kokuba kulungiselelwe kwesi Sahluko, akukho mntu umakagcine, asebenzise okanye aphaathe, okanye avumele okanye enze ukuba kugcinwe, kusetyenziswa okanye kuphathwe naluphi na ulwelo olunokutsha nakuziphi na isakhiwo nemihlaba yazo ezibhalisiweyo-

- (a) apho olu lwelo lunokutsha okanye umophu walo ludibana okanye lunga dibana nomlilo, idangatya okanye ilitha elingakhuselwanga okanye nasiphi na isenzi esinga basa olu lwelo lunokutsha okanye umophu walo;
- (b) ngaphandle kokuba ezizakhiwo nemihlaba yazo imi okanye yakhiwe okanye ikhuselwe ziindonga ezizirhangqileyo ezenza ukuba ezinye isakhiwo nemihlaba yazo ezoyamene nazo, amaphahla, isakhiwo okanye impahla ingabikho semngciphekweni wokutsha;
- (c) imi ngendlela enganqandi okanye ethintela mntu okanye isilwanyana ukuba aphume xa kungakho umlilo nayo natnoni na engenye;
- (d) ngaphandle kokuba zonke izixhobo zogcino, ukusetyenziswa nokuphathwa kolwelo olunokutsha esisetyenziswa kulondawo zigcinwa zikwisimo esihle kwaye zingavuzi lulwelo olunokutsha;
- (e) ngaphandle kokuba loo mntu uthathe onke amanyathelo afanelekileyo okuthintela iingozi zomlilo okanye ugqabhuko-dubulo kuloo ndawo kwanawokuthintela abantu abangenagunya lokungena apho ukuba bakwazi ukufikelela kulwelo olunokutsha olugcinwe apho.

Ukwalelwa kweZenzo ethile

18. Akukho nabani na ogcina, osebenzisa okanye ophatha okanye owenza okanye ovumela ukugcinwa, ukusetyenziswa, okanye ukuphathwa kwalo naluphi na ulwelo olunokutsha nakweziphi na isakhiwo nemihlaba yazo omakenze okanye avumele

ukwenziwa kwezenzo edla ngoku okanye engenza kubekho umlilo okanye ugqabhuko-dubulo.

Isaziso sokuyekisa indlela enobungozi

19. (1) Apho kuthe xa kuhlolwa nasiphi na isakhiwo nemihlaba yazo kwafunyaniswa ukuba kukho indlela yocino, ukusetyenziswa, ukuthuthwa okanye ukuphathwa kolwelo olunokutsha enxamnye namalungiselelo esi Sahluko okanye ekubalelwa ukuba ingaba nobungozi kukhuseleko loluntu okanye lomntu oqeshwe kuloo ndawo, naliphi na igosa leBhunga elinegunya lingafuna ukupheliswa kwale ndlela olukhawulezileyo okanye ukususwa kolo lwelo lunokutsha lusiwe endaweni ekhuselekileyo yokulugcina.

(2) Nabani na owohlulekayo kukuhambelana nemiyalelo walo naliphi na igosa leBhunga eligunyazisiweyo elikhutshwe phantsi kwesi sahluko makabe netyala phantsi kwale mithetho kaMasipala.

Ulwelo olunokutsha oluphumela emiseleni

20. Akukho mntu umakenze ukuba okanye avumela ulwelo olunokutsha ukuba lungene nakwiwuphi na umjelo ophantsi komhlaba ohambisa amanzi amdaka, okanye ltheku lamanzi, okanye umsele onxibelelana nawo nawuphi na umjelo okanye umsele ohamba amanzi mgaphezu komhlaba.

Ukwalelwa kwezixhobo neempompo kumagumbi angaphantsi kwesakhiwo

21. Akukho mntuumakasebenzise, okanye enze okanye avumele ukusetyenziswa kwesixhobo sokutshiza ulwelo olunokutsha okanye nayiphi na impompo okanye ezinye isixhobo kumagumbi angaphantsi kwesakhiwo ukutshintshela ulwelo olunokutsha ezithuthini okanye kwizikhongozelo.

linkqubo zokugcwalisa

22. (1) Akukho mntu , ngaphandle kweendawo zokugcina isambuku, omaka tshintshela naluphi na ulwelo olunokutsha ukuya okanye ukusuka kwinqwelo enetanki, ngaphandle kokuba olu tshintsho luhlebo, kwaye kwisithuba sale nqwelo ibe injini yayo icinyiwe.

(2) Ukugalelwa ngokutsha kwamafutha kwinqwelo-moya esitishini seenqwelo-moya okanye kwindawo yokuma kungenziwa ukusuka kwinqwelo enetanki exhotyiswe ngempompo epasisiweyo kodwa injini okanye iinjini zaloo nqwelo-moya kufuneka zicinywe.

Ukugcwaliselwa kuyo okanye Phesheya kweendledlana zeenyawo zikaWonke-wonke

23. Akukho mntu umaka-

(a) se kuyo okanye phesheya kweendledlana zeenyawo kawonke-wonke okanye enze ukuba okanye avume kusiwe kwe ithumbu lombhobho khon'ukuze kuzaliswe kwakhona izithuthi okanye isikhongozelo ngolwelo olunokutsha;

- (b) zalise kwakhona okanye enze ukuba okanye avume kuzaliswe kwakhona nasiphi na izithuthi okanye isikhongozelo ezime kwipevamente kawonke-wonke.

Ukuzaliswa kwakhona kwamatanki ezibaso

24. Akukho mntu umaka-

- (a) endaweni ebhalisiweyo qhwithe imatshisi okanye atshaye inqawa, isiga okanye isigarethi okanye abase idoshi yepetroli okanye into ebasayo okanye asondele nomlilo, idangatya okanye isibane esingakhuselwanga okanye ezinye isenzi esingabasa ulwelo olunokutsha okanye umophu walo kungama ongange 3m wayo nayiphi na itanki yezibaso okanye inqwelo ngethuba le tanki igcwaliswayo okanye ivuliwe;
- (b) zalise okanye avume kuzaliswe ngokutsha itanki yezibaso injini yaloo nqwelo ingacinywanga.

Ukuzaliswa ngokutsha kwezithuthi zikawonke-wonke

25. Akukho mntu umaka zalise ngokutsha okanye enze ukuba okanye avume kuzaliswe ngokutsha itanki yaso nasiphi na isithuthi sikawonke-wonke okanye aphaathe okanye enze ku okanye avume kuphathwe ulwelo olunokutsha kwisithuthi sikawonke-wonke, ngaphandle kwasetankini yezibaso yaso ngethuba kukho umntu ongenguye umqhubi okanye umntu osijongileyo kwisithuthi eso.

Izixhobo zomlilo

26. (1) Ngaphandle kokuba kulungiselelwe ngakumbi kwesi Sahluko, umntu okhutshelwe isiqinisekiso sobhaliso ngokwesi sahluko kufuneka afakele okanye enze ukuba kufakelwe izicimi-mlilo nee-emele zomlilo kwindawo efikeleleka lula kwaye ebonakalayo engekho ngaphantsi komgangatho oyi1m ukusuka phantsi kuzo zonke isakhiwo nemihlaba yazo esijoliswe kuso isiqinisekiso eso ngokwesikali esilandelayo-

- (a) ngokwetanki ngalinye okanye isitori ngasinye kweso sakhiwo kufuneka kufakwe izicimi-mlilo ezimbini eziluhlobo lomgubo owomileyo nee-emele zamanzi ezimbini kodwa hayi ngaphezulu kwezicimi-mlilo ezintathu nee-emele ezi6(ntandathu) kulo ndawo.
- (b) Ngegunbi ngalinye lokucoca kusetyenziswa amachiza kuloo ndawo izicimi-mlilo ezintathu eziluhlobo lomgubo owomileyo neziemele ezimbini.
- (c) Ngegumbi ngalinye lokutshizela izicimi-mlilo ezimbini eziluhlobo lomgubo owomileyo neziemele ezimbini.

- (2) Ezi zicimi-mlilo kufukneka zibe zezamachiza asebenzayo, inye ibezikilogram ezili9 kodwa apho igosa lomlilo eliyiNtloko libona khona ukuba izicimi-mlilo eziluhlobo lomgubo

owomileyo azizukuwenza kakuhle umsebenzi, kufuneka livumele ukufakelwa kolunye uhlobo lwezicimi-mlilo ulusebenzayo.

(3) Ezi emele zomlilo kufuneka zibe zezncenkce zibe ziilitha ezili10 zipeyintwe bomvu zibe nombhalo othi "umlilo" opeyintwe mhlophe ohlal ucacile zigcwaliswe ngesanti.

(4) Apho kufuneka kufakelwe isicimi-mlilo samachiza ngokwesi sahluko, eso sicimi-mlilo kufuneka sibe sisitye okanye isixhobo esenziwe saba sisixhobo somlilo apho uxinzelelo oludingekayo lokukhupha ulwelo okanye into yokucima iziphumela ngokwayo ngesenzo sechiza kwaye kufuneka ikwazi ukumelana novavanyo loxinzelelo lwehidrati olungaphakathi oluyi 2 068 KM/m² (20, 68 bar), xinzelelo olo emalugcinwe imizuzu emihlanu kungekho kuvuza okanye kujijwa.

(5) Umntu onikwe isiqinisekiso sobhaliso, iphepha imvume legumbi lokutshizela, okanye iphepha mvume lokuthutha ngokwesi sahluko, kufuneka agcine ngalo lonke ixesha kuloo ndawo okanye kwisithuthi esijolise kuso isiqinisekiso eso okanye iphepha mvume leyo-

(a) zonke izicimi-mlilo, ii-emele, izixhobo nee-alam ngokuhambelana namalungiselelo esi sahluko; kwaye

(b) zonke ezi zixhobo kufuneka zibe kwisimo esihle kwaye zilungele ususetyenziswa ngokukhawuleza.

Uphononongo lwezicimi-mlilo

27. (1) Ngokwesi sahluko izicimi-mlilo zamachiza, izixhobo zokulwa umlilo, i-alam yomlilo kufuneka ziphononongwe kanye qho kwinyanga ezi12 ngabenzi bazo okanye umntu osegunyeni obameleyo okanye omnye umntu olungele ukwenza oko.

(2) Isicimi-mlilo, isixhobo ngasinye ne-alam nganye kufuneka ibe nelebhile apho umntu ophononongayo azakubhala khona igama lakhe, usuku lophononongo nemeko, ngoko luvo lwakhe, esikuyo isicimi-mlilo, isixhobo ne-alam ngolo suku.

Ukuxelwa kweengozi

28. Umntu ohlala kwisakhiwo esithe saba nomlilo okanye ingozi ebandakanya ulwelo olunokutsha eyenzeke ngokudibaniselene nesi sakhiwo, apho lo mlilo okanye le ngozi ithe yazeka ukonakala kwempahla okanye ukulimala komntu kufuneka axele oku kwiBhodi kwangoko.

Imithetho emayiqwalaselwe kwizakhiwo nemihlaba yazo engabhaliswanga

29. (1) Akokho mntu umakagcine, asebenzise, okanye apha the okanye enze ukuba okanye avumele ukugcinwa, ukusetyenziswa okanye ukuphathwa kwalo naluphi na ulwelo olunokutsha kwisakhiwo esingabhaliswanga ngaphandle kokuba olo lwelo olunokutsha lugcinwa, lusetyenziswa okanye luphathwa apho okanye ngendlela apho-

(a) kungekho lulwelo olunokutsha okanye mophu walo olungadibana nomlilo, idangatye okanye isibane esingakhuselwanga okanye ezinye isenzi esingabasa olo lwelo okanye umophu walo;

(b) xa kungakho umlilo ukubaleka kwabantu nezilwanyana kungenaku thintelwa okanye lunqandwe.

(2) Akukho mntu umakasebenzise okanye aphaathe okanye enze ku okanye avumele ukusetyenziswa okanye ukuphathwa kolwelo olunokutsha kwisakhiwo esingabhaliswanga, ngaphandle kwasendaweni efanelekileyo phandle khon'ukuze umsi ukwazi ukuphoncuka lula, okanye egumbini elinendawo eyaneleyo yokukhupha umsi ithintele ngokwanelisayo ukufumbeka kwawo apho ngaphakathi.

(3) Kwizakhiwo ezingabhaliswanga, ulwelo olunokutsha malugcinwe kwisikhongozelo esilingeneyo emasigcinwe sivalisisiwe xa lungasetyenziswa.

Ukuhlolwa kwezakhiwo nemihlaba yazo

30. (1) Igosa elisemagunyeni leBhunga lingathi nangasiphi na isizathu esinxulumelene nesi sahluko ngokwamalungiselelo esahluko sama72 oMthetho kaRhulumente waseMkhaya, 1939, angene nakwisiphi na isakhiwo enze uphononongo abona lufanelekile.

(2) Umnini okanye umhlali okanye xa engekho kwisakhiwo nabani na oqeshwe apho makathi ngokwemfuno yegosa eligunyazisiweyo exile ubukho balo naluphi na ulwelo olunokutsha kwesoo sakhiwo kwaye aphenule yonke imibuzo emalunga nokulandelwa kwesi sahluko okanye nawuphi na umqathango onxibelelene nesiqinisekiso sobhaliso.

Ukuthathwa kweesampulu

31. Ekuhloleni kwaso nasiphi isakhiwo nemihlaba yazo ligosa egigunyazisiweyo leBhunga eli gosa linga thatha iisampulu ngenjongo yokuhlahlela okanye ukuphonononga naluphi na ulwelo olunokutsha okanye into okanye ekwesoo sakhiwo ukuba ulwelo okanye into inokutsha kusini na kodwa:-

(a) kwasampulu ethathwayo kufuneka ithathwe ekhona umnini okanye umhlali okanye omnye umntu ophetheyo;

(b) umnini, umhlali okanye omnye umntu ophetheyo angadinga ukuba elo lungu okanye isithunywa sithetha loo sampulu siyahlule kubini iyimakishe iyivale iyithumele kuye.

Ukwaphulwa kwemiqathango

32. Nabani na owophula nawuphi na umqathango opasiswe kwisaziso solwamkelo ngokwe sahlukwana (6) sesahluko 41 okanye kisiqinisekiso sobhaliso makabe netyala phantsi kwale mithetho kamasipala.

AMATANKI OKUGCINA, IIMPOMPO, INDLELA ZEMIBHOBHO NEZIKHONGOZELO**Umbilini wamatanki aphantsi komhlaba**

33. Umbilini wayo nayiphi na itanki yokugcina yaphantsi komhlaba mayingayigqithi i23 kl.

Ukwakhiwa kwamatanki

34. (1) Itanki ngalinye lokugcina malakhiwe ngesinyithi, intsimbi eyomeleleyo okanye enye ipleiyi yesinyithi eyomelele ngokwaneleyo idityaniswe ngesikhonkwane sokudibanisa iintsimbi, itywinwe, okanye ikhusekeke ngenye indlela eyanelisayo.

(2) umphezulu namacala ale tanki makaxhaswe aqiniswe ngendlela ethe nkqo, izixhasi, izinyithi zee-engile namaqhina ngokombilini, ukuqaphela ukumila, nendawo eyakhiwe kuyo itanki kungabaluleka ukuze ibonakale ilungele umsebenzi eyenzelwe wona.

(3) Ikroba ngalinye elikwitanki yokugcina yaphantsi komhlaba, ngaphandle kwentunja yombhobho mayivalisiswe ngesiciko, isogqumo, itphu okanye isivalo.

(4) Yonke imibhobho ngaphandle kwentunja yombhobho exokonyezelwe kwitanki yokugcina ephantsi komhlaba mayisiwe ezantsi kangange 1000mm kumazantsi etanki.

(5) Itanki ngenye yokugcina engaphezu komhlaba mayibe nendlela yokukhupha umoya eyaneleyo khon'ukuze kuthinteleke uxinzelelo olugqithisileyo lwangaphakathi.

(6) Itanki yokugcina ngenye mayigcinwe ngalo lonke ixrsha ngokwamalungiselelo esi sahluko.

Ukumiselwa kwamatanki okugcina

35. (1) Itanki ngalinye lokugcina langaphantsi mali-

(a) miselwe ngendlela apho umphezulu wetanki ungabikho ngaphantsi kwe600mm ngaphantsi komgangatho orhangqileyo ngaphantsi, okanye igqunywe yisamente okaye unhlaba okanye Isanti engekho ngaphantsi kwe150mm.

(b) fakwe kummiselo owomeleleyo irhangqwe yonke ngomhlaba okanye Isanti ethambileyo egqubuthelwe esamenteni.

(c) gqunywe ngesamente eyomelele ngakwaneleyo kuzo zonke iindawo apho izithuthi zigqitha khona phezu kwalo, ngaphandle kwaso nasiphi na isikroba sombhobho oyintloko;

(d) miswe phakathi kwemida yokwakhiwa kwezakhiwo nemihlaba yazo ezo;

(e) apho eli tanki lakhiwe kwi okanye kwisithuba somgama we2m wawo nawaphi na amagumbi angaphantsi kwesakhiwo, limiselwe kwigumbi lesamente elingekho ngaphantsi kwama 150mm ubukhulu okanye eziteneni ezingekho ngaphantsi kwama 225mm ubukhulu ehlaliswe edakeni lwesamante

nezikhala ezikulo mngxunya orhangqe itanki zigcwaliswe qhu ngomhlaba okanye isanti,

kodwa amalungiselelo esi sahluko makangachaphazeli nayiphi na idawo yokugcina isambuku.

(2) Amatanki okugcina angaphezu komhlaba makakhiwe kwiinawo zokugcina isambuku kuphela.

Ukungeniswa/ ukutshwa komoya ematankini okugcina aphantsi komhlaba

36. Itanki ngalinye lokugcina laphantsi komhlaba malibe nonbhobho wokungenisa/khupha umoya ongekho npaphezulu kwana50mm enesinqumla-sangqa sangaphakathi esingekho ngaphantsi kwama25mm, mbhobho lowo o:-

- (a) mawuphakanyiselwe emoyeni ngomphakamo ogekho ngaphantsi kwe 4m;
- (b) siphelo sawo esisemantla masi khuselwe yasuyasu locingo elingadlekiyo elingekho ngaphantsi kwesinye sesigidi seemiitha ezingama600 ekhuseleke ngendlela apho iyasutasu elingakhutshelwa uphononongo nokucocwa;
- (c) mawuphele ubuncikane i6m kude nawo nawuphi na umlilo, idangatya, isibane esingakhuselwanga okanye ezinye isenzi esingavuthisa ulwelo olunokutsha okanye umophu walo.

Ukumiselwa kwamatanki okugcina kwizakhiwo

37. Akukho tanki lokugcina emalimiselwe phakathi okanye ngaphantsi kwaso nasiophi na isakhiwo esinemigangatho engaphezulu kwesinye, ngaphandle kokuba eli tanki lakhiwe ngesamente eyomeleziweyo.

Amatanki alahliweyo

38. Ukuba kuthe kwakhona itanki lokugcina langaphantsi eli lahliweyo, umnini welo tanki makenze okokuba lisuswe okanye lizaliswe ngesanti okanye isamente elulwelo.

Ukungenwa kwamatanki okugcina

39. Akukho mntu umaka-

- (a) ngene, enze ukuba okanye avumele nabani na ukuba angene etankini lokugcina elalinolwelo olunokutsha de libe elotanki lisuswe wonke umophu wolo lwelo ngokupheleleyo, ngaphandle kokuba loo mntu unxibe isigqubuthelo sokuzithintela kwigesu esanelisayo.
- (b) ngene kwitanti lokugcina nanini na ngaphandle kokuba ubotshelwe entanjeni elawulwa ngumntu osoloko enoxanduva lokugada ukuphepha kwaloo mntu ukwelo tanki lokugcina.

Iindawo zokumisa iimpompo

40. (1) Akukho mpompo okanye ezinye isixhobo esisetyenziselwa okanye enjongo yaso ikukusetyenziselwa ukukhuphela okanye ukutshinthela ulwelo olunokutsha kuso nasiphi na isithuthi emazimiswe ngaphandle komda wokwakhiwa kwazo naziphi na izakhiwo nemihlaba yazo okanye kumgama ongange 4m kwayo nayiphi na indawo yokungena okanye yokuphuma yesakhiwo esoyamene nayo nayiphi na indawo kawonke-wonke kodwa-

(a) apho loo ndawo yokungena okanye yokuphuma isekelwe kude naloo ndawo kawonke-wonke isixhobo sokumpompa masimiwe kumgama ongekho ngaphantsi kwe 4m ukusuka kuloo ndawo kawonke-wonke.

(b) akho mpompo okanye sixhobo ziloluhlobo mazimiswe endaweni apho umbhobho ungasetyenziselwa khona ukutshintshela ulwelo olunokutsha kwi okanye phesheya kwendawo kawonke-wonke.

(2) Ezi zinto ziqulethwe kwisahlukko 40, isahlukwana (1) masingasetyenziswa kwiimpompo okanye izixhobo zokugcwalisa esele zikwizakhiwo nemihlaba yazo ngexesha lokuqisa kokusebenza kwale mithetho kaMasipala, kwizithuba apho kubekho utshintsho lwempatho okanye ubumnini, ngaphandle kokuba le ndawo ikuyo le mpompo okanye isixhobo sokugcwalisa senza okanye singadala ingozi okanye isiphithikezo kuwonke-wonke okanye izithuthi.

Iimpompo ezikwiirempu

41. Iimpompo okanye ezinye izixhobo ezisetyenziselwa okanye enjongo yazo ikukusetyenziselwa ukukhutshelwa kolwelo olunokutsha ezimotweni okanye kwizikhongozelo mazingamiswa erempini okanye kumgama ongange 4m ekuqalakeni kwerempu.

Ukunxuzwa ezirempini

42. Amakhuni okunxuzwa makokhive ngeenkuni okanye ngexina okanye ngesinye isinyithi esingeyontsimbi okanye umxube wezinyithi.

Imibhobho yempompo

43. Ukuhanjiswa kolwelo olunokutsha lusiswa nakweyiphi na impompo lusiya kwitanki zibasi lyaso nasiphi na isithuthi makwenziwe kuphela kusetyenziswa umbhobho ofanelekileyo ibenocingo olukhuseleyo ekwakhiweni kwawo eluncanyathiselwe kakuhle kwisinyithi sethumbu nasemlonyeni wayo wesinyithi. Ngaphandle kwase sitishini senqwelo-moya okanye endaweni yokuma iinqwelo-moya akukho thumbu elincanyathiselwe kulempompo maligqithe i 4.5m ngobude ikalwe ukusuka kwimpompo ukuya encamini yomlomo wesinyithi.

Ukumiswa kwezixhobo zokuzalisa neempompo

44. Itheku ngalinye lempompo yokuzalisa nempompo ngenye mayibe-

(a) kumgangatho ongaphandle;

- (b) fakwe ngendlela engazukuvikela mntu okanye isilwanyana ukuba sibaleke ukuba kungakho umlilo;
- (c) miswe okanye ikhuselwe ziindonga ezirhangqileyo ngendlela engaveza impahla eyamileyo emngciphekweni wengozi yomlilo xakuzaliswa.

Izibane ezingakhuselwanga nezixhobo zombane

45. (1) Akukho mntu umakafakele okanye ase okanye enze ukuba okanye avume kufakwe okanye kusiwe kwamlilo, idangatye, isibane esingakhuselwanga okanye ezinye isenzi esingabasa ulwelo olunokutsha okanye umophu walo, ngaphandlekwesibane sombane esigqangazayo esingumgama we 3m wempompo yolwelo olunokutsha;
- (2) Akukho mntu umaka beke okanye enze ukuba okanye avume ukuba kubekwe isixhobo sokucima nokuvula umbane, isixhobo sokuvula nokucima, isipoponi somlilo, injini okanye isixhobo esingokhiwanga ngento engatshiyo;
- (3) Umxokelelwano weengcingo zombane phakathi kwebhodi yokwahlukana okanye ibhokisi yesiphambuka nempompomayibe, apho kwazekayo, bubude bocingo obuqhubekayo: Kodwa kuphela xa apho le nto inganakho ukwenzeka kuzakusetyenziswa ibhokisi yesiphambuka engatshiyo.

Ukugcinwa kwamatanki, iindlela zemibhobho neempompo

46. (1) Onke amatanki, iindlela zemibhobho, iimpompo, oomatshini, izixhobo ezifakelweyo, nezinye izinto ezihamba nezinye zokugcina, ukusetyenziswa nokuphathwa kolwelo olunokutsha ma:-
- (a) zakhiwe ngendlela efanelekileyo neyiyo;
 - (b) zifakelwe zincanyathiselwe ngendlela ezakwenza ukuba zingabi sesichengeni sokonakala;
 - (c) zikhuselwe ngokwanelisayo embaneni;
 - (d) zingavuzi lulwelo lunokutsha, nalapho kwazekayo, zingavuzi mophu wolwelo olunokutsha ngaphandle kwangombhobho wokukhupha nokungenisa umoya;
 - (e) zigcinwe zikwisimo esihle nesisiso kwaye ngamaxa onke zihambelane namalungiselelo esi sahluko.
- (2) Zonke iindlela zeempompo mazibe kumgangatho ongaphantsi komhlaba kwi engile esekunene komgca wokwakhiwa xa inqumla ipavmente kawonke-wonke.

- (3) Lonke unxibelelwano lombane oludingekayo ngokwesi sahluko maluphononongwe ngumntu olungele ukwenza oku omakabhale indlela olusebenza ngayo nemeko elukuyo unxibelelwano olo, igama nedilesi zakhe, nosuku lophoonongo kwincwadi yengxelo ekhutshwa numntu ohlala kuloo ndawo egcinelwe lo msebenzi kuphela kanye qho emva kweenyanga ezingama12. Zonke ezingenisomazityikitywe nguloo mntu kwaye kufuneka zihlale zifumaneka khon'ukuze zihlolwe lilo naliphi na igosa eligunyazisiweyo leBhunga.

Ulwakhiwo lwezikhongozelo eziphathekayo

47. Akukho mntu umaka gcine okanye athuthe onye avumele ukuba kugcinwe okanye kuthuthelwe kwisikhongozelo esinye naluphi na ulwelo olunokutsha ulukuDidi A okanye kuDidi B olububuninzi obungaphezulu kwama 50l ngaphandle kokuba eso sikhongozelo sakhiwe ngesinyithi esingekho ngaphantsi kwe 1.60mm ubukhulu.

Ukuzaliswa kwezikhongozelo

48. Akokho mntu umaka phathe okanye enze ukuba okanye avumele ukuphathwa kurhwebo, ishishini, okanye kumsebenzi wokuzaliswa kwezikhongozelo ngoDidi A okanye B lolwelo olunokutsha ngaphandle kwase sakhiweni esingaenakutsha esiketeyenziselwa oku, okanye kumgama ongekho ngaphantsi kwe16m ukusuka nakuwuphi na umlilo, idangatya, isibane esingakhuselwanga okanye nasiphi na isenzi esingavuthisa ulwelo olunokutsha okanye umophu walo.

Ubuninzi obungahlala kwisikhongozelo

49. Akukho sikhongozelo emasizaliswe ngolwelo olunokutsha ukuya ngaphezulu komyinge we95 ekhulwini kunoko imelwe kukukuqulatha.

Izikhongozela emva kokuhambisa

50. Akukho mntu othutha ulwelo olunokutsha ngesikhongozelo olungaphezulu kornlinganiselo oxelwa kwisahluko sama42 okanye phantsi kweemeko zocino lwexeshana ezilungiselelwe kwisahluko sama50 makenze ukuba okanye avumele ezi zikhongozelo ukuba zihlale zingagadwanga nakweyiphi na indawo engesiso isitori okanye itanki lokugcina ithuba elide kunelo lidingekayo, thuba elo, naphantsi kwazo naziphi na iimeko, enalingagqithi kwiiyure ezili12.

Ugcino lwezikhongozelo ezingaphethanga nto

51. (1) Akukho mntu umakabeke isikhongozelo esingaphethanga nto okanye enze ukuba okanye evumele ukuba isikhongozelo esingaphethanga nto sibekwe nakwiziphi na izakhiwo nemihlaba yazo ngaphandle kwasesitorini: Kuphela xa:-
- (a) eso sikhongozelo singagcinwa phandle kumgama ongekho ngaphantsi kwe6m ukusuka emlilweni, edangatyeni, esibaneni esingakhuselwanga okanye kwesinye isenzi esingavuthisa ulwelo olunokutsha okanye umophu walo;

(b) kungekho mntu umakene ukuba okanye avumele izikhongozelo ezingaphethanga nto ukuba zihlale kwiindawo zikawonke-wonke;

(2) Isikhongozelo ngasinye esigcinwe ngoluhlobo masivalwe gingci ngesivingco okanye ngesinye isivalo esifanelekileyo maxa onke.

Ukugcinwa kwezikhongozelo

52. Akukho mntu umaka lungise okanye avume kulingiswe nasiphi na isikhongozelo de kube lonke ulwelo olunokutsha nomophu walo zisusiwe kweso sikhongozelo.

Ukuphawulwa kwezikhongozelo

53. Akukho mntu unaka nike okanye ahambise nakubani na uDidi A okanye B lolwelo olunokutsha nakwisiphi na isikhongozelo esingaphantsi kwe 200l, ngaphandle kokuba eso sikhongozelo sinombhalo othi: 'inokutsha' ocace gca obhalwe ngelwimi zombini ezivumelekileyo.

54. Isiqinisekiso sobhaliso esikhutshilwe nasiphi na isitori kufuneka sixele udidi nomlinganiselo ongowona umkhulu wolwelo olunokutsha ekuvumeleke ukuba lugcinwe kweso sitori ngexesha.

Isaziso sengozi esitorini

55. Akukho mntu umaka sebenzise okanye enze ukuba okanye avumele ukusetyenziswa kwaso nasiphi na isitori solwelo olunokutsha, ngaphandle kokuba nade kube amagama athi "INGOZI - ULWELO OLUNOKUTSHA-AKUTSHAYWA OKANYE KUPHATHWE UMATSHISI NESIBASI", ngoonobumba abangekho ngaphantsi kwama 150mm ubude, kunye nodidi nobona buninzi buvumeleke ukugcinwa kweso sitori zipeyintwe ngokucacileyo ngaphandle ecangweni lwesitori ngazo zombini illwimi ezivumelekileyo. Esi saziso masigcinwe ngamaxesha onke kuloo ndawo ngendlela ecacileyo.

Ukwakhiwa nokumiswa kwesitori

56. (1) Isitori ngasinye masakhiwe ngokuhambelana nezimfuneko:

(a) lindonga mazakhiwe ngezitena nesamente, umgangatho ngesamante okanye enye into engenakungenwa, uphahla lona ngesamente enentsimbi ngaphakathi.

(b) Isitori eso masigcwaliswe ngocango lomthi owomeleleyo, ologqunywe ngesinyithi esingekho ngaphantsi kwe 0,9mm ubukhulu, efakelwe kuphahla lwesinyithi okanye ucango olunghekho ngaphantsi kwe 3mm ubukhulu olufakelwe kuphahla lwe-engile norhangqo jikelele olungekho ngaphantsi kwama 50mm. Olu cango maluvulekele ngaphandle lufakelwe iqhaga elomeleleyo. Uhlobo locango olufakelweyo luzakukhethwa ligosa lomlilo eliyintloko.

- (c) Onke amaphahla eefestile makakhiwe ngesinyithi afakelwe iifestile ezibunjwe ngocingo, kwaye zibe luhlobo olungavulekiyo. Iglasi yefestile nganye ingabikho ngaphezulu kwama 450mm x 450mm.
- (d) Isitori ngasinye kufuneka sakhiwe ngendlela apho okanye sirhangqwe ziindonga okanye iibhandi eziluhlobo apho ulwelo olunokutsha olungaphakathi kuso lingakwazi ukuphoncuka kuso. Umngxunya owenziwe zezindonga okanye iibhandi kufuneka ube nombilini owanele wokugcina olona lwelo luninzi nomyinge weshumi ekhulwini ngaphezulu.
- (e) Eso sitori kufuneka sibe nemingxunya yokukhupha nokufaka umoya ngesixokelelwano esiyilwe, sakhiwa sabanombilini ezizakuthintela ukuqokelelana komophu wolwelo olunokutsha kuzo zonke izahlulo zeso sitori ikhuphele loo mophu emoyeni nalapho loo mophu engenakho ukudibana nomlilo, idangatya, isibane esingakhuselwanga okanye nasiphi na esinye isenzi esingabasa loo mophu: Apho okukukhutshwa nokufakwa komoya kungenzeka kuphela ngoomatshini, esi sixokelelwano masihambelane manalungiselelo esahluko se135. Yonke imingxunya yokungenisa nokukhupha umoya, efakelwe edongeni, kufuneka yakhelwe kuphahla lwe-ayini lufakelwe ngokomeleleyo kubuso obungaphakathi ezindongeni. Imingxunya yokungenisa nokukhupha umoya ephantsi mayakhelwe kufutshane nomgangatho womngxunya.
- (f) Imingxunya mayikhuselwe ngeyasuyasu elingadlekiyo elingekho ngaphantsi kweemicroni ezingama 600 kuma 25mm.
- (g) Isitori masingamiswa endaweni ezakuthintela umntu okanye isilwanyana ukuba singaphumi kweso sakhiwo nemihlaba yaso okanye ifake engozini naliphi na igumbi, isakhiwo okanye isakhiwo nemihlaba yaso xa kungaba kho umlilo.
- (h) Nasiphi na isitori esinomgangatho ongaphezulu kwe10m² masibe neminyango emibini eyakhiwe ngendlela echazwe kumhlathi (b), emiswe kwimigama elingeneyo phakathi kwazo elingene ukuvumela ukuphoncuke kwabantu okungathintelwanga kwezo zitori xa kungaba kho umlilo okanye ingozi.

(2) Ngokuxhomekeke kwiimfuno zesahluko sama41 nangaphandle kwento ethethwa kwesi sahluko, isitori singakhiwa phezulu kwezinto ezingatshiyo xa:-

- (a) eso sitori asinasakhiwo sikufutshane naso ngaphantsi komgama wama30m;
- (c) irhangqwe ludonga olufunekayo okanye ibhandi engenakungenwa nje ngokuba kulungiselwelwe kwisahluko (1).

(3) Isitori ngasinye masigcinwe ngokwamalungiselelo esi sahluko maxa onke.

Ukukhanyiswa kwezitori

57. Zonke izibane ezifakelwayo mazibe zezohlobo lombane olukhanya xa zishushu, kufuneka zivalelwe ngesixhobo sangaphandle esingatshiyo ze zonke ingcingo

zikhuselwe okanye zivalelwe emibhobheni yesinyithi engenamququnbelo, eneziphambuka ezidityaniswe ngesikrifu. Zonke izixhobo zokuvula nokucima umbane, iibhokisi zeziphambuka, izipoponi zomlilo nezinye izixhobo zombane mazibe ngaphandle kwesitori.

Ukusetyenziswa kwesitori

58. Akukho mntu umaka:-

- (a) sebenzise nasiphi na isitori okanye enze ukuba okanye avumele ukusetyenziselwa isitori enye into ngaphandle kokugcinwa kolwelo olunokutsha, ii-oli okanye izikhongozelo zazo.
- (b) Sebenzele kwi okanye enze ukuba okanye avumele omnye umntu ukuba asebenzele nakwisiphi na isitori ngaphandle kokuba iingcango zesitori zivulwe gangalala kwaye zihlala zingaphazanyiswa.

Abantu abangagunyaziswanga abangena esitorini

59. Akukho mntu umaka nngene nakwisiphi na isitori okanye enze ukuba okanye avumele ukungenwa kwesitori ngaphandle kwemvume ecacileyo yomhlali okanye omnye umntu ophetheyo kweso sitori.

IINDAWO ZOKUGCINA ISAMBUKU

Isaziso sengenzi emnyango

60. Iibhozi zezaziso ezicacileyo ezibhalwe "INGOZI ULWELO OLUNOKUTSHA-AKUTSHAYWA" ngoonobumba abangekho ngaphantsi kwama150mm ngazo zonke iilwimi ezithethwayo kumda waloo masipala mazimiswe kuzo zonke iindawo zokungena zendawo zokugcina isambuku kwaye mazigcinwe kuloo ndawo zikwi simo esicacileyo maxa onke.

Ugcino

61. (1) Ulwelo olunokutsha malugcinwe kwindawo zokugcina isambuku ngokulandelayo:

- (a) Ematankini okugcina aphantsi komhlaba.
 - (b) Ematankini okugcina aphezu komhlaba.
 - (c) Ezitorini zokugcina isambuku
- (2) (a) Isitori sokugcina ngasinye esi lolu hlobo, okanye iqela lala matanki, anombilini ophelileyo ongaphezulu kwe55kl mazirhangqwe ngodonga (emva koku ezakubizwa ngokuba ludonga lokugcina) okanye udonga lokugcina olwenziwe ngezitena okanye ngesamante, eqhelekileyo okanye eyomeleziweyo (emva koku ezakubizwa ngokuba lugonga lokugcina) eyilwe yakhiwa ngendlela

eyenza idami eli nokubamba nokugcina ulwelo okufuneka lugcinwe ngokuhambelana nomhlathi (1): Kuxhomekeke ekubeni umphezulu wolu donga lokugcina ube ubuncinane ngama75mm ngaphezulu kokudingekayo ukubamba ugcine obu buninzi bolwelo.

(b) Olu donga lokugcina malunbe ubuncinane ngama600mm ubukhulu phezulu namathambeka ayi1, 5 ukuya ku 1mm macala. Olu donga malwaxhiwe lube nomphakathi wombilini wesamenteongekho ngaphantsi kwama200mm ubukhulu ngaphezulu nebhatha macala eyi1 ukuya ku24 yomphakathi wengingqi evalelweyo. Umphakathi onobukhulu obulinganayo nalo mgangatho mawenziwe uhle kangangoko, ngokuxhomekeke kuhlobo lomhlaba, kuzakuthintela ukuvuza kolwelo. Umsebenzi owenziwe emhlabeni orhangqe umphakathi mawenziwe ngezinto uncenceshelwe ucingisiswe.

(d) Udonga lokugcina malwaxhiwe ngokuhambelana nezi zidingo zilandelayo:

- (i) Kufuneka ikwazi ukumelana nentshukumo yolwelo olukwidama elivalweleyo xa ligcwaliswe ngeneno kwama75mm yomphazulu ngolwelo olunobunzima obufana namanzi.
- (ii) Ukuba olu donga lwaxhiwe nje ngesohluli phakathi kwamadama amabini, kufuneka ikwazi ukumelana nokuphosa-phoseka macala.
- (iii) Udonga lokugcina ngalunye maluhlise kangangokuba kufuneka lwenzelwe isiseko esixhomekeke kuhlobo lomhlaba, ezakuqinisekisa uzinzo ithintele nokuvuza kolwelo.
- (iv) Udonga ngalunye lokugcina lwesamante eyomeleziweyo malungabi ngaphantsi kwe150mm ubukhulu ngaphezulu, ukutsaleka okanye isicinezelo sithathwe sonke ngeentonga zestili ezibekwe kubude obungekho ngaphantsi kwama50mm ukusuka kuwo.
- (v) Ucinenezelo lwesamante malungabi ngaphezulu kwe 4826 KN/m² (48 bar) ucinenezelo lwesinyithi 11036 KN/m² (1103 bar) xa kugcwele qhu.

(d) Amalungiselelo afanelekileyo makenziwe ukukhupha amanzi anokuba agcinakele kolu donga lokugcina. Umbhobho wokukhupha amanzi nonokuba uhlamba phakathi kolu donga mawufakwe isivalo sentsimbi yembiza, emasihlale sivaliwe sixitshiwe ngokwaneleyo, ngaphandle kwa xa usebenza.

(e) Umbilini wokugcina wedama elivalweleyo elirhangqe itanki okanye iqela lamatanki mawube nje ngoku kulandelayo;

- (f) Apho kungekho ngaphezulu kwetanki elinye kufuphi nale ndawo yokugcina, umyinge wama90 ekhulwini wombilini wetanki uwonke.
 - (i) apho kungekho ngaphezulu kwamatanki amabini kufuphi nelo dama linye livalelweyo, umyinge wama80 ekhulwini wombilini uwonke.
 - (ii) apho kukho amatanki amathathu ngaphezulu kufuphi nelo dama linye livalelweyo, umyinge wama75 ekhulwini wombilini uwonke;
- (g) ingingqi evalelwe lolu donga lokugcina engasetyenziswanga ngamatanki okugcina kufuneka, ngaphandle kwaxa kuzakulungiswa, kuzakutshintshwa okanye kuzakongezwa amatanki, ihlale ikhululekile ingena nto kwaphela.
- (h) Amalungiselelo akwihlathi (b) no (c) makangasebenzi kwidama esele lisetyenziswa ngosuku lokwaziswa kwesi sahluko.

(3) Isitori ngasinye sokugcina isambuku ma:-

- (a) sakhiwe ngento engatshiyo;
- (b) sifakelwe imingxunya yokukhupha nokufaka umoya eyaneleyo uvuthintela ukukhula komophu wolwelo olunokutsha phakathi kuso;
- (c) siyilwe siz sakhiwe ngendlela esenza sikwazi uku khongozela sigcine, xa kunoba kho unlilo okanye enye into, umyinge wama50 (shumi amahlanu) ekhulwini wobuninzi bolwelo ulokuso xa bubonke.

Umgama phakathi kwamatanki

62. Onke amatanki maka, ngokobukhulu obuxelwe kuluhlu lokuqala apha, ohlukanise kumda wendawo yokugcina isambuku nakwenye-kwenye ngokwemigama exelwe kwimiqulu yesibini neyesithathu ngokulandelelana kwayo.

Umbilini	Umgama ukusuka kumda		Umgama phakathi kwamatanki
likhilomitha	limitha	limitha	
Ukuya ku	55	6	1
Ukuya ku	85	7,5	1
Ukuya ku	110	9	1,5
Ukuya ku	140	10	3
Ukuya ku	220	12	4,5
Ukuya ku	350	13	5,5
Ukuya ku	455	15	6
Ukuya ku	910	15	7,5

Ukuya ku	2300	15	8
Ukuya ku	4550	15	12
Ngaphezu ko	4550	15	15

Ngokuxhomekeke ekubeni:-

- (a) Apho amatanki anemibilini eyahlukeneyo azakubekwa ngokwamaqela, umgama ukusuka kwimida mayihoywe kodwa imigama ephakathi kwamatanki ngamanye mayi ngabi ngaphantsi kwe nani lemigama yetanki ngalinye elichaziweyo lobukhulu betanki ngalinye lohlulwe kabini;
- (b) Akukho sakhiwo okanye nto eyenzelwe ukugcwaliswa kwezikhongozelo ngolwelo olunokutsha emazimiswe kufuphi ne7,5m yonda wendawo yokucina isambuku.

linjini zombane

63. Akukho mntu umaka beke okanye enze ukuba okanye avume kubekwe nayiphi na injini yombane khindawo apho inokudibana nolwelo olunokutsha okanye umophu walo, ngaphandle kokuba loo njini yakhiwe yaba luhlobo olungatshiyo.

Izixhobo zomlilo

64. (1) Isitori ngasinye sesambuku masidityniswe neSigqeba esinesinqumla-sangqa esingekho ngaphantsi kwe100m.
- (2) Uqhakamshelwano lwempompo yomlilo lwenkonzo nganye yomlilo malufakelwe endaweni evunye sisiGqeba kufutshane nombobho wamanzi osesitratweni osetyenziswa xa kusitsha indlu.
- (3) Isivalo somsinga obuyayo sokuvala umthonmbo osuka esitratweni xa uqhakamshelwano lwempompo lusetyenziswa masifakelwe phakathi komda noqhakamshelwano lwempompo.
- (4) Isivalo semibhobho yamanzi esesitratweni elivili eliqhelekileyo lepateni elifakelwe isiqhagamshelo sephanyazo sika Morris esiyi6,5mm mazifakwe ezindaweni ezivunye sisiGqeba kufuphi nezakhiwo namatanki asetyenziselwa ugcino lolwelo olunokutsha, ngokwenanai lenye kwi450mm² nganye yengingqi yongangathonakufuphi nama92m zesitori ngasinye sokucina isambuku.
- (5) Amathumbu omlilo eplastiki abude bungama 65mm nemibhobho ephumela emacaleni enemilomo yesinyithi enobude obaneleyo bengingqi ekufuphi, encedwa yile mibhobho esetyenziswa xa kusitsha mayibekhona.
- (6) Izicimi-mlilo zohlobo lomgubo pwpmileyo ezinamavili ezingekho ngaphantsi kwama45kg okanye ezinye izicimi-mlilo ezifana nezi, kunye nemibhobho ephumela emacaleni eyenza ugwebu mazifakelwe apho isiGqeba sibona kufanelekile ukuba zibekhona. Isakhiwo ngasinye esisetyenziselwa ugcino lolwelo olunokutsha okanye ezinye izinto ezinokutsha mazibe nezicimi-mlilo

zohlobo lwechiza olungumgubo owomileyo zibembini kwindawo nganye engama450m2 kwingingqi yomgangatho.

(7) Isixokelelwano esifanelekileyo se-alam hleze kube kho umlilo (esifana neentsimbi, iimpempe okanye iisireni) mazifakelwe.

(8) Bonke abantu abaqeshwe kwiindawo zokugcina isambuku mabamane befundiswa indlela zokusebenzisa ezi sixhobo.

Ukuzaliswa kweenqwelo ezinamatanki

65. Ukuzaliswa kweenqwelo ezinamatanki ngolwelo olunokutsha makungaqaliswa okanye lungenziwa endaweni yokugcina isambuku:

- (a) kumgama ongaphantsi kwe8m ukusuka nakusiphi na isitori sokugcina okanye isakhiwo esiphezu komhlaba okanye kumda walo ndawo;
- (b) ngaphandle kokuba nade kube yonke imibhobho ikhusekwe ngokwanelisayo embaneni;
- (c) ngaphandle kokuba ukudibana okusinyithi okulungileyo nokwanelisayo kwenziwe kwaye kuyagcinwa phakathi kwale nqwelo nendlela yombhobho yesinyithi ukuthintela ukukhula kwentshukumo yombane omileyo kule nqwelo.

UKUQALWA kweNJINI eNDAWENI YOKUZALISA

66. Akukho mntu endaweni yokugcina isambuku umakaqale, okanye enze ukuba okanye avumele ukuqalwa kwenjini yenqwelo enetanki okanye nasiphi na isithuthi esiqhutywa ngokomatshini ukuba le nqwelo yendlela okanye esi sithuthi siphakathi kwe6m yayo nayiphi na indawo apho iinkqubo zokuzalisa zenzeka khona ngokungafihlakalanga okanye nakuyiphi na indawo apho lenqwelo kanye esi sithuthi sidibana okanye singadibana khona nolwelo olunokuthsa okanye umophu walo.

linjini ezihamba ngonphunga

67. (1) Akukho mntu umaka qhube okanye azise nayiphi na injini yendlela ehamba ngomphunga kuyo nayiphi na indawo yokugcina isambuku.

(2) Akukho mnini okanye mntu ugunyaziswe ngumnini ukuba aphaathe umakavumele le njini yendlela ehamba ngomphunga ukuba ingene nakuyiphi na indawo yokugcina isambuku.

(3) Apho kunyanzelekileyo ukuba iintloko zoololiwe ezihamba ngomphunga zingene endaweni yokugcina isambuku, umnini mamamise ibhodi yesaziso enamagama athi "IINTLOKO ZOOLOLIWE MAZINGADLULI KULE NDAWO" ngoonobumba abangekho ngaphantsi kwama150mm ubude ngazo zonke iilwimi ezithethwa kumasipala waloo ngingqi. Le bhodi mayibekwe endaweni

ebinakalayo kumgama ongekho ngaphantsi kwe15m ukusuka kuyo nayiphi na indawo esebenzisana nolwelo olunokutsha okanye ugcino lwalo.

Akukho lwelo lunokutsha okanye sikhongozelo sivuliweyo esinomophu wolwelo olunokutsha emazibekwe okanye zigcinwe kumgama ongaphantsi kwe15m ukusuka kwisiqephu somzila esingacandwa yintloko kaloliwe ehamba ngomphunga.

Ulwamkelo kwiindawo zokugcina

68. Akukho mntu umaka:-

- (a) ngene kwindawo yokugcina ngaphandle kwemvume ecacileyo yomhlali okanye umntu ogunyaziswe ngumhlali ukuba aphaathe loo ndawo yokugcina;
- (b) ngene kwindawo yokugcina ephethe umatshisi, idosha okanye into engayila oko;
- (c) enze nasiphi na isenzo esinga okanye esibalelwa ekubeni singenza umlilo okanye ugqabhuko-dubulo okanye into enjalo.

Ukonganyelwa kweendawo zokugcina

70. Umnini-ndawo yokugcina isambuku makaqinisekise ukuba umntu onenkathalo, ogunyaziselwe ukukhathalela le ndawo, uhlala esemsebenzini ngawo onke ngamaxesha omsebenzi kule ndawo yokugcina ukuqinisekisa ukuba akukho zinto zingabangela umlilo ezingaba yingozi kubomi bomntu okanye kwizinto nokuba unogada othembakeleyo uhlala esernsebenzini kule ndawo yokugcina emva kwamaxesha omsebenzi.

UKUTHUTHWA KOLWELO OLUNOKUTSHA

Iphepa le mvume yokuthutha

71. Gcina ngokolungiselelo olukwisahluko se117, akukho mntu umakasebenzise okanye enze ukuba okanye avumele ukusetyenziselwa kwaso nasiphi na isithuthi ukuhanjiswa kolwelo olunokutsha phakathi komda wolawulo lwesiGqeba, ngaphandle kokuba nade abe unephepha-mvume lokuthutha ayikhutshelwe sisgqeba ngokwesithuhti eso okanye iphepha-mvume ekhutshwe nalilo naliphi na igunya lendawo.

Ukukhutshwa kwephepa le mvume lokuthutha

72. (1) Akukho phepha le mvume malinikezelwe nakwesiphi na isithuthi, ngaphandle kokuba nade ezo zithuthi:-

- (a) ziboniselwe uphononongo apho isiGqeba sikhombe khona ibe nemali yophononongo emiselwe kuLudwe lweNkqubo IV ihlawuliwe.
- (b) zihambelana nemiqathango yokulunga ngokunxulumeme nesithuthi eso ngokubekwe iyNational Road Traffic Act, njengokuba ilungisiwe, nayo nayiphi na imimiselo ebhengezwe phantsi kwayo.
- (c) zihambelana neemfuneko zesahluko se109

(2) Eli phepha le mvume mali:-

- (a) qhubeke ukusebenza isithuba esingangenyanga okanye elothuba lixelwa kwelo phepha le mvume;
- (b) balule obona buninzi bukhulu nodidi lolwelo olunokutsha ekuvumeleke ukuba lulayishwe seso sithuthi;
- (c) ncanyatheliswe kwisithuthi ngokunxulumene nesithuthi eso sikhutshelwe elo phephe le mvume hayi kwesinye isithuthi;
- (d) gcinwe kweso sithuthi kwisimo esihle nesibonakalayo ngumnini okanye umntu oselulawulweni lwesithuthi eso endaweni ecace gca.

Ukwakhiwa kwezithuthi

73. (1) Zonke iinqwelo ezinamatanki mazakhiwe ngokuhambelana nezimfuneko zilandelayo:-
- (a) Isithuthi eso masakhiwe ngendlela eyomeleleyo kwaye kangangoko kunakho sakhiwe ngento engatshiyo.
 - (b) Apho kukho khona izibane zombane okanye ezinye izixhobo zombane indlela yombane mayogqunywe kakhulu ngerabha okanye iasbestos neengcingo zifakelwe kwaye zikhuselwe ngendlela enciphisa umngcipheko womonakalo kangangoko kunakho.

Umatshini wokwenza umbane, ibhetri, izipothoni zomlilo okanye iizixhobo zokuvula nokucima umbane mazingabekwa kwindawo ezinokudibana kuyo nolwelo olunokutsha okanye umophu walo.
 - (c) Itanki malakhiwe ngentsimbi, isinyithi okanye olunye ohlobo lwesinyithi lirivethelwe, lidityaniswe, luywinwe ngesinyithi okanye enye into enjalo kodwa liqine ngqi.
 - (d) Indlela yokunqumla indlela yombane kufuphi nebhetri ngesixhobo sokuvula nokuvala umbane esizipali ezimbini okanye enye indlela efanelekileyo mayilungiselelwe.

(e) Naliphi na itanki elinombilini ongaphezulu kwe6kl malohlulahlulwe libe ziikompamenti ezingangenwa lwelo, ikompamenti nganye ibenombilini ongekho ngaphezulu kwe6kl.

(f) Itanki malincanyathiselwe ngokukhuselekileyo kwaye lidibane ngesinyithi nesithuthi eso.

(g) Imibhobho yokutsala yetanki mayifakelwe izivalo zangaphakathi neetephu ezomeleleyo ezikhuselekileyo neziciko ezifanelekileyo. Iitephu neeziciko ezo mazikhuselwe ngumzimba wesithuthi okanye ngenye indlela esbenzayo.

(h) Ilimingxunya yokukhupha nokufaka umoya esebenzayo mayifakelwe kwikompamenti nganye kwaye yonke le mingxunya mayogqunywe ngeyasuyasu locingo oluncinci elingekho ngaphantsi kwama600 emicrona kwi 2500n lube netepu okanye isivalo.

(i) Amalungiselelo oneleyo makenziwe okudibanisa ingcingo zombane ezihamba nezinye iingcingo zesi sithuthi ngokwanelisayo ukuthintela ukuqokeleleka kobuninzi bombane omileyo naphi na kuso kwaye, ngaphezuluoluphi unxibelelwano lwempompo oluya etankini malufakelwe ukuqinisekisa unxibelelwano lombane olupheleleyo phakathi kwetanki naso nasiphi na isikhongozelo esifumana ulwelo kulo.

(j) Lonke unxibelelwano lweentambo zombane ezifuneka kwesi sahluko malunaphononongwe lubhalwe kwincwadi yengxelo yezihlo ngokufunwa kwisahluko 83.

(2) Isithuthi ngasinye esingeyonqwelo enetanki ma:-

(a) yibe nombilini owaneleyo nonxibelelwano olubonakalisa ngokukhuselekileyo ubuninzi bolwelo olunokutsha ekunqweneleka ukuba ulayishwe kweso sithuthi, ubuninzi obupheleleyo babungabikho ngaphezulu kwama 30kl.

(b) yixhotyiswe ebuncinaneni ngamavili amane: Ukuba kukho isikhoji esiyinxalenye yesisithuthi naso masixhotyiswe ngamavili amane.

(c) Yenziwe ixhotyiswe ngendlela eyenza ukuba ingakwazi ukulumeka naluphi na ulwelo olunokutsha, olunokuba kwisithuthi eso.

Ukugcinwa kwezithuthi

74. Akukho mntu uma ka sebenzise okanye enze ukuba okanye avume kusetyenziswe nakuyiphi na indawo kawonke-wonke nasiphi na isithuthi ukuhambisa ulwelo olunokutsha, ngaphandle kokuba eso sithuthi sigcinwa sikwisimo esihle nendlela yokusebenza eyiyo.

Izikroba eziya ematankini

75. Zonke izikroba zamatanki ezithuthi ezisetyenziselwa ukuthuthwa kolwelo olunokutsha mazigcinwe zivalwe ngokwanelisayo maxa onke xa zingasetyenziswa.

Ukonganyelwa kwenqwelo ngumntu othembekileyo

76. Inqwelo nganye enetanki mayihlale iphantsi ngongamelo lomntu othembekileyo ngethuba loo nqwelo inetanki isetyenziswa naphi na apho kungekho kwindawo yokugcina isambuku khona.

Isahlulo seNqwelo eneTanki ngexesha lomsebenzi wokuthutha

77. Akukho mntu uma:-
- (a) kenze ukuba okanye avumele inqwelo enetanki ukuba ime kwi okanye ngokunqamlezayo kuyo nayiphi na indawo yokuhamba kawonke-wonke ngexesha lomsebenzi wokuthutha;
 - (b) kabeke ithumbu okanye enze ukuba okanye avume kubekwe ithumbu ngokunqamlezayo kule ndawo yokuhamba ngexesha lalo msebenzi;
 - (c) kenze ukuba okanye avumele ukuba inqwelo enetanki ingeve okanye iphume ngomva kwisakhiwo nemihlaba yaso phambi okanye emva komsebenzi wokuthutha kweso sakhiwo nemihlaba yaso.

Izicimi-mlilo

78. (1) Akukho mntu umaka sebenzise okanye enze ukuba okanye avume kusetyenziswe nayiphi na inqwelo enetanki ngaphandle kokuba loo nqwelo inobuncinane bezicimi-mlilo ezisebenzayo zamachiza eziyi 9kg ezimbini emazibe luhlobo longubo owomileyo.
- (2) ezi zicimi-mlilo mazihlale zikule nqwelo kwindawo kwaye zincanyathiselwe kule nqwelo ngendlela apho zizakufumaneka lula nangokukhawuleza ngayo hleze kube khona umlilo.

Izinto ezinokulumeka ulwelo olunokutsha

79. Akukho mntu uma:-
- (a) kazise okanye enze ukuba okanye avume kuziswe nawuphi na umlilo, idangatye okanye enye into enokulukeka ulwelo olunokutsha okanye umophu walo kungama ongange 3m waso nasiphi na isithuthi ekuthuthwa ngaso ulwelo olunokutsha;

- (b) kaphathe okanye enze ukuba okanye avume kuphathwe umatshisi, idosha okanye enye into enokuyila umlilo nakwisiphi na isithuthi esisetyenziselwa ukuthutha ulwelo olunokutsha;
- (c) katshaye ekwesisithuthi okanye avumele omnye umntu ukuba atshaye ngexesha lokuthutwa kolwelo olunokutsha okanye lokuzaliswa kweso sithuthi ngolwelo olunokutsha okanye lokukhutshwa kolwelo olunokutsha kweso sithuthi;
- (d) katshaye kumgama ongange 3m ukusuka kweso sithuthi xa sizaliswa ngolwelo olunokutsha okanye kukuthswa ulwelo olunokutsha okanye xa engakuyo okanye avumele omnye unu ukuba atshaye kunjalo.

Amanyathelo obulumko

80. Umntu ngamnye onoxanduva loku okanye onxulumene nokuhanjiswa kolwelo olunokutsha makathabathe onke amanyathelo afanelekileyo okuthintela ingozi yomlilo okanye ugqabhuko-dubulo namanyathelo okuthintela ukungena kwabantu abangagunyaziswanga nakwisiphi na isikhongozelo esihambayo.

Ukunyinwa komda wemithetho kamasipala ethile

81. (1) Ulungiselelo lwezahuko 107 ukuya kubalwa no 114 makangasebenzi ekuhanjisweni kulwelo olunokutsha kwisithuthi, esingeyonqwelo iretangi:-
- (a) womlinganiselo ongekho ngaphezulu kwama 200l woDidi A okanye B lolwelo olunokutsha okanye ama400l yoDidi C lolwelo olunokutsha kwizikhongozelo zesinyithi ezivalwe gingci enombilini ongekho ngaphezulu kwama 50l; okanye
 - (b) womlinganiselo ongekho ngaphezulu kwama 200l woDidi A okanye B lolwelo olunokutsha okanye 1kl woDidi C lolwelo olunokutsha olukwisikhongozelo sesinyithi esivalwe gingci inye yazo ibenombilini ongekho ngaphantsi kwama 200l.
- (2) Ezi zikhongozelo mazakhiwe zipakishwe ngendlela ethintela ukuvuza ishenxise nokophuka, ukuba namadlala okanye ukungakhuseleki ngexesha lokuhanjiswa.
- (3) Akukho lwelo lunokutsha omaluhanjiswe kwi okanye ngendlela ecanda phakathi kwezindlu ngesithuthi esihamba ngomphunga okanye nakwisiphi na isikhoji okanye esinye isithuthi esitsalwa sisithuthi esihamba kunjalo.

AMAGUMBI OKUCOCA NGANACHIZA – NGOKUBANZI**Isiqinisekiso segumbi lokucoca ngamachiza**

82. (1) Akukho mntu umaka sebenzise okanye enze ukuba okanye avume kusetyenziswe naliphi na igumbi nje ngegumbi lokucoca ngamachiza ngaphandle kokuba nade elo gumbi libe libhaliswe ngokufanelekileyo phantsi kwesi sahluko.
- (2) Akukho siqinisekiso masikhutshelwe ukusetyenziswa kwaso nasiphi na isakhiwo nomhlaba waso nje nge gumbi lokucoca ngamachiza ngaphandle kokuba nade esisakhiwo nomhlaba waso sihambelane nemfuno zale mithetho kamasipala.
- (3) Amalaungiselelo ezahluko zama42 ukuya kubalwa nesama49 kunye nesama52 makasebenze kwisiqinisekiso esiphantsi kwesi sahluko mezilungiso ezidingekayo.

Ukusetyenziswa kwamagumbi okucoca ngamachiza

83. Akukho gumbi lokucoca ngamachiza emalisesetyenziselwe enye into engekuko ukucoca ngamachiza nezinto ezifana nook.

Ukufakelwa koomatshini

84. (1) Akukho mntu umakafakele okanye enze ukuba okanye avume kufakelwe nabaphi na oomatshini bokucoca ngamachiza efana noomatshini bokuhlamba, iihydro, izicwengisi, izixhobo zokwenza ialkoholi, okanye amatanki okuseta kwenye indawo ngaphandle kwasegumbini lokucocangamachiza.
- (2) Bonke oomatshini mabakhuselwe embaneni ngendlela eyanelisa.
- (3) Zonke ezindawo zikhuselweyo embaneni maziphononongwe ze zifakwe encwadini yengxelo yezihlo ngokufunekayo ngokwesahluko sama83.

libhoyila

85. Akukho boila kuquka netshimini yayo emayifakwe kufutshanene6m yalo naliphi na igumbi lokucoca ngamachiza: Ngaphandle kokuba loo bhoyila ingafakwa gumgama ongekho ngaphezulu kwe3m yalo naliphi na igumbi lokucoca ngamachiza apho kukho udonga lwezitena okante lwesamente olungaqhekekanga olungekho ngaphantsi kwama 450mm ngaphezulu kwebhoyila netshimini yayo olungekho ngaphantsi kwe2m ukusuka kumgangatho wegumbi lokucoca ngamachiza phakathi kwaloo bhoyila netshimini yayo neloo gumbi.

Ukukhutshaw kwamanzi koomathisini

86. Bonke oomatshini abangaphezu komhlaba anje ngoomatshini bokuhlamba, izicwengisi, izixhobo zokwenza ialkoholi okanye izixhobo ezifana nezo mazikhutshwe amanzi kwangoko emva kokuba kugqitywe umsebenzi wokucoca yonke imihla.

Izixhobo zombane

87. Akukho mntu umakafakele okanye enze ukuba okanye avume fukakelwe kwigumbi lokucica ngamachiza okanye endaweni engadibana nolwelo olunokutsha okanye umophu walo, nabaphi na oomathisini bombane okanye ezinye izixhobo zombane ngaphandle kwe:
- (a) sibane esikhanyayo esivalelwe ngento engatshiyo;
 - (b) ntambo zombane ezikhuselwe konke ngeetyhubhu zesinyithi ezingenamthungo eziqiniswe ngesikrifu apho zidibana khona;
 - (c) isicimi / libasi esinye sombane esiliqhosha elicofwayo elenziwe ngendlela engatshiyo emalingabekwa kumagama ongaphantsi kwe1.45m ukusuka kungangatho emalaxhiwe lixhunywe ngendlela elizakukwazi ngayo ukumisa oomatshini xa kungakho ingozi;
 - (d) Izinto zombane ezakhiwe ngokungatshiyo.

Ukuphathwa kolwelo olunokutsha

88. Itanki lokugcina malidityaniswe noomatshini bokucoca ngamachiza kwaye akukho lulwelo lunokutsha emaluphathwe ngethuba kucocwa ngamachiza: Kodwa ubuninzi obupheleleyo obungekho ngaphezulu kweelitha ezingama20 bungaphathelwa ukuhlamba izandla nokuphawula kw sikhongozeli esinye okanye ngaphezulu.

Isaziso sengozi ekungeneni

89. Amagama athi "INGOZI-AKUTSHAYWA" abhalwe ngazo zonke iilwimi ezithethwa kuloo masipala makaboniswe ngokucacileyo ngonobumba abangekho ngaphantsi kwe150mm ubude ngaphandle kwayo yonke indawo yokungena kwigumbi ngalinye lokucoca ngamachiza kwaye makagcinwe kwezo ndawo kwaye ebonakala.

Ukususwa kwenkqutho nezinto zesinyithi empahleni

90. Akukho mntu umaka coce ngechiza okanye enze ukuba okanye avume kucocwe ngechiza nayiphi na into enxitywayo okanye elinye ilaphu ngaphandle kokuba nade loo nto ibe igqogqwe kakuhle zabe zonke izinto ezinje ngematshisi, izinto zesinyithi, amaqhosha esinyithi nezinye izinto ezingadala iintlantsi zisusiwe kozo.

Imiyalelo kubasebenzi

91. Umnini makenze bonke abantu abasebenza kumagumbi okucoca ngamachiza ukuba bayalwe kakuhle ngengozi ezidibaniselene nokusebenzisa ulwelo olunokutsha nangendlela yokuphatha neyokusebenzisa zonke izicimi-mlilo ezifunwa yile mithetho kaMasipala kwisakhiwo nemhlaba yaso, kwaye le miyalelo mayiphindwe qho emva kwenyanga ezintathu.

Abantu okanye izenzo ezingagunyaziswanga

92. (1) Akukho mntu ngaphandle komntu oqeshwe ngokusemthethweni umaka ngene nakuliphi na igumbi lokucoca ngechiza ngaphandle kwemvume ecacileyo yomnini okanye umntu ophetheyo.
- (2) Akukho mntu umakenze nasiphi na isenzo esinga okanye esibalelwa ekubeni singadala umlilo, ugqabhuko dubulo okanye enye ingozi kumagumbi okucoca ngamachiza okanye izinto ezikuwo.

Iindawo zokuhlala oomatshini

93. Bonke oomatshini bokucoca ngamachiza, anje ngoomatshini bokuhlamba, iihydo, izicwengisi, izixhobo zokwenza ialkoholini namatanki okuseta, mababekwe kufutshane kangangoko kunakho nemingxunya yombobho yokukhupha umoya okanye igesi ngokufunwa sisahluko se135.

Izibili

94. Itafile nganye esetyenziselwa ukuhlamba okanye ukubrasha nantoni na ngolwelo olunokutsha mayihambelane nezimfuno zilandelayo:
- (a) loo tafile mayilungiselelwe incam engenakuphuma lwelo enesinqandi macala onke esingekho ngaphantsi kwama25mm ngobude.
- (b) Umphezulu wale tafile mawuphakame ngendlela eqinisekisa ukukhutshawa okukuko kwamamzi ngethumbu elingekho ngaphantsi kwama25mm isinqumla-sangqa elidityaniswe ngqo netanki ephantsi komhlaba ngomgibe omawuthintela ukubuyela komophu.
- (c) Imiphezulu yesinyithi mayikhuselwe ngokwanelisayo embaneni.
- (d) Loo tafile mayincanyathiselwe phantsi okanye edongeni khon'ukuze ingaphazamisani nentambo ekhusela embaneni noqhakamshelo kumsele.

Izibane eziphathekayo

95. Akukho mntu umaka ngenise okanye enze ukuba okanye avume kungeniswe nasiphi na isibane okanye isikhanyisi nakuliphi na igumbi lokucoca ngaphandle kwesibane sombane okanye isibane sokhuseleko esifakelwe into yangaphandle engatshiyo.

AMALUNGISELELO AKHETHEKILEYO APHO IINDIDIDI A NO B ZOLWELO OLUNOKUTSHA ZISETYENZISELWA UKUCOCA NGAMACHIZA**Ukwakhiwa kwamagumbi okucoca ngamachiza**

96. Igumbi ngalinye lokucoca ngamachiza malakhiwe ngokuhambelana nezimfuno zilande'ayo:
- (a) iindonga mazenziwe ngezitena okanye isamante okanye into efanalakileyo efana nazo, umgangatho ngesamante okanye enye into engenakungenwa nto uphahla ngento engatshiyo.
 - (b) Zonke iifestile mazakhiwe ngezitena okanye isamente okanye enye into efanelekileyo efana nazo, umgangatho ngesamente okanye enye into engenakungenwa nto, uphahla ngento engatshiyo.
 - (c) Zonke iingcango neziseko zengcango nazibe zezesinyithi ze iingcango zi'hangqwe konke ngesingenaniso esingama25mm okanye ngaphezulu zingabikho ngaphantsi kwe13mm ubukhulu.
 - (d) Ithala lesamente elili150mm ubuncikane ubude malimiswe ngokunqamlezayo kuzo zonke iingcango kungangatho ongaphezulu umgangatho wegumbi mawube li150mm ngaphantsi komgangatho ongaphezulu oncamatheleyo.
 - (e) Eli gumbi lokucoca malingakhiwa kufutshane kune 1,5m nendawo yokunqumla phakathi kwezindlu kawonke-wonke okanye kwizakhiwo ezincamatheleyo ngaphandle kokuba udonga okanye iindonga ezivelileyo kule ndawo yokunqumla okanye kwesi sakhiwo zakhiwe ngaphandle kwezikroba: Kodwa makangabikho ngaphezulu kwesibini amacala alo naliphi na igumbi lokucoca ngamachiza angenazikroba.
 - (f) Makulungiswe ubuncikane iingcango ezimbini ezivulekela ngaphandle kumoya ococekileyo. Ezi ngcango mazimiswe kumgama ukusuka kolunye ovumela ukuphuncuka okukhululekileyo nokungaphazanyiswayo kwabantu abakwelo gumbi lokucoca ngamachiza ngokuphuma nakuluphi na ucango xa kungakho umlilo okanye enye ingozi.
 - (g) Amagumbi okucoca makavulekele kwelinye igumbi okanye isakhiwo: Kuphela xa ngokuhambelana nale miqathango ilapha ngaphantsi, naliphi na igumbi elizakusetyenziselwa ukomisa

kwezinto ezicolwe okanye ezilungiswe ngolwelo olunokutsha, lingokhiwa phantsi kophahla lwegumbi lokucoca ngamachiza:

- (i) eli gumbi lokomisela malahlulwe kwigumbi lokucoca ngamachiza ludonga elakhiwe ngento engatshito; kwaye
 - (ii) indawo yokungena kweli gumbi lokomisela malilungiselelwe ucango nomgubasi zesinyithi
- (h) akukho gumbi lokucoca ngechiza malibekwe ngaphantsi okanye ngaphezulu kwalo naliphi na elinye igumbi okanye isakhiwo.
- (i) Igumbi ngalinye lokucoca ngamachiza maliginwe ngokwamalungiselelo ahambelana nesi sahluko maxa onke.

Imibhobho yemiphunga

97. (1) Igumbi ngalinye lokucoca ngamachiza malifakelwe ubuncikane umbhobho omnye womphunga ongekho ngaphantsi kwesinqumla-sangqa esingama25mm. Umbhobho ngamnye ololu hlobo mawulungiselelwe
- (a) Ukugqobhozwa okanye imingxunyana yokukhupha ulwelo ngamandla enesinqumla-sangqa esiyi6mm ubuncikane esinezikhewu ezakhiwe ngendlela engenza kube lula ukukhupha umphunga ngokulinganayo khonukuze igumbi likwazi ukuzala ngumphunga xa kungakho umlilo;
 - (b) Isigcayiselo somphunga okanye enye indlela esebenzayo yokuthintela ukwanda kwamanzi phakathi kulo mbhobho.
- (2) Isitokhwe esanlwyo somphunga esnzelwe lo mbhobho okanye le mibhobho masihlale sikhona ngethuba kukhona ulwelo olunokutsha koomatshini bokuhlamba, ezicwengisini, kwizixhobo zokwenza ialkoholi okanye kwizixhobo ezifana nezi.
- (3) Esi sixokelelwano sesitokhwe masilungiselelwe isivingco esibekwe ngaphandle kwe sakhiwo eso kwindawo enokufikeleleka lula xa kungakho umlilo kumgca womsebenzi.

Ukufakwa/ khutshwa komoya kwigumbi lokucoca ngechiza

98. (1) Igumbi ngalinye lokucoca ngamachiza malibenemingxunya yokukhupha nokufaka umoya esisixokelelwano soomathsini abayimibhobho yokukhupha igesi eziyilwe zaze zakhiwa ngendlela engasusa umophu wolwelo olunokutsha ngokwanelisayo kwelo gumbi loo mophu iwukhuphele emoyeni ophandle kwindawo engaphezulu kwelo gumbi engekho phakathi kwe 4,5m ukuya kwindawo evulekileyo yesinye isakhiwo.

(2) Ezi zixokelelwano zokukhupha nokufaka umoya kwigumbi lokucoca ngechiza malenze ukuba umoya okwelo gumbi utshintshwe ebuncikaneni amathuba amgamashuni amathathu ngayure.

(3) libleyidi zezi feni zokukhupha nokufaka umoya mazenziwe ngezinyithi esingeyontsimbi.

(4) Yonke imingxunyana yemingxunya yombhobho wokukhupha igesi mayifakelwe-

(a) kufutshane: naphantsi kangangoko kukwazeka: Ukuba le mingxunyana okanye ingxenye yayo yakhiwe kumgangatho ongaphantsi kwe150mm ngaphezulu komgangatho womgangatho wegumbi lokucoca ngechiza, amalungiselelo afanelekileyo makenziwe ukuthintela ukuphuma kolwelo olunokutsha kulo xa kunokubakho umlilo okanye enye into;

(b) kufutshane: kangangoko kukwazeka neendawo ovela kulo umophu wolwelo olunokutsha loomatshini bokucoca ngamachiza anje ngoomatshini bokuhlamba, ihydro, izicwengisi, izixhobo zokwenza ialkoholi, amatanki okuseta nezinye izinto ezinjalo.

(5) Nabani na ofumarise kukho umlilo nakwiliphi na igumbi lokucoca ngechiza makakhawuleze athabathe amanyathelo akwazekayo ukuvala isixokelelwano semingxunya yokukhupha igesi.

AMALUNGISELELO AKHETHEKILEYO APHO UDIDI C LOLWELO OLUNOKUTSHA LUSETYENZISELWA UKUCOCA NGAMACHIZA

Ukwakhiwa kwegumbi lokucoca ngamachiza

99. Igumbi ngalinye lokucoca ngamachiza malakhiwe lugcinwe ngokuhambelana nezimfuno zilandelayo:

(a) lindonga mazakhiwe ngezitena okanye isamente okanye enye into efanelekileyo efana nazo ze umgangatho wakhiwe ngesamente okanye enye into engenakungenwa nto uphahla lona ngento engenakutsha.

(b) Ithala le samente elibubuncikane obuli150mm ubude malimiswe ngokunqamlezileyo kuzo zonke iingcango kumgangatho ophantsi, umgangatho wegumbi mawube li150mm ngaphantsi komgangatho ophantsi oncamathelene nalo.

(c) Makulungiswe ubuncikane iingcango ezimbini ezivulekela ngaphandle emoyeni. Ezi ngcango mazimiswe kumgama ukusuka kolunye ovumela ukuphuncuka okukhululekileyo nokungaphazanyiswayo kwabantu abakwelo gumbi lokucoca

ngamachiza ngokuphuma nakuluphi na ucango xa kungakho umlilo okanye enye ingozi.

- (d) Akukho gumbi lokucoca ngamachiza malakhiwe mgaphantsi okanye ngaphezulu kwelinye okanye kwesinye isakhiwo: Igumbi okanye isakhiwo zingokhiwa phezu kwegumbi lokucocangamachiza, ukuba elo gumbi okanye eso sakhiwo lilungiselelwe indlela eyanelisayo yokuphuma ngokokwegosa lomlilo eliyintloko.

Ukukhutshwa/kufakwa komoya kwigumbi lokucoca ngamachiza

100. (1) Igumbi ngalinye lokucoca ngamachiza malibe nesixokelelwano sokukhupha nokfaka umoya esiyilwe, sokhiwa ngendlela ezakuthintela ukwanda komophu wolwelo olunokutsha ngokwanelisayo nakwiyiphi na ingxenye yeloo gumbi loo mophu siwukhuphele emoyeni kwindawo apho ungenakudibana namlilo, dangatye, sibane singakhuselwanga okanye esinye isenzi esinga basa loo mophu: Apho nagasiphi na isizathu lee mingxunya yokufaka nokukhupha umoya ingakhuselwa kuphela zizixokelelwano zoomatshini kuphela mayihambelane namalungiselelo esahluko se135

(2) Ukusebenza kwezahluko ezithile:

- (a) Amalungiselelo esahluko se136 nesahlukwana (1) sesi sahluko makasebenze kumagumbi okucoca ngamachiza kuphela xa uDidi C lolwelo olunokutsha lusetyenziswa.
- (b) Amalungiselelo ezahluko ze133, 134 ne135 makasebenze kumagumbi okucoca ngamachiza apho iiNdididi A no B zolwelo olunokutsha zisetyenziselwa khona ukucoca ngamachiza.

AMAGUMBI OKUTSHIZELA

Ukubhaliswa kwamagumbi okutshizela

101. (1) Akukho mntu umaka tshizele okanye enze ukuba okanye avume kutshizelwe nasiphi na isithuthi okanye into ngolwelo olunokutsha kulo naliphi na igumbi lokutshizela nagphandle kokuba loo mntu unephepha le mvume le gumbi eli njalo. Elo phepha le mvume malilungele kuphela ixesha eliphelelwa ngomhla wama31 kweyoMdumba olandelayo.

(2) Amalungiselelo ezahluko sama41 ukuya kubalwa esama52 makasebenze nezilungiso ezifanelekileyo kwindawo ezithile phantsi kwesi sahluko.

Ukukhutshwa kwephepha le mvume legumbi lokutshizela

102. Iphepha le mvume legumbi lokutshizela malinganikezelelwa naliphi na igumbi lokutshizela ngaphandle kokuba nade libe elo gumbi lihambelana neemfuno zale mithethi ka Masipala.

Ukwakhiwa kwamagumbi okutshizela

103. Igumbi naglinye lokutshizela malakhiwe ngokuhambelana nezimfuneko:

(a) Izinto zokwakha emazisetyenziselwe ukwakhiwa kwalo zezingatshiyo kuphela.

(b) Mkufakelwe imibhobho yookukhupha igesi ezakukwazi ukukhupha umophu ngokwanelisayo kula magumbi ikwazi nokutshintsha umoya okwelo gumbi lokutshizela ubuncikane amatyeli angamashumi amathathu ngeyure.

(c) Apho igumbi lokutshizela lahlula hlulwe laba zizindlwana zokutshizela njengokuba kuchaziwe kumhlathi (d), indlwana nganye elolohlobo mayibe nemingxunya yokukhupha nokufaka umoya ngokuhambelana nomhlathi (b).

(d) Apho ingxenye yegumbi lokutshizela yahlulwa hlulwe ngezahluli yaba ziikhompathimenti okanye zizindlwana ezahlukeneyo (ethi emva koku ibizwe njenge zindlwana zokutshizela) loo ndlwana yokutshizela mayakhiwe mgesinyithi okanye enye into engatshiyo.

(e) Yonke im ngxunya yokukhupha igesi esuka kumagumbi okutshizela okanye kwizindlwana zokutshizela maziylwe zize zakhiwe ngendlela apho wonke umophu uphumela ngaphandle emoyeni endaweni engumgama ongekho ngaphantsi kwe4m ngaphezulu komgangatho ophantsi nakumgama ongekho ngaphantsi kwe5m ukusuka kwindawo evulekileyo yaso naisphi na isakhiwo kwaye loo ndawo yokukhupha nokufaka umoya mayakhiwe ngento engatshiyo.

(f) Zonke indawo zokukhupha nokufaka umoya mazibekwe ngendlela evumela utshintsho lomoya olupheleleyo phakathi kweloo gumbi okanye kwaloo ndlwana yokutshizela. Ezindawana zokufaka umoya mazibe bulingana nemingxunya yokukhupha nokufaka igesi elungiselelwe kwesi Sahluko. Imingxunya yokufaka nokukhupha umoya yamagumbi okutshizela mayihlelwe ngendlela eyenza ukuba wonke umophu wolwelo olunokutsha ugqitha kufutshane kangangoko kunakho kwimingxunyana yokukhupha umoya.

(g) libleyidi zezi feni zokukhupha nokufaka umoya mazenziwe ngezinyithi esingeyontsimbi.

(h) Akukho zixhobo zombane mazifakelwe kumagumbi okutshizela ngaphandle kwe:-

- (i) zibane zombane ezikhuselwe ngento engatshiyo
- (ii) ngcingo zombane ezikhuselwe konke ngeetyhubhu zesinyithi ezingenamququmbelo, ezijijwe ngezikrufu apho zidibana khona.
- (iii) izixhobo zombane ezingatshiyo ezisetyenziselwa ukukhutshwa nokufakwa komoya;

(i) Amagumbi okutshizela, iifeni nemingxunya yokukhupha nokufaka umoya mazigcinwe zingenazinto zinokutsha, zihlale zikwisimo sokusebenza maxa onke kwaye ukukwelwa okudinkekayo kwenziwe ngokuhambelana nesi sahluko kwaye kwenziwe ngezixhobo ezingeyontsimbi;

(j) yonke imigqomo, inkonxa okanye izikhongozelo ezinjalo ezinolwelo olunokutsha okanye izinto okanye ebezike zanoku ezingakhange zicocwe le gesi okanye kuthiwe azinabungozi, mazigcinwe zivalwe gingci xa zingasetyenziswa, kwaye mazithi emveni kokuba okungaphakathi kusetyenzisiwe zikhutshwe kwigumbi lokutshizela zibekwe kwindawo apho ngokokubona kwegosa lomlilo eliyintloko zingazukubangela ngozi, siphithikezi okanye phithikeza okanye thintela ukuphuma ngokukhuselekileyo kwabantu okanye ezinye izinto xa kungakho umlilo.

Isaziso sengozi ekungeneni

104. Amagama athi "INGOZI-AKUTSHAYWA" abhalwe ngazo zonke iilwimi ezithethwa kuloo masipala makaboniswe ngokucacileyo ngonobumba abangekho ngaphantsi kwe150mm ubude ngaphandle kwayo yonke indawo yokungena kwigumbi ngalinye lokutshizela kwaye makagcinwe kwezo ndawo kwaye ebonakala.

Apho iimpepha ze mvume zingadingeki khona

105. Izinto eziqulethwe kwizahluko ze138 ukuya kubalwa nese144 mazikukhalimele ukutshizwa ngolwelo olunokutsha kwaso nasiphi na isithuthi okanye kwayo nayiphi na into phandle emoyeni ukuba oko kutshiza kuphakathi komgama oli15m ukusuka emlilweni ophandle, esibaneni esiphandle okanye kwesinye isenzi esingavutisa olo lwelo lunokutsha okanye umophu walo.

Amagumbi okuxubela

106. Amalungiselelo ezahluko ze118, 125, 127 nese 132 makasebenze nezilungiso ezifanelekileyo kumakumbi okuxubela.

**AMALUNGISELELO APHO UDIDI B LOLWELO OLUNOKUTSHA
LUSETYENZISWAYO OKANYE LUPHATHWAYO**

107. Amalungiselelo esahluko se138 makasebenze nezilungiso ezifanelekileyo kuDidi B lolwelo olunokutsha.

Igesi ye-Petroleum enyibilikisiweyo

108. (1) Akukho mntu umakenze ukuba okanye avumele:-

- (a) ukuzaliswa kwaso nasiphi na isikhongozelo okanye isithuthi ngegese ye-petroleum enyibilikisiweyo nakwisiphi na isakhiwo nomhlaba waso;
- (b) ukusetyenziswa, ukuphathwa okanye ukugcinwa kwegesi ye-petroleum enyibilikisiweyo nakwisiphi na isakhiwo nomhlaba waso, okanye
- (c) ukusetyenziswa kwaso nasiphi na isithuthi sisetyenziselwa ukuhanjiswa kwegesi ye-petroleum enyibilikisiweyo nakwiyiphi na indawo kawonke-wonke.

Ngaphandle kokuba iimfuno zoMgaqo we-Petroleum yokuPhathwa, ukuGcinwa noKwabiwa kweGesi eNyibilikisiweyo ekuMiselweni kweMigangatho yaseMzantsi Afrika kwezseMakhaya, kwezRhwebo nakwezaMashishini sekunjelwene nazo nemvume ebhaliweyo ifunyenwe kwigosa eliyintloko lomlilo.

(d) Amalungiselelo endlela yokusebenza ahambelana nokuPhathwa, ukuGcinwa nokwaBiwa kwePetroleum kuquka neGesi yePetroleum eNyibilikisiweyo, ehlanganiswae Yi-Ofisi yokumisela umGangatho yaseMzantsi Afrika; Amacandelo I ukya ku VIII Amacandelo I no II, makahambelane nemiMmandla yolawulo yesigqeba kwaye makathathwe nje ngenxalenye yale Mithetho ka Masipala.

Izinto zokudlala ezizaliswe ngegese

109. (1) Akukho mntu umaka:-

- (a) zalise ngegese yehidrojini nayiphi na ibhaloni okanye esinye isixhobo ngaphandle kwemvume yegosa lomlilo eliyintloko.
- (b) sebenzise okanye abonise nayiphi na ibhaloni okanye esinye isixhobo esizaliswe ngegese yehidrojini ngaphakathi kwaso nasiphi na isakhiwo esi setyenziswa nje ngeklabhu apho uwonke-wonke akwaziyo ukungena khona: Kodwa ukuba ngaba ukusetyenziswa nokuthengiswa kwezi bhaloni zizaliswe ngegese yehidrojini ngesizathu semozulu, sobumzululwazi okanye sokufundisa mazingalelwa.

(2) Ngokwesi sahluko le ntetho ithi “igesi yehidrojini” ithetha nayiphi na imixube yeegesi apho kukho khona nehidrojini, ngaphandle kokuba loo mxube awunakutsha okanye udubule emoyeni.

IKHABIDE

Isiqinisekiso sobhaliso ngokunxulumene nendawo yokugcina

110. (1) Akukho mntu umakagcine okanye abeke ikhabide engaphezulu kwe900 kg nakwesiphi na isakhiwo nomhlaba waso, ngaphandle kokuba loo mntu unesiqinisekiso sobhaliso seso sakhiwo nomhlaba waso.
- (2) Akukho siqinisekiso sobhaliso masikhutshelwe ukugcinwa kwekhabide nasiphi na isakhiwo nomhlaba waso de amalungiselelo ale mithetho kamasipala kube kuhanjelwana nawo ngokunxulumene nesi sakhiwo nomhlaba waso.
- (3) Esi siqinisekiso:-
- (a) masixele ubuninzi bekhabide ekuvumeleke ukuba igcinwe kweso sakhiwo nomhlaba waso;
- (b) singakhutshwa ngokwemiqathango ebonwa ifanelekile siSigqeba kuqwalaselwe iimeko zesicelo eso.
- (4) Isiqinisekiso ngasinye esinjalo masisebenze de kube ngumhla wama31 kweyoMnga olandelayo.
- (5) Akukho siqinisekiso sobhaliso, ngaphandle kohlaziyo lawso, emasikhutshelwe nasiphi na isakhiwo nomhlaba waso de kube kuhanjiswa namalungiselelo esahluko se148 sibe neso sicelo sivunywe siSigqeba.

Ukucelwa kwesiqinisekiso sobhaliso

111. (1) Isicelo ngasinye sobhaliso sihamba nemali esekwe kuLudwe lweNkqubo III olu lapha, masenziwe sibhalwe phantsi kwifom ezakukhutshwa siSigqeba sikhutshelwa oko.
- (2) Kwizicelo ezo ngasinye masikhatshwe yiplani yesakhiwo nomhlaba waso isiqinisekiso eso esifunelwa sona, sizotywe kwisikali esingekho ngaphantsi kwe 1:100 sikwakhombisa nokuphakama kweso sakhiwo nomhlaba waso ngokunxulumene nezakhiwo eyamene nazo ngaphezulu okanye ngaphantsi komhlaba.
- (3) Isicelo ngasinye esilolu hlobo masikhatshwe kwakhona yiplani yesakhiwo ezotywe kwisikali esingekho ngaphantsi kwe1:500 emayicacise:-

(a) isakhiwo eso nomhlaba waso lowo nazo zonke izikwewu ezivulwkeyo namanani ezitendi zawo nezinto ezakhiwe ngazo okanye ezizakukwakhiwa ngazo;

(b) nezitendi ezisondelelene nazo nqgo namanani azo;

(c) namagana ezitrato eloyamene nazo inxiwa nelokishi elikoyo; ne

(d) ncam esemantla

(4) Apho iplani inxulumana nomhlaba osele ukho osele unaso nesiqinisekiso sobhaliso ngokwesahluko se147 nalapho kufunwa ukwenziwa khona izilungiso nezongezo, makungeniswe kuphela iplani yomphantsi kunye nesicelo eso nemali esekiweyo. Loo plani yomphantsi mayizotywe kwisikali esingekho ngaphantsi kwe1:100 kwaye masibonise ezi zilingiso nezonezo ngokunxulumene nesisakhiwo nomhlaba waso sele sikhona.

(5) Zonke iiplani mazi:-

- a. tyikitywe ngumnini sakhiwo okanye i-arhente yakhe;
- b. zotywe nge-inki yamaIndiya kwilineni yokuyila okanye izishicilelo ezicace gca kwilaphu elinomphantsi omhlophe; kwaye
- c. zipeyintwe ngemibala eqingqiweyo ngoluhlobo lulandelayo:

Iplani yesakhiwo:

Izakhiwo ezicetywayo okanye izilungiso: Bomvu

Ezinye izakhiwo else zikhona: Ngwevu okanye zingabi nambala

Iindawo ezingenanto zingapeyintwa

(6) Xa zivunyiwe, le plani okanye ezi plani zizakuba zezeSiqgeba.

(7) Ukuvunywa kweplani yesakhiwo nomhlaba waso makungarheshi nakancinci ukuba isiqgeba sizakuba nixanduva ngakwesisakhiwo nomhlaba waso.

(8) Ukuvunywa ngokwale mithethi kaMasipala kweziplani siSiqgeba makuphelelwe kuphuthe kanye ukuba amalungiselelo ale mithetho kaMasipala akuhanjelwananga nawo ungaphelanga unyaka emva kosuku lokuvunywa.

Imiqathango yesiqinisekiso sobhaliso

112. (1) Akukho mntu umakagcine okanye enze ukuba okanye avume kugcinwe ikhabide nokuba ingaganani na nakwisiphi na isakhiwo

nomhlaba waso engaphezulu kwesixa esixelwa kwisiqinisekiso sobhaliso seso sakhiwo nomhlaba waso.

(2) Nabani onesiqinisekiso sobhaliso esisemthethweni angasenza isicelo esibhaliweyo semvume yokonyusa ubuninzi bekhlabide engagcinwa ngokweso siqinisekiso kwiSiqgeba. Eso sicelo singavunywa siSiqgebe kuphela xa okokwanda kuvumelekile ngokwale mithetho kaMasipala. Xa iSiqgeba sisivumile isicelo esinje, loo mntu makanikezele isiqinisekiso sakhe kwisiqgeba sizokulungiswa.

Ukuhlaziywa kwisiqinisekiso sobhaliso

113. Isicelo sokuhlaziywa kwisiqinisekiso sobhaliso nasenziwe ungafikanga umhla we15 kweyeNkanga kunyaka ophambi kwa lo uhlaziyo lufunelwa wona, senziwe kwifom ekhutshwa siSiqgeba kwaye sikhathshwe yimali esekiweyo kuLudwe lweNkqubo III elapha. Akufuneki zi-plani zesakhiwo nomhlaba waso xa kuhlaziywa, ngaphandle kokuba iSiqgeba sizibizile.

Ukutshintshelwa komnye umntu kwisiqinisekiso sobhaliso

114. (1) Isiqinisekiso sobhaliso singathshintshelwa komnye umntu.
- (2) Umntu ofuna olu tshintsho makenze isicelo kwiSiqgeba kwifom ekhutshelwa oku siso.
- (3) Eso sicelo masikhathshwe yimali esekiweyo kunye nesiqinisekiso sobhaliso esinxulumene nesisakhiwo nomhlaba waso utshintsho olo lufunekela sona.
- (4) Isiqinisekiso sobhaliso asikwazi ukutshintshwa sisuswe kwesinye isakhiwo nomhlaba waso siye kwesinye.

Izilungiso nezongezo kwizakhiwo nemihlaba yazo ebhalisiweyo

115. Akukho zilungiso okanye zongezo mazenziwe nakwisiphi na isakhiwo nomhlaba waso eselesikhona esibhalisiweyo ngaphandle kokuba nade i-plani yenziwe yafakwa yaze yavunywa siSiqgeba ngokubhalwe phantsi.

Izicimi-mlilo

116. Umntu onikwe isiqinisekiso sobhaliso makafakele okanye enze ukuba kufakelwe kweso sakhiwo nomhlaba waso sikhutshelwe sona isiqinisekiso eso, kwindawo efikeleleka lula nebonakalayo edongeni okanye kwenye indawo efanelekileyo kungabikho ngaphantsi kwe im ngaphezu komgangatho wesakhiwo eso, ii-emele esiyi6 ezizaliswe ngesanti eyomileyo, esinombilini ongama91 inye, ezi-ipeyintwe amagama athi "UMLILO" bomvu ngazo zonke iilwimi ezithethwa

kumasipala walo ngingqi emagcinwe ecacile, ngokamalungiselelo eSahluko 2.

Imithetho emayithathelwe ingqalelo

117. Umntu makangagcini okanye enze ukuba okanye avume kugcinwe ikhabide nakwisiphi na isakhiwo nomhlaba waso sibhalisiwe singabhaliswanga, ngaphandle kokuba loo khabide igcinwe:-
- (a) endaweni ekufutshane ngokuyingozi emlilweni, kwidangatye, kumlilo omgakhuselekanga okanye kwesinye isenzi esingavuthisa ulwelo olunokutsha okanye igesi enokudubula;
 - (b) Endaweni eyomileyo nenomoya owaneleyo;
 - (c) Endaweni apho xa kunokuba khona umlilo okanye ugqabhuko dubulo, ukuphuma kwabantu okanye izilwanyana kweso sakhiwo nomhlaba waso kungenakuthinteleka okanye kuvaleleka;
 - (d) Kwizikhongozelo zesinyithi ezivaliweyo.

Ukuhlolwa kwesakhiwo nomhlaba waso

118. (1) Naliphi na igcisa lesiqgeba, nangasiphi na isizathu esihambelana nale mithetho kamasipala, nagaliphi na ixesha elifanelekileyo ngaphandle kwesaziso, lingangena nakwisiphi na isakhiwo nomhlaba waso sibuze imibuzo okanye sihlale loo ndawo ngokuba ebona kufanelekile.
- (2) Umnini okanye umhlali, ukuba abekho kweso sakhiwo nomhlaba waso, nabani na oqeshwe apho makathi xa exelelwa oko ligosa eligunyazisiweyo achaze ubukho bekhabide kweso sakhiwo nomhlaba waso, aphenyule yonke imibuzo enxulumene nokujongwa kwale mithetho kaMasipala okanye nemiqathango enxulumene nesiqinisekiso sobhaliso.

Ukwakhiwa kwsitori

119. Isitori nagsinye, igumbi ngalinye okanye isakhiwo ngasinye esisetyenziselwa ukugcina ikhabide engaphezulu kwe200kg mazi:-
- (a) be zakhiwe kakuhle ngento engatshiyo;
 - (b) be zakhiwe ngendlela zibe kwisimo apho zonke izinto ezilapho zihlala zomile maxa onke;
 - (c) nemingxunya yokufaka nokukhupha umoya eyaneleyo ukuthintela ukwanda kwegesi enokutsha nenokudubula;

- (d) be zakhiwe kwindawo apho iigesi eziphuma apho zingenakudibana namlilo, dangatye, sibane singakhuselwanga okanye nesinye isenzi esingenza ukuba igesi enokutsha okanye edubulayo zibaseke;
- (e) ngabi nandawo ivulekela okanye inxibelelana nelinye igumbi okanye isakhiwo apho kuhlala khona abantu okanye lisenyenziselwa ukudibenela ngabantu okanye kugcinwa khona izilwanyana;
- (f) be zakhiwe ngendlela okanye zibekwe endaweni engenakuba nabungozi bomlilo, idangatye, isibane esingakhuselwanga okanye isenzi esingabasa igesi enokutsha okanye edubulayo;
- (g) be zakhiwe kumgangatho ophantsi:

Esi sitori, eligumbi okanye isakhiwo esisetyenziselwa ukugcinwa kwekhabide engaphezulu kwe200kg, ngaphandle kokuba simiswe kumgama ongekho ngaphantsi kwe30m ukusuka kwesinye isakhiwo, masakhiwe ngezitwna okanye ngesamente sibe nophahla olwakhiwe ngento engatshiyo singabi nandawo ivulekela okanye inxibelelana naliphi na elinye igumbi okanye nasiphi na esinye isakhiwo.

Isaziso sengozi esitorini

120. Akukho mntu umakasebenzise okanye enze ukuba okanye avume kusetyenziswe nasiphi na isitori okanye naliphi na isumbi okanye nasiphi na isakhiwo ukugcina ikhabide engaphezulu kwe900kg ngaphandle kokuba nade abe amagama athi "INGOZI-IKHABIDE" apeyintiwe ngonobumba abangekho ngaphantsi kwe150mm ubude kwaye afundekayo ngazo zombini iilwimi ezisemthethweni kumphandle wocango lwesitori, igumbi okanye isakhiwo ezo. Esi saziso masigcinwe sibonaka kulo ndawo maxa onke.

Ukucoceka

121. Akukho mntu umakagcine, asebenzise, athengise okanye azise ngokuthengiswa kwekhabide engacocekanga ukuthengiswa; Ngaphandle kokuba ikhabide engacocekanga engenazihydrojini efosforeyithiweyo okanye esilikherethiweyo ezisisixa esingenza ukuba ukuba igesi eyenziweyo izivuyhele, mayithathwe njengecocekele ukuthengiswa ngokulungiselelwe esi sahluko.

Ukuthinjwa nokususwa kwekhabide

122. Apho naliphi na igosa eligunyazisiweyo leSiqgeba likholelwa ekubeni ukugcinwa kwekhabide kunxamnye namalungiselelo ale mithetho kaMasipala, angayithimba ayivalele loo khabide kwaye angadinga ukuba umnini okanye umhlali okanye ukuba akukho nomnye wabo

kwisakhiwo nomhlaba waso, nabani na oqeshwe apho ukuba avalele loo khabide ikweso sakhiwo nomhlaba waso okanye esyinye esiphantsi kolwulo lwakhe, ikanye okanye ayisuse kweso sakhiwo nomhlaba waso ngendlela athanda ngayo, okanye abona izakuba yingozi encinane ngakhona kukhuseleko lukawonke-wonke, aze ayivalele okanye athabathe amanyethelo angamanye angadingeka ukukhusea uwonke-wonke.

Ukwaphulwa kwemiqathango

121. Nabani na owaphula imiqathango eqiniselwe kwisaziso solawmkelo okanye kwisiqinisekiso sobhaliso ezikhutshwe ngokwale mithetho kaMasipala, makabe netyala nkokwale mithetho kaMasipala.

Izohlwayo

123. Nabani na owaphula nawaphi na amalungiselelo esi sahluko unetyala kwaye angagwetywa:-

(a) isohlwayo esingekho ngaphezulu kweR100, okanye angabhatala, ngokuvalelwa isithuba esingangenyanga ezintandathu okanye ohlwaywe ukuvalelwa isithuba esingekho ngaphezulu kwenyanga ezintandathu ngaphandle kokokhethiswa ukubhatala; kwaye

(b) kwisithuba setyala eliphindayo okanye eliqhubekayo, isohlwayo esingekho ngaphezulu kweR10 usuku ngalunye liqhubeka eli tyala, okanye angabhatala ngokuvalelwa isithuba esingekho ngaphezulu kweenyanga ezintandathu, okanye zombini isohlwayo nokuvalelwa.

Ukurhoxiswa kweMithetho kaMasipala

134. Amalungiselelo ayo nayiphi na imithetho kamasipala ahmbelana nolwelo olunokutsha nezinye izinto eyenziwe ngumasipala angarhoxiswa kuphela xa enxulumene nemiba elungiselelwe kule mithetho kamasipala.

Isihloko esifutshane

Le mithetho kamasipala ibizwa ngokuba yiMithetho kamasipala yoLwelo olunoKutsha nezinye izinto.

No. 14

UMASIPALA WASEMBIZANA

IMITHETHO KAMASIPALA YOLWAKHIWO

IMITHETHO EYILWAYO

IMITHETHO KAMASIPALA YOLWAKHIWO

Kwaziswa ngokwecandelo le-13 loMthetho weeNdlela zokwenza zooMasipala, 2000 (uMthetho wama-32 ka-2000), ukuba uMasipala waseMbizana upapasha imiThetho kaMasipala yoLwakhiwo encedisana nekwahambelana nemiGaqo yoLwakhiwo kaZwelonke kunye noMthetho wemiGangatho yoLwakhiwo, 1977 (uMthetho we-103 ka-1977) kunye nemiGaqo evunye nguMasipala wooMasipala, njengoko icaciswe apha ngezantsi:

I-INDEKSI

ULWAKHIWO

Ingcaciso

INDawo I: Uphokelo lwezakhiwo, iiveranda, iibhalkhoni, izibonisi zokuthile nezikhanyisi zeendlela zabahambi ngeenyawo.

2. Imvume efunekayo.
3. Imithetho yokwakhiwa kweendawo eziphokeleyo
4. Iintsika zangaphandle endlwini.
5. Iibhalkhoni neefestile eziphokeleyo.
6. Iziseko zeentsika, iintsika zangaphandle ezisicaba, iibhoda ezihombisayo ezisencotsheni yodonga.
7. Iiveranda ezirhangqe iikona.
8. Ukuvuleka kweendlela zabahambi ngeenyawo.
9. Ulungiso, ukususwa nokuqeshiswa kophokelo lwezitrato.
10. Iintloko zezinto ezincedisa kwizakhiwo, oomatshini bokuhambisa izinto ezinzima namaqonga asetyenziswa xa kusakhiwa.
11. Iindlela zeenyawo okanye iindlela zabahambi ngeenyawo ezenziwe ngezilebhu.
12. Ukutyalwa kwezityalo kwiindlela zeenyawo kunye neendlela zeenyawo ezisecaleni kwendlela.
13. Iibhulorho ezincinci zesitrato.

(i) INDawo II: Izibonisi zokuthile kunye nokubekwa kweebhodi ezinkulu zeentengiso

14. Ukufaka izicelo zezibonisi zokuthile
15. Ingcaciso.
16. Ukulungiswa kwezibonisi zokuthile nokubekwa kweebhodi ezinkulu zeentengiso.
17. Izibonisi zeentengiso nokubekwa kweebhodi ezinkulu zeentengiso ezirhafelwayo.
18. Izibonisi ezinqandayo.
19. Izibonisi ezijinga phantsi kweeveranda eziphezu kwezitrato.

20. Izibonisi ezikwiiveranda eziphezu kwezitrato.
21. Izibonisi eziphokeleyo.
22. Izibonisi ezisicaba kwizakhiwo.
23. Izibonisi ezibhabha phezulu.
24. Izikhanyisi ezijingayo neendawo ezixineneyo.
25. Iindawo ezibufihlakala.
26. Ukuxhonywa kweebhodi ezinkulu zezaziso kunye nokubekwa kweebhodi ezinkulu zeentengiso.
27. Ukuhombisa ngexesha lokuzonwabisa kukawonkewonke.
28. Imiboniso.
29. Izibonisi ekungafanelekanga ukuba zixhonywe kwiintsika zeeveranda.
30. Izibonisi ezithathwa njengeziqeshwa ngokuzithandela.
31. Iipowusta.

**INDAWO III: Izinto eziqeshwayo, iintlawulo, iidiphozithi nezohlwayo.
ImiQathango Gabalala**

32. Ukuhlawula kweentlawulo neediphozithi.
33. Iintlawulo zeenkonzelo ezizodwa.
34. Iintlawulo ezongezelelweyo zoqeshiso olutsha.
35. Izohlwayo gabalala.

ULWAKHIWO

1. Iingcaciso

1.1 Kule miThetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into:-

“**ibhalkhoni**” ithetha nayiphi na indawo ephakamileyo efanayo neveranda ephambi kwawo nawuphi na umgangatho wokuphakama kwendlu okwinqanaba eliphezulwana, nokuba inophahla na okanye hayi;

“**igumbi elingaphantsi endlwini**” okanye “**igumbi lokugcina iwayini**” lithetha nawuphi na umgangatho wokuphakama kwendlu wesakhiwo ongaphantsi komgangatho wokuphakama kwendlu ongaphantsi komhlaba;

“**ulwakhiwo lomgangatho wasentlalweni**” luthetha nasiphi na isakhiwo esakhelwe ukuhlalwa ngabantu okanye ngeenjongo zokusetyenziswa entlalweni, kuqula izakhiwo zangaphandle zeendawo ezihlala abantu, izibhedlele, izikolo, iindawo zokufotela nezitali;

“**ulwakhiwo lomgangatho wemizi-mveliso**” okanye “**umzi-mveliso**” uthetha into efanayo naleyo ikuMthetho weMizi-mveliso;

“ulwaxhiwo lomgangatho weeofisi” uthetha naziphi na izakhiwo ezisetyenziselwa iiofisi;

“ulwaxhiwo lomgangatho weendawo zokugcina iimpahla” luquka nasiphi na isakhiwo esisetyenziselwa izaphulelo, ukugcinwa okanye ukuveliswa kwemveliso, kuquka amaziko okumpompa, izindlu zamandla ombane, iimakethi kunye nezinye izakhiwo ezithatha umthamo ongaphezu kweetyhubhikhi eziyi 4500m³ nezingezozakhiwo zikawonkewonke zingezizo nezakhiwo zase ntlalweni;

“uMasipala” uthetha uMasipala woMasipala waseMbizana;

“umthamo wetyhubhikhi” njengoko usetyenziswa kulinganiso lwesakhiwo, uthetha indawo ekumphandle womgangatho (indawo ephantsi enyathelwayo) wowona mgangatho wokuphakama uphantsi;

“injineli” ne-**“njireli kaMasipala”** ithetha umntu obambe eso sithuba okanye ophethe kuloo magunya, ithuba elithile, ngokubhekiselele kumasipala;

“udonga lwangaphandle” luthetha udonga lwangaphandle okanye umphandle omileyo waso nasiphi na isakhiwo, ingelodonga olwahlula izakhiwo / amagumbi amabini, nangona ludibana nodonga lwesinye isakhiwo;

“ukukwazi ukumelana nomlilo” okusetyenziswe xa kuthethwa ngayo nayiphi na into kubhekisa koku kulandelayo:-

- (a) Iintsika zentsimbi nezentsimbi eqinileyo, izakhelo zentsimbi okanye iifreyimu zodonga xa zifakwe iSamente, ikhonkrithi okanye nayiphi na enye into ekwaziyo ukumelana nomlilo;
- (b) ikhonkrithi evunywayo, eneSamente okanye iSamente, amatyana amancinci, ingququ yezitena zesamente, ingququ okanye amatye nezinto zokwenza isiseko sendlela, ikhonkrithi eyenziwe yaqina nemicu yeasbestos;
- (c) kwimeko yezitephusi, ngaphandle kokuba kunikwe eminye imigqaliselo, ukhuni oluqinileyo olunomphezulu wezitephusi neendawo zokubambelela xa unyuka izitephusi ezinobudeki obungekho ngaphantsi kwee-50mm, kunye nendawo engaphantsi ekhuselwe ngento exeliweyo ekwaziyo ukumelana nomlilo;
- (d) ukhuni oluqinileyo oluvunyiweyo, ngaphandle kokuba luxeliwe, xa lusetyenziswa njengezixhasi zezakhiwo okanye iipali ezixhasayo okanye zidibanise intsimbi okanye intsimbi eqinileyo, le ntsimbi

okanye intsimbi eqinileyo (ukuba ikhona) ibe ikhuselwe ngokubhijelwa ngokuthile okanye ngokogqunywa ngento engatsali mbane, ezibudeki bazo bungekho ngaphantsi kwee-50mm;

- (e) kwimeko yomgangatho (indawo ephantsi enyathelwayo), izitena zesamente ezincinci, iithayili, itherakhotha (udongwe olomisiweyo) okanye ikhonkrithi, enobudeki obungekho ngaphantsi kwee-102mm xa idityaniswe nentsimbi okanye intsimbi eqinileyo, ikhonkrithi eyenziwe yaqina enobudeki obungekho ngaphantsi kwee-100mm;
- (f) kwimeko yamaphahla, izitena zesamente ezincinci, ikhonkrithi, itherakhotha okanye ikhonkrithi eyenziwe yaqina kunye namazinki;
- (g) kwimeko yeendonga zangaphakathi, ikhonkrithi, itherakhotha, izitena zesamente ezincinci eziseludongeni, iKhonkrithi eyenziwe yaqina isenziwa ngezinye izinto ezingatsali mlilo ezinobudeki obungekho ngaphantsi kwee-102mm
- (h) kwimeko yeengcango ezikhazimlayo ezingayingenisiyo idrafti nomsi ngokunjalo nakwimeko yokukhazimla kweefestile zangaphakathi, iifestilana ezincinane eziphezu kweminyango (okanye kweefestile) okanye ukwahlulwahlulwa kwezindlu kunye neendawo ezivulekileyo eziya kwiindawo zeekhetshi (zeelifiti) okanye zezitephusi ezicacisiweyo okanye ezifunwa yimiGaqo yoLwakhiwo kaZwelonke, ubudeki obunye okanye iglasi enombane efakelwe uluthi olungekho ngaphantsi kwee-6mm olufakwe ngezikhonkwane ezijikeleziswayo zenkcenkce ngokwezitayili namangqameko amacango kwanakwiipaneli ezinamacala angekho ngaphezu kwee-750mm nee-600mm;
- (i) kwimeko yeengcango-
 - (i) iingcango ezenziwe ngentsimbi elungiselelwe ukuhombisa okanye inkcenkce yokuhombisa ucango engekho ngaphantsi kobudeki bee-6mm inezitayile namangqameko angenakunjinga kungaphantsi kwamacala azii-750mm nee-1 050mm, kwiihenjisi ezizinzileyo zentsimbi ehonjisiweyo okanye iziseko zeentsika ezakhelwe eludongeni zaza zaqiniswa ngeebholthi phezulu nasezantsi; okanye
 - (ii) iingcango ezogqunywe ngezinki ezineebhodi ezilungisiweyo zahonjiswa zaza zohlulwa zaphawulwa ngokucandwa kwiiengile eziphakathi naphakathi, zabethelelwa zaza zaqiniswa ngezikhonkwane zentsimbi ehonjisiweyo, ezingenaphaneli ezitshonisiweyo, zaza zogqunywa ngokupheleleyo ngentsimbi ethintsiweyo yezinki elingekho ngaphantsi kwee-0,5mm, okanye ezinobukhulu obungekho ngaphezulu kwamacala azii-350mm nee-500mm. Ezineejoyinti eziweldiweyo, ezingekho ngaphantsi

kobubanzi obuzii-10mm kungqameko lweengcango ezogqunywe ngamazinki aguqulwe ubuncinane bee-50mm kubuso ngabunye. La mazinki makabotshelwe kufuphi nocango ngezikhonkwane ezijikeleziswayo okanye izikhonkwane ezitsolo ezinobuncinane bobude obuzii-20mm. Ubudeki bamacango anjalo mabungabi ngaphantsi koku kulandelayo:

Kwiindawo ezivulekileyo:-

Ukuya kutsho kwii-2,5m², 45mm

Ukuya kutsho kwii-3, 25; 65 MM

Ngaphezu kwee-3.25m²; 90mm

Konke ukubotshwa, iihenjisi okanye iibholithi mazibholithwe kulo lonke ucango.

Zonke iziteyipla zeehenjisi okanye izibopheleli zodonga mazakhelwe kwizitena zesamente ezincinci eziseludongeni:

Okanye

(ii) iingcango ezinemigubasi yentsimbi okanye intsimbi eqinileyo efakwe ikhonkrithi eqinileyo enobudeki obuzii-75mm efakwe kumbindi onocango lweentsimbi oluqiniselwe kungqameko nezitayile zamacango. Iingcango ezikwaziyo ukumelana nomlilo, ukuba zineehenjisi, zona mazithi, ukuba ukuba azinandawo iphokeleyo, maziqiniselwe kwimigubasi eneentsimbi ezihonjisiweyo ezinika ithuba lokuvuleka nokuvaleka kwee-50mm okanye zabotshelwe ngqo kudonga lwezitena zesamente ezincinci. Makungenzeki nanini ukuba izibambi, iibhloko, imigubasi okanye ezinye izinto zobuchule ezinokutsha okanye izinto ezitsha lula, zisetyenziswe zinxibelelane nocango olukwaziyo ukumelana nomlilo (ngaphandle koqhagamshelo oludibaniseka nezinye izinto);

(j) nayiphi na enye into ehambelana nenombolo 476 yeSABS kunye nazo naziphi na izongezo okanye izilungiso ezifanelekileyo;

(k) igama "ulwakhiwo lomathshini wokugraya" liya kusetyenziswa xa kuthethwa ngemigangatho (indawo yokunyathela) kunye neesilingi zezakhiwo okanye iinxenye zezakhiwo, ezisetyenziselwa ukwakha iindawo zokugraya. Amalungu olwakhiwo axhasa loo migangatho (ezo ndawo zokunyathela) nezo silingi makenziwe ngezinto ezikwaziyo ukumelana nomlilo ekufuneka phezu kwazo kubekwe amaplanga anobudeki obungekho ngaphantsi kwee-75mm kunye nezinye izinto zokuxhasa nokuhombisa okanye okunye nje ukudityaniswa;

"umgangatho wokuqala" uthetha umgangatho olandela ngqo emva kwalo ungongaphantsi;

“umphambili” njengoko usetyenziswa kwindlu yasekhaya uthetha laa ndawo ijonge esitratweni, okanye, kwimeko yaso nasiphi na isakhiwo esingasemva okanye esixokonyezelwe ecaleni okanye sangadityaniswa kuloondlu sixhokonyezelwe kuyo, uthetha le ndawo inkulu yesakhiwo inefestile, uqonde ukuba le nto isenokungangeni kumagumbi angekho ngaphezu kwesithathu ngenani, axokonyezelwe ngasemva kwisakhiwo esingundoqo, atsho abe ngaphambili, yaye enze okanye alungiselelwe ukwenza inxenye yeso sakhiwo sinjalo;

“umgangatho ongowona uphantsi” uthetha loo mgangatho wesakhiwo apho kukho isango elingenayo lisuka ngaphandle okanye elikufuphi nomgangatho womhlaba ekuhanjwa kuwo, yaye, apho imigangatho enjalo mibini, lowo ungaphantsi kuleyo mibi: ukuba nje akukho mngangatho onendawo yawo yokunyathela engaphezu kwe-1,2m phantsi kwenqanaba lendlela yenyawo engena kuwo, kufuneka waziwe njengomgangatho ongowona uphantsi.

“imiphakamo” njengoko isetyenziswa kwizakhiwo, mayilinganiswe ukusukela kwinqanaba longqameko lwendlela yeenyawo, okanye ukuba akukho ngqameko lwendlela, kwinqanaba eliqhelekileyo lomhlaba ongaphambi kombindi weso sakhiwo apho kudibana khona nodonga. Kwimeko yezakhiwo ezinamagumbi akuphahla lwazo, makulinganiswe umphakamo ukuya kutsho kwisilingi yaloo magumbi, imiqathango yokulinganiswa kobude, ngaphandle kokuba kukho enye indlela ezicaciswe ngayo ezo zinto ngokweeyunithi zokulinganisa ze-S.I. ezisebenzisa imetriki.

“isakhiwo esitsha” sithetha:-

- (a) nasiphi na isakhiwo okanye naziphi na iinguqulelo okanye izongezo kwisakhiwo esele sikho.
- (b) nasiphi na isakhiwo esiye sachithwa, satshiswa okanye satshatyalaliswa ngaphezu kwesiqingatha setyhubhikhi yaso saza savuswa ngokutsha okanye apho sele kuqaliswe noko kuvuswa kwaso emva kwalo mhla;
- (c) nasiphi na isakhiwo esinetyhubhikhi yaso eye yandiswa, emva kwaloo mhla, ngexabiso elilingana netyhubhikhi yesakhiwo eso njengoko besisiso phambi kolo lwandiso;
- (d) nasiphi na isakhiwo ekongezwe kuso umgangatho ongaphezulu;

- (e) nasiphi na isakhiwo esiguqulwe uhlobo esakhiwe ngaso ukuze silungele nayiphi na injongo eyahlukileyo kuleyo sasakhelwe yona kuqala.

“umhlali wendlu” uquka nawuphi na umntu ongoyena uhlala kumhlaba okanye endaweni kungakhathaliseki nokuba uhleli ngaliphi na igunya, nakwimeko apho loo ndawo yahlulahlulwayo ize iqeshiswe kubaqeshi bethutyana okanye abaqeshi ngabaqeshi abarentayo, umntu ofumana imali yerenti ehlawulwa ngabo baqeshi bethutyana okanye abaqeshi abarentayo, nokuba ihlawulwa kwiakhawunti yakhe okanye abe yena emele nawuphi na umntu ofanele ukufumana imali leyo okanye onebango kuyo;

“umnini” njengoko esetyenziswe ngokubhekiselele kuwo nawuphi na umhlaba okanye iindawo, kuquka nawuphi na umntu ofumana iirenti okanye iingeniso zaloo mhlaba okanye iindawo kwabo bantu barentayo okanye bahlala apho, okanye onokufumana ezo renti nezo ngeniso ukuba loo mhlaba okanye loo ndawo ibiqeshiswa, nokuba uyifumanela kwiakhawunti eyeyakhe, okanye njengommeli wakhe nawuphi na umntu onelungelo okanye umdla kuloo mali;

“umnini okanye umhlali” okanye amanye amagama athetha umntu ongumnini okanye umhlali kuyo nayiphi na indawo, ngokunjalo negama “umntu”, ngenjongo yokunyanzelisa iintlawulo zezohlwayo ngokwale miThetho kaMasipala, kule meko yomzi-mveliso okanye yentsebenziswano, naliphi na ilungu elinye okanye nangaphezulu kuloo mzi-mveliso okanye loo ntsebenziswano, kwanakwimeko yayo nayiphi na inkampani, nawuphi na umntu ongenguwo loo mzi-mveliso okanye intsebenziswano ngokwentsingiselo eqhelekileyo yala magama, umabhalane okanye umlawuli, wenkampani leyo okanye isigqeba, okanye xa kunokungabikho mabhalane okanye umlawuli, naliphi na ilungu lebhodi yabalawuli okanye ikomiti yenkampani okanye iqumrhu elinjalo.

“isakhiwo sikawonkewonke” sithetha isakhiwo esisetyenziselwa okanye esakhelwe, salungiselelwa, esifanele okanye esilungiselelwe ukusetyenziswa, nokuba kungokuqhelekileyo okanye ngamaxesha athile yaye iyonke okanye inxenye yayo iyindawo kawonkewonke yokudibana, yabantu abangeniswa apho ngetikiti okanye enye indlela, nokuba elo tikiti liyahlawuliswa na okanye hayi. **“iiholo”** ezenziwe zabandakanyeka kuso neziyinxalenye yehotele okanye indawo yokuzonwabisa, mayingabekwa njenge-**“sakhiwo sikawonkewonke”** ukuba ayisetyenziselwa injongo ecaciswe kwimihlathi (a) no(b). Izakhiwo zikawonkewonke ziquka:-

- (a) iholo yemidlalo yeqonga, kuquka indlu yeopera, indlu yemidlalo yeqonga okanye nasiphi na isakhiwo esisetyenziselwa okanye esakhelwe ukuba

sisetyenziselwe ukonwabisa ababukeli, nesineqonga apho imiboniso okanye izixhobo zemidlalo yeqonga ezisetyenziswa kulo, ngokunjalo nendawo ephambi komkhusane waseqongeni kunye kunye nomkhusane waseqongeni njengoko kuyimfuneko okanye kucacisiwe kule miThetho kaMasipala. Iholo yemidlalo yeqonga ingasetyenziselwa zonke iinjongo esinokusetyenziselwa zona isakhiwo sikawonkewonke;

- (b) iholo yesinema inokusetyenziselwa zonke iinjongo esinokusetyenziselwa zona isakhiwo sikawonkewonke, ngaphandle kwezo zixelwe kumhlathi (a), ngaphandle kokuba iyilwe yakhiwa ngaloo ndlela ifunwa ikwacacisa yile miThetho kaMasipala;
- (c) iholo yekhonsathi, yomdaniso webholrum, iholo yokufundisela, igumbi lemiboniso yokuphathekayo, icawa, itshapheli okanye enye indawo ekubhedshelwa kuyo luluntu, enokusetyenziselwa zonke iinjongo esinokusetyenziselwa zona isakhiwo sikawonkewonke, ngaphandle kwezo zibekwe kwimihlathi (a) no(b) ngaphandle kokuba iyilwe yakhiwa ngaloo ndlela ifunwa ikwacaciswa yile miThetho kaMasipala;
- (d) iholo eziphakathi esibhedlele, ekholejini okanye esikolweni, ezinokusetyenziselwa nayiphi na injongo ngokwemihlathi (a), (b) no(c);
- (e) intente, igumbi ekudutyulelwa kulo, isekhasi neqonga okanye indawo eyogqunyiweyo ekunokuhlala kuyo abantu abaninzi, ndawo leyo inokusetyenziselwa le njongo ixeliweyo;

“umgangatho wokuphakama kwendlu” uthetha umphakamo ongekho ngaphezu kwee-6m kumgangatho ongowona ungaphantsi kunye nee-4,5m kumgangatho ongaphezu kwalowo;

“isitalato” siquka nasiphi na isitalato, isikwere, indlela, icala lendlela, indlelana, iavenyu, ibhulorho, indlela ecanda phakathi kwezindlu okanye ipaseji kawonkewonke;

“ixabiso lenkonzo” ixabiso leentlawulo njengoko libekwa ngumasipala amaxesha ngamaxesha, ngokweCandelo lama-74 loMthetho wama-34 kaRhulumente waseKhaya: iiNdlela zooMasipala ka-2000

“owona mgangatho uphezulu wendlu” uthetha owona mgangatho usencochoyini kwisakhiwo, nokuba wakhiwe ngokupheleleyo na kuphahla okanye hayi, kwanokuba sisetyenziselwa okanye sakhelwe ukuhlalwa ngabantu na okanye hayi;

“iveranda” ithetha nayiphi na indawo enophahla enamacala nomphambili ovuleke ngenge ngaphandle kwaxa ixhaswe kumphambili womgangatho ongowona uphantsi wesakhiwo naphezu kwendledlana yeenyawo esesitratweni;

“ububanzi” ngokubhekiselele kwisitalato, buthetha umlinganiso ngokweekona (iirayithi engile) ekuyeni naphakathi kwemida yezitendi ezayame kweso sitalato nakumacala ajongeneyo aso.

INDAWO YOKU-I

INDAWO I: UPHOKELO LWEZAKHIWO, IIVERANDA, IIBHALKHONI, IZIBONISI ZOKUTHILE NEZIKHANYISI ZEENDLELA ZABAHAMBI NGEENYAWO.

Imvume efunekayo

2. (1) Akukho zikholoneyidi, ziveranda, zibhalkhoni, zifestile ziphokeleyo, zikhanyisi zendlela yabahambi ngeenyawo, iiglasizinto eziboniswayo, okanye ezinye iindawo eziphokela ngaphezu okanye kuyo nayiphi indawo yesitalato, yaye akukho ndawo ivulekileyo yabahambi ngeenyawo esesitalatweni okanye ephantsi kwaso nasiphi na isitalato ekufuneka yenziwe okanye yakhiwe ngaphandle kwemvume kaMasipala ebhaliweyo.
- (2) UMasipala unokusebenzisa amagunya akhe ukwala naloo mvume okanye ayinike nokuba akabekanga miqathango na okanye ngemiqathango ethile aze afune intlawulo yaloo nyaka okanye esinye isixa okanye ukwenziwa kwaloo misebenzi okanye inkonzo njengoko uMasipala kufuneka enze njalo kwimeko nganye kuqala aze akhangele ngokwamaxabiso eentlawulo.
- (3) Intlawulo ezinjalo mazihlawulwe kwangaphambili ekuqaleni konyaka ngamnye okanye ithuba ngalinye elibekwe nguMasipala aze umnini wesakhiwo okanye uphokelo abe noxanduva lokuhlawula iidiphozithi, iimali ezihlawulwayo neerenti zolo phokelo ngokwale miThetho kaMasipala.

Imithetho yokwakhiwa kweendawo eziphokeleyo

- 3 (1) Uyilo, indlela yokuma kunye nokwakhiwa kweeveranda, iibhalkhoni, iifestile ziphokeleyo, nezinye iindawo eziphokela phezu kwezitalato zikawonkewonke, mazibe zezanelisayo nezikumanqanaba anikwe nguMasipala
- (2) Zonke iiveranda, iibhalokhoni, iifestile eziphokeleyo nazo naziphi na ezinye izinto eziphokele kanjalo mazakhiwe ngezinto ezikwaziyo ukumelana nomlilo kuphela, yaye mazogqunywe ngononophelo ngeplasta, isamente, iasbhestosi okanye ulwantwentwe lwentsimbi olubekwe lwathi nca okanye logqunywa ngophahla lokhuselo, ologqunyiweyo, zangathi yibhokisi yokukhusela izinto zexabiso okanye zimiswe ngeendlela yeephaneli yaye zixhaswe ngezixhasi ezidibanisa udonga nebhalkhoni eziqiniswe ngekhonkrithi, indawo yesakhiwo eyenziwe ngamatye nesamente okanye ezinentsimbi engatsali mlilo.
- (3) Ukuba kusetyenziswe izinki njengophahla lweeveranda, loo ndawo ivelileyo mayipeyintwe.
- (4) Ngaphandle kokuba uMasipala uboniswe isizathu esivakalayo sokungenziwa kwaloo nto, iveranda ephezu kwesitalato sikawonkewonke mayisondele kangangoko ekulandeleni umgca, iinkcukacha zomphakamo wezo veranda idityaniswa kuzo.

Iintsika zangaphandle endlwini

4. (1) Ngaphandle kokuba loo ndawana kamasipala icaciswe nguMasipala amaxesha ngamaxesha, akukho zintsika zaveranda mazivunyelwe ukuba zimiswe kuso nasiphi na isitalato okanye indlela yeenyawo.
- (2) Akunakuvunyelwa nakuyiphi na imeko ukuba iintsika ezikwindlela yeenyawo zibe nobubanzi obungaphantsi kwee-2.6m.
- (3) Iintsika azinakubekwa, naphantsi kwayiphi na imeko, zibe ngaphezu kweemitha ezintathu (3m) ukusuka kwisakhiwo esilinganiswe kusukwa kumphandle weentsika ezo, yaye zingenakubekwa kwindawo engaphantsi kwee-3m ukusuka phakathi ukuya embindini.
- (4) Akukho ntsika inokubekwa kuyo nayiphi na indlela yeenyawo ekwikona yesitalato ngaphaya kolungelelaniso lwesakhiwo, yaye kungekho nxenye yayo nayiphi na iveranda emayibekwe kwindawo engaphantsi kwee-600mm ngasemva ukusuka kungaqameko olungaphambili lwalo naluphi na ungqameko lwendlela.

- (5) Akukho ntsika zihamba ngambini emazivunyelwe.
- (6) Apho iiveranda zixhaswe ziintsika, ezo ntsika mazingabinazi-ari zisisikwere kunekho naziseko emaziphokele ngaphezu kwee-50mm ngaphaya kwedayamitha esemazantsi, yaye kungenakubakho icala elingqalileyo elisiseko salo sidlula ii-350mm.
- (7) Apho imo yentsika iluhlobo olungaphelelwa xesha, incopho mayibe nezihombiso ezinokhuselo olufanelekileyo yaye mazibe nendawo eintloko nesisiseko ezimi ngendlela efanelekileyo.
- (8) Iintsika, kuquka iintloko neziseko zazo mazingabikho ngaphantsi kwee-3m yaye zingabi ngaphezu kwee-3,6m ngomphakamo, ziphinde zingagqithi kwii-405m kuquka nesiseko sentsika yangaphandle.
- (9) Akukho zipali okanye iintsika emazivunyelwe kwizitalato apho isizathu sendlela yeenyawo okanye indlela esecaleni komgaqo eneentambo zombane okanye enokuba neentambo zombane, imibhobho okanye iinkonzo zoluntu, ngaphandle kokulungiselelwe apha, ukubekwa kweentsika okanye iipali makuthathwe njengento ekucetyiswa ukuba ingenziwa.
- (10) Kwizitalato, iiveranda, iibhalkhoni okanye olunye uphokelo phezu kwezitalato olunjalo oluvumelekileyo maluxhaswe ngohlobo lwezixhasi ezidibanisa iibhalkhoni namadonga, zixhasi ezo zenziwe ngekhonkrithi eyenziwe yaqina okanye ngentsimbi.
- (11) Ubuncinane bomphakamo ukusuka kwindledlana yeenyawo esecaleni kwendlela okuya kwicala langaphantsi lesixhasi ngasinye esidibanisa ibhalkhoni nodonga mababe ziimitha ezintathu (3m).
- (12) UMasipala angavumela ukwakhiwa kweentsika zeveranda zezitalato emva kokubhaliswa kwesivumelwano setayityile yendlu enodonga olwayame kolwenye indlu, sivumelwano eso esityitywe kunye nengqina elisemthethweni, isesokusetyenziswa kwetayitile yaloo ndlu inodonga olwayame kolwenye indlu, apho umnini waloo ndlu inodonga olwayame kolwenye indlu evuma ukuthwala iindleko zawo nowuphi na umsebenzi wokuqhagamshelwa kweekheyibhile zombane, imibhobo, okanye eminye imisebenzi okanye iinkonzo zikamasipala eziyimfuneko kolo lwakhiwo, ubukho, ukulungiswa okanye ukususwa kwezo ntsika zeveranda, iindleko zaloo tayitile yokwenziwa komsebenzi mazijongane nomnini waloo ndlu inodonga olwayame kolwenye indlu.
- (13) Ngaphandle kwemeko yeentsika zelitye elidityanisiweyo, iintsimbi okanye imibhobho yentsimbi elungiselelwe ukuhombisa okanye ezinye izixhasi

ezimileyo ezinamandla oneleyo, mazidityaniswe nendlu leyo kuzo zonke iintsika zekhonkrithi, zelye okanye zezitena zesamente ezincinci eziseludongeni, yaye mazidityaniswe ngokuqinileyo ngaphezulu kwesi sakhiwo singaphezulu nasemazantsi eziseko (eefawundeyishini), ngeebholithi, iidoweli okanye ezinye iindlela ezinjalo zokudibanisa.

- (14) Kwimeko yeentsika zelye elidityanisiweyo, makufakwe iibholithi okanye iidoweli ezinedayamitha ebuncinane buzii-15mm yaye zifakwe ngobuncinane bee-150mm kwishafti yentsika zize ziqinise ngokwanelisayo.
- (15) Ezo bholithi okanye iidoweli maziqiniselwe kumantla nesiseko aze aqinise kumntla weefawundeyishini.
- (16) Imibhobho okanye ukutyhubhisha kwesiqhelo makungasetyenziswa kwiintsika zezindlu ezingaphezulu okanye eziseverandeni okanye kwibhalkhoni yesitalato ngaphandle kokuba kwenziwa ngohlobo lwabazobi bezakhiwo.
- (17) Ubunzulu nobubanzi bezixhasi ezibekwa kwiintsika mazibonakale zilingana nayo nokuba yidayamitha yomntla wentsika.
- (18) Ukuba kukho naluphi na unqameko lweentsika ezinyukayo, malwandiswe ngaphezu komgangatho wokunyathela lwebhalkhoni ongekho ngaphantsi kwee-750mm, lungabikho nangaphezu kwee-1.05m.
- (19) Kule miThetho kaMasipala makungabikho nto inqanda ukuphakanyiswa nokusetyenziswa kwentsika edibanisa iiveranda ezimbini ezidibanayo, nokuba inxenye yaloo ntsika imi kwimigca eyahlula iindawo ezimbini okanye edibanisa ezifanayo, yaye kungafunekanga iiveranda ezimbini zalelwe ukuba zibeke nayiphi na intsika kwisiseko sentsika yangaphandle, ukuba le nto iyimfuneko kulungelelwaniso yaye ezinye izilungiselelo zale miThetho kaMasipala iyalandelwa.

Iibhalkhoni neefestile eziphokeleyo

5. (1) Iibhalkhoni, iifestile eziphokeleyo, okanye uphokelo olufana nolo malungajingeli phezu kwesitalato sikawonkewonke ukuba sikumphakamo ongaphantsi kweemitha ezintathu (3m) ngaphezu kwendlela yabahambi ngeenyawo yaye zonke izinto eziphokelayo ezinjalo mazakhiwe ngemathiriyeli ekwaziyo ukumelana nomlilo zize zixhaswe nangezixhasi ezidibanisa iibhalkhoni namadonga, zixhasi ezo zidityaniswe ngekhonkrithi eqinileyo okanye ngendawo yesakhiwo eyenziwe ngamatye nesamente okanye ngentsimbi.
- (2) Iibhalkhoni mazingaphokeli ngaphezu kwe-1,35 phezu kwesitalato.

- (3) Iifestile eziphokelayo mazingaphokeli ngaphezu kwee-900mm phezu kwesitalato.
- (4) Ubude obuleleyo obuphakathi beefestile eziphokelayo, kulo naliphi na inqanaba phezu kwesitalato, mabungaegqithi kwisithathu sobude bokuphokelela esitalatweni komphambili weso sakhiwo.
- (5) Akukho nxenye yayo nayiphi na ifestile kulo naluphi na uphokelo ekufuneka lube ngaphantsi kwee-900mm ukusuka eludongeni lwesakhiwo salo yaye kungekho nawuphi na umda owahlula izitendi zabanini abohlukeneyo nako nakuphi na ukwandiswa komda onjalo.
- (6) Nayiphi na ibhalkhoni edityaniswe kwenye iveranda mayibuyiselwe umva ngobuncinane be-1.2m ukusuka kumgca waloo veranda.
- (7) Akukho ndawo yayo nayiphi na ibhalkhoni edityaniswe kuyo nayiphi na iveranda ekufuneka inyuselwe ngaphezu kwemigangatho emibini engaphezu kwenqanaba lendlela yabahambi ngeenyawo, ngaphandle kwaxa le ndawo ingaphezulu yezo bhalkhoni inophahla lwekhonkrithi esicaba eyenza umgangatho ekunyathelwa kuwo, ungqameko lweentsika ezinyukayo olungekho ngaphezu kwemitha enye (1m) ngomphakamo, lube lwakhiwe lwacaciswa yile miThetho kaMasipala, mayivunyelwe ngaphezu kwenqanaba laloo khonkrithi yomgangatho ekuhanjwa kuwo okanye uphahla olusicaba.
- (8) Amadonga awohlula iibhalkhoni phezu kwezitalato zikawonkewonke mazingabi ngaphezu komphakamo wemitha enye (1m) okanye ubudeki bee-225mm.
- (9) Akukho bhalkhoni ingaphezu kwaso nasiphi na isitalato ekufuneka ibe kukuphela kwendlela yokungena kuyo nayiphi na indlu okanye iiflethi.
- (10) Makungabikho kunyuswa kwalo naluphi na uhlobo emakuvunyelwe kwibhalkhoni, ngaphandle kokuba ungqameko lweentsika ezinyukayo kunye neentsika ezilula ezingekho ngaphezu kwedayamitha ezii-150mm, eziyilwe kakuhle ngabayili bezakhiwo nezixhasa ngokwaneleyo uphahla nomphezulu webhalkhoni.
- (11) Akukho mntu makabeke okanye avumele okanye enze ukuba kubekwe nayiphi na into phezu kwayo nayiphi ibhalkhoni ephezu kwesitalato sikawonkewonke, ngaphandle kwezityalo ezihombisayo, iitafile, izitulo, umthunzi owenziwe ngelaphu lentente neliphokeleyo everandeni, yaye eli laphu lingasetyenziselwa ukubeka iimpawu ezithile okanye iintengiso.

- (12) Apho nawuphi umgangatho wokunyathela okanye isakhiwo sisetyenziselwa nje ukupaka iimoto, iifestile eziphokeleyo kwinqanaba laloo mgangatho wokuhamba mazingaphokeli ngaphezu kwe-1,35m ngomphakamo opheleleyo wophokelo lomphambili weso sakhiwo seso sitalato.

Iziseko zeentsika, iintsika zangaphandle ezisicaba, uphokelo olusedongeni olukhusele okuthile nebhoda ezihombisayo ezisencotsheni yodonga

6. (1) Akukho ziseko zantsika, iintsika zangaphandle kunye nolunye uphokelo oludlulayo kwimida yezakhiwo esuka kwinqanaba lomgangatho ekuhanjwa kuwo emazivunyelwe ukuba ziphokele phezu kwesitalato.
- (2) Iintsika zangaphandle ezisicaba, iibhoda ezihombisayo ezisencotsheni yodonga, uphokelo olusedongeni olukhusele okuthile okanye eminye imisebenzi eyenziwa ziingcali zokwakha ebuncinane buziimitha ezintathu (3m) ngaphezu komgangatho womhlaba kufuneka zingaphokeli phezu kwesitalato ngaphezu koku kulandelayo -
- (a) iintsika zangaphandle ezisicaba; 450mm. Umphakamo opheleleyo womphambili ophakathi weentsika zangaphandle ezisicaba kufuneka ungedluli kwisihlanu eshumini somphambili wesakhiwo yaye iifestile eziphokeleyo zaloo mgangatho wokuphakama kwendlu maziqukwe xa kubalwa owona mphakamo uphezulu ofikelekayo weefestile eziphokelayo;
- (b) uphokelo oluhombisileyo olukwaziyo ukumelana nomlilo okanye iintloko zeentsika zangaphandle eziphezu kweengcango: 600mm ize nayiphi na indawo yayo ingabi nobude obungaphantsi kwe-2,75m ngaphezu kwendlela yeenyawo okanye yabahambi ngeenyawo; yaye
- (c) iibhoda ezihombisayo ezisencotsheni yodonga: 1.05m apho zingekho ngaphezu kwee-10.5m ngaphezu kwendlela yeenyawo okanye yabahambi ngeenyawo, kunye nesinye eshumini yomphakamo ukusuka kwindlela yeenyawo okanye yabahambi ngeenyawo ukuba azikho ngaphezu kwee-10.5m eyona iphakamileyo iyi-1.8m.

Iiveranda ezisezikoneni

7. Apho iiveranda zijikela ezikoneni zezitalato, mazibonakale okanye zenziwe ngqukuva kakuhle ukwenzela ukuba zilandele amagophe amangqameko eendlela zeenyawo ngereyidiyasi evunywe ngumasipala.

Ukuvuleka kweendlela zabahambi ngeenyawo

8. (1) Akukho kuvuleka kwendlela yabahambi ngeenyawo makube yeyona

ndlela yokufikelela kulo naliphi na igumbi lokugcina izinto zipholile okanye igumbi lokugcina iwayini.

- (2) Nakuphi na ukuvuleka okunjalo makwenziwe ngeeglasi ezideki ezisekwe entsimbini okanye kwiifreyim zekhonkrithi eqinisiweyo ezilevelishwe zakumgangatho ofanayo nendlela yeenyawo yabucala yaye kungekho ceba laglasi ekufuneka libe ngaphezu komjikelo we-160cm².
- (3) Akukho kuvuleka kwendlela yabahambi ngeenyawo ekufuneka sibe ngaphezu kwe-1,2m ngaphaya komda wesakhiwo kuso nasiphi na isitalato.
- (4) Apho iindawo ezijingayo (iiflephu) zivumelekileyo ekuvulekeni kweendlela zabahambi ngeenyawo, indawo ejingayo nganye mayingabi ngaphezu kwe-0,75m endaweni yaye kufuneka ivulekele ngaphezulu, kwakhona, ivulekile injalo, kufuneka ibe neendawo zentsimbi eqinileyo ezehlayo emacaleni kunye neziseko zezo ndawo zisemacaleni.
- (5) Ukuvuleka kweendawo ezijingayo makuvulwe kuze kusetyenziselwe iinjongo zokuhlisa nokunyusa iimpahla kuphela zize zigcinwe zivaliwe ngaphandle kwaxa kukho umsebenzi owenziwayo.
- (6) Udonga lwangaphambili okanye udonga olungqamene nongqameko lwendlela yeenyawo ngokuvuleka ngakunye malwaxhiwe ngentlama efanelekileyo esuka kungqameko olulula lusiya kumda wesakhiwo esingezantsi.
- (7) Makungabikho kuvuleka kwendlela yabahambi ngeenyawo okogqunywa ngemiqobo ebekeleleneyo yentsimbi okanye yemicu zentsimbi okanye zoluthi.

ULungiso, ukuSuswa nokuQeshiswa koPhokelo lweziTalato

9. (1) Umnini wayo nayiphi na iveranda, ibhalkhoni, ukuvuleka nokogqunywa kwendlela yabahambi ngeenyawo makaqiniseke ngokuzigcina zikwimeko entle ekwazilungisa yaye ukwanoxanduva lwazo naziphi na iingozi okanye umonakalo onokuvela kuzo.
- (2) Ukuvuleka kweendlela zabahambi ngeenyawo kunye nezibane zezi ndlela kunye neendonga zazo, ngokunjalo neendonga zamagumbi angaphantsi kufuneka zigcinwe zingenakungena manzi yaye umnini wazo makabe noxanduva lokwenza loo nto.
- (3) Nawuphi na umntu ophakamisa okanye ongumnini wophokelo olukuso okanye ngaphantsi kwaso nasiphi na isitalato okanye indlela yabahambi ngeenyawo, njengoko kuxeliwe kule miThetho kaMasipala, okanye

izibonisi zezinye izinto ezingasukiyo ezikuso okanye ngaphezu kwaso nasiphi na isitalato okanye indlela yabahambi ngeenyawo, kufuneka ithathwe njengerentwa ngokuthanda kukaMasipala ngokolo phokelo, okanye izinto ezingasukiyo, yaye ukuba uMasipala uthi makothulwe nayiphi na kuzo kungenjalo zonke, loo nto mayenziwe zingedlulanga iintsuku ezili-14 kungekho mbuyekezo nokuba yeyomonakalo ongqamene ngqo, ongangqamananga okanye osisiphumo.

- (4) UMasipala alususe olo phokelo okanye izinto ezingasukiyo xa ingakhange ilandelwe loo nothisi, okanye ukuba azihambelani nale miThetho kaMasipala, yaye iindleko zoko kususwa mazifunwe kumnini wesakhiwo okanye kumntu olulolwakhe olo phokelo, ngenkqubo eqhelekileyo yomthetho.

Iintloko zezinto ezincedisa kwizakhiwo, oomatshini bokuhambisa izinto ezinzima namaqonga asetyenziswa xa kusakhiwa

10. (1) Iintloko zezinto ezincedisa kwizakhiwo, oomatshini bokuphakamisa izinto ezinzima, amaqonga asetyenziswa xa kusakhiwa kunye nezinye izinto ezikumila kunjalo, mazingajingi phezu kwaso nasiphi na isitalato okanye indlela yeenyawo yabucala.
- (2) UMasipala unokunika umyalelo owodwa wokuvunyelwa koomatshini bokuphakamisa izinto nowokuhambisa izinto phantsi kweebhalkhoni nangaphezu komgangatho wokuqala wesakhiwo, kodwa loo matshini mawukwazi ukugcineka kweso sakhiwo uhlala kuso, yaye kuphakamise iimpahla ezisuka ngaphandle komda wongqameko lwendlela yeenyawo.

Iindlela zeenyawo okanye zabahambi ngeenyawo ezenziwe ngezilebhu

11. (1) Akukho mntu ekufuneka abeke i-tha (iasfalthi), i-tha ebekeleleneyo, ukugangathwa ngegrabile okanye naluphi olunye uhlobo lokugangatha indlela kuyo nayiphi na indlela yabahambi ngeenyawo okanye indlela yeenyawo yabucala okanye indlela yeenyawo, ngaphandle kokuba ufumene imvume yokwenza oko kuMasipala.
- (2) Ukuba nawuphi na umntu urhalela ukugangatha ngayo nayiphi na imathiriyeli kwindlela yeenyawo kawonkewonke okanye kwindlela yabahambi ngeenyawo kufuneka aqale afake isampule yayo kuMasipala ukuze ivavanywe aze afumane imvume ebhaliweyo phambi kokuba nayiphi na kuloo mathiriyeli ifakwe kwindlela yeenyawo kawonkewonke okanye kwindlela yabahambi ngeenyawo.
- (3) Wonke umsebenzi mawenziwe wanelise uMasipala.

Ukutyalwa kwezityalo kwiindlela zeenyawo kunye neendlela zeenyawo ezisecaleni kwendlela.

12. (1) Umnini okanye umsebenzisi wendawo edibanisa izitalato unokuthi, ngemvume ebhaliweyo kaMasipala ebifunyenwe kwangaphambili yaze yanikwa phantsi kwesandla senjineli, agreyide aze atyale ingca kuwo nawuphi na umhlaba ophakathi kwale ndawo idibanisa izitalato kunye naloo ndawo kujongwe kuyo kwisitalato, elungisiweyo okanye eyenzelwe ukusetyenziselwa izithuthi.
- (2) Nayiphi na imvume, ngokweCandelwana (1) inganikwa okanye yaliwe nguMasipala, ngokokuzigqibela kwakhe, yaye, ukuba inikiwe, kufuneka ikwazi ukucinywa yaye kufuneka ibe naloo miqathango acinga ukuba uMasipala ifanele ukubekwa ngokubhekisele kukhuseleko lokuntu, ukugcinwa kwezinto zikamasipala kunye nazo zonke iimeko ezifanelekileyo.
- (3) Kuloo mvume ayinikayo uMasipala ngokweCandelwana (1), angaquka imvume yokutyala intyatyambo okanye atyale imithana kwisahlulwana saloo mhlathana ungadlulanga kwii-500mm ngobubanzi nofumaneka kanye kule ndawo ikuyo indawo edibanisa izitalato ecelwe ngulowo ufaka isicelo.
- (4) UMasipala unokuthi, akufumana isicelo esibhaliweyo sasayinwa ngumnini waloo mhlaba okanye umntu ohlala kuwo, nasemva kokuhlululwa kweentlawulo ezibekiweyo kumaxabiso eentlawulo, agreyide aze atyale ingca kuyo nayiphi na kuloo ndawo ichatshazelwe kwiCandelwana (1).

Iibhulorho ezincinci zesitrato

13. Akukho mntu ekufuneka ebeke ibhulorhwana okanye evale nayiphi na indlela ehamba amanzi edreyini yezikhukula, ndlela leyo ilawulwa nguMasipala, engakhange afumane imvume eyodwa kuMasipala.

INDAWO YESI-II

IZIBONISI ZOKUTHILE NEEBHODI EZINKULU ZEENTENGISO

Iingcaciso

1. (1) “**izibonisi zokuthile**” zithetha nayiphi na intengiso okanye isixhobo sentengiso salo naluphi na uhlobo esibonakala kuso nasiphi na isitalato kodwa singaquki intengiso ebekwe ngaphakathi kwesakhiwo okanye nayiphi na intengiso yecawa, yezemidlalo ezisaqalayo, yezemfundo, yezopolitiko okanye yentlanganiso yesisa, yomcimbi okanye umsitho

okanye wokugqatswa kwakhe nawuphi na umntu okhethelwe ulonyulo kwiPalamente okanye kuMasipala, yaye “isibonisi sentengiso” sikwanale ntsingiselo inye.

- (2) “**iibhodi ezinkulu zeentengiso**” zithetha nasiphi na isikrini okanye ucingo olusetyenziselwa okanye olunokusetyenziselwa ukuxhoma umboniso wayo nayiphi na intengiso okanye isixhobo sentengiso esikwimbonakalo okanye ecaleni kwembonakalo yaso nasiphi na isitalato, yaye ziquka nesikrini okanye ucingo olurhangqe isakhiwo okanye iimathiriyeli ngelixa abakhi basebenzayo, okanye esirhangqe umngxuma.

Ukufakwa kwezicelo zezibonisi zokuthile

2. Akukho mntu ofanele ukupeyinta, alungise, axhome okanye abeke isibonisi sokuthile engakhange -
- (a) afake isicelo esibhaliweyo kuMasipala;
 - (b) afake umzobo ocacisiweyo weso sibonisi onomlinganiselo ongekho ngaphantsi kwe-1,20 nesciwangciso esiyibloko esibonisa indawo yeso sibonisi kuloo sayithi, ukuya kumlinganiselo ongekho ngaphantsi kwe-1.500; yaye
 - (c) afumane nempendulo ebhaliweyo kaMasipala.

Ukulungiswa kwezibonisi neebhodi ezinkulu zeentengiso

3. (1) Zonke izibonisi neebhodi ezinkulu zeentengiso mazakhiwe ngokufanelekileyo ziqine ngokufanelekileyo yaye maqiniselwe ngokwanelisayo ngokokuvunywa nguMasipala.
- (2) Umntu ezixhonywe nguye ezo zibonisi neebhodi ezinkulu zeentengiso kunye nomnini waloo nto ingasukiyo ezincanyathiselwe kuyo, kufuneka ajongane nalo lonke uxanduva lwezi zinto, kuquka ukulungiswa kwazo, yaye makaqiniseke ukuba zihlolwa ubuncinane kanye ngonyaka ngenjongo yokwanelisa bona ngokukhuseleka kwazo.
- (3) Zonke iiglasii ezisetyenziswa kwiziboniso, ngaphandle kweglasii ebhaliweyo esetyenziswa kwi*Neon* okanye izibonisi ezifana nayo mazibe yiglasii etyebileyo enobudeki obubuncinane bee-6mm okanye iglasii yokhuseleko enobuncinane bobudeki obuzii-3mm.
- (4) Nasiphi na isibonisi esisetyenzisa umbane, ukuba kuyimfuneko, masibe neekhondensa emazinike umbane onobushushu obungekho ngaphantsi kwe-0.90 yaye bungekho ngaphezu kwe-0.98.

- (5) Zonke izibonisi neebhodi ezinkulu zeentengiso mazipeyintwe ngokutsha zicocwe qho ukwenzela ukunqanda ukuba zingaphatshi.

Izibonisi zeentengiso neebhodi ezinkulu zeentengiso emazirhafelwe

4. (1) Akukho mntu onokuthi, ngaphandle kokuba kukwibhodi enkulu yeentengiso erhafelweyo ngokwale miThetho kaMasipala yokurhafelwa kweebhodi ezinkulu zeentengiso, ezineentengiso okanye ezibekelwe okanye eziboniselwe okanye ezenzelwe ukubonisa intengiso, zibeke okanye zibonise naluphi na uphawu lwentengiso, nokuba imvume yenjineli efunyenwe na okanye hayi ngokwecandelo le-14, ngaphandle kokuba ungumnini welayisenisi esebenza ngoku ekhutshwe nguMasipala ngokwezo zibonisi zeentengiso.
- (2) Akukho layisenisi injalo ifunekayo kuye nawuphi owazisa ishishini lakhe ngesibonisi sentengiso esivunyiweyo, ishishini elo ngaphandle kwesibonisi esijinga emoyeni, kuyo nayiphi na indawo okanye, apho ishishini lalo mfaki-sicelo liyinxenye yendawo, kuloo nxenye yaloo ndawo elenziwa kuyo ngqo.
- (3) Akukho mntu makathengise ishishini, abeke, abonise okanye enze into ithengiseke, ibekwe, ibonise, nasiphi na isixhobo sentengiso salo naluphi na uhlobo kuko nakuphi na ukubekwa kweebhodi ezinkulu zeentengiso, ngaphandle kokuba loo mntu unelayisenisi esebenza ngoku ayikhutshelwe nguMasipala ukwenzela ukubeka loo bhodi inkulu yentengiso.
- (4) UMasipala usenokwala ukuvumela ukubekwa kweebhodi ezinkulu zokuxhonywa kweebhodi zeentengiso okanye zezinye iinjongo kwiindawo apho zibonakala ngathi zinganentsingiselo enecala elidlelelelayo kwindawo yoluntu erhangqe loo ndawo okanye ibe ithoba isidima sabahlali okanye sesinye isitalato.
- (5) Apho kukho naluphi na ulungiso olwenziwe kwisibonisi sentengiso, ngaphandle kwale nto yokuba besibonisiwe kukwakho nemvume kaMasipala efunyenweyo ngokwecandelo le-14, kwaza kwahlawulwa nentlawulo efanelekileyo, makuphinde kubekho enye imfume afunyanwayo kuphinde kuhlululwe enye imali phambi kokuba kwenziwe olo lungiso kwiingcingo zombane okanye indlela esenziwe ngayo isibonisi emva kokuba kutshintshwe loo myalezo udluliswayo.

Izibonisi ezingavunyelwayo

5. (1) Akukho mntu ekufuneka aphakamise okanye abangele okanye avumele ukuba kuxhonywe okanye kulungiswe naziphi kwezizibonisi-

- (a) Nasiphi na isibonisi esipeyintelwe okanye esincanyathiselwe kwiintsika okanye phakathi kweentsika zeveranda yesitalato.
- (b) (i) nasiphi na isibonisi esiphokela ngaphezu okanye ngaphantsi kwayo nayiphi na ibhodi enegama lendawo, igama lendawo, isixhasi sesakhiwo okanye ungqameko lweentsika ezinyukayo zeveranda yesitalato okanye zebhalkhoni;
- (ii) naziphi na izibonisi ezikhazimlayo okanye ezikhanyayo ezinanyathiselwe kuyo nayiphi na ibhodi enegama lendawo, igama lendawo, isixhasi sesakhiwo okanye ungqameko lweentsika ezinyukayo zayo nayiphi na ikona eya ivuleka ngokuvuleka okanye ikona engqukuva yeveranda yesitalato okanye zebhalkhoni;
- (c) nasiphi na isibonisi esiyiflegi ende ebhityileyo exhonywe phezulu kuso nasiphi na isitalato;
- (d) nasiphi na isibonisi okanye ikeleko, intlama yamaphepha asiliweyo, imathiriyeli ephothiweyo okanye efana naleyo okanye naluphi na olunye uhlobo;
- (e) naziphi na izibonisi ezijiwuzayo;
- (f) naziphi na izibonisi eziphazamisana okanye ezibonakala ngathi zingaphazamisana naso nasiphi na isibonisi okanye uphawu lokulawula umthetho wendlela kodwa-
- (i) akukho sibonisi sinemibala ebomvu, eyelo neluhlaza emasibekwe, silungiswe okanye sisetyenziswe kwiimitha ezintandathu (6m) kufuphi nawo nawuphi na umthetho wendlela;
- (ii) zonke izibonisi ezinokukhanya okanye ukukhazimla okubetha kuzo okungezizo izikhanyiso ezimthubi (ezikhrim) ezikumphakamo ongaphantsi kwemigangatho emibini yokuphakama kwendlu okanye iimitha ezintandathu (6m) ngaphezu kwendlela yeenyawo, ngokuba yeyiphi enomphakamo omkhulu, mazihluzwe ngokufanelekileyo ukuze zinqande ngokwanelisayo naluphi na uphazamiseko lwaso nasiphi na isibonisi okanye uphawu lokulawula umthetho wendlela.
- (g) ezizibonisi ezidanyazayo, ezisebenzisa amandla obugqi okanye ezisebenzisa oopopayi ezikwiimitha ezili-9 zomhlaba, nezithuba zokudanyaza ezingaphezu kwama-30 ngomzuzu;
- (h) nasiphi na isibonisi okanye izibonisi, ezinendawo ezirhangqileyo engaphezu kwee-30m, ezipheyintwe okanye ezincanyathiselwe

eludongeni lwesakhiwo, zingekho kudonga olungaphambili lweso sakhiwo;

- (i) Nasiphi na isibonisi esipeyintelwe elucingweni, esingarhafelwanga njengebhodi enkulu yeentengiso;
- (j) nasiphi na isibonisi esikwindawo enoninzi lwayo okanye iyonke isetyenziselwa ukuhlala, ingeyiyo inkcenkce okanye ibhodi engadlulanga kubukhulu bee-600mm eziphindwe ngee-450mm (600mm by 450mm), esincanyathiselwe elucingweni okanye kumnyango okanye isango lokungena kwindawo ehlala abantu okanye kwibloko yeeflethi ezidityaniswe kudonga lweholo engenayo okanye umnyango wokungena eflethini;
- (k) nasiphi na isibonisi esinokwaliwa, esingacacanga okanye esijongene noluntu olusirhangqileyo okanye esikukhanya kwaso kuphazamisana ngqo nabahlali bezakhiwo ezijongene neso okanye esiyinto nje ephazamisayo kolo luntu;
- (l) nasiphi na isibonisi esingalandelanga iimfuno okanye elingavunyelwanga yile miThetho kaMasipala;
- (m) naluphi na uhlobo okanye udidi lwesibonisi oluvunyelwe ngokukodwa yile miThetho kaMasipala;
- (n) makungabikho mntu owenza okanye obangela okanye ovumela ukuba kwenziwe nasiphi na isibonisi esikhazimla ngokombane ngaphandle kweeyure zaxa kuphume ilanga ukuya kutsho ezinzulwini zobusuku.

Izibonisi ezijinga phantsi kweeveranda eziphezu kwezitalato

- 6. (1) Zonke izibonisi ezijinga phantsi kweeveranda eziphezu kwesitalato mazi:-
 - (a) -ncanyatheliswa ngokwekona (ngokwerayithi engile) kumda wesakhiwo
 - (b) -be nendawo ecacileyo engaphantsi kwee-2.5m phakathi kwesithuba sendlela yabahambi kweenyawo kunye neyona ndawo isenzantsi yeso sibonisi
 - (c) -ngadluli kubunzulu bee-600mm, nee-2.5mm ngobude kunye ne-230mm ngobudeki phakathi komphandle wayo.
- (2) Isibonisi esiyibhokisi masakhiwe ngenkcnkce okanye ngenkcnkce neglasi etyebileyo emayibe nobuncinane bobudeki bee-6mm okanye enye iglasi yokhuseleko evunyiweyo enobuncinane bobudeki bee-3mm.

Izibonisi ezikwiiveranda eziphezu kwezitalato

7. (1) Ngokufanayo naloo ndlela ibhekise kwizibonisi ezijingayo, zonke izibonisi ezincanyathiselwe kwiiveranda eziphezu kwezitalato mazingqamane nomdla wesakhiwo.
- (2) Izibonisi ezinjalo mazingabi ngaphezu kwee-600mm ngokobubanzi yaye mazifakwe kanye phezu kweendawo ezehlayo emacaleni ophahla lweveranda ngendlela engayi kuphokela ngaphaya komva weegatharingi zophahla okanye mazincanyatheliswe zoyame okanye zingabi ngasentla okanye ngezantsi koqoqo lweveranda okanye ungqameko lweentsika ezinyukayo ngendlela eyenza ukuba zingaphokeli ngaphezu kwee-230mm ukusuka kumphandle wolo qoqo okanye olo ngqameko lweentsika ezinyukayo, kodwa-
- (a) isibonisi esikwisakhiwo sikawonkewonke esincanyathiselwe kwiveranda ngaphezu kwesitalato nesibonisa uphawu okanye inkqubo yolonwabo oluza kunikwa kweso sakhiwo sikawonkewonke kuphela masi-
- (i) -thathe indawo epholelelo eyimitha skwere enye (1m²) ngokuphakathi kwi-1.5m nganye okanye inxenye yomphambili weso sakhiwo ukuya kweso sakhiwo siphakanyiswe phezu kwaso isibonisi.
- (ii) -ngagqithi kumphakamo we-1.2m
- (b) akukho nto ekweli candela emayithathwe ukunqanda ukupeyintwa kwezibonisi okanye izixhasi zezakhiwo ezingagqithanga kwii-600mm ngobubanzi ngaphezu kweentsika zeeveranda okanye kumaqoqo eeveranda.

Izibonisi eziphokelayo

8. (1) Zonke izibonisi eziphokelayo mazibekwe zingqamane (zibe kwiirayithi engile) kumda wesakhiwo yaye mazincanyatheliswe kumphakamo ongekho ngaphantsi kwee-2.75m ngaphezu kwendlela yabahambi ngeenyawo.
- (2) Nanjengoko kuxeliwe kwicandelwana (3), akukho zibonisi ziphokelayo mazingqithe kumphakamo wee-600mm, yaye zingaphokeli ngaphezu kwee-900mm ukusuka kweso sakhiwo zincanyatheliswe kuso.
- (o) nangona kukho eli candelwana (2), izibonisi eziphokelayo ezikhulu kunezinye zingaxhonywa kodwa –

- (i) umnini wesakhiwo okanye umntu esixhonyelwa yena isibonisi eso makafake isicelo, aze athathe lonke uxanduva lokuqhagamshelwa kwezo zibonisi, kuquka ukulungiswa kwazo, ukuhlolwa kwazo konyaka ukwenzela ukuzanelisa ngokubhekiselele kukhuseleko lwazo kunye noxanduva lwazo zonke iilahleko okanye umonakalo owenzeka kuye nawuphi na umntu okanye isakhiwo ngenxa yayo nantoni na enokwenza nokuxhonywa, ukulungiswa okanye ubukho neso sibonisi;
- (ii) uyilo lwaso malwanelise uMasipala yaye lulandele yonke imiba yale miThetho kaMasipala;
- (iii) ezo sibonisi mazincanyatheliswe zingqamane (zibe kwirayithi engile) nesitalato kunye nomphambili wesakhiwo ezixhonywe kuso;
- (iv) eso siboniso masakhiwe ngefreyim yenkcenkce size sogqunywe ngenkcenkce yaye singabi nobubanzi obungaphezu kwee-300mm ukusuka kwelinye icala ukuya kwelinye;
- (v) eso sibonisi masingeqithi kubunzima bee-450kg okanye ii-675kg kwisibonisi esinegama lesakhiwo solonwabo olungundoqo loluntu esicaciswe apha kuphela;
- (vi) eso sibonisi masingagqithi kwii-9m ngomphakamo okanye uphokelo olupheleleyo lwe-1.5m ukusuka kwisakhiwo, okanye kwimeko yesibonisi esinegama lesakhiwo solonwabo olungundoqo loluntu esicaciswe apha, i-14m ngomphakamo ne-1.8m ngokuphokela okupheleleyo ukusuka kwisakhiwo: Kodwa lo mhlathi awuyi kungena kuso nasiphi na isakhiwo esixhonywe ngaphambi komhla wokupapashwa kwawo;
- (vii) isibonisi eso masixhaswe bubuncinane beezixhasi zentsimbi ezine ezixhonywe ngokufanelekileyo kwisakhiwo eso, naziphi ezintini zazo mazikwazi ukumelana nobunzima obupheleleyo besibonisi, ngokunjalo noxinzelelo lomoya, ekufuneka eso sibonisi siqiniselwe sikwazi ukumelana nawo;
- (viii) xa kufumaneka inothisi evela kuMasipala, oxelelwe yinjaneli yakhe ukuba isibonisi eso asikhuselekanga, kufuneka sisuswe, yaye uMasipala angahlawuli nayiphi na imbuyekezo ngaloo nto; yaye

- (ix) umnini weso sibonisi makasayine ifomu apho azinikela khona ukuvuma, nokuqamangelwa yile miqathango ingasentla.

Izibonisi ezisicaba ezikwizakhiwo

9. (1) Umjikelo (ieriya) waso nasiphi na isibonisi esibekwe sasicaba okanye sapeyintelwa kudonga lwangaphambili lwesakhiwo mawungedluli kwii-20m² kwi-15m nganye yomphambili wesakhiwo ukuya kwisitalato esijongene naso esi sibonisi, kowona mjikelo uphezulu oyi-200m².
- (2) Olona phokelo lukhulu lweso sibonisi phezu kwendlela yeenyawo mayibe zii-75mm, apho isibonisi eso singaphantsi kwee-2.5m ngaphezu kwendlela yeenyawo okanye indlela yabahambi ngeenyawo, ibe zii-230mm apho eso sibonisi singaphezu kwee-2.5m ngaphezu kwendlela yeenyawo okanye indlela yabahambi ngeenyawo.
- (3) Apho isibonisi sinegama lesakhiwo solonwabo loluntu kuphela, owona mphakamo uphezulu nobude mayibe zii-10m ezihamba nee-20m (10m by 20m) okanye kungenjalo ibe zii-20m ezihamba nee-10m, luze olona phokelo lukhulu ukusuka kubuso bodonga bube zii-230mm.
- (4) Ngaphandle kwale nto ixelwe kwicandelwana (1) no-(3), uMasipala, unokuthi, apho abona kuyimfuneko ngokweemfuno zembonakalo yoqobo yesakhiwo ekubekwe okanye ekupeyintelwe kuso isibonisi eso okanye ubumelwane beso sakhiwo, avumele okanye afune idayimshini yeso sibonisi ibe nkulu kunoko kunikiweyo.

Izibonisi ezijinga emoyeni

10. (1) Ngokweli candela "isibonisi esijinga emoyeni" sithetha nasiphi na isibonisi esingesiso esibonisi esijikelezayo esixhonywe okanye esibekwe ngaphezu kolona phahla luphezulu okanye kuqoqo lophahla okanye kwiindawo ezehlayo emacaleni ophahla lwesakhiwo kodwa mazingaquki nasiphi na isiboniso kuphahla lwesakhiwo.
- (2) Nasiphi na isibonisi esijinga emoyeni esipheleleyo masibekwe singqamane nesikrini esilawulwa ngekhompyutha okanye esinye isakhelo esixhonywe kwisakhiwo, isikrini okanye isakhelo eso sibe, ngokoluvo lukaMasipala sisanelisa ngokolwakhiwo lwaso, amandla, ubungakanani nembonakalo yaso.
- (3) Apho nasiphi na isibonisi esijinga emoyeni sixhaswe ngophahla, kufuneka phakathi kwesibonisi eso nophahla kubekho into engatsali mlilo, kodwa ukuba eso sibonisi sixhaswe ngesilebhu sekhonkrithi, loo mathiriyeli iphakathi kwazo mayikwazi ukumelana namanzi.

- (4) Idayimenshini eleleyo yesibonisi esijinga emoyeni, xa singaquki isikrini okanye esinye isakhelo esixhaswe ngaso, kufuneka sibe ngolu hlobo lulandelayo:

(1) ITHEYIBHILE

a)	Umphakamo wesakhiwo	idayiminshini eleleyo
	Umgangatho wokuphakama kwendlu omnye okanye emibini	1,3m
	Imigangatho yokuphakama kwendlu emithathu okanye emine	1,9m
	Imigangatho yokuphakama kwendlu emihlanu okanye emithandathu	2,6m
	Imigangatho yokuphakama kwendlu esixhenxe okanye sibhozo	3,2m
	Ngaphezu kwemingangatho yokuphakama kwendlu esibhozo	4,8m

Kodwa iidayimenshini ezileleyo ezicaciswe kule theyibhile zinokuthi, ngokokubona kukaMasipala, zandiswe, ngokubhekiselele kubude nomphakamo wesakhiwo okanye ngokwemfuno zezindlu, iitanki okanye ezinye izakhelo zokuphakamisa izikrini zokuxhasa eziseluphahleni.

- (1) Ngokwecandelwana (4) izibonisi ezijinga emoyeni, apho zibekwe esinye phezu kwesinye, nokuba zikwisiwangciso esinye esilele (ngecala) mazibonjwe njengesibonisi esinye nokuba ayizozamntu mnye.
- (2) Akukho sibonisi sijinga emoyeni emasinyuke ngaphezu kwemida yesikrini okanye isakhelo esibekwe kuso ngokwecandelwana (2).

Izibane neewotshi ezijingayo

11. (1) Zonke izibane neewotshi ezijingayo mazingaxhonywa ngaphantsi kwee – 2.75m phezu kwendlela yeenyawo esecaleni.
- (3) Iwotshi mayingathathwa njengequkiweyo kumphakamo opheleleyo wesibonisi.
- (4) Umnini waso nasiphi na isakhiwo ekucetywa ukuxhonywa kuso nayiphi iwotshi ejinga phezu kwesitalato -
- (a) Mayibe uzirentela ngokuthanda kuMasipala, yaye makathathe uxanduva ngokubhekiselele kuloo wotshi;

- (b) Makathathe uxanduva ngayo yonke ilahleko okanye umonakalo owenzeke kumntu okanye izinto zabantu ngenxa yayo nayiphi na indlela enento yokwenza nokuxhonywa, ukulungiswa okanye ubukho baloo wotshi;
- (c) Makayihlole minyaka le iwotshi ukuzanelisa ngokhuseleko lwayo;
- (d) Makayigcine loowotshi ilungisiwe yaye ibe kwikwimeko efanelekileyo, yaye makayenze ilungelelaniswe ngumntu oyaziyo, ubuncinane kanye ngeveki.
- (e) Makathi xa efumene inothisi evela kuMasipala ethi makasuse loo wotshi, makayisuse lingaphelanga elo xesha lokufika kwaloo nothisi, uMasipala engazi kuhlawulela nayiphi na imbuyekezo;
- (f) Makalandele oko kubhalwe kule miThetho kaMasipala.

Izithinteli-langa

- 12. (1) Zonke izithinteli-langa mazenziwe zize zixhonywe ngendlela eya kwenza ukuba zingakwazi ukwehliselwa kwii-2m zendlela yeenyawo okanye indlela yabahambi ngeenyawo.
- (2) Ngaphandle kwalapho kudibana khona izitalato, izithinteli-langa mazibekwe zingqamane nokuma kwesakhiwo.
- (3) Kwiindawo ekudibana kuzo izitalato, izithinteli-langa, ezitsha nesele zikho, mazibekwe ngendlela eya kuzenza zingaphazamisani nokuhamba kwezithuthi okanye kwabahambi ngeenyawo, irowubhothsi, ipleyiti ezinamagama ezitalato okanye ezinye izaziso ezizizikhokelo kuluntu jikelele.

Ukuxhonywa kweebhodi ezinkulu zezaziso nezeentengiso

- 13. (1) Akukho sibonisi okanye bhodi enkulu yentengiso engabekwanga kwisakhiwo yaye akukho bhodi inkulu yesaziso okanye yentengiso ixhonywayo emayidlule kumphakamo wee-5m ngaphezu komgangatho wendawo ekuhanjwa kuyo.
- (2) Umzobo womlinganiselo we-1.20 obonisa iinkcukacha zendlela ekwaxhiwe ngazo izinto ezixhasayo, izakhelo, njalo njalo, mazifakwe kuMasipala, zikunye nezinye iinkcukacha ezifuneka ngokukodwa phantsi kwale miThetho kaMasipala inento yokwenza nezibonisi.
- (3) Uyilo lwezo bhodi zinkulu zeentengiso nezibonisi mazanelise uMasipala.

Ukuhonjiswa ngethuba lemigcobo kawonkewoke

14. Yonke imihombiso, izikhazimlisi nezinye izixhobo ezixhonywa ngethuba lokugcoma kukawonkewonke, mazixhonywe, zilungelelaniswe yaye ziqinise ukwenzela ukunciphisa ubungozi bomlilo, kukhuselwe noluntu kumngcipheko wengozi zezi zinto ngendlela eyanelisa uMasipala.

Imiboniso

15. Umiboniso mawungegqithi kumjikelo we-1.5m² yaye ungaphokeli ngaphezu kwee-150mm ngaphaya kwendawo yesakhiwo.

Iziboniso ezingaxhonywanga kwiintsika zeeveranda

16. Akukho sibonisi salo naluphi na uhlobo emasixhonywe kwiipali okanye iintsika zeeveranda yesitalato.

Izibonisi ezibonwa njengezirentwa ngokuzithandela

17. (1) Nawuphi na umntu oxhoma okanye olungisa izibonisi kwisitalato okanye phezu kwaso nasiphi na isitalato, iindlela yeenyawo okanye eyabahambi ngeenyawo makathathwe njengomrenti ozithandelayo kaMasipala ngokubhekiselele kwezo zibonisi, yaye, ukuba uyalelwe nguMasipala ukuba asuse nasiphi na okanye zonke ezo zibonisi, kufuneka enze njalo zingaphelanga iintsuku ezili-14 ngaphandle kwayo nayiphi na imbuyekezo yomonakalo ngqo, omayana okanye oziziphumo zoko kususwa.
- (2) UMasipala unokuzisusa ezo zibonisi xa kungalandelwanga imiyalelo efanelekileyo okanye ukuba azihambisani nale miThetho kaMasipala, yaye iindleko zoko kususwa kwazo mazifunwe kumnini wesakhiwo okanye kumnini weso sibonisi ngenkqubo yomthetho eqhelekileyo.

INDAWO YESI-III**UKURENTWA, IINDLEKO, IIDIPHOSITHI, IZOHLWAYO: IMIGAQO NGOKUBANZI****Ukuhlawulwa kwentlawulo neediphosithi**

- 19 (1) Ngaphandle kwaxa kubekwe ngenye indlela kule miThetho kaMasipala, iintlawulo ezicaciswe kwiintlawulo zeenkondo mazihlawulwe ngumini wesakhiwo okanye nawuphi na omnye umntu ofake isicelo sokuvunywa kwayo nayiphi na iphrophowuzali nguMasipala okanye ofuna imvume kaMasipala ngokwale miThetho kaMasipala.

- (2) Iintlawulo ezo mazihlawulwe xa kufakwa nasiphi na isicelo ngokubhekiselele kumba okanye kumsebenzi ezizalana nawo okanye xa kufunyenwe isigunyaziso esibhaliweyo esisuka kuMasipala, kodwa uMasipala unokuthi ngokusebenzisa ingqiqo yakhe afune loo ntlawulo yenziwe kuphela kwakuphuphelela isicelo eso.
- (3) Ukuba uMasipala wala nasiphi na isicelo esifakwa ngokwale miThetho kaMasipala, nayiphi na intlawulo eyenziwe ngokubhekiselele kulo mba ungasentla inokubuyiswa nguMasipala kuloo mntu ubehlawula okanye ehlawulelwa.
- (4) Ngaphezulu, uMasipala unokuthi ngokusebenzisa ingqiqo yakhe, abuyisele yonke okanye inxenye yayo nayiphi na intlawulo eyenziwe ngokwale miThetho kaMasipala apho acingela ukuba iimeko zivumela oko kubuyiswa kwemali.
- (5) Akukho plani mayivunywe okanye ithathwe njengevunywe nguMasipala yaye akukho mntu makaqale nasiphi na isakhiwo, ukutshatyalaliswa kwesakhiwo, ukuhlaziywa kwesakhiwo, ukwembiwa kwemingxuma okanye nasiphi na isiza, ngaphandle kokuba uMasipala uzifumene iintlawulo ezihlawulwayo ngokwale miThetho kaMasipala.
- (6) Ngaphandle kwayo nayiphi na into ethetha enye into kweli candela, irenti ehlawulelwa ukuxhonywa kweebhodi ezinkulu zeentengiso mayiqale iihlawulwe kuMasipala kwisithuba seenyanga ezintlanu ngaphambi kwaloo nto ihlawulelwayo, kodwa ukuba kukho nayiphi na ibhodi exhonyiweyo yentengiso isuswa ngokusemthethweni phambi kokuphela kwalo naliphi na ithuba ebihlawulelwe lona irenti kwangaphambili, uMasipala makenze ifomu yokuvuma, iprofoma (*pro form*) okanye egameni lalowo ibihlawulelwe yena.
- (7) Ngaphandle kwayo nayiphi na into engahambelani noko kuthethwa kweli candela, ukurentwa okuhlawulelwa uphokelo olungaphezu nophokelo olukwiindledlana ezisemacaleni, makuhlawulwe kunyaka ongaphambili phambi komhla wokuqala (1) kuJanyuwari.
- (8) Nawuphi na umntu ongaphumeleliyo ukuhlawula iintlawulo okanye iirenti okanye ukuhlawula iidiphozithi ezifunekayo ngokwale miThetho kaMasipala, unokuthi xa eye wagqwidiza kwezo ntlawulo, kwezo renti okanye kwezo diphozithi aqhube nokuzibuyisa elandela le nkqubo yomthetho iqhelekileyo eseteynziswa ekubuyiseni ityala loluntu.

Iintlawulo zeenkondo ezizodwa

20. UMasipala makabe nelungelo xa kukho naziphi iinkondo ezifuneka kuMasipala, kuquka ukujongana nezakhiwo eziyingozi ukuya kutsho kwiintlawulo zezidelo

ngokubhekiselele kulo mba, ngokunjalo nentlawulo eqala ihlawulwe yobuncinane bentlawulo ebekiweyo yeenkonzo ejongene nesakhiwo ngokwesicelo okanye ukunika ingcebiso malunga nokukule miThetho kaMasipala ngokweengcebiso eziphakanyiswe ngamagcisa okuzoba izakhiwo, abakhi okanye abanini bezakhiwo.

Iintlawulo ezongezelelweyo zeephrophowuzali ezintsha

21. Apho umnini, emva kokufaka iiplani zesakhiwo zize ezo plani zihlolwe, alandelisa ngokufaka iiphrophowuzali ezintsha nokuba ziyinxenye okanye ziphelele, makahlawulwe iintlawulo ezongezelelweyo kwizinga elisisiqingatha sezo ntlawulo ziqhelekileyo ezibizwa ngaloo ndawo imoshakeleyo, ngaphandle kwaxa isenziwa kulandelwa isicelo esibhaliweyo esicacileyo esisuka kuMasipala.

Izohlwayo gabalala

22. Nawuphi na umntu owaphula okanye owenza nayiphi na into eyaphula le migaqo ibekwe kule miThetho kaMasipala uya kujongana nokugwetywa isigwebo okanye ukuba akakwazi kuhlawula, avalelwe entolongweni ithuba elingedlulanga kwinyanga enye, kuze xa eqhubeka nokophula le migaqo, aphinde afumane esinye isigwebo esibonwa njengesifanelekileyo okanye yonke imihla ngethuba eqhuba nokophula le migaqo emva kokuba uMasipala ekhuphe inothisi ebhaliweyo efuna ukuyekwa kokophulwa kwale migaqo yaye ngethuba lesibini lokophulwa kwale migaqo ngokulandelelanayo, unokufakwa entolongweni ithuba elingedlulanga kwiinyanga ezintathu.

Ukusetyenziswa kwale miThetho kaMasipala

23. Le miThetho kaMasipala isebenza kwindawo elawulwa nguMasipala waseMbizana ukususela ngomhla wokubhengezwa kwayo.

IsiHloko esiFutshane

24. Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yoLwakhiwo.

No. 15

UMASIPALA WASEMBIZANA

IMITHETHO KAMASIPALA YOMBANE

IMITHETHO EYILWAYO

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loRhulumente waseKhaya: uMthetho weeNdlala zokwenza zooMasipala, ka-2000 (uMthetho wama-32 ka-2000), ufundwa necandelo le-162 loMgaqo-siseko woMzantsi Afrika, 1996 (uMthetho we-108 ka-1996), upapasha uMasiPala waseMbizana: imithetho kamasipala yoMbane evunyiweyo liBhunga likaMasipala.

I-INDEKSI

Icandelo	IsiQulatho
1	Iingcaciso
2	IsiCelo semiQathango yokuNikwa uMbane
3	IsiVumelwano soMsebenzisi wombane
4	Ukuyekiswa kwesiVumelwano soMsebenzisi wombane
5	Ukuqhubeka kokuNikwa koMsebenzisi oMtsha
6	Iidiphozithi
7	Iiakhawunti
8	Ukufundeka kweMitha
9	Ukulungiselelwa kokubuyiswa kwentlawulo kwiimitha
10	UkuVavar ya ukuChaneka kweMitha
11	UkuNgakwazi ukuFundeka ngokuChanekileyo kweMitha
12	UkuYekiswa koNikezelo
13	UQhagamshelo ngaphandle kweMvume
14	UkuSetyenziswa ngokuNgekho Mthethweni
15	UkuThengiswa koMbane
16	UMzobo woFakelo loMbane neeNgcaciso
17	Uhlolo noVavanyo
18	UXanduva lukaMasipala noNokhontrakhi
19	UQhagamshelo lweeNkonzo

-
- 20 IziXhobo zokuSebenza eziVingciweyo
- 21 Ukuphazamisana nombane
- 22 UXanduva loMonakalo woQhagamshelo lweeNkonzo
- 23 UHlobo loNikezelo
- 24 IiKhabhinethi zeeMitha
- 25 UFakelo loMbane oneVoltheyiji ePhezulu
- 26 IiNdawo zokuValela iziXhobo zokuSetyenziswa kuNikezelo
- 27 IziXhobo zokuSebenza eziQhagamshelwe uMphelo
- 28 IziTshintshi zecala aya kulo amandla ombane (iseji)
- 29 Indawo yeziXhobo zokuPheka
- 30 UkuNikwa kweziQhawuli zoMjikelo woMbane (isekethi)
- 31 UkuLungiswa koFakelo
- 32 IziXhobo zokuLawula umbane
- 33 AbaSebenzi abaPHazamisayo
- 34 UNikezelo olungaZinzanga
- 35 IziKhalazo ngokuwa kombane
- 36 UXanduva loMnini noMsebenzisi
- 37 IiNothisi
- 38 Izenzo zolwaphulo-mthetho nezoHlwayo
- 39 UkuRhoxiswa ngokusemthethweni kwale miThetho kaMasipala
- 40 Isihloko esifutshane nokuqala kwawo

IINGCACISO

1. Kule miThetho kaMasipala, naliphi na igama okanye intetho enentsingiselo enikiweyo kumThetho woMbane, ka-1987 (uMthetho wama-41 ka-1987), uMthetho weMpilo noKhuseleko eMsebenzini, ka-1993 (uMthetho wama-85 ka-1993), okanye uMthetho weeNdlela zokuSebenza zooMasipala, ka-2000 (uMthetho wama-31 ka-2000) linaloo ntsingiselo, ngaphandle kokuba umxholo uthetha enye into-

“evunyiweyo” ngokubhekisilele kulo naliphi na inqaku elibhaliweyo okanye isenzo, ithetha ukuba ivunywe nguMasipala okanye injineli njengefanelekileyo neyanelisayo ngokokhuseleko, uyilo, ukusebenza nendlela esetyenziswa ngayo, ngokokuba iyayilandela na imithetho-siseko yokusetyenziswa kombane, yaye **“ukuvunywa”** kunentsingiselo okuhamba nayo:

“ISatifiketi sokulandelwa komgaqo” sithetha isatifiketi esikhutshwa ngokwemigaqo yoMthetho wokuVavanywa koMbane kwenqanaba elinye, sikhutshwa yiNgcali yoFakelo-Mbane okanye iNgcali yoFakelo-Mbane olunguNdoqo, leyo ifanelekileyo ngokwemeko leyo;

“umsebenzisi” uthetha nawuphi na umntu onesivumelwano noMasipala malunga nonikezelo lombane oluya kuye okanye ukuba akukho mntu, umnini wendawo leyo;

“isivumelwano nomsebenzisi” sithetha isivumelwano njengoko kubekiwe kwicandelo lesithathu (3);

“umnini-khontrakthi” uthetha nawuphi na umnini-khontrakthi okanye umnini wephemithi ngokwalo Mthetho;

“ufakelo lombane” luthetha ufakelo lombane njengoko lucaciswe kwimigaqo yalo Mthetho;

“injineli” ithetha ukuqeshwa ngokusesikweni nguMasipala nokujongana nokusebenza kombane kaMasipala okanye nawuphi na omnye umsebenzi ogunyaziswe ngokusesikweni njengomsebenzi wayo okanye egameni layo;

“uvaleleko olunombane onamandla amakhulu” luthetha igumbi elilodwa, indawo okanye enye nje indawo evalelekileyo enethransfoma, iswitshi okanye esinye isixhobo sombane sokusebenza ngamandla ombane (ivoltheji) engaphezu kwe-1 000 yaye intetho ethi **“amandla amakhulu ombane”** inentsingiselo ehambelana nayo;

“umsebenzi wofakelo lombane” uthetha ufakelo lombane okanye umsebenzi wokufakelwa kombane njengoko ucacisiwe kuMthetho;

“uvaleleko olunombane onamandla amancinci” kunye **“novaleleko lonikezelo olulodwa lwamandla amancinci ombane”** luthetha igumbi elilodwa, indawo

okanye olunye uvaleleko olunethransfoma, iswitshi okanye esinye isixhobo sombane sokusebenza ngamandla ombane akwi-1 000 okanye ngaphantsi kwalo yaye intetho ethi **“amandla ombane amancinci”** anentsingiselo ehambelana nawo;

“imitha” ithetha isixhobo sokulinganisa nokudibanisa ubungakanani bosetyenziso (lombane);

“ithuba lokufundwa kwemitha” lithetha ithuba elisuka kokunye ukufundwa kwemitha ukuya kokulandelayo;

“ikhabhinethi yemitha” ithetha indawo evalekileyo elungiselelwe ukubeka imitha, isiqhawuli sokuhamba kombane (isaphuli-sekethi) okanye esinye isixhobo sombane esifana neso esalathwe yinjini nesiilungiselelwe ukusebenza ngamandla ombane (ivoltheji) amancinane;

“uMasipala” uthetha uMasipala waseMbizana;

“iBhunga likaMasipala” uthetha iBhunga likaMasipala waseMbizana elasekwa ngokwecandelo le-12 likaRhulumente waseMakhaya: uMthetho wamaCandelo kaMasipala, ka-1998 (UMthetho we-117 ka-1998);

“umhlali” ngokubhekiselele kuyo nayiphi na indlu uthetha-

- (1) nawuphi na umntu ohlala endlwini ngexesha elithile;
- (2) nawuphi na umntu ovumeleke ngokusemthethweni ukuba ahlale kuloo ndlu; okanye
- (3) nawuphi na umntu olawula okanye ophethe kuloo ndlu;

“umnini” uthetha ukwaquka umnini obhalisileyo womhlaba okanye indlu, okanye ummeli wakhe ogunyazisiweyo okanye nawuphi na umntu ofumana irenti okanye ingeniso yalapho, okanye ofumana ezo renti okanye iingeniso, ukuba loo mhlaba okanye loo ndlu iqeshisiwe, nokuba uyaziqokelelela na okanye uyiqokelelela njengommeli wakhe nabanina onelungelo okanye umdla kuyo;

“indawo yolawulo” ithetha indawo yolawulo njengoko icaciswe kwiiMigaqo

“Indawo ekusetyenziselwa kuyo” yindawo ekusetyenziselwa kuyo njengoko icaciswe kuMthetho;

“indawo yokubekwa kwemitha” ithetha indawo apho umbane osetyenziswa ngumsebenzisi ubalwa khona nenokuba yindawo kwindlela yokuhanjiswa kombane kaMasipala okanye kufakelo lombane womsebenzisi olucaciswe nguMasipala yaye kufuneka iibale wonke okanye umbane osetyenziswa ngumsebenzisi;

“indawo otsalwa kuyo umbane” ithetha indawo otsalwa kuyo umbane njengoko icaciswe eMthethweni;

“indawo” ithetha nawuphi na umhlaba okanye nasiphi na isakhiwo, indawo eyakhiweyo okanye into eyakhiweyo, engaphezu okanye ngaphantsi kwawo nawuphi na umhlaba yaye iquka inqwelo-ntaka, isithuthi okanye iveseli;

“imitha eqala ihlawulelwe” ithetha imitha enokulungiselelwa ukuvumela ukuhamba kombane oqala uhlawulwelwe kwisekethi yombane;

“imigaqo” ithetha imigaqo eyenziwe ngokoMthetho weMpilo noKhuseleko eMsebenzini, ka-1993 (UMthetho wama-85 ka-1993);

“imiGangatho yoKhuseleko” ithetha indlela yokwenza izinto yokufakela iingcingo zombane endaweni i-SABS0142 efakelwe kuloo miGaqo;

“uqhagamshelo lweenkonzo” luthetha ikheyibhile okanye ikhondaktha esuka kweyona ndawo utsalwa kuyo umbane wofakelo-mbane lukwaquka naziphi na izixhobo zombane ezinamandla aphezulu ombane okanye ezinye izixhobo eziqhagamshelwe kuloo ntambo yombane okanye kwikhondaktha, nayiphi na imitha; nakuyo nayiphi na ibhodi, iphaneli okanye esinye isixhobo eqhagamshelwe kuso imitha yaye wonke umsebenzi wofakelo nezixhobo ezinxulumene neso sixhobo, imitha okanye isixhobo esifakelwe nguMasipala;

“udityaniso lweenkonzo” okanye **“isaphuli sekethi yeenkonzo”** sithetha udityaniso okanye isaphuli sekethi yeenkonzo eyekaMasipala neyinxalenye yomjikelo wombane woqhagamshelo lweenkonzo;

“umntu onobuchwepheshe” uthetha nawuphi na umntu, ngokukaMasipala, onobuchwepheshe obaneleyo nofanelekileyo ngokoqeqesho ukuba angaqalisa, ahlole aze ahlole umsebenzi ophathelele namandla amakhulu ombane ngokubhekiselele kumava nolwazi lwakhe lokusebenzisa umbane;

“unikezelo olulodwa kumbane onamandla aphantsi” luthetha unikezelo lombane ongaphezu kwe-40 kVA kumandla ombane aphantsi;

“unikezelo” luthetha unikezelo lombane olusuka kweyona ndawo utsalwa kuyo umbane;

“eyona ndawo utsalwa kuyo umbane” ithetha nayiphi na intambo yombane eyinxalenye yendlela yokuhambisa umbane kaMasipala ekunokuqhagamshelwa kuyo uqhagamshelo lweenkonzo;

“ixabiso lenkonzo” lithetha ixabiso leendleko njengoko zikhangelwa amaxesha ngamaxesha nguMasipala, ngesiGqibo eSisodwa, ngokwecandelo lesi-4 loMthetho weeNdllela zokuSebenza kooMasipala: uRhulumente waseMakhaya, wama-2000 (uMthetho wama-32 ka-2000);

“uMthetho” uthetha uMthetho weMpilo noKhuseleko eMsebenzini, ka-1993 (uMthetho wama-85 ka-1993) nemigaqo eyenziwe ngokwaloo Mthetho;

“iintsuku zomsebenzi” zithetha usuku uMasipala avule ngalo ukuba asebenze yaye aziziquki iimpelaveki, iiholide zikawonkewonke.

UKUFAKA ISICELO NEMIQATHANGO YONIKEZELO

2. (1) Isicelo sonikezelo lombane masenziwe ngefomu elungiswe nguMasipala.
- (2) UMasipala unokuthi, phambi kokuba akhuphe unikezelo, ahlole ufakelo lombane oluhambelana nesicelo eso ejonge ukujonga ukuba olo fakelo lukhuselekile yaye lufanelekile lukwalandela le miThetho kaMasipala okanye eminye imithetho ehambelanayo.

ISIVUMELWANO SOMSEBENZISI

3. (1) Akukho mntu uvumeleke ukuba asebenzise unikezelo lombane lukaMasipala ngaphandle kokuba okanye de abe umnini okanye umhlali waloo ndawo okanye omnye umntu ommeleyo, ungene kwisivumelwano somsebenzisi esibhaliweyo noMasipala malunga nolo nikezelo, yaye eso sivumelwano sikunye nemigaqo yale miThetho kaMasipala ziya kulawula olo nikezelo.
- (2) Ukuba umntu usebenzisa unikezelo lombane engakhange angene kwisivumelwano ujongene neendleko zombane kunye nezinye iindleko ezichithwe nguMasipala kwiimeko ezinjalo.
- (3) Intlawulo ehlawulelwa umbane osetyenzisweyo ihambelana nexabiso lenkonzo kulandelwa ishedyuli yamaxabiso eenkonzo abekwe nguMasipala
- (4) Nawuphi na umntu obengumsebenzisi phambi kokubhengezwa kwale miThetho kaMasipala uthathwa njengongene kwisivumelwano somsebenzisi noMasipala ngokwecandelo 3 (1).
- (5) UMasipala unokuthatha isigqibo sokuba eso sivumelwano somsebenzisi masigqityezelwe nguye ekunye nomnini okanye umhlali waloo ndawo okanye omnye umntu omele yena na okanye hayi.
- (6) Akukho mntu ekufuneka ukuba athi, engakhange aqale afumane imvume ebhaliweyo kaMasipala okanye yenjineli, anikezele ngombane nokuba kukokwethutyana na okanye okusisigxina kuyo nayiphi na indawo yokusetyenziswa kombane okanye indawo engeyiyonxalenye yofakelo lombane evunyelweyo ukuba ibe nalo okanye inikwe unikezelo lombane.
- (7) Ukuba umsebenzisi akaphumeleli ukuhlawula iakhawunti ekuthethwe ngayo kwicandelo lesi-7(7), lungapheliswa unikezelo lombane.

UKUYEKISWA KWESIVUMELWANO SOMSEBENZISI

4. (1) Ngokuxhomekeke kwimigaqo yamacandelo 7(6), nasiphi na isivumelwano somsebenzisi wombane singayekiswa ngumsebenzisi, ummeli wakhe ogunyazisiweyo, okanye uMasipala ngokunika **inothisi yeentsuku ezisixhenxe (7)** ebhaliweyo nebalwa ukususela kumhla wenkonzo leyo yaye ukuba loo nothisi ivumelana nokuyekiswa kwesivumelwano ngoMgqibelo, ngeCawa okanye ngeholidi kawonkewonke, oko kupheliswa makuqale kusuku lomsebenzi olulandelayo.
- (2) Emva kokuba siyekisiwe isivumelwano nomsebenzisi, nakuphi ukusetyenziswa okuvela phambi kokuba kungenwe kwesinye isivumelwano nomsebenzisi malunga nale ndawo inye, kude kuboniswa ukuba oko kusetyenziswa kwenziwe ngumnini waloo ndawo, noya kuthi ajongane nokuhlawula intlawulo eya kubekwa ngumasipala.

UKUQHUTYWA KONIKEZELO LWEENKONZO KUMSEBENZISI OMTSHA

5. (1) UMasipala unokuthi, akuyekisa nasiphi na isivumelwano somsebenzisi, angene kwisivumelwano nomsebenzisi omtsha kunye naye nawuphi na umsebenzisi ngenjongo yokuhutywa kwezi nkonzo.
- (2) UMasipala uya kuthi akuyekisa unikezelo, athathe ufundo lokugqibela lwemitha yombane.
- (3) Umsebenzisi oyinxenye yesivumelwano nomsebenzisi omtsha ekuthethwa ngaso kwicandelwana (1) nguye onoxanduva lokuhlawulela umbane osetyenziswe emva kokuba ufundwe imitha ngomhla wokuyekiswa kwesivumelwano esidlulileyo.
- (4) isigqibo somsebenzisi sokuxoxa malunga neakhawunti asimniki imvume yokungahlawuli intlawulo de kugqithe umhla obekelwe intlawulo leyo kwiakhawunti.
- (5) Xa kunokwenzeka ukuba uMasipala angakwazi ukufikelela kwimitha amathuba amabini alandelelanayo ofundo lwemitha, uMasipala unokuthi ke ngoko ayeke ukunikezela ngenkonzo yombane ngokubhekiselele kuloo ndawo imitha ibala kuyo.
- (6) Xa kubonakala ukuba umsebenzisi akabalelwanga ngokukuko intlawulo zombane ngenxa yokusetyenziswa kwamaxabiso eenkonzo angafanelekanga okanye ngesinye nje isizathu esingekuko ukungachaneki kwemitha.

IDIPHOSITHI

- (1) UMasipala uya kunikezela ngeenkono ukuba umsebenzisi uhlawula -
 - (a) idiphosithi esisibambiso neyahluka ngokomngcipheko; okanye
 - (b) ubuncinane bediphosithi ekufuneka ihambelane nengqikelelo ephakathi yeentlawulo zeenyanga ezimbini.
- (2) Idiphosithi inokuba yimali eziinkozo okanye itshekhi eqinisekise yibhanki.
- (3) UMphathi weNkonzo zeziMali unokuyonyusa idiphosithi yabasebenzisi abagqwizizayo okanye abasebenzisi abafaka isicelo sonikezelo olungaphezu kolo alufumanayo.
- (4) Ezo diphosithi aziyi kuthathwa njengentlawulo okanye inxenywe yentlawulo yayo nayiphi na iakhawunti emele ukuba ihlawulele unikezelo lombane ngenjongo yokufumana nasiphi na isaphulelo sexabiso lombane esichatshazelwe kule miThetho kaMasipala.
- (5) Nasiphi na isixa esifakwe ngumsebenzisi okanye egameni lomsebenzisi, kufuneka, emva kokuba sibangiwe, sibuyiswe zingaphelanga iintsuku ezingama-30 emva kokupheliswa kwesivumelwano somsebenzisi, emva kokutsala nayiphi na imali ebifanele ukuhlawulwa ngumsebenzisi kuMasipala.
- (6) Ngokuxhomekeke kwimigaqo ekwicandelwana (5), nawuphi na umntu obanga ukubuyiselwa idiphosithi okanye inxenywe yayo, kufuneka -
 - (a) abonise irisithi eyakhutshelwa intlawulo yediphosithi, okanye
 - (b) ukuba loo risithi ayifumaneki, asayine irisithi ecetyiswa nguMasipala ukwenzela ukubuyiswa kwaloo diphosithi okanye inxenywe yediphosithi yakhe, aze anelise uMasipala ngokuba nguye umntu onelungelo lokufumana loo mbuyekezo.
- (7) Ukuba idiphosithi okanye inxenywe yayo ibuyisiwe ngokwecandelwana (5) uMasipala uya kukhuleleka kulo naluphi na uxanduva olunento yokwenza noku.
- (8) Isivumelwano somsebenzisi sinokuba nomgaqo othi nayiphi na imali efakwe ngumsebenzisi, mayitshone kuMasipala ukuba ayibangwanga kwiminyaka emi-2 emva kokupheliswa kweso sivumelwano okanye eyekile ukufumana unikezelo, ngaso nasiphi na isizathu, ngokweso sivumelwano.
- (9) Akukho nzala iya kuhlawulwa nguMasipala okanye ummeli wakhe ogunyazisiweyo ngemali yediphosithi ebibanjiwe ngokweli candelo.

IIAKHAWUNTI

7. (1) UMasipala kufuneka, athi ngokomlinganiselo ngamnye wexabiso leenkonzole elilawula unikezelo, anike inani elithile leemitha alibona lifanelekile.
- (2) UMasipala unokuthi, ngethuba lako nakuphi na ukufundwa kwemitha, anike umsebenzisi –
- (a) iakhawunti yethutyana ngokubhekiselele kwinxalenye yelo thuba (nxalenye leyo kufuneka isondele kangangoko ekubeni ibe nokwenzeka ibe ziintsuku ezingama-30 yaye ixabiso laloo akhawumnti malinikwe njengoko kubekiwe kwcandelwana (4) kwangoko kangangoko emva kokufundwa kwemitha ekupheleni kweli thuba);
- (b) iakhawunti ngokowona mlinganiselo wokusetyenziswa nemfuneko yelo thuba, enika umsebenzisi unikezelo olulingene loomali ayihlawulele kuloo akhawunti yethutyana.
- (3) I-akhawunti inokubizwa iintlawulo eziqingqiweyo ngokwamaxabiso eenkonzo nangokuba zifanele ukuhlawulwa nini.
- (4) Ixabiso leakhawunti yethutyana ekuthethwe ngalo kwicandelwana (2)(a) libekwa nguMasipala ngojonga kusetyenziso olugqithileyo, kule ndawo inye, ekwajonga ukuba, ngokokubona kukaMasipala, yintoni eyenza isikhokelo esifanelekileyo somlinganiselo wombane osetyenziswe kwithuba eliqukwa yiloo akhawunti yethutyana.
- (5) Apho kungakhange kubekho usetyenziso oludlulileyo, uMasipala makagqibe ngexabiso laloo akhawunti kuthethwa ngayo ngokujonga kolo setyenziso kwezinye iindawo ezifana naleyo, acinga uMasipala ukuba zinemitha efikelekayo, uMasipala makabuzise aze enze neemvavanyo ukuba ucinga ukuba oko kufanelekile yaye kufuneka –
- (a) ukuba uyoneliswa kukuba umsebenzisi ubebizwe imali ngokungafanelekanga, alungise iakhawunti yakhe ngokufanelekileyo; okanye
- (b) ukuba akanelisekanga, amhlawulise ukuba izenzo zikaMasipala zisisiphumo sesikhalazo somsebenzisi, ukongeza kwiindleko zoko kubuzisa nezo mvavanyo.

Kodwa ke akukho lungiso malwenziwe ngokwethuba elingaphezu kweenyanga ezili-12 phambi kookubhaqwa komhla ekwahlawuliswa ngawo ngokungafanelekanga okanye ukuba umsebenzisi waziswe nguMasipala ngoko kuhlawuliswa kungafanelekanga.

UKUFUNDWA KWEEMITHA

8. (1) Ubungakanani bombane onikezelwa kuyo nayiphi na indawo ngexesha lethuba lwako nakuphi na ukufundwa kwemitha kufuneka bunthathwe njengesiphumo sobalo lwemitha ekuqaleni nasekupheleni kwelo thuba yaye apho kukho eyona mfuneko yokubalwa kombane iphezulu, imfuneko leyo iya kuba yinxalenye yofundo lombane.
- (2) Kuya kwenziwa uphindaphindo oluthile kolo fundo lwemitha xa kukho imfuneko.
- (3) Ufundeko oluboniswa yimitha luya kuba bubungqina obubonisa ixabiso lamandla ombane asetyenzisiweyo kunye neyona mfuneko iphezulu yombane ngethuba lofundo lwemitha yaye kufuneka loo nto ibhalwa kwiincwadi zikaMasipala ibe bobona bungqina bexabiso elibonakalayo lokuba imitha ibonise olo fundeko oluboniswa yiloo nto ibhalwayo.
- (4) Ukuba, ngaso nasiphi na isizathu, imitha ayikwazeki ukufundwa, uMasipala unokunika ingqikelelo yofundeko lweakhawunti olusisiseko. Usetyenziso lwamandla malulungiselelwe kwiakhawunti elandelayo ngokolona setyenziso lwamandla ombane lululo.
- (5) Xa umsebenzisi wombane eyishiya indawo kuze kungakwazeki ukuba kuthathwe ufundeko lwemitha, ingqikelelo yosebenziso mayenziwe kuze kukhutshwe ikhawunti leyo yokugqibela ngokufanelekileyo.
- (6) Ukuba kubhaqwa nayiphi na impazamo kubalo, ufundeko okanye ukubalwa kwemitha kwayo nayiphi na iakhawunti enikwa umsebenzisi, loo mpazamo mayilungiswe kwiakhawunti elandelayo.
- (7) Nakuphi oko kulungiswa makwenziwe kuphela ngokweakhawunti ithuba leenyanga ezingama-36 ngaphambi komhla ekubhaqwe ngayo loo mpazamo kuloo akhawunti, kufuneka –
- (a) kungafakwa nzala ukuya kutsho kuloo mhla kubonakele ukuba makulungiswe ngawo; yaye
- (b) kusekwe kwawona maxabiso eenkonzo asebenzayo ngelo thuba.
- (8) Xa kunokwenzeka ukuba uMasipala angakwazi ukufikelela kwimitha kumathuba ofundo lwemitha amabini alandelelanayo uMasipala unokuthi ngaphandle kokulibazisa ayeke ukunikezela ngombane ngokubhekiselele kuloo ndawo imitha iyeyayo.

UKUBALWA KWEEMITHA EZIQALA ZIHLAWULELWE

9. (1) Akukho mali ikhutshelwe ukuthenga umbane emayibuyiswe ngethuba lentengiso emva kokuqaliswa kokuqhubeka kukhutshwa isiliphu sombane oqala uhlawulelwe.

- (2) Iikopi zeziliphu zexesha elidlulileyo zokuthenga umbane oqala uhlawulwelwe zinokukhutshwa xa umsebenzi wombane ecele njalo.
- (3) Xa umsebenzisi wombane esimka kuyo nayiphi na indawo efakelwe imitha yombane oqala uhlawulelwe akukho mali yombane oseleyo kwimitha leyo eya kubuyiselwa umsebenzisi.
- (4) UMasipala unokuthi ngokokubona kwakhe achonge abathengisi bombane oqala uhlawulelwe yaye akufunekanga athembise ngokusebenza okuqhubekayo kwakhe nawuphi na umthengisi.
- (5) UMasipala unokuthatha umyinge othile wemali ekuthengwa ngayo umbane njengenxenye yeakhawunti engekagqitywa ukuhlawulwa.
- (6) UMasipala kufuneka abeke umyinge othathwa amaxesha ngamaxesha.
- (7) Xa umsebenzisi wombane eyishiya indawo ebifakwe kuyo imitha, lo msebenzisi akanakuyikhupha imitha leyo okanye acele uMasipala ukuba ambuyisele imali ngeritha eqala ihlawulelwe.
- (8) Zonke iimitha zisala zizezikaMasipala.
- (9) UMasipala unokufaka iimitha eziqala zihlawulelwe ngeendleko zomsebenzisi ngaphandle kokuba uMasipala ubona ngenye indlela.

UKUVAVANYWA KOKUCHANEKA KWEMITHA

10. (1) Ukuba umsebenzisi okanye umnini wendawo unesizathu sokukholelwa ukuba imitha ayibhaliswanga ngokuchanekileyo unokunika uMasipala isaziso esibhaliweyo xa efuna loo mitha ivavanywe, eso saziso sinokukhatshwa nemali ebekwe kwixabiso leenkonzo zokuvavanywa kweemitha, yaye uMasipala kufuneka avavanye loo mitha ngoko nangoko emva koko.
- (2) Loo nto ifunyenwe nguMasipala malunga nokuchaneka kwemitha emva kokuba olo vavanyo kuthethwe ngalo kwicandelwana (1) ilolokugqibela, yaye iMitha ithathwa njengebhalisa ngokuchanekileyo ukuba uvavanyo olo lubonisa ukuba ibhalisa ngaphantsi okanye ngaphezulu ngokungekho ngaphezu komyinge ophakathi we-5% xa ivavanywa ngokuhambelana-
 - (a) kwendlela yokusebenza yeZiko lemiGangatho laseMzantsi Afrika yokuvavanya iimitha zombane; okanye
 - (b) ngokuhambelana nendlela ebekwe nguMasipala.
- (3) Intlawulo ehlawulwayo ngokwecandelwana (1) mayibuyiswe ukuba uvavanyo lubonise imitha njengebala ngokungachanekanga.

- (4) Injineli kufuneka, kanye phambi kokuba iyisusele uvavanyo imitha, iqale ithathe ufundeko lwaloo mitha yaye olo fundeko lwemitha lwelo thuba kufuneka lucinywe ngethuba lolo fundeko (lovavanyo).
- (5) Ukuba emva kokuvavanywa kwemitha uMasipala uyaneliseka ukuba ayibali ngokuchanekileyo, kufuneka anike umxumi uxwebhu lwengxelo (isiteyithimenti) yeakhawunti lulungiswe ngokosetyenziso oluthathwa njengolutsalwe kancinci okanye olutsalwe ngaphezulu ngokwethuba leenyanga ezi-3 phambi komhla wokucinywa kolo fundeko lwemitha lwangelo thuba ngokwecandelwana (4) yaye iakhawunti elungisiweyo ekhutshiweyo kufuneka ihlawulwe zingaphelanga iintsuku ezili-10 zokukhutshwa kwayo.

UKUNGAPHUMELELI EKUBALENI NGOKUCHANEKILEYO KWEMITHA

11. (1) Akuba uMasipala anelisekile ukuba ukuba imitha iyekile ukubala ngokuchanekileyo olo fundeko lubonakalayo malungathathelwa ngqalelo yaye umxumi-
 - (a) kufuneka ahlawuliselwe elo thuba lofundeko lwemitha imali efanayo naleyo ebeyihlawulela ithuba elifana nelo kunyaka odlulileyo, ngokuxhomekeke kulungiso olufunwa lulo naluphi na utshintsho kufakelo lombane wexabiso leenkonzo; okanye
 - (b) ukuba ubengahlali kuloo ndawo ngelo thuba lifanayo kuthethwa ngalo kumhlathi (a), kufuneka ahlawuliswe ngokosetyenziso-mbane lwakhe lweenyanga ezi-3 eziphambi kokuba imitha ifunyanwe ukuba ibala ngokuchanekileyo; okanye
 - (c) ukuba ubengahlali kuloo ndawo ngalo lonke eli thuba kuthethwa ngalo kumhlathi (b), kufuneka ahlawuliswe ngokosetyenziso-mbane lwakhe kwiinyanga ezi-3 ezilandela umhla eyaphinda yabala ngokuchanekileyo ngawo imitha.
- (2) Ukuba kungafunyaniswa ukuba le mitha ibibala ngokungachanekanga ithuba elide kunelo thuba lofundo lwemitha ekuthethwe ngalo kwicandelwana (1), umxumi angahlawuliswa imali ebalwe ngokwelo candelwana okanye ngethuba elidana kunoko kodwa akukho mali iya kubizwa ngokwethuba eledlula iinyanga ezili-12 phambi komhla eyafunyanwa ibala ngokungachanekanga ngawo imitha.

UKUQHAWULWA KONIKEZELO-MBANE

12. (1) Xa naziphi na iintlawulo ezimele ukuhlawulwa uMasipala malunga nombane onikezelwe zisilela kwintlawulo, uMasipala unokuthi nangaliphi na ixesha aluqhawule unikezelo kolo fakelo-mbane okanye nayiphi na inxenye yalo echaphazelekayo de kuhlawulwe ngokupheleleyo ezo

ntlawulo sele zikunye nemali yoqhagamshelo ngokutsha ebekwe kumaxabiso eenkonzo.

- (2) Xa kufumaniseke kolo fakelo-mbane kukho iimeko ezikhoyo ezibonisa ngokoluvo lukaMasipala ukuba zibeka okanye zinokubeka engozini umntu okanye indawo okanye ziphazamisane nonikezelo-mbane komnye umxumi, uMasipala unokuluqhawula unikezelo-mbane kolo fakelo okanye nayiphi na inxenye yalo nangaliphi na ixesha engakhange azise mntu zide iimeko zibe zilungisiwe okanye isusiwe loo nto ibingalunganga.
- (3) UMasipala unokuthi engakhange azise mntu ayeke okwethutyana ukunikezela ngeenkonzo kulo naluphi na ufakelo-mbane ngenjongo yokulungisa okanye ukuhlola okanye ukuvavanya okanye ngayo nayiphi na enye injongo ephathelele kweyona ndawo utsala kuyo umbane okanye kwezinye iindawo ezisetyenzwayo.
- (4) UMasipala kufuneka, xa umxumi efake isicelo ngefomu ebekwe yinjinieli, aqhawule unikezelo aze aphinde aluqhagamshela ngokutsha xa kuhlawulwe loo mali ebekwe kumaxabiso eenkonzo.

UQHAGAMSHELO OLUNGEKHO MTHETHWENI

13. (1) Akukho mntu wumbi ngaphandle komsebenzi ogunyazisiweyo kaMasipala ekufuneka eqhagamshela okanye aqhagamshela ngokutsha okanye alinge ukuqhagamshela okanye ukuqhagamshela ngokutsha naluphi na ufakelo-mbane kuqhagamshelo lweenkonzo okanye kweyona ndawo utsala kuyo umbane.
- (2) Ukuba unikezelo kulo naluphi na ufakelo lombane luqhawulwe ngokwecandelo 12(1) okanye u-(2), loo mxumi kufuneka alandele onke amanyathelo afanelekileyo asemandleni akhe ukuqinisekisa ukuba olo nikezele aluqhagamshelwanga kwakhona ngendlela ekhabana necandelo (1).
- (3) Ukuba olo nikezelo luthi nangona luqhawulwe nguMasipala lwabuya lwaqhagamshelwa ngokutsha loo mxumi ungumnini-lo makathathe onke amanyathelo asemandleni akhe ukuqinisekisa ukuba akukho mbane usetyenziswayo kuloo ndawo yaye ngaphezulu kufuneka azise uMphathi: weeNkonzo zeziMali ngolo qhagamshelo ngokutsha.
- (4) Ukuba loo mxumi kuthethwa ngaye kwicandelwana (2) okanye (3) akahlali kule ndawo kuthethwa ngayo, kufuneka loo mntu uhlala kuloo ndawo alandele umgaqo obekwe kula macandelwana.
- (5) Kuso nasiphi na isimangalo sokophulwa okanye sokungalandelwa kwecandelwana (2) okanye (3) okanye omabini, okanye naliphi na okanye omabini la macandelo efundwa necandelwana (4), nakuphi na ukophulwa okanye ukungalandelwa, nokuba kokwangabom na okanye

kokokungakhathali, makwanele ukuba kubangele ityala yaye, ngaphandle kokuba kukho ubungqina obubobunye, kufuneka kuthathwe ngokuba-

- (a) amanyathelo afanelekileyo ekuthethwe ngawo kumacandelwana (2) no-(3) akathathwanga;
 - (b) oko kophulwa okanye ukungalandelwa komthetho kubangelwa sisenzo sokuzithandela okanye ukungenzi okuthile kwaloo mntu ubekwa ityala.
- (6) Akukho nkonzo yambane mayinikwe umntu osasilelayo kwiintlawulo nobonwa njengoqhele ukusilela ngaphandle kokuba loo mali ibisasele kwesilelayo ihlawuliwe okanye kwenziwe amalungiselelo entlawulo ngoMasipala.
- (7) Izicelo zoqhagamshelo lwethutyana zaso nasiphi na isizathu kunye nalo naluphi na olunye uqhagamshelo lwenziwa ngexabiso elibekwe nguMasipala.

USETYENZISO OLUNGEKHO MTHETHWENI

14. (1) Naluphi na unikezelo olubekelwe intlawulo yalo kumaxabiso eenkonzo nelinganiswa ngemitha okanye iseti yeemitha kufuneka ingasetyenziselwa nayiphi na enye injongo engaphezu kwaloo ntlawulo ibekiweyo.
- (2) Ngaphandle kokuba uMasipala unike imvumo ebhaliweyo akukho mbane unikezelwa nguye omawusetyenziswe ngaphandle kokuba uqale wagqitha kwimitha eqhagamshelwe kufakelo olo lombane.
- (3) Akukho mxumi unokuqhagamshela omnye umxumi esebenzisa iintambo zokusondeza umbane ngaphandle kokuba nguMasipala owenza olo qhagamshelo.

UKUTHENGISWA KWAKHONA KOMBANE

15. Apho umntu aphinda awuthengise umbane onikwa nguMasipala-
- (a) loo mbane kufuneka, ngokubhekisele kumthengi ngamnye, ufakwe imitha ngemitha encinci nefakelwe ngemvume kaMasipala;
 - (b) uMasipala akanaxanduva ngako nakuphi na ukungachaneki okanye okunye ukungahambi kakuhle kwale mitha incinci nokuba uMasipala uyivumile na okanye hayi loo mitha incinci okanye ufakelo lwayo;
 - (c) imali ebizwe nguloo mthengisi mayingabi ngaphezu kwexabiso leenkonzo ebeliya kuhlawulwa ukuba loo mthengi ubengumsebenzisi-mbane kaMasipala; yaye

- (d) imiqathango yokuthengiswa kwakhona oko mayingamdleleleli umthengi ngaphezu kwemigaqo anika ngayo umbane uMasipala yaye wonke umthengi onjalo unalo ilungelo lokucela umthengisi amnike zonke iiakhawunti, amaxwebhu kunye nezinye iinkcukacha ezinokuba yimfuneko ukwenza umthengi aqinisekise ukuba iiakhawunti azinikwayo zombane zichanekile.

UMZOBO NENGCACISO YOFAKELO-MBANE

16. UMasipala unokufuna ukuba lowo unekhontrakthi naye afake, ngenjongo yokuba uvunywe, umzobo wokufakelwa kweentambo zombane kunye nengcaciso ebandakanya nakuphi na ukwakhiwa okucetywayo, utshintsho, ulwandiso okanye ulungiso kulo naluphi na ufakelo lombane, yaye apho uMasipala afuna loo mzobo nengcaciso yawo akufunekanga loo msebenzi ucetywayo uqalwe de ube ufakiwe wavunywa.

UHLOLO NOVAVANYO

17. (1) Injineli inokuthi, ngexesha elifanelekileyo okanye ngalo naliphi na ixesha likaxakeka, ingene nakuyiphi na indawo ize iphononge okanye ivavanye nayiphi na inxenye yoqhagamshelo lwenkonzo okanye ufakelo lombane olukhoyo ngayo nayiphi na injongo kuquka injongo yokuqinisekisa ukuba akukho kwaphulwa kwale miThetho kaMasipala okanye eminye imithetho engenayo ilandelwe na okanye iyalandelwa nay aye umnini okanye unokhontrakthi, xa eyalelwe njalo, kufuneka asuse nawuphi na umhlaba, izitena, amatye, ubugcisa boluthi, okanye omnye umsebenzi ophazamisana okanye owogquma nayiphi na inxenye yofakelo lombane.
- (2) Phambi kokuba kwenziwe naluphi na uvavanyo okanye uhlolo ngokweli candelo umnini okanye umhlali kufuneka aziswe ngenjongo yoko yaye ukuba kufunyaniswa ukuba kukho ukungalandelwa kwale miThetho kaMasipala, nangona kukho le migaqo ikwicandelwana (3), uMasipala akanaluxanduva lokubuyisela nokulungisa ngokubhekiselele koku.
- (3) UMasipala kufuneka nanjengoko kubekiwe kwicandelwana (2), abuyisele yaye alungise naluphi na uphazamiseko, umonakalo, okanye ungenelelo oluphazamisa kuloo ndawo olumana lusenziwa luhlolo okanye uvavanyo olwenziwayo ngokwecandelwana (1).
- (4) Ngeli thuba naluphi na ufakelo lombane lusakhiwayo, luphazanyiswayo, lwandiswayo okanye lulungiswayo, injineli inokuhlola ivavanye nayiphi na inxenye yomsebenzi kaninzi kangangoko icinga ukuba kufanelekile, yaye ukuba nawuphi na umsebenzi injineli efuna ukuwuhlola okanye ukuwuvavanya, ekufuneka wogqunyiwe, injineli leyo ingafuna ukuba umnini wekhontrakthi okanye umnini wendawo leyo awuvule loo msebenzi, kungekho naziphi na iindleko ezihlawulwa nguMasipala, ukuze kuvezwe naziphi na iindawo ezidibana kuyo iintambo zombane okanye iingcingo zombane kuze kususwe naziphi na izinto ezidityanisiweyo,

iintsimbi, iminyango emincinci, iibhodi zaphantsi, iimathiriyeli okanye nokuba zeziphi na ezinye iziphazamiso, kunye nawo nawuphi na umsebenzi okanye ukufakelwa ngokutsha okwenziweyo nokuyimfuneko kufuneka nako kwenziwe kungekho zindleko zikaMasipala.

- (5) Zonke izixhobo ezifanelekileyo zokwenza uvavanyo nohlolo mazinikwe injineli ngunokhontrakhi, umnini okanye umhlali waloo ndawo yaye ezi zixhobo kufuneka xa ingunokhontrakhi, aqube ubukho beeleli ezikwaziyo ukuzimela.
- (6) Apho iikheyibhile okanye iityhubhu zokukhusela iintambo zombane zingaphantsi komhlaba imingxuma enazo kufuneka ingogqunywa de ube umsebenzi uhloliwe wavunywa.
- (7) Nawuphi na unokhontrakhi kufuneka anike injineli ubuncinane inothisi yeentsuku ezintathu (3) zokusebenza ngefomu ebekwe kulo Mthetho ethi ufune injineli ukuba yenze uhlolo okanye uvavanyo lofakelo lombane.
- (8) (a) Emva kokufumana inothisi ngokwecandelwana (7), injineli yenza olo hlolo novavanyo.
- (b) Ukuba ufakelo lombane lufuna uvavanyo kwakhona ngokomgaqo C177(4) walo Mthetho, olo vavanyo kwakhona luya kuhlawulelwa ngokwentlawulo ebekwe kwixabiso lenkonzo.

UXANDUVA LUKAMASIPALA NOLUKANOKHONTRAKHI

18. (1) Imvume yenjineli yofakelo lombane emva kohlolo okanye uvavanyo olo okanye ukunika kwakhe imvume yokuqhagamshela ufakelo kunikezelo azinakuthathwa nguMasipala ngayo nayiphi na injongo njengayo nayiphi na igaranti yokuba umsebenzi wenziwe ngokukuko okanye ukuba loo mathiriyeli isetyenziswe kuyo iyifanele injongo okanye nayiphi na iwaranti okanye ekhulula unokhontrakhi kuxanduva lwakhe, nokuba lolwasekuhlaleni okanye lolwaphulo-mthetho, ukulungiselela ukwenza umsebenzi ngokungafezekanga okanye ngokusebenzisa imathiriyeli engalunganga.
- (2) UMasipala akanaxanduva lwalo naluphi na ufakelo okanye omnye umsebenzi okanye ngayo nayiphi na ilahleko okanye umonakalo obangelwe ngumlilo okanye enye ingozi edalwe ngokupheleleyo okanye ngokungaphelelanga yimeko yofakelo lombane.

UQHAGAMSHELO LWEENKONZO

19. (1) Umnini waloo ndawo kuthethwa ngayo kufuneka afake isicelo sokufakelwa okanye ukubuyiselwa uqhagamshelo lwenkonzo ngefomu evunywe nguMasipala.

- (2) Uqhagamshelo lwenkonzo malufakelwe ngeendleko zomnini zize iindleko ezo zibekwe nguMasipala zihlawulwe kuMasipala phambi kokuba kuvunywe olo nikezelo.
- (3) Yonke inxalenye yoqhagamshelo lwenkonzo mayihlale iyekaMasipala.
- (4) Ngaphandle kwento yokuba uqhagamshelo lwenkonzo kufakelo lombane oluvunyiweyo lusenokuba selugqityiwe uMasipala unokuzigqibela ukuba ale ukunika umbane kolo fakelo de ibe ihlawuliwe yonke imali emele ukuhlawulwa uMasipala ngulo msebenzisi-mbane mnye ngokubhekiselele kolo qhagamshelo okanye naluphi na olunye uqhagamshelo lwenkonzo, nokuba lukuloo ndawo okanye hayi.
- (5) Akukho mnini unemvume yokufuna ngaphezu koqhagamshelo lwenkonzo enye ngonikezelo kuyo nayiphi na indawo nokuba inezitendi ezingaphezu kwesinye.
- (6) UMasipala unokuthi, ngokuxhomekeke kwiimeko azibona zifanelekile, anyanzele umnini, anike ngaphezu koqhagamshelo lwenkonzo enye endaweni yaye apho kunikwa uqhagamshelo lwenkonzo ezingaphezulu kwenye, atsho ukuba akukho mthethweni ukuzidibanisa.
- (7) Umfaki wesicelo soqhagamshelo lwenkonzo kufuneka, phambi kokuba uqalwe umsebenzi wofakelo olo, anike uMasipala ukhuselo (oluluhlobo lwemali) anokulufuna.
- (8) UMasipala unokuthi, ngaphandle kwalo naluphi na ukhuselo olunikiweyo ngokwecandelwana (7), ale ukufakela uqhagamshelo lwenkonzo de abe wanelisekile ukuba akukho mntu unokulwala olo fakelo.

IZIXHOBO EZIVALELWEYO

20. Apho uMasipala avalele okanye atshixele nayiphi na imitha, ifyuzi yeenkonzo, isaphuli-sekethe yeenkonzo kanye ezinye izixhobo ezifana nezo okanye ikhabhinethi okanye igumbi esibekwa kulo eso sixhobo nokuba lelukaMasipala na okanye hayi, akukho mntu ungengomqeshwa ogunyazisiweyo kaMasipala onokuthi nangasiphi na isizathu asuse, ophule, onakalise okanye aphazamisane nalo naluphi na uvalelo okanye ukutshixa oko.

UKONAKALISA

21. (1) Akukho mntu ekufuneka naphantsi kwayiphi na imeko okanye nangasiphi na isizathu apanyente, onakalise, aphazamise okanye aphazamisane nalo naluphi na uqhagamshelo lwenkonzo yaye ngumqeshwa ogunyazisiweyo kaMasipala kuphela onokwenza naluphi na utshintsho okanye ulungiso olo.

- (2) Nawuphi na umntu obhaqwe esonakalisa umbane ngokwecandelo (1) uya kuthi ngaphezu kwezohlwayo ekuthethwe ngazo kwicandelo 38 ajongane nokuhlawulela iindleko ezenziwe ekulungisweni koqhagamshelo lwezo nkonzo.
- (3) Ukuba olo phazamiso lwenze ukuba inkonzo yombane ingakwazi ukubalwa ngemitha okanye ingabalwa ngokuchanekileyo ngemitha, loo mntu uya kujongana nokuhlawula imali ebekwe ngokwemigaqo ekicandelo 11 (1).

UXANDUVA LOMONAKALO WOQHAGAMSHELO LWEENKONZO

22. (1) Uminini waloo ndawo okanye umsebenzisi-mbane unoxanduva lokulungiselela uMasipala nawuphi na umonakalo onokwenzeka kuqhagamshelo lweenkonzo kanye nayiphi inxalenye okanye kuzo naziphi na ezinye izixhobo ezikuloo ndawo, ngaphandle kokuba loo mnini okanye umsebenzisi-mbane anganika ubungqina bokuba kubekho ukungakhathali ngakwicala likaMasipala.
- (2) Ukuba kwenzeka nawuphi na umonakalo kwintambo yombane kanye kuyo nayiphi na inxenywe yoqhagamshelo lweenkonzo, umsebenzisi-mbane makazise uMasipala kanye emva kokuba eye wanolwazi ngaloo nto aze uMasipala okanye umntu ogunyaziswe nguye alungise loo monakalo.

UHLOBO LONIKEZELO

23. UMasipala unokuthi kwimeko ethile ajonge ukuba unikezelo olo malube namandla ombane (ivoletheji) amakhulu na okanye aphantsi kunye nohlobo lolo nikezelo.

IIKHABHINETHI ZEMITHA

24. Phambi kokuba kunikwe unikezelo olunamandla ombane aphantsi, umfaki-sicelo okanye umnini kufuneka, ukuba uMasipala ufuna enze njalo yaye engazi kuhlawula nto uMasipala kkwakwindawo evunyiwe nguMasipala lowo, anike ikhabhinethi eluyilo nolwakhiwo oluvunyiweyo lokugcina uqhagamshelo lweenkonzo zikaMasipala.

UFAKELO LOMBANE ONAMANDLA AMAKHULU

25. (1) Zonke izixhobo ezisetyenziswe kuqhagamshelo ezinofakelo lombane olunamandla amakhulu mazibe zezoyilo nolwakhiwo oluvunyiweyo.
- (2) Phambi kokuba nawuphi na umsebenzi uqalwe kuqhagamshelo lofakelo lombane onamandla amakhulu okanye kulwandiso lofakelo lombane onamandla amakhulu, makufakwe kuMasipala iplani yesiza nomzobo obonisa ngokweenkcukacha ezanelisa uMasipala iinkukacha kunye nobume bazo zonke izixhobo zombane ezicetywa ukufakelwa ngokunjalo

neenkukacha zobuxhakaxhaka obuhambelana nezi zixhobo yaye njengoko sekutshiwo akukho msebenzi mawuqaliswe de olo fakelo okanye ulwandiso olucetywayo lube luvunyiwe.

- (3) Akukho mntu ngaphandle komntu oqeqeshiweyo ekufuneka efakele, elungise, eguqule, andise, ehlole okanye esebenze okanye waphatha okanye wenza nantoni na ngokubhekiselele kwizixhobo ezinamandla amakhulu ombane.
- (4) Ngaphandle kwemvume ebikhe yanikwa nguye uMasipala unokuthi –
 - (a) nangaliphi na ixesha elifanelekileyo okanye kwimeko kakakeka, ngawo onke amaxesha, ahlole nasiphi na isixhobo esinamandla amakhulu ombane aze asifake kwiimvavanyo kangangoko ebona kufanelekile; yaye
 - (b) ukuba ezo zixhobo zifunyanwa zinengxaki, aqhawule unikezelo kuloo ndawo de loo ngxaki ibe ilungiswe ngokwaneleyo ngokokubona kukaMasipala.
- (5) Umnini okanye umsebenzisi-mbane uhlawula kuMasipala ngeendleko zokwenza naluphi na kwezi mvavanyo zichatshazelwe kwicandelwana (4) ukuba kuye kwafuraneke kukho ukungalungi kumandla amakhulu okanye aphantsi ofakelo lombane.
- (6) Ngaphandle kwayo rayiphi na into ekwicandelo 26 akukho sixhobo sinamandla amakhulu ombane esisandula kufakelwa, ukuphazanyiswa okanye ukwandiswa ekufuneka siqhagamshelwe kunikezelo ngaphandle kwemvume ebhaliweyo kaMasipala, mvume leyo ingayi kunikwa ngaphandle kokuba zonke iimfuno zeli candela zifezekisiwe.

IINDAWO EZIVALEKILEYO ZEZIXHOBO ZONIKEZELO LOMBANE

26. (1) Apho kuyimfuneko ngokukaMasipala, umnini kufuneka anike aze alungise indawo evalekileyo engazi kubiza mali kuMasipala eza kugcina isixhobo sonikezelo lombane kaMasipala nowomsebenzisi-mbane kwindawo ekhethwe nguMasipala.
- (2) Akukho mntu omakangene kuloo ndawo ivalekiweyo igcine isixhobo sonikezelo-mbane sikaMasipala okanye abambe okanye aphazamisane nazo naziphi na izixhobo ezingaphakathi apho, ngaphandle kokuba ugunyaziswe nguMasipala.
- (3) Yonke indawo evalekileyo enamandla aphantsi ombane enobudlelwane nendawo evalekileyo enamandla ombane amakhulu kunye nayiphi indawo evalekileyo yonikezelo olulodwa lombane onamandla aphantsi kufuneka zigcinwe zitshixiwe ngumsebenzisi-mbane yaye isitshixo sazo kufuneka asinikwe uMasipala xa esifuna kungenjalo kubekho indlela yokufaka

isitshixo esizimeleyo esifakwa nguMasipala yena anelungelo lokufikelela kwezo ndawo zivalekileyo ngalo lonke ixesha.

- (4) Umsebenzisi-mbane okanye umnini wendawo kufuneka ngalo lonke ixesha anike aze agcine ufikelelo olukhuselekileyo nolungenabunzima kwindawo evalekileyo enamandla aphantsi ombane okanye kwindawo evalekileyo yonikezelo olulodwa lombane onamandla aphantsi yaye loo ndawo ivalekileyo kufuneka umsebenzisi-mbane ayigcine icocekile yaye iqoqekile ngawo onke amaxesha ngendlela eyanelisa uMasipala yaye kufuneka ingasetyenziselwa ezinye iinjongo ngaphandle kokuba yindawo yokugcina izixhobo ezincinci nezikhulu ezinento yokwenza nonikezelo lombane.
- (5) Umsebenzisi wombane okanye umnini wendawo kufuneka ngalo lonke ixesha anike yaye agcine ufikelelo olukhuselekileyo nolungenabunzima kwindawo evalekileyo enamandla amakhulu ombane, olo fikelelo kufuneka luye ngqo kuloo ndawo ivalekileyo luya kuyo unikezelo lombane olunamandla amakhulu yaye lungayi kwindawo evalekileyo enamandla aphantsi ombane okanye luye kulo naluphi na ucango okanye isango elinesitshixo salo esilawulwa ngumsebenzisi-mbane okanye umnini wendawo leyo.
- (6) UMasipala angasebenzisela nayiphi indawo evalekileyo izixhobo zonikezelo ngokubhekiselele kunikezelo oluya kubasebenzisi abakwezinye iindawo engabekwanga kuzo loo ndawo ivalekileyo.

IZIXHOBO EZIQHAGAMSHELWE NGOKUSISIGXINA

27. Izixhobo eziqhagamshelwe ngokusisigxina kufakelo lombane mazivunywe nguMasipala.

IZIGUQULI ZECALA AYA NGAKULO AMANDLA OMBANE

28. Lonke ufakelo lombane oluqhagamshelwe kweyona ndawo utsala kuyo umbane exhonyiweyo kufuneka lunikwe isiguquli secala aya ngakulo amandla ombane esivunyiweyo esinye okanye nangaphezulu kwiindawo ezikhethwe nguMasipala.

INDAWO YEZIXHOBO ZOKUPHEKA

29. Akukho sixhobo sakufudumeza okanye sakupheka emasifakelwe, sibekwe okanye sisetyenziswe phantsi kwayo nayiphi na imitha kaMasipala.

UKUNIKWA KWEZIQHAWULI ZOKUHAMBA KOMBANE

30. Xa kuyimfuneko ngokukaMasipala, umnini wendawo makanike aze afakele iziqhawuli zokuhamba kohanjiso lombane ezivunyiweyo kwindawo ebekwe nguMasipala.

UKULUNGISWA KOFAKELO LOMBANE

31. (1) Umsebenzisi wombane kufuneka ngalo lonke ixesha agcine naluphi na ufakelo lombane kuyo nayiphi na indawo enxulumene nonikezelo lombane isebenza yaye ikwimeko eyanelisayo ngokukaMasipala.
- (2) UMasipala angafuna ukuba umsebenzisi wombane othatha unikezelo olunamanqanaba amanzi, ukuba asasaze umthwalo wombane wakhe, ngaloo ndlela ivunywe ngumasipala, ewusasazela kumanqanaba onikezelo olo yaye unokufakela izixhobo ezinjalo kuqhagamshelo lweenkonzo olufanelekileyo ngendlela abona ifanelekile ukuqinisekisa ukuba lo mgaqo uyalandelwa.
- (3) Akukho msebenzisi wombane omakasebenze ngezixhobo zombane ezineempawu zamandla ombane okanye ezinamandla aziikharenti zamaxesha okusebenza anobunzima obungalinganiyo, nezingayilandeliyo imigaqo elandelwa nguMasipala.
- (4) Uhlolo lokuphazanyiswa kwabanye abasebenzisi bombane malwenziwe ngemilinganiselo ethathwa ngethuba lokusebenza kunye okufanayo.
- (5) Ukuba injineli ifuna njalo, amandla awo nawuphi na umbane osetyenziswayo makagcinwe engedlulanga ekucotheni nge-0.85 nasekubalekeni nge-0.9.
- (6) Apho kuthi ngenjongo yokulandela icandelwana (5), kuyimfuneko ukufakela izixhobo zokulungisa ukuhamba kombane, ezo zixhobo zokulungisa maziqhagamshelwe kwiitheminali ezizimeleyo ngaphandle kokuba ulungiso olo lokuhamba kombane lulawulwa ngokuzenzekelayo.
- (7) Ngaphandle kwaxa efumene imvume kuMasipala aze alandele imiqathango enokubekwa, akukho mntu-
- (a) unokwakha, abeke okanye avumele ukubekwa kwaso nasiphi na isakhiwo okanye enye into, okanye atyale imithi okanye izityalo ngaphezu okanye kuloo ndawo okanye ngendlela eya kuthi iphazamisane okanye ibeke esichengeni indlela yokuhamba kombane;
- (b) embe, avule okanye asuse umhlaba ongaphezulu, ecaleni okanye phantsi kwayo nayiphi na indlela yokuhamba kombane;
- (c) onakalise, abeke esichengeni, asuse okanye atshabalalise nayiphi na indawo yendlela yokuhamba kombane; okanye
- (d) avule kuyo nayiphi na inxenye yendawo yokuhamba kombane okanye aphazamise okanye aguqule indlela yokuhamba okanye

enze ukuba kuphazamiseke okanye kuguquke nayiphi indlela yokuhamba kombane.

- (8) Umnini wendawo makanciphise umphakamo wemithi okanye ubude bophokelo lwamasebe nokusondela kwemiqolo engaphezulu okanye enze indlela yophokelo oluya kwanela, ngokukaMasipala, ukunqanda ukuba imithi ingaphazamisani neekhondaktha xa kunokwenzeka ukuba umthi lowo okanye isebe liwe okanye ligawulwe;
- (9) Ukuba umnini wendawo akaphumeleli ekulandeleni lo mgaqo uMasipala makabe nelungelo, emva kokuqala akhuphe inothisi ebhaliweyo, okanye nangaliphi na ixesha likaxakeka, lokugawula okanye aphungule loo mthi okanye ezinye izityalo ngendlela eya kulandela lo mgaqo yaye kufuneka akwazi ukungena kuloo ndawo ngenxa yale njongo zaye iindleko zawo nawuphi na umsebenzi kaMasipala obangelwe kukungalandelwa kwale imithetho kamasipala, kufuneka uhlawulelwe ngumntu ongalandelanga icandelo (7).
- (10) UMasipala unoku-
- (a) tshabalalisa, atshintse okanye ajongane naso nasiphi na isakhiwo, isakhelo okanye nayiphi na into eyakhiweyo, yaphakanyiswa okanye yabekwa ngokungahambelaniyo necandelo (7);
- (b) zalisa aze alungise nawuphi na umhlaba owembiweyo okanye wasuswa ngokungahambelaniyo necandelo (7);
- (c) lungisa nawuphi na umonakalo owenziwe ngokungahambelaniyo nale imithetho kamasipala okanye osisiphumo sokungalandelwa kwecandelo (7);
- (d) susa nantoni na eyonakalisayo, ephazamisayo okanye ebeka esichengeni kungenjalo enokonakalisa, iphazamise okanye itshabalalise nayiphi na inxenye yendlela yokuhamba kombane.

IZIXHOBO ZOKULAWULA

32. (1) Kumaxesha olona setyenziso luphezulu lombane okanye ngexesha likaxakeka, okanye xa ngokokubona kweNjineli kuyimfuneko ngaso nasiphi na isizathu ukuba kuncitshiswe umthwalo wombane kuloo ndlela yonikezelo kaMasipala, uMasipala unokuthi engakhange akhuphe saziso awuphazamise umbane acinga ukuba uMasipala liyimfuneko, ayeke ukunikezela ngombane kuso nasiphi na isifudumezi samanzi esisebenza ngombane somsebenzisi wombane okanye nasiphi na isixhobo esithile okanye kufakelo lombane xa lulonke.

- (2) UMasipala akanaxanduva ngayo nayiphi na ilahleko okanye umonakalo nokuba wenzeke ngqo na okanye usisiphumo esibangelwa okanye esivela kolo phazamiseko okanye ukuqhawulwa kombane.
- (3) UMasipala unokufakela kwindawo yomsebenzisi wombane isixhobo acingela ukuba siyimfuneko ukuze kulandeleke imigaqo yecandelwana (1) yaye injineli okanye igosa eligunyazisiweyo likaMasipala lingathi ngalo naliphi na ixesha elifanelekleyo lingene endaweni ngenjongo yokufaka, ukuhlola, ukuvavanya, ukulungisa okanye ukutshintsha eso sixhobo.
- (4) Ngaphandle kwemigaqo ekwicandelwana (3), umsebenzisi wombane okanye umnini wendawo, nokuba nguwuphi kubo, kufuneka athi xa efakela isifudumezi esisebenza ngombane, alungiselele indawo kunye nokuhamba kweentambo zombane ngendlela iNjineli enokugqiba ukuncedisa ngayo kufakelo lwamva lweso sixhobo okanye isixhobo esisebenzayo ekuthethwe ngaso kwicandelwana (3).
- (5) Injineli inokuthi ngesicelo esibhaliweyo somsebenzisi waso nasiphi na isixhobo sombane esingaqhagamshelwanga kunikezelwano lolawulo lombane, apho ke umsebenzisi wombane aya kuthi, ngeli xesha esi sixhobo singeqhagamshelwa ncam, ahlawule intlawulo yenyanga ebekwe nguMasipala.
- (6) Injineli inokunika uluhlu lwezinxulumanisi zombane, eziya kuvala xa unikezelwano ngombane ekuthethwe ngalo kwicandelwana (1) lusaqhuba, neziya kuvumela umsebenzisi wombane ukuba azilawulele ngokwakhe isixhobo sokulawula umthwalo wombane kunye nezixhobo zokulumkisa ngokusindwa kombane.
- (7) Nawuphi na umntu ongenguye lo mntu ugunyazisiweyo othi aphazamisane, asuse, aqhawule okanye atshabalalise esi sixhobo sokulawula umbane kuthethwe ngaso kwicandelwana (1) uya kubekwa ityala ngokwecandelo 38.

UKUPHAZAMISANA NABASEBENZI

33. (1) Akukho mntu makangavumi ukunika iinkcukacha ezinokufunwa ligosa likaMasipala elisemsebenzini okanye anike naziphi na iinkcukacha ezingezizo kulo naliphi na igosa ngokubhekiselele kumsebenzi wofakelo lombane oqityiweyo okanye ekuthethwe ngawo.
- (2) Akukho mntu ekufuneka –
 - (a) elibazise, waphazamisa okanye waphazamisana naye nawuphi na umsebenzi kaMasipala ngabom ekwenzeni kwakhe umsebenzi ohambelana nale miThetho kaMasipala;
 - (b) ale ngabom ukunika iinkcukacha anokuthi azifune uMasipala; okanye

- (c) anike ngabom uMasipala naziphi na iinkcukacha azaziyo yena ukuba zibubuxoki okanye zigquka umkhondo.

UNIKEZELO OLUNGAZINZANGA

34. UMasipala akanaxanduva ngeziphumo ezithi zenzeke kumsebenzisi wombane okanye naye nawuphi na omnye umntu ngenxa yakho nakuphi na ukumiswa, ukumka, ukutshintshatshintsha, ukuhamba kwamandla ombane okanye okunye ukungasebenzi kakuhle kombane okubangelwa siso nasiphi na isizathu ukuba kulandelwe uMthetho woMbane, ka-1987 (uMthetho wama-41 ka-1987).

IZIKHALAZO NGOKUWA KOMBANE

35. Ukuba umqeshwa kaMasipala ogunyazisiweyo ubizelwe kwindawo ahlala kuyo uMsebenzisi wombane ebizwa nguye nawuphi na umsebenzisi wombane ukuba ajonge isikhalazo ngako nakuphi na ukuwa kombane size isizathu soko kuwa kombane sifunyanwe njengesibangelwa lufakelo lombane womsebenzisi wombane, umsebenzisi wombane lowo uya kuhlawula intlawulo ebekwe nguMasipala ngolo ncedo.

UXANDUVA LOMNINI NOMSEBENZISI WOMBANE

36. (1) Umnini kunye nomsebenzisi wombane babambisene yaye kumaxa amaninzi benoxanduva lokulandela naziphi na iimbophelelo zezimali okanye ezinye iimfuno ezibizwa kubo yile miThetho kaMasipala.
- (2) Uxanduva lokulandela naziphi na iimbophelelo zezimali ngokubhekiselele kusetyenziso lombane lolomsebenzisi wombane kuphela.

IZAZISO OKANYE IINOTHISI

37. (1) Nasiphi na isaziso okanye uxwebhu olukhutshwe nguMasipala ngokwale miThetho kaMasipala luthathwa njengolukhutshiweyo ukuba lusayinwe ligosa eligunyazisiweyo likaMasipala.
- (2) Apho kufuneka kuhanjiselwe nasiphi na isaziso okanye olunye uxwebhu ngokwale miThetho kaMasipala lusiya kuye nawuphi na umntu luya kuthathwa njengoluhanjiswe ngokusesikweni ukuba luhanjiswe –
- (a) kuye buqu;
- (b) kulo naliphi na ilungu losapho lwakhe elingaphezu kweminyaka eli-16 elikuloo ndawo ahlala kuyo;
- (c) kuloo ndawo ubegqibele ehlala okanye eshishina kuyo njengoko ivela kwiirekhodi zoMphathi: iiNkonzo zeziMali ukuba luthunyelwe ngerejista; okanye

- (d) kwigosa laloo nkampani kwiofisi yayo ebhalisiweyo okanye lwathunyelwa ngerejista kuloo ofisi, ukuba loo mntu kuthethwa ngaye yinkampani.

ULWAPHULO-MTHETHO NEZOHLWAYO

38. (1) Nawuphi na umntu owophula okanye ongawulandeliyo nawuphi kule migaqo yale miThetho kaMasipala unetyala lokophula umthetho yaye xa ebanjwa ujongene nesigwebo okanye ukuvalelwa entolongweni ithuba elingekho ngaphezu kweenyanga ezili-12.
- (2) Umhlali okanye, ukuba akukho mhlali, umnini wayo nayiphi na indawo enikezelwa umbane, apho kwaphulwe khona le miThetho kaMasipala, uya kuthathwa njengonetyala loko kophulwa komthetho ngaphandle kokuba ukwazile ukubonisa ukuba-
- (a) ubengazi yaye ubengenakwazi ukuba loo nto ibenziwa okanye ibinokwenziwa; yaye
- (b) loo nto yenziwe ngomnye nje umntu angakwaziyo ukuzilawula izenzo zakhe.
- (3) Nawuphi na umntu owenza okuphambene nemigaqo yecandelo 13 nongabizwa kuye umbane osetyenziswayo okanye owuhlawuliswa loombane ngomyinge ongaphantsana kulowo bekufanele ukuba uhlawuliswa wona, nokuba kukho nasiphi na isohlwayo esinokubekwa ngokweli candelo -
- (a) unoxanduva lokuhlawula uMasipala isixa ebesimele ukuba sihlawulwe kuye (uMasipala) ukuba olo lwaphulo-mthetho belungenziwanga; yaye
- (b) eso sixa kufuneka sibalwe ngokweyona ntlawulo iphezulu ibinokwenziwa ngokwamaxabiso eenkonzo asebenzayo ukususela kumhla oko kunzalandelwa komthetho kwaqalayo ukwenzeka.
- (4) Naziphi izohlwayo ezihlawulwa ngumsebenzisi wombane ngokungalandeli na iphi na icandelo lale miThetho kaMasipala kufuneka zihlawulwe kuMasipala.

UKUYEKISWA KWALE MITHETHO KAMASIPALA

39. Inigaqo yawo nawuphi na uMthetho kaMasipala obhekiselele kumbane onikwa nguMasipala iya kuyekiswa ngokuxhomekeke ekuhambelaneni kwayo nemiba echatshazelwe kule miThetho kaMasipala.

ISIHLOKO ESIFUTSHANE NOKUQALA KWALO MTHETHO

40. Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yoMbane yaye iya kuqala ukusebenza ngomhla obekwe liBhunga likaMasipala.

No. 16

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YOPHOKELO LWEZAKHIWO
ZIKAMASIPALA**

IMITHETHO EYILWAYO

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13(a) lorhulumente wasekhaya: umthetho weendlela zokwenza zoomasipala, ka-2000 (umthetho wama-32 ka-2000), upapasha imiThetho kaMasipala yophokelo lwezakhiwo yoMasipala waseMbizana, njengoko uvunywe libhunga lakhe ngale ndlela icaciswe apha ngezantsi

Isiqulatho

1. Iingcaciso
 2. Imvume efunekayo yebhunga
 3. Imithetho yokwakhiwa kwezakhiwo eziphokelayo
 4. Iintsika zangaphandle zendlu
 5. Iibhalkhoni neefestile eziphokeleyo
 6. Iziseko zeentsika, iintsika zangaphandle ezisicaba, iibhoda ezihombisayo ezisencotsheni yodonga
 7. Iiveranda ezirhangqe iikona
 8. Ukuvuleka kweendlela zabahambi ngeenyawo.
 9. Ulungiso, ukususwa nokuqeshiswa kophokelo
 10. Ukuhonjiswa ngezitena okanye ngamatye kweendledlana zeenyawo okanye iindlela zabahambi ngeenyawo ezingaphantsi okanye phambi kophokelo
 11. Uphokelo
 12. Ukophulwa komthetho nezohlwayo
 13. Ukuyekiswa kwale miThetho kaMasipala
 14. Isihloko esifutshane
- Ishedyuli yoku-1: ukuyekiswa kwemiThetho kaMasipala

Iingcaciso

1. (1) kule miThetho kaMasipala, naliphi na igama okanye intetho ecaciswe kumthetho kazwelonke wemigaqo yokwakha nemigangatho yokwakha, ka-1977 (uMthetho we-103 ka-1977), inaloo ntsingiselo yaye, ngaphandle kokuba kukomnye umxholo-
 - (a) **“ibhunga”** lithetha ibhunga likamasipala waseMbizana elasekwa phantsi kwecandelo le-12 loMthetho wamaCandelo ooMasipala: wooRhulumente baseKhaya, ka-1998 (umthetho we-117 ka-1998);
 - (b) **“uphokelo”** luthetha nayiphi na into ephokele ngaphezu kwendlu kamasipala, okanye kwindlu elawulwa ngumasipala okanye enye indlu ngokubhekiselele kubucaka okanye amanye amalungelo endlu abhaliswe egameni likamasipala;
 - (c) u-**“m”** uthetha imitha;
 - (d) u-**“mm”** uthetha umilimitha;
 - (e) **“ebekiweyo”** ithetha ebekwe sisigqibo sebhunga esenziwa amaxesha ngamaxesha;

- (f) **“ixabiso elibekiweyo”** lithetha ixabiso elibekwe sisigqibo sebhunga ngokoMthetho woTshintsho loRhulumente waseKhaya, ka-1993 (uMthetho wama-209 ka-1993), okanye nawuphi na omnye umthetho ongenayo;
- (g) **“indlela kawonkewonke”** ithetha nayiphi indlela, isitalato okanye indlela ecanda phakathi kwezindlu okanye nayiphi na enye indlela edla ngokusetyenziswa nguwonkewonke okanye indawo ethile yayo okanye abantu gabalala abanelungelo lokuyisebenzisa, yaye iquka –
- (a) ungqameko lwaloo ndela, isitalato okanye indlela ecanda phakathi kwezindlu;
 - (b) nayiphi na ibhulorho, indlela yeenyawo ehamba phezu komgaqo okanye indlela edalwe yiyo nayiphi na kuloo ndlela, isitalato okanye indlela ecanda phakathi kwezindlu; kunye
 - (c) nawo nawuphi na omnye umsebenzi okanye into eyinxalenye okanye eqhagamshelwe okanye eyeyaloo ndlela, isitalato okanye indlela ecanda phakathi kwezindlu.
- (2) Ukuba nawuphi na umgaqo kule miThetho kaMasipala ubeka okanye usebenzisa naliphi na igunya, umsebenzi okanye okwenziwa nguMasipala kumqeshwa kaMasipala yaye elo gunya, loo msebenzi okanye akwenzayo ngokwecandelo 81(2) loMthetho ka-2000 weendlela zoKwenza zooMasipala: uRhulumente waseKhaya (uMthetho wama-32 ka-2000), okanye nawuphi na omnye umthetho onikwe umniki-nkonzo, ireferensi yaloo mqeshwa mayifundwe njengereferensi yaloo mniki-nkonzo okanye, xa kusebenza, umqeshwa womniki-nkonzo ogunyaziswe nguye.

Imvume efunekayo yebhunga

2. (1) Akukho mntu unokuthi, engaqalanga wufumana imvume kuMasipala, enze okanye akhe nawuphi na umqolo weentsika, iveranda, ibhalkhoni, ifestile ephokeleyo, isibane sendlela yabahambi ngeenyawo, umboniso okanye olunye uphokelo oluhamba phezu kwayo nayiphi na indawo yendlela kawonkewonke, novuleleko lwendlela yabahambi ngeenyawo ekuyo nayiphi na indlela kawonkewonke okanye phantsi kwayo.
- (2) UMasipala angala nemvume efunekayo ngokwecandelo (1) okanye angayinika loo mvume nokuba kungokungenamiqathango okanye ngemiqathango ethile kwaye ngokuxhomekeke kwintlawulo lwemali ebekiweyo yaminyaka le okanye ukwenziwa komsebenzi okanye inkonzo ebekwe libhunga kwimeko nganye.

- (3) Loo mali ibekiweyo inikwe kwicandelwana (2) iqala ihlawulwe ekuqaleni konyaka obalwa ukususela kumhla wemvume ebhaliweyo okanye umhla obekwe libhunga, yaye umnini wolo phokelo unoxanduva lokuhlawula loo mali ngophokelo ngalunye.
- (4) Umnini wophokelo kufuneka zingaphelanga iintsuku ezingama-90 emva komhla wokuqala kwale miThetho kaMasipala azise ibhunga ngokubhaliweyo elazisa-
 - (a) ngobukho bolo phokelo; kunye
 - (b) ubume obuleleyo bophokelo ngalunye olulinganiswe ngokuleleyo kungqameko lwendlela olubekwe phezu kwayo uphokelo olo.
- (5) Kude kube lixesha apho ibhunga lazisiweyo ngobume obuleleyo bophokelo ngokwecandelwana (4)(b), lonke uphokelo olubhekiselele kwisakhiwo luthathwa njengolunobume obuleleyo obulingana nomphambili wendlela oluphezu kwayo uphokelo olo, phokelo olo lukuloo ndawo sikuyo isakhiwo.

Imithetho yokwakhiwa kwezakhiwo eziphokelayo

3. (1) Uyilo, ukuma nokwakhiwa kweveranda, ibhalkhoni, ifestile ephokeleyo, okanye olunye uphokelo oluphezu kwendlela kawonkewonke, ngokunjalo nokuhonjiswa kwaphantsi ngezitena, ungqameo lwendlela yeenyawo kunye nendlela ehamba amanzi esitalato mazanelise amanqanaba avunywe libhunga.
- (2) Ukuba kusetyenziswe izinki ukogquma iveranda, eli cala lingaphezulu lalo kufuneka lipeyintwe.
- (3) Iveranda ephokele phezu kwendlela kawonkewonke kufuneka ingqamane ngokusemngxeni, ngokomphakamo nangeenkukacha ezikhoyo kwiiveranda ezidibana nayo.

Iintsika zangaphandle zendlu

4. (1) UMasipala angajonga iindawo ezikwakule ndawo kaMasipala apho kungekho mntu angabeka iintsika zeveranda phezu kwendlela kawonkewonke okanye iindlela zabahambi ngeenyawo.
- (2) Akukho mntu uvunyelweyo ukuba abeke nayiphi na intsika yeveranda phezu kwendlela yabahambi ngeenyawo apho loo ndlela yabahambi ngeenyawo inobubanzi obungaphantsi kwee-2.6.

- (3) Akukho mntu unokubeka nayiphi na intsika yeveranda engaphezu kwee-3m ukusuka kungqameko lwesakhiwo esilinganiswe ukuya kumphandle wentsika okanye ngaphantsi kwee-3m ukuya kumphakathi womphakathi.
- (4) Akukho mntu unokubeka nayiphi na intsika yeveranda phezu kwayo nayiphi na indlela yabahambi ngeenyawo ekwikona yendlela kawonkewonke engaphaya kongqameko olungqamana nesakhiwo.
- (5) Akukho mntu unokubeka inxenywe yayo nayiphi na intsika yeveranda kungama ongaphantsi kwee-600mm kumva osuka kungqameko lwangaphambili longqameko lwendlela.
- (6) Akukho mntu unokubeka iintsika ezimbini zeveranda phezu kwayo nayiphi na indlela kawonkewonke okanye indlela yabahambi ngeenyawo.
- (7) Ukuba iveranda ixhaswe ziintsika, iintsika zinokungabinazo iiayirisi ezizikwere, akukho siseko sinokuphokela ngaphezu kwee-50mm ngaphaya kwedayamitha engezantsi yentsika yaye iidayimenshini ezingqamene ngokuya ecaleni zeso siseko azinakudlula kwii-350mm.
- (8) Ukuba indlela emi ngayo intsika yephucukileyo yakudala, incam yayo mayibe nesixhasi nencopho ngelixa isiseko silungeleleneyo nazo.
- (9) Akukho intsika, kuquka incopho nesiseko sayo, emayibe ngaphantsi kwee-3m okanye ibe ngaphezu kwee-3.6m ngobude iphinde ibe ngaphezu kwe-4.5 kuquka nesiseko sentsika.
- (10) Akukho mntu unokuthi, engakhange afumane imvume ebhaliweyo yebhunga, abeke intsika kwindlela kawonkewonke apho indlela yeenyawo okanye indlela yeenyawo esecaleni kwendlela inentambo yombane okanye inokuba nentambo yombane, umbhobho okanye enye inkonzo kamasipala.
- (11) Owona mphakamo uphantsi ukusuka kwindlela yeenyawo okanye iindlela yeenyawo esecaleni kwendlela ukuya kwicala elingaphantsi lesixhasi esidibanisa ibhalkhoni nodonga okanye isixhasi sebhodi enegama lendawo mayibe zii-3m.
- (12) Ukufakelwa kwemibhobho okanye ukutyhubhisa (ukufakelwa kweentambo zombane) akunakusetyenziselwa nayiphi na intsika yeveranda okanye yebhalkhoni ephezu kwendlela kawonkewonke ngaphandle kokuba loo nto yenzelwa iinjongo yokuhombisa.
- (13) Ukubekwa komqolo osekuqaleni, ukubekwa kwezitena ezizibhloko okanye ungqameko lweentsika ezinyukayo, ukuba zikhona, azinakuba ngaphantsi kwee-750mm okanye ngaphezu kwe-1.05m ngaphezu komgangatho ekunyathelwa kuwo webhalkhoni.

- (14) Kule miThetho kaMasipala akukho nto inqanda-
- (a) ukwaxhiwa nokusetyenziswa kwentsika edibanisa iiveranda ezimbini ukuba loo ntsika inxenye yayo imi kwindawo engqamene nezi zindlu zombini okanye iyazidibanisa; okanye
 - (b) kwimeko yeeveranda ezidibanayo, ukubekwa kwayo nayiphi na intsika kwisiseko senthika ukuba kuyimfuneko ukuzingqamanisa nakuyo yonke imigaqo elandelwa yile miThetho kaMasipala.

Ibhalkhoni neefestile eziphokeleyo

- 5
- (1) Akukho bhalkhoni, festile ephokeleyo okanye uphokelo ekufuneka lujinge kwindlela kawonkewonke ukuba lunomphakamo ongaphantsi kwee-3m ukusuka kwindlela yabahambi ngeenyawo.
 - (2) Akukho bhalkhoni inokuphokela ngaphezu kwe-1.35m phezu kwendlela kawonkewonke.
 - (3) Akukho festile iphokeleyo enokuphokela ngaphezu kwee-900mm ngaphezu kwendlela kawonkewonke.
 - (4) Ubude obuphakathi befestile ephokeleyo phezu kwendlela kawonkewonke nakweliphi na inqanaba akunakudlula kwisinye esithathwini (1/3) somphakamo womphambili wesakhiwo kuloo ndlela.
 - (5) Nayiphi na ibhalkhoni ebekwe phezu kweveranda mayibuyiswe umva ubuncinane i-1.2m ukusuka kungqameko lwaloo veranda.
 - (6) Akukho ndawo yebhalkhoni encanyathiselwe kwiveranda enokuphakanyiswa kumphakamo ongaphezu kwemigangatho yokuphakama kwendlu emibini ngaphezu kwenqanaba lendlela yabahambi ngeenyawo ngaphandle kokuba umphezulu waloo bhalkhoni unophahla olwenziwe ngekhonkrithi etyebileyo olwenza umgangatho waphantsi, ungqameko lwentsika enyukayo olunomphakamo ongekho ngaphezu kwemitha enye (1m) luvumelekile kumgangatho ongaphezu kwenqanaba lomgangatho wokunyathela.
 - (7) Akukho donga lwahlula izindlu olunqumla ibhalkhoni ephezu kwendlela kawonkewonke olunokuba nomphakamo ongaphezu kwemitha enye (1) okanye ubudeki be-225mm.
 - (8) Ibhalkhoni ephezu kwendlela kawonkewonke ayikwazi ukuba kukuphela kwendlela ekungenwa ngayo kulo naliphi na igumbi okanye iflethi.

- (9) Akukho mntu unokubeka okanye avumele okanye enze ukuba kubekwe nantoni na kuyo nayiphi na ibhalkhoni ephezu kwendlela kawonkewonke, ngaphandle kwezityalo ezihombisileyo, iitafile, izitya, izithinteli-linga zesityile namalaphu aphokelayo eziverandeni angabekelwanga zibonisi zokuthile okanye iintengiso.
- (10) Ukuba nawuphi na umgangatho wesakhiwo usetyenziselwa ukupaka imoto, akukho festile iphokeleyo ekwelo nqanaba laloo mgangatho enokuphokela phezulu kwayo nayiphi na indlela kawonkewonke ngaphezu kwe-1.35 m zobude obupheleleyo bomphambili wesakhiwo kuloo ndlela.

Iziseko zeentsika, iintsika zangaphandle ezisicaba, iibhoda ezihombisayo ezisencotsheni yodonga

6. (1) Akukho siseko sentseka, intsika yangaphandle esicaba okanye olunye uphokelo olungaphaya kongqameko lwesakhiwo olusuka kwinqanaba laphantsi oluvumeleke ukuba luphokele kwindlela kawonkewonke.
- (2) Nayiphi na intsika yangaphandle esicaba, ibhodi ehombisayo esencotsheni yodonga, okanye olunye uphawu lobuchwepheshe bokwakha olububuncinane be-3m phezulu komhlaba ayinakuba ngaphezu kolu phokelo lulandelayo phezulu kwendlela kawonkewonke:
- (a) iintsika zangaphandle ezisicaba; 450mm. Umphakamo ophelileyo womphambili ophakathi weentsika zangaphandle ezisicaba kufuneka ungedluli kwisihlanu eshumini somphambili wesakhiwo yaye iifestile eziphokeleyo zaloo mgangatho wokuphakama kwendlu maziqokwe xa kubalwa owona mphakamo uphezulu ofikelekayo weifestile eziphokelayo;
- (b) uphokelo oluhombisileyo olukwaziyo ukumelana nomlilo okanye iintloko zeentsika zangaphandle eziphezu kweengcango: 600mm ize nayiphi na indawo yayo ingabi nobude obungaphantsi kwe-2,75m ngaphezu kwendlela yeenyawo okanye yabahambi ngeenyawo; yaye
- (c) iibhoda ezihombisayo ezisencotsheni yodonga: 1.05m apho zingekho ngaphezu kwe-10.5m ngaphezu kwendlela yeenyawo okanye yabahambi ngeenyawo, kunye nesinye eshumini yomphakamo ukusuka kwindlela yeenyawo okanye yabahambi ngeenyawo ukuba azikho ngaphezu kwe-10.5m eyona iphakamileyo iyi-1.8m.

Iiveranda ezisizikoneni

7. Ukuba iveranda yakhiwe yajikela ekoneni yendlela kawonkewonke kufuneka zenziwe ngokuva ngokufanelekileyo ukulandela igophe elo okanye ungqameko olo.

Ukuvuleka kweendlela zabahambi ngeenyawo

8. (1) Akukho kuvuleka kwendlela yabahambi ngeenyawo makube yeyona ndlela yokufikelela kulo naliphi na igumbi lokugcina izinto zipholile okanye igumbi lokugcina iwayini.
- (2) Akukho kuvuleka kwendlela yabahambi ngeenyawo kukuyo nayiphi na indlela kawonkewonke kunokuvuleka ngaphezu kwe-1.2m ngaphaya komda wesakhiwo.
- (3) Apho iindawo ezijingayo (iiflephu) zivumelekileyo ekuvulekeni kweendlela zabahambi ngeenyawo, indawo ejingayo nganye mayingabi ngaphezu kwe-0,75m² endaweni yaye kufuneka ivulekele ngaphezulu, kwakhona, ivulekile injalo, kufuneka ibe neendawo zentsimbi eqinileyo ezehlayo emacaleni kunye neziseko zezo ndawo zisemacaleni.
- (4) Ukuvuleka kweendawo ezijingayo kunokuvulwa kuze kusetyenziselwe iinjongo zokuhlisa nokunyusa iimpahla kuphela yaye kufuneka zigcinwe zivaliwe ngaphandle kwaxa kukho umsebenzi owenziwayo.
- (5) Udonga lwangaphambili okanye udonga olungqamene nongqameko lwendlela yeenyawo ngokuvuleka ngakunye malwakhiwe ngentlama efaneleke ngokwaneleyo ngokwebhunga.
- (6) Makungabikho kuvuleka kwendlela yabahambi ngeenyawo okogqunywa ngemiqobo ebekeleleneyo yentsimbi okanye yemicu zentsimbi okanye zoluthi.

ULungiso, ukususwa nokuqeshiswa kophokelo

9. (1) Umnini walo naluphi na uphokelo kufuneka alugcine olo phokelo lukwimeko entle lukwalungiswa
- (2) Nakuphi na ukuvuleka kwendlela yabahambi ngeenyawo, izibane zezi ndlela, iindonga zazo, ngokunjalo neendonga zamagumbi angaphantsi kufuneka zigcinwe zingenakungena manzi ngumnini wazo.

Uphokelo oluphambi kwezakhiwo

10. Ukuba kukho naluphi na uphokelo olwenziwe okanye olwakhiwe phambi kwaso nasiphi na isakhiwo, umnini waso kufuneka, ngeendleko zakhe-
 - (a) ahombise ngezitena okanye amatye yonke indlela yeenyawo okanye indlela yabahambi ngeenyawo ephantsi kolo phokelo okanye ephambi kwesakhiwo evulwe phambi kwaso indlela yabahambi ngeenyawo.

- (b) enze unqameko lwendlela nendlela yokuhamba amanzi esitalato afake nezitena okanye amatye okuhombisa phambi kweso sakhiwo kuyo bonke ububanzi bendlela yeenyawo okanye indlela yabahambi ngeenyawo.

Uphokelo

11. (1) (a) Nawuphi na umntu ofuna ukwenza okanye ukwakha, kuyo okanye phantsi kwayo okanye phezu kwayo nayiphi na indawo kawonkewonke, okanye nayiphi na indawo engasukiyo elawulwa okanye eyekaMasipala, kufuneka afake isicelo kwiGosa loLawulo lweZakhiwo kwifomu ebekelwe loo nto nguMasipala.
- (b) Ukuba, ngokokubona kweGosa loLawulo lweZakhiwo, kufuneka imizobo ukuze kugqitywe eso sivumelwano sophokeolo, loo ntlawulo ibizwayo ngaphezu kwezinye iintlawulo iya kuhlawulwa kuMasipala.
- (2) Umnini walo naluphi na uphokelo okanye into engasukiyo, nokuba kungethuba lokwakha okanye lugqityiwe, endleleni, phantsi kwayo okanye phezu kwayo nayiphi na indlela kawonkewonke, uthathwa njengomqeshi wolo phokelo, yaye, ukuba waziswe ngokubhaliweyo libhunga phantsi kwesandla segosa loLawulo lweZakhiwo, ukuba asuse nakuphi na oko kuphokela okanye loo nto ingasukiyo, kufuneka enze njalo ngethuba elifanelekileyo elibekwe kuloo nothisi.
- (3) Umnini weso sakhiwo, ngokubhekiselele kulo naluphi na uphokelo olukhoyo, okanye olucetywayo-
- (a) kufuneka ahlawule naziphi na iindleko ezenzeke ngokuphathelele kulo naluphi na uphokelo olukhoyo, okanye olucetywayo; yaye
- (b) kufuneka avumele uMasipala ukuba aphakamise, okanye anamathelise uphokelo okanye into engasukiyo okanye nayiphi na into efunekayo ngokubhekiselele kwimisebenzi yombane okanye ezinye izinto ezenziwa nguMasipala.

Ukophulwa komthetho neZohlwayo

12. Nawuphi na umntu-
- (a) owenza okukhabanayo okanye ongaphumeleliyo ukulandela nawuphi na kule migaqo yale miThetho kaMasipala;
- (b) ongaphumeleliyo ukulandela nayiphi na inothisi ekutshwe ngokwale miThetho kaMasipala;

- (c) ongaphumeleliyo ukulandela nawuphi na umyalelo osemthethweni onikwa ngokwale miThetho kaMasipala; okanye
- (d) oxaba endleleni okanye olibazisa nawuphi na ummeli okanye umqeshwa ogunyazisiweyo kaMasipala ekwenzeni imisebenzi yakhe phantsi kwale miThetho kaMasipala,

unetyala lokophula umthetho yaye umele ukugwetywa isohlwayo okanye xa engakwazi ukusihlawula avalelwe entolongweni ithuba elingedlulanga kwiinyanga ezintandathu, yaye kwimeko yokwaphulwa komthetho othile okuqhubekayo, aphinde agwetywe isohlwayo esingekho ngaphezu kwe-R50, okanye xa engakwazi ukusihlawula avalelwe entolongweni ithuba elingekho ngaphezu kosuku olunye, ngosuku ngalunye koku kuqhuba kwakhe kokwaphula lo mthetho emva kokukhutshelwa inothisi ebhaliweyo nguMasipala, inikwe loo mntu ukuba angaphindi awophule loo mthetho.

Ukuyekiswa kwale miThetho kaMasipala

- 13. Imigaqo yawo nawuphi na uMthetho kaMasipala ngokubhekiselele kuphokelo lwezaKhiwo zikaMasipala iyayekiswa malunga nokujongana kwayo nemiba echatshazelwe kule miThetho kaMasipala.

Isihloko esiFutshane

- 14. Lo Mthetho kaMasipala ubizwa ngokuba yimiThetho kaMasipala yoPhokelo kwezaKhiwo zikaMasipala.

No. 17

UMASIPALA WASEMBIZANA

IMITHETHO KAMASIP'ALA YENKUKUMA NOGUTYULO

IMITHETHO EYILWAYO

IMITHETHO KAMASIPALA YENKUKUMA NOGUTYULO

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loRhulumente waseKhaya: uMthetho weeNdlela zokwenza zooMasipala, ka-2000 (uMthetho wama-32 ka-2000), ufundwa necandelo le-162 loMgaqo-siseko woMzantsi Afrika, ka-1996 (uMthetho we-108 ka-1996), upapasha uMasiPala waseMbizana: imiThetho kaMasipala yeNkukuma noGutyulo evunyiweyo liBhunga likaMasipala.

I-indeksi**Isahluko soku-1****1. Iingcaciso****Isahluko sesi-2****Ukuthuthwa kwenkukuma**

- 2. Inkonzo kaMasipala**
- 3. Inothisi eya kuMasipala**
- 4. Ukunikwa kwemigqomo yenkukuma**
- 5. Ukubekwa kwemigqomo yenkukuma**
- 6. Ukusetyenziswa nokukhathalelwa kwemigqomo neplastikhi zenkukuma**
- 7. Ukupakishwa kwenkukuma**

Isahluko sesi-3**Inkukuma yasegadini, inkukuma enkulu yasegadini nenkukuma enkulu**

- 8. Ukususwa nokulahlwa kwenkukuma yegadi nenkukuma enkulu**
- 9. Inkonzo kaMasipala**

Isahluko sesi-4**Inkukuma yabakhi**

- 10. Uxanduva lwenkukuma yabakhi**
- 11. Imigqomo emikhulu**
- 12. Ukulahlwa kwenkukuma yabakhi**

ISAHLUKO SOKU-1

1. Iingcaciso

Ngokwale miThetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into-

“iplastikhi yomgqomo” ithetha iplastikhi evunye nguMasipala enokufakwa ngaphakathi kwephanga ibe inokuthwala umthamo ongekho ngaphezu kwe-0,1m³;

“inkukuma yabakhi” ithetha inkukuma eyenziwe zizenzo zokutshatyaliswa, ukwembiwa okanye ukwakhiwa okusendaweni;

“inkukuma enkulu” ithetha inkukuma ethi ngenxa yemo yobunzima, ubukhulu okanye ukungaqheleki kobukhulu bayo ifakwe kwiphanga okanye umgqomo wenkukuma kodwa kufuneka ingaquki inkukuma yabakhi okanye inkukuma eyodwa yasendlwini;

“inkukuma yeshishini” ithetha inkukuma eyenziwe kuso nasiphi na isakhiwo kodwa engasuswa lula ingonakaliswanga iplastikhi yomgqomo, kuquka inkukuma yasegadini kodwa ingaquki inkukuma yabakhi, inkukuma enkulu, inkukuma yasendlwini okanye inkukuma enganyamezelekiyo;

“umgqomo” uthetha umgqomo wenkukuma ovunye nguMasipala nonokunikwa nguMasipala ngexabiso elivunyiweyo, ngamaxabiso ahlawulwayo okanye amaxabiso okuqeshisa;

“indawo yokulahla” ithetha indawo yokulahla inkukuma ndawo leyo iyekaMasipala okanye evunye nguMasipala ukuba isetyenziselwe le njongo;

“inkukuma yasekhaya” ithetha inkukuma edla ngokwenziwa kwiindawo ezihlala abantu nenokususwa ngokulula ngomgqomo okanye ingonakalanga iplastikhi yomgqomo, kuquka inkukuma yasegadini;

“inkukuma yasegadini” ithetha inkukuma eyenzeka ngemisebenzi yasegadini eqhelekileyo kuyo nayiphi na indawo efana nokuchetywa kwengca, amagqabi, izityalo, iintyatyambo, ukhula, ukuchetywa kwemithi, iheji okanye amacingo nezinye izinto ezifana nezo ezincinci nezilula;

“uMasipala” uthetha uMasipala waseMbizana;

“iBhunga likaMasipala” lithetha iBhunga likaMasipala waseMbizana elasekwa ngokwecandelo le-12 loRhulumente waseKhaya: uMthetho wamaCandelo ooMasipala (uMthetho we-117 ka-1998), ohlaziyiweyo;

“inkukuma enganyamezelekiyo” ithetha inkukuma ebulalayo, enobungozi, elimazayo okanye enokungcolisa indawo yokuhlala okanye esuka kwinkqubo yokuveliswa kwemveliso okanye ukuhlanjwa kwenzo eza kulahlwa okanye nayiphi enye inkukuma

yomzi-mveliso okanye umgodi, zinto ezo imiThetho kaMasipala yeeDreyini zikaMasipala ethi azinakulahlwa edreyinini okanye esurejini;

“umhlali” uquka umntu ohlala ngqo emhlabeni okanye endaweni kungajongwanga ukuba uhlala ngabuni na okanye apho kuhlala abaqeshi abohlukeneyo nokuba bayazihlalela okanye umntu ngummeli wakhe nawuphi na umntu onelungelo kuloo ndawo okanye onomdla othile;

“umhlali” ngokubhekise kwindawo yokuhlala egcinwe ngokobhaliso lwetayitile yeSahlulo oluvulwe ngokoMthetho weeTayitile zezaHlulo, ka-1995 (uMthetho wama-95 ka-1995), uthetha iqumrhu, njengoko licacisiwe kuMthetho, ngokubhekiselele kuloo ndawo;

“umnini” uquka nawuphi na umntu ofumana irenti okanye iingeniso zawo nawuphi na umhlaba okanye indawo yokuhlala kubo nabaphi na abaqeshi okanye abahlali bayo, okanye oya kufumana irenti okanye ingeniso ukuba loo mhlaba okanye indawo yokuhlala leyo ibinokuqeshiswa, nokuba uyazifumanela okanye ungummeli wakhe nawuphi na umntu obemelwe kukufumana okanye onomdla kuyo;

“indawo kawonkewonke” iquka nayiphi na indlela, isitalato, indlela ecanda phakathi kwezindlu, ibhulorho, indledlana, indlela yabahambi ngeenyawo, indledlana yeenyawo, indlela yeenyawo esecaleni kwendlela, umqolomba, indawo yoluntu, indawo evulekileyo, igadi, ipaki okanye indawo evalekileyo esedolophini;

“ebekiweyo” ithetha ebekwe liBhunga likaMasipala ngesigqibo ngokwale miThetho kaMasipala;

“inkukuma eyodwa yemizi-mveliso” ithetha inkukuma enencindi engqindilili esuka kwinkqubo yokuvelisa iimveliso kanye ukuhlanjwa kwayo nayiphi na into engamanzi elahlwayo yemizi-mveliso, yona ke engenakuchithwa edreyinini okanye esurejini ngokoMthetho wemiGangatho yoKwakha kaZwelonke, ka-1977 (uMthetho we-103 ka-1977), nequka inkukuma enezinto eziyingozi;

“ixabiso leenkonzelo elibizwayo” lithetha ixabiso elibekwa nguMasipala kumaxesha ngamaxesha, ngokwepolisi kaMasipala.

ISAHLUKO SESI-2

UKUSUSWA KWENKUKUMA

INKONZO KAMASIPALA

2. (1) UMasipala unika inkonzo yokuqokelela nokuthutha inkukuma ngamaxabiso abekiweyo okanye ngenkonzo yomrhwebi wabucala.

- (2) Umntu ohlala endaweni eyenza inkukuma kufuneka azenze afumaneke kule nkonzo kaMasipala ukwenzela ukuba kuqokelelwe kuthuthwe loo nkukuma ngaphandle kwaxa kukho ukubekelwa bucala okunikiweyo.
- (3) Umnini wendawo eyenziwa kuyo inkukuma unoxanduva lokuhlawula uMasipala ngazo zonke iintlawulo ezibhekiselele ekuqokelelweni nasekuthuthweni kwaloo nkukuma endaweni leyo.

INOTHISI EYA KUMASIPALA

3. (1) Umnini wendawo, okanye kwimeko yaxa loo ndawo ihlala abantu abangaphezu komnye, umnini waloo ndawo yenza inkukuma kufuneka athi zingedlulanga iintsukue zisixhenxe emva kokuqala kokwenzeka kwaloo nkukuma, azise uMasipala ukuba-
 - (a) loo ndawo inabantu; okanye
 - (b) kukho inkukuma yabakhi, inkukuma enkulu okanye inkukuma yeshishini okanye inkukuma yasekhaya okanye inkukuma enganyamezelekiyo eyenzeka kuloo ndawo.
- (2) Ukuba uMasipala ukhupha umgqomo, loo mgqomo mawungahlawulelwa, okanye ukhutshwe ngexabiso eliqhelekileyo okanye ngexabiso eliqeshisayo, ngaloo ndlela ibekwe nguMasipala.
- (3) Ukuba uMasipala ufuna njalo, umnini wendawo leyo uya kuba noxanduva lokunika inani nohlobo alubekelweyo lwemigqomo.
- (4) Apho uMasipala umgqomo awukhupha ngexabiso eliqeshisayo, loo mgqomo mawuhlale ungokaMasipala aze umnini wendawo leyo ajongane nokuhlawula uMasipala ngokulahleka ukonakala kwaloo mgqomo.

UKUBEKWA KWEMIGQOMO YENKUKUMA

5. (1) Umnini wendawo kufuneka anike isithuba esaneleyo endaweni yakhe ukuze kubekwe imigqomo okanye imigqomo emikhulu njengoko kubekiwe nguMasipala.
- (2) Eso sithuba sinikiweyo ngokwecandelwana (1) kufuneka-
 - (a) sime ngendlela yokuba kukwazeke ukubekwa kwemigqomo okanye imigqomo emikhulu emininzi ingadanga yavela esitalatweni okanye kwindawo kawonkewonke, ngaphandle kokuba uMasipala ugqibe ngenye indlela;

- (b) apho kwenziwa inkukuma yasekhaya kuloo ndawo, kufuneka-
- (i) ime ngendlela eya kuvumela ukuqokelelwa nokuthuthwa kwenkukuma ngabasebenzi bakaMasipala bengaphazanyiswanga nto; yaye
 - (ii) ingabi ngaphezu kwee-20m ukusuka kwisango laloo ndawo elisetyenziswa ngabasebenzi bakaMasipala;
- (c) ubekwe ngendlela eya kuvumela izithuthi zenkukuma zikaMasipala ukuba kube lula ukungena nokuphuma kwazo;
- (d) yanele ukuba ingabeka nawuphi na umgqomo osetyenziswa ekusoteni nasekubekeni loo nkukuma kuthethwe ngayo kwicandelo 6(1)(a)(i) no-7(7) kunye nayiphi na inkukuma engagcinwa emgqomeni kodwa le nto ayingeni kwiimeko apho kungafuneki mvume ngokwamacandelo 6(1)(a)(i) okanye 7(7).
- (3) Umnini wendawo, okanye kwimeko apho loo ndawo ihlala abantu abaninzi, umnini waloo ndawo kufuneka abeke imigqomo enikwa ngokwecandelo 4 kwisithuba esinikiweyo ngokwecandelwana (1) yaye kufuneka ihlaliswe apho ngalo lonke ixesha.
- (4) Ngaphandle kwayo nantoni na echasene noko kukwicandelwana (3)-
- (a) kwimeko yezakhiwo ezakhiweyo kanye isakhiwo esineeplani zesakhiwo eziqale zavunywa phambi kokusebenza kwale miThetho kaMasipala;
 - (b) apho uMasipala, ngokokubona kwakhe, angakwaziyo ukuqokelela athuthe inkukuma kwisithuba esinikiweyo ngokwecandelwana (1); kunye
 - (c) naxa esonqena ukuphazamisa esenza nokuba kube lula ukuqokelela inkukuma,
- (5) Uchonga isithuba esingaphandle kwaloo ndawo apho umgqomo mawubekwe khona ukulungiselela ukuqokelelwa nokuthuthwa kwenkukuma yaye umgqomo mawubekwe kwezo zithuba ngamaxesha oaknye ngamathuba anokubekwa nguMasipala.

**UKUSETYENZISWA NOKUKHATHALELWA KWEMIGQOMO
NEEPLASTIKHI ZENKUKUMA**

6. (1) Wonke umhlali wendawo, okanye kwimeko yendawo ehlala abantu abaninzi, umnini waloo ndawo kufuneka aqiniseke ukuba-

- (a) yonke inkukuma yasekhaya okanye yeshishini eyenzela kuloo ndawo ibekwa igcinwe kwiinkukuma zemigqomo ukwenzela ukuba ithuthwe nguMasipala kodwa oko kuthethwa kweli candelwana akuyi kumnqanda umhlali okanye umnini wendawo-
- (i) oqale wafumana imvume ebhaliweyo kaMasipala ukuba angathengisi okanye alahle nayiphi inkukuma engamanzi, iikhalibhodi ezinamaqoqo, iphepha, iglasi okanye enye into eyinkukuma yeshishini, yokusetyenziswa ngokutsha ngenkqubo yemveliso okanye, kwimeko yenkukuma engamanzi, ukusetyenziswa kwayo; okanye
- (ii) ukuba angasebenzisi loo nkukuma yasekhaya nanjengoko inokufanela ukwenza imanyola (umgquba wokuzenzela), yaye loo nkukuma ihlala kuloo ndawo yaye ayihluphi mntu.
- (b) akukho luthuthu lutshisayo, glasi engogqunywanga okanye enye inkukuma yeshishini okanye yasekhaya enokonakalisa iiplastikhi zomgqomo okanye enokwenzakalisa abasebenzi bakaMasipala xa besenza imisebenzi yabo ngokwale miThetho kaMasipala, eya kufakwa kwiiplastikhi zemigqomo phambi kokuba kuthathwe amanyathelo afanelekileyo okunqanda loo monakalo okanye umenzakalo;
- (c) akukho nto, kuquka nezinto ezingamanzi, ezinokuthi ngenxa yobukhulu bazo okanye ezinye iimpawu zazo, zibe zinokwenza xa zikwezo plastikhi zomgqomo kube nzima ukuba abasebenzi bakaMasipala baziphathe okanye baziphakamise, ziya kufakwa kwezo plastikhi zomgqomo;
- (d) umgqomo omkhulu ngamnye okuloo ndawo uyavalwa, ngaphandle kwaxa inkukuma ifakwa okanye ikhutshwa, yaye umgqomo wenkukuma ngamnye ugcinwa ukwimeko ecocekileyo nenempilo;
- (e) akukho mntu makabeke inkukuma nakuyiphi na enye indawo ngaphandle kwemigqomo ebekelwe loo nto.
- (2) Akukho mgqomo wenkukuma unokusetyenziselwa nayiphi na enye into ngaphandle kokugcina inkukuma yeshishini, yomzi-mveliso okanye yasekhaya yaye akukho mlilo mawulayitwe kuloo mgqomo.
- (3) Iiplastikhi zemigqomo ezimenkukuma mazisuswe nguMasipala kuphela xa ezo plastikhi zemigqomo zibekwe kwiindawo ezichaziweyo, njengoko

kutshiwo kwicandelo 5 loo nto isenziwa ngamathuba anokuwabona efanelekile uMasipala.

- (4) UMasipala akayi kuba naxanduva ngokulahleka okanye nakuphi ukonakala emgqomeni okanye eplastikhini yomgqomo.

UKUBUTYAZWA KWENKUKUMA

7. (1) Ukuba inani lenkukuma yasekhaya okanye yeshishini eyenziwa endaweni inkulu kangangokuba, ngokoluvo lukaMasipala, inxenye eninzi yaloo nkukuma iyabutyazeka okanye ukuba umnini okanye umhlali waloo ndawo angathanda ukuyibutyaza loo nkukuma, loo mnini okanye umhlali, kufuneka-
- (a) asebenzise isixhobo esivunyiweyo esilungiselelwe ukukrazula amaphepha abe yimicu, okanye ukubutyaza inkukuma; aze
- (b) abeke inkukuma leyo yenziwe loo nto kwiphepha leplastikhi elivunyiweyo okanye elinye iphanga elilahlwayo okanye kwinto yokufaka izinto ezibutyaziweyo, kodwa loo nto ithethwe kwicandelo 4 iya kuhlala isebenza kuyo yonke enye inkukuma.
- (2) Umthamo weplastikhi, iphepha okanye enye into elahlwayo ekuthethwe ngayo kwicandelwana (1) kufuneka ungabi ngaphezu kwe-0,1 tyhubhikh mitha (m^3).
- (3) Emva kokuba le nkukuma, yenziwe ngale ndlela icaciswe kwicandelwana (1) ifakwe kwiphepha leplastikhi okanye elinye iphepha elilahlwayo kufuneka ibekwe emgqomeni omkhulu.
- (4) Umnini okanye umhlali, nokuba ngowuphi, kufuneka eze naloo mgqomo mkhulu uchatshazelwe kwicandelwana (1).
- (5) Ukuba lo mgqoma mkhulu kuthethwe ngawo kwicandelwana (1) wenziwe ngentsimbi, loo mgqomo kufuneka emva kokuba uMasipala ethathe konke okungaphakathi kuwo, ubuyiselwe endaweni leyo.
- (6) UMasipala kufuneka akhuphe konke okukule migqomo kuthethwe ngayo kwicandelwana (1) ngaloo mathuba acinga ukuba uMasipala afanelekile kuloo meko.
- (7) Oku kuthethwe ngako kweli candela akufunekanga kunqande nawuphi na umnini okanye umhlali waloo ndawo, nokuba nguwuphi, emva kokuba eqale wafumana imvume ebhaliweyo kaMasipala ukuba angathengisi okanye alahle nayiphi inkukuma engamanzi, ikhalibhodi elinamaqoqo, iphepha, iglasi okanye enye into eyinxalenye yenkukuma yeshishini,

yokusetyenziswa ngokutsha kwinkqubo yokuelisa okanye, kwimeko yenkukuma engamanzi ngeenjongo zomsebenzisi.

ISAHLUKO SESI-3

INKUKUMA ENKULU YASEGADINI NENKUKUMA ENKULU

UKUSUSWA, UKUL AHLWA KWENKUKUMA YASEGADINI NENKUKUMA ENKULU

8. (1) Umhlali okanye, apho indawo ihlala abantu abaninzi, umnini waloo ndawo eyenza inkukuma yasegadini okanye inkukuma enkulu yasegadini kufuneka aqiniseke ukuba loo nkukuma ilahlwa ngendlela yesi Sahluko ngexesha elifanelekileyo emva kokucela kwayo kodwa inkukuma yasegadini inokugcinwa apho endaweni ukwenzela ukwenza umanyola xa ingazi kuphazamisa mntu.
- (2) Ngaphandle kwaloo nto ithethwe kwicandelo 2 (1) nawuphi umntu angayisusa ayilahle inkukuma yasegadini okanye inkukuma enkulu yasegadini okanye enye inkukuma enkulu kodwa imiqathango yecandelo 16 mayilandelwe.
- (3) Inkukuma yasegadini okanye enkulu kufuneka, emva kokuba isuswe kuloo ndawo eyenziwe kuyo, ilahlwe kwindawo ebekwe nguMasipala njengendawo yokulahlala inkukuma enjalo.

INKONZO EYODWA KAMASIPALA

9. (1) Ngesicelo somnini okanye nawuphi na umhlali kuloo ndawo nasemva kokuhlalulwa kwentlawulo yexabiso elibekiweyo, uMasipala kufuneka asuse inkukuma yenkulu yegadi nanye inkukuma enkulu kuloo ndawo, ukuba uMasipala uyakwazi ukwenza oko ngesixhobo sakhe sokuthutha inkukuma.
- (2) Yonke loo nkukuma mayibekwe kwindawo engedlulanga kwii-3m zomda wendawo yokuthuthela, kodwa ingabisindleleni yeenyawo esecaleni.
- (3) UMasipala unokutsho uhloni nobungakanani bemigqomo emayisetyenziselwe ukugcina nokuthutha inkukuma enjalo.

ISAHLUKO SESI-4**INKUKUMA YABAKHI****UXANDUVA LWENKUKUMA YABAKHI**

10. (1) Umnini wendawo eyenziwe kuyo inkukuma yabakhi kufuneka aqiniseke ukuba loo nkukuma ilahlwe kulandelwa icandelo 7 lingaphelanga ixesha elifanelekileyo emva kokuvela kwayo
- (2) Ngaphandle kwaloo nto ithethwe kwicandelo 2(1) nabani na angayenza inkonzo yokuthutha inkukuma, xa uMasipala eyenza le nkonzo kufuneka ayenze ngamaxabiso abekiweyo yaye onko kuthethwe kwicandelo 8 kuya kusebenza kunye notshintsho olufanelekileyo.

IMIGQOMO EMIKHULU

11. (1) Ukuba imigqomo emikhulu okanye eminye imigqomo esetyenziselwa ukuthuthwa kwenkukuma yabakhi, inkukuma enkulu okanye ezinye izinto eziyinkukuma ezisuka kwindawo ekuhlalwa kuyo, ngokokubona kukaMasipala, ayinakugcinwa kule ndawo yokuhlala, loo migqomo mikhulu okanye eminye imigqomo inokuthi ngemvume kaMasipala ibekwe ecaleni kwendlela ithuba elivunyiweyo.
- (2) Nasiphi isivumelwano esinikwe ngokwecandelwana (1) siya kusebenza phantsi kwemiqathango ayibona ifanelekile uMasipala kodwa ekunikeni nasekweleni imvume yakhe okanye ekubekeni imiqathango uMasipala kufuneka ajonge ukungaphazamiseki nokhuseleko loluntu.
- (3) Imvume ebhaliweyo kaMasipala ekuthethwe ngayo kwicandelwana (1) iya kunikwa kuphela xa kuhlawulwe ixabiso lenkonzo lethuba laloo mvume.
- (4) Umgqomo omkhulu ngamnye okanye eminye imigqomo esetyenziselwa ukuthutha inkukuma yabakhi kufuneka-
- (a) ibe negama nedilesi okanye inombolo yomnxeba yomntu olawula loo mgqomo mkhulu ebhalwe ngokucacileyo;
- (b) ifakwe izibonisi ezinemigca ezikhazimlayo ebusika okanye izibonisi ezikhamzimlayo ebusika ekufuneka zenze umgca ngaphambili nangasemva; yaye
- (c) zivalwe ngawo onke amaxesha ngaphandle kwaxa zifumana okanye zikhutshwa inkukuma ukwenzela ukuba okungaphakathi kungachitheki okanye kungabikho thuli luvela kuzo.

UKUL AHLWA KWENKUKUMA YABAKHI

12. (1) Ngokuxhomekeke koko kubekwe kwicandelwana (2), yonke inkukuma yabakhi kufuneka ilahlwe kwiindawo zokulahla inkukuma zikaMasipala.
- (2) Ngenjongo yobuyekezo lomhlaba, inkukuma yabakhi inokuthi, ngemvume ebhaliweyo kaMasipala, ilahlwe kwindawo engeyiyo leyo iyindawo yokulahla inkukuma kaMasipala.
- (3) Nayiphi naimvume enikwe ngokwecandelwana (1) ixhomekeke kuloo miqathango ibonwa ifanelekile nguMasipala, kodwa ekunikeni nasekwaleni loo mvume okanye ekubekeni loo miqathango, uMasipala uya kujonga-
- (a) ukhuseleko loluntu;
- (b) indalo yendawo yokulahla inkukuma ecetywayo;
- (c) ukufaneleka kwaloo ndawo kuquka ukuhamba kwamanzi edreyinini;
- (d) indlela namaxesha alindelekileyo okulahla inkukuma kuloo ndawo yayo;
- (e) ukudibeka (ukulevelisheka) kwendawo leyo;
- (f) ukulawuleka kothuli; kunye
- (g) neminye imiba efana nale.

IS AHLUKO SESI-5**INKUKUMA EYODWA YEMIZI-MVELISO****UKWAZISWA KOKWENZIWA KWENKUKUMA EYODWA YEMIZI-MVELISO**

13. (1) Umntu obandakanyeka kumsebenzi obangela ukuba kwenzeke inkukuma eyodwa yemizi-mveliso makazise uMasipala ukuba inantoni na, ingakanani inkukuma eyenzekayo, igcinwa njani kunye nokuba iza kususwa njani, nini.
- (2) Ukuba uMasipala ufuna njalo, iinkukacha ekuthethwe ngazo kwicandelwana (1) mazikhatshwe luhlalutyo oluqinisekiswa ngusokhemesti oqeqeshiweyo wezorhwebo.

- (3) UMasipala okanye nawuphi umntu ogunyaziswe nguMasipala unokungena endaweni ekuhlalwa kuyo ngalo naliphi na ixesha elifanelekileyo ukuqinisekisa ukuba inkukuma eyodwa yemizi-mveliso yenziwa kuloo ndawo yokuhlala yaye athathe iisampule avavanye nayiphi na inkukuma efunyenwe kuloo ndawo yokuhlala ukuqinisekisa ukuba inantoni na.
- (4) Emva kokuba kwaziswe uMasipala ngokwecandelwana (1), umntu ekuthethwe ngaye kwicandelwana (1) makazise uMasipala ngalo naluphi na utshintsho lwezinto nobungakanani benkukuma eyodwa yomzi-mveliso olwenzekayo.

UKUGCINWA KWENKUKUMA EYODWA YEMIZI-MVELISO

14. (1) Umntu ekuthethwe ngaye kwicandelo 13(1) makaqiniseke ukuba inkukuma eyodwa yemizi-mveliso esendaweni yakhe ibekwa igcinwe ngokwecandelwana (2) ide isuswe kuloo ndawo ngokwecandelo 13.
- (2) Inkukuma eyodwa yemizi-mveliso egcinwe kuloo ndawo mayigcinwe ngendlela yokuba ingaphazamisi okanye ingcolise indalo.
- (3) Ukuba inkukuma eyodwa yemizi-mveliso ayigcinwa ngokwecandelwana (2) kuloo ndawo yenziwa kuyo, uMasipala unokuyalela umnini waloo ndawo kunye nomntu ekuthethwe ngaye kwicandelo 11(1) ukuba basuse loo nkukuma kwixesha elifanelekileyo yaye, ukuba emva koko loo nkukuma ayisuswanga lingaphelanga elo xesha, uMasipala unokuyisusa ngokwakhe ngekhontrakhi ngendleko zomnini-ndawo.

UKUTHUTHWA KWENKUKUMA EYODWA YEMIZI-MVELISO

15. (1) Akukho mntu makathuthe inkukuma eyodwa yemizi-mveliso kwindawo eyenziwe kuyo engakhange afumane mvume ibhaliweyo kuMasipala.
- (2) UMasipala unokuyinika imvume yakhe ngokwecandelwana (1), ngokuxhomekeke kuloo miqathango ayibona ifanelekile.
- (3) Ebekeni kwakhe imiqathango uMasipala kufuneka ajonge-
 - (a) ukuba inantoni na loo kukuma iyodwa yemizi-mveliso;
 - (b) ukufaneleka kwesithuthi nomgqomo omkhulu oza kusetyenziswa;
 - (c) indawo eza kulahlwa kuyo inkukuma; kunye
 - (d) nobungqina boko kulahlwa obuya kunikwa uMasipala.

- (4) UMasipala makangayiniki imvume ngokwecandelwana (1), ngaphandle kokuba wanelisekile ukuba umntu ofaka isicelo saloo mvume uyawazi umsebenzi wakhe yaye unesixhobo sokuyithutha loo nkukuma iyodwa yemizi-mveliso nokulanela imiqathango ebekwe nguMasipala.
- (5) Umntu ekuthethwe ngaye kwicandelo 11(1) makazise uMasipala, ngaloo mathuba abekwe nguMasipala, ethathela ingqalelo iinkcukacha ezifanele ukunikwa uMasipala ngokwecandelo 11(1), ngokuthuthwa kwenkukuma eyodwa yemizi-mveliso, ubunjani beso sixhobo siza kuyithutha, umhla wolo thutho, ubungakanani nokuba yintoni na loo nkukuma iyodwa yemizi-mveliso iza kuthuthwa.
- (6) Ukuba kukho nawuphi na umntu owenza okuchasene noko kubhalwe kweli candela, loo mntu makazise ngaloo nkukuma ithuthwe nguye ngokwemigaqo kaMasipala.

ISAPHLUKO SESI-6

IINDAWO ZOKULAHLA

INDLELA YOKUZIPHATHA KWIINDAWO ZOKULAHLA

16. (1) Nawuphi umntu othi, ngenjongo yokulahla inkukuma, angene kwindawo yokulahla elawulwa nguMasipala, kufuneka-
 - (a) angene kuloo ndawo yokulahla kwindawo yokungena egunyazisiweyo kuphela;
 - (b) anike uMasipala zonke iinkcukacha ezifunekayo malunga nokuba loo nkukuma inantoni na; aze
 - (c) alandele yonke imiyalelo ayinikiweyo ngokokufikelela kuloo ndawo yokulahla, indawo kunye nendlela ekufuneka ilahlwe ngayo inkukuma.
- (2) Akukho mntu makeze notywala obunxilisayo kwindawo yokulahla inkukuma elawulwa nguMasipala.
- (3) Akukho mntu makangene kwindawo yokulahla inkukuma elawulwa nguMasipala ngayo nawuphi enye injongo ngaphandle kokulahla inkukuma ngokwale miThetho kaMasipala yaye oko akwenze ngokwamaxesha anokuthi abekwe nguMasipala.
- (4) Akukho mntu makatshise nantoni na kwindawo yokulahla inkukuma elawulwa nguMasipala.

UBUNINI BENKUKUMA

17. (1) Yonke inkukuma ethuthwa nguMasipala, nayo yonke inkukuma ekwiindawo zokulahla inkukuma ezilawulwa nguMasipala yekaMasipala yaye akukho mntu unokususa okanye aphazamisane nayo ngaphandle kokugunyaziswa nguMasipala.
- (2) Yinkukuma eyenziwa kwiindawo eziphantsi kolawulo lukaMasipala kuphela enokulahlwa kwiindawo zokulahla inkukuma zikaMasipala kodwa ke invume ebhaliweyo ingakhutshwa ligosa likaMasipala eligunyazisiweyo ngokubhekiselele kumaziko angaphandle kolawulo lukaMasipala.

ISAPHLUKO SESI-7**UKUNGCOLISA NGENKUKUMA, UKULAHLA NJE NEMIBA ENCEDISAYO****UKUNGCOLISA NGENKUKUMA**

18. (1) Akukho mntu ekufuneka-
- (a) ukuba alahle, awise, abeke okanye achithe nayiphi na inkukuma kuyo nayiphi na indawo yoluntu, isitendi esingenanto, isiza esingenanto, umjelo okanye indlela yamanzi.
- (b) Atshayelele nayiphi na inkukuma kwindlela ehamba amanzi esitalato kwindawo kawonkewonke; okanye
- (c) Avumele nawuphi na umntu ophantsi kolawulo lwakhe ukuba enze naziphi ezi zenzo kuthethwe ngazo kwimihlathi (a) no-(b).
- (2) Ngokweli candelo umntu uthathwa njengozivumileyo ezi zenzo zibekwe kwicandelwana (1) kubantu abaphantsi kolawulo lwakhe, ngaphandle kokuba kukho ubungqina obukhabana noko.

UKULAHLA NJE

19. (1) Ngokubhekiselele kuyo nantoni na echasene nokukule miThetho kaMasipala, akukho mntu unokushiya nantoni na okanye avumele nantoni na ephantsi kolawulo lwakhe ishiywe kwindawo apho into enjalo ibiziswe ngenjongo yokulahlwa.
- (2) Kwakuba kubonakalisiwe ukuba loo mntu ushiye into okanye uvumele ukuba ishiywe endaweni engeyoyakhe nangengomhlali wayo, uthathwa

njengowenze okuphambene noko kukwicandelwana (1), ngaphandle kokuba ude wabonisa enye into engaphaya.

- (3) Nawuphi na umntu owophula oko kukwicandelwana (1) unetyala lokophula umthetho yaye ujongene nokugwetywa isigwebo okanye avalelwe entolongweni ithuba elingedlulanga kwiinyanga ezili-12 okanye kokubini, eso sigwebo noko kuvalelwa entolongweni.

IZINTO EZILAHLIWEYO

20. Nantoni na, ngaphandle kwesithuthi, ithathwa njengelahliweyo, ngokubhekiselele-

- (a) kwindawo efunyenwe kuyo;
- (b) kwithuba ehleli ngalo kuloo ndawo; kunye
- (c) nendlela nemeko yaloo nto.

xa kukho izizathu zokuba uMasipala ayithathe njengelahliweyo, uMasipala unokuyisusa aze ayilahle ngaloo ndlela ayibona ifanelekile.

UMTHWALO WOMNTU EMALUNGA NAYE LOO NTO

21. (1) Apho nantoni na iye yasuswa yaza yalahlwa nguMasipala ngokwecandelo 20, umntu emalunga naye unoxanduva lokuhlawula uMasipala intlawulo yexabiso lenkonzo ngokubhekiselele koko kususwa nokulahlwa kwayo.
- (2) Ngokweli candelwana (1) loo mntu kufuneka abe-
- (a) ngumnini waloo nto, yaye kuquka nawuphi na umntu onegunya lokuba nento kuba eyikwelite evenkileni ngesivumelwano setyala okanye ngesivumelwano sokubolekwa ngethuba eyayilahlwe ngalo okanye ibekwe kwindawo esuswe kuyo nguMasipala ngaphandle kokuba angabonsia ukuba ibingeloxanduva lwakhe yaye ubengazi nto ngokulahlwa okanye ukubekwa kwayo kuloo ndawo; okanye
 - (b) nawuphi na umntu oyibeke kuloo ndawo; okanye
 - (c) nawuphi na umntu oyivumeleyo esazi ukuba iza kubekwa kuloo ndawo.

ISAHLUKO SESI-8**IMIGAQO GABALALA****UKUNGENA KWIINDAWO EZIHLALA ABANTU**

22. (1) Apho uMasipala kufuneka enike inkonzo yokuqokelela inkukuma, umntu ohlala kuloo ndawo kufuneka-
- (a) avumele uMasipala angene kuloo ndawo ngenjongo yokuqokelela nokuthutha inkukuma; kunye
- (b) nokuqinisekisa ukuba akukho nto iphazamisa, isokolisa okanye inqanda uMasipala ekwenzeni inkonzo yakhe.
- (2) Apho uMasipala abona ngathi ukuqokelelwa okanye ukuthuthwa kwenkukuma kuyo nayiphi na indawo kunokuyonakalisa loo ndawo okanye izinto zikaMasipala, okanye kubangele ukwenzakala kubaqokeleli benkukuma okanye nawuphi na omnye umntu, njengomqathango wenkonzo yokuthutha inkukuma kuloo ndawo icaciswayo, uMasipala unokufuna ukuba umnini okanye loo mntu uhlala apho enze ukhuselo olubhaliweyo ngawo nawuphi na umonakalo okanye ukulimala okanye nawaphi na amabango avela kuyo nayiphi kwezi.

UKWANDA KWENKUKUMA

23. Xa naluphi uhlobo lwenkukuma ecaciswe kwiSahluko soku-1 sale miThetho kaMasipala, isanda kwindawo ethile ngendlela ephatha kakubi abanye okanye ngendlela eyenza ukuba ibe nokuphatha kakubi abanye, uMasipala unokwenza uthutho olulodwa lwaloo nkukuma aze umnini wendawo abe noxanduva lolo thutho lulodwa kufuneke ahlawule intlawulo yexabiso lenkonzo leyo.

IINTLAWULO

24. (1) Ngaphandle kwalapho kubhalwe khona kule miThetho kaMasipala, umntu owenzelwe nguMasipala nayiphi kwezi nkonzo zixelwe kule miThetho kaMasipala unoxanduva lokuhlawula uMasipala intlawulo lexabiso elibekiweyo laloo nkonzo.
- (2) Iinkonzo ezinikwa nguMasipala ngokubhekiselele kwintlawulo yeenkonzo ebekelwe ukuhlawulwa ngenyanga, kufuneka iyekiswe nguMasipala kuphela xa efumene isaziso esibhaliweyo esisuka kumnini wendawo okanye loo mntu uhlala kuloo ndawo ibinikwa ezo nkonzo ukuba ukwenziwa kwenkukuma yasekhaya okanye yeshishini kuyekiwe okanye xa kuye kwacaca kuMasipala ukuba kuyekiwe ukwenziwa kwenkukuma kuloo ndawo.

- (3) Iintlawulo zexabiso leenkonzozo zenyanga lihlawula de uMasipala afumana inothisi exelwe kwicandelwana (2) okanye uMasipala acacelwe ukuba kuyekiwe ukwenziwa kwenkukuma kuloo ndawo.
- (4) UMasipala makabe nelungelo ngalo naliphi na ixesha lokutsala iintlawulo zexabiso leenkonzozo ngeenkonzozo ezinikwe nayiphi na indawo ngokwale miThetho kaMasipala, nangona uMasipala engafumananga sicelo sisuka kumini okanye umhlali waloo ndawo sokunika ezo nkonzozo.

AMATYALA NEZOHLWAYO

25. (1) Nawuphi na umntu cwaphula okanye ongalandeliyo nawuphi umgaqo okule miThetho kaMasipala unetyala lokophula umthetho yaye ujongene nokugwetywa isigwebo okanye ukuvalelwa entolongweni ithuba elingedlulanga kwiinyanga ezili-12 okanye kokubini isigwebo nokuvalelwa entolongweni.
- (2) Kwimeko yokophulwa komthetho okuqhubekayo nawuphi na umntu owaphula okanye ongalandeliyo nawuphi umgaqo okule miThetho kaMasipala, unetyala lolunye ulwaphulo-mthetho ngethuba ngalinye leeyure ezingama-24 okanye inxenye yelo thuba oluthe lwaqhubeka ngalo ulwaphulo-mthetho olo, yaye ujongene noko kubekwe kwicandelwana (1) ngokubhekiselele kuwaphulo-mthetho ngalunye.

UKUYEKISWA KWALE MITHETHO KAMASIPALA

26. (1) Nayiphi imiThetho kaMasipala esebenza kwindawo elawulwa nguMasipala nejongene nomxholo othile wale miThetho kaMasipala, iyayekiswa ngenxa yokuba ingquzulana nemigaqo yale miThetho kaMasipala.
- (2) Ukuyekiswa kwemiThetho kaMasipala esele ikho, ngendlela ebekwe kwicandelwana (1) kuqala ukusukela ngomhla wokubhengezwa kwale miThetho kaMasipala.

ISIHLOKO ESIFUTSHANE NOKUQALISA KWAYO

27. Le miThetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala yeNkukuma noGutyulo yaye iya kuqala ukusebenza ngomhla obekwe liBhunga likaMasipala.

No. 18

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YEENDAWO
ZOKUZONWABISA ZOLUNTU**

IMITHETHO YOYILO LOKU-1

UMTHETHO KAMASIPALA WEENDAWO ZOKUZONWABISA ZOLUNTU

Ngokwecandelo 156(2) leBhunga leRhiphablikhi yoMzantsi Afrika, ka-1996, uMthetho weeNdlela zokwenza zikaMasipala: uRhulumente waseKhaya, ka-2000 kunye noMthetho wamaCandelo kaMasipala: uRhulumente waseKhaya, ka-1998, iBhunga loMasipala waseMbizana lenze le miThetho kaMasipala icaciswe apha ngezantsi.

1. Iingcaciso

Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into-

“iBhunga” lithetha iBhunga loMasipala waseMbizana yaye liquka uSodolophu, amaLungu esiGqeba ezoPolotiko, imiButho yezoPolitiko, abaPhathi booMasipala nalo naliphi na elinye igosa elinikwe amagunya ngokwecandelo 59 loMthetho weeNdlela zokwenza zooMasipala: uRhulumente waseKhaya (umthetho wama-32 ka-2000);

“isaziso” sithetha isaziso esisemthethweni esicacileyo nesibhalwe kakuhle sibhalwa liBhunga ngesiNgesi nesiXhosa nesixhonywe ngokomyalelo weBhunga kuwo onke amasango endawo etsala umdla wabantu okanye kwindawo eluncedo yoluntu neliya kuthi iBhunga lenze unakonako libonisa ngendlela eliyivumileyo ngokwalo Mthetho kaMasipala;

“indawo yokuzonwabisa yoluntu” ithetha

- (a) nawuphi umhlaba, indawo evulekileyo, indawo yokukhempisha, indawo yokuqubha, ithala loluntu, indawo yolonwabo, ithala lendalo, indawo yezilwanyana, indawo yezityalo okanye enye nje igadi, ipaki okanye indawo yokuhambela ukuzonwabisa, kuquka nayiphi indawana kunye nayiphi indawo okanye isixhobo soko, kodwa kungaquki indlela kawonkewonke okanye isitalato;
- (b) nasiphi isakhiwo, into eyakhiweyo, iholo okanye iofisi kuquka nayiphi inxenye yazo nelawulwa okanye erentiswa okanye eyeyeBhunga olukwaziyo ukuyisebenzisa uluntu gabalala, nokuba luhlawula imali yokungena na okanye hayi;
- (c) yaye nayiphi indawo yokuzonwabisa yoluntu ekuthethwe ngayo kwimihlathi (a) no-(b), ukuba ilawulwa ngokusemthethweni ikwaphethwe ngokwesivumelwano esenziwe ngumntu ongelilo iBhunga;

2. Elona nani likhulu labatyeleli

- (1) IBhunga linokubeka elona nani liphezulu labatyeleli abanokubakho ngexesha elithile kwindawo yokuzonwabisa yoluntu, kodwa amanani ohlukeneyo anokuqingqelwa iindawo ezahlukeneyo zokuzonwabisa zoluntu.

- (2) Eli nani kubhekiswa kulo kwicandelwana (1) iBhunga lilazisa ngohlobo lwesaziso.

3. Ukungeniswa nokuhlala kwiindawo zokuzonwabisa zoluntu

- (1) Indawo eluncedo yoluntu, ngokuxhomekeke koko kukule miThetho kaMasipala, ivulelekile kuluntu ngamaxesha abekwe liBhunga elo, kodwa amaxesha ahlukeneyo anokubekelwa iindawo zokuzonwabisa zoluntu.
- (2) Akukho mtyeleli ekufuneka angene okanye aphume kwindawo yokuzonwabisa yoluntu kuyo nayiphi na enye indawo ngaphandle kwaleyo ilungiselelwe loo nto.
- (3) Amaxesha neendawo ezibekwe kwicandelwana (1) no-(2) mazaziswe liBhunga elo ngohlobo lwesaziso.

4. Iimali zokungena

- (1) Umtyeleli wendawo yokuzonwabisa yoluntu makahlawule imali yokungena ebekwa liBhunga amaxesha ngamaxesha, yaye loo mali yokungena mayaziswe ngohlobo lwesaziso.
- (2) Iimali zokungena ezahlukeneyo zinokubekwa ngokwabatyeleli bobudala obahlukeneyo.

5. Ukumosha

Akukho mntu ekufuneka enze okanye avumele ukwenziwa kwaso nasiphi kwezi zenzo kwindawo yokuzonwabisa yoluntu-

- (a) ukusetyenziswa kolwimi okanye ukwenziwa kwaso nasiphi na esinye isenzo ngenjongo yokuphazamisa uxolo;
- (b) ukudubula ngezibham, izibham zasemoyeni, iipistoli, iikhrikhethi okanye asebenzise izilingi zokudubula;
- (c) ukutshiswa kwezinto ezonakeleyo okanye inkukuma;
- (d) ukubangela amavumba amabi nangonwabisiyo;
- (e) ukuvelisa umsi ophazamisayo; okanye
- (f) ukubangela uphazamiseko ngokulwa, ukuthethela phezulu, ukuxabana, ukucula okanye ukudlala izixhobo zomculo, okanye izixhobo ezinjalo.

6. Imiba yezempilo

Akukho mntu ekufuneka kwindawo yokuzonwabisa yoluntu-

- (a) alahle, awise okanye abeke nayiphi na inkukuma, izinto ezonakeleyo, imathiriyeli okanye nayiphi into okanye avumele ukuba kwenziwe loo nto, ngaphandle kokuba loo nto yenziwa kumgqomo obekelwe loo nto kwindawo yokuzonwabisa yoluntu;
- (b) angcolise nangayiphi na indlela amanzi asebhafini, edamini lokuqubha, edamini, indawo yamanzi, umlambo okanye indlela ehamba amanzi;
- (c) angene kuyo nayiphi ibhafu okanye idama lokuqubha enesifo esosulelayo okanye esisasazekayo okanye enesilonda esingogqunywanga emzimbeni wakhe;
- (d) enze nasiphi isenzo esinokubeka esichengeni impilo yakhe nawuphi omnye umtyeleli kwindawo yokuzonwabisa yoluntu.

7. Izinto ezakhiwayo

Akukho mntu ekufuneka athi, ngaphandle kokuqala afumane imvume ebhaliweyo yeBhunga, aphakamise okanye aqale kwindawo yokuzonwabisa yoluntu nayiphi na into eyakhiweyo, indawo yokusithela okanye nantoni na enye, ngaphandle kwekharaveni okanye intente ebekelwe iinjongo zokuhempisha kwisiza esibekelwe bucala sabhalwa lo onto, kodwa kufuneka kufakwe isicelo saloo mvume kwiBhunga ngefomu elungiselelwe loo nto, ubuncinane iintsuku ezingama-21 phambi kokubekwa kwayo.

8. Utywala nokutya

- (1) Akukho mntu ekufuneka azise nayiphi na into eneakhoholi okanye nabuphi na utywala okanye nakuphi na ukutya kwalo naluphi na uhlobo, ngokuchasene noko kubhalwe kwisaziso.
- (2) Ngokuxhomekeke koko kubhalwe kwicandelwana (1)-
 - (a) akukho mntu ekufuneka athi kwindawo yokuzonwabisa yoluntu, enze ngokukhabana nesaziso, apheke okanye alungise ukutya kwalo naluphi na uhlobo, ngaphandle kwakwiindawo ezibekelwe bucala ukuze kwenziwe loo nto zaza zabhalwa isaziso.
 - (b) Kodwa ukulungiswa nokuphekwa kokutya kwindawo yokuzonwabisa yoluntu makwenziwe ngendlela ecocekileyo nesempilweni ukuze kungakhuphi umsi omninzi okanye uphazamiseko okanye kubangele ubungozi empilweni; yaye

- (c) Akukho zilwanyana ziphilayo, iintaka neenkukhu okanye intlanzi ezinokubulawa okanye zithalelwe kwindawo yokuzonwabisa yoluntu.

9. Izilwanyana

- (1) Akukho mntu unokuza nesilwanyana, intake, intlanzi okanye inkukhu ephilayo kwindawo yokuzonwabisa yoluntu ngaphandle kokuba ufumene indlela kwiBhunga, kodwa kukho iindlela ezahlukeneyo ezibekwa ngokweendawo zokuzonwabisa zoluntu ezohlukeneyo kunye nezilwanyana, iintaka, iintlanzi neenkukhu ezahlukeneyo.
- (2) Indlela ekuthethwe ngayo kwicandelwana (1) mayaziswe ngesaziso.

10. Ukuma ngokungenanjongo

Akukho mntu ophila ubomi bokuzulazula ngokungenanjongo okanye ongenamvume isemthethweni yegwiba lokhuseleko okanye umntu ophila impilo yobuvila, yokuziphatha kakubi okanye oziphethe ngendlela engamkelekanga okanye odla ngokulala esitalatweni, kwindawo yoluntu okanye kwindawo yabucala okanye othanda ukucela imali okanye ukutya okanye okhuthaza abanye ukuba bamcelele imali okanye ukutya, onokuzulazula okanye eme nje kwindawo yokuzonwabisa kawonkewonke.

11. Iindibano nemingcelele

- (1) Akukho mntu onokuthi ngaphandle kwemvume yeBhunga, okanye ngokuchasene nayo nayiphi imiqathango ebekwe liBhunga xa likhupha loo mvume, onokuthi kwindawo yokuzonwabisa yoluntu-
- (a) alungiselele, enze okanye aye kuso nasiphi isenzo sokonwabisa uluntu;
 - (b) aqokelele imali okanye naziphi na izinto aziqokelelela iimbedlenge okanye nayiphi na enye injongo eziqokelela ebantwini gabalala;
 - (c) abonise okanye asasaze nawaphi na amaphetshana, iiplakhadi, imizobo, iincwadi, iiflaya okanye nawuphi na omnye umsebenzi oprintiweyo, obhaliweyo okanye ozotyweyo;
 - (d) alungiselele, abambe, athethe okanye aye nakuyiphi na intlanganiso;
 - (e) alungiselele, abambe okanye aye kuyo nayiphi na indibano okanye umngcelele, umboniso okanye umdlalo;

- (f) enze naluhpi na urhwebo, umsebenzi okanye ushishino;
 - (g) abonise, athengise okanye aqeshise okanye enze intetho yokuthengisa okanye ukuqeshisa nayiphi na into okanye izinto;
 - (h) abambe okanye aye kuyo nayiphi na intengiso yefandesi; okanye
 - (i) achazele abantu izinto eziza kwenzeka ebomini babo eza kuhlawulwa.
- (2) Ngenjongo yale miThetho kaMasipala "indibano okanye umngcelele woluntu" uthetha umngcelele okanye indibano yabantu abali-12 nangaphezulu.
- (3) Imvume ekubhekiswa kuyo kwicandelo (1), inokwaliwa liBhunga ukuba licinga ukuba-
- (a) ingakhokelela-
 - (i) kuqhushululu loluntu;
 - (ii) kuphazamiso loxolo loluntu; okanye
 - (iii) ukophulwa komthetho;
 - (b) ingabeka emngciphekweni uluntu okanye abasebenzisi okanye abatyeleli bendawo yokuzonwabisa yoluntu; okanye
 - (c) inganobungozi kwindawo yokuzonwabisa yoluntu.
- (4) Nawuphi umntu ofuna imvume ebhaliweyo yeBhunga ngaso nasiphi na isenzo ekuthethwe ngaso kwicandelwana (1), makafake isicelo esibhaliweyo kwiBhunga kubuncinane beentsuku ezingama-21 phambi kweso senzo kwifomu elungiselelwe oko, ngokuxhomekeke ekubeni iBhunga linokuthi, kodwa linganyanzelekanga, lijonge eso sicelo esifunyenwe kwiintsuku ezingaphantsi kwezingama-21 phambi kwalco mcimbi.

12. Ukhuseleko nocwangco

- (1) Akukho mntu oya kuthi, ngokubhekiselele kwicandelwana (2), kwindawo yokuzonwabisa yoluntu-
- (a) onakalise okanye amoshe nantoni na ekuloo ndawo yokuzonwabisa;

- (b) asebenzise okanye alinge ukusebenzisa nantoni na ekuloo ndawo yokuzonwabisa ngayo nayiphi na enye indlela engeyiyo leyo ilungiselelwe yona nebhalwe kwisaziso;
- (c) alayite umlilo okanye oje inyama, ngaphandle kwakwindawo elungiselelwe oko nebhalwe ngesaziso
- (d) alahle nantoni na etshayo okanye eqhumayo;
- (e) ajule okanye aqengqe naliphi na ilitye elikhulu, ilitye okanye into esuka nakuyiphi intaba, intatyana, induli okanye iliwa;
- (f) atsale, axhuthe okanye onakalise nawuphi umthi, isityalo, ityholo, ihlathana okanye intyatyambo;
- (g) aziphathe ngendlela engafanelekanga, engenasidima, yokungaphatheki, yobundlobongela okanye engafunekiyo;
- (h) abangele uphazamiseko;
- (i) ahlambe, apolishe okanye alungise isithuthi: Kodwa ke le nto ayiyi kusebenza kulungiso olungxamisekileyo lwesithuthi;
- (j) ahambe, eme, ahlale okanye alale kwindawo yeentyatyambo;
- (k) abulale, alimaze, alandele, aphazamise, aphaathe kakubi okanye abambise nasiphi isilwanyana, intaka okanye intlanzi okanye asuse, aphazamise, atshabalalise okanye asuse naziphi na iindlwana okanye amaqanda entaka;
- (l) ahambe, eme, ahlale okanye alale engceni esaphula oko kubhalwe kwisaziso;
- (m) alale esitulweni eside okanye kwindawo yokuhlala okanye ayisebenzise ngendlela eya kwenza ukuba abanye abantu abayisebenzisayo okanye abebenokuyisebenzisa bafumane ubunzima ekuyisebenziseni;
- (n) adlale okanye ahlale kwisixhobo sokudlala sepaka, ngaphandle kokuba loo mntu ngumntwana ongaphantsi kweminyaka eli-13; okanye
- (o) aqubhe, ahambe okanye adlale kwindawo yeentlanzi, emthonjeni, kumanzi abalekayo okanye kwidanyana esaphula oko kubhalwe kwisaziso.

- (2) IBhunga linokuthi ngendlela yesaziso nangokuxhomekeke kuloo miqathango ibonwa ifanelekile liBhunga nebhawle kwisaziso ligunyazise nayiphi kwezi zenzo zichazwe kwicandelwana (1).

13. Amanzi

Akukho mntu unokusebenzisa ngokungafanelekanga, angcolise nawuphi na umthombo wamanzi okanye unikezelo lwamanzi okanye amanzi angcolileyo kuyo nayiphi indawo yokuzonwabisa yoluntu.

14. Ukuhlanjwa kwempahla nezitya

Akukho mntu unokuhlamba naziphi izitya okanye impahla okanye axhome iimpahla kwindawo yokuzonwabisa yoluntu, ngaphandle kwakwiindawo ezibekelwe loo nto ngesaziso.

15. Izithuthi

- (1) Akukho mntu unokuza kwindawo yokuzonwabisa yoluntu nayo nayiphi na itrakhi, ibhasi, imoto, isithuthuthu, itrayisekile, ibhayisekile okanye nasiphi na esinye isithuthi okanye into ebhabhayo, nokuba iqhutywa ngenjini, ngesilwanyana, ngokwendalo okanye ngamandla omntu, ngaphandle kwangendlela ebekwe lelo Bhunga, kodwa iindlela ezahlukeneyo zingabekwa kwiindawo zokuzonwabisa ezahlukeneyo zoluntu kukwalungiselelwa izithuthi okanye into ebhabhayo.
- (2) IBhunga linokubeka esona santya siphezulu esisebenzayo kwindawo yokuzonwabisa yoluntu, kodwa ke kunokubekwa izantya eziphezulu ezahlukeneyo kwiindawo zokuzonwabisa ezahlukeneyo kubekelwa izithuthi nezinto ezibhabhayo ezahlukeneyo.
- (3) Indlela ekuthethwa ngayo kwicandelwana (1) kunye nesantya esiphezulu ekuthethwe ngaso kwicandelwana (2) mazaziswe liBhunga ngohlobo lwesaziso.

16. Imidlalo

Akukho mdlalo walo naluphi na uhlobo onokudlalwa okanye wenziwe kwindawo yokuzonwabisa yoluntu nguye nawuphi na umntu okanye abantu ngaphandle kwakwiindawo ezibekelwe loo nto zaza zabhalwa isaziso ngokwendlela ebekwe liBhunga eyaziswa ngesaziso.

17. Ukuziphatha ngendlela engafanelekanga okanye engamkelekanga

Akukho mntu unokuthi kwindawo yokuzonwabisa yoluntu-

- (a) enze isenzo esingafanelekanga okanye aziphathe ngendlela engafanelekanga ngokuziveza okanye enye indlela, okanye enze iintshukumo ezingafanelekanga okanye abangele okanye anyanzele omnye umntu ukuba enze isenzo esiphazamisayo okanye esingafanelekanga;
- (b) asebenzise ulwimi olungasetyenziswayo, oluthukayo okanye olungafanelekanga;
- (c) abhale, apeyinte, azobe okanye enze nangayiphi na indlela umzobo omdaka nongafanelekanga, umbhalo okanye umzobo wento ethile;
- (d) azithume, achame okanye akhulule, ngaphandle kwakwisakhiwo okanye indawo ebekelwe okanye elungiselelwe loo nto ngokubhalwa kwesaziso ukuba kungenwe okanye kusetyenziswe izindlu zangasese ezilungiselelwe okanye ezibekelwe isaziso ukuba zezabantu abanezini ezahlukileyo.

18. Ukunxiba

Abatyeleli okanye abasebenzisi bendawo yokuzonwabisa yoluntu kufuneka ngalo lonke ixesha banxibe ngokundilisekileyo esidlangalaleni.

19. Amagunya omntu olawulayo

UMphathi kaMasipala, uMphathi weeNkonzo zoRhwebo okanye umntu oqeshwe liBhunga ukuba alawule indawo yokuzonwabisa yoluntu unokuthi-

- (a) angene ngalo naliphi ixesha kuyo nayiphi indawo, umhlaba, indawo yokuhlala okanye isakhiwo aze enze uphando olwenzelwa ukujonga ukuba oko kukule miThetho kaMasipala kuyalandelwa; yaye
- (b) ukwenzela ukusebenzisa naliphi na igunya okanye ukwenza nawuphi na umsebenzi awunikiweyo, eze nomnye umntu oya kuthi, ngelixa alandela umyalelo osemthethweni waloo mntu uphetheyo, abe namagunya afanayo nemisebenzi yaloo mntu unamagunya.

20. Ukwaphulwa komthetho nezohlwayo

Nawuphi na umntu othi –

- (a) aphazamisane okanye angalandeli nayiphi into ekule miThetho kaMasipala;
- (b) angalandeli nasiphi isaziso esikhutshwe ngokwale miThetho kaMasipala;
- (c) angalandeli nawuphi umyalelo osemthethweni onikwe ngokwale miThetho kaMasipala; okanye
- (d) ophazamisa okanye olibazisa naliphi igosa eligunyazisiweyo ekwenzeni imisebenzi yalo phantsi kwale miThetho kaMasipala,

unetyala lokophula umthetho yaye ujongene nokugwetywa okanye xa engasihlawuli eso sigwebo ajongane nokuvalelwa entolongweni.

21. Ukuyekiswa kwayo

- (1) Nayiphi imiThetho kaMasipala esebenzayo kwindawo ephantsi kolawulo lukaMasipala ngokubhekiselele kumxholo ukule Mithetho kaMasipala, iyayekiswa ngokokukhabana kwayo noko kukule miThetho kaMasipala.
- (2) Ukuyekiswa kwemiThetho kaMasipala ekhoyo kuya kuqala ngomhla wokubhengezwa kwale miThetho kaMasipala.

22. IsiHloko esiFutshane nokuqala kwayo

- (1) Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yeeNdawo zokuzoNwabisa zoLuntu yaye iya kuqala ukusebenza ngomhla okanye imihla ebekwe liBhunga likaMasipala ize ipapashwe kwigazethi yephondo.
- (2) UMasipala unokubeka imihla eyahlukeneyo yokusebenza kwayo kwiindawo ezahlukeneyo.

No. 19

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YAMADAMA
OKUQUBHA NEEBHAFU ZOKUPHULULA
UMZIMBA UTSHO UKHULULEKE**

IMITHETHO YOYILO LOKU-1

**IMITHETHO KAMASIPALA YAMADAMA OKUQUBHA NEEBHAFU
ZOKUPHULULA UMZIMBA UTSHO UKHULULEKE**

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loMthetho weeNdlela zokwenza zikaMasipala: uRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000), ufundwa kunye necandelo le-162 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika ka-1996 (uMthetho we-108 ka-1996), upapasha imiThetho kaMasipala yamaDama okuQubha neeBhafu zokuPhulula uMzimba utsho uKhululeke: kaMasipala waseMbizana evunywe liBhunga likaMasipala.

Icandelo	I-indeksi
1.	Iingcaciso
2.	Okufunekayo kuloo ndawo
3.	Imisebenzi yomgcini wendawo yeBhafu yokuphulula umzimba utsho ukhululeke
4.	Imisebenzi yomgcini wedama lokuqubha
5.	Unikezelo lwamanzi
6.	Ukhuseleko lwamanzi
7.	Ukunqandwa kokusetyenziswa kwedama lokuqubha okanye ibhafu yokuphulula umzimba utsho ukhululeke
8.	Ilungelo lokuNgena
9.	Ucwangco neNdlela yokuziPhatha
10.	IsiHloko esiFutshane nokuqala kwawo

1. Iingcaciso

Kule miThetho kaMasipala, ngaphar dle kokuba umxholo uthetha enye into-

“uMasipala” uthetha uMasipala waseMbizana;

“iBhunga likaMasipala” lithetha iBhunga likaMasipala waseMbizana elasekwa ngokwecandelo le-12 loMthetho wamaCandelo kaMasipala: kuRhulumente waseKhaya (uMthetho we-117 ka-1998), ohlaziyiweyo;

uMthetho wemiGaqo yeZakhiwo nemiGangatho yeZakhiwo uthetha uMthetho wemiGaqo yeZakhiwo nemiGangatho yeZakhiwo, ka-1977 (uMthetho we- ka-1977), hlaziyiweyo;

indawo uthetha nawuphi umhlaba, isakhiwo okanye into eyakhiweyo.

Okufunekayo kuloo ndawo

- (1) Izindlu zokutshintshela ezahlukileyo, ishawa, izindlu zangasese mazibonakale lula ukuba zezesiphi isini kube lula nokufikelela kwibhafu yokuphulula umzimba utsho ukhululeke namadama okuqubha yaye oko kuhambelane noMthetho wemiGaqo yeZakhiwo nemiGangatho yeZakhiwo.
- (2) Idama lokuqubha malirhangqwe ludonga okanye ucingo oluvunyiweyo njengoko kubekiwe kuMthetho wemiGaqo yeZakhiwo nemiGangatho yeZakhiwo.
- (3) Umphezulu wale ndawo kunyathelwa kuyo orhangqe ibhafu yokuphulula umzimba utsho ukhululeke okanye idama lokuqubha mawungagqithi manzi nagesi yaye unqatshelwile.
- (4) Isikhuseli-gesi yekhemikhali esifanelekileyo masinikwe xa kufakelwa isicoci samanzi, yaye ukuba igosa lezempilo lifuna njalo, makunikwe isixhobo sokuphefuma umoya okanye ioksijini.
- (5) Inani elaneleyo lemigqomo yenkukuma mayibekho kuloo ndawo.

Imisebenzi yomgcini wendawo yeBhafu yokuphulula umzimba utsho ukhululeke

- (a) Le ndawo mayigcinwe ikwimeko ekhuselekileyo, ecocekileyo nesempilweni ihlale ilungiswa ngawo onke amaxesha.
- (b) Ibhokisi yoncedo lokuqala enento yonke evunyiweyo, ekwindawo ebonakalayo, indawo elungiswayo negcinwa ikwiindawo ezibonakalayo, ezifumaneka lula nezikhuselekileyo mayinikwe.
- (c) Umgcini wendawo yebhafu yokuphulula umzimba utsho ukhululeke makaqiniseke ukuba amanzi acocekile, alungisiwe aze agcinwa ekumgangatho ovumelekileyo ngawo onke amaxesha xa le bhafu isebenza.
- (d) Izixhobo zokuhlola umgangatho wamanzi ale bhafu yokuphulula umzimba utsho ukhululeke ukujonga ukungcoliseka nokubulala iintsholongwane mazibekhona zize zigcinwe zikwimeko esebenzayo.

- (e) Umgcini webhafu yokuphulula umzimba utsho ukhululeke mayihambelane ngokuzeleyo nazo zonke iimvavanyo zesiqhelo eziya kwenziwayo kunye nokutolikwa kweziphumo zazo.
- (f) Irekhodi yokusetyenziswa mihla le komgangatho wamanzi makugcinwe.

4. Imisebenzi yomgcini wedama lokuqubha

- (a) indawo mayigcinwe ikwimeko ekhuselekileyo, ecocekileyo nesempilweni ngalo lonke ixesha;
- (b) Makanike ibhokisi yoncedo lokuqala enento yonke, izixhobo zokusindisa ubomi nezixhobo zokuvuselela ubomi ezibhalwe ngokucacileyo, ezigcinwe kakuhle nezibekwe kwindawo efanelekileyo, efikeleleka lula nekhuselekileyo;
- (c) Umgcini wedama lokuqubha makabe noqeqesho oluqinisekisiweyo nolwazi ekusindiseri ubomi, ukunika uncedo lokuqala, ukusebenzisa izixhobo zokuvuselela ubomi, ukusetyenziswa kwedama lokuqubha nokuvavanywa nokugcinwa kokhuseleko lwamanzi;
- (d) Abagcini bamadama okuqubha mabaqiniseke ukuba amanzi ayacocwa, alungiswe agcinwe ekumgangatho ovumelekileyo ngalo lonke ixesha xa lisebenza elo dama lokuqubha;
- (e) Ukunika nokugcina kwimeko efanelekileyo yokusebenza izixhobo zokuvavanya umgangatho wamanzi edama lokuqubha kujongwa ukuba akangcolanga na kubulawa neentsholongwane;
- (f) Umgcini wedama lokuqubha makabe nolwazi oluzeleyo lwazo zonke iimvavanyo zesiqhelo ezenziwayo kunye nokutolika iziphumo zazo;
- (g) Irekhodi yokusetyenziswa mihla le komgangatho wamanzi makugcinwe.

5. Unikezelo lwamanzi

- (a) Akukho manzi asika komnye umthombo ngaphandle konikezelo lukaMasipala, amakasetyenziselwe ukucoqa, ukuzalisa nokugcina inqanaba ledama lokuquba okanye ibhafu yokuphulula umzimba utsho ukhululeke ngaphandle kokuba igosa lempilo yendalo likhuphele umgcini wedama lokuqubha okanye ibhafu yokuphulula umzimba utsho ukhululeke isatifiketi esixela ukuba loo manzi akufanele ukusetyenziswa.

Igosa lempilo yendalo malithathe iisampule zamanzi edama lokuqubha okanye ibhafu yokuphulula umzimba utsho ukhululeke kumanqanaba acingeleka ukuba alufanele uhlalutywe lweekhemikhali okanye uvavanyo

lweentsholongwane ezizibhakthiriya, lizise kumhlalutyi ogunyaziswe ngokwecandelo le-12 loMthetho weZidlo, iziThambiso neziBulalazintsholongwane, ka-1972 (uMthetho wama-54 ka-1972).

6. Ukhuseleko lwamanzi

Wonke umgcini webhafu yokuphulula umzimba utsho ukhululeke nomgcini wedama lokuquba makaqiniseke ukuba amanzi akwibhafu yakhe yokuphulula umzimba ukuze ukhululeke okanye edama lokuqubha ahambelana noku kulandelayo xa zisebenza-

- (a) Amanzi lawomakangabinazinto zidadayo, ezijingayo okanye ukungcola okutsheloyo okanye izinto ezidadayo eziseludongeni, phantsi, ezilelini okanye izitephusi zokungena emanzini yaye iindlela ezihamba amanzi mazingabinantsila nazinto ezimtyibilizi;
- (b) Ixabiso le-pH lamanzi malingabikho ngaphantsi kwesi-7 yaye lingabi ngaphezu kwesi-8;
- (c) Apho kusetyenziswa izibulala-zintsholongwane ezineklorina, makugcinwe ubuncinane bentsalela yeklorina obuyi- 5mg/l ize eyona ntsalela yeklorina izihambela nje ibe yi- 3 mg/l .
- (d) Apho kusetyenziswa esinye isicoci esingeyoklorina, inqanaba lentsalela yaso malilingane nokusebenza okukwiimfuno ezibekwe kwicandelwana (3).
- (e) Ixabiso elipheleleyo lenani leentsholongwane ezizibhakthiriya kuyo nayiphi na isampule efakelwe uhlalutyi ngokweendlela ezivumelekileyo malingabi ngaphezu kweentsholongwane ezili-100 kwi- ml yamanzi.
- (f) Iibhakthiriya eziziescherichia coli type 1 mazingabikho kuyo nayiphi i-100 ml yamanzi; yaye
- (g) Makubekho yaye kugcinwe isixhobo esifanelekileyo sokuvavanya umgangatho wamanzi.

6. Ukunqandwa kokusetyenziswa kwedama lokuqubha okanye ibhafu yokuphulula umzimba utsho ukhululeke

- (a) ukuba amanzi edama lokuqubha, okanye ibhafu yokuphulula umzimba utsho ukhululeke xa zifumaneka ukuba zingasebenza, zingalandeli oko kukwicandelo 5, yaye ukuba, ngokokubona kwegosa lempilo yendalo, ukusetyenziswa kwelo dama lokuqubha okanye ibhafu yokuphulula umzimba utsho ukhululeke akayifanelanga impilo yoluntu,

unokukunqanda ukusetyenziswa kwelo dama lokuqubha okanye loo bhafu yokuphulula umzimba utsho ukhululeke.

- (b) Uthintelo lokusetyenziswa ngokwecandelwana (1) maluhlale lunyanzeliswa de kubekho ukubuyiselwa kokusebenza okubhaliweyo okwenziwe lelo gosa lempilo yendalo ukukhutshelwe umgcini welo dama lokuqubha okanye ibhafu yokuphulula umzimba utsho ukhululeke.

7. Ilungelo lokuNgena

- (a) Igosa lempilo yendalo linokuthi ngawo onke amaxesha afanelekileyo, xa idama lokuqubha okanye ibhafu yokuphulula umzimba utsho ukhululeke isebenza, angene kuyo nayiphi indawo ngenjongo yokuhlola athathe neesampuli zamanzi azibona zifanelekile kuxilongo okanye uhlatutyo lwekhemikhali okanye ibhakthiriya.

8. Ucwangco neNdlela yoziPhatha

Akukho mntu ekufuneka-

- (a) aphazamisane nomgcini wedama lokuqubha, umgcini webhafu yokuphulula umzimba utsho ukhululeke okanye naliphi igosa likaMasipala xa lisenza imisebenzi yalo;
- (b) avumele nayiphiinja okanye isilwanyane esiliqabane lakhe okanye esikhathalelwa nguye ukuba singene okanye sihlale ngaphakathi kuloo ndawo;
- (c) asebenzise nayiphi indawo esazi okanye ekrokrela ukuba unesifo esosulekayo okanye esisasazekayo; okanye
- (d) achamele, azithumele, athufele okanye afinyelele ibhafu yokuphulula umzimba utsho ukhululeke okanye idama lokuqubha.

Ukuyekiswa kwale miThetho kaMasipala

34. Imigaqo ekwimiThetho kaMasipala ebhekiselele kumadama okuqubha neebhafu zokuphulula umzimba utsho ukhululeke kaMasipala iyayekiswa ukuba inento yokwenza nemiba ebekwe kule miThetho kaMasipala.

9. Isihloko esifutshane nokuqala kwayo

Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yamaDama okuQubha neebhafu zokuphulula umzimba ukuze ukhululeke yaye iya kuqala ukusebenza ngosuku olubekwe liBhunga likaMasipala ngesaziso kwiGazethi.

No. 20

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YEENKONZO
ZOKULUNGISA IINWELE, EZOBUHLE
NEZIZINTO ZOKUTHAMBISA**

IMITHETHO YOYILO LOKU-1

IINKONZO ZOKULUNGISA IINWELE, EZOBUHLE NEZEZINTO ZOKUTHAMBISA

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loMthetho weeNdlalela zokwenza zikaMasipala: uRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000), ufundwa kunye necandelo le-162 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika ka-1996 (uMthetho we-108 ka-1996), upapasha iiNkonzo zokuLungisa iinwele, ezoBuhle nezezinto zokuThambisa: zikaMasipala waseMbizana ezivunywe liBhunga likaMasipala.

Iingcaciso

1. Kwesi sahluko, ngaphandle kokuba umxholo uthetha enye into -

“ukugqojozwa komzimba” kuthetha ukugqojozwa kwesikhumba ngenjongo yokufaka nantoni na engeyoyomzimba;

“inkonzo yezinto zokuthambisa okanye yobuhle” iquka, kodwa ingaphelelanga apho, nayiphi na enye nangaphezu lu kwezi nkonzo zilandelayo:

- (a) ukulungiswa kweenziwo zeminwe, ukulungiswa kweenziwo zeenzwane, ubuchwepheshe beenziwo, okanye ukufakelwa kweenziwo ezenziweyo okanye ienziwo ezandisiweyo, nokuba kusetyenziswe ntoni na;
- (b) ukulungiswa nokuchetywa kwamashiyi kuquka ukufakelwa kwamashiyi obuxoki okanye okuzenzela okanye imisebe nokuthintwa kwemisebe yamehlo;
- (c) izithambiso zobuhle nezokogquma amabala ebusweni kunye neempawu zawo, nokuba kungeendlela ezisisigxina, okanye eziphantse zibe zezesigxina okanye ezethutyana;
- (d) ukhathalelo lolusu lobuso;
- (e) ukususwa kweenwele ezingafunekiyo okanye ezikhula ngokukhawuleza kuyo nayiphi indawo yomzimba ngayo nayiphi indlela, ngaphandle kokuzitsheva, kuquka ukuzisusa ngodongo olulungiselelwe oko, ngamachiza eekhemikhali, ngezixhobo zombane okanye zemekhanikhi, nokuba kukho isixhobo, ubushushu ukulungiswa kwento okuthile okusetyenzisiweyo kulo naluphi na usetyenziso;
- (f) ukugqotshozwa komzimba nokubhalwa komzimba ngenjongo zokuzenza mhle;

- (g) ukuphululwa komzimba (imasaji);
- (h) ukujikwa kwebala lomzimba utshiswa ngeradiyeyishini yealthravayoletshi okanye nayiphi na enye indlela efana naleyo; okanye
- (i) ukuncitshiswa komzimba kuquka zonke iindlela zokunciphisa umzimba;

“ukulungiswa kweenwele” kuquka, kodwa kungaphelelanga apho, enye okanye nangaphezulu kwezi nkonzo:

- (a) Ukuhlanjwa ngeshampu nokucocwa, ukufakwa kwekhondishini nokuthrithwa kweenwele; ukuvuselelwa ngeekhemikhali kweenwele kuquka ukwenziwa kweenwele ziqine zibe ngathi ngamaza ngokusisigxina, ukufakwa kwerileksa nokolulwa kweenwele;
- (b) ukufakelwa kombala kweenwele, kuquka ukuthinta, ukudaya nokufaka umbala ngokusisigxina, ngokuphantse kube sisigxina okanye ngokwethutyana, kuquka ukusetyenziswa kwezinto zokupula iinwele ezinemibala, iishampu, ijeli okanye iimusi ezinemibala kunye nokwenza iinwele zikhanye ngohlobo lweethinti, iibhlitshi, iihayilayithi okanye iithinti okanye iithowuna eziphakamisa iinwele;
- (c) ukuchetywa nokuqingqwa kweenwele;
- (d) iinkonzo zokucheba kuquka ukutsheva nokuthungelwa kweenwele;
- (e) ukongezwa kweenwele ngeenwele zendalo nezokuzenzela kunye nee-ekstenshini, iibhodwekhi, iipastitshi, ukwenziwa kweewigi okanye ukwenziwa kwayo nayiphi na into echazwe kwimihlathi (a) ukuya ku-(e) kwiwigi okanye ihepisi eza kunxitywa ngumntu; okanye
- (f) itrayikholoji nokuthrithwa ngetrayikholoji kweenwele kuquka ukuthrithwa kwezinto ezingaqhelekanga nezingafanelekanga ezinweleni;

“isaluni” ithetha nayiphi indawo apho kwenziwa nokuba yeyiphi okanye ezininzi kwezi nkonzo zilandelayo zisenzelwa inzuzo:

- (a) inkonzo yokulungisa iinwele;
- (b) inkonzo yezinto zokuthambisa okanye zobuhle;

- (c) ukugqojozwa nokubhalwa komzimba; okanye
- (d) inkonzo yokuphululwa komzimba;

“inkonzo yasesaluni” ithetha nayiphi inkonzo enye okanye ngaphezulu okanye izenzo ezixutyiweyo okanye iinkonzo eziqheleke nezidla ngokwenziwa ngumntu onika inkonzo kushishino leenkonzo zolungiso lweenwele, zezinto zokuthambisa okanye zobuhle kuquka nayiphi inkonzo yemasaji, yokugqojozwa nokubhalwa komzimba.

Iimfuno zephemithi

2. (1) Akukho mntu unokwenza isaluni ngaphandle kwaxa enephemithi egunyazisa loo msebenzi.
- (2) Umntu ofuna ukwenza isaluni makafake isicelo sephemithi kuMasipala aze azalise ifomu ebekelwe loo nto.

Iimfuno zendawo ezo

3. Akukho mntu unokwenza isaluni kuyo nayiphi na indawo engalandeli ezi mfuno zilandelayo:
 - (a) ukukhanya nokuhamba komoya okwaneleyo, njengoko kubekiwe kuMthetho wemiGaqo yeZakhiwo nemiGangatho yeZakhiwo kaZwelonke, makube khona;
 - (b) zonke ishelfu, izinto ezingasukiyiyo neentloko zeetafile ekubekwa kuzo izixhobo zokusebenza mazakhiwe ngemathiriyeli avunyiweyo ehlala ixesha elide, engatsali zinto necoceka lula;
 - (c) amanzi nezindlu zangasese mazifumaneka njengoko kubekiwe kuMthetho wemiGaqo yeZakhiwo nemiGangatho yeZakhiwo kaZwelonke;
 - (d) izixhobo ezaneleyo, kunye nonikezelo lwamanzi etephu, mazibe khona ukwenzela ukuhlamba iinwele nezandla;
 - (e) indlela evunyiweyo yokulahla amanzi amdaka mayibe khona;
 - (f) iindawo zokubeka mazibe khona;
 - (g) iindonga nomgangatho mazakhiwe ngemathiriyeli ecoceka lula nenqanda ukusasazeka kweenwele ezichetywayo;

- (h) le ndawo mayingasetyenziselwa ukugcina nokulungisa ukutya okanye ukulala ngaphandle kokuba nayiphi indawo elungiselelwe oko yahlulwe ngokucacileyo ngodonga olungagqobhozi manzi; yaye
- (i) kubekho amagumbi okutshintshela oneleyo ohlukeneyo awamadoda nawabafazi, apho kuqeshwe abantu besini esinye abahlanu nangaphezulu, kufuneka abe:
- (i) nekhathathana encinci yentsimbi eyaneleyo yomsebenzi ngamnye;
 - (ii) isitya sokuhlambela izandla esinethephu yamanzi abandayo nashushu; kunye
 - (iii) nesephu eyaneleyo neetawuli ezilahwayo kwisitya sokuhlamba izandla ngasinye;
- (j) ukuba akukho gumbi lakutshintshela likhoyo ngokomhlathi (i) –
- (i) isitya sokuhlambela izandla esinethephu yamanzi ashushu nabandayo, masibe kwindawo efikelekayo;
 - (ii) ikhathathana encinci yentsimbi mayinikwe umsebenzi ngamnye osebenza kuloo ndawo.

Imisebenzi yabenzi beesaluni

4. Nawuphi na umntu owenza isaluni kufuneka -
- a) agcine loo ndawo, izixhobo, izixhobo zokusebenza nezinto ezinxitywayo zikwimo esempilweni nelungileyo ngawo onke amaxesha;
 - b) axhobise loo ndawo ngeendlela ezaneleyo zokubulala iintsholongwane nokucoca izixhobo nezixhobo zokusebenza ezinokudibana ngqo neenwele okanye ulusu lwabaxumi;
 - c) anike abasebenzi abakuloo ndawo iimpahla nezixhobo zokhuseleko;
 - d) aqokelele zonke iinwele ezixhuthekayo okanye nanye inkukuma kumgqomo ovunyiweyo emva kwenkonzo nganye;
 - e) agcine okanye alahle inkukuma ngeendlela evunyiweyo;
 - f) aqeqeshe ngokwaneleyo wonke umntu osebenza kuloo ndawo;

- g) angavumeli nasiphi isilwanyana kuloo ndawo ngaphandle kokuba yinja ekhokele umntu ongaboniyo; aze
- h) aqiniseke ukuba wonke umntu osebenza kuloo saluni ulandela iimfuno zeli candela necandelo 55 no-56.

Eyona migangatho iphantsi yempilo yokwenza isaluni

5. Nawuphi umntu owenza okanye oqeshwe esaluni makalandele le migaqo ilandelayo:

- (a) abulale iintsholongwane kwezi zixhobo emva kokusebenza ngakunye:
 - (i) Ireyiza;
 - (ii) iibhleyidi;
 - (iii) iifayili zenzipho;
 - (iv) izikere;
 - (v) iiklipha;
 - (vi) iibrashi zeenwele;
 - (vii) iikama;
 - (viii) iibrashi ezithambileyo zeenwele;
 - (ix) iikliphu zentsimbi; kunye
 - (x) neerola;
- (b) acoce ngokususa iintsholongwane ngokwaneleyo ezi zixhobo zilandelayo emva kokusetyenziswa ngakunye:
 - (i) naziphi izixhobo ezisetyenziselwa ukugqobhoza nokubhala umzimba;
 - (ii) naziphi izixhobo eziye zadibana negazi okanye nayiphi na incindi yomzimba;
- (c) ahlambe acoce zonke iitawuli zeplastikhi nezelaphu emva kokusetyenziswa ngakunye;

- (d) alahle zonke iiglavu zeplastikhi nezinye izinto ezilahlwayo emva kokusetyenziswa ngakunye;
- (e) alahle zonke iifaskoti nezinto ezithwalwayo yonke imihla;
- (f) ahlambe izandla zakhe ngamanzi nesepha okanye isibulali-zintsholongwane phambi nasemva kokwenza inkonzo nganye kwiklayenti;
- (g) anxibe iiglavu ezilahlwayo xa esenza enye yezi nkonzo zasesaluni zilandelayo:
 - (i) naziphi iinkonzo zekhemikhali;
 - (ii) nakuphi ukufakelwa okanye ukutyalwa kweenwele;
 - (iii) ukugqojozowa komzimba; kunye
 - (iv) nokubhalwa komzimba;
- (h) ahlambe onke amadonga, phantsi, izitulo nezinye iindawo ezikuloo ndlu ubuncinane kanye ngosuku ngesibulala zintsholongwane okanye isicoci sasendlwini;
- (i) alahle yonke inkukuma, izixhobo ezibukhali, iitawuli ezinegazi okanye ezingcolileyo kunye nephepha lokosula ngendlela evunyiweyo;
- (j) abeke iireyiza, iibhleyidi, iinaliti nezinye izixhobo ezibukhali zodwa kwibhokisi "yezixhobo ezibukhali";
- (k) anyange ngokwaneleyo umonzakalo okanye isilonda esinokwenzeka apho kuloo ndawo;
- (l) acoce aze abulale iintsholongwane kuzo zonke iindawo ezingcoliswe ligazi emva kwenkonzo nganye; aze
- (m) agcine ikiti yoncedo lokuqala kuloo ndawo ngawo onke amaxesha.

Ukunqandwa kokusetyenziswa kwendawo yesaluni ngezinye iinjongo

- 6. (1) Nawuphi umntu owenza isaluni makaqiniseke ukuba loo ndawo isetyenziselwa loo nto kuphela.

- (2) Nawuphi umntu ofuna ukulungiselela abaxumi bakhe nayiphi na into ephungwayo kwindawo yesaluni makabe nendawo eyodwa, enezixhobo zokucoca izitya namacephe, ezilungiselelwe loo nto.

Ukwaphulwa komthetho nezohlwayo

7. Nawuphi umntu:

- (a) owaphula okanye ongalandeli:
- (i) nawuphi na umgaqo kule miThetho kaMasipala;
 - (ii) nawuphi umqathango onyanzelwa ngokwale miThetho kaMasipala; okanye
 - (iii) nasiphi isaziso ekuthethwe ngaso kule miThetho kaMasipala
- (b) ophazamisa okanye olibazisa naliphi igosa ekwenzeni nawuphi umsebenzi walo ngokwaloo nto ibhalwe kule miThetho kaMasipala okanye
- (c) othi, ngokubhekiselele kuwo nawuphi umgaqo wale miGaqo kaMasipala, anike iinkcukacha ezibubuxoki, ngokolwazi lwakhe, okanye nayiphi into eqhathayo,

unetyala lokophula umthetho yaye ujongene nesigwebo okanye, xa engakwazi ukusihlawula avalelwe ithuba leenyanga ezintandathu.

Ukuyekiswa

8. UMasipala waseMbizana urhoxisa ekwayekisa yonke imiThetho kaMasipala eBhekisele kwiiNkonzo zokuLungisa iiNwele, ezoBuhle kunye nezeZinto zokuThambisa kwindawo elawulwa nguMasipala waseMbizana.

Isihloko esifutshane nokuqala kwayo

9. (1) Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala eBhekiselele kwiiNkonzo zokuLungisa iiNwele, ezoBuhle nezeZinto zokuThambisa iya kuqala ukusebenza ngomhla okanye imihla ebekwe liBhunga ngokuyipapasha kwiGazethi yePhondo.
- (2) UMasipala unokubeka imihla eyahlukeneyo yokusebenza kwiindawo ezahlukeneyo.

No. 21

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YEZITHUBA
EZIVULEKILEYO ZOLUNTU**

IMITHETHO YOYILO LOKU-1

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loMthetho weeNdlela zokwenza zikaMasipala: uRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000), ufundwa kunye necandelo le-162 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika ka-1996 (uMthetho we-108 ka-1996), upapasha imiThetho kaMasipala yeeNdawo eziVulekileyo zoLungu: zikaMasipala waseMbizana ezivunye libhunga likaMasipala.

ISISHWANKATHELO SEMIGAQO EBALULEKILEYO YEMITHETHO KAMASIPALA EYILWAYO YEENDAWO EZIVULEKILEYO ZOLUNTU

ISIAHLUKO I: UKUTOLIKWA KUNYE NEMITHETHO-SISEKO ENGUNDOQO

Ukusebenza kwayo neNjongo

1. Lo Mthetho kaMasipala usebenza kuzo zonke iindawo ezivulekileyo zoluntu, ngaphandle kwasemangcwabeni, kuMasipala waseMbizana. Iindawo ezivulekileyo zoluntu zibhekisa kuwo nawuphi umhlaba apho, umzekelo, uluntu lunelungelo elifanayo lokuwusebenzisa okanye obekelwe bucala ngenjongo yolonwabo okanye ulondolozo lukawonkewonke okanye ongaphuhlisiwanga ngokwaneleyo yaye uvulekile ungabekelwanga bucala ngenxa yayo nayiphi na injongo ngokwawo nawuphi umthetho, indlela yokubeka imida okanye isicwangciso sokusebenzisa isithuba.
2. Injongo yalo Mthetho kaMasipala kukunika, isebenzisana neminye imithetho esebenzayo, isakhelo esisebenzayo somthetho nesokulawula;
 - (a) ukuqinisekisa ukuba ulawulo, ukuphathwa nokuphuhliswa kweendawo ezivulekileyo zoluntu libhunga luyakwazi ukumelana nendalo, yaye lujongene neemfuno zexesha elide zoluntu lwaseMbizana, kuquka nezizukulwana ezizayo; kunye
 - (b) nokucacisa gca amalungelo noxanduva loluntu ngokubhekiselele kwiindawo ezivulekileyo zoluntu.

ISIAHLUKO II: UKULAWULWA NOKUPHATHWA KWEENDAWO EZIVULEKILEYO ZOLUNTU

Imithetho-siseko

Le mithetho-siseko ilandelayo iyasebenza: -

3. (1) Iindawo ezivulekileyo zoluntu mazilawulwe, ukuze apho kufanelekileyo ziphuculwe, kujongwe into efunwa luluntu lonke.
- (2) Iindawo ezivulekileyo zoluntu mazilawulwe ngendlela ekwaziyo ukumelana nendalo.

- (3) Abantu mabanikwe ukufikelela kwiindawo ezivulekileyo zoluntu ngendlela engakhethiyo nefanayo.
- (4) Akho kuyimfuneko, makubekho iindlela ezizodwa ezithathwayo zokuncedia ukufikelela kwiindawo ezivulekileyo zoluntu kwabo bantu bebekade bevalelwe amathuba kwakunye nomntu onenkubazeko emzimbeni.
- (5) Ukufikelela kwiindawo ezivulekileyo zoluntu mazivaleleke kodwa hayi ngendlela yokuba kubekho ucalulo olungenasizathu ngakumntu okanye abantu bodidi oluthile.
- (6) Amathuba olonwabo, emfundo, ezentlalo namanye amathuba anikwa ziindawo ezivulekileyo zoluntu makakhuselwe aphuculelwe ukuvumela uluntu lwendawo, ngakumbi uluntu olusuka kwiindawo ebezisakuhleleleka ngaphambili, kunye noluntu ngokubanzi ukuba luphucule lutyebise umgangatho wobomi.
- (7) Uluntu lwendawo malukhuthazwe ukuba lusebenzise lukhathalele iindawo ezivulekileyo zoluntu ezikwiindawo zalo.
- (8) Indalo nemithombo yamafa emveli ekwezo ndawo zivulekileyo zoluntu mayichongwe, ilondolozwe, ikhuselwe ize yaziswe, ukwenzela ukuba kufumane uluntu lwendawo leyo, uluntu gabalala kunye nezizwe ezizayo.

Ukusetyenziswa kwemithetho-siseko

4. Le mithetho-siseko ibekwe apha ngasentla kunye nemithetho-siseko ebekwe kuMthetho woLawulo lukaZwelonke lweNdalo, ka-1998 (uMthetho we-107 ka-1998) kufuneka ijongwe ize isetyenziswe nguye nawuphi umntu osebenzisa igunya okanye osebenza okanye owenza umsebenzi phantsi kwale miThetho kaMasipala kanye esenza okanye esebenzisa ipolisi enokuchaphazela iindawo ezivulekileyo zoluntu.

Amagunya gabalala

5. IBhunga, elicacaciswa njengeliyuka umniki-nkonzo ofana ne*Mbizana Parks*, linokuthi ngokubhekiselele kuyo nayo nayiphi indawo evulekileyo yoluntu –
 - (a) libekele bucala nayiphi na indawo kwindawo evulekileyo yoluntu njengendawo ekuya kwenziwa kuyo isenzo esinye okanye nangaphezulu esingavumelekanga ngokwale miThetho kaMasipala;
 - (b) liphuhlisa nayiphi indawo evulekileyo yoluntu ngokwale mithetho-siseko ibekwe kwicandelo 1;

- (c) lisebenzise naliphi igunya elifanelekileyo elifunekayo ukuyekisa ababhathi balo uxanduva lwabo lweendawo ezivulekileyo zoluntu ngokwalo Mthetho kaMasipala.

IINTLAWULO

6. IBhunga linokufuna uluntu ukuba luhlawulwe intlawulo ebekiweyo, ehlawulelwa, phakathi kwezinye izinto -
- (a) ukusetyenziswa kwezinto zolonwabo nezinye izinto;
- (b) ukungena kwiindawo ezivulekileyo zoluntu okubiza kakhulu ukuzilungisa kunezinye iindawo ezivulekileyo zoluntu, njengeegadi zezityalo;
- (c) ilungelo lokwenza umcimbi owodwa;

ukusetyenziswa okukodwa kwendawo kamasipala ithuba elithile.

Ukungavunyelwa kokungena

6. IBhunga linokungakuvumeli ukungena kuyo nayiphi indawo evulekileyo yoluntu okanye kuyo nayiphi inxenye yendawo evulekileyo yoluntu ithuba elithile ukwenzela -
- (a) Ukukhusela nawuphi umba wendalo okwindawo evulekileyo yoluntu;
- (b) ukunciphisa ukonakaliswa nokutshatyalaliswa kwendawo;
- (c) ukuphucula ukuphathwa kwendawo evulekileyo yoluntu;
- (d) ukuphucula indawo evulekileyo yoluntu;
- (e) ukuvumela umcimbi owodwa ukuba uqhubeke; okanye
- (f) ukwenza nawiphi na isenzo iBhunga elisibona siyimfuneko okanye sifanelekile ukufeza iinjongo zale miThetho kaMasipala.

Indlela elandelwayo xa kusetyenziswa amagunya

8. Phambi kokusebenzisa amagunya alo iBhunga kufuneka
- (a) anike isaziso seso senzo sicitywayo; aze
- (b) ajonge imihlomlo nokwala okufunyanwayo okuphendula eso saziso.

Amagunya amagosa omthetho

9. Ngokwayo nayiphi indawo evulekileyo yoluntu, naliphi igosa lomthetho linokukhupha isaziso ngokoMthetho weeNdlela zoLwaphulo-mthetho okanye imiThetho kaMasipala, kanye liyalele umntu ukuba ayishiye indawo evulekileyo yoluntu xa likholelwa ukuba lo Mthetho kaMasipala awulandelwanga.

Izinyanzeliso ngokubhekiselele kwiindawo ezivulekileyo zoluntu

10. (1) IBhunga kufuneka lixhome isaziso esifunekayo phantsi kwale Mithetho kaMasipala phakathi kwindawo evulekileyo yoluntu.
- (2) Ngokubhekiselele kwiindawo ezivulekileyo zolonwabo zoluntu, iBhunga maliqinisekise ukuba zivulelekile kuluntu phakathi kokuphuma nokutshona kwelanga, ngaphandle kokuba kukho amanye amaxesha abekiweyo.

IS AHLUKO III: UKUZIPHATHA OKUNGAVUMELEKANGA**Izenzo ezingavumelekanga**

Nawuphi umntu owenza isenzo okanye oziphethe ngendlela engavumelekanga phantsi kwesi sahluko wophula umthetho.

Izinto Gabalala

11. Akukho mntu uya kuthi phakathi kwendawo evulekileyo yoluntu –
- (a) aziphathe ngendlela eyingozi ebomini okanye kwizinto ezikhoyo;
- (c) enze okuchasene nemigaqo yaso nasiphi isaziso esikwindawo evulekileyo yoluntu;
- (d) ophazamisayo;
- (e) aziphathe ngendlela engenasidima necaphukisayo; okanye aphazamise naliphi igosa eligunyazisiweyo elisebenzisa igunya phantsi kwale miThetho kaMasipala.

Ukusebenza

12. Ngaphandle kokugunyaziswa, akukho mntu unokuthi kwindawo evulekileyo yoluntu –
- (a) aqophe okanye azihlambe yena, isilwanyana okanye nayiphi into, kuquka impahla kuyo nayiphi indawo yamanzi;

- (b) asebenzise ubugcisa bamanzi kuyo nayiphi indawo yamanzi;
- (c) abase umlilo;
- (d) akhempishe kuyo nayiphi indawo evulekileyo yoluntu;
- (e) asele, adidiyele, abeke okanye athengise nasiphi isiselo esinxilisayo;
- (f) asebenzise naziphi izixhobo zesandi;
 - (i) ukudlala umdlalo ngokuvakalayo, ngaphandle kwakwindawo elungiselelwe loo nto;
 - (ii) adubule; okanye
- (g) akhwele ihashe okanye ibhayisekile.

Inkukuma

13. Akukho mntu unokubeka inkukuma okanye alahle nayiphi na inkukuma, ngaphandle kwakumgqomo obekelwe loo nto liBhunga.

Izithuthi

14. Kukho izantya ezibekelwe ukuqhuba nokupaka kwindawo evulekileyo yoluntu.

Izilwanyana nezityalo

15. Akukho mntu unokuphazamisa, onakalise, atshabalalise okanye asuse naziphi izityalo;

atyale naziphi izityalo; adlakathise okanye ngenye indlela aphazamise nayiphi intlanzi, intake okanye isilwanyana; okanye axhome emthini nayiphi into eprintiweyo.

Ukuthengisa nemicimbi eyodwa

16. Ngaphandle kokugunyaziswa akukho mntu unokusebenzisa izinto zikamasipala ngendlela evalela ngokungafanelekanga okanye enqanda abanye abasebenzisi bendawo evulekileyo yoluntu ukuba bangonwabeli izinto zikamasipala okanye athengise, ahambe ethengisa, anike abantu okanye abonise naziphi izinto okanye okubhaliweyo okuthengiswayo okanye okuqheshiswayo.

Inkonzo yoluntu

17. Akukho mntu unokuthi phakathi kwindawo evulekileyo kaMasipala enze nawuphi umisebenzi woluntu okanye umsebenzi wokuzithandela walo naluphi uhlobo.

ISAPHLUKO IV: UKUFAKA ISICELO SOGUNYAZISO**Ukufaka isicelo sephemithi yomcimbi owodwa**

18. (1) Ukufaka isicelo semvume yokubamba umcimbi owodwa kwindawo evulekileyo yoluntu masenziwe ubuncinane kwiiveki ezintathu phambi kwaloo mhla ucetywayo waloo mcimbi ucetywayo.
- (2) Eli thuba kuthethwe ngalo kwicandelwana (1) linokuncitshiswa ngesizathu esibalulekileyo ngokokubona kweBhunga.
- (3) Eso sicelo masibe neenkukacha ezichaziweyo.

Ukufakwa kwesicelo sokufuya kwindawo evulekileyo yoluntu yolimo yasedolophini

Isicelo sokuvunyelwa ukufuya kwindawo evulekileyo yoluntu yolimo yasedolophini masibe neenkukacha ezichaziweyo.

ISAPHLUKO V: IZIVUMELWANO ZOKULAWULWA KWEENTSEBENZISWANO ZOLUNTU

18. IBhunga lingangena kwisivumelwano esibhaliweyo nawo nawuphi umbutho kaRhulumente, uluntu lwendawo okanye umbutho ukulungiselela –
 - (a) uphuhliso lwentsebenziswano yoluntu kuyo nayiphi indawo yoluntu; okanye
 - (b) ukulawula iintsebenziswano zayo nayiphi indawo evulekileyo yoluntu; kunye
 - (c) nokulawulwa kwezenzo zoluntu kwindawo evulekileyo yoluntu.

ISAPHLUKO VI: UMYALELO WOKULONDOLOZWA KWEMITHI**Izinto Gabalala**

20. Ukuba iBhunga likholelwa ukuba nawuphi umthi okanye iqela lemithi ekwindawo evulekileyo yoluntu ifuna ukhuselo olusemthethweni lweBhunga linokukhupha umyalelo wokulondolozwa kwemithi ngokubhekiselele kuloo mthi okanye iqela lemithi.

ISAPHLUKO VII: IZIBHENO

21. Umntu onamalungelo achatshazelwa sisigqibo esithathwe ligosa eligunyaziswe phantsi kwale miThetho kaMasipala, unokubhena kuso nasiphi isigqibo ngokunika isaziso esibhaliweyo sokubhena kunye nezizathu kumphathi kamasipala zingadlulanga iintsuku ezingama-21 zomhla wokwaziswa kwesigqibo.

ISAHLUKO VIII: IMIGAQO GABALALA**22. Ukwaphulwa komthetho nezohlwayo**

Umntu –

- (a) ongaphumeleliyo okanye ongavumiyo ukunika igosa iinkcukacha elizifunela injongo yokusebenzisa amagunya okanye imsebenzi yalo phantsi kwale miThetho kaMasipala okanye onika elo gosa iinkcukacha ezibubuxoki okanye ezilahlekisayo esazi ukuba zibubuxoki okanye ziyalahlekisa;
- (b) owaphula okanye ongaphumeleliyo ukulandela imigaqo yale miThetho kaMasipala; okanye
- (c) ongaphumeleliyo ukulandela imiqathango yenothisi ayinikiweyo ngokwale miThetho kaMasipala;

unetyala lokwaphula umthetho yaye ujongene nokugwetywa isigweno okanye avalelwe entolongweni ithuba elingedlulanga kwiinyanga ezintandathu okanye kokubini isigwebo kunye nokuvalelwa entolongweni.

22. Ukuyekiswa kwayo

- (1) Nawuphi uMthetho kaMasipala osebenza kwindawo elawulwa nguMasipala ngokubhekiselele kumxholo okule miThetho kaMasipala uyayekiswa ngendlela yokuba ukhabana nemigaqo yale miThetho kaMasipala.
- (2) Ukuyekiswa kwale miThetho kaMasipala ekhoyo kuya kuqala ukususela ngomhla wokubhengezwa kwale miThetho kaMasipala.

23. IsiHloko esiFutshane nokuqala kwayo

- (1) Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yeeNdawo eziVulekileyo zoLuntu yaye iya kuqala ukusebenza ngomhla okanye imihla ebekwe liBhunga likaMasipala ize ipapashwe kwigazethi yephondo.
- (2) UMasipala unokubeka imihla eyahlukeneyo yokusebenza kwayo kwiindawo ezahlukeneyo.

No. 22

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YEZIKHULULO
ZEENQWELO-MOYA ZABUCALA**

IMITHETHO YOYILO LOKU-1

ImiThetho kaMasipala yeziKhululo zeeNqwelo-moya zabucala

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loMthetho weeNdlela zokwenza zikaMasipala: uRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000), ufundwa kunye necandelo le-162 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika ka-1996 (uMthetho we-108 ka-1996), upapasha imiThetho kaMasipala yeziKhululo zeeNqwelo-moya zabucala evunywe liBhunga likaMasipala.

IINGCACISO

1. Kule miThetho kaMasipala, ngaphandle kokuba ayihambelani nomxholo -

“isikhululo seenqwelo-moya zabucala” sithetha indawo yokuma kweenqwelo-moya ezincinci eyaziwa njengesikhululo seenqwelo-moya zabucala saseMbizana;

“imiGaqo yokuHamba eMoyeni” ithetha imiGaqo yokuHamba eMoyeni, ka-1963, epapashwe phantsi kweSazisi sikaRhulumente esingu-R.1779 somhla we-15 kuNovemba ka-1963, ehlaziyiweyo;

“ummeli ogunyazisiweyo” uthetha umntu, umbutho okanye ummeli othi ngexesha elithile alawule inqwelo-moya ngokwakhe, aze asebenze egameni lomnini okanye umqhubi wenqwelo-moya;

“uMkhathaleli” uthetha umntu othi nangaliphi ixesha kwinkonzo yeBhunga abe kwisikhundla soMphathi wesikhululo seenqwelo-moya zabucala ephethe eso sikhululo seenqwelo-moya zabucala, yaye uquka nawuphi omnye umntu othi ngexesha elilodwa agunyaziswe ukuba asebenze egameni lakhe;

“iintlawulo” zithetha iintlawulo ezihlawulwa kwiBhunga njengoko zimana ukubekwa liBhunga ngezigqibo ezizodwa;

“uMasipala” uthetha uMasipala waseMbizana;

“iBhunga likaMasipala” lithetha iBhunga likaMasipala waseMbizana elibekwe kwicandelo lama-59 lifundwa necandelo lama-81(2) loMthetho ka-2000 weendlela zokwenza zooMasipala: uRhulumente waseKhaya (uMthetho wama-32 ka-2000), ngokwecandelo le-157(1) loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika ka-1996 (uMthetho we-108 ka-1996), okanye umntu obekwe ngawo nawuphi na umthetho okanye isigqibo sikaMasipala ukuba alimele;

“uMqondisi” uthetha umntu, ngokwenkonzo kaMasipala okwisikhundla sokuba yiNjineli kaMasipala, okanye oqeshwe okanye ogunyaziswe nguMasipala ukuba enze imisebenzi yaloo ofisi, kukwaquka namagosa akwiSebe leNjineli kaMasipala othi, phantsi kolawulo lwaloo mntu, enze nawuphi umsebenzi okanye asebenzise amagunya ngokwale miThetho kaMasipala;

“indawo yokulungisa” ithetha indawo emelene neendawo zokuma kweenqwelo-moya nezinye izakhiwo ezikwisikhululo seenqwelo-moya zabucala, engaziqukiyo iindawo ezivalekileyo zoluntu;

“indawo yokusebenzela” ithetha indawo yokubaleka iinqwelo-moya neendawo zokuma kweenqwelo-moya xa zisiya okanye zisuka kwindawo baleka iinqwelo-moya;

“umsebenzi” uthetha umntu, umbutho okanye ummeli othi ngexesha elithile enze okanye anike iinkonzo zenqwelo-moya;

“umnini” uthetha umntu, umbutho okanye ummeli othi ngexesha elithile abe ebhalise neCandelo loPhapho eMoyeni njengomnini wenqwelo-moya;

“indawo yokuma kweenqwelo-moya yoluntu” ithetha indawo yokuma kweezenqwelo-moya elawulwa liBhunga nengarentiselwa umntu iyonke, kodwa ineendawo zokupaka ezirentiswa emntwini xa efake isicelo;

“iindawo ezivalekileyo zoluntu” zithetha iindawo ezibekelwe bucala kwesi siza sesikhululo seenqwelo-moya zabucala nezibiyelwe liBhunga ukuze zisetyenziswe luluntu, ziquka neendawo zokupaka izithuthi;

“indawo yokubaleka kweenqwelo-moya” ithetha indawo ethile ebuxande elungiselelwe okanye eyakhelwe ukuhlala nokusuka kweenqwelo-moya ukuba zibaleke kubude bayo;

“indawo yokuhamba iinqwelo-moya” ithetha indlela ethile ekwisikhululo seenqwelo-moya, ephawulwe ngokwendlela ebekwe yimiGaqo yoPhapho lweeNqwelo-moya nelungiselelwe ukuhamba kweenqwelo-moya phambi kokuba zibalekele ukusuka okanye xa zihlala sele zihamba kancinci.

AMAGUNYA OMKHATHALELI

2. (1) UMkhathaleli unokuthi –

- (a) angavumeli nawuphi umntu ongaphumeleliyo ukuhlawula imali yayo nantoni na eyeyesikhululo seenqwelo-moya zabucala mntu lowo ufanele ukuyisebenzisa loo nto emva kokuhlawula ezo ntlawulo, ukuze asebenzise loo nto yesikhululo seenqwelo-moya zabucala;
- (b) xa ebona kuyimfuneko nangasiphi na isizathu nangaliphi na ixesha, alele okanye angavumeli ukungena kwabantu okanye izithuthi, kokubini, kwisikhululo seenqwelo-moya zabucala

okanye nayiphi indawo eyodwa yaso, kangangethuba alibona lifanelekile;

- (c) ayalele nawuphi na umntu ambona ngathi wenza izinto ezinokubangela uphazamiseko okanye zibe nobungozi kulawulo olufanelekileyo lwesikhululo seenqwelo-moya zabucala ukuba asishiye eso sikhululo yaye ukuba loo mntu uyala ukuthobela umyalelo wakhe, alandele amanyathelo okuba akhutshwe loo mntu;
- (d) ukuba ubona kuyimfuneko ukwenzela ulawulo olufanelekileyo lwesikhululo seenqwelo-moya zabucala, unokuyalela umntu onolawulo olusamthethweni lwesithuthi okanye inqwelo-moya ukuba asisuse eso sithuthi okanye loo nqwelo-moya ayibeke kwenye indawo, ambonise yona, okanye ayisuse ngokupheleleyo kweso sikhululo, yaye ukuba loo mntu uyala okanye akaphumeleli ukulandela loo myalelo unokusisusa eso sithuthi okanye inqwelo-moya, okanye ayalele ukuba isuswe, atsho ukuba mayibekwe ndawoni kweso sikhululo okanye isuswe kweso sikhululo, aze loo mntu ahlawule iindleko ngeso senzo;
- (e) kwimeko yenqwelo-moya eyonakeleyo okanye eyonzakeleyo, unokuyalela umnini, umqhubi okanye ummeli ogunyazisiweyo ukuba loo nqwelo-moya okanye nayiphi indawo yayo, okanye umthwalo, okanye nantoni na ekuloo nqwelo-moya, isuselwe kwenye indawo ayikhombileyo kwalapho kwisikhululo, okanye ayisuse ngokupheleleyo kuso, yaye ukuba loo mntu uyala okanye akaphumeleli ukulandela umyalelo wakhe, unokuthatha amanyathelo ayimfuneko okususa loo nqwelo-moya okanye indawo yayo okanye umthwalo okanye into ekuloo nqwelo-moya, ayise kwindawo ekhuselekileyo kwalapho kwisikhululo okanye ayisuse ngokupheleleyo kuso, aze iindleko zaloo manyathelo azifune kumnini wayo, umqhubi okanye ummeli wayo ogunyazisiweyo.

- (2) AyingoMasipala okanye uMkhathaleli omakabe noxanduva ngayo nayiphi ilahleko okanye umonakalo, nokuba wenzeke ngqo okanye ngokumayana, ebangelwe sisenzo asenzileyo uMkhathaleli lowo okanye abangele ukuba senziwe ngokwecandelwana (1)(d) okanye (e).

ULAWULO LWENQWELO-MOYA, ABAQHUBI NABAKHWELI

- (1) Umnini wenqwelo-moya okanye ummeli wakhe ogunyazisiweyo kufuneka athi nje ukuba ihlale inqwelo-moya esikhululweni, azalise ngokupheleleyo ifomu yokufika kwifisi yeenkcukacha ekwisakhiwo ekuhanjelwa

kufikelwe kuso esikhululweni aze ahlawule iintlawulo zokuhlala kwenqwelo-moya ezibekwe ngokwale miThetho kaMasipala.

- (2) Umqhubi wenqwelo-moya okanye omnye umntu oolawula inqwelo-moya ngethuba elithile, makenze iindlela ezaneleyo zokhuseleko ukugcina abanye abantu bekungama okhuselekileyo ukusuka kwinqwelo-moya phambi kokuba iinjini zidunyiswe nangethuba iinjini zisaduma.
- (3) Akukho mntu ekufuneka –
 - (a) apake inqwelo-moya kwisikhululo seenqwelo-moya zabucala engayizinzisanga phantsi xa loo nqwelo-moya ishiywe ingenamntu;
 - (b) ashiye inqwelo-moya ingenamntu kwindawo yokusebenzela;
 - (c) adumise injini yenqwelo-moya ngaphandle kokuba kwindawo yokuqhuba kukho umqhubi wenqwelo-moya okanye injineli enolwazi ngeenqwelo-moya;
 - (d) adumise injini yenqwelo-moya ngendlela eya kwenza ukuba umoya obangelwa yiloo njini uye kwisakhiwo esithile okanye kwenye inqwelo-moya okanye emntwini;
 - (e) ashiye itshokhu, isitephu sokunyuka kwabakhweli okanye nayiphi into ephazamisayo okanye ebangela ubungozi kule ndawo yokusebenzela okanye indawo yokulungisa iinqwelo-moya;
 - (f) kukho imvume yomlomo yomntu ophethe inqwelo-moya, akhwele loo nqwelo-moya okanye aphazamise inkwelomoya okanye nantoni na esetyenziswa ekuzidibaniseni; aze
 - (g) enze uqeqesho lokuqhuba iinqwelo-moya ebusuku kwisikhululo seenqwelo-moya zabucala, ngaphandle kokuba ufumene imvume ebhaliweyo yoMqondisi alandele nemiqathango ayibekelwe nguye.

IINDLELA ZOKUNQANDA UMLILO NOKUNIKWA KWAMAFUTHA EENQWELO-MOYA

4. (1) Akukho mntu ekufuneka –
 - (a) atshaye kwindawo yokusebenzela, indawo yokulungisa, kwindawo yokuchithwa kwamafutha eenqwelo-moya okanye kwiimitha ezili-15 zenqwelo-moya;

- (b) alayithe umlilo kwisikhululo seenqwelo-moya zabucala okanye ngayo nayiphi indlela enokwenza umlilo okanye umsi, ngaphandle kwakwindawo ayiboniswe nguMkhathaleli kunye negosa lomlilo eliphangeleyo;
 - (c) aphazamisane okanye onakalise naliphi ithumbu lombane, isixhobo sokucima umlilo okanye nasiphi isixhobo sokulwa nomlilo;
 - (d) afunxe amafutha kwinqwelo-moya, ngaphandle kokuba loo nto yenziwa phantsi kohloko lwegosa lomlilo likaMasipala okanye umntu ochongwe lilo, okanye angalandeli umyalelo omalunga noku okhutshwe lelo gosa okanye umntu owonyulwe lilo;
 - (e) apake imoto kwindawo yokuma kweenqwelo-moya;
 - (f) alungise okanye asevisise inqwelo-moya ngaphandle kokuba kukho izixhobo ezaneleyo nezimana ziseviswa zokulwa umlilo;
 - (g) athe amafutha kwinqwelo-moya ekwisikhululo seenqwelo-moya zabucala ngaphandle kwakwindawo nangendlela evunywe nguMkhathaleli;
 - (h) aphazamisane nesixhobo sokutha amafutha enqwelo-moya kwisikhululo seenqwelo-moya zabucala; okanye
 - (i) adumise injini yinqwelo-moya okanye avumele ukuba idunyiswe ngelixa inqwelo-moya ithiwa amafutha.
- (2) Nawuphi umntu olawula inqwelo-moya ngeli xesha ithiwayo kufuneka –
- (a) athathe amanyathelo okhuseleko afanelekileyo ukuqiniseka ukuba imililo iyanqandwa; yaye
 - (b) ayihlole loo nqwelo-moya athi kanye emva kokuthiwa kwayo ayisusele kwenye indawo kwalapha esikhululweni.

ULAWULO LWEEMOTO

5. (1) Umqhubi wemoto engena okanye ephuma kwisikhululo seenqwelo-moya zabucala kufuneka anike uMkhathaleli zonke iinkcukacha azifunayo.
- (2) Akukho mntu kufuneka –
- (a) athi engaqalanga wafumana imvume kuMkhathaleli, angene kwindawo yokusebenzela okanye ahambahambe apho ngemoto,

- ngaphandle kokuba loo moto ixhotyiswe ngewokhi-thoki esebenzisa isititshi sosasazo solawulo lwezithuthi zasemoyeni, okanye ukhatshwa sisithuthi esinaloo wokhi-thokhi;
- (b) angene okanye abe nemoto kwindawo yoluntiso ngaphandle kokuba ufumene iphemithi yokungena ekhutshwe nguMkhathaleli ibe iboniswe kwindawo ebonakalayo apho emotweni;
 - (c) abe nesithuthi esinesantya esingaphezu kweekhilomitha ezili-10 ngeyure kwisikhululo seenqwelo-moya zabucala ngaphandle kwangexesha likaxakeka;
 - (d) apake isithuthi kwisikhululo seenqwelo-moya zabucala ngendlela eya kuphazamisana nokuhamba okuqhelekileyo kweenqwelo-moya, okanye
 - (e) apake isithuthi kwisikhululo seenqwelo-moya zabucala kwindawo ekungavumelekanga ukupakwa kwezithuthi kuyo neneebhodi zezaziso okanye imithetho yendlela.

UKUVUMELEKA KWINDAWO YOLUNGISO

- 6. (1) Akukho mntu, ngaphandle kwaba bantu balandelayo, ekufuneka angene okanye abe kwindawo yolungiso-
 - (a) umqhubi wenqwelo-moya kunye nabasebenzi ababa kwinqwelo-moya xa isemoyeni nabasebenzisa isikhululo eso ekwenzeni imisebenzi yabo;
 - (b) abasebenzi abanobuchwepheshe abangena kuloo ndawo kuba besenza imisebenzi yabo;
 - (c) umqhubi wenqwelo-moya ofundayo, ngenjongo yokulandela imiyalelo okanye ukuziqhelisa.
 - (d) omnye wabasebenzi baphantsi besikhululo seenqwelo-moya zabucala xa esemsebenzini okanye abanye abasebenzi besikhululo seenqwelo-moya zabucala ekufuneka babe kuloo ndawo kuba besenza imisebenzi yabo.
 - (e) umkhweli wenqwelo-moya, kuphela xa esiya okanye esuka kwinqwelo-moya.
 - (f) nawuphi umntu uMkhathaleli amnike imvume yokuba abe kuloo ndawo.

IMIGAQO GABALALA

7. (1) Imigaqo ekule miThetho kaMasipala mayingabekelwa bucala kuMthetho wezoPhapho ka-1962 (uMthetho wama-74 ka-1962), kunye nemigaqo ebhengezwe phantsi kwawo.
- (2) UMqondisi unolawulo kusetyenziso lweendawo zokuma kweenqwelo-moya, izakhiwo kunye nezinye izixhobo zesikhululo seenqwelo-moya yaye kumaxesha ngamaxesha ebeka imiqathango esebenzayo kolo setyenziso.
- (3) Bonke abantu abakwisikhululo seenqwelo-moya zabucala mababe phantsi kolawulo loMkhathaleli.
- (4) UMkhathaleli unokujonga ukuba zeziphi iimeko apho ukuhlala kuthathwa njengokona kuhlala kweenqwelo-moya, nekufuneka iintlawulo zokuhlala kwayo zibalwe ngalo.
- (5) Akukho mntu ekufuneka –
- (a) apake inqwelo-moya ngaphezu kweeyure ezintandathu kwindawo ehonjiswe ngezitena okanye amatye yendawo yokuhlala kweenqwelo-moya ngaphandle kokuba uMkhathaleli uvuma amanye amalungiselelo oku; okanye
- (b) angene kwindawo yokuma iinqwelo-moya zikawonke-wonke okanye aphazamisane nenqwelo-moya ekuloo ndawo yokuma ngaphandle kokuba uqale wafumana imvume kuMkhathaleli.
- (6) Le ntlawulo yokusetyenziswa kwaso nasiphi isixhobo mayihlawulwe lingaphelanga ithuba leentsuku ezingama-30 ukusuka kumhla wokunikwa kweakhawunti yezo ntlawulo.

ULWAPHULO-MTHETHO NEZOHLWAYO

8. Nawuphi umntu ochasana okanye ongaphumeleliyo ukulandela nayiphi imigaqo yale miThetho kaMasipala, unethaya lesigwebo yaye, enikwa eso sigwebo, ujongene nesigwebo eshlawulwayo okanye, xa engakwazi kusihlawula, ukuvalelwa entolongweni ithuba elingedlulanga kwiinyanga ezili-12, okanye kokubini.

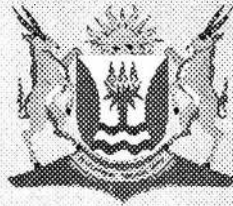
Ukuyekiswa kwale miThetho kaMasipala

9. Imigaqo kaMasipala yayo nayiphi imiThetho kaMasipala enento yokwenza nezikhululo zeenzwelo-moya zabucala iyayekiswa ukuba ihambelana nemiba echatshazelwe kule miThetho kaMasipala.

Isihloko esifutshane

10. Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yeziKhululo zeeNqwelo-moya zabucala.

CONTINUES ON PAGE 761—PART 4 ZULU



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

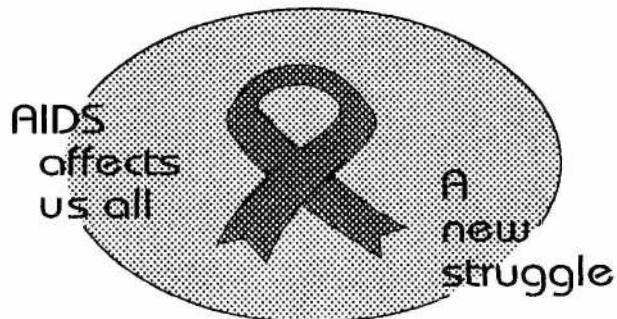
**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol. 16

BISHO/
KING WILLIAM'S TOWN, 27 FEBRUARY 2009

No. 2042
(Extraordinary)

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**PART 4 OF 4
ZULU**



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No. 23

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YONCEDO LOMTHETHO
KUBASEBENZI**

UYILO LOKUQALA (1)

IMITHETHO KAMASIPALA YONCEDO LOMTHETHO KUBASEBENZI

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loRhulumente waseKhaya: uMthetho weeNdlela zokwenza zooMasipala, ka-2000 (uMthetho wama-32 ka-2000), lifundwa necandelo lama-162 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996 (Umthetho we-108 ka-1996), upapasha imiThetho kaMasipala yoNcedo loMthetho wabaSebenzi: kaMasipala waseMbizana, evunywe liBhunga likaMasipala.

Icandelo	I-indeksi
1	Iingcaciso
2	Imiqathango yoncedo lomthetho
3	Isihloko esifutshane nokuqala kwawo

Iingcaciso

1. Kule miThetho kaMasipala, ngaphandle kokuba into ayihambelani nomxholo –

“**IBhunga likaMasipala**” lithetha iBhunga likaMasipala waseMbizana elasekwa ngokwecandelo le-12 loMthetho wamaCandelo kaMasipala: wooRhulumente baseKhaya, ka-1998 (uMthetho we-117 ka-1998), ohlaziyiweyo;

“**UMasipala**” uthetha uMasipala waseMbizana.

Imiqathango yoncedo lomthetho

2. Ngalo lonke ixesha -

- (a) kukho nawuphi na umthetho ojoliswe kulo naliphi na igosa okanye umsebenzi kamasipala, owenza umsebenzi wakhe osesikweni;
- (b) elo gosa okanye loo msebenzi ubekwa ityala ngawo nawuphi na umba okanye into ayenze okanye angayenzanga xa esenza umsebenzi wakhe osesikweni;
- (c) elo gosa okanye loo msebenzi ethe wamazisa ngokubhaliweyo uMasipala, ngoko nangoko, ngetho yokuba kukho elo tyala abekwa lona waze wagqithisa zonke iinkcukacha ezinokufuneka; yaye
- (d) noMasipala ugqibe ukuba, ngokokubona kwakhe, elo gosa okanye loo msebenzi wenze into efanelekileyo ngokwenza loo msebenzi usesikweni uchaphazelekayo.

uMasipala unokuthi, ngokuxhomekeke kwezo meko azibona zifanelekile ukuba azenze, agunyazise ukhuselo lwelo gosa okanye loo msebenzi ngeendleko zikaMasipala.

Isihloko esifutshane nokuqala kwawo

3. Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yoNcedo loMthetho kuBasebenzi yaye iya kuqala ukusebenza ngomhla obekwe nguMasipala.

No. 24

UMASIPALA WASEMBIZANA

IMITHETHO KAMASIPALA YAMAXABISO EENKONZO

UYILO LOKUQALA (1)

IMITHETHO KAMASIPALA YAMAXABISO EENKONZO

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loRhulumente waseKhaya: uMthetho weeNdlela zokwenza zooMasipala, ka-2000 (uMthetho wama-32 ka-2000), lifundwa necandelo lama-162 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996 (Umthetho we-108 ka-1996), upapasha imiThetho kaMasipala yamaXabiso eeNkonzo: kaMasipala waseMbizana, evunywe liBhunga likaMasipala.

1. IiNgcaciso

Kule miThetho kaMasipala, ngaphandle kokuba into ayingeni kuloo mxholo:

“iBhunga” lithetha iBhunga likaMasipala waseMbizana yaye liquka uSodolophu, amalungu esiGqeba sezoPolitiko, amaQela ezoPolitiko, uMphathi kaMasipala nabo nabanye abasebenzi abanamagunya amiselweyo ngokwecandelo lama-59 loRhulumente waseKhaya: uMthetho weeNdlela zokwenza zooMasipala (uMthetho wama-32 ka-2000);

“iindleko eziza kubuyiswa” zithetha iindleko zokuthenga, iindleko zokutshintsha imveliso eza kuhanjiswa, iindleko ezingundoqo;

“abasebenzisi basekhaya” kule meko yeenkonzo zombane, baquka izindlu zabantu abazihlalelayo, iiflethi ekuhlalwa kuzo, iihostele ukuba zinemitha eyahlukileyo;

“abasebenzisi bombane omninzi” kule meko yeenkonzo zombane, ababaquki abasebenzisi basekhaya yaye babhekisa kuye nawuphi na umsebenzisi oneemfuno zombane ezingaphezu kwe-100KVA ngenyanga, ngethuba eliqhubekayo leenyanga ezili-12;

“abasebenzisi bombane abarhwebayo nabasebenzisi gabalala” ngokwale meko yenkonzo yombane, babekela bucala abasebenzisi basekhaya baze babhekise kubo nabaphi na abasebenzi abanezona mfuno zombane zinkulu zingaphantsi kwe-100 KVA ngenyanga, ngethuba leenyanga ezili-12.

“unikezelo lwangexesha ongasetyenziswa kakhulu ngalo umbane” luthetha ukuba lunikezelo lombane lwabasebenzisi bombane omninzi abalucele ngokubhaliweyo ukuba lufumaneka ngeeyure ongasetyenziswa kakhulu ngazo umbane okanye olunikezelwa kweyona mfuneko yombane iphezulu yeBhunga, nokuba yeyiphi ke engamandla;

“abasebenzisi bombane bethutyana” baquka abakhi, izinto zokudlala ezihambahambayo, iinkonzo zokonwabisa zakhe nawuphi na umsebenzisi wombane ongowethutyana.

2. UkuXatyiswa kweNkonzo ezilandwayo

- 1) IBhunga liya kutsala iindleko zokuziswa kweenkonzo.

- 2) Elo xabiso litsalwayo liya kubuyisa iindleko zokwenza ezi nkonzo zilandelayo:
- (a) Umbane
 - (b) Ukuthuthwa kwenkukuma
 - (c) Ugutyulo lwelindle, kunye
 - (d) Namanzi

3. Intsalela efunyenweyo

- 1) IBhunga linokufumana iintsalela kwezi nkonzo zilandelayo:
- (a) Umbane namanzi
 - (b) Ugutyulo lwelindle kunye nokuThuthwa kweNkukuma:

4. Iinkonzo ezikwaxhaswa ngezimali nayirhafu yendlu

- (1) IBhunga linokubiza imali yeenkonzo qho, ngelizama ukubuyisa iindleko zokwenza ezi nkonzo zilandelayo:
- (a) Amathala eencwadi
 - (b) Imihlaba yamangcwaba
 - (c) Amathala oLondolozo lweNdalo
 - (d) IiNdawo zokuZonwabisa
 - (e) IiNkonzo zoMlilo
 - (f) IiNkonzo zoLwazi
 - (g) Iinkonzo zokuhlambulula/zokucoca ngaphakathi
 - (h) Ezinye iinkonzo ekufuneka ezinikezele
- (2) IBhunga linokuguqula iintlawulo zeenkonzo qho ngonyaka.

5. Iinkonzo zombane

- (1) IBhunga linokuthi ngesigqibo elisithathileyo, linike iyunithi ezithile zombane simahla kumakhaya angathathi ntweni ngokwepolisi yokuhleleleka yeBhunga.
- (2) IBhunga linokubiza ezi ntlawulo zeenkonzo zilandelayo:
- (a) Intlawulo engundoqo eyahlulahlulelwa abasebenzisi abohlukeneyo;
 - (b) Iintlawulo zokufumaneka kombane ezisekelwe kwindlela osetyenziswa ngayo umbane, uhlobo lwesitandi nobume babasebenzisi.

- (c) Iinkonzo zokusetyenziswa kombane ngokwe-KWH;
 - i. AbaSebenzisi baseKhaya
 - ii. Abasebenzisi boRhwebo nabasebenzisi Gabalala
 - iii. Abasebenzisi bombane omninzi
 - iv. Abasebenzisi bethutyana
 - v. Abasebenzisi bombane omninzi abakhethiweyo
 - (d) Iintlawulo zokusetyenziswa kombane (ngokweemfuno ze-KVA):
 - i. Abasebenzisi bombane omninzi
 - ii. Amaxesha ongasetyenziswa kakhulu ngawo umbane
 - iii. Abasebenzisi bombane omninzi abakhethiweyo
 - (e) Iintlawulo ezizodwa:
 - i. Uvavanyo lwemitha
 - ii. Ufundo olulodwa
 - iii. Iindleko zoqhagamshelo lombane
 - (f) I-VAT ayifakwanga kula maxabiso eenkonzo yaye kufuneka ifakwe ize itsalwe.
- 3) IBhunga linokuwehlisa amaxabiso eenkonzo ezinikwa amashishini ngokuhambelana nepolisi yeNER (uMlawuli woMbane kaZwelonke) neendlela zokubuyekeza zeBhunga.
- 4) Lonke unikezelo lombane kufuneka lubalwe ngemitha.

Ukuthuthwa kwenkukuma

- 1) IBhunga linokuthi ngokwesigqibo elisithathileyo, lixhase inxenye enkulu yemali yokuthuthwa kwenkukuma yamakhaya ahlelelekileyo njengoko kucacisiwe kwipolisi yokuhleleleka.
- 2) IBhunga linokubiza le miyinge yamaxabiso ilandelayo:
- (a) Ukuthuthwa kwenkukuma ukusuka kwiindawo zokuhlala zabucala, izibhedlele, iicawa, iihostele, amaqumrhu ezemidlalo, amaziko eembedlenge: kanye ngeveki ngomgqomo.
 - (b) Ibhloko yeeflethi: ngokweflethi
 - (c) Ukuthuthwa kususwa kwiindawo zoshishino, iiofisi, iindawo zorhwebo namaziko karhulumente: ngokomgqomo –

- i. Kathathu ngeveki
 - ii. Kahlanu ngeveki
- (d) Inkukuma ebutyaziweyo: ngokothutho ngalunye –
- i. Nge-0.084 m³
 - ii. Ngomgqomo omkhulu de ube yi-m³
- (e) Ngokomgqomo omkhulu onzima:
- i. umthamo oyi-1,1 m³
 - ii. umthamo oyi-5,5 m³
 - iii. umthamo oyi-4 m³
 - iv. umthamo oziilitha ezingama-750
 - v. umthamo oziilitha ezingama-600
 - vi. umthamo oyi-1,75 m³
- (f) Inkukuma yezonyango: ngokothutho.
- (g) Ukurentisa ngemigqomo emikhulu enzima.
- (h) Iinkonzo zamatanki ahambisa igesi okanye umoya:
- i. Uthutho olulodwa
 - ii. Inkukuma yasegadini
 - iii. Imvuthuluka yesakhiwo esichithwayo okanye inkukuma eninzi.
- (i) Ukususwa kwezilwanyana ezifileyo.
- (j) Ukucocwa kweendawo ezinengca ende, ukhula nenkukuma eyandayo.
- (k) Ukunikwa kweenkonzo zokucoca ezingaphandle kwedolophu.
- (l) Ukuthengiswa kweplastikhi.
- (m) Zonke ezinye iinkonzo ezingalungiselelwanga kulo Mthetho kaMasipala.
- (n) IVAT ayiqukwanga yaye kufuneka ifakwe ize itsalwe.

6. Ukucocwa gabalala/Isureji

- 1) IBhunga linokuthi, emva kokuba lifikelele esigqibeni, linike inxenye yoncedo-mali kwabo bahlelekileyo njengoko kucacisiwe kwiPolisi yohleleko.

- 2) IBhunga liya kusebenzisa umthetho-siseko wokulingana kule nkonzo.
- 3) IBhunga linokubiza ezi ntlawulo zeenkonziso zilandelayo:
 - (a) Intlawulo yokufaka isicelo (izicwangciso zezakhiwo).
 - (b) Iindleko zosetyenziso (iindleko zokwenziwa komsebenzi) ngokokwahluka kwabasebenzisi.
 - (c) Iindleko zokufumaneka:
 - i. Ngokuxhomekeke kubungakanani bomhlaba
 - (d) Iindleko zomsebenzi:
 - i. Ukuvulwa kweendawo ezivingciweyo
 - ii. Ukungcinywa kweendawo ebezivuliwe
 - iii. Ukususwa kwezinto ezixabileyo
 - iv. Ukujikwa kweendlela zemijelo
 - v. Uqhagamshelo kumjelo wamanzi amdaka ophantsi komhlaba.
- 4) IVAT ayifakwanga yaye kufuneka ifakwe ize itsalwe.

7. Inkonzo zamanzi

- 1) Ii-6 kl (iikhilowati ezintandathu) zinikwa ngaphandle kwentlawulo kuwo onke amakhaya.
- 2) IBhunga linokubiza la maxabiso eenkonzo alandelayo:
 - (a) Iindleko zokufumaneka
 - (b) Iindleko zosetyenziso
 - i. Unikezelo olubalwe ngemitha
 - (aa) Umlinganiselo oququkayo uya kusetyenziswa kubo bonke abasebenzisi basemakhaya yaye uya kuba ngolu hlobo:
 - 0 – 6 Kl
 - 7 – 10 Kl
 - 11 – 40 Kl
 - Ngaphezu kwee-40 kl

(bb) Ngokothintelo lokusetyenziswa kakhulu kwamanzi, kunokubizwa ixabiso leenkonziso ngokwalo mlinganiselo uguquguqukayo ulandelayo:

- 0 – 6 KI
- 7 – 10 KI
- 11 – 40 KI
- 41 – 100 KI
- Ngaphezu kwee-100 KI

(c) Unikezelo olubalwa ngemitha

i. Ngokothintelo lokusetyenziswa kakhulu kwamanzi, umlinganiselo uguquguqukayo uya kufana nalowo ucaciswe kwicandelo 8.2.2.1.2.

(d) Unikezelo olubalwa ngemitha: Amashishini nemizi-mveliso

i. IBhunga linokubiza ixabiso leenkonziso elifanayo ngokwe-KI kumashishini nemizi-mveliso.

(e) Iimali zokuqhagamshelwa kolona qhagamshelo lungundoqo.

(f) Iimali zokuqhagamshelwa kunikezelo lwamanzi.

(g) Iintlawulo zeenkonziso ngeenkonziso:

- i. Ukuvavanywa kweemitha
- ii. Ufundo lwemitha olulodwa
- iii. Nayiphi na enye inkonziso engaxelwanga

(h) Ukuzaliswa kweepuli zokudada.

(i) IVAT ayifakwanga yaye kufuneka ifakwe ize itsalwe.

8. Irhafu yezinto onazo

- 1) Irhafu yezinto onazo etsalwa kwizinto ngezinto ibizwa ngokwahlukileyo uluhlu lokuxabiseka kwento nganye.
- 2) IBhunga liya kwenza uluhlu lokuxabiseka kwezinto lwendawo yonke ukuze yonke loo ndawo ihlawuliswe ngokufanayo.
- 3) IBhunga linokuvumela izaphulelo kwezi ntlelo zilandelayo:

- (a) Abantu abadla umhlala phantsi abafumana umhlalaphantsi kurhulumente okanye abaromhlalaphantsi wabo olingana okanye ongaphantsi kulowo kurhulumente umhlalaphantsi;
- (b) Isibonelelo esiNcedisayo sokubhalisa imibutho yentlalontle ebhalisiweyo, imibutho yentlalontle eyenza umsebenzi wenceba, amaziko amatshantliziyo, amabala emidlalo yabasakhasayo, iziKawuthi zamaKhwenkwe okanye imibutho efana naleyo kunye namaziko avumelekileyo kuMthetho wamaZiko eNkcubeko, ka-1969.
- (c) Ezi ntlelo kuthethwe ngazo ku-(a) no-(b) ziya kufaka izicelo zezaphulelo, aziyi kusuka zifaneleke ukuba zizifumane nje ngokuzenzekelayo.

10. Izenzo zolwaphulo-mthetho nezohlwayo

Nawuphi na umntu –

- (i) owenza okungahambelaniyo nale migaqo okanye ongayilandeliyo le migaqo yale miThetho kaMasipala;
- (j) ongasilandeliyo nasiphi na isaziso esikhutshwe ngokwale miThetho kaMasipala;
- (k) ongawulandeliyo nawuphi na umyalelo osemthethweni onikwa ngokwale miThetho kaMasipala; okanye
- (l) othintela okanye olibazisa naliphi na igosa eligunyazisiweyo ekwenzeni umsebenzi walo phantsi kwale miThetho kaMasipala,

Unetyala lolwaphulo-mthetho yaye ujongene nokugwetywa isigwebo okanye ukuba akakwazi kusihlawula avelwe entolongweni.

11. Ukucinywa komthetho

(1) Nayiphi imiThetho kaMasipala esebenza kwindawo elawulwa nguMsipala ngokubhekiselele kumba okule miThetho kaMasipala, iyacinywa ngenxa yokungqubana kwayo noko kuxelwe kule miThetho kaMasipala.

(2) Ukucinywa kwemiThetho kaMasipala ekhoyo ngoku kuqala ukususela ngomhla wokubhengezwa kwale miThetho kaMasipala.

12. Isihloko esifutshane nokuqala kwawo

(1) Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yamaXabiso eeNkonzo yaye iya kuqala ukusebenza ngomhla okanye imihla ebekwe liBhunga likaMasipala yaza yapapashwa kwigazethi yephondo.

(2) UMasipala unokubeka imihla eyahlukeneyo yokuqala kwale mithetho kwiiNdawo ezahlukeneyo.

No. 25

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YOKHATHALELO
LWABAXUMI NOLAWULO LWENGENISO**

UYILO LOKUQALA (1)

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo ye-13 loRhulumente waseKhaya: uMthetho weeNdlala zokwenza zooMasipala, ka-2000 (uMthetho wama-32 ka-2000), ufundwa necandelo le-162 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996 (uMthetho we-108 ka-1996), upapasha imiThetho kaMasipala yoLawulo loKhathalelo lwabaXumi: uMasipala waseMbizana, nevunywe liBhunga likaMasipala.

IMITHETHO KAMASIPALA YOKHATHALELO LWABAXUMI NOLAWULO LWENGENISO

ISIQULATHO

Icandelo

1. Iingcaciso
2. Ubume bale miThetho kaMasipala

UKWENZIWA NOKUNYANZELISWA KWEMITHETHO KAMASIPALA, KUNYE NOKUTHUNYWA

1. UMphathi kaMasipala njengegosa elinenkathalo;
2. Ukuthunywa

UKUFAKWA KWEZICELO ZONIKEZELO LWEENKONZO ZIKAMASIPALA, IZIVUMELWANO ZEENKONZO, UKUHLUZWA KWAMATYALA, IIDIPHOSITHI, UKUBIZWA KAMAXABISO NGEENKONZO EZINIKIWEYO, UKUHLAWULELWA KWEENKONZO EZINIKIWEYO, KUNYE NOKUPHELISWA KWEZIVUMELWANO ZEENKONZO

3. Ukufakwa kwesicelo seeNkonzo zikaMasipala kunye nezivumelwano zeenkonzo;
4. Ukuhluzwa kwamatyala;
5. Iidiphosithi;
6. Ukubizwa nokuhlawulwa kwamaxabiso eenkonzo ezinikiweyo;
7. Ukupheliswa kwezivumelwano zeenkonzo;

UKUHLAWULELWA KOHLOLO LWEENKONZO

8. Imali efanele ukuhlawulelwa uhlolo lweenkonzo;
9. Ibango lokurentwa kokuhlawulelwa kohlolo lweenkonzo ezisilelayo;
10. Uxanduva lwabaqondisi abaphetheyo kunye namalungu okuhlawulelwa kohlolo lweenkonzo;

UKUNGAHLAWULWA KWEEAKHAWUNTI ZIKAMASIPALA

11. Amalungiselelo eentlawulo;
12. Inzala efakwa kwiiakhawunti zikamasipala ezingahlawulwanga ngexesha lazo;
13. Iindlela zokuqokelelwa kwamatyala;

IZIXHOBO ZOKUBALA NGEMITHA NOKUBALWA KWEENKONZO NGEMITHA

16. Imigaqo ngokubanzi;
17. Izixhobo zokubala ngemitha kunye nokubalwa kosetyenziso;
18. Ukuthengiswa kwakhona kwamanzi nombane;
19. Uncedo kwabahluphekayo;

IMIGAQO EXUTYIWEYO

20. Amagunya eBhunga okunqanda nokucima unikezelo lweenkonzo;
21. Ukuphazamisana neenkonzo, uqhagamshelo noqhagamshelo ngokutsha olungekho mthethweni kunye nokusetyenziswa ngokungafanelekanga;
22. ISatifiketi sokuNgabinyala (iKliyerensi);
23. Iithenda nezibonelelo ezincedisayo;
24. Amagunya okungena nokuphonononga;
25. Ukuphumla ekuhlawuleni amatyala, ukuyekiswa kwentlawulo kunye nokungaphathwa ngokufanayo kwabaxumi;
26. Amagunya eBhunga okubuyisela iindleko ezichithiweyo
27. Ubungqina bokuqala
28. Ukungqiniswa nokulungiswa kweeoda, izaziso kunye namanye amaxwebhu;
29. Ukulahlwa kwamatyala angahlawulekiyo, kunye nokuhlawulwa ngokuzeleyo nokukokokugqibela kweakhawunti;
30. Ilungelo lokubhena;
31. Ukophulwa komthetho;
32. Ukuguquguquka komgaqo;
33. Umgaqo wolondolozo;

Iingcaciso

I. Ngokwale miThetho yooMasipala, ngaphandle kokuba umxholo uthetha enye into -

“umnini-akhawunti” uthetha nawuphi na umntu ofanele ukufumana iakhawunti yakwamasipala, equka umsebenzisi okanye umbane nokuba ngamanzi aqala ahlawulelwe;

“uMthetho” uthetha uMthetho wokuSebenza kooMasipala: kuRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000);

“umfaki-sicelo” uthetha umntu ofaka isicelo lokunikezelwa ngeenkono zikamasipala;

“ukubizwa kwentlawulo ngeenkono ezinikiweyo” kuthetha ukukhutshwa kweinvoyisi yeakhawunti kamasipala isisiwa kumnini-akhawunti kubekwa ixabiso okanye amaxabiso okuhlawulela kohloko lweenkono, iinkono zeemitha, nezinye iintlawulo zikamasipala, izidelo, iintlawulo, amatyala, iirhafu, okanye nawuphi na amanye amaxabiso ahlawulelwa uxanduva lomsebenzisi okanye isinyanzelo;

“INtloko yeSebe: Umbane” ithetha umntu okwisihlalo sokuba **“yiNtloko yeSebe loMbane”** nokuba ngokusisigxina na okanye ebambeleyo phantsi kweBhunga, okanye naliphi na igosa eligunyaziswe yiNtloko yeSebe: IziXhobo ezikhulu (i-infrastraktsha);

“iBhunga” lithetha iBhunga loMasipala waseMbizana okanye nawuphi na umnikonkono weBhunga;

“ulawulo lwetyala” luthetha yonke imisebenzi ebhekiselele ekuqokelelweni kwengeniso;

“umsebenzisi” uthetha umntu ohlala kuyo nayiphi na indawo esisakhiwo apho iBhunga livumileyo ukunikezela iinkono okanye elinikezela ngesivumelwano seenkono zikamasipala kuyo lisebenzisana neBhunga kunikezelo ngeenkono zikamasipala kuloo ndawo, okanye, ukuba akakho umntu onjalo, umnini waloo ndawo;

“ulawulo lwabaxumi” luthetha ukujolisa kwiimfuno zomnini-akhawunti ngendlela encedayo nesebenza ngoko nangoko ukwenzela ukukhuthaza ukuhlawulwa, ngokwenza njalo kuncitshiswa imfuneko yokunyanzeliswa;

“iziko leenkono zabaxumbi” lithetha likwasebenza njenge-:

- (a) ofisi apho umfaki-sicelo angafaka isicelo seenkono aze angene kwisivumelwano neBhunga;
- (b) ofisi apho umnini-akhawunti anokuhlawula iakhawunti okanye ahlawulele iinkono eziqala zihlawulelwe;

- (c) –ndawo yokuhlaza amatyala apho uhlolo lwetyala lomfaki-sicelo lungenziwa khona; okanye

“umhla wokugqibela” uthetha usuku olubekiweyo kwiakhawunti kamasipala ekhutshwa kwiofisi zegosa elithile ngeentlawulo ezimele ukuhlawulwa nolulolona suku lokugqibela luvumelekileyo lokuhlawulwa kwezo ntlawulo;

“inzala” ithetha ixabiso elibalwe ngokomyinge obekwe liBhunga kwiiakhawunti zikamasipala ezisemva ngentlawulo;

“iakhawunti kamasipala” ithetha iakhawunti esetyenziswayo ethi itsalelwe ixabiso okanye amaxabiso afanele ukuhlawulwa kwiBhunga ngohlolo lweenkonzo, iinkonzo zeemitha, ezinye iintlawulo zikamasipala, izidelo, iintlawulo, amatyala, inzala, iirhafu okanye naliphi na elinye ixabiso okanye amaxabiso afanele ukuhlawulwa ngenxa yalo naluphi na olunye uxanduva lomsebenzi okanye isinyanzelo;

“uMphathi kaMasipala” uthetha umntu oqeshwe ngokwecandelo lama-82 loMthetho weNdlela zokwenza zikaMasipala: uRhulumente waseMakhaya, ka-1998 (uMthetho we-117 ka-1998);

“iinkonzo zikamasipala” zithetha olo hlolo lweenkonzo, iinkonzo zeemitha, ezinye iintlawulo zikamasipala, izidelo, iintlawulo, amatyala, inzala, iirhafu okanye naliphi na elinye ixabiso okanye amaxabiso afanele ukuhlawulwa ngenxa yalo naluphi na uxanduva olulolunye okanye umsebenzi ongomnye ovela kwiakhawunti kamasipala iBhunga elifuna intlawulo yayo;

“umhlali” uthetha nawuphi na umntu ohlala kuyo nayiphi na indawo okanye inxenye yayo kungajongwanga ukuba uhlala ngabuni na, yaye ukwaquka:

- (a) nawuphi na umntu ongoyena uhlalayo kuloo ndawo;
- (b) nawuphi na umntu onelungelo elisemthethweni sokuhlala kuloo ndawo;
- (c) imeko apho loo ndawo yahlulwahlulwayo ize irentiswe kwabanye abarenti bethutyana okanye abarenti ngabarenti, loo mntu ekuhlawulwa kuye irenti ngabo barenti bethutyana okanye abarenti nokuba kukwiakhawunti eyeyaloo mntu okanye jengommeli wakhe nawuphi na umntu onelungelo okanye onomdla kulo mba;
- (d) nawuphi na umntu obiza intlawulo okanye ulawulo lwaloo ndawo, yaye ukwaquka ummeli wakhe nawuphi na umntu onjalo xa loo mntu engekho kwiRiphabliki yoMzantsi Afrika okanye engaziwa ukuba uphi; kunye
- (e) nomnini waloo ndawo;

“igosa” libhekisa kumsebenzi weBhunga okanye nawuphi na omnye umntu ogunyaziswe ngokukodwa liBhunga ukuba enze nasiphi na isenzo okanye umsebenzi, okanye asebenzise naliphi na igunya phantsi kwale miThetho kaMasipala;

“umnini” uthetha –

- (a) umntu ekubhaliswe ngaye itayitile yaloo ndawo;
- (b) kwimeko apho loo mntu kubhaliswe ngaye itayitile angasakwaziyo ukwenza iintlawulo okanye aswelekileyo, okanye ephantsi kwayo nayiphi na imeko yokungakwazi ukwenza izinto ngokusemthethweni, loo mntu ujongene nokuphatha kwanokulawula loo ndawo uthathwa njengomgcini, umlawuli-zimali zomnye umntu, umabi welifa, umphathi, umlawuli ongathathi cala, umthengisi-mpahla yeshishini elitshonileyo okanye omnye ummeli osemthethweni;
- (c) kwimeko apho iBhunga lingakwaziyo ukuqonda ukuba ngubani na umntu onelungelo letayitile esemthethweni, loo mntu ufanele ukufumana inzuzo ngaloo ndawo okanye ngeso sakhiwo;
- (d) kwimeko apho loo ndawo bekubolekiswe ngayo iminyaka engama-30 nangaphezulu, loo mntu urentayo;
- (e) ngokubhekiselele -
 - (i) kwisahlulo somhlaba esicaciswe ngokuzotywa kwiplani yesahlulo sendawo ebhaliswe ngokoMthetho weeTayitile zezaHlulo zeeNdawo, ka-1986 (uMthetho wama-95 ka-1986), yaye ngaphandle kokuvalela oku kungasentla, umphuhlisi okanye iqumrhu lezorhwebo ngokuphathelele neendawo yabantu ngabantu; okanye
 - (i) kwicandelo ngokwendlela elicaciswe ngayo kuloo Mthetho, loo mntu eso sahlulo sibhaliswe ngaye phantsi kwetayitile yomhlaba yesahlulo ukwaquka ummeli onyulwe ngokusemthethweni waloo mntu;
- (f) nawuphi na umntu wasemthethweni, kuquka kodwa kungaphelelanga apho –
 - (i) inkampani ebhaliswe ngokoMthetho weeNkampani, ka-1973 (uMthetho wama-61 ka-1973), iTrust inter vivos, iTrust mortis causa, iShishini loRhwebo oluNgavulelekanga elibhaliswe ngokoMthetho wamaShishini oRhwebo oluNgavulelekanga ka-1984 (uMthetho wama-69 ka-1984), umbutho wokuzenzela ngokuzithandela;

- (ii) naliphi na iSebe likaRhulumente;
 - (ii) naliphi na iBunga okanye iBhodi esekwe phantsi kwawo nawuphi na umthetho osebenzayo kwiRiphabliki yoMzantsi Afrika; kunye
 - (iii) nayo nalo naliphi na uMzi woZakuzelwano lwamazwe okanye iziko langaphandle; kunye
- (g) nomrenti wesakhiwo sikamasipala oya kuthathwa njengomnini ngeenjongo zokumnika iakhawunti kamasipala;

“umntu” uquka umntu wasemthethweni;

“umxumi okhethiweyo” uthetha umntu onokunikwa imvume eyodwa liBhunga;

“indawo yokuhlala” ithetha nawuphi umhlaba, onemida yangaphandle ephawulwe ngokucacileyo –

- (a) kwiplani eqhelekileyo okanye umzobo obhaliswe ngokoMthetho woHlobo loMhlaba ka-1927 (uMthetho we-9 ka-1927), okanye ngokoMthetho woBhaliso lweeTayitile ka-1937 (uMthetho wama-47 ka-1937), okanye
- (b) iplani yesahlulo ebhalwe ngokoMthetho weeTayitile zeZahlulo, ka-1986 (uMthetho wama-93 ka-1986), ekwindawo elawulwa liBhunga;
- (c) noquka nawuphi na omnye umhlaba okanye nasiphi esinye isahlulo kanye into eyakhiweyo engaphezulu okanye ngaphantsi komhlaba;

“intlawulo ebekiweyo” ithetha intlawulo ebekwe liBhunga.

“ingeniso yamashishini” ithetha zonke iimali efanele ukuhlawulwa iBhunga mali leyo iBhunga linelungelo yokunyanzelisa ukuhlawulwa kwayo, ngokuba sithini na isizathu sobunyani bayo;

“ukuphazamisana” kuthetha nakuphi na ukuphazamisana nonikezelo lweenkonzo lweBhunga, izinto ezivaliweyo kunye nezixhobo zokubala umbane ngemitha yaye “ukuphazamisa” kukwathetha le nto inye;

“into ekujoliswe kuyo” ithetha izinto eziyinyani ekujoliswe kuyo nezinokubekwa liBhunga amaxesha ngamaxesha; kunye

“umxumi ongathembekanga” uquka umnini-akhawunti, oboniswa ziirekhodi zokuhlawula kwakhe njengongakwaziyo ukuhlawula iakhawunti yakhe yakwamasipala ngomhla ofanelekileyo okanye osilelayo ngokwentlawulo ngenxa kaceba ophazamisana

nesixhobo sokubala umbane ngemitha, izinto ezivaliweyo, okanye unikezelo lweenkonzo zikamasipala.

1. Ubume bale miThetho kaMasipala

UMasipala ujonge

- (a) ukwenza inkqubela kuphuculo lwezentlalo nezoqoqosho zoluntu ngokuhambelana nendalo;
- (b) ukunika iinkonzo ezisisiseko ezifikelekayo kubo bonke abantu bakhe, nangakumbi kwabo bangamahlwempu nabangathathi ntweni, ngokuxhomekeke ekubeni, apho kufanelekileyo, iimali zeenkono, iintlawulo zokuhlolwa, iinkonzo zemitha, ezinye iintlawulo zikamasipala, izidelo, iintlawulo, izigwebo, inzala, iirhafu okanye enye imali okanye iimali ezihlawulwayo, ezisuka kuyo nayiphi eminye imisebenzi okanye izibophelelo, ziyahlawulelwa;
- (c) ukukhuthaza ukuthatha inxaxheba okubonakalayo koluntu kwimicimbi kaMasipala, ngakumbi kucwangciso, kunikezelo lweenkonzo nolawulo lwemisebenzi;
- (d) ukunika ukuphatha okufezekileyo, okusebenzayo nokungafihli nto okuhambelana nemithetho-siseko esemthethweni;
- (e) ukuqinisekisa ukuba uMasipala uyakwazi ukuzimela ngokwezimali nezoqoqosho; kunye
- (f) nokuyila, ubudlelwane obuhle nangakumbi phakathi kukaMasipala noluntu ngokuqonda nokwenza amalungelo nemisebenzi ebanaleyo, yaye le miThetho kaMasipala yenzelwe ukulawula nokwenza okulandela nokufanelekileyo kulo Mthetho –
 - (i) indlela yokhathalelo nolawulo lwabaxumi ejonge -
 - (aa) ukwakha ubudlelwane obakhayo phakathi kukaMasipala nomnini-akhawunti;
 - (bb) ukuseka iindlela zokuba umnini-akhawunti akwazi ukunika ingxeko kuMasipala malunga nomgangatho weenkono kunye nendlela asebenza ngayo uMasipala;
 - (cc) ukuqinisekisa ukuba kuthathwa amanyathelo afanelekileyo okwazisa umnini-akhawunti ngeendleko ezibandakanyeka ekunikweni kweenkonzo, izizathu zokuhlululwa kweentlawulo

zeenkonzó, kunye nendlela esetyenziswa ngayo imali efumaneke kwezo nkonzó zenziweyo;

- (dd) ukuqinisekisa, apho ukusetyenziswa kweenkonzó kulinganiswe khona, ngokuba kuthathwa amanyathelo afanelekileyo ukulinganisa ubungakanani bokusetyenziswa kweenkonzó ngabanini-akhawunti kusetyenziswa iindlela zokubala ngemitha ezichanekileyo nezithembekileyo;
- (ee) ukuqinisekisa ukuba umnini-akhawunti ufumana iiakhawunti ezichanekileyo qho ezibonisa indlela ebalwa ngayo imali ekufuneka eyihlawule.
- (ff) ukunika indlela efikelekayo kumnini-akhawunti ukuba abuze aqinisekise ngeakhawunti kamasipala kunye nosetyenziso olubalwe ngemitha kwakunye neendlela zokufaka izikhalazo, zinto ezo zenza ukuba umnini-akhawunti akwazi ukufumana ukulungiswa okukhawulezileyo kweeakhawunti ezingachanekanga.
- (gg) ukunika iindlela ezifikelekayo zokujongana nezikhalazo zomnini-akhawunti, ngokunjalo neempendulo kwanezenzo zokulungisa ezikhawulezileyo ezenziwa nguMasipala, kunye nokunika iindlela zokuhlola ithuba lokuphendula nokufaneleka okanye ukwanela kwezenzo zikamasipala;
- (hh) ukunika iindawo ezifikeleleka lula zokuhlawula kunye nezinye iindlela zokulungisa iakhawunti okanye zokuqala uhlawulele iinkonzó; kunye
- (ii) neendlela zokulawulwa kwamatyala kunye nokuqokelelwa kwamatyala angahlawulwayo kunye neendlela ezijonge ekuqinisekiseni ukuba yonke imali efanele ukuhlawulwa kuMasipala, nokuba yeyantoni na, iyaqokelelwa, ngokwalo Mthetho kunye neminye imithetho.

UKUSETYENZISWA NOKULANDELWA KWEMITHETHO KAMASIPALA, KUNYE NOKWAHLULELANA NGEMISEBENZI

2. UMphathi kaMasipala igosa elinoxanduva

UMphathi kaMasipala –

- (a) uphendula kuSodolophu ngokusetyenziswa nokulandelwa kwemigaqo ekule miThetho kaMasipala;

- (b) kufuneka, kuba efuna ukufezekisa u-(a) athathe amanyathelo afanelekileyo okusetyenziswa nokulandelwa kwemigaqo ekule miThetho kaMasipala;
- (c) uphendula kuSodolophu ngomgangatho womsebenzi ekujoliswe kuwo ekuvunyelwene ngawo njengoko uvunywe liBhunga kunye noSodolophu, yaye ngenxa yale njongo kufuneka –
 - (i) amaxesha ngamaxesha, anike ingxelo kuSodolophu ngemiba ephathelele kule miThetho kaMasipala, kuquka kodwa kungaphelelanga -
 - (aa) ekuphumeleleni kweendlela zokuphatha, izixhobo, iinkqubo neendlela zokuqokelela imali efanele ukuhlawulwa kuMasipala;
 - (bb) iinkcukacha zemali efanele ukuhlawulwa, kuquka nenani labanini-akhawunti, ukunyuka kwengeniso, imali engenayo nephumayo, nolawulo lwabaxumi;
 - (cc) amanqanaba okwaneliseka kwabanini-akhawunti ngokubhekiselele kwiinkonzo ezinikwayo; kunye
 - (dd) ukuba isebenza njani na inkonzo yabahluphekayo; kunye
 - (ii) nokumana ehlangana namaGosa kaMasipala, amathuba amaninzi, ngenjongo zokunika iziphakamiso ezidibeneyo eziya kuSodolophu malunga nepolisi;
 - (iii) apho kuyimfuneko, acebise amanyathelo kuSodolophu, ngenjongo yokuphucula ukusebenza kweendlela, iinkqubo kunye neendlela ezilandelwayo kulawulo lwamatyala neendlela zokuqokelela amatyala;
 - (iv) apho kuyimfuneko, acebise uSodolophu malunga nezinto emazenziwe kunye nolungiso olufunekayo ukuze kulungiswe iimposiso;
 - (v) aseke iindlela zonxibelelwano olusebenzayo phakathi kweBhunga nabanini-akhawunti ngenjongo yokugcina abanini-akhawunti benolwazi ngazo zonke izigqibo zeBhunga ezinokuchaphazela abanini-akhawunti;
 - (vi) aqaphele, achonge, aze angene kwizivumelwano namashishini, amaziko, imibutho, amaziko emibutho engajonge nzuzo afanelekileyo ukuze asebenze njengabameli okanye iiarhente zale miThetho kaMasipala;

- (vii) adlulisela ulwazi kubanini-akhawunti malunga neendleko ezibandakanyeka ekunikweni kweenkonzo, izizathu zokuhlululwa kweemali zeenkono, kunye nendlela ezisetyenziswa ngazo iimali eziqokelelwe kwiinkono ezisetyenzisiweyo, yaye unokuthi apho kuyimfuneko, asebenzise iinkono zamajelo asekuhlaleni ukugqithisa olo lwazi;
- (viii) akhawulezise ukuphendulwa kwezikhalazo okanye imibuzo efunyenwe kumnini-akhawunti yaye kufuneka aqinisekise ukuba umnini-akhawunti ufumana impendulo ngexesha elibekwe liBhunga yaye kufuneka alandelele ixesha lempendulo kunye nempumelelo yoku;
- (ix) ahambelane neenkqubela kwitekhnoloji ne-elektronikhi, azame ukufumana ulwazi ngezinto ze-elektronikhi kunye nezixhobo zokuhlululwa abanokusebenzisa abanini-akhawunti;
- (x) akhuthaze ekvanyamezela abanini-akhawunti bakhe, apho kuyimfuneko, ekuhlululeni kwabo amatyala eekhawunti zabo ngokwale miThetho kaMasipala; yaye
- (xi) athi ngemvume yomnini-akhawunti, angene kwisivumelwano nomqeshi womnini-akhawunti ukuze atsale emvuzweni womnini-akhawunti –
 - (aa) nayiphi imali engekahlululwa ekuvunyelwene ngayo; kunye
 - (bb) naso nasiphi isixa esitsalwa ngenyanga ekuvunyelwene ngaso, yaye nabaqeshi bazivume nezo zivumelwano.

3. Ukuthunywa

IBhunga kufuneka, ngokwemigaqo yecandelo lama-59, 60, 61, 63, 64 nelama-65 loMthetho, libe nendlela yokuthunywa kwabantu –

- (a) eya kwandisa ukuphumelela kokuphatha nokwenza imisebenzi; kunye
- (b) nokunika inkono yokujonga okwaneleyo kunye neemali eziseleyo ukuqiniseka ukuba ulawulo lwezimali olufanelekileyo luyenziwa.

UKUFAKWA KWEZICELO ZONIKEZELO LWEENKONZO ZIKAMASIPALA, IZIVUMELWANO ZEENKONZO, IIDIPHOSITHI, UKUHLUZWA KWAMATYALA, UKUHLAWULELWA KWEENKONZO EZINIKIWEYO KUNYE NOKUBIZWA KWAMAXABISO NGEENKONZO EZINIKIWEYO

5. Ukufakwa kwezicelo zokunikwa iinkonzo zikaMasipala kunye nezivumelwano zeenkonz

- (1) Nasiphi na isicelo sokunikwa kwazo naziphi iinkonzo kuyo nayiphi indawo kufuneka ubuncinane senziwe ngosuku olunye lomsebenzi phambi kokuba loo nkonzo ifuneka loo nto isenziwa ngefomathi ebekiweyo yaye kulandelwe imiqathango ebekwe nguMphathi kaMasipala okanye igosa alonyulileyo amaxesha ngamaxesha.
- (2) Emva kokuqala kokusebenza kwale miThetho kaMasipala yaye ngokuhambelana necandelo lama-32 ngumnini wendawo okanye ummeli wakhe ogunyaziselwe ukuba athethe egameni lakhe kuphela onokufaka isicelo sokuba kunikezelwe iinkonzo zikamasipala endaweni ethile.
- (3) Akukho zinkonzo ziya kunikezelwa ngaphandle kokuba okanye de isicelo sibe senziwe ngumnini wendawo yaye kungenwe nakwisivumelwano senkonzo neBhunga ngefomathi kwahlawulwa nediphosithi njengoko kubekiwe kwicandelo lesi-7.
- (4) Isicelo sonikezelo lwethuba elingaphantsi kweenyanga ezintandathu sithathwa njengesicelo sonikezelo lwethutyana.

6. Iidiphosithi

- (1) Sakuba sivunyiwe isicelo naphambi kokuba inkonzo leyo yenziwe ifumaneka, iBhunga lingafuna umfaki wesicelo ukuba –
 - (a) adiphosithe imali yeenkonzo zikaMasipala kwiBhunga;
 - (b) anike naluphi uhlobo lwesibambiso; okanye
 - (c) avume iinkonzo ezizodwa ngokubhekiselele kwintlawulo yeakhawunti kamasipala, kunye neemali ezidiphosithelwe iBhunga ziya kuthathwa njengesibambiso kunye nemali eyinkunzi.
- (2) UMphathi kaMasipala okanye igosa alonyulileyo linelungelo lokuthi amaxesha ngamaxesha lihlole isixa semali esidiphosithiweyo okanye isixa esongezelelweyo sesibambiso esifunekayo.
- (3) UMphathi kaMasipala okanye igosa alonyulileyo linokuthi, ngokwabaxumi abakhethekileyo libone ukuphumla ekuhlawuleni

njengomqathango ngokubhekiselele kwiidiphozithi njengoko kubekiwe kwimimiselo 7(1) no-7(2) apha ngasentla.

- (4) Ekuyekweni kokunikezelwa kweenkonzo, imali yaloo diphozithi, kutsalwe nemali ebifanele ukuhlawulwa kwiBhunga, kufuneka ibuyiselwe kumnini-akhawunti.

7. Ukubizwa kwentlawulo nentlawulo yeenkonzo ezinikiweyo

- (1) Umnini-akhawunti makahlawule zonke iimali ezifanele ukuhlawulwa iBhunga njengoko zibonakala kwiakhawunti kaMasipala, yaye luxanduva lomnini-akhawunti ukuqinisekisa ukuba loo akhawunti ichanekile.
- (2) Umnini-akhawunti kufuneka ahlawulele iinkonzo zemitha, ukuhlawulelwa kohlo lweenkonzo, ezinye iintlawulo zikamasipala, izidelo, iimali, inzala, iirhafu okanye naluphi olunye uxanduva ukususela kumhla wokuqala kweentlawulo zikamasipala kude kufumaneke uyekiso lweenkonzo olubhaliweyo.
- (3) Umnini-akhawunti –
- (a) unenombolo yeakhawunti enye yaye uya kunikwa iakhawunti enye, nebonisa umhla wokugqibela wokuhlawulwa kwemali ayityalayo; yaye
- (b) loo mali yeenkonzo ezinikiweyo iya kuba kwimijikelo yexesha elimalunga neentsuku ezingama-30;
- (4) Intlawulo mayifumaneke ngomhla okanye phambi komhla wokugqibela ekupheleni kwexesha lomsebenzi.
- (5) Intlawulo eyenziwe ngomnini-nkonzo okhethwe liBhunga ukuba afumane iintlawulo egameni lalo, kufuneka yenziwe ubuncinane iintsuku ezimbini zomsebenzi phambi komhla wokuphelelwa kwayo ukwenzela ukuba ikwazi ukulandela amanyathelo afanelekileyo, yaye kuya kubakho inzala efakwayo xa iBhunga liyifumene intlawulo emva komhla wokugqibela.
- (6) Apho umnini-akhawunti ahlawulela iakhawunti kumnini-nkonzo kwiintsuku ezimbini nangaphezulu phambi komhla wokugqibela aze loo mnini-nkonzo angaliniki iBhunga ezo nkukacha zentlawulo, loo mnini-nkonzo unokuthathwa njengonoxanduva lokuhlawula ezo ndleko ziye zongezwa liBhunga ngelizama ukubuyisa imali esilelayo yomnini-akhawunti, ngokunjalo neendleko zenzala.
- (7) IBhunga linokuqikelela ubungakanani beenkonzo ezibalwa ngemitha ezinikezelweyo ngokwethuba okanye amathuba aphakathi kwezithuba

zokufundwa kwemitha okulandelelanayo, yaye linokunika umnini-akhawunti iakhawunti ngokobungakanani beenkonzo eziqikelelwa ukuba zibalwe ngemitha.

- (8) Ukuba umnini-akhawunti akoneliseki yiakhawunti ayinikwayo malunga neenkonzo ezinikezelwe liBhunga, loo mnini-akhawunti unokuthi phambi komhla wokugqibela awunikiweyo, afake ukuphikisana naloo akhawunti okubhaliweyo, ebeka izizathu zoko kungoneliseki kwakhe.
- (9) Xa kunokubakho nayiphi na ingxwabangxwaba malunga nemali umnini-akhawunti ekufuneka eyihlawule, yaye ngokuhambelana nemigaqo ekwicandelo le-102 lalo Mthetho, umnini-akhawunti, ngaphandle kobukho baloo ngxwabangxwaba, aqhube nokuhlawulwa kweentlawulo kwesiqhelo ngosuku lwazo logugqibela ngokusekwe kubalo lweakhawunti kamasipala ephakathi yeenyanga ezintathu ezigqithileyo zaphambi kokuvela koko kungavisisani yaye kufuneka kuthathelwe ingqalelo nenzala kwakunye nokuhlaziywa kwamaxabiso eenkonzo liBhunga kwaminyaka le.
- (10) Impazamo okanye ukushiyelela kuyo nayiphi na iakhawunti okanye ukungaphumeleli ukunika iakhawunti akumkhululi umnini-akhawunti kuxanduva lwakhe lokuhlawula ngosuku lokugqibela.
- (11) Ukuba umnini-akhawunti usebenzisa amanzi okanye umbane ngokohlelo losetyenziso olungelulo olo lunikwa liBhunga aze angahlawuliselwa lo mbane ngokokuwusebenzisa kwakhe, okanye ahlawuliselwe umbane kulo naliphi na izinga elingaphantsi kwelo umnini-akhawunti ubefanele ukuhlawuliswa ngalo, umnini-akhawunti unoxanduva lokuhlawula imali afanele ukuyihlawula kwiBhunga ngokweentlawulo ngokubhekiselele:
 - (a) kubungakanani bombane iNtloko yelo Sebe ecinga ukuba umnini-akhawunti uwusebenzisile nangahlawuliselwanga yona umnini-akhawunti; okanye
 - (b) umahluko phakathi kweendleko zombane osetyenziswe ngumnini-akhawunti ngendlela umnini-akhawunti ahlawuliswa ngayo kunye neendleko zombane ngokwendlela umnini-akhawunti ebekufanele ukuba uhlawuliswe ngayo.
- (12) Umnini-akhawunti akayi kuba nalungelo lakuncitshiselwa mali ekufanele ukuba uyayihlawula ngeenkonzo ezibalwa ngemitha eziye zalahleka ngenxa yokungasebenzi kakuhle kwemitha, nanjengoko kubekiwe kwimiGaqo yeGatya le-17 (8)(c).

(13) **Ibhunga linokuthi –**

- (a) lidibanise naziphi iiakhawunti ezahlukeneyo zomnini-akhawunti ekufanele ukuba azihlawulele kuMasipala; yaye
- (b) linciphise naliphi na ityala lomnini-akhawunti ngayo nayiphi na intlawulo ayenzayo loo mnini-akhawunti.

8. Ukupheliswa kwesivumelwano seenkonzo

- (1) Ukupheliswa kwesivumelwano seenkonzo makwenziwe ngokubhaliweyo ngulowo ufuna unenjongo yokusiphelisa.
- (2) Umnini wendawo unokusiphelisa isivumelwano seenkonzo xa loo ndawo ithengisiwe ngokuthi anike iBhunga inothisi ebhaliweyo engekho ngaphantsi kosuku olunye lokusebenza.
- (3) INTloko yelo Sebe inokuthi, ngenothisi ebhaliweyo engekho ngaphantsi kweentsuku zokusebenza ezilishumi elinesine, icebise umnini-akhawunti ngopheliso lwesivumelwano seenkonzo sonikezelo lweenkonzo zikamasipala ukuba –
 - (a) umnini-akhawunti khange asebenzise mbane kwiinyanga ezintandathu ezidlulileyo, okanye uye wayishiya loo ndawo yaye akakenzi malungiselelo aneleyo okuqhuba neso sivumelwano;
 - (b) umnini-akhawunti uye waphula le mithetho kamasipala waza wangaphumeleli ukulungisa loo nto ayenzileyo ukophula le mithetho; okanye
 - (c) iBhunga alinakuqhuba nokunikezela ngeenkonzo zikamasipala kumnini-akhawunti, ngenxa yemimiselo yamalungiselelo awenziwe nabanye abasemagunyeni abaya kuthi banike umnini-akhawunti lowo iinkonzo zikamasipala.

UKUHLAWULELWA KOHLOLO LWEENKONZO

9. Ixabiso elifanele ukuhlawulelwa uhlolo lweenkonzo

- (1) Abanini bendawo abadibaniseleneyo banoxanduva oludibeneyo lokuhlawulela uhlolo lweenkonzo.
- (2) Ukuhlawulelwa kohlolo kutsalwa qho ngonyaka njengexabiso elinye elihlawulwa kanjalo, okanye kunokulungiselelwa ukuba luhlawulwe qho ngenyanga.

- (3) Ukuhlawulelwa kohlolo lweenkonzo akunakungenziwa kude kugqithe usuku lokugqibela ngesizathu sokungavumelani nokubalwa kwexabiso lendawo leyo okuvela kuBhaliso lwamaXabiso eeNdawo.

10. Ibango lokurentwa kokuhlawulelwa kohlolo lweenkonzo ezisilelayo

IBhunga linokufaka isicelo enkundleni ngayo nayiphi na irenti ebifanele ukuhlawulelwa indawo ezinokubizwa intlawulo ukwenzela ukubuyisa inxenye okanye yonke imali efanele ukuhlawulelwa uhlolo kwithuba elingaphezu kweenyanga ezintathu emva kosuku olubekiweyo.

11. Uxanduva lwabaqondisi abaphetheyo kunye namalungu okuhlawulelwa kohlolo lweenkonzo

Apho inkampani, ishishinana elincinci elenza okuthile (cc.) imali elawulwa liqumrhu (ithrasti) okanye iqumrhu lithi ngokwemiqathango yoMthetho weeTayitile zezaHlulo zeeNdawo, ka-1986 (uMthetho wama-95 ka-1986) inoxanduva lokuhlawula kwiBhunga nawaphi na amaxabiso asilelayo, uxanduva luya kudluliselwa kubaqondisi abaphetheyo kunye namalungu eso shishini ukuba alihlawule ngokudibeneyo elo tyala.

UKUNGAHLAWULELWA KWEENKONZO ZIKAMASIPALA

12. Amalungiselelo eentlawulo

- (1) Xa kunokwenzeka ukuba umnini-akhawunti, phambi kokuba kuthathwe nawaphi na amanyathelo ngokwecandelo le-15, angakwazi ukuhlawula iakhawunti kamasipala ngokuzeleyo, umnini-akhawunti unokuya kwiBhunga ngenjongo yokwenza amalungiselelo ethutyana okuhlawula elo tyala ngokuzeleyo.
- (2) Xa kunokwenzeka ukuba umnini-akhawunti, emva kokuba kuthathwe nawaphi na amanyathelo ngokwecandelo le-15, abe ufumana ubunzima ekuhlawuleni iinkonzo zikamasipala azisebenzisileyo, umnini-akhawunti unokuthetha neBhunga ngenjongo yokwenza amalungiselelo okuhlawula elo tyala yaye umnini-akhawunti kufuneka angene kwisivumelwano esibhaliweyo neBhunga ngelithi uza kulibuyisela iBhunga loo mali isaseleyo nafanele ukuyihlawula phantsi kwemiqathango ayibekelweyo nangaloo ndlela ayibekelweyo ngayo amaxesha ngamaxesha nguMphathi kaMasipala, okanye igosa alinyulileyo.
- (3) Eso sivumelwano sibhaliweyo kufuneka sisayinwe egameni leBhunga ligosa eligunyazisiweyo.
- (4) Kwimeko apho kwenziwe amalungiselelo endlela yokuhlawulwa, iBhunga linokuthi –

- (a) liphonononge idiphozithi;
- (b) lifune umniri-akhawunti ukuba ahlawule ngestophu oda okanye ngedebhithi oda;
- (c) afune ukuba umnini-akhawunti atshintshele kwindlela yokubala umbane ngemitha eqala ihlawulelwe; okanye
- (d) afune naluphi na olunye uhlobo lwesibambiso, kuquka isibambiso esiyimali eyeyomntu ekhutshwa ngumqondisi ongumphathi okanye amalungu enkampani, inkampani encinci ebhaliselwe okuthile, imali elawulwa liqumrhu okanye iqumrhu lenkampani.

13. Inzala efakwa kwiiakhawunti zikamasipala ezingahlawulwanga ngexesha lazo

- (1) IBhunga linokuthi, amaxesha ngamaxesha, ngesigqibo senani elifanelekileyo lamalungu aso, sibize okanye sitsale inzala ngalo naliphi na izinga lenzala ngokubhekiselele kuyo nayiphi imali esilelayo ebifanele ukuhlawulwa kwiBhunga.
 - (a) Ukuhambisa okanye ukuposwa kobizo-mali lokugqibela nokucaciselwa komnini-akhawunti ngemeko yeakhawunti yakhe kunye neziphumo zokungahlawuli okanye ukungasigqibi isivumelwano;
 - (b) Ukwazisa umnini-akhawunti ngomnxeba okanye ngalo naluphi na uhlobo lwe-elektronikhi, esaziswa ngemali ebifanele ukuba sele ihlawulwe kunye nokuqhawulwa okanye uukuncitshiswa kweenkonzo okuza kwenzeka.
 - (c) Ukuqhawulwa okanye uukuncitshiswa kweenkonzo zikamasipala kuloo ndawo kunye nokuziswa kwesaziso sokuqhawulwa okanye uukuncitshiswa kweenkonzo kumnini-akhawunti; okanye
 - (d) Ukutsalela iakhawunti kamasipala yomnini-akhawunti zonke iimali nezohlwayo ezifanelekileyo ngokokuvuma kweBhunga.
- (2) Apho unikezelo olubalwa ngemitha luye lwaqhawulwa okanye lwanokwalelwa okuthile, yaye xa umnini-akhawunti enokuqhuba nokungaphumeleli ukuyihlawula iakhawunti, loo ndawo iya kutyelelwa ngokutsha ngamathuba athile ukuqinisekisa ukuba unikezelo olubalwa ngemitha luhlala luqhawulilwe okanye lunoukuncitshiswa, yaye ukuba

kufumaniseke ukuba unikezelo obeluhawuliwe okanye obelunokuncitshiswa lubuyiselwe –

- (a) IBhunga liya kuba nelungelo lokuthatha naliphi na inyathelo elifanelekileyo ngokwecandelo lama-21 lale miThetho kaMasipala, yaye umnini-akhawunti uya kujongana neemali okanye iintlawulo okanye umonakalo owenzekileyo ohamba nelo nyathelo;
 - (b) IBhunga linokwala ukunika iinkonzo ithuba elibekwa liBhunga amaxesha ngamaxesha; yaye
 - (c) Kwimeko apho usetyenziso lombane wemitha eqala ihlawulelwe, iBhunga linokuyeka ukuqhubeka nokumthengisela iinkonzo eziqala zihlawulelwe.
- (3) Apho igosa eligunyazisiweyo leBhunga liye latyelela loo ndawo ngenjongo yokuqhawula okanye uukuncitshiswa unikezelo laza laphazanyiswa okanye lanqandwa ukuba lingakwenzi oko kuqhawula okanye ukuvalwa okuthile, imali elingana nemali ebekiweyo yokuphinda kuqhagamshelwe iinkonzo iya kuhlawulelwa utyelelo ngalunye oluyimfuneko nolujonge ekuqhawuleni nasekunciphiseni oko, kodwa amatyeli olo tyelelo akanakuba ngaphezu kwamabini kungakwazi ukuqhawulwa okanye ukuncitshiswa oko.
- (4) IBhunga linokusebenzisa nayiphi na okanye naziphi na kwezi ndlela zilandelayo ukufumana intlawulo epheleleyo yazo naziphi na iimali elingekazihlawulwa:
- (a) Ukunciphisa okanye ukwala ukuthengisela umnini-akhawunti iinkonzo eziqala zihlawulelwe, okanye ukuqhawula nayiphi indlela yokubala ngemitha umbane oqala uhlawulelwe yomnini-akhawunti osasilelayo kwezinye iinkonzo;
 - (b) ukufuna ukuba umnini-akhawunti atshintshele kwenye indlela yokubala ngemitha;
 - (c) ukufaka kwelinye inxenye yayo nayiphi na intlawulo yeenkonzo eziqala zihlawulelwe;
 - (d) ukufaka iinkcukacha zalowo unetyala kwiziko labanamatyala;
 - (e) ukupapasha uluhlu lwabanini-akhawunti abasagqwizizayo ukuhlawula;
 - (f) ukungavumeli ukuhlawulwa kwesibonelelo sokunceda kulandelwa imigaqo ekwicandelo lama-23, ukungavumeli umnini-akhawunti

- ukuba athathe inxaxheba kwinkqubo yemisebenzi ehlawulelwayo yethutyana (iithenda);
- (g) ukubamba intlawulo yeekhontrakthi ukwenzela ukuhlawula ityala likamasipala;
- (h) ukuhlola nokutshintsha imiqathango yesivumelwano seenkonzo;
- (i) ukumangala ngenjongo yokuba kubuyiswe ityala;
- (j) ukubala umnini-akhawunti njengomxumi ongathembekanga;
- (k) ukusebenzisa iinkonzo zeengcali okanye abameli babaqokeleli bamatyala, ukunyanzelisa ukuba ubani atshintshele kwimitha eqala ihlawulelwe ngeendleko zomnini-akhawunti; okanye
- (l) ukusebenzisa ezinye iindlela ezigunyaziswa liBhunga amaxesha ngamaxesha ukwenzela ukufumana iimali ezisilelayo.
- (5) Iindleko zokuqokelelwa kwetyala, apho zingenayo, ziya kufakwa kwiakhawunti yomnini-akhawunti;
- (6) Ilungelo lokwalela, lokunciphisa, lokuqhawula okanye lokuyekisa iinkonzo ngenxa yokungahlawulwa kwazo naziphi na iintlawulo zohlolo lweenkonzo, lweenkonzo ezibalwa ngemitha, okanye ezinye iintlawulo zikamasipala, izidelo, iimali, izigwebo, iinzala, iirhafu okanye nayiphi na enye imali okanye iimali ezifanele ukuhlawulwa ngenxa yalo naluphi na uxanduva okanye isinyanzelo yiyo eqalayo ngaphandle kokuba –
- (a) intlawulo leyo yayilungiselelwe inkonzo ethile; okanye
- (b) umntu ongene kwisivumelwano seenkonzo sonikezelo lweenkonzo neBhunga kunye nomnini wendawo ngabantu okanye imibutho eyahlukeneyo, nokuba yeyiphi na.

IZIXHOBHO ZOKUBALA NGEMITHA NOKUBALWA KWEENKONZO NGEMITHA

15. Imigaqo Gabalala

- (1) IBhunga linokuza nezixhobo ezahlukeneyo zokubala umbane ngemitha yaye linokukhuthaza umnini-akhawunti ukuba atshintshele kwindlela, iBhunga elicinga ukuba ingcono xa kukho iinzuzo eliza kuzifumana iBhunga.

- (2) Emva kokuqala kwale miThetho kaMasipala, nalapho kunokwenzeka, kuya kuba ngcono ukuba kufakwe iimitha zombane oqala uhlawulelwe kulo lonke uqhagamshelwano olutsha.

16. Izixhobo zokubala ngemitha kunye nokubalwa kosetyenziso

- (1) IBhunga liya kuthi, ngeendleko zomxumi ezibizwa ngohlobo lwentlawulo ebizwa ngqo okanye ixabiso elibekiweyo okanye ngaloo ndlela igqitywe liBhunga, linike, ifake lize ligcine isixhobo sokubala ngemitha esilungiselelwe ukubala kakuhle kwindawo yokubala ngemitha ukwenzela ukuba sibale iinkonzo ezibalwa ngemitha.
- (2) IBhunga linelungelo lokubala ngemitha unikezelo lwebhloko yeevenkile, iflethi, izindlu ezidibeneyo kunye nezakhiwo ezifana nezo zesakhiwo esipheleleyo, okanye lweyunithi ezimeleyo, okanye uluhlu lweyunithi.
- (3) Apho nasiphi na isakhiwo ekuthethwe ngaso kwicandelwana 17(2) sibalelwa ngemitha xa sisonke –
 - (a) umnini waso unokuthi, ngeendleko zakhe, anike, afake izixhobo zokubala zemitha ekwenye imitha kwivenkile nganye, iflethi nendlu nanye edibene nezinye; okanye
 - (b) uMphathi weYunithi yeShishini ofanelekileyo unokuthi ngeendleko zomnini-akhawunti afune ufakelo lwemitha kwiyunithi nganye yayo nayiphi na indawo ehlala abanye abantu ngenjongo yokujonga ubungakanani beenkonzo ezinikwayo ezibalwa ngemitha kwiyunithi nganye.
- (4) Apho umbane osetyenziswa ngumxumi utsalwa kumaxabiso eenkonzo ezahlukeneyo, usetyenziso luya kubalwa ngemitha ngokwahlukileyo ngentlawulo nganye.
- (5) Apho kufakelwa isixhobo semitha ebala kwenye imitha, kufuneka kunikwe indawo yokuhlala eyahlukileyo kweso sixhobo sokubala ngemitha seBhunga, apho kufanelekileyo.
- (6) Ngaphandle kwakwimeko apho iimitha zeenkonzo eziqala zihlawulelwe, ubungakanani beenkonzo ezibalwe ngemitha ezisetyenziswe ngumxumi ngethuba lako nakuphi ukubalwa ngemitha zikhangelwa ngofundo lwemitha okanye iimitha ezifanelekileyo ezinikwe zafakwa liBhunga ekuqaleni nasekupheleni kwelo thuba lokubalwa ngemitha, ngaphandle kwaxa isixhobo sokubala ngemitha sifunyaniswe ukuba sinengxaki.
- (7) Ngenjongo yokubala ixabiso elifanele ukuhlawulwa nelihlawulelwa ubungakanani beenkonzo ezibalwe ngemitha ezisetyenzisiweyo, kwaeli

xabiso linye leenkonzo ezibalwe ngemitha liya kuthathwa njengelisetyenzisiweyo qho ngethuba leeyure ezingama-24 phakathi kofundo.

- (8) Ezi zinto zilandelayo ziyangena ekuchanekeni kokubalwa ngemitha:
- (a) Imitha iya kuthathwa njengebala ngokuchanekileyo ukuba ukuphazamiseka kwayo, xa ivevanywa ngendlela ebekwe kwicandelwana 17(13), kufunyenwe kungedlulanga kwimida yeempazamo ezibekwe kwiingcaciso zemigangatho esebenzayo;
- (b) UMasipala unelungelo lokuvavanya izixhobo zakhe zokubala iinkonzo ngemitha, yaye ukuba kufumaneka ngovavanyo okanye ngendlela ukuba eso sixhobo sokubala ngemitha sinengxaki, uMasipala uya kuthi ngokwemigaqo yecandelwana 17(6)
- (i) kwimeko yemitha etsala ngetyala, alungise iakhawunti yeenkonzo ezinikiweyo; okanye
- (ii) kwimeko yeemitha eziqala zihlawulelwe:
- (aa) anike iakhawunti apho imitha ibibhalisa ngaphantsi kunokuba kufanelekile; okanye
- (bb) akhuphe iziliphu zeenkonzo ezingahlawulelwayo apho imitha ibibhalisa ngaphezu kokuba kufanelekile; yaye
- (c) umxumi unelungelo lokuba isixhobo sakhe sokubala ngemitha sivavanywe nguMasipala xa ehlawule ixabiso elibekiweyo, yaye ukuba isixhobo sokubala ngemitha sifunyenwe singahambelani nendlela yeemfundo zokuchaneka njengoko kulungiselelwe kwiingcaciso zemigangatho esebenzayo, kuya kwenziwa ulungiso ngokwemigaqo yomhlathi 17(8)(b) kunye necandelwana (17(7) ize ibuyiswe le mali ebeyihlawulile.
- (9) Akukho lutshintsho, kulungiswa, kongezwa okanye uqhagamshelo lwazo naziphi iingcaciso kweli cala libonisa unikezelo kwimitha yokubala iinkonzo ngaphandle kokuba kuvunywe ngokubhaliweyo nguMphathi kaMasipala okanye igosa eligunyazisiweyo okanye iBhunga.
- (10) Phambi kokuba uMasipala enze naluphi ulungiso olunyasayo kwiakhawunti ngokomhlathi 17 (8), uMasipala kufuneka –
- (a) Azise umxumi ngokubhaliweyo malunga nexabiso lokonyuswa okuza kwenziwa kunye nezizathu zako;

- (b) Kweso saziso sinjalo anike iinkcukacha ezaneleyo zokwenza ukuba umxumi afake iziphakamiso zakhe ukuba kukho imfuneko; aze
- (c) Azise umxumi kweso saziso ukuba makamnike izizathu ezibhaliweyo, ukuba zikhona, zingaphelanga iintsuku ezingama-21 okanye elo thuba lide iBhunga linokulifumela, zizathu ezo zizezokuba kutheni iakhawunti ingenakunyuswa ngokwesaziso, yaye xa umxumi engaphumeleli ukunika naziphi na iziphakamiso ngelo thuba kuthethwe ngalo kumhlathi 17 (10) (c) iBhunga liya kuba nelungelo lokunyusa iakhawunti njengoko kwazisiwe kumhlathi 17 (10) (c).
- (11) UMasipala kufuneka ajonge naziphi na iziphakamiso azinikwa ngumxumi ngokwecandelwana 17 (10) yaye kufuneka, ukuba wanelisekile ukuba koko kukwezo ziphakamiso, alungise iakhawunti ngokufanelekileyo.
- (12) Ukuba uMphathi kaMasipala okanye igosa eligunyazisiwe nguye okanye iBhunga, eva kokujonga ezo ziphakamiso zenziwa ngumxumi, ligqiba ekubeni azanelanga ukuba lingatshintsha ixabiso elisekelwe kwicandelwana 17 (15), iBhunga linelungelo lokulungisa loo akhawunti ngokwesaziso somhlathi 17 (10) (a), yaye umxumi unelungelo lokubhena kwisigqibo segosa elo ngokwecandelo 62 loMthetho weeNdlela zokwenza zikaMasipala ka-2000 (uMthetho wesi-3 ka-2000).
- (13) Iimitha zihlolwa ngendlela ecaciswe kwiingcaciso zemigangatho efanelekileyo.
- (14) Apho kwenziwe ulungiso kusetyenziso olubalwe yimitha ngokomhlathi 17 (8)(b) okanye u-17 (8) (c), olo lungiso lusekelwe nokuba kukwimpazamo yomyinge (yepesenteji) wemitha njengoko kuboniswe kuhlolelo ekuthethwe ngalo kwicandelwana 17 (13), okanye emva kokubalwa nguMasipala esebenzisa iinkcukacha zosetyenziso anazo yaye apho kufanelekileyo, kuya kubakho isibonelelo esinikwayo, apho kuyimfuneko, ngamaxesha athile okanye ezinye iindlela ezinokuchaphazela usetyenziso.
- (15) Xa lwenziwe olu lungiso kuthethwa ngalo kwicandelwana 17 (14), olo lungiso alunakuba ngaphezu kwethuba leenyanga ezintandathu phambi komhla esabhaqwa ngawo isixhobo semitha ukuba asichanekanga, kodwa ke ukusebenza kweli candelwana akumqandi umxumi ukuba afake ibango lokuhlawula kakhulu ngalo naliphi na ithuba elide apho umxumi akwaziyo ukunika ubungqina bobango ngendlela eqhelekileyo yomthetho.
- (16) INTloko yeSebe elifanelekileyo inokukhupha kunye nokusetyenziswa kwemitha kwimeko –

- (a) ezizodwa ngokokubona kweNtloko yesebe.
- (17) IBhunga linokuthi ngesaziso -
- (a) linqande okanye linciphise ukusetyenziswa kweenkonzo ezibalwa ngemitha
- (i) ngeenjongo ezixeliweyo okanye ezingaxelwanga;
- (ii) ngethuba leeyure ezichongiweyo zosuku okanye ngeentsuku ezichongiweyo okanye mhlawumbi ngeeyure ezichongiweyo zosuku okanye ngeentsuku ezithile; kunye
- (iii) nangendlela ecacisiweyo okanye engacaciswanga; lize
- (b) linokubeka linyanzelise -
- (i) imida yobungakanani beenkonzo ezibalwa ngemitha ezinokusetyenziswa ngethuba elibekiweyo;
- (ii) iintlawulo ezisisongezelelo kwezo zibekiweyo ngokubhekiselele kunikezelo lweenkonzo ezibalwa ngemitha ezingaphezulu kwezo zibekiweyo ngokomhlathana (i); kunye
- (iii) nentlawulo engakhethe bani engaphantsi kweentlawulo ezibekiweyo zonikezelo lweenkonzo ezibalwa ngemitha; kunye
- (c) linyanzelise ukuncitshiswa okanye ukungavunyelwa kokusetyenziswa okanye kwendlela yokusebenzisa okanye yokubekwa kwesixhobo sombane ngendlela inkonzo ebalwa ngemitha esetyenziswa ngayo, okanye kuqhagamshelo lweso sixhobo sombane.
- (18) IBhunga linokunciphisa ukusetyenziswa kwemigaqo yesaziso esibekwe kwicandelwana 17 (17) kwiindawo nezintlu zabanini-akhawunti ababekiweyo, iindawo nezenzo, yaye linokunika injineli imvume yokutenxa nokungayilandeli, kunye nokubekela bucala nayiphi na imigaqo kwezo meko acinga ukuba zifanelekile.
- (19) Ukuqinisekisa ukulandelwa kwesaziso esipapashwe ngokwecandelwana 17 (17), iNtloko yelo Sebe inokuthatha, okanye ngesaziso esibhaliweyo ifune umnini-akhawunti ngeendleko zakhe ukuba athathe loo manyathelo, kuquka ukufakela izixhobo zokulinganisa ubungakanani kunye nezixhobo

zokunciphisa ukuhamba kweenkonzo ezibalwa ngemitha ngaloo ndlela kufuneka ngayo.

- (20) Ukongenza kumntu ongunobangela wesenzo okanye ukophulwa okanye ukungaphumeleli ekulandeleni imigaqo yesaziso esipapashwe ngokwecandelwana 17 (17) okuye kwenziwa, umnini-akhawunti waloo ndawo iinkonzo zemitha ezinikwayo ezicingelwa ukuba ziye zophula okanye zangaphumeleli ukulandela imigaqo, ngaphandle kokuba kuye kwabonakaliswa ukuba umnini-akhawunti uye wathatha onke amanyathelo afanelekileyo okunqanda oko kophulwa okanye ukungaphumeleli ukulandelwa kwemigaqo ngomnye umntu, kodwa ke into yokuba umnini-nkonzo enike imiyalelo komnye umntu ayiyi kwamkelwa njengobungqina bokuba umnini-akhawunti uthathe onke amanyathelo afanelekileyo.
- (21) imigaqo yeli candela ikwangena nakwiinkonzo ezibalwa ngemitha ezinikwa ngqo liBhunga kumnini-nkonzo ongaphandle kwendawo eliyilawulayo, ngaphandle kwayo nayiphi na into echasene nemiqathango elawula olo nikezelo, ngaphandle kokuba kucacisiwe kwisaziso esipapashwe ngokwecandelwana 17 (17).
- (22) Ukuba eso senzo siyimfuneko engxamisekileyo yokunqanda ukumoshwa kweenkonzo ezibalwa ngemitha, ukungcola okanye isureji, ukoniwa kwendawo, ingozi yobomi, okanye ukungcoliswa kwamanzi, iNtloko yelo Sebe inokuthi -
- (a) ingakhange iqale yazise mntu iqhawule unikezelo lweenkonzo ezibalwa ngemitha kuyo nayiphi na indawo; aze
- (b) angene kuloo ndawo enze loo msebenzi ungxamisekileyo, ngeendleko zomnini-akhawunti, ngaloo ndlela acinga ukuba ifanelekile, aze ngaphezulu abhale isaziso esicela umnini-akhawunti ukuba aqhubeke nomsebenzi lingaphelanga ithuba elithile ngaloo ndlela athi loo Mphathi weCandelo loShishino iyimfuneko.
- (23) Phambi kokuba kubuyiselwe naluphi na unikezelo olubalwa ngemitha oluqala luhlawulelwe obeluhawuliwe okanye luncitshisiwe ngenxa yokungahlawuli, umnini-akhawunti kufuneka ahlawule zonke iimali neentlawulo ezibekwa liBhunga, amaxesha ngamaxesha.
- (24) Igosa elifanelekileyo linokuthi, ngesicelo esibhaliweyo somnini-akhawunti kwangemihla ecelwe ngumnini-akhawunti
- (a) liqhawule unikezelo lweenkonzo ezibalwa ngemitha kwindawo yomnini-akhawunti; kuphinde

- (b) kubuyiselwe unikezelo, yaye umnini-akhawunti kufuneka athi phambi kokuba zibuyiswe iinkonzo ahlawulwe intlawulo ebekiweyo yokuqhawulwa nokubuyiselwa konikezelo lwakhe lweenkonzo ezibalwa ngemitha.
- (25) Emva kokuqhawulwa kweenkonzo ngenxa yokungahlawuli okanye ngokophula nawuphi na umgaqo wale miThetho kaMasipala, ezo mali zibekiweyo mazihlawulwe phambi kokuba kwenziwe ubuyiselo.
- (26) Ezi zinto zilandelayo ziyangena xa kufundwa iimitha ezibala ngetyala:
- (a) Ngaphandle kokuba kubekwe ngenye indlela, iimitha ezibala ntetyala zidla ngokufundwa ngezithuba ezimalunga nenyanga yaye iintlawulo eziqingqiweyo okanye ubuncinane bazo ekufuneka zihlawulwe ngokwamaxabiso eenkonzo zihlolwa ngokufanelekileyo yaye iBhunga alinyanzelekanga ukuba lenze naluphi na utshintsho kwezo ntlawulo;
- (b) ukuba ngenxa yaso nasiphi na isizathu imitha ebala ngetyala ayikwazi ukufundeka, iBhunga linokunika iakhawunti eqikelelweyo, yaye usetyenziso oluqikelelweyo luya kulungiswa kwiaxhawunti elandelayo ngokosetyenziso oluwenziwe nyani;
- (c) xa umnini-akhawunti esimka endaweni kube kungakwazeki ukuba kungenziwa ufundo lokugqibela lwemitha, uqikelelo losetyenziso lungenziwa aze anikwe iakhawunti yakhe yokugqibela ngokufanelekileyo;
- (d) ukuba umxumi ufuna ufundo lwemitha olulodwa, loo nto ingafumeneka emva kokuhlawula imali ebekiweyo; yaye
- (e) ukuba kufumaneka impazamo yokubala, yofundo okanye yokubala kwemitha kuyo nayiphi na iakhawunti enikwe umxumi
- (i) loo mpazamo iya kulungiswa kwiaxhawunti ezilandelayo;
- (ii) nakuphi oko kulungiswa kweeakhawunti kuya kwenzeka kuphela kwithuba leenyanga ezintandathu phambi komhla ebhaqwe ngawo impazamo kuloo akhawunti;
- (iii) ulungiso olo luya kusekwa kumaxabiso okwenyani eenkonzo asebenza ngelo xesha; yaye
- (iv) ukusebenza kweli candela akumnqandi umxumi ukuba angabangi imbuyekezo ngokubizwa imali eninzi ngalo naliphi ithuba elide apho umxumi akwazi yo ukunika

ubunika ubungqina ngelo bango ngokwenkqubo yomthetho.

- (27) Ezi zinto zilandelayo ziyangena kubalo ngemitha oluqala luhlawulelwe:
- (a) Akukho mbuyekezo iya kunikwa ngokuthengwa kombane okanye kwamanzi kwindawo yentengiso emva kokuqalwa kwenkqubo esikhutshwa ngayo isiliphu semitha eqala ihlawulelwe;
 - (b) Iikopi zeziliphu ezikhutshwe ngexesha elidlulileyo zokuthengwa kwenkonzo yemitha eqala ihlawulelwe zinokukhutshwa xa umxumi ezicela;
 - (c) Xa umnini-akhawunti eyishiya indawo efakelwe imitha yenkonzo eqala ihlawulelwe, akukho mbuyekezo yemali eseleyo kwimitha eya kunikwa umxumi liBhunga;
 - (d) IBhunga aliyi kuba naxanduva lakubuyisela imali kwimitha eqala ihlawulelwe, mali leyo iye yalahleka ngethuba bekuphazanyiswana nayo imitha leyo okanye ngokusetyenziswa okungekuko okanye ukusetyenziswa kakubi kweemitha zeenkonzo eziqala zihlawulelwe okanye iziliphu zazo;
 - (e) Apho umnini-akhawunti anetyala kwiBhunga ngazo naziphi na iintlawulo zohlolo, iinkonzo ezibalwa ngemitha, ezinye iintlawulo zikamasipala, izidelo, iimali ezihlawulwayo, izigwebo, iinzala, iirhafu okanye nawaphi amanye amaxabiso ahlawulwayo asuka kuyo nayiphi na into efanele ukuhlawulwa, iBhunga linokutsala umyinge wayo kwimali ehlawulelwe ukunciphisa isixa esikweletwa iBhunga.

16. Ukuthengiswa kwakhona kombane

- (1) Akukho mnini-akhawunti onikwa iinkonzo ezibalwa ngemitha ngokwale miThetho kaMasipala onokuthengisa unikezelo lombane olunikwa umnini-akhawunti phantsi kwesivumelwano neBhunga, ethengisela nawuphi na omnye umntu okanye abantu ukuba bawusebenzise kuyo nayiphi na indawo ngaphandle kwaleyo isivumelwano besenzelwe yona, okanye avumele loo ntengiso ngokutsha okanye olo nikezelo ukuba lwenziwe, ngaphandle kokuba kukho amalungiselelo awenziweyo ngesivumelwano esithile okanye kuqale kwafunyanwa imvume yokwenza loo nto kwiBhunga.
- (2) Ukuba iBhunga liyayinika imvume ekuthethwe ngayo kwicandelwana 18 (1), linokubeka elona xabiso kungenakudlulwa kulo onokuthengiswa

ngalo umbane lize linyanzelise neminye imiqathango ukuba libona kuyimfuneko oko.

- (3) Imvume ekuthethwe ngayo kwicandelwana 18 (1) inokurhoxiswa ngalo naliphi na ixesha.
- (4) Apho umbane uthengiswa ngokutsha ukuze usetyenziswe kwalapha kule ndawo, olo thengiso ngokutsha kufuneka luhambelane namaxabiso eenkonzo yaye lulandele imiqathango ekunokugqitywa ngayo liBhunga.

17. Ukuncedwa kwabahluphekayo

- (1) Ukuze ikhaya lifaneleke njengekhaya elingathathi ntweni, kufuneka ezi mfuno zilandelayo zifizekisiwe:
 - (a) Umfaki-sicelo kufuneka abe ngumnini-akhawunti;
 - (b) (i) Umfaki-sicelo kufuneka abe nomzi;
 - (ii) kwimeko yomntu orentayo, umrenti makazivakele ngokwakhe isicelo yaye uya kufaneleka ukuba angafumana iakhawunti yombane, amanzi nesureji kuphela, oko kukuthi ezo ntlawulo azifumana kwiakhawunti kamasipala.
 - (iii) Iiakhawunti esele zikho neziseza kuvulwa zamakhaya ahluphekayo apho umnini-akhawunti waswelekayo, oko kukuthi kwiakhawunti “yendawo yongasekhoyo”, ziya kwamkelwa phantsi kwendlela yoncedo, ngokuxhomekeke ekubeni ngulo mlingane useleyo kunye/okanye nabantwana abaxhomekeke kuye abanokufaka isicelo okanye baxhamle;
 - (c) Umfaki-sicelo akanakuba ngumnini weepropati ezingaphezu kwenye ezilapha kwindawo kamasipala okanye ngaphandle kwayo, yaye umhlaba ongakhiwanga nto awuyi kuthathwa njengepropati.
 - (d) Ingeniso ephelileyo yekhaya ayinakuba ngaphezulu kwexabiso elibekwe liBhunga okanye iBhunga linokubeka ixabiso elithile olungena kulo usetyenziso lombane okanye amanzi okanye ukuxatyiswa kwepropati kukamasipala. IBhunga linokusebenzisa nayiphi na indibaniselwano yala maxabiso.
 - (e) Ukuhlolwa kwexabiso lepropati ngumasipala akanakuba ngaphezu kwexabiso elibekwa liBhunga amaxesha ngamaxesha.
- (2) Umfaki-sicelo kufuneka aziphe iBhunga ngoko nangoko xa imeko yakhe inokutshintsha ngokubhekiselele ku-19(1)(b) ukuya ku-19(1)(d) apha ngentla, nto

leyo ivumela iBhunga ukuba liyicinge ngokutsha imeko yekhaya elo yokuba likhaya elihluphekayo.

- (3) Umfaki-sicelo kufuneka, phambi komhla obekwe liBhunga, afake isicelo qho ngonyaka, okanye ngezithuba ezibekwa liBhunga amaxesha ngamaxesha, ukuze anikwe ubume bokuba likhaya elihluphekayo, yaye ngenxa yale njongo kufuneka:
 - (a) azalise asayine iifomu ezimiselweyo; aphinde
 - (b) anike nawaphi na amaxwebhu anokufunwa liBhunga amaxesha ngamaxesha.
- (4) Amakhaya afanelekileyo njengamakhaya ahluphekayo anokufumana zonke okanye inxenye yezi zinto zilandelayo:
 - (a) Ubungakanani bombane ngokokubekwa liBhunga amaxesha ngamaxesha;
 - (b) Ubungakanani bamanzi ngokokubekwa liBhunga amaxesha ngamaxesha;
 - (c) Iintlawulo zokuthuthwa kwenkukuma ngokokubekwa liBhunga amaxesha ngamaxesha;
 - (d) Iintlawulo zogutyulo ngokokubekwa liBhunga amaxesha ngamaxesha;
 - (e) Iintlawulo zohlolo ngokokubekwa liBhunga; okanye
 - (f) Naziphi iimali zeenkono, zerhafu okanye zeentlawulo ngaphezu kwezo nkonzo zinikwayo.
- (5) IBhunga linelungelo lokutyelela ipropati ekuthethwe ngayo kwicandelwana 1(b) ngalo naliphi ixesha elifanelekileyo ngenjongo yohlolo okanye yesicelo esifakiweyo.
- (6) Iintlawulo eziqhelekileyo, iimali kunye namaxabiso abizwayo kunye neemfuno zokuhlawula iakhawunti ziya kufakwa xa iakhawunti yekhaya elithile idlula kwimali enikiweyo.

IMIGAQO GABALALA

18. Amagunya eBhunga okunciphisa okanye ukuqhawula unikezelo lweenkonzo

IBhunga linokuthi, ngaphezu koko kubekwe kuyo nayiphi na imigaqo yale miThetho kaMasipala, linciphise okanye liqhawule unikezelo lombane, okanye liqhawule nayiphi na enye inkonzo elinikezela kuyo nayiphi na enye indawo ukuba –

- (a) kukhutshwe umyalelo wenkundla ngokwecandelo 74 loMthetho weNkundla kaMantyi, ka-1944 (uMthetho wama-37 ka-1944), usiya kuye nawuphi na umnini-akhawunti;
- (b) umnini-akhawunti wayo nayiphi na inkonzo akaphumeleli ukulandela imiqathango yonikezelo egunyaziswa liBhunga;
- (c) umnini-akhawunti uphazamisana nonikezelo olufanelekileyo lombane okanye nayiphi na enye inkonzo kamasipala eya komnye umnini-akhawunti;
- (d) umnini-akhawunti unikezela ngeenkono zikamasipala kuye nawuphi na omnye umntu ongafanelekanga ukuba uyazifumana okanye uvumela loo nkono ukuba iqhuba;
- (e) umnini-akhawunti ubangela imeko iBhunga elicingela ukuba inobungozi okanye iyakhabana nomthetho othile; okanye
- (f) uphantsi kobhaliso lwethutyana, ukuthinjwa okanye ulawulo lwasemthethweni, okanye enze isenzo sokungakwazi ukuhlawula amatyala ngokoMthetho wokuNgakwazi ukuHlawula amatyala, ka-1936 (uMthetho wama-24 ka-1936).

19. Ukuphazamisana neenkono, uqhagamshelo noqhamgamshelo ngokutsha olungekho mthethweni kunye nokusetyenziswa ngokungafanelekanga kweenkono

- (1) IBhunga linelungelo lokuhlola inethiwekhi yeenkono ukujonga ukuba akukho mpawu zakuphazamisana nayo na okanye izenzo ezingaqhelekanga.
- (2) Akukho mntu unokuthi ngendlela okanye ngaso nasiphi na isizathu aphazamisane nayo nayiphi na imitha okanye isixhobo sokubala ngemitha okanye uqhagamshelo lweenkono okanye isixhobo esikhusela iinkaonzo okanye ezona ndawo lusuka kuzo unikezelo okanye nasiphi na esinye isixhobo seBhunga.
- (3) Xa ubungqina bokuqala bukhona bomxumi okanye nawuphi na umntu ophazamisane necandelwana 21(2), iBhunga linelungelo lokuqhawula unikezelo ngoko nangoko lingakhange liqale limazise umnini-akhawunti, yaye umnini-akhawunti uya kujongana nazo zonke iimali neentlawulo ezibizwe nguMasipala ngolo qhawulo.
- (4) Apho umnini-akhawunti okanye nawuphi na umntu ophule icandelwana 21(2) kuze oko kophula kwakhe eli candelwana kubangele ukuba imitha ibale ngaphantsi kosetyenziso oluyinyani, iBhunga linelungelo lokufuna kumnini-akhawunti ixabiso elipheleleyo losetyenziso lwakhe oluqikelelwayo.

20. ISatifiketi sokungabinatyala (ikliyerensi)

Ukuze kuvunyelwe ukutshintsha ubunini bepropati engasukiyo ukusuka komnye umnini obhalisiweyo ukuya komnye, uMphathi weCandelo leeTayitile ufuna isatifiketyi sokungabinatyala. Esi satifiketi sifumaneka kuMphathi kaMasipala okanye igosa leBhunga eligunyaziswe nguye, emva kokuba ehlawule imali efanelekileyo nangokuxhomekeke ekufezekisweni kwemiqathango yecandelo 118 yoMthetho weendlela zokwenza zikaMasipala, ka-2000 (uMthetho wama-32 ka-2000).

21. Iithenda nezibonelelo ezincedisayo

- (1) Ithenda nganye efakwa kwiKomiti yeeThenda kufuneka ikhatshwe sisatifiketi esisuka kuMasipala sixela ukuba loo mniki-nkonzo akanatyala kwiBhunga ngalo naliphi na ixabiso elisilelayo elivela kwiakhawunti kaMasipala.
- (2) Xa loo mniki-nkonzo ufaka isicelo enokuba unetyala, ikomithi yeethenda inokungamvumeli kuloo thenda.
- (3) IKomiti yeeThenda inokuyijonga ithenda kuphela xa loo mniki-nkonzo ufaka isicelo enze amalungiselelo onelisayo okuhlawula elo xabiso asilela ngalo ngohlobo lwezavenge, okanye elihlawule ngokupheleleyo elo xabiso.
- (4) UMphathi kaMasipala okanye igosa eligunyaziswe nguyo leBhunga uya kuthi ngokomqathango wekhontrakthi, atsale kwiimali anetyala ngazo umniki-nkonzo ukwenzela gqibezela loo mali iselelyo.
- (5) Intlawulo yaso nasiphi na isibonelelo esincedisayo evunywe ngulowo ugunyazisiweyo, inokubanjwa ingahlawulwa de kuhlawulwe iakhawunti kamasipala engekahlawulwa, okanye de kufikelelwe kwisivumelwano neBhunga kunye nalowo ufumana esi sibonelelo soncedo apho kwenziwe amalungiselelo onelisayo ngokubhekiselele ekugqityezelweni kweakhawunti kamasipala engekagqitywa.

22. Amagunya okungena nokuphonononga

- (1) Ummeli weBhunga ogunyazisiweyo unokuthi ngaso nasiphi na isizathu esinento yokwenza nokwenziwa okanye ukunyanzeliswa kwale miThetho kaMasipala, ngawo onke amaxesha afanelekileyo okanye ngalo naliphi na ixesha likaxakeka, angene endaweni, acele iinkcukacha zokuqhuba olo hlolo alubona lufuneka, yaye unokuthi ngeenjongo zokufakelwa okanye kokulungiswa nayiphi na imitha okanye uqhagamshelo lwenkonzo obeluhawulelwe ukulungisa, emise okanye anciphise ukunikwa kwayo nayiphi na inkonzo.
- (3) Ukuba iBhunga likubona kufanelekile ukuba kwenziwe umsebenzi ukwenzela ukuba igosa lenze umsebenzi ekuthethwe ngawo ku-23 (1) apha ngasentla ngokufanelekileyo nangempumelelo linokuthi:

- (a) ngesaziso esibhaliweyo lifune umnini-akhawunti enze, ngeendleko zakhe, umsebenzi obekiweyo ngethuba elibekiweyo; okanye
 - (b) ukuba kungxamisekile, lingakhange liqale liqale lazise mntu liwenze loo msebenzi okanye lenze ukuba wenziwe ngeendleko zomnini-akhawunti.
- (4) Ukuba lo msebenzi kuthethwe ngawo ku-23 (2) wenzelwe kuphela injongo yokujonga ukuba akukho kungalandelwa kwale mithetho kamasipala okwenzekileyo kube kungekho kungalandelwa kwenzekileyo, iBhunga liya kujongana neendleko ezidibene nezo zokubuyiselwa kwendawo leyo kuloo meko ibikade iyiyo.

23. Ukuziphumla ekuhlawuleni ityala, ukuyekiswa kwentlawulo kunye nokungaphathwa ngokufanayo kwabaxumi

- (1) IBhunga linokwahlula phakathi kweentlobo ezahlukeneyo zabahlawuli beenkonzo, abanini-akhawunti, abaxumi, abantu abanamatyala, iirhafu, iinkonzo, imigangatho yeenkonzo neminye imiba.
- (2) IBhunga linokuthi, ngokubhaliweyo liyekise umnini-akhawunti, uhlobo oluthile lwabanini-akhawunti, okanye abanye abantu ukuba bangayilandeli imigaqo yale mithetho, ngokuxhomekeke kuyo nayiphi imiqathango elinokuyibeka, ukuba umfaki-sicelo okanye ukwenziwa kwaloo mgaqo akufanelekanga, kodwa ke uCeba ongummeli ogunyazisiweyo akanakunika oko kuyekisa kokulandelwa kwalo naliphi na icandelo lale mithetho kamasipala xa loo nto inokubangela:
 - (a) ukumoshwa okanye ukusebenzisa ngokugqithisileyo amanzi okanye umbane;
 - (b) ukubaleka okanye ukungalandelwa koncitshiso lwamanzi nombane
 - (c) iziphumo ezibi kakhulu kwimpilo yoluntu, ukhuseleko okanye indalo;
 - (d) ukungahlawulelwa kweenkonzo;
 - (e) ukufakelwa kwemibhobho nezinto ezifakelwayo ezingavumelekanga ngokomgangatho obekiweyo weBhunga; okanye
 - (f) nawuphi uMthetho, okanye nawuphi na umgaqo waloo mthetho ongalandelwanga.
- (3) UCeba, ummeli ogunyazisiweyo wakhe, unokuthi ngalo naliphi na ixesha emva kokunika isaziso esibhaliweyo sobuncinane beentsuku

ezingamashumi amathathu, arhoxise nakuphi na ukuyekiswa okunikiweyo ngokwecandelwana 24(2).

24. Amagunya eBhunga okubuyisela iindleko ezichithiweyo

- (1) Apho ibhanki ingazivumiyo iintlawulo ezenziwa liBhunga, iBhunga linokutsala ze libuyisele zonke iindleko ezinxulumene noko kunye nazo naziphi na iimali zokuphathwa kweakhawunti kuloo akhawunti yomnini-akhawunti ongaphumezanga intlawulo yaye linokuqhawula okanye linciphise unikezelo kuloo ndlu yaloo mnini-akhawunti.
- (2) Zonke iindleko zomthetho, kuquka iindleko zegqwetha neklayenti yalo eziye zachithwa ekubuyiseni ezo mali zisilelayo nezihlawulwa ngokoMthetho weNkundla kaMantyi, ka-1944 (uMthetho wama-32 ka-1944) ziya kutsalwa kuloo akhawunti inetyala yaloo mnini-akhawunti.
- (3) Ngawo nawaphi na amanyathelo athathiweyo okufuna intlawulo kumnini-akhawunti okanye okukhumbuza umnini-akhawunti ngefowuni, ifeksi, i-imeyile, ileta okanye enye indlela, ukuba ezo ntlawulo zifanele ukuhlawulwa, kuya kutsalwa imali kwiakhawunti kaMasipala yomnini-akhawunti ngokwemigaqo yeBhunga emalunga namaxabiso eenkonzo.

25. Ubungqina bokuqala

Isatifiketi esibonisa ixabiso elifanele ukuhlawulwa iBhunga, phantsi kwesandla soMphathi kaMasipala okanye igosa eligunyazisiweyo leBhunga, sifumaneka emva kokuvezwa kobungqina bokuqala bokuba unetyala lalo.

26. Ukungqinisiswa nokulungiswa kweeoda, izaziso kunye namanye amaxwebhu

- (1) Ioda, isaziso okanye olunye uxwebhu olufuna ukuqinisekiswa liBhunga kufuneka isayinwe ngokwaneleyo nguMphathi kaMasipala okanye igosa eligunyazisiweyo leBhunga, elo gunya liqinisekise ngesindululo seBhunga okanye ngomthetho okanye umgaqo kamasipala yaye xa sikhutshwe liBhunga ngokwale mithetho kamasipala luya kuthathwa njengelikhutshwe ngokusesikweni ukuba lusayinwe ligosa eligunyaziswe liBhunga.
- (2) Nasiphi na isaziso okanye olunye uxwebhu olukhutshelwa umntu ligosa eligunyazisiweyo leBhunga ngokwale mithetho kamasipala, luthathwa njengalunikwe ngokusemthethweni:
 - (a) xa (olo xwebhu) lusiwe kuloo mntu ngqo;
 - (b) xa lushiywe endaweni ahlala kuyo loo mntu okanye eshishinini elilapha kwiRiphabliki libe lishiywa kumntu obonakala engaphezu kweminyaka elishumi elinesithandathu ngokobudala;

- (c) xa loo mntu eluposelwe ngerejista okanye iposi enesiqinisekiso sokufumaneka kwidilesi yokuhlala okanye yeshishini lakhe agqityelwe eyisebenzisa apha kwiRiphabhlikhi, yaye kukho nobungqina boko kuposwa obusuka eposini;
 - (d) ukuba idilesi yaloo mntu yalapha kwiRiphabhlikhi ayaziwa, xa (olo xwebhu) lunikwe iarhente okanye ummeli waloo mntu olapha kwiRiphabhlikhi ngale ndlela icaciswe kwimihlathi 27(2)(a), 27(2)(b) okanye u-27(2)c);
 - (e) ukuba idilesi yalapha kwiRiphabhlikhi yearhente okanye ummeli waloo mntu ayaziwa, xa ibekwe kwindawo efanelekileyo efanele ukubekwa kuyo iposi kwipropati okanye indawo ahlala kuyo, ukuba ikhona;
 - (f) kwimeko yequmrhu, xa isiwe kwiofisi ebhaliswe ngayo indawo yeshishini yelo qumrhu; okanye
 - (g) xa ithunyelwe, ngokwesicelo somntu, kwidilesi yeimeyile yaloo mntu.
- (3) Xa nasiphi na isaziso okanye olunye uxwebhu kufuneka sigunyazisiwe okanye sisiwe ngokusemthethweni kumnini wepropati okanye umnini-akhawunti okanye umgcini wayo nayiphi na ipropati okanye onelungelo kuyo nayiphi na ipropati, oko kwanele ukuba loo mntu kweso saziso okanye naluphi na olunye uxwebhu uchazwe njengomnini, umnini-akhawunti okanye umgcini waloo propati okanye umntu onelungelo kuyo, yaye akukho mfuneko yakuba ade axelwe ngagama loo mntu.
- (4) Inkonzo yekopi iya kuthathwa njengenkonzo yoxwebhu oluyinyani (uxwebhu-ngqangi).
- (5) Nasiphi na isaziso senkundla sithathwa njengesinikwe iBhunga ngokwaneleyo nangokusebenzayo xa sinikwe uMphathi kaMasipala okanye umntu ophangela kwiofisi yoMphathi kaMasipala.
- 27. Ukulahlwa kwamatyala angahlawulekiyo, kunye nokuhlalulwa ngokuzeleyo nokukokokugqibela kweakhawunti**
- (1) Phambi kokuqaliswa kwenkqubo yokuqokelelwa kwamatyala kwimeko nganye, uMphathi kaMasipala kufuneka –
 - (a) aqinisekise ukuba zonke iindlela zokuqokelela amatyala ekuthethwe ngazo kule mithetho yoomasipala zisetyenzisiwe xa kufanelekile;
 - (b) agcine irekhodi zamaxwebhu alungele umphicothi-zincwadi; yaye

- (c) abhale izizathu zokuqalisa inkqubo yokuqokelelwa kwamatyala, kuquka neendleko zokunyanzeliswa kunye nolungiso lwezimali olufanelekileyo;
- (2) UMphathi kaMasipala okanye igosa leBhunga eligunyaziswe nguye linokujonga isicelo sokugqityenzelwa kwetyala ngokuzeleyo, yaye kufuneka, ukuba loo nto ayichasananga nokufunwa liBhunga, libhale isivumo sokuvunywa kwexabiso elingaphantsi kwelo njengemali yokugqibezela elo xabiso belisele nebelifuna ukuhlawulwa.
- (3) Apho elo xabiso lililo belifanele ukuba lihlawulwa kwiBhunga lihlawulwe lingaphelelanga, naliphi na ixabiso elingaphantsi kwalo elinikwa likwavunywa nanguwuphi na umqeshwa weBhunga, ngaphandle koMphathi kaMasipala okanye umthunywa woMphathi kaMasipala, aliya kuthathwa njengentlawulo ezeleyo yokugqibezela elo xabiso.

28. Ilungelo lokubhena

- (1) Umntu onamalungelo akhe achatshazelwa sisigqibo segosa likaMasipala angafaka isibheno ngeso sigqibo ngokunika isaziso esibhaliweyo seso sibheno kunye nezizathu kuMphathi kaMasipala zingaphelanga iintsuku ezingama-21 zomhla wokwaziswa kwesigqibo.
- (2) UMphathi kaMasipala kufuneka eso sibheno asifake ngoko nangoko kubaphathi abajongene nezibheno abafanelekileyo ekuthethwe ngabo kwicandelwana 29(4).
- (3) Abo baphathi bajongene nezibheno kufuneka basijonge eso sibheno baze basingqinise, basivelele macala onke okanye basikhabe eso sigqibo, kodwa oko kusivelela macala onke okanye ukukhaba isigqibo akufunekanga kujongele phantsi nawaphi amalungelo avezwe ngenxa yeso sigqibo.
- (4) Xa isibheno simalunga nesigqibo esithathwe:
 - (a) ngumsebenzi ongenguye uMphathi kaMasipala, uMphathi kaMasipala unokuba nguye umphathi ojongene nezibheno;
 - (b) nguMphathi kaMasipala, uSodolophu nguye umphathi ojongene nezibheno; okanye
 - (c) ngumbutho wezopolitiko okanye ilungu lesigqeba sombutho wezopolitiko okanye iBhunga okanye ikomiti yooceba abebengabandakanywanga kwisigqibo nabonyulwe liBhunga, ngabo abaphathi abajongene nezibheno kule meko.

- (5) Abaphathi abajongene nezibheno kufuneka baqalise ngesibheno zingaphelanga iiveki ezintandathu baze bagqibe malunga nesibheno eso lingaphelanga ithuba leeveki ezilishumi elinambini.

29. Amatyala

Umntu unetyala lokophula umthetho yaye ujongene nokugwetywa ithuba elingekho ngaphezu kweenyanga ezintandathu zokusebenzela uluntu okanye abhatale imali okanye zidityaniswe zombini ezi zinto ukuba –

- (a) akaphumeleli ukunika imvume yokungena efunwa ligosa ngokwale mithetho kamasipala;
- (b) uphazamisa okanye alibazise igosa ekusebenziseni amagunya okanye ekwenzeni umsebenzi walo phantsi kwale mithetho kamasipala;
- (c) usebenzisa okanye aphazamisane nesixhobo seBhunga okanye usetyenziso lweenkonzo ezinikwayo;
- (d) akaphumeleli okanye uyala ukunika uCeba okanye igosa ulwazi olunokufunwa liBhunga okanye igosa ngokufanelekileyo ngenjongo yokusebenzisa amagunya okanye ukwenza imisebenzi phantsi kwale mithetho kamasipala, okanye anike uCeba okanye igosa ulwazi olububuxoki okanye olulahlekisayo esazi ukuba lububuxoki okanye luyalahlekisa;
- (e) akaphumeleli ukulandela okuthethwe kwisaziso asinikwe ngokusemthethweni ngokwale mithetho kamasipala;
- (f) akaphumeleli ukwazisa iBhunga ngokwecandelo 19 (2); okanye
- (g) uphazamisa okanye ophule nasiphi na isiciko semitha okanye nasiphi na isixhobo esiseseBhunga, okanye ngaso nasiphi na isizathu esibonwa nguMphathi kaMasipala njengesenza ukuba imitha ingabhalisi iinkonzo ngokufanelekileyo, yaye loo mntu uya kuphinda ahlawuliswe ukuzisebenzisa kwakhe ezo nkonzo.

30. Ukuyekiswa

(1) Nawuphi na uMthetho kaMasipala osebenza kwindawo kaMasipala ngokubhekiselel kulo mxholo ukule miThetho kaMasipala uyayekiswa ngokwendlela ngenxa yokuba ukhabana nokubhalwe kule miThetho kaMasipala.

(2) Ukuyekiswa kwemiThetho kaMasipala ekhoyo ngoku kuqala ngomhla wokubhengezwa kwale miThetho kaMasipala.

33. IsiHloko esiFutshane nokuqala kwayo

(1) Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yoKhathalelo kwabaXumi neNgeniso yaye iya kuqala ukusebenza ngomhla okanye ngemihla ebekwe liBhunga likaMasipala yaza yapapashwa kwigazethi yephondo.

(2) UMasipala unokubeka imihla eyahlukeneyo yokuqalisa ukusebenza kwiindawo ezahlukeneyo.

No. 26

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YOKULAWULA
UKUNIKEZELWA KWENKONZO NGAMATYALA**

UMTHETHO OYILWAYO

IMITHETHO KAMASIPALA YOKULAWULA KWAMATYALA

UMphathi kaMasipala waseMbizana, ngokwecandelo 13 loRhulumente baseKhaya Womthetho wohlobo lokusebenza koMasipala 2000 (uMhetho wama-32 ka-2000) ofundwe necandelo 162 loMgaqo Siseko woMzantsi Afrika 1996 (umthetho we-108 ka-1996), upapasha Imithetho yokulawula amatyala kaMasipala weNgigqi yase Mbizana evunyiweyo liBhunga lawo njengokuba ibekwe ngezantsi.

I-indeksi

lingcaciso

linjongo zemithetho yokulawula amatyala

Unikezelo magunya

Isivumelwano

lidiphozithi

li-Akhawunti nokubizwa kweentlawulo zazo

li-Akhawunti

lintlawulo ezingazingahlawulwekanga

lintlawulo zomthetho

lindleko zokukhumbuza abantu abanamatyala ngamatyala abo

lintlawulo zokuqhawulwa kweenkonzo

Ukubuyiselwa kweenkonzo

Amagunya okumisela okanye ukuqhawula ukunikezelwa kweenkonzo

lingxwabangxwaba

Amagunya okuNgena nokuHlola

Izivumelwano zokubhatala amatyala asemva ngezavenge eziqhubekayo zeenyanga

Izaziso namaXwebhu

Ukungqinisiswa kwamaxwebhu

Ukugqityenzelwa nokuhlawulwa ngokupheleleyo kwexabiso

Iintlawulo zenzala

Ubungqina bokuqala

Ubungqina bokungakwazi ukuhlawula

Ixabiso elifanele ukuhlawulelwa iintlawulo zohlolo

AbaQondisi abajongene neentlawulo zohlolo

Ukulandelelwa kokuDluliselwa kobunini bepropati

Iintlawulo zeenkonzelo ezihlawulwa kuMasipala

Ukuphumla ekuhlawuleni, ukuvunyelwa ukungahlawuli nokwahlula phakathi kwabantu

Ukuxelwa kwabangahlawuli ngokufanelekileyo

Ukutshintshwa kwemitha eqala ihlawulelwe

Isivumelwano nabaqeshi

Ukuyekiswa koMthetho kaMasipala wolawulo lwamatyala kaMasipala

Ukophulwa komthetho nezohlwayo

Ukungangqinelani nemiThetho kaMasipala

IsiHloko esiFutshane nokuqala

ISHEDYULI 1A

ISHEDYULI 1B

1. IINKCAZELO

Ngenjongo yale mithetho ngaphandle kokuba umxholo unikwe enye inkcaza –

“Isixhobo sokwenza” siquka isakhiwo, uphayiphi, impompo, icingo, intambo, meter, umashini nayo nyiphina into efakiweyo.

“Isivumelwano” sichaza isivumelwano esibhaliweyo phakathi komntu onetyela noMasipala apho kuchazwa indlela kuchazwa indlela ezokwenziwa ngayo,

“Ukubizwa kwemali yeenkonzo” kuchaza indlela efanelekileyo apho exelelwa ngayo umthengi ngesixa semali kwimali ebekusele ayibhatale,

“uhlawulo lentlawulo” luchaza yonke into enxulumene nokuhlawula nokuqokelela kwemali zikamasipala ezikweleta ngababhatali berafu kunye nabasebenzisi benkonzo zakhe,

“umthengi” uchaza nawuphi umntu ohlala nakwesiphi isakhi apho Umasipala anikezela okanye apho avumileyo ukunikezela ngenkonzo. Ukuba kukho umhlali, umnikazi wendawo leyo,

“ukulawula kothengo” uchaza ukujongwa kwezindingo zomqashi ngaxeshanye ukwenzela ukukhuthaza ukubhathala,

“umkoloti” uchaza umntu obamba uMasipala imali yerafu okanye intlawulo yenkonzo.

“inzala” iquka inzalo ebalwe kwimali umntu oyikolotayo kwinkonzo nerafu kaMasipala.

“Umphathi Kwimicimbi yeZemali” uchaza umntu ochongwe ngumasipala ukuba apha the yonke imicimbi yolawulo lwezimali kunye nokuqokelelwa kwemali okolotwa uMasipala;

“ikhawunti kamasipala” iquka irhafu okanye amtyala ezinkonzo nerafu zilandelayo-

- (a) ukusetyenziswa kombane;
- (b) ukusetyenziswa kwamanzi;
- (c) ukungafuni ukusuka,
- (d) Inkonzo zelindle;
- (e) Irafu nenkonzo ezibizwa ngobungakanani bendawo leyo;
- (f) Inzala;

“IBhunga likaMasipala” uchaza ibhunga likaMasipala wasMbizana njengokuba lisekiwe ngokwecandelo 12 IRhulumente basekhaya; amasebe kaMasipala, umthetho ka-1998 (umthetho we-117 ka-1998, njengokuba uhlwayelwe);

“Inkonzo zikaMasipala” uchaza ezonkonzo, intlawulo yeenkonzo neerhafu ezivela kwiakhawunti kaMasipala njengezifanelekileyo ukuba zihlawulwe;

“UMasipala” uchaza uMasipala waseMbizana,

“umhlali” uchaza nawuphi umntu ohlala kulo ndawo kungahoywanga ukuba iphantsi kwegama likabanjani;

“Umnikazi” uchaza ukuba

- (a) umntu uthi kumnaxesha ngamaxesha ebeneisiquinisekiso sethutyana esisemthethweni salondawo,
- (b) Xa kuthe kwerizeka lo nto unelungelo lethutyana le ndawo ibhaliswe ngaye inesigwebo nomthetho, lo mntu uselulawulo nasokuphatweni kwalondawo uthathwa njengomlawuli, umcimi, umgcini nomeli womthetho;
- (c) Kwimeko apho uMasipala engakwazi ukufumana ukuba ngubani lo mntu ofanelwe ukufuna lo ndawo iyakuba nguye umnikazi;
- (d) Kwimeko apho bekunikezelwene ngalo ndawo isituba seminyaka eyi 30 nanagaphezulu, lo mntu bekunikezelwe kuye lonke ulawulo;
- (e) kwinto ezifana –
 - (i) nesiqithi somhlaba 1986, (umthetho No 95 ka1986), kungoncitshisanga apha ngentla kuquka umphuhlisi okanye iqumrhu loshishino, okanye,
 - (ii) Icandelo njengokubhaliweyo kulo mthetho, umntu igama elivela kwisazisi or isiqinisekiso sobunikazi-mhlaba kuquka orente echongwe ngaye ngokusemthethweni;
 - (a) nowuphi umntu osemthethweni kungophelenga –
 - (b) kwinkampani ezibhaliswe ngokoMthetho weeNkampani, ka-1973 (umthetho wesi-6 ka-1973) iTrust inter vivos, iTrust mortic cauca, inkampani ezincinci 1984 (umthetho wama-69 ka-1984) iqumrhu elizinikezeleyo;
 - (c) neliphi isebe likaRhulumente;
 - (d) nawuphi Masipala okanye isigqeba esisekwe nangowuphi umthetho osebenza kwilizwe loMzantsi Afrika; okanye;

(e) neyiphi indlu Yozakuzo okanye icandelo langaphandle

“indawo” iquka isiqithi semhlaba, nemida engaphandle apho sinikwe khona –

- (a) Iplani ephangalaleyo okanye umzobo obhaliswe ngokomthetho wokuhlolwa kwemiHlaba we-9 ka-1927) okanye ngokomthetho wokubhalisa iziQinisekiso zobunini Mhlaba,
- (b) Nesiphi isiqithi esibhaliswe ngoko mthetho woBumi Mhlaba 1998,(umthetho 95 ka1986), ezinze kwindibano ephantsi kolawulo lukaMasipala,

“ebekiweyo” ithetha loo nto ibekwe liBhunga likaMasipala ngesindululo ngokwalemithetho-

2. Injongo zomthetho nokulawula Amatyala

- (1) UMasipala kufuneka abeneMthetho ebhaliweyo yokulawula ukunikisa nokuqokelelwa kwamatyala aquka –
 - (a) Indlela nemiqathango yokulawula ukunikisa ngetyala;
 - (b) Indlela nemiqathango yokulawula ukuqokelelwa kwamatyala,
 - (c) ukulungiselelwa kwabantu abangathathi ntweni abanamatyala okuhambelana neepolisi zeentlawulo namaxabiso eenkonzo kunye nayo nayiphi na ipolisi kazwelonke yabantu abangathathi ntweni;
 - (d) Inzala kwimali engahlawulwanga;
 - (e) Ekubhekiselelwa phambili kwentlawulo yeAkhawunti iquke nesilungiselelo;
 - (f) Ukucinywa kwenkonzo xa inkonzo zingahlawulekanga kwaye sisemva kakhulu,
 - (g) Ukunikiswa kwenkonzo ezintsha;
 - (h) Isivumelwano esiphakathi kaMasipala noQhoshi woluntu unetyala ukuba kutsalwe imali ethile emvuzweni wakhe;
 - (i) Ukuthengiswa okwenziwayo nakowuphi umhlaba, kunye,
 - (j) Neyiphi eyenzekileyo kulawulo lokunikiswa nokuqokelelwa kwamatyala;
- (2) Ekucacisa imithetho yakhe, noMasipala akahlula-hlula phakathi kwendidi zabantu abaqashileyo, abakweliti nabanini bomhlabo

UNIKEZELO NGAMAGUNYA

- 3 UMphathi Masipala nguye onoxanduva lokumisela Imithetho yokunikezela yakunikezela ngamtyala, kodwa elo gunya lingokoMthetho woHlobo lokuSebenza kaMasipala, linikezelwe kumphathi wenkonzo zemali.

ISIVUMELWANO SENKONZO

- 4 (i)UMasipala okuyinikezela ngenkonzo ngaphandleni kwenziwa isicelo kwaye kubekho nesivumelwano senkonzo ngendlela echazwe nguMasipala okanye eyelele kwindlela eboniswe Kwibakala 1A (Abathengi bezindlu) no 1B (abathengi Boshishino) kungenwe kuso.
- (2) Isaziso seyure eziyi 48 (48 Hours esibonakalisa ukuqhawulwa kwesivumelwano senkonzo masibhalwe nkubkiswe kweliphi iqela

IIDIPHOSITHI

5. (1) UMasipala ukunikezela kuphela ngenkonzo ukuba umthengi ubhatele
- (g)Intlawulo yokhuselo eyakushiyana ngokwetyala analo okanye
- (h)intlawulo encinci elingana neakhawunti yeenyanga ezimbini.
- (2) Intlawulo eyimali okanye itsheki eqinisekisiweyo yibhanki.
- (3) UMphathi weNkonzo zezimali angayandisa intlawulo kubantu ababhatala kakubi okanye kubantu abafuna ukuba banyuselwe inkonzo abazifumanayo ngamanani amakhulu.
- (4) Intlawulo enjalo ayikuthathwano kuba kubhatelwe or okanyeyinxalelwe yokubhatala yayo yeyiphi i-Akhawunti ekufanelwe ukuba ibhatalwe yeyokunikezelwa kombane ngerjongo yokufumana isaphulelo osinikiweyo kumaxabiso ombaneekubhekiswe kuwo kule Mithetho.
- (5) Nesiphi isixa sentlawulo esenziwengumthengi okanye lakhe sokubuyisa xa ethe wasifuna zidlulanga iintsuku eziyi 30 emva kokuba siqhawuliwe isivumelwano somthengi emva kokuba kutsalwe ayikolta uMasipala.
- (6) Ngokunikwa ngumyolelo wecandelo (5) nowuphi umntu ofuna ukubuyiselwa intlawulo okanye ingxenye yayo -

- (a) Anikezelwe isiqinisekiso sentlawulo owayesinikiwe ngomhla wayehlawula; okanye
- (b) Ukuba isiqinisekiso esinjalo asikho, kufuneka atykitye isiqinisekiso esikhutshwe nguMasipala sokubuyiselwa kwakhe intlawulo okanye ingxenye yayo kwaye onezeuMasipala ukuba nguye onelungelo lokubuyiselwa intlawulo;

(7) Ukuba intlawulo okanye ingxenye yayo ibuyiselwe ngokulandela icandelwano (5), uMasipala oyakuba noxanduva lwento eyehlileyo emva koko.

(8) Isivumelwano somthetho sokuba nesolotya elithi; ukuba imali ehlawuliweyo ngumthengi ayifunwanga emva kweMinyaka emi 2 mayingene kuMasipala emva kokuba siqawuliwe; ifile, nesiphi isizathu sokufunainkonzo ngokwesivumelwano esinjalo.

(9) Akukho nzalo ahlawulwayo nguMasipala okanye i-Arhenteyakhe egunyazisiweyo kwimali ehlawuliweyo ebunjwe kunye ngokweli candelo.

li-akhawunti nokubizwa kweentlawulo zazo

6. (i) UMasipala kufuneka akhuphe i-Akhawunti eqondakalayo neyiyo kumthengi; kwaye i-Akhawunti enjalo kufuneka onke amaxabiso enkonzo zendlu.

(1) I-Akhawunti kufunekazenziwamalunga neziphumo ezifundwe yimeter ebonisa nemihlayentlawulo.

(2) Ukunikezelwa nge Akhawunti ngenyanga kuya kulingana nentsuku eziyi 30.

(3) Luxanduva lomthengi ukuqinisekisa ukuba uhlawula kwangexesha i-akhawunti yakhe nokuba akayifumananga into eshojo ukuba kufuneka ehlawulile.

No. 27

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YOKURHWEBA
EZITALATWENI**

UMTHE'THO OYILWAYO

IMITHETHO KAMASIPALA YOKURHWEBA EZITALATWENI

UMphathi Masipala weBhunga laseMbizana, ngokwecandelo 13 loRhulumente waseKhaya kuMthetho weNdlela zokwenza zikaMasipala ka-2000 (uMthetho wama-32 ka-2000) ofundwa necandelo le-162 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996 (uMthetho we-108 ka-1996) upapasha imiThetho kaMasipala yokuRhweba eziTalatweni: uMasipala waseMbizana, eyamkelweyo liBhunga likaMasipala

Ukurhweba ezitalatweni**Isalathiso:**

Icandelo	Iziqulatho
1.	Iingcaciso
2.	Izinto ezingafanelwe kwenziwa
3.	Izithintelo ezingavumelekanga
4.	Ucoceko
5.	Imibhalo ebonisa iindawo ekungafanelekanga nekungavumulekanga kuthengiswe kuyo
6.	Ukususwa nokuthinjwa
7.	Izohlwayo nokophulwa komthetho
8.	Uxanduva lo mntu oqhuba ushishino
9.	Ukugcinwa kweMithetho yokuRhweba esiTalatweni
10.	Okuphulwa koMthetho neziHlwayo
11.	Isihloko esifutshane nokuqaliswa

Iingcaciso

1 (1) Kule mithetho ngaphandle kokuba umxholo unika enye inkcaza-

“**Umthetho**” uchaza umthetho woshisino , 1971 (Umthetho No 71 ka 1991)

“**Ukwamkelwa**” uchaza ukwamkelwa liBhunga likaMasipala “ukuvuma” kunenye intsingiselo eyahlukileyo;

“**Igosa elisemthethweni**” lithetha igosa elisemthethweni elithunyiweyo liBhunga likaMasipala ukuba lenze kwaye lisebenzise nawaphi okanye onke amagunya nemisebenzi acaciswe kulo Mthetho kamasipala, ngokuxhomekeke kokubhalwe kwiSahluko somthetho nakwimigaqo yawo nawuphi na omnye umthetho;

“**Ushishino**” luthetha nasiphi na isenzo sokuthengisa nokunikezelwa kweempahla;

“**UMasipala**” uthetha umasipala waseMbizana;

“**IBhunga likaMasipala**” lithetha iBhunga likaMasipala waseMbizana elasekwa ngokwecandelo 12 loRhulumente wasekhaya: Umthetho wamaCandelo ooMasipala ka-1998 (umthetho we-117 ka-1998);

“**Inkonzo zikaMasipala**” lithetha zonke inkonzo ezenziwa nguMasipala okanye egameni likaMasipala ekuqokelelweni kwenkonzo, ukucocwa kwelindle, imjelo yamanzi, uphuhliso, ukuqokelelwa kwempahla, ukugcinwa, ukucocwa, ukunikezelwa kwamanzi, igesi, umbane okanye inkonzo zikaMasipala

“**Imisebenzi yokuzisa inkonzo zikaMasipala**” lithetha yonke impahla kaMasipala, nayo neyiphi imisebenzi efanelekileyo ukuze oknye enxulumene neenkonzo zikaMasipala.

“**Iimpahla**” zithetha yonke impahla engasuswa kunye neziphilayo;

“**Indawo enqumlana kuyo indlela**” lithetha indawo enqumlana kuyo imigaqo ebekiweyo ngokoMthetho wezeNdlela kaZwelonke, ka-1996;

“**Ubumdaka**” buquka yonke into emdaka ngumthengisi okanye abathengi bakhe

“**Isithuthi**” zithetha izithuthi njengokuba zichazwa kwicandelo 1 loMthetho wezeNdlela kaZwelonke, ka-1996;

“**Umthetho wezendlela kuZwelonke**” lithetha umthetho wezendlela kuZwelonke (uMthetho wama-93 ka-1996);

“**Indlela yabahambi ngeenyawo**” lithetha indlela esecaleni yokuhamba njengoko kucacisiwe kumthetho wezendlela kuZwelonke”

“Ipropati” ngokunxulumene nomrhwebi wasezitalatweni, ithetha yonke into, impahla, isithuthi okanye indawo eyakhiweyo esetyenziselwa ukanye elungiselelwa ukusetyenziselwa izinto zolo shishino, yaye iquka izinto izinto azithengisayo;

“Isakhiwo soluntu” sithetha isakhiwo esisesikaRhulumente okanye uMasipala okanye esisetyenziswa nguye;

“Imonyumenti yoluntu” ithetha ezo monyumenti nezikhumbuzo zicacisiwe kumthetho kaZwelonke wamaGugu eSizwe ka-1999 (umthetho wama-25 ka-1999);

“Indawo yoLuntu” ithetha indawo yoluntu njengoko iucacisiwe kwicandelo lesi-2 LemiThetho yooRhulumente baseKhaya, ka-1939 (uMthetho we-17 ka-1939),

“Indlela kaWonkewonke” ithetha indlela kawonkewonke njengoko icacisiwe kwicandelo 1 loMthetho wezeNdlela kaZwelonke;

“Ukuthengisa” kuquka –

- (a) ukurhweba ngokutshintshisa, ukutshitshisa okanye ukurentisa;
- (b) ukubonisa, ukuveza, ukunikisa okanye ukulungiselela ukuthengisa;
- (c) ukugcina ngenjongo okuthengisa; okanye
- (d) ukunikezela ngenkonzo ukuze ufumane imbuyekezo yaye **“intengiso yezaphulelo”** **“ukuthengisa”** kunentsingiselo efanayo;

“Indlela ezisecaleni zokuhamba” zithetha indlela ezisecaleni zokuhamba njengokuba kukacisiwe kwicandelo 1 loMthetho wezeNdlela kaZwelonke, wama-93 ka-1996;

“Ifenitshala yasezitalatweni” ithetha nayiphi ifenitshala efakwe nguMasipala ezitalatweni ukuze isetyenziswe luluntu;

“Umrhwebi wasetalatweni” uthetha umntu oqhuba ushishino lokurhwebi esitalatweni;

“Urhwebo lwasesitalatweni” luthetha ukuthengiswa kwazo naziphi iimpahla okanye ukunikezelwa okanye ukucela ukunika nayiphi inkonzo ukuze afumane imbuyekezo kwindlela okanye indawo yoluntu ngurhwebi wasesitalatweni;

“Umthetho” uthetha uMthetho woShisino, ka-1991 (uMthetho wama-71 ka-1999); kunye nemigaqo ebhengezwe phantsi kwawo;

“Ungqameko lwendlela” luthetha ungqameko lwendlela njengoko lucazwe kwicandelo 1 loMthetho kaZwelonke weNdlela;

1. (1) Kule mithetho, ngaphandle kokuba umxholo unika enye inkcaza naliphi na igama okanye intsingiselo apho inkcazelo inxulunyaniswe noMthetho woShishino ka-1991 kufuneka uhambelane nale mithetho .
- (2) Ngenjongo yale miThetho kaMasipala isenzo esinye sokuthengisa, ukunikisa, ukunikezela ngeenkono kwindlela kawonkewonke okanye kwindawo yoluntu kuthetha urhwebo lwasesitalatweni.
- (3) Ngenjongo yale miThetho kaMasipala xa kuthethwa ngomntu oqhuba ushishino norhwebo lwasesitalatweni kuqukwa nabantu abamsebenzelayo.
- (4) Ngenjongo yale miThetho kaMasipala ukubhekisa nakowuphi umthetho kukubhekisa kuloo mthetho nakweminye imimiselo ebhengezwe phantsi kwawo;

Izinto ezingafanelanga ukuba zenziwe

1. (i) Akukho mntu uvumelekileyo ukuba aqhube ushishino lwasesitalatweni –
 - (a) Indawo echazwe nguMasipala ngokwecandelo 6A(2) (a) lalo mthetho njengendawo engavumelekanga ukuba kwenziwe urhwebo lwasesitalatweni kuyo;
 - (b) igadi okanye ipaki apho uluntu lunelungelo lokuba luyisebenzise; okanye
 - (c) kwindawo esecaleni kwe –
 - (i) -sakhiwo sikaRhulumente, esisetyenziswa nguye noMasipala kuphela;
 - (ii) icawa okanye indawo yokunqula;
 - (iii) isakhiwo esichaza ukuba yindawo yamagugu oluntu phantsi koMthetho kaZwelonke wamaGugu eSizwe ka-1999 (uMthetho wama-25 ka-1999);
 - (iv) umatshini webhanki wokukhupha imali.
 - (a) indawo engabanga ukuphazamiseka phambi kwe-
 - (i) -sixhobo sokucima umlilo;
 - (ii) Indawo yokungena okanye eyokuphuma kwisakhiwo

- (b) indawo apho iza kubanga ukuphazamiseka kwezithuthi
 - (c) indawo apho kuza kuphazamiseka abahambi ngeenyawo kwindawo yabo yokuhamba;
 - (d) kwisiqingatha sendlela yokuhamba uluntu esecaleni kwesakhiwo esisetyenziselwa ukuhlala kuphela; ukuba umnini wayo okanye umntu oyilawulayo okanye umntu ohlala kuyo uyala ukuba sisetyenziswe, size eso sikhaziso sakhe saziswe kulo mntu uqhuba ushishino lwasesitalatweni ligosa elinelungelo lokwenza loo nto.
 - (e) Kwisitandi okanye kwindawo esikwe ngumasipala ngokwecandelo 6A (3) (b) lalo Mthetho ukuba akanaso isiqinisekiso esibhaliweyo esichaza ukuba uqashe eso sitandi okanye londawo kuMasipala okanye sinikezelwe kuye eso sitandi; akufunekanga ashishine ngezinto ezaphula umthetho kunye nemimiselo ekweso sivumelwano; okanye
 - (f) Kwiimitha ezintlanu (5) zendawo ekunqumlana kuzo iindlela ecacisiwe kuMmiselo wama-322 oMthetho kaZwelonke wezoThutho ka-1996 (uMthetho wama-93 ka-1996).
- (2) Ngaphandle kokuba ukwenza olo shishino kuvunyelwe nguMasipala ngokwesivumelwano sebhodi efakwe okanye ebekwe ngumasipala kukwayilandela.

Izinto ezifanelekanga ukuba zenziwe

3. Umntu oqhuba urhwebo lwasesitalatweni akufunekanga –

- (a) alale kwindawo yolo shishino;
- (b) akhe nantoni na yokuzikhusela ngaphandle kwaleyo ivunywe nguMasipala.
- (c) angabeki impahla yakhe endleleni kawonkewonke okanye kwindawo yoluntu ngaphandle kwesithuthi okanye isikhoji apho aqhubela khona ushishino ngokuxhomekeke ukuba eso sithuthi okanye isikhoji asiphazamisani nokuhamba kwabahambi ngeenyawo okanye izithuthi.
- (d) aqinisekise ukuba impahla yakhe ayisithi indlela okanye indawo yoluntu ingaphezu kweemitha ezi-6 imitha-skwere (m^2) (ezinobona bude ubuzimitha ezi-3) okanye ngaphandle kokuba ivunywe nguMasipala kwaye ashiye isithuba esingaphantsi kweemitha eziyi-1.5 sokuhamba abantu esibalwe ngobudeki bevenkile athengisela phambi kwayo, kwakhona akasishiyi isithuba esingaphantsi kwemitha enye (1m) ukusuka kungqameko lwendlela;

- (e) angabeki okanye apakishe impahla yakhe ngendlela enokubangela ingozi kuye nawuphi na umntu okanye ipropati okanye enokulimaza nawuphi na umntu okanye ibangele umonakalo kuyo nayiphi ipropati.
- (f) angabeki mpahla zakhe endleleni kawonkewonke okanye kwindawo yoluntu apho kungekubalula ukuba zisuswe zisiwe kwindawo ekhuselekileyo, ndawo leyo ingeyondlela kawonkewonke okanye indawo yoluntu xa kuvalwe ushishino losuku;
- (g) angavali indlela eya kwizixhobo zokucima umlilo;
- (h) angabeki imithwalo nezinye iimpahla zakhe kwisakhiwo ngaphandle kwemvume yomnikazi sakhiwo, umntu ohlala apho ngokusemthethweni okanye osilawulayo;
- (i) ngokucelwa ligosa elisemthethweni likaMasipala okanye umniki-nkonzo zonxibelelwano okanye umbane okanye ezinye iinkonzo zikaMasipala ukuba asuse izinto zakhe ukuze kukwazi ukwenziwa nawuphi umsebenzi onento yokwenza nendlela kawonkewonke, indawo yoluntu okanye nayiphi na inkonzo enjalo;
- (j) angancamathiseli nangayiphi na indlela izinto kwisakhiwo, into eyakhiweyo, indlela yabahambi ngenyawo, umthi, imitha yokupakisha izithuthi, isibane, ipali, indawo yokufowuna, ibhokisi yeposi, ipali yomthetho wendlela, isitulo eside okanye neyiphi ifenitshala esesitalatweni okanye kwindawo yoluntu;
- (k) angenzi ushishino ngendlela –
 - (i) eza kubangela uphazamiseko
 - (ii) yonakalise okanye ingcolise nayiphi indlela kawonkewonke okanye nasiphi isakhiwo soluntu okanye sabucala; okanye
 - (iii) ibangele ukulibaziseka kwezithuthu kunye / okanye nengozi kwezempilo;
- (l) angabasi mlilo ongabangela ingozi kwimpilo okanye kwindalo kuye nawuphi umntu okanye ipropati okanye kuyo nayiphi na ifenitshala ekuthethwe ngayo ku-(j) apha ngentla;
- (m) angaphazamisani nokuba abantu bakwazi ukusenzisa indlela esecaleni bakwazi ukubona impahla ezixhonyiweyo kwifestile yalo venkile athengisela phambi kwayo okanye asithe ezo mpahla;
- (n) angavali indawo apho abahambi ngenyawo banqumla khona, indawo yokumisa yezithuthi okanye eyokothula imithwalo okanye ezinye iindawo zezithuthi okanye zabahambi ngenyawo;
- (o) angathinteli ukusetyenziswa kwefenitshala yasezitalatweni kunye nezinye izinto ezilungiselelwe ukuze zisetyenziswe luluntu;

- (p) asithe nayiphi ibhodi yemithetho yendlela ebekwe ngokoMthetho weNdllela Zwelonke kunye nemimiselo ebekwe phantsi kwayo nayiphi imibhalo okanye, izaziso ezibekwe ngokwale miThetho kaMasipala;
- (q) angaqhubi ushishino okanye athathe indawo okanye abeke impahla yakhe kwinxalenye yendlela yeenyawo esecaleni komgaqo okanye indawo yoluntu okanye kwindawo yoluntu ngokukhabana nebhodi okanye uphawu oluxhonywe okanye olubekwe nguMasipala ngenjongo yale miThetho kaMasipala;
- (r) ngaphandle kokuba usebenzisa into evunyiweyo okanye enikezelwe nguMasipala angenzi, alahle, agcine okanye abeke okanye enze okanye avumele ukuba kwenziwe, kulahlwe, kubekwe okanye kulahlwe nayiphi inkukuma kuwo nawuphi umhlaba okanye indawo okanye kuyo nayiphi indlela kawonkewonke okanye indawo yoluntu okanye kuyo nayiphi ipropati yoluntu okanye yabucala;
- (s) xa evala ushishino ebusuku kufuneka asuse impahla yakhe ashiye kuphela isakhiwo esivumelekileyo kuMasipala kwindawo engeyonxalenye yedlela kawonkewonke okanye indawo yoluntu.
- (t) angagcini iimpahla zakhe kwimijelo yokuhambisa amanzi ezikhukula, izindlu zangasese zoluntu, indawo yokulindela ibhasi okanye emthini; kwaye
- (u) angaqhubi ushishino kwindawo apho aya kukhabana naso nasiphi na isithintelo okanye umyinge ovunyelwe nguMasipala ngokwecandelo 6A (2) (a) lalo Mthetho.

4 Ucoceko

Umrhwebi wasetalatweni kufuneka-

- (a) ayigcine icocekile yaye ikwimeko esempilweni loo ndawo okanye eso siza aqhubela kuyo ushishino;
- (b) agcine indawo yakhe icocekile, isempilweni yaye igcinwe kwimeko efanelekileyo;
- (c) alahle inkunkuma yeshishini lakhe kuyo nayiphi imigqomo ebekwe nguMasipala ukuze uluntu lulahle kuyo izinto ezimdaka okanye kwindawo yokulahla inkukuma kaMasipala;
- (d) angalahli inkunkuma kwindawo ezingafanelekanga ezifana nemijelo yokuhamba amanzi;
- (e) aqinisekise ukuba xa uphela ushishino losuku loo ndawo ayisebenzisayo ayikho mdaka;

- (f) enze amanyathelo angangoko kufuneka okuthintela ukuchitheka kwamafutha, ioyile, okanye ioyile emnyama kwindlela kawonkewonke okanye indawo yoluntu okanye imijelo ehambisa amanzi ezikhukula xa eqhuba ushishino lwakhe;
- (g) aqiniseke ukuba akukho msi, umsi otsarhayo okanye ezinye izinto, amavumba nengxolo esuka kulo msebenzi wakhe ebangela uphazamiseko okanye ukungcoliseka kwalo naluphi na uhlobo; kwaye
- (h) Ngesicelo segosa elisemthethweni okanye i-arhente kaMasipala, asuse impahla ukuze kukwazi ukuba icocwe le ndawo okanye isiza athengisela kuso okanye kukwazi ukwenziwa iinkonzo zika Masipala ngokufanekileyo.

Imibhalo ecacisa indawo ekungavumelekanga nekungafanelekanga kushishinwe kuzo

- (1) UMasipala angathi, ngesindululo kunye nangecandelo 6A(2) (a) ukuya ku(j) walo Mthetho, abhengeze indawo ephantsi kolawulo lwayo njengendawo apho urhwebo lasesitalatweni lungavumelekanga okanye lunemithetho ethile, yaye kufuneka, ngokuthobela oko, abeke okanye enze iibhodi, imibhalo okanye ezinye izixhobo ezibonisa-
 - (a) ezona yure, iindawo, iimpahla okanye iinkonzo ekungavumelekanga okanye ezinemithetho ethile xa zikurhwebo lwasesitalatweni;
 - (b) iindawo ezinemida apho lungavumelekanga khona;
 - (c) imida apho kukho isiza esibekelwe bucala ngenjongo yokuqhuba ushishino lokurhweba esitalatweni;
 - (d) into yokuba eso siza sirentisiwe okanye kunikwe ngaso;
 - (e) neziphi izithintelo okanye ukuvunyelwa okunemiqathango okungahambisaniyo norhwebo lwasesitalatweni ngokwale miThetho.
- (2) UMasipala angabeka neyiphi imibhalo okanye izinto ezibonakalisa ukuba akuvumelekanga ukuba kuthengiswe kuloo mida okanye eso siza kuthethwa ngaso;
- (3) Umbhalo kufuneka umiliselwe ngokwale miThetho kaMasipala okanye nawuphi umthetho uya kusebenza njengesithintelo esazisa ukuba alumelekanga urhwebo lwasesitalatweni.
- (4) Lo mibhalo ingatshintsha kumatyeli ngamatyeli kwaye ibekwe nguMasipala ngenjongo yale miThetho kaMasipala yaye kufuneka ibe nefuthe elifanayo

nelemibhalo yemithetho yendlela ngokoMthetho kaZwelonke wezeNdlela, ka-1996 (uMthetho wama-93 ka-1996)

Ukususwa nokuthinjwa

6 (1) Igosa elisemthethweni lingasusa okanye lithimbe naziphi iimpahla zomrhwebi wasesitalatweni -

- (a) elisola ukuba zisetyenziselwa, ziza kusetyenziselwa, bezisetyenziselwa into enxulumene nomrhwebi lasesitalatweni; kwaye
- (b) elizifumene kwindawo apho umrhwebi lasesitalatweni lungavumelekanga kwaye licinga ukuba wophuliwe umthetho ongavumeli ukuthengiswa esitalatweni;

nokuba ezo mpahla zisemntwini okanye phantsi kolawulo lwakhe nawuphi na umntu ngethuba loko kususwa okanye ukuthinjwa

(2) Naliphi igosa elisemthethweni elisebenza ngokwecandelwano (1) elingasentla kufuneka, ngaphandle kwaxa iimpahla ezo zishiyiwe okanye zilahliwe, linike loo mntu oqhuba ushishino lokurhweba esitalatweni irisithi ebonakalisa iimpahla ethathiweyo nethinjiweyo risithi leyo kufuneka kwaye liquke nemiqathango edibanisa –

- (a) idilesi apho ezo mpahla zithathiweyo ziza kugcinwa khona kunye nethuba eziza kugcinwa ngalo;
- (b) imiqathango yokukhululwa kwempahla ezithinjiweyo; kunye
- (c) nokuthengiswa kwasesidlangaleni kwempahla ezingabangwanga.

o

(3) Ukuba nayiphi iimpahla ethathinjiweyo idityaniswe kwinto okanye isakhiwo kwaye loo mpahla iphantsi kolawulo lomntu okhoyo apho, naliphi igosa elisemthethweni likaMasipala lingayalela loo mntu ukubs ayisuse loo nto, yaye ukuba loo mntu akafuni okanye akaphumeleli ukuzisusa ezo zinto, unetyala lokophula umthetho.

(4) Xa umntu engaphumeleli ukulandela isigunyaziso sokuba asuse le mpahla kuthethwe ngayo kwicandelwana (3), naliphi igosa elisemthethweni likaMasipala lingathatha nawaphi amanyathelo afanelekileyo ukususa lo mpahla.

(5) Ayiloxanduva lwagosa likaMasipala, uMasipala, igosa lomthetho okanye umsebenzi kaMasipala nakuphi na ukulahleka okanye ukonakala kwempahla ebisuswe yathinjwa ngokwale miThetho kaMasipala.

Uxanduva olubalulekileyo labantu abaqhuba ushishino

8. Xa umqeshwa womntu orhwebayo esaphula omnye wale miThetho kaMasipala, nokuba kungokwezenzo okanye into angayenzanga, umqeshi lowo uthathwa ngokuba nguyey owophule umthetho ngaphandle kokuba umqeshwa uyayanelisa inkundla ukuba –

- (a) ukuba yena okanye akavumelanga oko kungathotyelwa komthetho; kwaye
- (b) yena uthathe amanyathelo afanelekileyo ukuthintela ukungatholelwa komthetho, ngokuxhomekeke ekubeni umqashi unike umyalelo othintelwa oko kungathotyelwa komthetho, loo nto xa iyodwa ayisosiqinisekiso saloo manyathelo.

Ukwaphulwa komthetho nezohlwayo

7. (1) Nawuphi umntu othi-

- (a) ophule okanye angaphumeleli ukuthobela imiyalelo yale miThetho kaMasipala;
- (b) angaphumeleli ukuthobela nasiphi isaziso ngokwale miThetho kamasipala, okanye
- (c) angaphumeleli ukuthobela nawuphi umyalelo osemthethweni onikwe ngokwale miThetho kaMasipala;
- (d) athintele okanye alibazise nawuphi ummeli osemthethweni okanye umqeshwa kaMasipala ekwenzeni imisebenzi yakhe phantsi kwale miThetho kaMasipala;
- (e) angaphumeleli okanye angafuni ukunika igosa ulwazi elinokulufuna ngenjongo yokusebenzisa amagunya okanye imisebenzi yalo phantsi kwale miThetho kaMasipala okanye alinike ulwazi olungeyonyani okanye olulahlekisayo esazi ukuba aluyonyani yaye luyalahlekisa;
- (f) enze okukhabana okanye angaphumeleli ukulandela le miThetho kaMasipala; okanye
- (g) angaphumeleli ukuthobela imiqathango yesaziso esisemthethweni asinikwe ngokwale miThetho kaMasipala;

unetyala lokophula umthetho yaye ujongene nesigwebo okanye ukubajwa ithuba elingadlulanga kwiinyanga ezili-12 okanye zombini, isigwebo nokubanjwa.

Ukucinywa kwemiThetho kaMasipala yokuRhweba ezitalatweni

9. Ukucinywa kwawo nawuphi uMthetho kaMasipala onxulumene norhwebo lwasesitalatweni nguMasipala ucinywa kuba unxulumana nezinto ezinikwe kule Mithetho kaMasipala.

Isihloko esifutshane nokuqaliswa

11. Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala yokuRhweba esiTalatweni yaye iya kusebenza ngosuku oluya kubekwa liBhunga likaMasipala.

No. 28

UMASIPALA WASEMBIZANA

IMITHETHO YEEBHASARI

UYILO LOKU-1

UMphathi Masipala kaMasipala waseMbizana ngokwecandelo le-13 loRhulumente wasekhaya: uMthetho weeNdlela zokwenza zooMasipala, ka-2000 (uMthetho wama-32 ka-2000), ufundwa kunye necandelo le-162 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika, ka-1996 (uMthetho we-108 ka-1996), upapasha imiThetho kaMasipala yeebhasari zikaMasipala waseMbizana, eyamkelwe liBhunga likaMasipala

Inkcazelo

1. Kule miThetho kaMasipala, ngaphandle kokuba umxholo ucacisa ngolunye uhlobo –

“**Umthetho**” uthetha uMthetho weeNdlela zokwenza zooMasipala boRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000);

“**umntu oxhaswa ngebhasari**” uthetha umhlali okanye umntu oxhomekeke kumhlali lowo, onikwe iBhasari;

“**ibhasari**” zithetha ingxowa esekwe nguMasipala ngokwecandelo 79 (51) loMthetho woRhulumente waseKhaya, ka-1939, ufundwa necandelo 68 lalo Mthetho ukuze kunikezelwe ngebhasari ngenjongo zokufunda nalapho uMasipala akwaziyo ukufaka loo mali agqibe kuyo amaxesha ngamaxesha;

“**isifundo**” sithetha isifundo soqeqesho lwezakhono, okanye imodyuli yoqeqesho olukhokelela ekufunyanweni kwesidanga, idiploma okanye isatifiketi okanye nayiphi na inxenye yayo enenani elithile lezifundo okanye iimodyuli ezigqitywe ngethuba elibekwe liziko lemfundo, kunye/okanye nabaphathi becandelo lezefundo noqeqesho (iSETA) nelivunye ngumasipala;

“**Iziko lemfundo**” lithetha iziko elibhaliswe njengeYunivesithi, iKholeji, iTeknikhon elinye iziko lemfundo eqhubekayo okanye imfundo ephakamileyo noqeqesho

“**Umnikezeli ngezifundo zoqeqesho lwezakhono**” uthetha iziko, umbutho ovunyiweyo nguRhulumente waseKhaya kunye neCandelo lezeMfundo noQeqesho ngaManzi, okanye ezinye iiSETA ezifanelekileyo, nezibhaliswe njengangamaziko onikezela ngemfundo yoqeqesho lwezakhono ngokuhambelana neSakhelo seziQinisekiso zeMfundo zikaZwelonke, i*National Qualifications Framework*.

“**inzala**” ithetha ixabiso lemali elibalwe kwimali engekabhathaleki kwibhasari ukusuka kusuku lokuqala lwenyanga nganye ngokwezinga lenzala elixelwe nguMasipala kumaxesha ngamaxesha nethi yongezwe kwiSibonelelo semfundo qho ngenyanga;

“uMasipala” uthetha uMasipala waseMbizana;

“iBhunga likaMasipala” lithetha iBhunga likaMasipala waseMbizana elicaciswe kwicandela lama-59 lifundwa necandela 81(2) loMthetho weeNdlela zokwenza zooMasipala boRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000), ngokweCandelo 157(1) loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika, ka-1996 (uMthetho we-108, ka-1996), okanye umntu obekwe ngumthetho okanye isindululo sikaMasipala ukuba ammele;

“igosa” lithetha umqeshwa ogama lakhe livela kwiincwadi zabaqeshwa abasisigxina bakaMasipala;

“UMthetho weZakhono”uthetha iindleko ngokubhekiselele-

- ❖ Ukuhlawulwa komchwethezi oqeqeshiweyo emva kokufakwa koqikelelo lwentlawulo ngumhlali okanye igosa
- ❖ Ukuhlawulwa komjongi weempazamo kuchwethezo oqeqeshiweyo okanye umsebenzi wolwimi emva kokufakwa koqikelelo lwentlawulo ngumnini webhasari/ umboleki;
- ❖ Iindleko zokuprinta nokudibanisa isikriphi, idizeteyishini okanye ithisisi ngokuhambelana neemfuno zobuchwepheshe nomgangatho zelo ziko lemfundo

“Umhlali” uthetha nawuphi umntu yena ngokwakhe okanye abazali bakhe abahlala kwindawo kaMasipala waseMbizana ngexesha lokufakwa kwesicelo;

“IsiCwangciso seZakhono zaseMsebenzini” sithetha isicwangciso soqeqesho, esenziwe savunywa nguMasipala ngokoMthetho woKhuliso lweZakhono, ka-1998 (uMthetho wama-97 ka-1998) nesifakwa kwiLGW SETA qho ngonyaka.

IZIBONELELO ZEMFUNDO ZABAHLALI

INjongo neXabiso lebhasari

2.(1) UMasipala unokubekela bucala ixabiso kwiimali zakhe okanye kwizipho zemali azifumeneyo ngenjongo yokukhupha iibhasari kunyaka ngamnye aze akhangele inani leebhasari ezinokukhutshwa kuloo nyaka.

(2) UMasipala unokunika-

- (a) iibhasari qho ngonyaka, ekhuphela abafaki-zicelo abavunywe nguMasipala ngenjongo yokunceda abo bafaki-zicelo ukuba bafunde ikhosi ethile;

- (b) umntu omnye iibhasari ezingaphezu kwesinye ngokubhekiselele ekufundeni ikhosi enye, ukuba loo bhasari yesexabiso elibekiweyo ngonyaka;
- (c) ibhasari yomfaki-sicelo ofunda okanye oceba ukufunda ikhosi kwiziko lemfundo ephakamileyo elibhalisiweyo elilapha kwiRiphabhlikhi yoMzantsi Afrika;
- (d) ibhasari kumntu onabazali bakhe asele behleli ubuncinane beminyaka emibini kwindawo kamasipala ngomhla obhalwe kweso sicelo,

(3) Kuya kujongwa kuqala abafaki bezicelo abasuka kumakhaya achazwe njengahluphekayo ngokwePolisi yokuHleleleka kaMasipala.

Ezona zimfuno ziphambili zokukhethwa kwabafundi

3.(1) Iibhasari zifumaneka kuzo zozibini izini, kubazali abahleli kumhlaba kaMasipala ithuba elingaphezu kweminyaka emibini okanye abahlawulela iinkonzo zikamasipala. Izicelo ezisuka kubafundi abafunda kwizikolo eziphakamileyo (Gr 10-12) kwindawo kaMasipala ziya kujongwa kuqala.

(2) UMasipala uya kujonga isicelo sebhasari ngokuxhomekeke kukukwaneliseka kwakhe kukuziphatha kakuhle, nangokuphumelela kakuhle okudizwa ziziphumo zezifundo eziziqithileyo, okanye isatifiketi sematrikhi.

(3) Ikomiti kufuneka inike iibhasari kubafundi abavunyiweyo unyaka ngamnye ngeenjongo zokufunda imfundo engaphaya kwematrikhi, xa befundela ikhosi engadulanga kwiminyaka emine ngokuxhomekeke ekubeni umnini-bhasari kufuneka afake isicelo sokuvuselela ibhasari qho ngonyaka.

(4) Ikhosi efundwayo nganye kufuneka ihambelane nemisebenzi kaMasipala.

Isivumelwano seBhasari

4. (1) UMasipala nomnini-akhawunti kufuneka phambi kokuba ibhasari ibhatalwe, asayine isivumelwano esibhaliweyo esihambelana nale miThetho kaMasipala.

(2) UMasipala kufuneka athathele umnini-bhasari i-inshorenisi yobomi egameni lomnini-bhasari ilingane nexabiso leBhasari iminyaka elingana naleyo afunda ngayo, kunye neminyaka emihlanu ngaphezulu koko aze ayinike kuMasipala, iindleko zokuhlawulela loo polisi ziya kwengezwa kuloo mali-mboleko.

IMIQATHANGO YEBHASARI

Ukuhlawulwa kweBhasari

5.(1) UMasipala makahlawule ixabiso leBhasari kwiziko afunda okanye aceba ukufunda kulo loo khosi ebhatalwa yona iBhasari, ngaphandle kokuba umnini-bhasari ufake isicelo esibhaliweyo sokuba kungenziwa njalo.

(2) Imali esele kuloo bhasari emva kokutsalwa kwazo zonke iimali neentlawulo zaloo khosi kuloo nyaka, kufuneka inikwe umnini-bhasari.

Ukuyekwa kokufundwa kwekhosi

6(1) Ngokuxhomekeke kwimigaqo ekwicandelo 7(9) no-(10, umnini-bhasari kufuneka emva kokugqiba okanye ukuyeka ukufunda ikhosi okanye ukuba uyiyeka phakathi ikhosi asebenzele uMasipala ithuba elilingana neminyaka echithwe kwelo ziko lemfundo, kungenjalo ixabiso leBhasari, likunye nenzala kufuneka-

- (a) lihlawulwe kuMasipala ngendlela yezavenge ezilinganayo zenyanga ezihlawulwa ngomhla okanye phambi komhla wesi-7 wenyanga nganye ithuba leminyaka emihlanu ukususela kumhla wokuqala kaEpreli wonyaka olandela unyaka loo mntu agqibe ngawo loo khosi kwelo ziko lemfundo.
- (b) ngokuxhomekeke ekuvumeni okubhaliweyo kukaMasipala, ukubuyiswa kwemali kungaqala zingaphelanga iinyanga ezimbini zokuqeshwa komnini-bhasari.

(2) Ngenjongo yecandelwana (1), umhla wokugqitywa kwekhosi okanye umhla wokuyekwa kwaloo khosi uya kuba nguloo mhla ubhalwe kwileta ebhalwe ngumphathi weziko elo ibhalelwa uMphathi ka Masipala, okanye ibhalwa ngumntu ogunyaziswe nguloo mphathi.

(4) UMasipala unelungelo lokubanga ukuhlawulwa ngoko nangoko kwentlawulo yayo yonke imali eseleyo yexabiso leBhasari, ikunye nenzala, ngenkundla yamatyala ukuba umnini-bhasari aphanzele kuMasipala okanye ahlawule izavenge ekuthethwe ngazo kwicandelo 6 ngomhla ofanelekileyo.

IBHASARI ENIKWA AMAGOSA KAMASIPALA

Ezona mfuno ziphambili zeeBhasari zamagosa

6. (1) Igosa kufuneka lifake isicelo esibhaliweyo seBhasari ngefomu elungiselelwe lenjongo aze kweso sicelo afake zonke iinkcukacha zaloo khosi icetywayo okanye izifundo zoqeqesho lwezakhono ngokubhekiselele kwizifundo neemodyuli, ngokunjalo neziko lemfundo eziza kufundelwa kuzo iiklasi, izikhokelo zezifundo okanye imathiriyeli yekhosi eza kufunyanwa kunye nemathiriyeli yokufunda eza kufunyanwa.

(2) UMasipala makahlawule ibhasari ngokuyifaka ngqo kwelo ziko lemfundo okanye umniki wezifundo zoqeqesho lwezakhono esakunikwa iakhawunti okanye umniki wemfundo yoqeqesho lwezakhono okanye kumboleki ofanelekileyo ekufakeni irisithe eyanelisa uMasipala.

(3) Nayiphi ikhosi okanye izifundo zoqeqesho lwezakhono, elandelwa ngumqeshwa onikwe imali yebhasari, kufuneka ibe nento yokwenza nezenzo zikaMasipala.

(4) Ibhasari makangayinikwa umqeshwa ngaphandle kokuba uMasipala uyivumile ikhosi azimisele ukuyilandela umqeshi lowo.

(5) Phambi kokuba iBhasari ihlawulwe kuMasipala-

(a) isivumelwano esibhaliweyo esiphakathi kwaloo mqeshwa noMasipala makungenwe kuso, apho kuzalisekiswa imigaqo yecandelo 6 lemiThetho kaMasipala;

(b) xa kunokwenzeka asweleke okanye afumane inkubazeko, makangayibuyiselwa uMasipala ukuba kufakwe isatifiketi sokusweleka okanye ubungqina obubhaliweyo benkubazeko leyo.

(6) Ukuba umnini-bhasari akaphumeleli ukuphangela kuMasipala akugqiba ikhosi, elo xabiso lebhasari, likunye nenzala, kufuneka libuyiswe ligosa elo kubuncinane beenyanga ezili-12 ngezavenge zenyanga ezilinganayo eziqala kusuku lokuqala lwenyanga emva komhla wokuba engakwazanga ukuphangelela uMasipala.

(7) Ukuba igosa lithi, nangasiphi na isizathu, liyekise inkonzo yalo noMasipala libe lingekazifumani iziphumo okanye libe lingaphumelelanga, loo mali iseleyo yebhasari mayibuyiswe ngoko nangoko.

(8) UMasipala unelungelo, ngokokubona kwakhe, lokurhoxisa ibhasari yelo gosa, ukuba elo gosa linetyala lokungaziphathi kakuhle, okanye aliqhubi kakuhle kwizifundo zalo, okanye alilandeli naziphi izibophelelo ngokwale miThetho kaMasipala okanye ngokwesisivumelwano sebhasari yaye umnini-bhasari kufuneka asebenzele uMasipala iminyaka elingana naleyo ichithwe kwelo ziko okanye ahlawule loo bhasari kunye nenzala.

(9) Igosa elihlawule izifundo zaso laza layigqiba ikhosi, imodyuli okanye izifundo zoqeqesho lwezakhono okanye inxenye yazo ngempumelelo linokubuyekezwa ngeemali zokufunda kwazo emva kokufakwa kobungqina beerisithi kunye neziphumo zeemviwo zifakwa liziko lezemfundo kuMasipala yaye xa zifakiwe imigaqo yecandelo 12(3) isebenza kunye notshintsho olufanelekileyo kwelo gosa, ukuba iifomu zesicelo sebhasari ziye zazaliswa ligosa.

(10) Ukuba nayiphi imigaqo yale miThetho kaMasipala akakacacisanga ncam phantsi kwesihloko esithi “iiBhasari zabaHlali, iiBhasari okanye iiBhasari zamagosa, okanye iibhasari zabantu abaxhomekeke kumagosa”, uMasipala uyekelwe ukuba enze isigqibo sakhe sokugqibela ngokokucinga kwakhe.

Iibhasari zabantu abaxhomekeke kumagosa

7. (1) Igosa malifake isicelo esibhaliweyo seBhasari yomntu oxhomekeke kulo kwifomu ebekelwe loo njongo lize kweso sicelo lifakwe zonke iinkcukacha zaloo khosi icetywayo, imodyuli okanye izifundo zoqeqesho lwezakhono ngokubhekisele kwizifundo okanye kwiimodyuli, ngokunjalo neziko lernfundo ezifundelwa kulo iiklasi, izikhokelo zezifundo okanye iikhosi okanye izifundo zoqeqesho lwezakhono eziya kufundwa kunye nemathiriyeli yokufunda eya kufumaneka kuyo imathiriyeli.

(2) Iibhasari uMasipala makayihlawule ngqo kwiziko elo lemfundo, xa enikwa iakhawunti okanye kuloo mboleki xa efake irisithi eyanelisa uMasipala.

(3) Phambi kokuba ibhasari ayihlawule uMasipala, kufuneka kubekho isivumelwano esibhaliweyo phakathi kwaloo mqeshwa noMasipala ngokwemigaqo yecandelo 6 lale miThetho kaMasipala,

(4) Ukuba loo mntu uxhomekeke kwelo gosa akaphumeleli ukusebenzela uMasipala xa egqiba loo khosi ebeyifunda, loo mali yebhasari, ikunye nenzala ebalwe kuloo mali ingekahlawulwa kufuneka elo gosa liyibuyise ngezavenge zenyanga ezili-12 ukuqala ngosuku lokuqala lwenyanga elandela umhla lokukhutshwa kwetshekhi.

(5) Ukuba igosa lithi nangasiphi isizathu liyeke inkonzo yalo kuMasipala, loo mali isaseleyo yebhasari mayibuyiswe ngoko nangoko, kodwa uMasipala unalo ilungelo lokuyitsala loo mali kumvuzo wokugqibela wegosa elo aze ashiye imali efanele ukuhlawulwa elo gosa ukuze kugqibezeleke loo mali-mboleko.

Ukunikwa kwebhasari nokufakwa kwezicelo

8. (1) Iibhasari zinokunikwa kubasebenzi abafanelekileyo ngokwesindululo seBhunga likaMasipala ukuze angene kuloo khosi okanye okanye loo ndawo iseleyo kwelo ziko zemfundo.

(2) Abasebenzi kufuneka bafake isicelo esibhaliweyo kuMphathi kaMasipala phambi komhla we-15 kuJanyuwari lwaloo nyaka weBhasari yaye kwesi sicelo kufuneka afake zonke iinkcukacha zolo qeqesho lwemfundo lwelo xesha, ikhosi ecetywayo, exela ezona zifundo ziphambili kunye nezinye kunye neziko lemfundo ekufuneka izifundo zenziwe kulo okanye ekuza kufundwa kulo kunye necandelo lezo nkonzo zikaMasipala aqeshwe kuzo loo msebenzi.

(3) IBhasari ayinakunikwa umqeshwa phambi kokuba uMasipala avume loo khosi afuna ukuyilandela kunye neemali okanye intsalela yazo. Ukuba umsebenzi wayekhe wanikwa

ibhasari uya kufaneleka kwenye ibhasari emva kokuba efumene iziphumo zexesha eliphelileyo.

(4) UMasipala unokuthi ngokokubona kwakhe, avume okanye akhabe isicelo sebhasari kodwa athi akuyivuma ibhasari uMasipala, kufuneka kukhutshwe isatifiketi sinikwe umqeshi ukuba asifake kwelo ziko lemfundo, ukwenzela ukuba lingabizi mali kuloo mqeshwa malunga neemali zemfundo ngethuba lobhaliso.

Injongo nexabiso leeBhasari

9. (1) UMasipala kufuneka anike iibhasari kubasebenzi ukwenzela -

- (a) ukuhlawula iimali zezifundo (kuquka neemali zobhali) zaloo khosi okanye intsalela yaloo khosi loo mqeshwa ayibhalisele kwelo ziko lemfundo ukuzama ukunceda umqeshwa ukuba afumane olo qeqesho kunye nezifundo zemisebenzi yamagunya asekuhlaleni engakhange angene engxakini ngokwezimali; kunye
- (b) neencwadana ezifanelekileyo.

(4) Ukubuyiswa kwemali ngokokusetyenziswa kwayo (iprorata), kubalwa ngokwenani lezifundo eziphunyelelweyo, kufuneka kwenziwe kumqeshwa ozihlawulelayo izifundo zakhe, ngokuxhomekeke ekubeni uMasipala uyivumile loo khosi okanye loo ndawo iseleyo umqeshwa lowo afuna ukuyilandela phambi kokuqala konyaka ngamnye wekhosi yesifundo yaye loo mqeshi uyavuma ngokusayiniweyo ukuhlala kwinkonzo kaMasipala kwiinyanga ezili-12 ezilandelelanayo, ukususela kumhla anike ngawo ubungqina bezifundo eziphunyelelweyo.

Ukubuyiswa kweBhasari ekuyekweni kweenkonzo ngethuba ekwikhontrakhti

10. Kwimeko yomqeshwa oshiya inkonzo kaMasipala ngaso nasiphi na isizathu, ngalo naliphi na ixesha, phambi kokugqiba ithuba lekhontrakhti yakhe, unyanzelekile ukuba abuyise ngoko nangoko imali kaMasipala ebalwe ngokokuba inkonzo enikwe ngenyanga iyalingana ne-1/12 yemali ayihlawuliweyo, yaye kuloo meko uMasipala unokufaka neemali ezibekwe kwicandelo 12(a).

Ukuyekiswa kwale miThetho kaMasipala

11. Imigaqo yayo nayiphi imiThetho kaMasipala ephathelele kwiibhasari ezikhutshwa nguMasipala iyayekiswa ngokwendlela ehambelana ngayo nemiba ekule miThetho kaMasipala.

Isihloko esifutshane

12.(1) Le miThetho ibizwa ngokuba yiMithetho kaMasipala yeeBhasari yaye iya kuqala ukusebenza ngomhla okanye imihla eya kubekwa liBhunga ngokupapashwa yiGazethi yePhondo.

(2) UMasipala unokubeka imihla eyahlukeneyo yokusebenza kwayo kwiindawo ezahlukeneyo.

No. 29

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA EBHEKISELE
KULAWULO LWEENDAWO ZOKUZONWABISA**

UYILO LOKU-1

IMITHETHO KAMASIPALA EBHEKISELE KULAWULO LWEENDAWO ZOLUNTU ZOKUZONWABISA

Kwaziswa ngokuhambelana necandelo le-13 loMasipala waseKhaya woMthetho ka-2000 weeNkqubo zikaMasipala (uMthetho nomb. 32 ka-2000) ukuba iBhunga likaMasipala waseMbizana lipapasha iMithetho kaMasipala yoLawulo lwezixhobo zoluntu zokuzonwabisa njengoko kubekiwe apha ngezantsi:

ISALATHISO

1. Iinkcazelo
2. Ukusetyenziswa kweMithetho kaMasipala
3. Ukucwangciswa kweendawo zokuzonwabisa
4. Ukuxhaswa ngezimali kunye nokuphuculwa kweendawo zokuzonwabisa
5. Okusingqongileyo, ezemidlalo kunye nezolonwabo
6. Ukulawulwa kweendawo zokuzonwabisa
7. Ukungavunyelwa kokungena kwindawo zokuhlala ezisezipakini nakwiindawo zokuzonwabisa kunye nokwafelwa ukwenza izenzo ezithile apho
8. Isizathu sokunikwa imvume yokungena okanye ukuhlala kwizakhiwo wokuzonwabisa kunye nomhlaba wazo zinokunikezelwa
9. Ukuthengiswa kokutya
10. Ukuthengiswa kwezinye izinto
11. Iintlawulo ezibhekisele ekusetyenzisweni kweendawo zokuzonwabisa zikaMasipala
12. Iinkqubo zokhuseleko ezimele ukuqwalaselwa
13. Ukubhangiswa kweMithetho kaMasipala
14. Isihloko esifutshane kunye nokusungulwa kwayo

Iinkcazelo

1. Kule Mithetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into-

“isilwanyana” sithetha yonke into esisilwanyana;

“iBhunga likaMasipala” lithetha iBhunga loMasipala waseMbizana kunye nalo naliphi igosa elithunyelwe nguMasipala ukubalenze amagunya kunye nemisebenzi ebhekisele kule Mithetho kaMasipala egunyaziswe nguMasipala;

“uMasipala” uthetha uMasipala waseMbizana;

“iindawo zokuzonwabisa zikaMasipala” zithetha iipaki, iiholo zoluntu, **amathala encwadi**, amabala emidlalo kunye nekaMasipala;

“iindawo zokuzonwabisa” zithetha iindawo zolonwabo zikaMasipala.

Ukusetyenziswa kwale Mithetho kaMasipala

2. (1) Le Mithetho kaMasipala izakusetyenziswa kwingingqi yolawulo lukaMasipala ukusukela ngomhla wokubhengezwa kwayo.

(2) Le Mithetho kaMasipala ayiyi kusetyenziswa kuMasipala njengoko ibhekisele kwimicimbi apho kukho iMithetho yePhondo okanye kaZwelonke ekhoyo endaweni yayo kuMasipala, mithetho leyo ibandakanya loo micimbi. Le Mithetho kaMasipala ayisetyenziswa apho ithetha imicimbi ephathwa yiPalamente kaZwelonke okanye yiNdlu yoWiso-mthetho yePhondo esebenza kooMasipala apho olu wiso-mthetho lwePalamente kaZwelonke okanye indlu yoWiso-mthetho iqwalasela loo micimbi.

Ukucwangciswa kweendawo zokuzonwabisa

3. UMasipala xa ecwangcisa ezo ndawo zokuzonwabisa zezemidlalo kunye nezolonwabo uya kuqinisekisa ukuba ingqwalaselo ekhethekileyo ijoliswa kukufikeleleka kwabantu kunye nababukeli abanenkubazeko kwezo ndawo zezemidlalo.

Ukuxhaswa ngezimali kunye nokuphuculwa kweendawo zokuzonwabisa

4. (1) UMasipala unokwakha intsebenziswano neminye imibutho yezemidlalo enomdla kwezemidlalo, ulonwabo kunye nentatho nxaxheba yabantu ukuze-

(a) afumane uncedo lwemali ngasekwandeni kwentatho

nxaxheba yabantu kwezemidlalo nakwiinkqubo zolonwabo kunye neenkonzo; kwaye

- (b) abonelele ngezixhobo eziphathekayo kwezemidlalo kunye nolonwabo.
- (2) UMasipala uya kuqinisekisa ukuba-
 - (a) umntu wasetyhini;
 - (b) ulutsha oluhamba isikolo kunye nabangasasihambiyo isikolo;
 - (c) umntu onenkubazeko;
 - (d) Umntu omdala; kunye
 - (e) nabantu abangakhathalelwanga basezilalini abakwingingqi kaMasipala babengabokuqala kwiinkqubo ezijongene nokuphuculwa kunye nokuhanjiswa kwezixhobo zezemidlalo kunye nolonwabo.

Okusingqongileyo, ezemidlalo nezolonwabo

- 5. Yonke imicimbi yezemidlalo nokuzonwabisa kufuneka iqhutywe ngendlela engazukuchaphazela indalo ngokungalunganga.

Ukulawulwa kweendawo zolonwabo

- 6. (1) UMasipala kufuneka alawule, agcine ulawulo lweendawo zolonwabo kwingingqi kaMasipala:
- (2) UMasipala uno-
 - (f) kwakha kwaye, andise ezo ndlela, iibhlorho, izakhiwo, amadami, amacingo, isithintelo-maza, udonga olunqanda ulwandle, indlu yephenyane, imigangatho yokwehla, iindawo zokubophelela inqanawa, iipuli, amatonela olwandle kunye namanzi ahamba ngaphantsi kunye nokuphatha eminye imisebenzi njengoko kunokuthathwa njengokufanelekileyo kulawulo nokugcinwa kweendawo;
 - (g) kuthatha loo manyathelo njengoko eya kuqinisekisa ukuba ukhuseleko lweendwendwe izilwanyana kunye nobomi bezityalo kunye nokukhathalelwa kwezakhiwo zeendawo kunye nezilwanyana kunye nezityalo ezikhoyo kulo meko yendalo;

- (h) kubonelela ngokutya neziselo kwiindwendwe zendawo;
- (i) kuqhuba naliphi ishishini okanye urhwebo ngelokunceda iindwendwe eziye ezipakini nakwezinye iindawo zokuzonwabisa;
- (j) kunika naziphi iinkonzo zokunceda iindwendwe kwipaki kwezakhiwo zokuzonwabisa;
- (k) kuseka, andise, alungiselele kwaye agcine nasiphi isakhiwo, indawo okanye indawo yokugcina iimpahla eyimfuneko ekusetyenzisiweni kweso sakhiwo;
- (l) kumisela ezo ntlawulo ziza kuhlawulelwa imvume yokungena okanye eyokuhlala kwizakhiwo zokuzonwabisa;
- (m) kugunyazisa nabani na ukuba aqhubeke ngokubhekisele kwimiqathango kunye nokuhlawula ezo ntlawulo njengoko uMasipala enokubona njengokufnelekileyo kuwo nawuphi umsebenzi ngaphandle kokuthengiswa kotywala nokunokuqhutywa nguMasipala ngokwale miqathango yeli candelo;
- (n) uMasipala unokuqeshisa okwethutyana okanye nangayiphi indlela enze ukuba ubekhona nawuphi na umhlaba, isakhiwo, indawo okanye enye indawo engenye efunyenwe okanye emiselwe ngokwemiqathango yale Mithetho kaMasipala kunye nezigqibo ekugqitywe ngazo naloo mntu.

Ukungavunyelwa kokungena kwindawo zokuhlala ezisezipakini nakwiindawo zokuzonwabisa kunye nokwalelwa ukwenza izenzo ezithile apho

7. (1) Akukho mntu ngaphandle kwegosa okanye umsebenzi osebenza phantsi kwegunya likaMasipala uno-

- (o) kungenisa okanye ahlale epakini kwindawo yezemidlalo okanye kwiholo yoluntu ngaphandle kwemvume kaMasipala okanye eyalo naliphi igosa okanye umsebenzi ogunyaziswe ukuba anike loo mvume;
- (p) kuhambisa isixhobo, isidubuli okanye ityhefu epakini, kwindawo yezemidlalo, eyoluntu okanye kuyo nayiphi indawo yoluntu yolonwabo okanye abe naso nasiphi isixhobo, izigu zoqhushumbiso okanye ityhefu;
- (q) kuzingela epakini nakwindawo yezemidlalo okanye ngapha ngabom okanye ngokungakhathali abulale okanye enzakalise isilwanyana;

- (r) kuthatha, onakalise, atshabalalise naliphi iqanda okanye nayiphi indlwana yentaka okanye athathe ubusi kwindlu yeenyosi epakini okanye kwindawo yezemidlalo;
- (s) kubangela umlilo wedlelo ngabom okanye ngokungakhathali okanye nawuphi umonakalo kuyo nayiphi into yenzululwazi ngezakudala ngokwakhiwa komhlaba, yezembali, ezenzululwazi ngeentlanga, yezaselwandle yezemfundo okanye ezinye izinto zobungcali ezenza umdla epakini, kwiholo yoluntu, okanye kuyo nakweyiphi indawo yokonwabisa uluntu;
- (t) kuzisa naziphi izilwanyana okanye avumele naziphi izilwanyana zasekhaya ukuba ziphambukele kwindawo yokonwabisa uluntu okanye zingene kwindawo yokonwabisa uluntu;
- (u) asike, onakalise, asuse okanye atshabalalise nawuphi umthi, okanye nayiphi inxalenye yawo, iinkuni, ingca okanye esinye isityalo (kuquka nasiphi isityalo saselwandle) endaweni yokonwabisa uluntu;
- (v) kususa imbewu kuwo nawuphi umthi okanye esinye isityalo esisesinye kwindawo yokonwabisa uluntu ngaphandle kwemvume kaMasipala okanye naliphi igosa okanye umsebenzi ogunyaziselwe ukunika loo mvume;
- (w) kutyisa nasiphi isilwanyana epakini okanye kwindawo yezemidlalo;
- (x) kuqhuba isithuthi kwindawo yokonwabisa uluntu ngaphandle kwelayisensi sebenzayo okanye avumele nabani na ongomnye ukuba aqhube isithuthi kwindawo yokonwaba yoluntu ngaphandle kwelayisensi eyamkelekileyo yokuqhuba.

Isizathu sokunikwa imvume yokungena okanye ukuhlala kwizakhiwo wokuzonwabisa kunye nomhlaba wazo

8. (1) Imvume yokuhlala okanye ukungena kwizakhiwo zokuzonwabisa okanye kwiholo zoluntu ngemicimbi yokuzonwabisa engenye inokunikezelwa ngokubhekisele kwezo meko njengoko kunokuthathwa njengokufanelekileyo kwaye, kufuneka inikezelwe kuphela ngenjongo-
- (c) zempilo, zemfundo, zokuzonwabisa okanye imicimbi ebhekisele apho;
 - (d) zayo nayiphi intengiselwano yeshishini elisemthethweni naye nabani na okanye ngokubhekisele kuye nabani ongaphakathi kwezakhiwo;

- (e) zokwenza nabani na osebenza kuRhulumente okanye kulawulo lwePhondo ukuba abenako ukwanza nayiphi imisebenzi yasebuRhulumenteni.

Ukuthengiswa kokutya

9. (1) Ngaphandle kokuba kubekwe ngenye indlela kule Mithetho kaMasipala umntu ogunyaziswe ukusetyenziswa kweendawo zolonwabo okanye umntu onikezelwe nguMasipala naziphi iinkonzo ezichazwe kule Mithetho kaMasipala kufuneka enoxanduva lokuhlawula uMasipala intlawulo yoko.
- (2) Nabani na onomnqweno wokusebenzisa nayiphi indawo yokuzonwabisa kaMasipala kufuneka ke ngoko afake isicelo kwifomu emiselweyo nguMasipala kwiintsuku ezisixhenxe phambi kokuba isetyenziswe.
- (3) Kufuneka kuhlawulwe ubuncinci iipesenti ezilishumi zengeniso ngokusetyenziswa kweendawo zikaMasipala zokuzonwabisa koluntu.
- (4) UMasipala unokukhulula nabani okanye nawuphi umbutho ekuhlawuleni intlawulo echazwe kwicandelwana
- (5) Intlawulo ekhankanywe kwicandelwana (3) kufuneka ihlawulwe kuMasipala kwisithuba sexesha leentsuku ezintathu emva komnyhadala.
- (6) UMasipala unokumisela nayiphi intlawulo emayihlawulwe ngokusetyenziswa kweendawo zakhe ngokwemiqathango yale Mithetho kaMasipala.
- (7) Nabani othe wasilela nakweziphi iintlawulo ezikhankanywe kweli candelo ngokubhekisele kwiinkonzo ezinikezelwe nguMasipala kufuneka afunyanwe enetyala.

Iinkqubo zokhuseleko ezimele ukuqwalaselwa

12. IBhunga kufuneka ligcine iindawo zoluntu zokuzonwabisa ngokuhambelana namagatya oMthetho ka-2000 woLawulo lweeMeko zikaxakeka.

Ukubhangiswa kweMithetho kaMasipala

13. (1) Nawuphi umthetho osetyenziswa kulawulo lukaMasipala nobhekisele kulawulo leendawo zokuzonwabisa ubhangisiwe apho uchasene nale Mithetho kaMasipala.

- (2) Ukubhangiswa kuya kuqala ukusebenza emva kokubhengezwa kwale Mithetho kaMasipala.

Isihloko esifutshane kunye nokusungulwa kwayo

14. Le Mithetho kaMasipala iya kubizwa ngokuba yiMithetho kaMasipala yokuLawulwa kweeNdawo zoLuntu zokuzoNwabisa kwaye, iya kuqala ukusebenza emva kokuba ipapashwe kwiGazethi yePhondo.

No. 30

UMASIPALA WASEMBIZANA

IMITHETHO KAMASIPALA YOLAWULO LOKUTYA

UYILO

UMphathi kaMasipala waseMbizana, ngokwecandelo le-13 loMthetho woRhulumente weNdawo; neeNdlela zokwenza zikaMasipala, ka-2000 (uMthetho wama-32 ka-2000), ufundeka necandelo 162 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996 (uMthetho 108 ka-1996), lupapashwe nguMasipala waseMbizana: iMithetho kaMasipala yoLawulo Lokutya ethe yavunywa liBhunga likaMasipala.

ULawulo Lokutya

ISALATHISO

Icandelo	Isiqulatho
1	Iinkcazelo
2	Izicelo
3	Isiqinisekiso sokwamkeleka
4	Izalelo kulawulo nothutho lokutya
5	Imigangatho neemfuneko zendawo yokutya
6	Imigangatho neemfuneko zezixhobo kwindawo yokutya
7	Imigangatho neemfuneko zezigcini zokutya
8	Imigangatho neemfuneko zemiboniso, ugcino kunye namaqondo obushushu okutya
9	Imigangatho neemfuneko zokhuseleko lwempahla yokunxiba
10	Imisebenzi yomntu ongumphathi wendawo yokutya
11	Imisebenzi yomphathi-kutya
12	Imigangatho neemfuneko zolawulo lwenyama
13	Imigangatho neemfuneko zothutho lokutya
14	Amalungiselelo amalunga neemveliso ezingalungiswanga
15	Ukhululo, iimfuneko ezongezelelweyo kunye nobambo Amatyala kunye nezohlwayo

Isihloko esifutshane kunye nokuqala

Isihlomelo

1. Icandelo 8(6)
2. Ingqokelela yemithetho nemimiselo ecwangcisiweyo yokulinganisa iqondo lobushushu bokutya
3. Umlinganiso weqondo lobushushu
4. Ubunganga ngokunxulumene nobumeli bokufundwa kwamaqondo obushushu

Inkcazelo

1. Kule Mithetho kaMasipala naliphi igama okanye amazwi neembonakalo apho intsingiselo ithe yamiselwa kuMthetho mayibe nalo ntsingiselo ngaphandle kokuba indawo ekubhalwe kuyo ibonisa ngenye indlela-

“ukufumaneka” kuquka ukufumaneka kwenye indawo ngaphandle kwendawo yokutya;

“esona sona sicwangciso silungileyo nesifumanekayo” sithetha isicwangciso esinokusetyenziswa nesifanelekileyo kukhuseleko lokutya kungcoliseko lwepasile, sinengqwalasela kwiimfuneko zokuhlala noba kukwindawo yokutya okanye naphina, ukoyisa ubude bemisebenzi emisiweyo kwakunye nosulelo lwamatyala ngaphezulu;

“isiqinisekiso solwamkelo” sithetha isiqinisekiso solwamkelo ngokubhekiselele kwicandela 3;

“ucoceko” luthetha ukukhululeka kuzo naziphina iimeko ezichasene nokungacoceki okanye ungcoliseko ukufikelela ekubeni isimo sempilo nococeko siphumelele, yaye **“kugcinwe ucoceko”** lunentsingiselo efanayo;

“isikhongozelo” okanye “inkonkxa sokutya” iquka nayiphi indlela ekunikezwa ngayo, ekugcinwa, ekuboniswa, ekupakishwa, ekusongelwa nekuthuthwa ngayo yaye nendlela ukutya ekhlangana ngayo ngqo nabantu abo;

“ungcoliseko” luthetha isiphumo esisetyenziswa ekudleni yiarhente okanye amagosa angaphandle khon’ukuze-

- (a) kungahlangabezani nemigangatho neemfuneko ezimiselwe ngumthetho;
- (b) zihlangabezani nemigangatho yococeko lokutya olwamkelekileyo okanye izithethe zentengiso nosebenziso okanye imigangatho; okanye

(c) ayilungelanga intsebenzis̄o yoluntu;

yaye no **“ngcoliseko”** lunentsingiselo engqinelanayo.

“iqondo lobushushu elingundoqo” lithetha ukufundeka kweqondo lobushushu elithathwe kuqikelelo lombindi wendawo yokutya.

“ubuchule” buthetha izixhobo, ukuphumeza, indawo zokugcina, indawo zokusebenzela zezinto ezisetyenziswe ngokunxulumene nolawulo lokutya;

“ukutya” kuthetha izinto ezityiwayo ezimiselwe ukusetyenziswa luluntu nanjengoko kuchaziwe kwicandelo 1 Lwezinto Ezityiwayo, Izinto Zokuchokoza Umzimba kunye neziBulala-Ntsholongwane, 1972 (UMthetho 54 ka 1972) ngokungaquki ukutya ngokubhekiselele kuMthetho we 14;

“umlawuli/mphathi-kutya” uthetha umntu othi kwindlela yesiqhelo asebenza ngayo kumsebenzi wakhe kwindawo yokutya adibane nokutya hayi ngenjongo yokufezekisa iimfuno zakhe;

“indawo yokutya” ithetha isakhiwo, isitali, okanye esinye isakhiwo esifanayo kuquka iikharavani, izithuthi, izikhundla okanye iindawo ezisetyenziswa ngokunxulumene nolawulo lokutya;

“indlela eyiyo nelungileyo yokuvelisa” ithetha indlela yokwenza yokulawula okanye inkqubo esetyenziswayo, uthabathela ingqalelo imithetho-sisekelo yococeko, khon’ukuze ukutya kungangcoliseki, kungaboli okanye konakale ngexesha lenkqubo yokwenziwa kwako;

“ukulawula/ukuphatha” kuquka ukwenziwa, ukuvelisa, ukupakisha, ukulungisa, ukugcina, ukunikeza, ukuthutha, ukubonisa, ukuthengisa okanye ukunikezela, yaye **“ukulawula”** kunentsingiselo engqinelanayo;

“izandla” ziquka imizantsi yeengalo okanye indawo yengalo le isuka esihlahleni ukuya kuma engqinibeni;

“ubungozi bempilo” buquka nayiphi na imeko, isenzo okanye ukungezi ngendlela okungathi kungcolise okanye konakalise ukutya khon’ukuze usetyenziso lokutya lungabi nobungozi okanye lubesisonakaliso empilweni yoluntu;

“umhloli” uthetha umphathi wezempilo okanye umonyulwa wezempilo ngokwecandelo 22(1) woMthetho, okanye umphathi wezempilo ohlola ubume bendawo okanye ugqirha wemfuyo owonyulwe ngokwecandelo 24(1) loMthetho;

“uMthetho Wokhuseleko lweNyama” uthetha uMthetho Wokhuseleko lweNyama, 2000 (uMthetho wama-40, wama-2000);

“iBhunga likaMasipala” lithetha iBhunga likaMasipala waseMbizana okanye nawuphi umphathi elite iBhunga likaMasipala lamgunyazisa amandla, nemisebenzi ngokuphathelene neMithetho kaMasipala;

“uMasipala” uthetha uMasipala waseMbizana;

“iMithetho yemiGangatho yoLwakhiwo lweSizwe” lithetha iMithetho yemiGangatho yoLwakhiwo lweSizwe, 1997 (uMthetho 103 ka 1977);

“ukutya okonakalayo” kuthetha naziphi izinto ezityiwayo ezithi kukwenziwa kwazo, izithako zokupheka, ukufuma kunye okanye nexabiso *lepH* kunye nokusilela kwisigcinakaliso kunye nendlela eyiyo yokupakisha ethabathekisayo kukwanda okungathintelekiyo kwiintsholongwane kuzo, ukuba izinto ezityiwayo ezibekwe kwiSaziso sikaRhulumente R.1183 somhla woku-1 ka-Juni 1990, njengoko silungisiwe, ngokungaquki iziqhamo nemifuno;

“umntu ophetheyo” ngokwayo nayiphi indawo yokutya, kuthetha umntu ojongene nendawo yokutya okanye umnini wesakhiwo sendawo yokutya leyo, njengoko kunjalo;

“ukutya okungapakishwanga” kuthetha ukutya okuthi phambi kokuba kubonise ngako khon’ukuze kuthengise okanye kunikezelwe kupakishwe njengoko kubonisiwe kwicandelo 7(3);

“ukutya okulungelwe ukutyiwa okanye ukusetyenziswa” kuthetha nakuphi ukutya okonakalayo okungathi kusetyenziswe ngaphandle kokuba kuye kwenye inkqubo yamalungiselelo okwenza kudleke okanye kusebenziseke;

“ukunikezela” kuquka unikezelo lokutya nokuba kungenxa yovelwano okanye ngenye indlela;

“uMthetho” uthetha uMthetho Wezempilo, 1977 (uMthetho wama-63 ka-1977);

“isixhobo sokulinganisa ubushushu” sithetha isixhobo esikwazi ukufunda iqondo lobushushu ngokubhekiselele kule mithetho, ukuchaneka okudibeneyo kwesi sixhobo sokulinganisa ubushushu kwakunye nobuthathaka besivo seqondo lobushushu libe kufuphi no 0.5°C;

“le Mithetho kaMasipala” iquka nasiphi isihlomelo sale Mithetho kaMasipala;

“ukungalungi/ukungomeleli” kuthetha ukungaphili ncam, bukugularha, usuleleko lwentsholongwane, ungcoliseko, uchaphazeleko lwentsholongwane, ukubola, ukonakala, ukungalungeli ukusetyenziswa luluntu ngenxa yazo naziphi izizathu;

“isithuthi” sithetha uloliwe, itroli, inqwelo, ibhayisilile, isileyi, isigadla, isikhephe, inqanawa okanye nditsho neenqwelomoya ukuquka nabuphina ubugcisa beenqwelo okanye uhlobo lokuhambisa olusetyenziswa kulawulo lothutho lokutya;

“amanzi” athetha amanzi ahlangebezana neemfuno ezisekwe kwiSABS 241: Amanzi asetyenziselwa imfuno zasekhaya.

Isicelo

2. (1) Ukuba uMasipala akanazo iinkonzo zomhloli ngokugqibeleleyo ngenxa yaso nasiphi isizathu lingasebenzisa inkonzo zomhloli wesebe lezempilo eligunyazisiweyo okanye usebenziso lwabucala ukuziqhelisa okanye ukuguzula amandla okanye imisebenzi yomhloli ngokubhekiselelwe kule Mithetho kaMasipala.
- (2) Akukho mfuno yale Mithetho kaMasipala mayibe nongqzulwano kunye nemimiselo eyenziwe phantsi koMthetho ngokuphathelene nolawulo okanye uthutho lokutya okuthile, makuvumeleke nanjengoko kuchasene.

Isiqinisekiso solwamkelo

3. (1) Ngokwe kwemfuneko yecandelwana (2) kunye necandelo 15(5), akukho mntu makalawule okanye anike imvume yokuba ukutya kulawulwe-
 - (a) kwindawo yokutya apho isiqinisekiso solwamkelo esivunyiweyo singekakhutshwa okanye singekabina kusebenza; okanye
 - (b) ngokuchaseneyo nalo naluphi uthintelo okanye imeko okanye isigqibo esikwesiqinisekiso solwamkelo.
- (2) Iimfuneko/amalungiselelo ecandelwana (1) kufuneka esebenzile kumba wendawo yokutya ekhoyo ngexesha lokupapashwa kwale Mithetho kaMasipala kusuku lokuqala kulandela ixesha elizinyanga ezintandathu emva kokwaziswa kwale Mithetho kaMasipala.
- (3) Umntu ophetheyo kuyo nayiphi na indawo yokutya onqwenela ukuzuza isiqinisekiso solwamkelo ngokuphathelene naloo ndawo yokutya kufuneka afake isicelo esibhaliweyo kuMasipala kuxwebhu elinazo zonke inkcukacha ezingqinelanayo nezo ezikuxwebhu lwesihlomelo sale Mithetho kaMasipala.
- (4) Kulwamkelo lwesicelo ngokubhekiselele kwicandelwana (3), uMasipala ngaphandle kolibaziseko makabhekise isicelo kumhloli ukuze asinike ingqwalasela.

- (5) Umhloli nanjengoko angacima okanye ancede xa kufanelekile, ngokuqwalasela isicelo eso angacela ukufumana ulwazi oluthe vetshe kumceli okanye nakuye namphina umntu.
- (6) Ukuba umhloli, emva kokuba enze lonke uhlolo lwakhe yaye ukholisekile ukuba indawo leyo yokutya ixeliweyo, ngokuphathelene neemeko ezikhoyo ezayamene nomhlaba kunye nobuchule kwakunye ngokweemfuno namacandelwana 4(2) kunye nele 15.
- (a) ngokuthobela iimfuno zecandelo 5 nele 6, uMasipala kufanele aikhuphe isiqinisekiso solwamkelo egameni lalowo uphetheyo kuxwebhu elinobungqina obufanayo nobo bukuxwebhu lwesihlomelo B seMithetho kaMasipala; okanye
- (b) ngandlela zonke lungathobeli iimfuno zecandelo 5 nele 6, abasemagunyeni bendawo ngokwemfuno yecandelo 4(2) bangathi banikezele ulwandiso kangangeenyanga ezintandathu ukwenzela lowo ungumphathi abenokutshintsha okanye axhobise indawo yokutya ngokuthobela iimfuneko kodwa ngexesha elibekiweyo lolwandiso lweemfuno zecandelwana (1) mazingasebenzi kumntu oxeliweyo.
- (7) Isiqinisekiso solwamkelo masiboniswe kwindawo esekuhlaleni ukunika ulwazi kuwonke wonke ngendawo yokutya ngokuthobela leyo ikhutshiweyo okanye ikopi ngoko ke mayenziwe ibekho ngokukhawuleza ngesicelo apho umboniso ungenamkhethe.
- (8) Ukuba umntu ophetheyo kwindawo yokutya uthe wathathelwa indawo ngomnye umntu, lo mntu makalazise uMasipala ngencwadi ebhaliweyo alazise ngotshintsho olo kwiintsuku ezingama 30 emva komhla lowo lwenzeke ngayo utshintsho, ngokwemfuno zecandelo 4(2), malikhuphe isiqinisekiso esitsha solwamkelo egameni lalowo mntu mtsha uphetheyo.
- (9) Isiqinisekiso esamkelayo-
- a) asikwazi ukukhutshelwa komnye umntu ukuya komnye kwangokunjalo asikwazi ukutshintshelwa kwindawo yokutya ukuya kwenye;
- b) sivumeleke ngokwemo yolawulo olusekwe kwisicelo sesiqinisekiso solawulo solwamkelo;
- c) nangaliphi na ixesha singatyikitywa nguMasipala ngo-

- (i) kwandisa izithintelo ezingathi zifuneke ukukhusela impilo engozini; yaye
 - (ii) ukususwa kwaso nasiphi isithintelo ngokubhekisele kudidi nohlobo lokutya okanye kucwangciso lwendlela yolawulo.
- (c) masiphelelwe okwexeshana kangangethuba apho isalelo phantsi kwecandelo 4(2) sisebenza;
- d) masiphelelwe ngokusisigxina ukuba isalelo ngokubhekisele kwicandelo 4(2) asisuswanga kwixesha elimiselweyo ekufuneka lingedluli kwiinyanga ezintandathu ukusuka kumhla isaziso ebesikhutshwe ngawo ngokwecandelo 4(2); yaye
- e) masiphelelwe ngokusisigxina ukuba imfuno zecandelwana (8) azithotyelwanga.
- (10) Akukho mntu unokwenza naluphi utshintsho olungagunyaziswanga okanye ukongezelela okanye ukwenza isiqinisekiso solwamkelo ngenkohliso.

Isalelo kulawulo nothutho lokutya

4 (1) Akukho mntu makalawule ukutya ngendlela echaseneyo neemfuno zale Mithetho kaMasipala.

- (2) Ukuba umhloli ngokulandela uhlobo lwendawo yokutya okanye ubuchule obukuluvo oluthi-
- (a) loo ndawo yokutya okanye yobuchule-
 - (i) ikwimeko okanye isetyenziswe ngokwendlela okanye
 - (ii) yenze okanye ingenzi ngokuthobela ngokwamacandelo ngokubanzi;
 - (b) Umsebenzi othile ngokubhekiselele kulawulo lokutya wenzeka kumphathi ngokubhekiselele kwicandelwana (1); okanye
 - (c) Ezo meko zikho ngokuphathelene nendawo yokutya okanye ubuchule okanye nawuphi omnye umsebenzi, omisela ubungozi bempilo yaye ukuqhubeka kosetyenziso lwendawo yokutya okanye yobuchule okanye yomsebenzi mayaliwe,

UMasipala angathi aqukumbele ale usetyenziso lwendawo yokutya okanye ubuchule bolawulo lokutya okanye nawuphi umsebenzi ongathi unxulumane nolawulo lokutya

ngokunikezela ngesaziso esibhaliweyo kumntu ophetheyo okanye ummeli lowo ukuba akekho ngokwe candelo 52 loMthetho, esazisa umntu ngesalelo

(3) Isaziso ngokubhekiselele kwicandelo (2) malibe nezinkcukacha zilandelayo:

(a) Isizathu esingunobangela wesalelo; kunye

(b) nenkcaza ebhaliweyo ethi isalelo siza kususwa nguMasipala ngokukhawuleza xa izizathu zesalelo zisusiwe yaye nomhloli ekholisekile ukuba izizathu zesalelo azinakuphinda zenzeke.

(4) (a) Isalelo sakuqala ukusebenza ngomhla obekwe nguMasipala kwisaziso yaye sinikezelwe phantsi kwecandelo (2).

(c) Akukho mntu makenze nasiphi isenzo esichasene nesalelo eso.

(5) Umhloli kwiiyure ezingama 72 zokufumana isicelo sokususwa kwesalelo makenze uphando ngendawo yokutya, ubuchule bomsebenzi okanye iimeko ezibe sisiseko sesalelo.

(6) UMasipala kwinzaliseko yophando olo ngokubhaliweyo malazise umntu lowo isalelo sibhekiswe kuye okanye

ukuba akakho okanye akafumaneki, naye nawuphi umntu ongummeli walo mntu isalelo sisusiweyo okanye sihleli nanjengoko imeko injalo.

(7) UMasipala lingarhafisa umrhumo wohlolo olinganayo neendleko elizenzileyo kuhlolo lomntu ophetheyo kuphando ngalunye olwenziwe ngumhloli ngokwecandelwana (5).

Imigangatho neemfuneko zendawo yokutya

5 (1) Ngokwecandelo le-15 akukho mtu makalawule okanye aphaathe ukutya naphina ngaphandle kwakwindawo yokutya ehlangabezana neemfuneko zelicandelo necandelo (6).

(2) Indawo yokutya mayibe yindawo ethile, umfanekiso, isakhiwo, yaye ibe sesigqityiweyo yaye sixhotyiswe ngokwemeko yaye yonyulwe ngokuba ngokuba ingasetyenziswa ngamaxesha onke ngenjongo leyo eyakhelwe, yaxhotyiselwa yona-

(a) ngaphandle kokudala ubungozi kwimpilo; yaye

(b) ngendlela engathi ukutya-

(i) kungalawulwa ngococeko kwindawo yokutya okanye ngezixhobo ezo; yaye

- (ii) zingakhuseleka kwangoko ngezicwangciso ezikhoyo ezingavumelaniyo nongcoliseko okanye nomonakalo ziityhefu okanye iigesi ezihlaselayo, imiphunga, amavumba, umsi, uthuli, umfumo, izinambuzane okanye ezinye Izidalwa okanye naluphina ungcoliseko olubambekayo, olwamachiza okanye lwebhayoloji nayiyo nayiphi iarhente.

(3) Ngenjongo yecandelwana (2) indawo yokutya mayihlangabezane nezimfuneko zilandelayo;

- (a) Yonke imiphandle yeendonga ezingaphakathi, amacala okanye iisilingi okanye amaphahla angenasilingi, kunye nemiphandle yemigangatho okanye nayo nayiphina imiphandle nokuba ngaba ithe tyaba okanye ithe nkqo eyenze iindonga zendawo yolawulo lokutya mazi-

- (i) -dityaniswe okanye zibe namacamba avulekileyo enziwe aguda, awabinamhlwa, awabinatyhefu, acoceka yaye enziwe ngeziveliso ezingafunxiyo, ezingahlalwa thuli nezingangenwa manzi kodwa kwindawo yonikezelo okanye yogcino-kutya-

(aa) yezitera zokuhombisa

(bb) zeendonga ezifanayo ezidityaniswe ngendlela eyiyo okanye ezenziwe zagqitywa ekulula ukuzicoca kananjalo, okanye

(cc) zeendonga ezihonjisiweyo okanye iisilingi ekulula ukuzicoca zingasetyenziswa; yaye

- (iii) zibe kwimo yokuba azinakungcola okanye zidlale indima kungcoliseko lokutya.

(b) Igumbi ngalinye kulawo akwindawo yokutya ma-

- (i) -libe neentunja zokungenisa nokukhupha umoya ococekileyo ngendlela-

(aa) zokungenisa nokukhupha umoya ngeentunja okanye ngamacandelo angakwazi kufumana nahlanganiswe nomoya ongaphandle yaye zibekwe kudonga olungaphandle okanye kuphahla apho kukho intunja engenisa nekhupha umoya ngokunqamlezileyo kodwa ezo ntunja mazibe zilingana neepesenti ezintlanu zomgangatho wegumbi elo;

(bb) ukuphuma nokungena komoya okungadalwanga okuthobela iimfuneko zeMithetho Yolwakhiwo Lwesiswe kunye neMithetho Yemigangatho Yolwakhiwo,

nayiphi indlela kwezi zimbini ingaqhuba indibaniselwano yomoya ococekileyo nowaneleyo, ukukhupha umoya ongcolisekileyo okanye umoya ongafunekiyo kwindawo enokutya kangangokuba iintsholongwane zomoya ezingangcolisa ukutya, igesi, umphunga, nomoya oshushu ongavela ngexesha lolawulo lokutya zingasuswa ngokufanelekileyo, nazo naziphi ingxakeko zococeko okanye iimeko ezixhalabisa impilo kwindawo zolawulo lokutya zikhuselwe;

(ii) zikhanyiselwe ngendlela

(aa) ngemiphandle ekhanyayo nengathintelwanga kudonga okanye uphahla olungaphandle olwamkela imitha yasemini, ngokulingana ukozisentimitha ezilishumi zendawo yomgangatho leyo;

(bb) ukhanyiso olwenziweyo oluthobela iimfuneko zoMthetho yoLwakhiwo Lwesizwe kunye noMthetho weMigangatho Yolwakhiwo, ethi ivumele ukhanyo obuluqilima ngokulingana nama 200 ukuwela kuzo zonke iindawo zolawulo lokutya kwigumbi.

(c) Indawo yokutya mayi-

- (i) benobuchule bamanzi ashushu nabandayo ukulungiselela ucoceko;
- (ii) mayikhuseleke ngendlela evumelekileyo kodwa le mfuneko ayiyikusebenza kwindawo yokutya apho ukutya kungalawulwayo okanye kugcinwa khona emva kweeyure zokusebenza kwindawo leyo;
- (iii) mazibe nendlela elungileyo yokukhusela iimpukane okanye ezinye izinambuzane kwindawo apho ukutya kulawulwa khona;
- (iv) makubekho indlela yokuchitha amanzi ethe yavunywa nguMasipala

(d) Oku kulandelayo makubekho kwiindawo yokutya:

- (i) Inani elivisayo lezindlu zangasese, iindawo zokuchamela, kwakunye nezityana zokuhlambela izandla ngokucaciswe kwisihlomelo C seMithetho kaMasipala khon'ukuze zisetyenziswe ngabasebenzi kwindawo yokutya nokusetyenziswa ngumntu lowo ukutya ekunikwa yena ukuba akusebenzise kwindawo yokutya kodwa ubuchule bococeko olwahlukileyo lwabasebenzi yaye abaxhasi abafuneki. Kodwa apho umntu wesini esinye okanye ngaphezu kweshumi labantu abasebenza kwindawo yokutya ubuchule bococeko olwahlukileyo malungafuneki kubasebenzi bezini ezahlukileyo;
- (ii) iindlela zokuhlamba izandla mazibe namanzi abandayo okanye ashushu ukuze kuhlanjwe izandla ngabasebenzi kwindawo yokutya nabantu abo

banikwa ukutya kwindawo leyo, kwakunye nokunikezwa kwesepha (okanye ezinye iarhente zococeko) kwakunye nezinye iziveliso ezisetyenziswa ekomiseni izandla okanye ezinye indlela zobuchule bokucoca izandla okanye izixhobo zokomisa izandla zokucoca nokomisa izandla ngabasebenzi nabantu;

- (iii) Izikhuseli-manzi neenkoxa zokulahla ezineziciko ezicibekela ngci ekulula ukuzicoca nezilungele ugcino olucocekileyo ngokuxhonywe kususo kwindawo zolawulo lokutya;
- (iv) Indawo yokugcina ukutya ecocekileyo, ubuchule nezixhobo nendawo eyahluliweyo yokugcina ecocekileyo yenkonkxa zenkunkuma kwindawo yokutya;
- (v) indawo eyahlukileyo yokutshintsha enobuchwephesha bokugcina iimpahla, yaye
- (vi) indlela yokunika amanzi efanelekileyo.

(e) Akukho gumbi apho ukutya kulawulwa khona malinxulumane okanye libenandibano nayo nayiphina indawo-

- (i) apho igesi, umsi, uthuli, amavumba anganyamezelekiyo okanye naluphi ungcoliseko olukhoyo okanye olungathi luvele olunokuthi lungcolise okanye lonakalise ukutya okukwigumbi lolawulo lokutya; okanye
- (ii) apho isenzo senziwe ngokwemo apho imeko ekhoyo ingangcolisa okanye yonakalise ukutya kwindawo yolawulo lokutya;

(f) Igumbi apho ukutya kulawulwa khona linganonxulumano negumbi eliyindlu yangasese okanye igumbi lokuchamela-

- (i) kuphela ngegunjana elinesixhobo esisiso sokukhupha nokungenisa umoya kodwa yonke iminyango exhulumanisayo mayikhusele, zonke iimbobo zendawo kodwa mazixhotyiswe ngezixhobo zala maxesha ezizivalekelayo nezihlala ixesha elide; okanye
- (ii) ngaphandle kwelo kunjana phakathi kwawo kodwa imbobo exhulumanisayo mayibe nomnyango ozivulekelayo nozivalekelayo nanjengoko kubekiwe kumhlathana (1) kodwa igumbi langasese okanye igumbi lokuchamela malixhotyiswe ngoomatshini bokukhupha nokufaka umoya ococekileyo ovela ngaphandle ukunika igumbi elo umoya ococekileyo phantsi koxinzelelo olugwenxa ngokunxulumene nobume kwigumbi lolawulo lokutya.

Imigangatho neemfuno ngobuchule kwindawo yokutya

6. (1) umphandle wayo nayiphi itafile, ikhawuntala okanye indawo yokusebenzela apho ukutya okungasongelwanga kuphethwe khona, nazo naziphi izixhobo, okanye izityana ezithi zidibane nokutya mazenziwe zibe zezigudileyo, zingabinakuba namhlwa, zingabinakuhlalwa thuli, yaye zenziwe ngeziveliso ezingafunxiyo nezingenazidibanisi okanye macamba kodwa zibezibhuloko ezenziwe ngemithi enqunqiweyo, iibhodi ezisikiweyo nezixhobo zingalelwa ukuba ezo zinto zigcinwe ngokwemeko yokuba ungcoliseko lungabinakufumba.
- (2) Akukho ndawo/mphandle ngokwecandelwana (1) yaye akukho zitya zenziwe ngodongwe, zixhobo zokutya, zityana naziphina ezinye izinto mazisetyenziswe kulawulo lokutya ukuba azicocekanga okanye zinamathanda okanye ziqhekekile.
- (3) Nasiphi na isixhobo esilungele ukusetyenziswa kanye-
- (a) masigcinwe kwinkonkxa engenathuli de kufike ixesha lokusetyenziswa; yaye
- (b) masingasetyenziswa ngaphezu kwesinye.
- (4) Indawo okanye umphandle ekubhekiswe kuwo kwicandelo (1) nobuchule obubhekiselele kwicandelo (2) mayi-
- (a) coceke ihlanjwe phambi kokuba ukutya kufikelele kuyo okokuqala ngexesha leshifti nganye; yaye
- (b) icocwe ihlanjwe nanini na kufuneka njalo, ngexesha nasemva kokuphathwa kokutya khon'ukuze ungcoliseko lokutya oludibana nayo nayiphi na indawo ngaphambi kokuba ukutya kufikelele kuyo ma
- (i) kungabikho bhakthiriya zinokuphila ezingaphezu kwe-100 lesikwere sesentimitha nganye kuhlalelo, olubanjwe ngendlela eyiyo ngolwazi nemvume yendlela yophando yenzululwazi nofundo ngentsholongwane yesampule ethathwe ngokuvumelana nobugcisa bokucoca nokusula emiselwe yiNdlela yeSABS yeMigangatho yeNdlela zokuLinga: Amandla okuCoca Izityalo, Izixhobo: Ubugcisa Bokucoca; yaye
- (ii) Akukho zintsalela zeziveliso okanye zixhobo zokucoca nazibulala-ntsholongwane ezinokungcolisa ukutya.
- (5) (a) Nabuphi ubuchule bokubandisa okanye bokukhenkceza obusetyenziselwa ugcino, ukubonisa okanye uthutho lokutya okonakalayo mazibe nesixhobo

sokulinganisa ubushushu emasithi ngamaxesha onke sibonakalise iqondo lokubanda lendawo yesikhenkcezi eso, nemasibekwimeko nendawo apho sinokubonisa ngokuchanekileyo ufundo lweqondo lobushushu elithathwe ngaphandle kwesithintelo.

(b) Zonke izoxhobo zokushushubeza ezisetyenziswa kugcino, kuboniso okanye kuthutho lokutya okushushu okonakalayo, mazibe nesixhobo sokulinganisa ubushushu emasithi ngamaxesha onke sibonakalise ubushushu bendawo leyo eshushutyezwayo, emasibekwimeko okanye indawo yokufunda iqondo elo ngokuchanekileyo ngaphandle kwesithintelo.

Imigangatho neemfuneko zeenkoxa zokutya

7. (1) Akukho mntu makathengise ukutya okunkonkxiweyo okanye okukwinkonkxa ezivaleke ngci ezi-

- (a) namaqhuma athe phuhlu kumacala acambaleleyo okanye emacaleni okanye nakwiliphina icala elithi phuhlu xa ngaba elinye icala lithe lacofwa;
 - (b) ezithi ngandlela ithile zivutheleke okanye ezithi igesi iphume xa ngaba inkonkxa leyo ithe yavuleka okanye yagqabhuka ngaphandle-
 - (i) kokuba inkonkxa leyo ineringi yokufaka umoya; okanye
 - (ii) igesi ibisele isetyenziswe njengesigcinakaliso;
 - (c) ezinomhlwa okanye ezonakeleyo ezinokuthi zonakalise okanye zibolise ukutya, ivuze okanye ayivalisisekanga; okanye
 - (d) ibinentunja ebiselikhe yacikwa.
- (2) Inkonkxa mayicoceke ingabinazinto zinatyhefu, zithako zokupheka okanye naziphi izinto ezingathi zidale ukubola nokonakalisa ukutya okukwinkonkxa ezo.
 - (3) Ukutya okuphinde kwapakishwa ngokuxhomekeke kudidi olo lokutya makuphinde kupakishelwe kwinkonkxa ezingangenwa thuli okanye manzi, inkonkxa ezithi zikukhusele kubolo phantsi kweemeko eziqhelekileyo zolawulo yaye mazipakishwe zicikwe kangangendlela yokuba ukutya akunakuphuma kwinkonkxa leyo nokuba isiciko okanye isivalo okanye nasiphina isivingco esifanayo singasuswa okanye isiciko senkonkxa singonakala.
 - (4) Ukutya okonakalayo, ngokunzaquki iimveliso ezibhekiselelwe kwicandelo 14 nemveliso ezingekaphindi zipakishwe ngaphandle kokutya okunokusetyenziswa

njenge zidlo kwindawo yokutya, xa zinikezwe kumthengi okanye kupakishwe kwinkonkxa ekhusela ukutya kungcliseko.

Imigangatho neemfuneko zemiboniso, ugcino kwakunye namaqondo obushushu bokutya

8. (1) Ukutya okuboniswayo okanye okuselugcinweni makungadibani nomgangatho okanye umhlaba ophantsi.
- (2) Nayiphi ishelufu okanye indawo yokubonisa esetyenziswa ukubonisa nokugcina ukutya okanye nayiphi inkonkxa mayigcinwe icocekile ingenathuli okanye naziphi ezinye iindlela zongcoliseko.
- (3) Ukutya okungaphindanga kwapakishwa okusele kulungele ukudliwa, kuquka ukutya okuphakwa okanye kunikezwa njengezidlo ekuboniswe kwinkonkxa ezivulekileyo, mazikhuseleke ngendlela eyiyo ethintela nawaphi amathuba obolo okanye ekubolisweni zizinambuzane okanye uthuli.
- (4) (a) Ngokwecandelwana (6) konke ukutya okucaciswe kwisihlomelo kule Mithetho kaMasipala, ngokungaquki ixesha elithe lathathwa kukutya ekupholeni okanye ukuya kwishumi kushushutyezo ngokweqondo eliyimfuneko ngendlela yokuvelisa elungileyo, ngexesha logcino, lothutho okanye ukubonisa ngoko ke kugcinwe kwiqondo lobushushu elingadluliyo kwelo lifunekayo kukutya oko yaye kuthengiswe, ukuba imeko zokukhenkceka okanye imveliso zokutya ezibandayo, iqondo lobushushu lingaphezu kwelo lifunekayo, okanye umphandle weqondo lobushushu lingaphezu kwama 2°C ngaphezu kwelo qondo lifunekayo ngoko ke lingaphantsi kweqondo elifunekayo okanye umphandle weqondo okanye lingaphezu ko 2°C ngaphantsi kwelo lifunekayo.
- (b) Imfuneko yomhlathi (a) mayingabina kusebenza-
 - (i) kuko nakuphi ukutya okonakalayo okuza kuthengiselwa umthengi kwiyure enye yokuba kweziwe okanye okuza kudliwa kwindawo yokutya kwiyure nje enye yokuba kwenziwe;
 - (ii) kwinyama yenyamakazi, kangange xesha elingekho ngaphezulu kweyure ezisibhozo emva kokuba inyamakazi leyo ithe yabulawa, kodwa iqondo lobushushu malingadluli kuma 25°C;
 - (iii) Intlanzi engenziwanga nto ekrwada, izilwanyana ezingenamathambo okanye izidalwa ezinamaqokobhe okanye inyama ekrwada okanye imizimba exheliweyo

yeenkomo, yeegusha, yeebhokhwe, yeehagu, yamahashe, yeemeyile, yeedonki, yemivundla okanye yeenciniba ngelixesha ithuthwayo kangangexesha elingadlulanga kwiyure enye yothunyelo kodwa iqondo lobushushu lona malingadluli kuma 25°C;

- (iv) Nakuphina ukutya okuthe kwabethwa ngamaqondo obushushu aphezulu kunalawo abhekiselele kwimithetho ngexesha lokuvuthwa nokwenziwa kwako kodwa utyhileko kumaqondo obushushu lawo aphezulu mawabe ngokwendlela yokuvelisa/yokwenziwa eyiyo.
- (5) Nakuphi ukutya okungathi kuthengiswe njengemveliso ezikhenkcekileyo yaye okusele kunyibilike iqondo lobushushu elingadluliyo kwi 7°C kungaphinda kukhenkceziwe kodwa ezo mveliso ziphinde zakhenkceziwa mazilawulwe ngendlela elungileyo yokwenziwa kwazo.
- (6) Indlela yokwenza yokulinganisa iqondo lobushushu bokutya elisekwe kwisihlomelo kule Mithetho kaMasipala malisetyenziswe kulinganiso lweqondo lobushushu bokutya nanjengoko libekiwe.

Imigangatho neemfuneko zempahla ekhuselekileyo

9. (1) Akukho bani uvumelekileyo ukuba aphaathe ukutya ngaphandle kokunxiba impahla efanelekileyo nekhuselekileyo njengoko kubhaliwe kwicandelwana (2).
- (2) Le mpahla ikhuselekileyo, iquka izinto zokuthwala entloko, izinto zokunxiba ezinyaweni, zaye namphi umntu ophatha nolawula ukutya okungapakishwanga khon'ukuze ukutya kungaboli-
- (a) mazicoceke zibukeke xa umntu lowo eqalisa ukuphatha ukutya;
- (b) ngamaxesha onke okuphathwa kokutya mazibekwimeko ecocekileyo yaye zenziwe ngezivuliso ezingenakuthi zingcolise okanye zidale umonakalo ekudleni; yaye
- (c) zenzelwe ukuba ukutya kungabinakuthi kudibane nalo naliphi ilungu lomzimba ngaphandle kwezandla.

Imisebenzi yomntu ongumphathi wendawo yokutya

10. Umntu ophetheyo kwindawo yokutya makaqinisekise ukuba-

- (a) amanyathelo okususa iimpukane, okanye ezinye izinambuzane, izikrekrethi okanye naziphi ezinye izinambuzane ezifana neencukuthu neentakumba nazo zisusiwe;

- (b) nabani osebenza kwindawo yokutya makabe uqeqeshiwe ngokufanelekileyo kuceceko lokutya ngumhloli okanye ngumntu ofanelekileyo; yaye
- (c) inkunkuma isusiwe kwindawo yokutya okanye nakulo naliphi igumbi apho ukutya kulawulwa khona rhoqo ngexesha ekufuneka njalo yaye nanini xa umhloli eyalela ukuba kwenziwe njalo;
- (d) inkunkuma igcinwe okanye ilahlwe ngendlela yokuba ayinakudala nkathazo;
- (e) iinkonkxa zokulahla inkunkuma zi-
 - (i) cocwa ngamaxesha onke; yaye
 - (ii) fakwa isibulala-ntsholongwane nanini kufuneka okanye nanini umhloli eyalela ukuba kwenziwe njalo;
- (f) amanzi amdaka kwindawo yokutya achithwe ngokholiseko lwabasemagunyeni bendawo leyo;
- (g) indawo yokutya nayo nayiphina indawo esetyenziswa ngokunxulumene nolawulo lokutya nabo bonke ubuchule, intlawulelo yeekhompathimenti zothutho neenkonkxa zigcinwe zicocekile yaye zingenampahla okanye zinto zingafunekiyo ezingeyonxalenye yendawo yokutya;
- (h) Akukho mntu uphatha ukutya okungekapakishwa unxiba ubucwebe okanye ihombo engathi idibane nokutya, ngaphandle kokuba igqunywe ngokufanelekileyo;
- (i) akukho silwanyana, ngokwemfuneko yomthetho sigcinwe okanye sivunyelwe kwigumbi okanye kwindawo apho ukutya kukhoyo, ngaphandle kokuba-
 - (i) yinja engumkhokeli ehamba nomntu oyimfama, yona ivumelekile kwindawo ekuthengiswa kuyo okanye ekuphakwa kuyo kwindawo yokutya leyo;
 - (ii) intlanzi, isilwanyana esingenamathambo okanye esiseqokobheni singagcinwa siphila de kufike ixesha lokusisebenzisa;
 - (iii) isilwanyana esiphilayo singabulalelwa kwigumbi elahlukileyo phambi kokuba umzimba wesilwanyana esixheliweyo uphathwe, ngokwecandela 4(2);

- (j) akukho meko, senzo okanye lushiyeke luvelayo lungathi lungcolise nakuphi ukutya okanye senziwe okanye sivunyelwe kwindawo yokutya;
- (k) imfuneko yale Mithetho kaMasipala iyathotyelwa;
- (l) bonke abantu abaphantsi kolawulo lwakhe abaphatha ukutya onke amaxesha mabahlangabezane nemigangatho neemfuneko yaye benze imisebenzi ngokumiselwe licandelo 9 nele 11, ngokuhloniphekileyo;
- (m) igumbi okanye indawo apho ukutya kulawulwa khona malingasetyenziselwa-
 - (i) iinjongo zokukulala;
 - (ii) ukuhlambela, ukucocela okanye uku-ayinela iimpahla okanye naziphi izinto ezifana nezi;
 - (iii) nayo nayiphina injongo okanye imeko engathi ingcolise ukutya nanini;
- (n) akukho mntu makaphathe ukutya ekusele kulungele ukuthengiswa okanye okungekapakishwa ngezandla zakhe, ngaphandle kokuba oku akunakuphephaka ngexesha lamalungiselelo ako, nakanjani oko kutya makuphathwe ngendlela elungileyo yokwenza; yaye
- (o) ingxelo ngezifo neemeko zithi zibhalwe phantsi ngokufanelekileyo zigcinelwe uphengululo lomhloli.

Imisebenzi yomphathi-kutya

11. (1) Ukutya okanye inkonkxa mayingaphathwa nangubani-

- (a) onenzipho, izandla okanye iimpahla ezingacocekanga;
- (b) ongahlambanga zandla ngesepha namanzi okanye zicocwe nangayo nayiphina indlela elungileyo-
 - (i) ngokukhawuleza phambi kokuba umsebenzi weshifti uqale;
 - (ii) ukuqala komsebenzi wosuku okanye emva kwekhefu;
 - (iii) emva kotyelelo kwigumbi langasese okanye kwigumbi lokuchamela;

- (iv) ngalo lonke ixesha ethe wafinyisa impumlo yakhe okanye emva kokuba izandla zakhe zithe zadibana nomphefumlo okanye neenwele, impumlo okanye umlomo;
- (v) emva kokuphatha itshefu, imali okanye inkonkxa yenkunkuma okanye inkunkuma uqobo;
- (vi) emva kokuphatha imifuno ekrwada, iziqhamo, amaqanda, inyama, intlanzi naphambi kokuphatha ukutya ekusele kulungele ukusetyenziswa;
- (vii) emva kokuba ethe watshaya okanye wabuyela kwindawo yokutya; okanye
- (viii) emva kokuba izandla zakhe zithe zangcoliseka ngenxa yazo naziphina izizathu.

(2) Ukutya okanye inkonkxa mayingaphathwa nangubani-

- (a) indawo yokutya nendawo esetyenziswayo kunxulumano nolawulo lokutya, intlawulelo zekhompathimenti zothutho neenkonkxa mazigcinwe zicocekile zingenazimpahla okanye zinto ezingeyonxalenye yendawo yokutya;
- (b) akukho mntu uphatha ukutya okungapakishwanga unxiba nabuphi ubucwebe okanye ihombo engathi idibane nokutya ngaphandle kokuba igqunywe ngokufanelekileyo;
- (c) akukho silwanyana, ngokwemfuneko yomthetho sigcinwe okanye sivunyelwe kwigumbi okanye kwindawo apho ukutya kukhoyo, ngaphandle kokuba-
 - (i) yinja engumkhokeli ehamba nomntu oyimfama yona ivumelekile kwindawo ekuthengiswa kuyo okanye ekuphakwa kuyo kwindawo yokutya leyo;
 - (ii) intlanzi, isilwanyana esingenamathambo okanye esiseqokobheni singagcinwa siphila de kufike ixesha lokusisebenzisa;
 - (iii) isilwanyana esiphilayo singabulalelwa kwigumbi elahlukileyo phambi kokuba umzimba wesilwanyana esixheliweyo uphathwe, ngokwecandelo 2(4);

- (d) akukho meko, senzo okanye lushiyeke luvelayo lungathi lungcolise nakuphi ukutya okanye senziwe okanye sivunyelwe kwindawo yokutya;
- (e) imfuneko yale Mithetho kaMasipala iyathotyelwa;
- (f) bonke abantu abaphantsi kolawulo lwakhe abaphatha ukutya onke amaxesha mabahlangabezane nemigangatho neemfuneko yaye benze imisebenzi ngokumiselwe licandelo 9 nele 11, ngokuhloniphekileyo;
- (g) igumbi okanye indawo apho ukutya kulawulwa khona malingasetyenziselwa-
 - (i) iinjongo zo'kukulala;
 - (ii) ukuhlambela, ukucocela okanye uku-ayinela iimpahla okanye naziphi izinto ezifana nezi;
 - (iii) nayo nayiphi injongo okanye imeko engathi ingcolise ukutya nanini;
- (h) akukho mntu makaphathe ukutya ekusele kulungele ukuthengiswa okanye okungekapakishwa ngezandla zakhe, ngaphandle kokuba oku akunakuphephaka ngexesha lamalungiselelo ako, nakanjani oko kutya makuphathwe ngendle'la elungileyo yokwenza; yaye
 - (i) ingxelo ngezifo neemeko ezibekwe kwicandelo 11(2)(b) zithi zibhalwe phantsi ngokufanelekileyo zigcinelwe uphengululo lomhloli.
 - (j) ngexesha aphethe ukutya, enze isenzo ngaphandle kwezo kubhekiselelwe kuzo kwezi zingasentla esinokuthi singcolise okanye sonakalise ukutya.

Imigangatho neemfuneko zolawulo lwenyama

12. (1) (a) Akukho mntu kwindawo yokutya ongaphatha inyama ezuzwe kwisilwanyana esixhelwe ngokuchasene necandelwana 3.
- (b) Akukho mntu kwindawo yokutya ongaphatha inyama yesilwanyana ekhululwe ngemfuneko yecandelo 3(1) ne 10(1) Yomthetho Wokhuseleko Lwenyama, ngaphandle kokuba isaziso esicacileyo nesibonakalayo nesifundekayo nesinolu lwazi lulandelayo okanye ulwazi kolo thabatheko, kwiincwadi kangange18 leemilimitha ukuphakama, ibonakalisiwe kwindawo yokutya: "Inyama ethengiswa kula masango ikhululekile kuhlolo ngokwecandelo 10(1) Lomthetho Wokhuseleko Lwenyama."

(2) Inyama yomzimba yesilwanyana esixheliweyo mayingaphathwa kwindawo yokutya ngaphandle-

- (a) kokuba umzimba lowo wesilwanyana wophe ngokufanelekileyo;
- (b) kokuba izibilini zesisu bezisusiwe kwimizuzu engama 30 emva kokubulawa kobuqu okanye nayiphina imeko engcolise yonakalisa inyama; yaye
- (c) kokuba izibilini zesifuba bezisusiwe kwiiyure ezintathu emva kokubulawa kwesilwanyana.
- (d) Imizimba exheliweyo yezilwanyana engasuswanga ufele mayingaphathwa hleze isikhumba okanye ufele ludibane nokunye ukutya apho kwindawo yokutya okanye inyama yalo mizimba ingcolisekile okanye yonakele.
- (e) Ngokwecandelo 3 Lomthetho Wokhuseleko Lwenyama, akukho silwanyana masibulawe, sophe, siqwangqululwe, sisuswe ufele/isikhumba kwindawo yokutya ngaphandle kwakwigumbi elisetyenziselwa nelibekelwe loo njongo ngendlela yokwenza efanelekileyo kodwa akukho lawulo/phatho okanye lwenziwo lwamizimba yezilwanyana exheliweyo malwenzeke kwelo gumbi.

(3) (1) Akukho mntu maka-

- (a) xhele nasiphi isilwanyana nakweyiphi indawo ngaphandle kwesilarha esivunyiweyo;
 - (b) vumele umxheli waso nasiphi isilwanyana nakweyiphi indawo phantsi kolawulo lwakhe, ngaphandle kokuba indawo leyo isisilarha esivunyiweyo; okanye
 - (c) athengise okanye anikeze ngenyama kuluntu uba luyisebenzise ngaphandle kokuba ixhelwe esilarheni.
- 2 (a) Icandelwana (1) alisebenzi kwinjongo zokuzixhelela nasekuzisebenziseleni okanye kwimeko zenkolo neenkqubo zamasiko; yaye
- (b) Akukho nyama yasilwanyana okanye mveliso ifumaneka esilwanyaneni esixhelwe ngokucaciswe kumhlathi (a) inokuthengiswa.

Imigangatho neemfuneko zothutho lokutya

13. (1) Akukho mntu makahambise ukutya kuquka nemveliso ekubhekiswe kuzo kwicandelo 14 okanye nakweliphi ilungu lesithuthi-

- (a) ngaphandle kokuba elo lungu licocekile yaye belicociwe kangangokuba akukho ngcoliseko lwamachiza, lakubamba, lwantsholongwane yaye ukutya kukhuselwe;
- (b) kwakunye-
- (i) nongcoliseko lokutya okanye ukutya okuyinkcitho;
- (ii) ityhefu okanye nayiphi into engadala umonakalo;
- (iii) isilwanyana esiphilayo; okanye
- (iv) nayiphi into engathi ingcolise okanye yonakalise ukutya.
- (2) Ngokwamacandelwana (1) nele (4), uloyiko lwekhompathimenti yesithuthi esisetyenziswe kuthutho lokutya okungapakishwanga okanye okungasongelwanga kwizikhuseli-manzi okanye kwinkonkxa ezineziciko ezikhusela uthuli mazi-
- (a) benemiphakathi eyenzelwe ukuba kubelula ukuyicoca, igude, ingahlalwa mhlwa, ingabinakuba natyhefu, yaye yenziwe ngesiveliso esingenakungenwa manzi ngaphandle kwamacamba neendibano ezivulekileyo, phambi kokuba ukutya kothulelwe kwezo khompathimenti, akukho sentimitha zisikwere zendawo exeliweyo kuhlalelo ngokubhekiselele kwicandelo 6(4) mayibeneempilana ezingaphila ezingaphezu kwe 100;
- (c) benesikhuseli-mhlwa; yaye
- (d) ngasetyenziswa ngexesha elinye kuthutho lomntu okanye nayiphi into engathi ingcolise ukutya.
- (3) Nangona naziiphi iimfuno ngokuchasana okukwelicandelo, akukho kutya kungekapakishwa maku-
- (a) thuthwe ngendlela yokuba kungathi kudibane nomgangatho wesithuthi okanye umgangatho ogqumileyo ekungahanjwa kuwo okanye nayiphi into engathi ingcolise ukutya; okanye
- (b) thuthwe okanye kuthwalwe ngendlela yokuba ukutya kungangcoliseka okanye konakale nangaluphi uhlobo.
- (4) Amacandelwana (2) nele (3) (a) mawangasebenzi kuthutho lwenyama yenyamakazi, yentlanzi, yezilwanyana ezingenamathambo okanye ezinamaqokobhe phakathi kwendawo yokutya nakwindawo apho izilwanyana zizingelwa khona okanye indawo apho intlanzi, izilwanyana ezingenamathambo okanye ezinamaqokobhe zibanjiswe

zavunwa khona: Ngaphandle kokuba olo thutho lungayindlela ekhoyo nelungileyo kananjalo ngexesha elifanelekileyo lokuthutha ngeemeko ezifunekayo

Iimfuno ngokuphathelene neemveliso ezingenziwa

14. Nangona naziphi iimfuno ngokuchasana kule mithetho, umhloli ukuba ngoluvo lwakhe kukho iimeko ezimisa ingozi yempilo ngokuphathelene nopakisho, ugcino, ukubonisa, uthengiso okanye uthutho lweziqhamo, imifuno emitsha nekrwada engekenziwa nto, yaye nombona, ingqolowa, amandongomane, ummoba, imbewu kajongilanga engekenziwa nto, izityalo zolimo ngokuphathelene nolawulo lokutya ngokubhekiselele kwicandelo 15(5)(a)-

- (a) ngokwemithetho eyenziwe ngokwecandelo 35 lomthetho oxhulumene nohlolo nophando kulawulo lokutya, nayiphi imeko ekhokelele okanye engakhokelela kubungozi bempilo bulungiswe okanye iimfuno zale mithetho zithotyelwe;
- (b) lale usebenziso lobuchule obuqhubekayo okanye bendawo yokutya yokupakisha, yogcino, yokubonisa, yokuthengisa okanye kuthutho lwayo nayiphi imveliso neemfuno zemithetho 4(2) ukuya kwi (5) ngotshintsho olufanelekileyo lusebenze kweso salelo.

Ukhululo, iimfuneko ezongezelelweyo kunye nemibeko

- 15. (1) Umntu ophetheyo kwindawo yokutya ngokwecandelo 3(1) angafaka isicelo kwiBhunda leDolophu ngokunxulumene nokhululo kuyo nayiphi imfuneko yale Mithetho kaMasipala ngokungaquki ukhululo ekukhutshweni kwesiqinisekiso solwamkelo.
- (2) Kwirisithi yesicelo ngokubhekiselele kwicandelwana (1) igunya lendawo lingabhekisa isicelo kumhloli ngaphandle kolibaziseko yaye ukhululo malunganikezelwa ngaphandle kokuba umhloli sele enikezele ngenkcaza kwigunya lendawo leyo ukubona ukuba ukholisekile ukuba-
 - (a) iimfuno apho ukhululo ebelufuniwe/celiwe lubeka iimfuneko ezingenangqondo kwimeko leyo; yaye
 - (b) unikezelo ngolo khululo lunjalo alukhokeleli yaye alunakukhokelela kwimeko ebeka impilo esichengeni/engozini.
- (3) Ukhululo ekubhekiswe kulo kweli candela mali-
 - (a) ngokweemeko ezibekwe nguMasipala kwisiqinisekiso solwamkelo okanye isaziso sokhululo, nanjengoko kunjalo; yaye

- (b) hlehliswe nguMasipala ngokwezizathu zenkcaza yohlolo noncomo ngumhloli zokuba kuluvo lwakhe ukhululo lungakhokelela kwiimeko ezingabeka impilo engozini.
- (4) Ngokwecandelo 3(6)(a) uMasipala, ngokwezizathu zenkcaza yohlolo nezincomo ezisuka kumhloli, lingaseka iimfuneko ezongezelelweyo emazihlangatyezwe kwindawo yokutya, ngaphandle kokuthotyelwa kwemfuno ezikwiMithetho kaMasipala, ingozi echaphazela impilo engabonelelwanga yiMithetho kaMasipala, apho iimfuneko ezongezelelweyo ngokwemithetho-siseko yendlela yokwenza ekhoyo nelungileyo yokwenza ingancitshiswa ukuya kutsho kwinqanaba elithile ukususa iingozi zempilo.
- (5) (a) Ngokwemithetho sisekelo ekhoyo nelungileyo yendlela yokwenza, iimfuno zecandelo 3(1) nele 5 mazingasebenzi, ukufaka isicelo ngokufuna ukubulala, ukophisa, okanye ukuqangqulula isilwanyana emva kozingelo lwentlanzi, izilwanyana ezingenamathambo okanye ezinamaqokobhe emva kokuzibamba okanye ukuzivuna.
- (b) Imfuno zecandelo 3(1) azisebenzi kwindawo zokuhlala zabucala apho ukutya kulawulwa ngenjongo yobukho ngaphandle kokuba yimbuyekezo ecaweni, kwimfuno, okanye kwimibutho yabadlali okanye kwimibutho yentlalo-ntle okanye kunyuso lwengxowa khon'ukuze kuthengiswe.
- (c) Umntu ophetheyo kulowo mbutho ofumana oko kutya makagcine iincwadi ezibhaliweyo zodidi lokutya nedilesi yendawo yokuhlala yabucala apho ukutya bekuphethwe khona kangangethuba leentsuku ezingama 30 emva kokufunyanwa kokutya, yaye nesithuthi esisetyenziswe ngumntu ophetheyo kwindawo yokutya, osiqinisekiso solwamkelo sikho, ukuthutha, ukubonisa nokunikeza nokupakisha ukutya okusuka kwindawo yokutya, lakusebenza ngokwesithuthi esisetyenzisiweyo ukuthutha ukutya okonakalayo egameni lomnye umntu.
- (6) Le Mithetho kaMasipala ayisebenzi kwizindlu zabucala ezilawula ukutya okuza kusetyenziswa kwindlu leyo ngaphandle kwembuyekezo ngomnye umntu.

Izirhoxiso zemithetho kaMasipala Kulawulo lokutya

15. Iimfuno zawo nawuphi uMithetho weDolophu onxulumene noLawulo lokutya zirhoxiswa nguMasipala kwimeko ezinxulumene neemeko ezinikeziweyo kule Mithetho kaMasipala.

Amatyala

16. Naye nabani othi aphule okanye achasane nemfuno yale Mithetho kaMasipala okanye avumele uchaso luthathe inxaxheba uyakufunyaniswa enetyala lokwenza isikhubekiso okanye ulwaphulo mthetho yaye njengesigwebo uyakuthi ahlawule imali okanye isohlwayo sokuhlala entolongweni kangangethuba elingadlulanga kwiintsuku ezingama 180.

Isihloko esifutshane nesiqalo

17. Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala kwindawo yolawulo lokutya yaye iyakuqala ukusebenza ngomhla obekwe nguMasipala.

ISIHLOMELO**IMITHETHO NEMIMISELO YOKWENZA UKULINGANISA IQONDO LOBUSHUSHU LOKUTYA****1. Ukwazisa umntu ophetheyo okanye umntu ojongene nendawo**

Umdloli makazise umntu ophetheyo okanye umntu ojongene nokongamela umsebenzi ukuba umntu ophetheyo akekho, ukuba unomnqweno wokulinganisa iqondo lobushushu bokutya yaye makacacise kuye zonke iinkqubo ezikwimithetho nemimisele.

2. Amanyathelo emilinganiso

- (1) Zonke iinkqubo mazenziwe ngobuchule ngendlela yokungabinantsholongwane nengenamachiza ongcoliseko.
- (2) Kwimeko yokutya okungasongelwanga, yaye ukuba kufanelekile, umhloli makasuse iipakethi ngendlela yokuba ubemncinane yaye ubenengqondo umonakalo odalekayo, okanye umntu ophetheyo okanye lowo wongamele umsebenzi makasuse iipakethi ngokudela kwakhe ingozi.
- (3) Iqondo lobushushu bokutya ngobuchule malilinganiswe ngaphandle kokususa ukutya kwisibandisi, isikhenkcezisi okanye isishushubezi.

3. Umlinganiso weqondo lobushushu**Ukutya okungekapakishwa**

- (1) Ukuba ukutya akukapakishwa uqikelelo lweqondo lobushushu lingalinganiswa ngokubeka umzuzu omnye vo isiqu sesixhobo sokulinganisa iqondo lobushushu (apha sibizwe ngokuba "sisiqu") phakathi kwesibini seepakethi zokutya okanye ngaphezulu, okanye xa ipakethi inye kumphandle wepakethi leyo.
- (2) Ukuba ufundo lweqondo lobushushu alingqinelani neqondo lobushushu elililo ngokucaciswe kwisihlo melo kulemithetho okanye ukuba umhloli unokungabaza okuthile ngokubhekiselele kwiqondo lobushushu lokutya phakathi kwipakethi iqondo lobushushu bokutya lingalinganiswa kumphandle ukuqinisekisa elona qondo lobushushu lililo.

Elona qondo lobushushu lingundoqo

4. Ukuba imveliso yokutya ikhenkcezisiwe umngxuma mawuvulwe ekudleni ukuya kuma kuqikelelo lweqondo lwemveliso yokutya ngentwana yestili esingena chaphaza nesingenantsholongwane ngomphandle ozimilimitha ezine. Isiqu sokulinganisa esingenazintsholongwane masifakwe kumngxuma ukuya kuma kuqikelelo lombindi wemveliso, yaye ufundo malwenziwe emva kwemizuzu emibini. Kwimeko yokushushutyezwa, yokubandiswa okanye yemveliso engabandiswayo isiqu sokulinganisa esingenazintsholongwane masifakwe ukuya kuma kuqikelelo elingundoqo lwemveliso yokutya yaye ufundo malwenziwe emva komzuzu omnye.

Iqondo lobushushu bomphandle

5. Iqondo lobushushu bomphandle malilinganiswe ngokubeka isiqu sesixhobo sokulinganisa ubushushu esingenazintsholongwane kumphandle wokutya kangangomzuzu omnye, xa iyinto engamanzi kangangomzuzu omnye yaye ufundo lwenziwe kanye ngelo xesha linye.

6. Isizindlo ngobumeli bofundo lweqondo lobushushu

Iqondo lobushushu bokutya ngokuqinisekiswa ngendlela yale mithetho nemimiselo yokwenza lingathathwa njengelibonisa iqondo lobushushu lako konke ukutya okukhenkcezisiweyo, okubandisiweyo okanye okushushutyeziweyo ngokukhathalela ukuba umhloli ukholisekile ukuba oko kutya kusekwimeko okanye kuneempawu ezifanayo nezo zokutya okuneqondo lobushushu ebelithathiwe.

No. 31

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA EBHEKISELE
EZINJENI**

UYILO 1

IMithetho kaMasipala yeZinja

Icandelo	Iziqulatho
1.	Iinkcazelo
2.	Uxanduva lokurhafa
3.	Umntu onoxanduva lokurhafa
4.	Ukukhululwa ekuhlawuleni irhafu
5.	Ukufaka isicelo sokuhlawula irhafu
6.	Irisithi yerhafu ephindwe kabini
7.	Ukutshintshelwa kwerisithi yerhafu komnye umntu
8.	Ukuboniswa kwerisithi xa kuhlolwa
9.	Ukuvalelwa kwezinja esikiti
10.	Izinja ezingabangangwa zinokuthengiswa okanye zitshatyalaliswe
11.	Iikhola zezinja azivumelekanga ukuba zisetyenziswe ngokungekho mthethweni okanye zisuswe
12.	Izinja ezithile azivumelekanga kwiindawo ezithile zikawonke-wonke
13.	Ukungathelekiswa kwezinja
14.	Izinja ezibangela uphazamiso
15.	Ukutshatyalaliswa kwezinja

16. Inani lezinja kwizakhiwo
17. Ukulawulwa kwezinja kwiindawo zikawonke-wonke
18. Uphawu oluthi “Lumkelainja”
19. Ukungena kwizakhiwo
20. Izindlu zezinja
21. Ukumiswa kunye nokuqeshiswa kwesikiti
22. Imisebenzi yomgcini sikiti
23. Izohlwayo
24. Ukubhangiswa kweMithetho kaMasipala
25. Isihloko esifutshane

Imithetho kaMasipala yezinja

UMphathi woMasipala waseMbizana ngokwemiqathango yecandelo le-13 likaRhulumente waseKhaya; UMthetho ka-2000 weeNkqubo zakwaMasipala (uMteto omb.32 ka-2000), wufunde necandelo le-162 loMgaqo-siseko woMzantsi Africa ka-1996 (uMthetho nomb.108 ka-1996), uMasipala waseMbizana, wazisa: ngeMithetho kaMasipala eBhekisele eziNjeni, neyamkelwe liBhunga likaMasipala.

Iinkcazelo

1. Kule Mithetho kaMasipala , ngaphandle kokuba umxholo uthetha enye into-

“Inja” ithethainja eliduna okanye elithokazi

“Intlawulo yokuqhuba” ithetha intlawulo ehlawulwa xainja ithe yathinjwa kunye yahanjiswa yasiwa esikiti ligosa likaMasipala eligunyazisiweyo ngokwemiqathango yale Mithetho kaMasipala;

“Indlu yenja” ithetha nasiphi isakhiwo ekubhekiswa kuso kuluhlu 18(2)(a), (b) no(c) weShedyuli yoMthetho ka-1994 weLayisensi;

“UMasipala” uthetha uMasipala waseMbizana

“IBhunga likaMasipala” lithetha iBhunga likaMasipala waseMbizana elisekwe ngokwemiqathango yecandelo le-12 loRhulumente waseKhaya: uMthetho wamaCandelo kaMasipalaka nomb. 117 ka-1998, njengoko ulungisiwe ;

“Umnini” ngokubhekisele kwinja kuquka nabani ogcina okanye onenja okanye ojongeinja ngaphandle-

(a) komntu ekubhekiswa kuye kumhlathi (2)(c) no (d) kuluhlu lwe-18 lweShedyuli I yoMthetho weMvume ka-1974;

(b) ugqirha wezilwanyana ngokubhekisele kwinja eshiywe phantsi kokhathalelo lonyango lwakhe;

(c) abahlali ngelokuyikhusela kwinkohlakalo kunye nokonyuswa kwentlalo-ntle yezilwanyana ezibhalisiweyo ngokwemiqathango yoMthetho ka-1993 wokuKhuselwa kwNkohlakalo ngakwiziLanyana ngabaHlali, (uMthetho nomb. 169 ka- 1993).

“umgcini sikiti” uthetha umntu ojonge isikiti;

“okumiselweyo” kuthetha okumiselweyo liBhunga likaMasipala ngokwale miqathango yeMithetho kaMasipala;

“irhafu” ithetha irhafu erhafiswa ngeshedyuli efanelekileyo yale Mithetho kaMasipala;

“irisithi yokurhafa” ithetha irisithi ekhutshwe nguMasipala njengobungqina bentlawulo yerhafu;

“unyaka” uthetha isithuba sexesha leenyanga ezilishumi esiphela ngeyure yama-24h00 ngowama-31 kaDisemba.

Uxanduva lokurhafa

(2) (1) Umnini/umnikazi kufuneka ahlawule irhafu emiselweyo kwinja nganye enenyanga ezintandathu nangaphezulu ubudala.

(2) Akukho mnini/mnikazi unokugcinainja enenyanga ezintandathu nangaphezulu ubudala kwindawo kaMasipala ngaphandle kokuba loo nja ibhalisiwe kwiiofisi zikaMasipala kwaye, irisithi yentlawulo ehlawuliweyo ifunyenwe.

(3) Kuzo naziphi iinkqubo ezisemthethweni ngokwemiqathango yeMithetho kaMasipala ngakuye nabani ongayihlawulanga irhafu emiselweyo ngokwemiqathango yecandelwana (1), loo nja kufuneka ithathwe njengeneenyanga ezintandathu nangaphezulu ubudala ngaphandle kokuba kukho ubungqina obukhabana noko.

Umntu onoxanduva lokurhafa

3. Ngenjongo yale Mithetho kaMasipala nabani ogcineinja okanye

ekufunyenwe okanye ekubonwe nayiphi inja kwisakhiwo somhlaba wakhe uthathwa njengomnini/umnikazi walo nja de kubekho ubungqina obukhabana noko.

Ukukhululwa ekuhlawuleni irhafu

4. Aba banini/banikazi balandelayo bakhululwe ekuhlawuleni irhafu ekubhekiswa kuyo kwicandelo lesi-2

(1) Nabani ohlala ngaphandle kwengingqi kaMasipala-

(a) ozisa inja kwingingqi kaMasipala isithutba sexesha elingadlulanga kwiintsuku ezingama-30;

(b) ozisa inja kwaMasipala ngenjongo yonyango okanye yokuhlala kugqirha wezilwanyana okanye kwindlu yenja, kodwa loo nja kufuneka isuswe kwaMasipala kwangoko emva kolo nyango okanye koko kuhlala kwaye, umnini/umnikazi walo nja kufuneka abe unelayisensi ekhutshwe ligosa elinegunya kuloo ngingqi ihlala kuyo ngokwesiqhelo loo nja.

(2) Umntu ongaboniyo osebenzisa inja njengomkhokeli wayo okanye inja ekhokelayo.

Ukufaka isicelo sokuhlawula irhafu

5. (1) Nabani ofaka isicelo serisithi yokurhafela inja kufuneka anikezele ngamagama akhe apheleleyo kunye nedilesi kunye neenkukacha ezibhekisele kuhlobo lwenja nakubuni benja.

(2) Irhafu ehlawulwe ngokwemiqathango yecandelo lesi-2 irhafiswa unyaka nonyaka kwaye, iyahlawuleka:-

(a) ngomhla okanye ngaphambi komhla wama-31 kaJanuwari kunyaka ngamnye ngokubhekisele kwinja nganye esele ifikelele kubudala njengoko kumiselwe kwicandelo 2 (1); okanye

- (b) kwiintsuku ezingama-30 emva kokufikelela kobo budala bumiselwe kwinja nganye, emva komhla wama-31 kaJanuwari kodwa, kuyo nayiphi imeko aphoinja ifikelele kubudala obuziinyanga ezintandathu emva komhla wama-30 kaJuni wonyaka ochaphazelekayo, sisiqingatha serhafu kuphela ekufuneka sihlawulwe.
- (3) Ukuba irhafu emele ukuhlawulwa ayihlawulwanga, kuya kuhlawulwa inzala njengoko kumiselwe nguMasipala kodwa, loo nzala akufuneki idlule kuloo rhafu ifanele ukubhatalwa.
- (4) Ukufaka isicelo serhafu kunokwaliwa kwisicelo sokubhaliswa kwezinja ezaziwayo ukuba zinoburhalarhume kwaye, zinganobungozi kuluntu.

Irisithi yerhafu ephindwe kabini ukukhutshwa

6. Nabani na unokufumana irisithi yerhafu ephindwe kabini ukukhutshwa ekhutshwe ngokwemiqathango yecandelo lesi-2 ekuhlawulweni kweentlawulo ezifanelekileyo njengoko kumiselwe nguMasipala.

Ukutshintshelwa kwirisithi yerhafu komnye umntu

7. Apho ubunini/ubunikazi benja butshintshelwa komnye umntu, umtshintshiselwa emva kokuhlulwa kwentlawulo ezimiselweyo kuMasipala kufuneka enze olo tshintsho ukuba lungqinwe kwirisithi yerhafu kunye negama nedilesi yakhe okanye kwirisithi ephindwe kabini ukukhutshwa.

Ukuboniswa kwirisithi xa kuhlolwa

8. Umnini/umnikazi kufuneka abonise irisithi yerhafu ukuba ihlolwe lilo naliphi igosa eligunyazisiweyo xa eceliwe ukuba enze oko.

Ukuvalelwa kwezinja esikiti

9. (1) Naliphi igosa eligunyazisiweyo linokuthimba okanye lifake esikiti nayiphiinja-
- (a) ekukholelwa ngokufanelekileyo ukuba ayinamnini/mnikazi; okanye
 - (b) ekukholelwa ngokufanelekileyo ukuba ayihlawulwanga irhafu emele ukuhlawulwa ngokwemiqathango yale Mithetho.
- (2) Nabani na unokuthimba kwaye avalele esikiti nayiphiinja ayifumene ingene ngaphandle kwemvume kwipropati yakhe okanye ahleli kuyo kwaye-
- (a) abe ekholelwa ngokufanelekileyo ukuba ayinamnini/mnikazi; okanye
 - (b) akholelwa ngokufanelekileyo ukuba ayihlawulwanga irhafu emele ukuhlawulwa ngokwemiqathango yale Mithetho.
- (3) Ngaphandle kwamagatya ecandelwana (1) nele (2) akukho mntu kufuneka athimbe okanye avalele esikiti -
- (a) nayiphiinja akholelwa ngokufanelekileyo ukuba loo nja ikhululwe ekuhlawuleni irhafu ngokwemiqathango yecandelo lesi-4;
 - (b) nayiphi injakazi ekhulisa injana engafunwayo ngaphandle, kokuba loo njakazi kunye nenjana engafunwayo zivalelwe kunye esikiti; okanye
 - (c) nayiphi nainja enesifo ngokubhekisele kumagatya oMthetho ka-1994 weZifo zeziLwanyana njengoko ulungisiwe, uyasetyenziswa.
- (4) Nabani othimbeinja ngokwemiqathango yeli candelo kufuneka aqinisekise ukuba loo nja ayiphathwa kakubi ngayo nayiphiindlela.
- (5) Akukho mntu kufuneka akhulule nayiphiinja ethinjiweyo eselugcinweni okanye esikiti ngokwemiqathango yeli candela.

(6) Ngokubhekisele kuwo nawaphi amagatya akhabana nokuqulathwe kule Mithetho kaMasipala, nayiphiinja evalelwe esikiti kufuneka ivalelwe de umntu obanga loo nja abonise umgcini sikiti irisithi yerhafu exela oko kwaye, kufuneka kuhlawulwe kumgcini sikiti iintlawulo ezimiselweyo.

(7) Apho igama okanye idilesi yomntu ebonakala kwikhola yayo nayiphiinja evalelwe esikiti, umgcini sikiti kufuneka kuqala anike isaziso loo mntu uvaleleinja esikiti.

(8) Isaziso esibhaliweyo saza sathunyelwa kwidilesi ebonakala kwikhola sithathwa ngokuba sisaziso esaneleyo.

**Izinja ezingabangangwa zinokuthengiswa okanye
zitshatyalaliswe**

10. (1) aphoinja evalelwe esikiti ingabangwanga ngumntu onelungelo lokwenza oko kwiintsuku ezintlanu ivalelwe igosa eligunyazisiweyo linokubangela ukuba loo nja ithengiswe okanye itshatyalaliswe.

**Iikhola zezinja azivumelekanga ukuba zisetyenziswe ngokungekho
mthethweni okanye zisuswe**

11. (1) Umnini/umnikazi wenja enudala buziinyanga ezintandathu nangaphezulu kufuneka ayinike ikhola ebonisa ngokucacileyo uphawu legama kunye nedilesi lalo mnini/mnikazi.

(2) Akukho mntu kufuneka asebenzise okanye atshabalalise ikhola yenja ngokungekho mthethweni okanye oyisusa entanyeni yenja.

**Izinja ezithile azivumelekanga kwiindawo zikawonke-wonke
ezithile**

12. (1) Ngokubhekisele kumagatya akhabana nale Mithetho kaMasipala okanye nomnye umthetho ongomnye, akukho mntu kufuneka azise okanye avumele kwindawo kawonke-wonke nayiphiinja-

- (a) engekho mbuna, enobungozi okanye enobundlobongela;
 - (b) enomkhwa wokuhlasela okanye ukuleqa abantu, izithuthi, izilwanyana, iinkukhuokanye iintaka ngaphandle kwezakhiwo apho igcinwe khona loo nja;
 - (c) ingabangela umonakalo kuye nabani na okanye kuyo nayiphi ipropati; okanye
 - (d) eyinjakazi edumbileyo.
- (2) Naliphi igosa eligunyazisiweyo linokuyivalela esikitiinja ekubhekiswa kwicandelwana (1).

Ukungathelekiswa kwezinja

13. Akukho mntu kufuneka ngaphandle kwezi zathu abangele ukuba-

- (a) afunze ngayo nayiphi nainja, umntu, isilwanyane okanye intaka; okanye
- (b) avumele nayiphiinja ephantsi kweliso lakhe okanye kogcino lakhe ukuba ihlasele okanye yoyikise umntu, isilwanyana okanye intaka.

Izinja ezibangela uphazamiso

14. akukho mntu kufuneka agcineinja-

- (a) ebangela uphazamiso okanye inkathazo; okanye
- (b) egula sisifo esosulelayo ngaphandle kokuba nguirha wezilwanyana ogcine loo nja kwiklinikhi yonyango.

Ukutshatyalaliswa kwezinja

15. (1) UMasipala ngokubhekisele kumagatya ecandelo le-10 unokuyivalela ukutshatyalaliswa kwezinja apho-

- (a) kubonakala ukuba loo nja iluhlobo elimiselwe kwicandelo 12(1)(a), (b) kunye no(c) kwaye, loo mntu ubange loo nja

akanakungelo lakuyibuyiselwa ngokwemiqathango yeCandelo (7);

(b) loo nja ifunyenwe ingaphandle kwindawo kawonke-wonke nebonakala ingenamnini/mnikazi;

(c) loo nja ifunyenwe ngaphandle kwindawo kawonke-wonke kwaye, nomnini/umnikazi wayo walile okanye usilele ukuhlawula irhafu ebekumele ukuba uyihlawule ngokwemiqathango yale Mithetho kaMasipala ngokubhekisele kuloo nja; okanye

(d) loo nja ikwimeko yokulimala enokubangela ukuba ngokokubona kaMasipala kuya kube kwenziwa ubuntu ngaloo nto.

Inani lezinja kwizakhiwo

16. Akukho mntu kufanele agcine ngaphezulu kwezinja ezintathu kwizakhiwo sakhe ngaphandle, kokuba ufumene imvume kuMasipala yokugcina ngaphezulu, ngentsebenziswano entle ebonakalisiweyo.

Ukulawulwa kwezinja kwiindawo zikawonke-wonke

17. (1) Akukho mntu ufanele avumele nayiphiinja ukuba iye kwindawo kawonke-wonke ngaphandle, kokuba umnini/umnikazi okanye omnye umntu ongomnye uyigcine ebhantini loo nja.

(2) Igosa eligunyazisiweyo linokufaka esikiti nayiphiinja efunyenwe ihamba-hamba ngaphandle kwaye, ingekho phantsi kolawulo lamntu kwindawo kawonke-wonke.

(3) Nabani na ojongene nenja kwindawo kawonke-wonke makayiphipe ngaphandle kwemfama esiyisebenzisa njengesikhokelo.

Uphawu oluthe “Lumkela izinja”

18. (1) Umntu ngamnye ogcine inja enoburhalarhume kwisakhiwo sakhe kufuneka abeke uphawu/umbhalo othi “Lumkela izinja” kwisakhiwo sakhe.

(2) Izilwanyana ezinoburhalarhume kufuneka zihlale zivalelwe okanye zigcinwe kwiindawo apho zingazukubangela uloyiko kuluntu okanye kubasebenzi bakaMasipala.

Ukungena kwezakhiwo

19. Igosa eligunyazisiweyo ngaso nasiphi isizathu esinxulumene nokusetyenziswa kweMithetho kaMasipala-

- (a) ngexesha elifanelekileyo ngaphandle kwesaziso linokungena nakwesiphi isakhiwo, likhatshwe yitoliki okanye omnye umncedisi walo ukuba libona kufanelekile ngenjongo-
- (i) yokwenza naluphi uvavanyo, uhlolo okanye uphando njengoko linokubona kufanelekile;
 - (ii) yokuphumeza naliphi igunya ngokwemiqathango yale Mithetho kaMasipala kwaye, ngenxa yeso sizathu unokuphatha nasiphi isixhobo asibona sifanelekile kweso sakhiwo.
- (b) unokubiza umnini/umnikazi wenja ukubaancedise okanye anike iinkcukacha, kuquka amagama akhe apheleleyo kunye nedilesi njengoko elo gosa linokufuna ukuba kwenzeke njalo.

Izindlu zezinja

20. Ngokubhekisele kumagatya amacandelo awo nawuphi umthetho, akukho mntu unokumisa, alawule okanye agcine naziphi izindlu zezinja okanye ukumiswa kwendawo yokuhlala izilwanyana zasekhaya njengoko kucacisiwe kuluhlu 18(2)(a), (b) no(c)

weShedyuli 1 yoMthetho ka-1974 weLaysensi, kuyo nayiphi indawo ehlala abantu okanye nayiphi indawo ebihlelwe ngokwemiqathango yenkqubo evunyiweyo yokuplanwa kwedolophu ukuba ingasetyenziswa ukuhlala okanye kwiimitha ezingama-50 kulo ndawo.

Ukumiswa kunye nokuqeshwa kwesikiti

21. (1) UMasipala ngenjongo yale Mithetho kaMasipala unokumisa isikiti sezinja kwaye, aqeshise ngeso sikiti nakubani na okanye nakweliphi iqumrhu ngokwemiqathango kunye neemeko ezibonwa zifanelekile nguMasipala.
- (2) Ukuba isikiti siqeshisiwe kuye nabani na okanye kulo naliphi iqumrhu-
- (a) amagunya kunye nemisebenzi ebekwe kwicandelo 9, 10 nele-15 athathwa njengachongelwe loo mntu, elo qumrhu okanye kulo naliphi igosa eligunyazisiweyo eliqeshwe nguloo mntu okanye lelo qumrhu kwaye, amagatya amacandelo aselel echaziwe aya kusetyenziswa kunye notshintsho olufanelekileyo.
 - (b) loo mntu okanye elo qumrhu kufuneka livume ukwamkela esikiti nayiphiinja ethinjweyo ngokwemiqathango yecandelo le-9 okanye ele-17(2) ngenjongo yokuvalelwa kwayo esikiti kwaye, kufuneka ikhululwe ngokuhambelana nale Mithetho kaMasipala.
 - (c) loo mntu okanye elo qumrhu kufuneka libe nelungelo lokuhlululwa nayiphi intlawulo ngokwemiqathango yale Mithetho kaMasipala yokuvalelwa kwenja esikiti kwaye, kuso nasiphi isixa esifumaneke kwintengiso yokuvalelwa kwenja esikiti ngokwemiqathango yecandelo 10(1)

Imisebenzi yomgcini sikiti

22. UMcini sikiti kufuneka-

- (a) asigcine sivuliwe isikiti phakathi kweye-08h00 kunye neye-16h30 kuzo zonke iintsuku zeveki;
- (b) amkele nayiphiinja eziswe esikiti ngokwemiqathango yale Mithetho kaMasipala ngexesha leeyure apho sivuliweyo esikiti kwaye, kufuneka ngokubhekisele kumagatya ale Mithetho kaMasipala, agcine loo nja esikiti kodwa, umgcini sikiti unokwala ukwamkela loo nja kwaye, unokukhulula nayiphiinja ukuba nanini na unesizathu sokukholelwa ukuba loo nja yayingathinjwanga okanye ivalelwe ngokusemthethweni;
- (c) agcine irejista apho ezi nkcukacha zilandelayo ngokubhekisele ekuvalelweni kwenja esikiti zishicilelwe khona-
- (i) igama, idilesi ahlala kuyo umntu kunye nenombolo yomntu ovaleleinja esikiti;
 - (ii) ixesha kunye nomhla eyayivalelwe ngayo loo nja;
 - (iii) indawo apho yayithinjwe okanye yayifunyenwe kuyoinja;
 - (iv) umhla nexesha eyayithinjwe okanye eyyifunyenwe ngaloinja;
 - (v) isizathu sokuvalelwa esikiti;
 - (vi) ubudala, uhlobo, isini, iimpawu zemibala kunye nayiphiingozi efunyenwe kuyo xa umgcini sikiti ebeyamkela;
 - (vii) indlela ekhululwe ngayoinja leyo;
 - (viii) isixa semali esamkelweyo sokukhululwa okanye ukuthengiswa kwenja;

- (ix) ixabiso lazo naziphi iinkonzo zogqirha wezilwanyana ezenziweyo okanye ezokuthengiswa kwenja;
- (d) aqinisekise ukuba isixhobo esisetyenziswe ngokunxulumene nokuvalelwa kwezinja esikiti sigcinwa sikwimeko ecocekileyo ngamaxesha onke nakwimeko entle yokulingiswa;
- (e) aqinisekise ukuba isikiti asinazo ezi zinto zilandelayo iimpukane, izinambuzane, iimpuku kunye namavumba amabi;
- (f) aqinisekise ukubainja esesikiti ityiswe ngokufanelekileyo kwaye, ikhathalelwe;
- (g) izinja ezidumbileyo zibekwe zodwa;
- (h) athathe onke amanyathelo abalulekileyo ukunqanda umlo phakathi kwezinja ezisesikiti; kwaye
- (i) ayibeke yodwainja enesifo ngaphandle, kokuba loo nja inyangiwe ngugqirha wezilwanyana kwaye, athathe onke amanyathelo afanelekileyo ukubuyekeza amatyala enziwe ngoko kuloo mnini/mnikazi.

Izohlwayo

23. Nabani na otyeshela naliphi igatya lale Mithetho kaMasipala kufuneka afunyanwe enetyala kwaye, enoxanduva lokugwetyelwa isohlwayo okanye ukusilela kwakhe ukuhlawula aye entolongweni isithuba sexesha elingadlulanga kwiinyanga ezintathu okanye zombini isahlwayo nentolongo.

Ukubhangiswa kweMithetho kaMasipala

24. Anagatya ale Mithetho kaMasipala abhekisele eziNjeni ayabhangiswa nguMasipala njengoko idibana nemicimbi equlathwe kule Mithetho kaMasipala kodwa, loo magatya athathwa njengabhangiswayo

ngokubhekisele kuwo nawuphi uMthetho kaMasipala ongabhangiswanga nongakhabaniyo nale Mithetho kaMasipala.

Isihloko esifutshane nokusungulwa kwayo

25. Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala yeZinja.

No. 32

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YOKUGCINWA
KWEZILWANYANA**

UYILO LOKU-1

**IMITHETHO KAMASIPALA EBHEKISELE KUGCINO
LWEZILWANYANA, IINKUKHU KUNYE NAMASHISHINI AQUKA
UKUGCINA IZILWANYANA, IINTAKA, IINKUKHU OKANYE
IZILWANYANA ZASEKHAYA**

UMphathi woMasipala waseMbizana ngokwemiqathango yecandelo le-13 loRhulumente woMasipala; woMthetho ka-2000 weNkqubo kaMasipala (uMthetho nomb. 32 ka-2000, ufundwa necandelo lama-162 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika ka-1996 (uMthetho nomb. 108 ka-1996) wazisa ngeMithetho kaMasipala waseMbizana:IMithetho kaMasipala ebhekisele kugcino lwezilwanyana, iintaka kunye neenkukhu kunye namashishini aquka ukugcinwa kwezilwanyana, iintaka, iinkukhu okanye izilwanyana zasekhaya, ngokuvunywa nguMasipala waseMbizana.

IZIQULATHO

ISAHLUKO I

NGOKUBANZI

Icandelo

1. Iinkcazelo
2. Ukusetyenziswa kweMithetho kaMasipala
3. Izakhiwo zokugcina iMfuyo kunye neziNdlu zezinja
4. Ukugcinwa kweZilwanyana neeNkukhu
5. Iimpepha-mvume zokugcina iZilwanyana neeNkukhu
6. Imisebenzi yomgcini wezilwanyana, iintaka kunye neenkukhu

ISAHLUKO II

**UKUGCINWA KWEENKOMO, AMAHASHE, IIMEYILE KUNYE
NEEDONKI**

7. Iimfuneko kwizaKhiwo
8. Imisebenzi yoMalusi weeNkomo, amaHashe, iiMeyile kunye neeDonki

ISAPHLUKO III

UKUGCINWA KWEEHAGU

9. Imfuneko kwizaKhiwo
10. Imisebenzi yoMgcini weehagu

ISAPHLUKO SESI-IV

UKUGCINWA KWEEBHOKHWE NEEGUSHA

11. Imfuneko kwizaKhiwo
12. Imisebenzi yoMalusi weeBhokhwe neeGusha

ISAPHLUKO V

UKUGCINWA KWEENKUKHU

13. Imfuneko kwizaKhiwo
14. Umgcini weeNkukhu

ISAPHLUKO VI

UKUGCINWA KWEMIVUNDLA

15. Imfuneko kwizaKhiwo
16. Umgcini wemiVundla

ISAPHLUKO VII

UKUGCINWA KWEENTAKA

17. Imfuneko kwizaKhiwo
18. Umgcini weeNtaka

ISAPHLUKO VIII**UMRHWEBI WEMFUYO KUNYE NAMANYE AMASHISHINI AQUKA
UKUGCINWA KWEZILWANYANA OKANYE IINKUKHU**

19. Imfuneko zokuQhuba iShishini

ISAPHLUKO IX**IZINDLU ZEZINJA KUNYE NEEKHEYIJI ZEEKATI**

20. Imfuneko kwizaKhiwo

21. Imisebenzi yoMntu oLawula iziNdlu zezinja okanye iiKheyiji zeekati

ISAPHLUKO X**IIVENKILE NEMIZI YOKULUNGISA IINWELE ZEZILWANYANA
ZASEKHAYA**

22. Imfuneko kwizaKhiwo

23. Umsebenzi womrhwebi

ISAPHLUKO XI**UKUTHENGISA IINKUKHU NEMIVUNDLA**

24. Imfuneko zokuthengisa esitalatweni

25. Imisebenzi wasesitalatweni

ISAPHLUKO XII**UKUGCINWA KWEENYOSI**

26. Ukugcinwa kweeNyosi

ISAHLUKO XIII
IINTLOBO NGENTLOBO

- 27. Ukukhutshwa kwamanzi
- 28. Ukukhutshwa kweetephu
- 29. Inkathazo
- 30. Isigulo esinokubalelwa kwizilwanyana
- 31. Ukuhlolwa
- 32. Amatyala Nezohlwayo

ISHEDYULI 1: IMVUME

IMVUME 2: UKUFAKA ISICELO SEMPEPHA-MVUME

ISAHLUKO I**NGOKUBANZI****IINKCAZELO**

1. Kule Mithetho kaMasipala ngaphandle kokuba umxholo uthetha enye into-

“okufanelekileyo” kuthetha okufanelekileyo ngokokubona kukaMasipala;

“isilwanyana” sithetha nayiphi inkomo, ihashe, imeyile, idonki, ihagu, umvundla, ikati nenja;

“okwamkelweyo” kuthetha okwamkelwe ligosa lezempilo ngokubhekisele kwiimfuneko ezifanelekileyo zezempilo zikawonke-wonke ngemeko ethile;

“indlu yokugcina iintaka” ithetha indawo enophahla okanye indawo engenaphahla ebiyelweyo esetyenziselwa ukugcinwa kweentaka, indawo engeyiyo ikheyiji ephathekayo;

“inkqubo yeebhokisi ezininzi ekugcinwa kuzo iinkukhu ezizalayo okanye ezisetyenziswayo” ithetha indlela yokugcina iinkukhu okanye imivundla kwindlu yezilwanyana nokuba kungeerowu ezimeleyo okanye elithala kwizakhiwo okanye kwindawo;

“uMasipala” uthetha uMasipala osekwe ngokwemiqathango yecandelo le-13 loRhulumente waseKhaya: uMthetho ka-1999 weNkqubo yamaCandelo kaMasipala (uMthetho nomb. 29 ka-1999);

“intaka” ithetha nasiphi isilwanyana esineentsiba nomqolo ngaphandle kwenkukhu;

“ikheyiji yeekati” ithetha izakhiwo apho kukho iizixhobo zokuhlalisa iikati okanye apho kugcinwa khona iikati;

“indawo yokuhlala” ithetha nasiphi isakhiwo okanye inxalenye yaso ekubhekiswa kuyo esetyenziselwa ukuhlala abantu;

“indawo ebiyelweyo” ngokubhekisele kwizilwanyana, ithetha nabuphi ubuhlanti, idlelo elincinane lamahashe okanye enye indawo ebiyelweyo okanye ingingqi ebiyiweyo esetyenziselwa ukuhlalisa, ukugcina okanye ukuqeqesha izilwanyana;

“igosa lezempilo” lithetha igosa lezempilo lezonyango eliqeshwe ngokwemiqathango yecandelo lama-22 okanye lama-25 loMthetho ka-1977

wezempilo (uMthetho nomb. 63 ka-1977) , kuquka nomhloli wezempilo oqeshwe ligunya lasekhaya ngokwemiqathango yecandelo lama-24 laloMthetho;

“izindlu zezinja” zithetha izakhiwo apho-

- (a) kubonelelwa ngezixhobo zokuhlala kwezinja;
- (b) izinja zikhuliselwa ukuthengiswa; okanye
- (c) izinja zigcinwa ngenjongo yokuba ziqeqeshwe okanye ziqeshise zinabaqhelisi okanye zingenabaqhelisi

“imfuyo” ithetha amahashe, iinkomo, iigusha, iibhokwe, iihagu, iimeyile, iidonki kunye neenkukhu;

“umasipala” uthetha uMasipala waseMbizana okhankanywe kwicandelo lama-59, lifunde necandelo lama-81(2) lomthetho ka-2000 weNkqubo kaMasipala woRhulumente waseKhaya (uMthetho nomb.32 ka-2000), ngokwemiqathango yeCandelo lama-157 (1) loMgaqo-siseko ka-1996 yeRiphabhlikhi yoMzantsi Afrika (uMthetho nomb. 108 ka-1996), okanye umntu ochongwe yiyo nayiphi idlu yowiso-mthetho okanye sisindululo sikaMasipala ukuba ammele;

“uphazamiseko” kuthetha uphazamiseko njengoko kucacisiwe kuMthetho ka-1997 wezeMpilo (uMthetho nomb. 63 ka-1977);

“umnini/umnikazi wempepha-mvume” uthetha umntu okhutshelwe imvume ligosa lezempilo ngokwemiqathango yale Mithetho kaMasipala;

“umntu olawulayo” uthetha nabani na oyena mntu ulawulayo okanye oyena ulawula izakhiwo okanye ishishini;

“isilwanyana sasekhaya” sithetha nasiphi isilwanyana sasekhaya okanye esinye isilwanyana esinokugcinwa ngokusemthethweni njengesilwanyana sasekhaya kuquka nayiphi intaka okanye nasiphi isilwanyana esirhubuluzayo esingenabungozi;

“indawo yokwenza iinwele zezilwanyana zasekhaya” ithetha naziphi izakhiwo ekukhathalelwa kuzo ubuhle bezinja okanye iikati ngokuba zihlanjwe, zomiswe, zibhrashwe, zichetywe okanye kuhoywe iinziphi namazinyo azo;

“ivenkile yezilwanyana zasekhaya” zithetha amashishini okugcina nokuthengisa izilwanyana zasekhaya kwizakhiwo ezinelayisensi ngenjongo eziphantsi koMthetho ka-1974 weeLayisensi (uMthetho nomb. 19 ka-1974)

“ihoko yeehagu” ithetha nasiphi isakhiwo, indawo okanye indawo ebiyelweyo apho kugcinwa khona iihagu;

“iinkukhu” zithetha iinkukhu, amadada, amadada, amarhanisi, iikarikuni, amahobe, iipikoko, kunye neempangele zasemakhaya;

“indlu yeenkukhu” ithetha nasiphi isakhiwo okanye indawo enophahla ngaphezulu, ngaphandle kwendawo apho kusetyenziswa iibhokisi ezininzi ekugcinwa kuzo iinkukhu ezizalayo okanye ezisetyenziswayo, apho kugcinwa khona iinkukhu;

“indawo yokubaleka iinkukhu” ithetha nayiphi indawo enomngxunya womnatha engenaphahla okanye enye indawo ebiyelweyo nokuba yongeziwe okanye ayongezwanga kwindlwana yomvundla apho kugcinwa khona iinkukhu;

“izakhiwo” zithetha nawuphi umhlaba, isakhiwo, indawo okanye nasiphi isiqephu somhlaba, isakhiwo, indawo apho nayiphi imicimbi echazwe yile Mithetho kaMasipala iqhubekela khona;

“indawo kawonke-wonke” ithetha nayiphi indlela, isitalato, indledlana esecaleni kwendlela, indlela ekekeleyo, ipaki okanye enye indawo apho uluntu lunegunya kunye nokufikelela ngokungenasithintelo;

“indlwana yomvundla” ithetha nasiphi isakhiwo okanye indawo enophahla ngaphezulu, ngaphandle kwendawo apho kusetyenziswa iibhokisi ezininzi ekugcinwa kuzo iinkukhu ezizalayo okanye ezisetyenziswayo, apho kugcinwa khona imivundla;

“indawo yokubaleka imivundla” ithetha nayiphi indawo enomngxunya womnatha engenaphahla okanye enye indawo ebiyelweyo nokuba yongeziwe okanye ayongezwanga kwindlwana yomvundla apho kugcinwa khona imivundla;

“isitali” sithetha nasiphi isakhiwo okanye indawo okanye nayiphi inxalenye ekubhekiswa kuyo esetyenziselwa ukuhlalisa okanye ukugcina naziphi iinkomo, amahashe, iimeyile okanye iidonki;

“izilwanyana ezilahlekileyo” zithetha izilwanyana ezifunyenwe kwingingqi kaMasipala ngaphandle kwemvume kaMasipala

UKUSETYENZISWAKWEMITHETHO KAMASIPALA

2. (1) Amagatya ale Mithetho kaMasipala kufuneka angasetyenziswa –

- (a) kugcino lweenkomo ngenjongo yokuvelisa ubisi;
- (b) kuwo nawuphi umboniso apho izilwanyana, iinkukhu okanye iintaka zigcinwe okwethutyana;

(c) kuyo nayiphi ilebhu apho izilwanyana, iinkukhu okanye iintaka zigcinelwe injongo yophando;

kodwa igosa lezempilo ukuba lanelisekile kukuba ukusetyenziswa kwegatya elinye okanye nangaphezulu kwale Mithetho kaMasipala kufanelekile ngokomdla wezempilo kawonke-wonke linokukhuphela loo mntu uchaphazelekayo isaziso limcela ukuba ahambelane nelo gatya.

- (2) Amagatya ecandelo lesi-3, 4, 5, 10, kunye nele-11 kufuneka angasetyenziswa kugcino lwethutyana lwebhokhwe kuwo nawuphi umhlaba ngenjongo yokubonelela ngobisi ngezizathu zezempilo okuziswa ngaphambi kokukwamkelwa ligosa lezempilo kwaye, akukho luphazamiso luye lwakhona ekugcineni loo bhokhwe.
- (3) Igatya lecandelo lesi-3, 4(a), 6,8,10,12,14,16,18,19 kunye nelama-21 kufuneka lisetyenziswe kuphela kwizakhiwo ezitsha, ezilungiswe ngokutsha, eziguquliweyo emva kokusungulwa kwale Mithetho kaMasipala. Ukuba igosa lezempilo lanelisekile kukuba ukusetyenziswa kwegatya elinye okanye nangaphezulu kweemfuneko ezichaziweyo ezifanelekileyo ngokomdla wezempilo kawonke-wonke linokunikezela ngesaziso esibhaliweyo kumnini/umnikazi okanye umntu ezi phantsi kolawulo lwakhe ezo zakhiwo, ukuhambelana nezo mfuneko njengoko zinokuchazwa kunye nexesha elifanelekileyo elibekwe kwisaziso.
- (4) Amagatya amacandelo 12(d), (f) kunye no(g) kunye no-13(d) ukuya ku(h) edibene kufuneka angasetyenziswa kugcino lweenkukhu ezingadlulanga eshumini.
- (5) Amagatya amacandelo u-14 (c) kunye no(e) kunye no-15 (d) ukuya ku(h) edibene kufuneka angasetyenziswa kugcino lwemivundla engadlulanga eshumini.

IZAKHIWO ZOKUGCINA IMFUYO KUNYE NEZINDLU ZEZINJA

3. Akukho mntu kufuneka-

- (a) agcine imfuyo engezo nkukhu okanye agcine izindlu zezinja ngaphakathi kwayo nayiphi ingingqi echazwe nguMasipala njengengakulungelanga ukugcina imfuyo kodwa, ngaphambili kufuneka ingasetyenziswa kwiklinikhi yezilwanyana okanye kwisibhedlele sezilwanyana esisebenzisana noMasipala ochaphazelekayo;
- (b) agcine nayiphi imfuyo engezo nkukhu kwezo zakhiwo zime kumhlaba ongaphantsi kwihektare e-1 kodwa, kwimeko yomthengisi okanye umntu

othenga athengise ngenjongo yokuzuza kwimfuyo, umhlaba kufuneka ungabikho ngaphantsi kwehektare ezi-2,5 ubukhulu.

UKUGCINWA KWEZILWANYANA, IINKUKHU NEENTAKA

4. Akukho mntu kufuneka agcine nasiphi isilwanyana, inkukhu, intaka kwisakhiwo okanye kuzo nasiphi izakhiwo-
- (a) ngokungahambelanai namagatya ale Mithetho kaMasipala;
 - (b) ezenziwe, ezigcinwe okanye ezimele ukuba kugcinwe izilwanyana, iinkukhu okanye iintaka ekubhekiswa kuzo, ngokokubona kwegosa lezempilo ekulindeleke ukuba zingenza uphazamiso okanye ingozi kwezempilo.

IIMVUME ZOKUGCINA IZILWANYANA NEENKUKHU

5. Akukho mntu kufuneka agcine nasiphi isilwanyana, inkukhu okanye intaka kwizakhiwo okanye kuzo naziphi izakhiwo
- (a) ngokungahambelana namagatya ale Mithetho kaMasipala;
 - (b) ezenziwe, ezigcinwe okanye ezimele ukuba kugcinwe izilwanyana, iinkukhu okanye iintaka ekubhekiswa kuzo, ngokokubona kwegosa lezempilo ekulindeleke ukuba zingenza uphazamiso okanye ingozi kwezempilo.

IIMVUME ZOKUGCINA IZILWANYANA NEENKUKHU

6. Akukho mntu kufuneka-
- (a) agcine nasiphi isilwanyana okanye inkukhu ngokudlulileyo kwinani elichazwe kuloo mvume: Ukuba inzala yaso nasiphi isilwanyana esanyisayo sisancanca kufuneka singathathelwa ingqalelo;
 - (b) agcine okanye avumele ukugcinwa ngaphezulu kweenkukhu ezilikhulu kwindawo yezolimo kodwa-
 - (i) ukuba igosa eligunyazisiweyo libona uphazamiseko okanye ingozi akungalindelekanga ukuba ingenziwa kwimpilo yoluntu, ngesicelo esifakiweyo nesibhaliweyo ngumnini/umnikazi linokumnika loo mnini/umnikazi imvume yokugcina inani leenkukhu elingaphezulu kwelo limiselweyo;
 - (ii) kwaye amagatya eli candelo alisetyenziswa kumfama weenkukhu onyanisekileyo.

- (2) Isicelo salo mvume kufuneka senziwe kwifomu emiselweyo kwigosa lezempilo kokusingqongileyo.
- (3) Imvume ayitshintshelwa komnye umntu kwaye, iphelelwa ngomhla umnini/umnikazi-mvume aqala ngawo ukugcina izilwanyana okanye iinkukhu ngokwenjongo eyayikhutshelwe yona.
- (4) Umnini/umnikazi wemvume kufuneka azise igosa lezempilo ngokubhaliweyo ukuba uqalile ukugcina izilwanyana okanye iinkukhu ngemvume eyayikhutshelwe ukwenza oko okanye kulo nakuphi ukukhula kwinani lezilwanyana okanye iinkukhu ezigciniweyo kudlulile kwinani elichaziweyo kwimvume echaphazelekayo, kwiintsuku ezilishumi zako nakuphi ukwenzeka kwako.
- (5) UMasipala unokuyirhoxisa imvume ekhutshiweyo ngokwemiqathango yecandelwana (1)(a), ukuba-
 - (a) ukwenziwa okanye ukulungiswa kwezakhiwo ezichaphazelekayo nanini na ukuba akuhambelani nalo naliphi igatya lale Mithetho kaMasipala; okanye
 - (b) umnini/umnikazi uyakhabana okanye uyasilela ukuhambelana naliphi igatya; kwaye
 - (c) umnini/umnikazi uyasilela ukuhambelana nesaziso esibhaliweyo esivela kwigosa elimcela ukuba eso sakhiwo sihambelane nale Mithetho kaMasipala okanye koko kukhabana okanye koko kusilela kwisithuba sexesha elichaziweyo ngexesha elifutshane;
 - (d) nasiphi isifo esinokuqala ngequbuliso phakathi kwezilwanyana okanye iinkukhu ezigcinwe phantsi kwale mvume, ngokokubona kwegosa lezempilo okanye ugqirha wezilwanyana esikwimeko ekulindeleke ukuba singenza ingozi kwimpilo yoluntu, kwezinye izilwanyana;
 - (e) umnini/umnikazi okanye umntu olawula izakhiwo ngexesha yena buqu okanye umsebenzi athintela igosa lezempilo ekwenzeni umsebenzi wakhe phantsi kwale mithetho kaMasipala;
 - (f) umnini/umnikazi-mvume ufunyenwe enetyala yinkundla enobuchule yokukhabana nale Mithetho kaMasipala;
 - (g) ngokokubona kwegosa lezempilo kokusingqongileyo, kukho uphazamiseko olukhoyo kuluntu ngenxa yokugcinwa kwezilwanyana.

- (6) Igosa njengoko invume irhoxisiwe kufuneka kwangoko, lazise umnini/umnikazi wemvume ngoko ngokubhaliweyo.
- (7) Igosa lezempilo ngokubhekisele kumagatya angaphambili eli candelo linokukhupha invume entsha ukuba lanelisekile kukuba isizathu sorhoxiso asisekho kwaye, akukho sizathu sinokubangela ukungakhutshwa kwemvume entsha.

IMISEBENZI YOMGCINI WEENKOMO, IINTAKA OKANYE IINKUKHU

7. (1) Wonke umntu ogcina izilwanyana kufuneka-
 - (a) agcine izakhiwo, nasiphi isixhobo, isikhongozelo, isitya esisetyenziswa ngokudibeneyo nokugcinwa kwimeko ecocekileyo kunye nolungiso olufanelekileyo;
 - (b) athathe iinkqubo ezisebenzayo ukukhusela ukuveliswa kunye nokutshatyalaliswa kweempukane, amaphela, izikrekrethi kunye nezinye izilwanyana ezikhathazayo; kunye
 - (c) nokususwa kwawo wonke umgquba esitalini, ehokweni, nakwindawo ebiyelweyo isithuba seentsuku ezisi-7 ubuncinci kwindawo ebiyelweyo, kwisakhiwo okanye ishedhi yokulala iibhokhwe neegusha;
 - (d) aqinisekise ukuba umgquba ulahlwe ngendlela engazukubangela uphazamiso.
- (2) Wonke umntu ogcina iintaka kunye neenkukhu kufuneka-
 - (a) ahambelane ngotshintsho olufanelekileyo lwamagatya (6)(1)(a), (b) kunye no(c);
 - (b) agcine izakhiwo zingenamavumba acaphukisayo aphuma Ekugcinweni kweentaka kunye neenkukhu; kwaye
 - (c) aqinisekise ukuba iinkukhu okanye iintaka aziphazamisi okanye zithintele ulonwabo, uncedo, uxolo okanye ucwangco eluntwini.

ISAHLUKO II**UKUGCINWA KWEENKOMO, AMAHASHE, IIMEYILE KUNYE
NEEDONKI****IIMFUNeko KWIZAKHIWO**

8. Ukugcinwa kweenkomo, amahashe, iimeyile kunye needonki, kufuneka Kuboekho isitali okanye indawo ebiyelweyo ehambelana nezi mfuno zilandelayo-
- (a) lonke idonga kunye nesitali esahluliweyo kufuneka zenziwe ngezitena, ilitye, ikhonkrithi okanye esinye isixhobo esomeleleyo;
 - (b) umgangatho wangaphakathi wedonga lesitali kufuneka wenziwe ngesitena esigudileyo okanye esinye isixhobo esomeleleyo nesiwenza ugude;
 - (c) umgangatho wesitali kufuneka wenziwe ngekhonkrithi kunye nezixhobo ezingenakungenwa ngamanzi eziwenza ugude, wenziwa wangumjelokazi kwaye wakhutshwa namanzi ngokwemigqaliselo yecandelo lama-25.
 - (d) nayiphi indawo ebiyelweyo kufuneka inendawo eyi-10m² ubuncinci kwintloko nganye yenkomo, ihashe, imeyile okanye idonki ukuba ingahlala kuyo kwaye, ucingo kufuneka lwenziwe ngesixhobo ngocingo olomeleleyo ukuthintela ezo zilwanyana ekutyhobozeni;
 - (e) akukho ndawo ibiyelweyo kufuneka ibe kwindawo ezimitha ezili-100 kwaye, akukho sitali kufuneka sibe kwindawo ezimitha ezingaphantsi kwe-15 kuwo nawuphi umda wawo nawuphi umhlaba, indawo yokuhlala okanye isakhiwo esisesinye okanye indawo esetyenziselwa ukuhlala abantu okanye kwiimitha ezingama-50 zalo naliphi iqula, umlambo okanye omnye umthombo ohambisa amanzi acetyelwa okanye asetyenziselwa ukusetyenziswa ngabantu.
 - (g) indawo enokuphathwa ehambisa amanzi afanele ukuselwa kunye nokucoca kufuneka ifumaneki kwisitali ngasinye okanye indawo ebiyelweyo okanye kufuphi nesitali okanye indawo ebiyelweyo.

**IMISEBENZI YOMGCINI WEEENKOMO, AMAHASHE, IIMEYILE KUNYE
NEEDONKI**

9. Wonke umntu ogcina nayiphi inkomo, ihashe, imeyile kunye nedonki kufuneka-

- (a) aqinisekise ukuba nasiphi eso isilwanyana sigcinwe esitalini okanye kwindawo ebiyelweyo;
- (b) ahambelane, afunde ngotshintsho olufanelekileyo, namagatya ecandelo 6(1)(a), (b) kunye no(d).

ISAHLUKO III

UKUGCINWA KWEEHAGU

IIMFUNeko KWIZAKHIWO

10. (1) Ukugcinwa kweehagu, kufuneka kubekho ihoko enezi mfuno zilandelayo-
- (a) lonke udonga kufuneka lenziwe ngezitena, ilitye, ikhonkrithi okanye esinye isixhobo esomeleleyo esingekho ngaphantsi kweemitha ezi-1.5 kwaye kufuneka linomgangatho ongaphakathi ogudileyo;
 - (b) ihoko kufuneka unendawo engumgangatho oyi-3m² ubuncinci , ube nendawo eyi-6m² ubuncinci uwonke ukuze ihagu nganye ibe nako ukuhlala
 - (c) ukudibana okuphakathi kwamadonga nemigangatho kufuneka yogqunywe.
 - (d) umgangatho kufuneka ubuncinci ube ziimitha ezili-150 ukujikeleza ngaphezulu komhlaba, wenziwe ngekhonkrithi kunye nezixhobo ezingenakungenwa ngamanzi eziwenza ugude, ezenziwe zilungiselela ukuphuma kwamanzi kumjelo ongaphandle kwehoko;
 - (e) ihoko kufuneka yenziwe ngendlela ethintela iihagu ekutyhobozeni;
 - (f) akukho hoko kufuneka ibe kwiimitha ezili-100 kuyo nayiphi indawo yokuhlala okanye kwesinye isakhiwo okanye indawo esetyenziselwa ukuhlala abantu okanye kumda walo naliphi iqula, umlambo okanye omnye umthombo ohambisa amanzi acetyelwa okanye asetyenziselwa ukusetyenziswa ngabantu.
- (2) akukho mntu kufuneka agcine naziphi iihagu kwizakhiwo ezime kumhlaba ozihekthare engaphantsi kwe-1 ubukhulu. Ukuba kwimeko yomrhwebi okanye

umathenga-thengisa wemfuyo, umhlaba kufuneka ungabikho ngaphantsi kwehekthare ezi-2.5 ubukhulu.

(3) akukho ndawo ibiyelweyo kufuneka ibe kwindawo ezimitha ezili-100 kwaye, akukho sitali kufuneka sibe kwindawo ezimitha ezingaphantsi kwe-15 kuwo nawuphi umda wawo nawuphi umhlaba, indawo yokuhlala okanye isakhiwo esisesinye okanye indawo esetyenziselwa ukuhlala abantu okanye kwiimitha ezingama-50 zalo naliphi iqula, umlambo okanye omnye umthombo ohambisa amanzi acetyelwa okanye asetyenziselwa ukusetyenziswa ngabantu.

(4) indawo enokuphathwa ehambisa amanzi afanele ukuselwa kunye nokucoca kufuneka ifumaneka ehokweni okanye kumdibaniso wehoko.

IMISEBENZI YOMGCINI WEEHAGU

11. Akukho mntu ugcina naziphi iihagu kuzo naziphi izakhiwo kufuneka-

- (a) aqinisekise ukuba iihagu zigcinwa ehokweni;
- (b) ahambelane afunde ngotshintsho olufanelekileyo, namagatya ecandelo 6(1)(a), (b) kunye no(d).

ISAPHLUKO IV

UKUGCINWA KWEEBHOKHWE NEEGUSHA

IIMFUNeko KWIZAKHIWO

12. Ukugcinwa kweebhokhwe neegusha kufuneka kubekho ezi mfuneko zilandelayo-

- (a) indawo ebiyelweyo enommandla obuncinci buyi-1,5 m² kwibhokhwe nganye okanye igusha eza kuhlala apho, ubuncinci ibe nommandla womgangatho oyi-30 m²;
- (b) ukuba isakhiwo okanye ished i bonelelwe ngenjongo yolo gcino, kufuneka ihambelane nezi mfuneko zilandelayo-
 - (i) udonga ngalunye olulapho kufuneka lwenziwe ngesitena, ilitye, ikhonkrithi, okanye esinye isixhobo lonke udonga okanye esinye isixhobo esomeleleyo esingekho ngaphantsi kweemitha ezi-2 ubude kwaye, kufuneka linomgangatho ongaphakathi ogudileyo;
 - (ii) umgangatho kufuneka wenzelwe ukunqanda ukudama kwamanzi kwaye, kufuneka ucociwe kwaye uphuculwe ukuyokufkelela kwelona nqanaba lezakhiwo;

- (c) akukho sakhiwo okanye ished i kufuneka ibe kwindawo ezimitha ezili-15 kwaye, akukho ndawo ibiyelweyo kufuneka ibe kwindawo ezimitha ezili-100 yawo nawuphi umda wawo nawuphi umhlaba, indawo yokuhlala okanye isakhiwo esisesinye okanye indawo esetyenziselwa ukuhlala abantu okanye kwiimitha ezingama-50 zalo naliphi iqula, umlambo okanye omnye umthombo ohambisa amanzi acetyelwa okanye asetyenziselwa ukusetyenziswa ngabantu;
- (d) indawo enokuphathwa ehambisa amanzi afanele ukuselwa kunye nokucoqa kufuneka ifumaneke esitalini okanye kumdibaniso wesitali.

IMISEBENZI YOMALUSI WEEBHOKHWE NEEGUSHA

13. Wonke owalusa nayiphi ibhokhwe okanye igusha kufuneka-

- (a) aqinisekise ukuba sonke isilwanyana sigcinwe kwindawo ebiyelweyo, kwisakhiwo okanye eshedini;
- (b) ahambelane, afunde ngotshintsho olufanelekileyo, namagatya ecandelo 6(1)(a), b),(c) kunye no(d).

ISIAHLUKO VI UKUGCINWA KWEENKUKHU

IIMFUNeko KWIZAKHIWO

14. Ukugcinwa kweenkukhu, kufuneka kukho izakhiwo ezihambelana nezi mfuneko zilandelayo-

- (a) indlu yeenkukhu ehambelana nezi mfuneko zilandelayo-
- (i) lonke udonga olulapho kufuneka lenziwe ngezitena, ilitye, ikhonkrithi okanye esinye isixhobo esomeleleyo kwaye, kufuneka linomgangatho ongaphakathi ogudileyo;
- (ii) umgangatho kufuneka wenziwe ngekhonkrithi okanye ngesinye isixhobo esomeleleyo okanye esomeleleyo, wenziwe ugude;
- (iii) imigangatho engaphezulu yendawo ezimbini nangaphezulu zamathala kufuneka yenziwe ngesixhobo esomeleleyo nesicoceka ngokulula;
- (iv) kufuneka inommandla ubuncinci oyi-0,2 m² kwinkukhu nganye

endala, idada, irhanisi, impangele zasemakhaya; ube yi-0,5m²
kwirhanisi ngalinye elidala, ikarikuni, ipikoko kwaye, ube yi- 0.14m²
kwihobe ngalinye elidala elihlala apho, ubuncinci xa udibene ube
ngummandla oyi-4m²;

(b) Indawo yokubalekela iinkukhu, ukuba ikhona, kufuneka ibiyelwe ngocingo olunemingxunya okanye esinye isixhobo esomeleleyo;

(c) Ukuba kusetyenziswe inkqubo yebhetri, isakhiwo okanye indawo apho inkqubo ibekwe khona, yenziwa kwaye, yalungiswa ngokuhambelana nezi mfuneko zilandelayo, kufuneka ikho-

(i) udonga ngalunye, ukuba lukhona, kufuneka ubuncinci buyi-2.4 m ukuphakama kwaye, kufuneka lenziwe ngekhonkrithi, ilitye, izitena okanye esinye isixhobo esomeleleyo kwaye, kufuneka sinomgangatho wangaphakathi ogudileyo;

(ii) ukuba amadonga akhona izakhiwo kufuneka zinendawo ephuma umoya neyokulayita eyenziwe ngomatshini wokukhupha umoya nokulayita okanye ngokufumana indawo enomoya oziphumelayo ongeyondalo okanye ukukhanya okuzenzekelayo okuvela endalweni ngeendawo evulekileyo okanye iifestile zendawo elingana kodwa engekho ngaphantsi kweepesenti ezili-15 zommandla womgangatho wesakhiwo;

(iii) umgangatho kufuneka wenziwe ngekhonkrithi okanye ngesinye isixhobo esomeleleyo okanye esomeleleyo, wenziwe ugude kwaye; ukuba oko kufunwa ligosa lezempilo, umphezulu womgangatho kufuneka uphuculwe kwayo ukhutshwe amanzi ngomjelo okhupha amanzi ngokwemiqathango yecandelo lama-25;

(iv) ukuba akukho zindonga zikhoyo okanye azenziwanga ngesinyithi, umgangatho kufuneka ubanjwe ngetyathanga lomkhala ubuncinci obuzimilimitha ezingama-250 ukuphakama kugabadelo lwazo;

(v) sonke isiphambuka phakathi komgangatho neendonga kunye netyathanga lomkhala kufuneka zogqunywe;

(vi) iikheyiji zesinyithi kufuneka zenziwe ngesixhobo esomeleleyo;

(vii) ukuba igosa lezenipilo lifuna ngolo hlobo, isithebe sesixhobo esomeleleyo kunyo noyilo kufuneka sifakwe phantsi kwekheyiji nganye kulungiselelwe ukuqokelelwa komgquba.

- (viii) isitya sokuhlambela izandla sokuhanjiswa kwamanzi ongaguqukiyo esibekiweyo kufuneka sikho kwaye, sikhutshwe amanzi ngokwemiqathango yecandelo lama-25;
- (d) indawo enokuphathwa ehambisa amanzi afanele ukuselwa kunye nokucoca kufuneka ifumaneke kwinkqubo yebhetri, isakhiwo, indawo okanye kumdibaniso wendlu yeenkukhu.
- (e) kufuneka kubekho ubuncinci obuzimitha ezi-3 yendawo ecacileyo nengaphazanyiswanga phakathi kwayo nayiphi indlu yeenkukhu, indawo yokubalekela iinkukhu okanye isakhiwo okanye indawo eyenziwe ngesinyithi nayo nayiphi indawo ekufutshane kuyo nayiphi indawo yokuhlala, esinye isakhiwo, okanye indawo esetyenziselwa ukuhlala abantu okanye indawo ekugcinwa kuyo izinto ezityiwayo okanye elungiselelwa ukusetyenziswa ngabantu nakumda okufutshane wawo nawuphi umhlaba;
- (f) indlu yokugcina kufuneka inendawo yokugcina ukutya, apho kuza kusetyenziswa khona inkqubo yebhetri.
- (g) iqonga lokuhlambela lekhonkrithi elomeleleyo elimgobongqo elisisinqandi okanye umkhombe westili onebhodi yokukhupha amanzi nekungena kuyo amanzi ngawo onke amaxesha kufuneka ikho okanye iyamane nesakhiwo okanye naloo ndawo yokucoca nokubulala izinambuzane. Kufuneka kukhutshwe amanzi kwiqonga lokuhlambela kunye nakumkhombe ngokwemiqathango yecandelo lama-25.

IMISEBENZI YOMGCINI WEENKUKHU

15. Wonke umntu ogcina iinkukhu kufuneka-

- (a) aqinisekise ukuba zonke iinkukhu zigcinwe ngaphakathi endlwini yazo, kwindawo yokubaleka iinkukhu, isakhiwo okanye indawo eyindlu eyenziwe ngesinyithi;
- (b) ahambelane, afunde ngotshintsho oluyimfuneko, namagatya ecandelo 6(1)(a),(b), (c) kunye no(d);
- (c) azigcine zonke izakhiwo zingenamavumba kwaye, yonke indlu yeenkukhu, indawo yokubaleka iinkukhu, isakhiwo okanye indawo eyindlu eyenziwe ngesinyithi kwaye, zonke iikheyiji zicoceke zingabi nazilwanyana zikhathazayo;
- (d) asuse wonke umgquba nokunye okuyinkunkuma ekuvela endlwini yeenkukhu nakwindawo yokubalekela iinkukhu ubuncinci, kanye kwiiyure ezingama-48

kwaye, kanye kwiintsuku ezi-4 okanye ngaphezulu nangesithuba esivunywe ligosa lezempilo kwisakhiwo, okanye indawo eyenziwe ngesinyithi ; abeke umgquba nokunye okuyinkunkuma kwizitya zokugcina imigquba;

- (e) asuse zonke iziqulatho zezitya zokugcina umgquba kwizakhiwo ubuncinci kanye kwiintsuku eziyi-7 kwaye, alahle apho ngendlela engazukumngenisa enkathazweni; kwaye
- (f) angagcini nasiphi isixhobo okanye into nakweyiphi na indlu yeenkukhu, isakhiwo okanye indawo eyenziwe ngesinyithi ngaphandle, kwesixhobo okanye into eyimfuneko ukuba ingasetyenziswa kuloo ndlu, indawo yokubaleka iinkukhu, isakhiwo okanye indawo.

ISAPHLUKO VI

UKUGCINWA KWEMIVUNDLA

IIMFUNENKO KWIZAKHIWO

16. Ukugcinwa kwemivundla, kufuneka kukho izakhiwo ezihambelana nezi mfuneko zilandelayo-
 - (a) nayiphi indlwana yomvundla ehambelana nezi mfuneko zilandelayo-
 - (i) lonke udonga olulapho kufuneka lenziwe ngezitena, ilitye, ikhonkrithi okanye esinye isixhobo esomeleleyo kwaye, kufuneka linomgangatho ongaphakathi ogudileyo;
 - (ii) umphandle womgangatho ekufanele ukuba, ubuncinci ube ziimilimitha ezingama-150 kufuneka wenziwe ngekhonkrithi okanye ngesinye isixhobo esomeleleyo okanye esomeleleyo, wenziwe ugude kwaye; ukuba oko kufunwa ligosa lezempilo, umphezulu womgangatho kufuneka uphuculwe kwayo ukhutshwe amanzi ngomjelo okhupha amanzi ngokwemiqathango yecandelo lama-25;
 - (iii) kufuneka kukho ukukhanya kwendalo kunye nendawo yokuphuma umoya;
 - (iv) kufuneka inommandla obuncinci buyi-0.4m² kuwo wonke umvundla oza kuhlala kuloo ndlwana;
 - (v) indawo yokubaleka umvundla, ukuba ikho, kufuneka ibiyelwe ngocingo olunemingxunya okanye esinye isixhobo esomeleleyo kwaye, yenzelwe ukuba ithintelele ukuqhwelela kwemivundla;

- (b) Ukuba kusetyenziswe isinyithi, isakhiwo okanye indawo apho inkqubo ibekwe khona, yenziwa kwaye, yalungiswa ngokuhambelana nezi mfuneko zilandelayo, kufuneka ikho-
- (i) udonga ngalunye, ukuba lukhona, kufuneka ubuncinci buyi-2.4 m ukuphakama kwaye, kufuneka lenziwe ngekhonkrithi, ilitye, izitena okanye esinye isixhobo esomeleleyo kwaye, kufuneka sinomgangatho wangaphakathi ogudileyo;
 - (ii) ukuba amadonga akhona izakhiwo kufuneka zinendawo ephuma umoya neyokulayita eyenziwe ngomatshini wokukhupha umoya nokulayita okanye ngokufumana indawo enomoya oziphumelayo ongeyondalo okanye ukukhanya okuzenzekelayo okubela endalweni ngeendawo evulekileyo okanye iifestile zendawo elingana kodwa engekho ngaphantsi kweepesenti ezili-15 zommandla womgangatho wesakhiwo;
 - (iii) umgangatho kufuneka wenziwe ngekhonkrithi okanye ngesinye isixhobo esomeleleyo okanye esomeleleyo, wenziwe ugude kwaye; ukuba oko kufunwa ligosa lezempilo, umphezulu womgangatho kufuneka uphuculwe kwayo ukhutshwe amanzi ngomjelo okhupha amanzi ngokwemiqathango yecandelo lama-25;
 - (iv) ukuba akukho zindonga zikhoyo okanye azenziwanga ngesinyithi, umgangatho kufuneka ubanjwe ngetyathanga lomkhala ubuncinci obuzimilimitha ezingama-150 ukuphakama kugabadelo lwazo;
 - (v) sonke isiphambuka phakathi komgangatho neendonga kunye netyathanga lomkhala kufuneka zogqunywe;
 - (vi) iikheyiji zesinyithi kufuneka zenziwe ngesixhobo sesinyithi kufuneka zenziwe ngesixhobo esomeleleyo kwaye, ezakhelwe izithebe kwisixhobo esingenakuchunyiswa phantsi kwekheyiji nganye ilungiselelwe ukwamkela umchamo;
 - (vii) isitya sokuhlambela izandla sokuhanjiswa kwamanzi ongaguqukiyo esibekiweyo kufuneka sikho kwaye, sikhutshwe amanzi ngokwemiqathango yecandelo lama-25;
- (c) indawo enokuphathwa ehambisa amanzi afanele ukuselwa kunye nokucoca kufuneka ifumaneka kwisinyithi, isakhiwo, indawo okanye kumdibaniso wendlu yeenkukhu.
- (d) kufuneka kubekho ubuncinci obuzimitha ezi-5 yendawo ecacileyo nengaphazanyiswanga phakathi kwayo nayiphi indlu yeenkukhu, indawo

yokubalekela iinkukhu okanye isakhiwo okanye indawo eyenziwe ngesinyithi nayo nayiphi indawo ekufutshane kuyo nayiphi indawo yokuhlala, esinye isakhiwo, okanye indawo esetyenziselwa ukuhlala abantu okanye indawo ekugcinwa kuyo izinto ezityiwayo okanye elungiselelwa ukusetyenziswa ngabantu nakumda okufutshane wawo nawuphi umhlaba;

- (i) indlu yokugcina engangenwayo zizikrethi kufuneka inendawo yokugcina ukutya, ummandla womgangatho ekumele ukuba ungabikho ngaphantsi kwe-7m², ububanzi bungabikho ngaphantsi kweemitha eziyi-2.2, kwaye umphakamo ungabikho ngaphantsi kweemitha eziyi-2.
- (ii) ukuba igosa lezempilo lanelisekile ukuba indlu yokugcina yomlinganiselo ongaphantsi kwemilinganiselo eyimfuneko ngokwemiqathango yomhlathana (i) okanye ezinye izixhobo ezifanelekileyo. Angavumela loo ndlu incinci yokugcina ezinye izixhobo zokugcinwa, ngokubhekisele kwini lwemivundla egciniweyo.
- (iii) iqonga lokuhlambela lekhonkrithi elomeleleyo elimbobongqo elisisinqandi okanye umkhombe westili onebhodi yokukhupha amanzi nekungena kuyo amanzi ngawo onke amaxesha kufuneka ikho okanye iyamane nesakhiwo okanye naloo ndawo yokucoca nokubulala izinambuzane. Kufuneka kukhutshwe amanzi kwiqonga lokuhlambela kunye nakumkhombe ngokwemiqathango yecandelo lama-25.

IMISEBENZI YOMGCINI WEMIVUNDLA

17. Wonke umntu ogcina imivundla kufuneka-

- (a) aqinisekise ukuba yonke imivundla igcinwa kwindlwana yokugcina imivundla, indawo yokubaleka imivundla, isakhiwo okanye indawo yendlu eyenziwe ngesinyithi;
- (b) asuse wonke umgquba nokunye okuyinkunkuma ekuvela endlwini yeenkukhu nakwindawo yokubalekela iinkukhu ubuncinci, kanye kwiiyure ezingama-48 kwaye, kanye kwiintsuku ezi-4 okanye ngaphezulu nangesithuba esivunye ligosa lezempilo kwisakhiwo, okanye indawo eyenziwe ngesinyithi ; abeke umgquba nokunye okuyinkunkuma kwizitya zokugcina imigquba;
- (c) ahambelane, afunde ngotshintsho oluyimfuneko, namagatya ecandelo 6(1)(a),(b), (c) kunye no(d);
- (d) angagcini nasiphi isixhobo okanye into nakweyiphi na indlu yeenkukhu, isakhiwo okanye indawo eyenziwe ngesinyithi ngaphandle, kwesixhobo

okanye into eyimfuneko ukuba ingasetyenziswa kuloo ndlu, indawo yokubaleka iinkukhu, isakhiwo okanye indawo.

**ISAHLUKO VII
UKUGCINWA KWEENTAKA
IIMFUNEKO KWIZAKHIWO**

18. Ukugcinwa kweentaka kwindlu yokuzigcina, kufuneka kukho izakhowo ezihambelana nezi mfuneko zilandelayo-

- (a) indlu yokugcina iintaka kufuneka yakhiwe ngokufanelekileyo ngezixhobo ezingenakungenwa ngamanzi, ngophahla olusisikrekrethi kwaye inikwe ukufikelelwa ekubhekiswa kuko ngenjongo yokuyicoca;
- (b) ukuba indlu yeentaka yenziwe phezulu komhlaba, isiseko sayo kufuneka senziwe ngesixhobo esomeleleyo kunye nesingenakungenwa ngamanzi kwaye, kufuneka ingekho ngaphantsi kweemilimitha ezingama-300 phezulu komhlaba;
- (c) akukho ndlu yantaka kufuneka ibe kwiimitha ezi-3 yaso nasiphi isakhiwo okanye indawo okanye ucingo olungumda okanye udonga olungumda; kunye
- (d) indawo enokuphathwa ehambisa amanzi afanele ukuselwa kunye nokucoca.

IMISEBENZI YOKUGCINWA KWEENTAKA

19. Wonke umntu ogcina iintaka kwindlu yazo kufuneka-

- (a) aqinisekise ukuba indlu yeentaka kunye nezakhiwo zigcinwa zicocekile kwaye, zikwimeko engenazilwanyana zikhathazayo;
- (b) ahambelane, afunde ngotshintsho oluyimfuneko, namagatya ecandelo 6(1)(a),(b), (c) kunye no(d);

ISAHLUKO VIII

**UMTHENGISI WEMFUYO KUNYE NAMANYE AMASHISHINI
OKUGCINA IZILWANYANA KUNYE NEENKUKHU**

IIMFUNEKO ZOKUQHUBA ISHISHINI

20. (1) Wonke umntu oqhuba ishishini lokuthengisa okanye umathenga athengise

wemfuyo okanye elinye ishi:shini eliquka ukugcinwa izilwanyana okanye iinkukhu, ngaphandle kwevenkile yezilwanyana zasekhaya, kufuneka ahambelane neemfuneko zecandelwana (2) nele-(3).

- (2) (a) Ngokubhekisele kumagatya ecandelo lama-31, iimfuneko zecandelo lesi-2 ukuya kwele-15 ngokwahlukeneyo, kufuneka zihambelane naloo magatya asetyenziswayo kugcino lwezilwanyana kunye neenkukhu.
- (b) Kufuneka kukho indawo ebiyelweyo enendawo ubuncinci eyi- m^2 kwintloko yenkomo, ihashe imeyile okanye idonki kunye ne- $1,5m^2$ kwibhokhwe okanye igusha eza kuhlala apho nanini na kummandla oyi- $50m^2$.
- (c) (i) Igumbi lokutshintsha elilodwa, elichongwe ngokucacileyo kufuneka lilungiselelwe isini ngasinye ukuba abantu abalapho abahlala apho, baqeshelwe ukugcina izilwanyana bangaphezulu kwesithathu.
- (ii) Lonke igumbi lokutshintsha kufuneka linommandla womgangatho ubuncinci oyi- $0,5m^2$ kumsebenzi ngamnye, ngokubhekisele kummandla uwonke oyi- $6,5m^2$ kunye noboncinci bobubanzi obuzimitha eziyi-2,1m
- (iii) Lonke igumbi lokutshintsha kufuneka lixhotyiswe ngelokhari yesinyithi yokugcina iimpahla zomsebenzi ngamnye.
- (iv) umsebenzi ngamnye ekungafuneki gumbi lakutshintsha kuye ngokwemiqathango yomhlathana (i) kufuneka kubekho ilokhari yokufaka impahla.
- (d) (i) Kufuneka kukho isitya esinye sokuhlambela izandla kunye neshawari enebhafu yabantu ngabanye abali-15 okanye inxalenye yelo nani eliqeshiweyo.
- (ii) Isitya ngasinye sokuhlambela izandla kunye neshawari eyibhafu kufuneka ingaphakathi okanye ikwisiphambuka samagumbi okutshintsha, kufuneka kukho unikezelo lwamanzi ashushu olungagungqiyo kunye namanzi abalekayo abandayo alapho nakhutshwe ngokwemiqathango yecandelo lama-25.
- (e) Isitya sokuhlamba izandla kunye neshawari eyibhafu kufuneka zinesephu netawuli.
- (f) Iiovaroli okanye ezinye izogqumi mpahla kwaye, ukuba ziyafunwa ligosa lezempilo, izihlangu ezikhuselekileyo kufuneka zikhona zisetyenziswe ngabasebenzi abagcina izilwanyana okanye iinkukhu.

(3) Malunga nabasebenzi abahlala kwizakhiwo-

- (a) kufuneka kukho iindawo zokuhlala ezinebhedi kumsebenzi ngamnye;
- (b) (i) izixhobo zokuhlambela kufuneka zinendawo enye yokuhlambela izandla kunye neshawari eyibhafu okanye ibhafu, eyahlukileyo ngokwesini sabantu nechongwe ngokucacileyo, kufuneka ikhona kubantu gabanye abali-10 okanye inxalenye yeloo nani ngokwesini esithile esiqeshiweyo.

(ii) sonke isitya sokuhlambela izandla, ishawari eyibhafu okanye ibhafu kufuneka sinendawo engagungqiyo ebekiweyo yokuhambisa amanzi ashushu nabandayo kunye neyokuwakhupha ngokwemiqathango yecandelo lama-25;
- (c) (i) kufuneka kukho izixhobo zokupheka kunye negumbi lokuhlambela izitya, ukulungiselela ucoceko xa kuphekwa nakwizixhobo zokutya;

(ii) igumbi lokuhlambela izitya kufuneka linezitya ezibini zesinki ezenziwe ngentsimbi eyomeleleyo ezibekelwe ukuhamba okungagungqiyo kwamanzi abandayo natshisayo kunye neyokuwakhupha ngokwemiqathango yecandelo lama-25;

(iii) zonke izitya zesinki kufuneka zinobukhulu ubuncinci obuzilitha ezingama-55 zifakwe neemilimitha ezili-150 zomkhusane osisidyobho kwelona cala likufutshane nedonga kwaye ubekwindawo ubuncinci ezimilimitha ezili-100 kude le kulo nawuphi umphezulu wedonga;
- (d) kufuneka kukho izixhobo zendawo yokuhlambela impahla enomkhombe wokuhlambela iimpahla owenziwe ngentsimbi eyomeleleyo ubenendawo engayekiyo yokuhambisa amanzi ashushu nabandayo kwaye, kukhutshwe amanzi ngokwemiqathango yecandelo lama-25;
- (e) kufuneka kukho isitya sokulahlala inkunkuma kwindawo yokuhlambela izitya;
- (f) kufuneka kukho ilokhari okanye ezinye izixhobo ezivunyiweyo kwigumbi apho kukho izixhobo zokupheka ezihlelele ukugcinwa kokutya okonakalayo komsebenzi ngamnye.

ISAPHLUKO IX**IZINDLU ZEZINJA NEZEEKATI****IIMFUNOKO KWIZAKHIWO**

21. (1) Akukho mntu kufuneka agcine izindlu zezinja okanye ngaphandle, kokuba uyahambelana neemfuneko ezikwicandelwana (2) ukuya ku(12).
- (2) Yonkeinja okanye ikati kufuneka igcinwe kwindawo ebiyelweyo ngokuhambelana nezi mfuneko zilandelayo:
- (a) Kufuneka yenziwe ngezixhobo ezingenakungenwa ngamanzi kwaye, kufuneka ifikeleleke ngenjongo zokuyicoca.
- (b) Umgangatho kufuneka wenziwe ngekhonkrithi okanye esinye isixhobo esomeleleyo okanye ngesixhobo esomeleleyo nesinesiphelo esigudileyo kwaye, wenziwe ube ngumjelo ozimilimitha ezili-100 ububanzi, ugxunyekwe kububanzi obupheleleyo bomgangatho kwaye ubekwe kwindawo ebiyelweyo apho umjelo kufuneka wenziwe kwaye, kukhutshwe amanzi ngomsele odityaniswe kumjelo kaMasipala ophantsi komhlaba ohambisa amanzi amdaka ngombhobho wezitya zodongwe ozimilimitha ezili-100 ngokwedayamitha.
- (c) Kufuneka kukho umqokumbelo omgobongqo ozimilimith ezili-150 ukuphakama kubo bonke ubude bomjelo ekubhekiswa kuwo kumhlathi (b) kwaye, emacaleni ekubhekiswa kuwo kwaye, kwicala lesiphambuka kwicala elijikeleze ummandla womphandle ukunqanda amanzi esichotho kuloo mmandla ukuba angene emjelweni.
- (3) Yonke indawo ebiyelweyo ekubhekiswa kuyo kwicandelwana (2) kufuneka inendawo ekhuselekileyo enciphahla yokuhlala injinja okanye ikati ngokuhambelana nezi mfuneko zilandelayo:
- (a) Lonke udonga kufuneka lenziwe ngekhonkrithi, izitena okanye isixhobo esomeleleyo kwaye, kufuneka sinomphandle onomphakathi ogudileyo nongenamathanda okanye imidabaniso evulekileyo.
- (b) Umgangatho kufuneka wenziwe ngekhonkrithi, izitena okanye isixhobo esomeleleyo kunye nesixhobo esomeleleyo nesinesiphelo esingenamathanda okanye imidabaniso evulekileyo kwaye sonke isiphambuka esiphakathi komgangatho nodonga olwenziwe ngesakhiwo esisigxina kufuneka sogqunywe.

- (c) Yonke indawo ekhuselekileyo kufuneka inokufikelela okufanelekileyo ekubhekiswa kuko ngenjongo yokuyicoca kunye nokususa iintsholongwane.
- (4) Kwimeko apho indlu yenja iqukunjelwe ngeasbestos okanye esinye isixhobo esiyelene kuyo esinokuphathwa sibekwe kwisiseko esenziwe ngekhonkrithi okanye ngesinye isixhobo esomeleleyo nesinesiphelo ekulula ukusicoca, esingenamathanda okanye imidibaniso evulekileyo inokubakho endaweni yendawo ekhusekileyo echazwe kwicandelwana (2) kwaye ukuba loo ndlu yenja ayenzelwanga ukhuseleko lwamanzi, ibhodi yokulala eyokuba nako ukuyigcina yomile inja kufuneka ibekho kuyo yonke indlu yenja.
- (5) Kufuneka kubekho ibala elinomphezulu oqinileyo eligxunyekwe ubuncinci ububanzi obuyimitha e-1 ngokujikeleze umphetho wendawo ebiyelweyo apho ibala elinomphezulu oqinileyo kufuneka uphuculwe kwaye, ukhutshwe amanzi ngenjongo zokukhupha zilahle kude amanzi esichotho ebekwindawo ebiyelweyo.
- (6) kufuneka kukho indawo enokuphathwa ehambisa amanzi afanele ukuselwa kunye nokucoca kwindawo ebiyelweyo okanye kwisiphambuka sendawo ebiyelweyo.
- (7) (a) Ukuba igosa lezempilo lifuna njalo, indlu eyahlukileyo okanye ummandla onophahla kunye nomgangatho ongekho ngaphantsi kwe-6,5m², ububanzi obungekho ngaphantsi kwe-2.1 yeemitha kunye nokuphakama okungekho ngaphantsi kwe-2.1 yeemitha kunye nokuphakama okungekho ngaphantsi kweemitha engu-2.4 kufuneka zibekho ngenjongo yokulungisa ukutya.
- (b) Umgangatho wegumbi okanye onophahla kufuneka wenziwe ngekhonkrithi okanye esinye isixhobo esomeleleyo nesomeleleyo nesenza isiphetho esigudileyo.
- (c) Imiphezulu yodonga lwangaphakathi yegumbi okanye ummandla onophahla kufuneka ityatyekwe kwaye ipeyintwe ngepeyinti ekhanyayo enamabala nehlabekayo.
- (d) Igumbi okanye ummandla onophahla kufuneka uxhotyiswe ngokulungiselelwa ukwenziwa kwetafile zesinyithi kunye nezitya zesinki ezenziwe ngentsimbi eqinileyo ephindiweyo nehambisa ngokungagungqiyo amanzi ashushu nabandayo kunye nokukhutshwa kwamanzi ngokwemiqathango yecandelo lama-25.
- (e) Isintya sesinki ngasinye kufuneka ubuncinci sinobunzulu obuzimilimitha ezingama-225 kunye nobuncinci nobukhulu obungama-551.
- (8) isikhuseli sesikrekelethi segumbi lokugcina kufuneka sikho sizokugcina ukutya,

ummandla womgangatho ekufuneka ingekho ngaphantsi kwe-6,5m² kunye nobubanzi obungekho ngaphantsi kwe-2.1 yeemitha: ukuba igosa lezempilo lanelisekile kukuba ngokubhekisele kwinani lezinja okanye iikati ezigcinwe kwisakhiwo, igumbi lokugcina imilinganiselo emincinci kunobuncinci bemilinganiselo eyimfuneko okanye ezinye izixhobo zokugcina ziya kuba zezifanelekileyo, angavumela indlu encinci yokugcina okanye ezinye izixhobo zokugcina njengoko kunokubonakala kufanelekile.

- (9) Kufuneka kukho ubuncinci obuyi-5 yeemitha zendawo ecacileyo engaphazanyiswanga phakathi kwayo nayiphi indawo ekhuselekileyo okanye ebiyelweyo nekufutshane kuye nayiphi indawo yokuhlala, esinye isakhiwo, indawo esetyenziselwa ukuhlala abantu okanye apho kugcinwa khona ukutya okanye elungiselelwa ukusetyenziswa ngabantu okanye umda wawo nawuphi umhlaba.
- (10). Kufuneka kubekho izixhobo ezibekwe zodwa ezilungiselelwe ukugula kwekati okanyeinja.
- (11) Ukuba ukuhlanjwa, ukuchetywa okanye ukucocwa, kufuneka kukho ezi zixhobo zilandelayo:
- (a) Igumbi lokuhlambela elinommandla womgangatho oyi -9m² ububanzi obungekho ngaphantsi kwe-2.1 yeemitha efakwe ibhafu okanye umlinganiso oyeleleneyo apho novunyiweyo kunye nesitya sokuhlambela esina
- (b) Igumbi lokuchebea nokucoca elinommandla womgangatho ubuncinci oyi-10m², ububanzi obungekho ngaphantsi kwe-2.1 yeemitha nefakwe iitafle ezinomphezulu ovunyiweyo nowesixhobo esomeleleyo kunye nezitya ezininzi ezifanelekileyo neziphathwayo zokugcina ezenziwe ngesixhobo esomeleleyo nesomeleleyo nesifakelwe isivalo ukuze sigcine iinwele ezichetyiweyi zube zilindelwe ukususwa.
- (c) Amagumbi ekubhekiswa kuwo kwimihlathi (a) kunye no(b) kufuneka ebekwe ngendlela yokuba kwenziwe umgangatho ongazukuphazamiseka kangangommandla obuncinci buziipesenti ezingama-30.
- (d) Imigangatho yamagumbi ekubhekiswa kuyo kwimihlathi (a) no(b) kufuneka yenziwe ngekhonkrithi okanye esinye isixhobo esomeleleyo okanye esomeleleyo, igudiswe ibe kwinqanaba lomjelo wokukhupha amanzi ngokwemiqathango yecandelo lama-25.

- (e) Sonke isiphambuka phakathi komgangatho kunye neendonga kufuneka
- (f) Wonke umphezulu wodonga ongaphakathi kufuneka utyatyekwe ngokugudileyo kwaye upeyintwe ngepeyinti ekhanyayo nehambekayo.
- (12) Ukuba ikukho ikheyiji zokugcina iikati, ezo kheyiji kufuneka zenziwe ngesixhobo esomeleleyo esomeleleyo kwaye, zenzelwe ukucoceka ngokulula.

IMISEBENZI YOMNTU OLAWULA IZINDLU ZEZINJA KUNYE NEZEKATI

22. Nabani na umntu olawula izindlu zezinja nezekati kufuneka-

- (a) agcine isakhiwo, isixhobo nasiphi isitya okanye isikhongozeli kunye nebhodi yokulala esetyenziswa ngokudibene nezindlu zezinja kunye nezekati, imeko yococeko nokulungiswa okukuko;
- (b) (i) abonelele izitya zokugcina eziphathwayo ezenziwe ngesixhobo esomeleleyo nesifakelwe isiciko ukuze sigcine ilindle lezinja nezekati;
- (ii) sonke isitya kufuneka sigcinwe kwiqonga elenziwe ngekhonkrithi okanye isixhobo esomeleleyo nesomeleleyo esayamene neendawo ezibiyelweyo;
- (c) asuse lonke ilindle kunye nenye into emdaka kwindawo ebiyelweyo kunye nakwindawo ekhuselekileyo ubuncinci kanye ngeeyure eziyi-24 kwaye, ayibeke kwizitya ekubhekiswa kuzo kumhlathi (b);
- (d) asuse izinto eziqulethwe kwizitya zokugcina kwisakhiwo ubuncinci kabini kwiintsuku ezisi-7 kwaye akulahle oko ngendlela engazukubangela uphazamiseko;
- (e) agcine konke ukutya okuhamba nganye nganye kwizitya ezineziciko kwindawo yokugcina;
- (f) abonelele ngezixhobo zokukhenkceza apho konke ukutya okonakalayo kufuneka kugcinwe khona kubushushu obungekho ngaphezulu kwezili-10
- (g) athathe amanyathelo afanelekileyo ukunqanda izindlu okanye ukuzalela kunye nokuphazamisa iimpukane, amaphela, izikrekrethi kunye nezinye izilwanyana ezikhathazayo ukunqanda ukuphuma kwamavumba acaphukisayo avela ekugcinweni kwkwezinja nezekati;

- (h) azise izitya zenkunkuma ezineziciko kwigumbi lokulungisa ukutya okanye ummandla onophahla oyimfuneko ngokwemiqathango yecandelo 19(7);
- (i) agcine nayiphiinja okanye ikati egulayo kwizixhobo eziyimfuneko ezahlukeneyo ngokwemiqathango yecandelo 19(10) ngexesha ikwisakhiwo;
- (j) aqinisekise ukuba izinjaneeekati ezigcinwe kwisakhiwo aziphazamisi, zithintele ulonwabo, uncedo, uxolo okanye ukuthula koluntu.

ISAPHLUKO X

IIVENKILE ZEZILWANYANA ZASEKHAYA KUNYE NEEVENKILE ZAZO ZOKWENZA IINWELE

IIMFUNeko KWIZAKHIWO

23. Akukho mntu uya kuqhuba ishishini levenkile yezilwanyana zasekhaya kuso nasiphi isakhiwo-
- (a) apho kukho ukungena okuthe ngqo ngaphakathi kulo naliphi igumbi okanye indawo esetyenziselwa ukuhlala okanye ekugcinwa kuyo impahla, ekuthengiselwa kuyo okanye apho kulungiselelwa khona abantu ukutya, kugcinwa, kuthengiswa okanye kwenziwa khona;
 - (b) ngaphandle kokuba isakhiwo senziwe kwaye saxhotyiswa ngokuhambelana nezi mfuneko zilandelayo:
 - (i) Lonke udonga kuquka nakuphi ukwahlulwa kwaso nasiphi isakhiwo kufuneka lakhiwe ngesitena, ikhonkrithi okanye esinye isixhobo esomeleleyo kufuneka sinomgangatho wangaphakathi ogudileyo kwaye opeyintwe ngepeyinti enombala okhanyayo ehlambekayo okanye enesiphelo esamkelekileyo .
 - (ii) Umgangatho waso nasiphi isakhiwo kufuneka wenziwe ngekhonkrithi okanye esinye isixhobo esomeleleyo okanye esomeleleyo esenziwe sanesiphelo esigudileyo.
 - (iii) Isilingi yaso nasiphi isakhiwo kufuneka yenziwe ngesixhobo esomeleleyo, ibe nesiphelo esigudileyo, ikhuseleke eluthulini kwaye, ipeyintwe ngepeyinti ekhanyayo nehlambekayo.
 - (iv) kufuneka kukho isitya sibe sinye sokuhlamba izandla esinamanzi angapheliyo abandayo nashushu kulo lonke i-15 okanye

kwinxalenye yelo nani labantu abaqeshwe kweso sakhiwo ekufuneka ekhutshiwe ngokwemiqathango yecandelo lama-25;

- (v) (aa) kufuneka kukho igumbi lokugcina elikhuselwe kwizikrekrethi nelinommandla womgangatho ongekho ngaphantsi kwe-16m².
- (bb) Ukuba igosa lezempilo lanelisekile kukuba ngokubhekisele kubunjani beshishini kunye nobungakanani bempahla kunye nezixhobo kunye nokutya kwezilwanyana zasekhaya okugcinwe kwisakhiwo, igumbi lokugcina lomlinganiselo omncinci kunobuncinci bomlinganiselo ngokwemiqathango yomhlathana (aa) ulungile, linokuvumela igumbi logcino elincinci.
- (vi) Izixhobo zokuhlajwa kweekheyiji, izithebe kunye nezinye izixhobo kufuneka zikho ngenye yezi ndlela zilandelayo-
- (aa) iqonga elimgobongqo nelinophahla elinomgangatho ubuncinci kangange-1,5 m² ngaphezulu waphakanyiswa ubuncinci kangangemilimitha ezili-100 kwaye, wenziwe ngekhonkrithi okanye esinye isixhobo esomeleleyo kunye nangesixhobo esomeleleyo esinesiphelo esigudileyo, qonga elo kufuneka lihambise amanzi lingayeki; okanye
- (bb) isinki eyenziwe ngentsimbi eyomeleleyo okanye umkhombe ongekho ngaphantsi kwemilimitha ezingama-304 ubunzulu inebhodi ebekiweyo yokukhupha amanzi kunye nokuhambisa amanzi okungayekiyo;
- (vii) Iqonga, isinki okanye umkhombe ekubhekiswa kuwo kumhlathana (iv) kufuneka ukhutshwe amanzi ngokwemiqathango yecandelo lama-25 kwaye, nawuphi mphezulu wedonga phakathi kwi-0,5 mitha yelo qonga, isinki okanye umkhombe kufuneka wogqunywe ngesixhobo esomeleleyo ukuya kutsho kumphakamo ubuncinci oyi-1,4 mitha ngaphezulu komgangatho.
- (viii) (aa) Indlu yokutshintsha eyahlukeneyo nechongwe ngokucacileyo kufuneka ikho kulungiselelwe nasiphi isini ukuba bangaphezulu kwesibini abantu abaqeshwe kweso sakhiwo.
- (bb) Yonke indlu yokutshintsha kufuneka inomgangatho onommandla obuncinci buyi-0,5 m² kumsebenzi ngamnye nobuncinci bomgangatho obungummandla oyi-6,52 xa uwonke kunye nobubanzi obuyi-2,1 mitha kwaye, kufuneka

ulungiselelwe ilokhari eyahlukeneyo yesinyithi yempahla yokugcina impahla zomsebenzi ngamnye.

- (cc) Kufuneka kubekho ilokhari yesinyithi yokugcina impahla kumsebenzi ngamnye elingafunekiyo kuye igumbi lokutshintsha ngokwemiqathango yomhlathana (aa).
- (ix) Akukho cango, festile, okanye enye indawo evuliweyo kulo naluphi udonga okanye isakhiwo esikweso sakhiwo kufuneka singaphakathi kwi-2 mitha yalo naluphi ucango, ifestile okanye indawo evuliweyo kuso nasiphi isakhiwo apho kulungiswa khona ukutya, kugcinwa okanye kuthengiswa kwindawo esetyenziswa ngabantu okanye elawulwa ngabantu.
- (x) Ukuba ukuhlanjwa, ukuchetywa ngesikere okanye ukucocwa kwezilwanyana zasekhaya kwenziwe kwisakhiwo iimfuneko zecandelo 19(11) kufuneka kuhanjelwane nalo.

IMIZEBENZI YOMTHENGISI

24. Wonke umntu oqhuba ishishini levenkile yezilwanyana zasekhaya kufuneka-

- (a) aze neekheyiji zokugcina izilwanyana, iinkukhu okanye iintaka kwaye, ezi mfuneko zilandelayo kufuneka zilandelwe:
 - (i) yonke ikheyiji kufuneka yenziwe ngesinyithi okanye ngesinye isixhobo esomeleleyo nesingenakuchukumiseka kwaye, kufuneka ifakwe isithebe sesinyithi esingenokuphakanyiswa ngaphantsi komgangatho ekubhekiswa kuwo esenza kube lula ukucocwa.
 - (ii) yonke ikheyiji kufuneka ingabi nagolonxa okanye umngxunya ophakathi kwento ongekakulungeli ungacocwa kwaye, wonke umbhobho okanye ukulinganiselwa komngxunya ophakathi esetyenziswa nayo kufuneka inomphakathi odityaniselwe umngxunya ophakathi kwento.
 - (iii) yonke ikheyiji kufuneka inobungakanani kunye nobunzima kwaye, zibekwe ngendlela enokwenza kubelula ukuzisusa.
 - (iv) ukuba umvundla ugcinwe kwikheyiji isithebe sesinyithi ekubhekiswa kuso kumhlathana (1) kufuneka kukhutshwe amanzi asiwe kwisitya esisukayo.

- (v) yonke ikheyiji kufuneka ifakelwe isitya sokusela esigwaliswe ngamanzi nafikelelekayo kwizilwanyana zasekhaya ezisekheyijini.
 - (vi) Umgama osuka kuyo nayiphi ikheyiji usiya kwelona donga likufutshane kufuneka ngawo onke amaxesha ungabikho ngaphantsi kweemilimitha ezili-150.
 - (vii) Ikheyiji kufuneka zigcinwe zingekho ngaphantsi kweemilimitha ezili-450 ngaphezulu komgangatho kunye nendawo engenanto ngaphantsi kwekheyiji kufuneka ingaphazanyiswa.
- (b) abonelele ngezitya ezikhuselweyo kwizikrekelethi ezenziwe ngesixhobo esomeleleyo nesivalwe ngesiciko esilinganayo kwigumbi lokugcina apho kugcinwa khona konke ukutya okuhamba nganye nganye;
- (c) Abonelele ngesikhenkcezisi apho kugcinwa khona konke ukutya okonakalayo kwezilwanyana zasekhaya kwisakhiwo kufuneka kugcinwe kwiqondo lobushushu elingadlulanga ku-10 Celsius;
- (d) agcine onke amagumbi agcina izilwanyana zasekhaya engaphazanyiswa kumgangatho ongenanto kungabikho ngaphantsi kweepesenti ezingama-30 zommandla welo gumbi kwaye, umgama ungabikho ngaphantsi kweemilimitha ezingama-800 phakathi kweerowu zekheyiji;
- (e) agcine izakhiwo kunye nazo zonke iikheyiji, izithebe, izitya, iibhasikithi kunye nazo zonke izixhobo kunye nezixhobo ezisetyenziswa ngokidibeneyo nevenkile yezilwanyana zasekhaya kwimeko ecocekileyo nenempilo, engenazilwanyana zikhathazayo kunye nelungiseka ngokufanelekileyo;
- (f) athathe amanyathelo angawo okukhusela ukuzifihla nokuzala ngokuphazamisa iimpukane, amaphela, izikrekelethi kunye nezinye izilwanyana ezikhathazayo nangokunqanda amavumba amabi avela koko kugcinwa kwezilwanyana zasekhaya kwizakhiwo;
- (g) abonelele ngeovaroli kunye nezinye iimpahla ezizizikhuseli ezisetyenziswa ngabantu abangabasebenzi ngokudibene nevenkile yezilwanyana zasekhaya kwaye, aqinisekise ukuba ezo mpahla ziyaxhutywa ngabasebenzi abasemsebenzini;

- (h) angacini nasiphi isilwanyana sasekhaya eyadini okanye kwindawo evulekileyo kwizakhiwo ngaphandle, kokuba ngolunye uhlobo kuvunye ligosa lezempilo;
- (i) abonelele ngezixhobo ezahlukeneyo apho isilwanyana sasekhaya sibonakala sigula okanye zigula kufuneka zigcinwe ngelixa sikweso sakhiwo;
- (j) aqinisekise ukuba kukho ukungagungqi kunye nokuhanjiswa kwamanzi okunokuphathwa alungiselelwe ukusela nokucoca;
- (k) aqinisekise ukuba izakhiwo ngawo onke amaxesha zifakwe indawo yokukhupha umoya ukuqinisekisa ukuhamba komoya okufanelekileyo ngelokuhlalisa ngokonwaba kunye nokusindisa izilwanyana zasekhaya;
- (l) aqinisekise ukuba inani lezilwanyana zasekhaya kwikheyiji nganye ukuhamba kwezilwanyana zasekhaya akusondelelananga nezinye.

ISAHLUKO XI

UKUTHENGISA IINKUKHU NEMIVUNDLA ESITALATWENI

IIMFUNeko ZOKUTHENGISA ESITALATWENI

25. Akukho mntu kufuneka athengise iinkukhu nemivundla esitalatweni ngaphandle, kokuba uhambelana nezi mfuneko zilandelayo-

- (a) ishishini lokuthengisa esitalatweni kufuneka liqhutywe kwizakhiwo apho iinkukhu okanye imivundla igcinwe ngokuhambelana negatya leSahluko V kunye no-VI kwaye, kufuneka kukho izixhobo zokupakisha isithuthi esisetyenziswa kuthengiso wasesitalatweni emva kweeyure ziqhelekileyo zokusebenza;
- (b) kufuneka kukho isithuthi esenziwe sanengxolo, esiqatywe ioyile, kunye nesinegama lomthengisi wasesitalatweni kunye nedilesi yakhe kunye neyesakhiwo seshishini ngonobumba abacacileyo abangekho ngaphantsi kwemilimitha ezingama-50 ukuphakama omabini amacala esithuthi.
- (c) Kufuneka kukho loo nxalenye yesithuthi ekuhanjiswa ngayo iinkukhu okanye imivundla, inomphezulu okanye yogqunywe ngesixhobo sokukhusela ubushushu, sixhobo eso singesiso isinyithi kwaye, kufuneka kukho nendawo yokukhupha umoya;
- (d) (i) Kufuneka kukho iikheyiji okanye amakhreyithi esixhobo esomeleleyo okanye esomeleleyo xa zihambisa iinkukhu okanye imivundla kwisithuthi;
- (e) (ii) Ezo kheyiji okanye loo makhreyithi okanye olo lwahlulo kuthethwa ngalo kufuneka zifakwe izithebe zezixhobo ezingenakuchukunyiswa ukuze zamkele ilindle leenkukhu nemivundla;

- (f) kuyo yonke ikheyiji, ikhreyithi okanye ulwahlulo ekuthethwa ngalo kufuneka kukho indawo yokusela engekho ngaphantsi kwimilimitha ezili-100 ubude egwaliswe ngamanzi nekufuneka esekoneni engaphakathi yekheyiji, ikhreyithi okanye ulwahlulo.

IMISEBENZI YOMTHENGISI WASESITALATWENI

26. Wonke umntu othengisa iinkukhu nemivundla esitalatweni kufuneka-

- (a) ahlambe kwaye opule ngokugqibeleleyo inxalenye yesithuthi esihambisa iinkukhu okanye imivundla kunye nazo zonke iikheyiji, amakhreyithi kunye nezithebe ezisetyenziswa kwisithuthi emva kokugqitywa komsebenzi wosuku;
- (b) asuse naziphi iinkukhu okanye imivundla ebonakala igula kuzo zonke iikheyiji okanye amakhreyithi kwisithuthi kwaye, ezo nkukhu okanye imivundla azibeke kwiikheyiji ezahlukeneyo;
- (c) agcine izakhiwo, isithuthi zonke ikheyiji, amakhreyithi, izithebe, izitya, kunye nezikhongozelo ezisetyenziswa ngokudibene noko kuthengisa kukwimo ecocekileyo kunye nesempilweni, zingenazilwanyana zikhathazayo kwaye zilungiswa ngokusemangathweni;
- (d) agcine konke ukutya kwisitya okanye igumbi lokugcina elikhuselweyo kwizikrekelethi.

ISAPHLUKO XII

IINTLOBO NGEENTLOBO

UKUKHUTSHWA KWAMANZI

27. Zonke iisinki, izitya zokuhambela izandla, iibhafu, iishawari ezizibhafu, imikhombe, imiphezulu yemigangatho kuquka nemijelo kunye namaqonga okuhlambela efuna ukukhutshwa amanzi ngokwemiqathango yale Mithetho kaMasipala, kufuneka ikhutshiwe amanzi de ayokufikelela kumjelo ongaphandle odibene nomjelo ophantsi komhlaba ohambisa amanzi amdaka okanye apho kungekho mjelo uphantsi komhlaba uhambisa amanzi amdaka okanye ongekafikeleleki kwezinye iindlela zokukhutshwa kwamanzi ngokuvunywe nguMasipala.

UPHAZAMISEKO

28. Akukho mntu kufuneka-

- (a) agcine nasiphi isilwanyana okanye isilwanyana sasekhaya ngendlela eza kubangela uphazamiseko;
- (b) asilele ukususa lonke ilindle lenja kwindawo kawonke-wonke ngexesha iphantsi kolawulo lwakhe kwaye, kufuneka alilahle kwisitya sokulahla inkunkuma;
- (c) asilele ngokufanelekileyo ukulahla izilwanyana ezifileyo ngendlela efanelekileyo njengoko kumiselwe ligosa lezempilo.

UKUGULA OKUBALELWA KWEZILWANYANA

29. Ukugulwa kwakhe nabani na, sisigulo esibalelwa kwizilwanyana ngokugcina naso nasiphi isilwanyana, intaka okanye isilwanyana sasekhaya njengoko kuchaziwe kwiZahluko VII ukuya ku-X ngokwahlukeneyo kufuneka kuxeliwe kwigosa lezempilo kwiiyure ezingama-24 zokubonwa kwaso ngumntu owenza oko.

UHLOLO

30. Igosa lezempilo kunye naliphi na igosa eligunyaziselwe ukwenza oko nguMasipala ukuze lizanelise lona ngokuba liyahambelana namagatya ale Mithetho kaMasipala linoku-
- (a) ngena kuzo naziphi izakhiwo apho izilwanyana, iinkukhu, iintaka okanye izilwanyana zasekhaya zigcinwa khona okanye kwizindlu zezinja okanye zekati apho kuqhutywa khona ukuthengiswa okanye ishishini lomthengisi okanye lomathenga athengise wemfuyo okanye apho kuqhutywa khona ivenkile yezilwanyana zasekhaya, umthengisi weenkukhu okanye irivundla iyaqhutywa okanye ngokufanelekileyo apho kurhanelekayo ukuba apho kugcinwa khona izilwanyana, iinkukhu, iintaka okanye elo shishini liyaqhutywa ngawo onke amaxesha afanelekileyo;
 - (b) hlola ezo zakhiwo okanye nasiphi isithuthi esisetyenziselwa okanye ngokufanelekileyo ekukrokrelwa ngumhloli ukuba sisetyenziselwa elo shishini okanye nayiphi into ekuso; kwaye

- (c) buza nabani na okwezo zakhiwo okanye kweso sithuthi okanye obesandula ukufika kwezo zakhiwo okanye kweso sithuthi.

31 UKUBONELELWA NGEENKAMPU/AMADLELO

UMasipala unokubeka bucala kwaye aliqhaqhe ucingo okanye akuvume okwethutyana ukubiywa kweso siqwenga somhlaba sikwingingqi yolawulo lwakhe, njengoko kunokuthathwa njengokunqwenelwa nguye kwaye, enze inkampu ekhethekileyo okanye iinkampu njengoko kunokubonakala kufanelekile ukuze kuqinisekise ngolawulo olululo kunye nokunqanda ukhukuliseko lomhlaba.

32 IIMALI ZOKUTYISA IMFUYO ENKAMPINI/EDLELWENI

Nayiphi intlawulo yokutyisa imfuyo enkampini/edlelweni emiselwe nguMasipala kufuneka ihlawulwe nguwo wonke umntu ezibhalisiweyo ngaye inkomo zakhe okanye kumele ukuba zibhaliswe ngokwemiqathango yale Mithetho kaMasipala.

33 UKUBHALISWA KWEZILWANYANA

UMasipala kufuneka enze ukuba lonke ulwazi alunikiweyo ngenkxaso yesicelo semvume ngokwemiqathango yecandelo lesi-3 lingeniswe kwirejista yezilwanyana ngendlela efanelekileyo, ukuba eso sicelo sivunyiwe. Naziphi izilwanyana ezibonakaliswe kwirejista yezilwanyana kufuneka zithathwe njengezibhalisiweyo.

34 IMISEBENZI YOMGCINI WEZILWANYANA

Wonke umntu ogcina izilwanyana kwindawo yolawulo lukaMasipala kufuneka:

- (a) agcine izilwanyana ezohlulwe ngophawu ngokwemiqathango yoMthetho weZolimo;
- (b) agcine irejista yazo zonke izilwanyana;
- (c) anike ikopi yerejista yazo zonke izilwanyana kuMasipala;
- (d) agcine iintlanti kwimo ecocekileyo nesempilweni ngawo onke amaxesha;
- (e) enze zonke izilwanyana ukuba zihlolwe isifo sephepha kunye **nebrusolisis** ngokuhambelana noMthetho ka-2002 weMpilo yeZilwanyana okanye qho njengoko kufuneka njengoko lifuna igosa eligunyazisiweyo;
- (f) lenze ukuba isilwanyana sigonye njengoko kufuneka ngokwemiqathango yoMthetho ka-2002 weMpilo yeZilwanyana (uMthetho nomb.7 ka-2002);
- (g) enze ukuba wonke umgquba wezilwanyana ugcinwe kwaye, ulahlwe ngendlela evunyiweyo ngokufanelekileyo;
- (h) enze ukuba konke ukutya kugcinwe kwindawo ekhuselweyo kwizikrekrethi;

- (i) enze ukuba izakhiwo zigcinwe zikwimeko engazukutsala okanye ibe yindawo yokuhlala izikrekeathi.

35 IZILWANYANA EZIGCINWE NGENDLELA ENGAFANELEKANGA

Nanini ngokokubona kwegosa eligunyazisiweyo, naziphi izilwanyana ezigcinwe kuzo naziphi izakhiwo zisenza uphazamiseko okanye ingozi kuluntu, igosa eligunyazisiweyo ngembalelwano linokubhala isaziso lifuna umnini/umnikazi okanye umntu ohleli kweso sakhiwo kwixesha elikhankanywe kweso saziso kodwa, kungabi ngaphantsi kweeyure ezingama-24 emva komhla weso saziso asuse unobangela wolo phazamiseko kwaye, aphelise olo phazamiseko okanye ubungozi bezempilo kwaye athathe amanyathelo njengoko igosa eligunyazisiweyo linokubona kufanelekile ngezizathu esele zichaziwe.

36 AMATYALA NEZOHLWAYO

(1) Nabani-

- (a) okhabana okanye osilela ukuhambelana namagatya ale Mithetho kaMasipala;
- (b) ogcina izilwanyana, iintaka okanye iinkukhu ongumlawuli weshishini lokuthengisa okanye oqhuba ishishini lokuthengisa okanye okanye umathenga athengise wenifuyo, ivenkile yezilwanyana zasekhaya, izindlu zezinja okanye ezekati okanye umthengisi weenkukhu okanye imivundla kuso nasiphi isakhiwo uyasilela ukuhambelana nawo onke amagatya ale Mithetho kaMasipala asetyenziswa kwezo zakhiwo okanye ishishini;
- (c) osilela okanye owala ukunika ukufikelela kwisakhiwo segosa lezempilo okanye kulo naliphi igosa elikhankanywe kwicandelo lama-29 xa enikwe ukuba anikezele oko kufikelela;
- (e) othintela okanye ophazamisa igosa lezempilo okanye elinye igosa ekwenzeni umsebenzi walo phantsi kwale Mithetho kaMasipala;
- (f) osilela okanye owala ukunika ulwazi olufuneka ngokusemthethweni kwigosa lezempilo okanye kwelinye igosa okanye onika ngolwazi olungeyonyani esazi okanye olukhohlisayo; okanye
- (g) osilela okanye owala ukuhambelana nesaziso ngokwemiqathango yecandelo 2,

ngokwamagatya ecandelwana (2) ufunyanwa enetyala kwaye kufanelekile ukuba agwetywe isohlwayo okanye ukuba uyohluleka ukuhlawula intlawulo uya kuya entolongweni isithuba sexesha elingadlulanga kwiinyanga ezintandathu okanye kwimeko yesigwebo esiqhubekayo uya kuhlawula isohlwayo esimiselweyo okanye

ukuba uyohluleka ukhulwula intlawulo uyakuya entolongweni isithuba sexesha elingadlulanga kwiintsuku ezilishumi kwisithuba sexesha ngalinye eliziiyure ezingama-24 ngexesha lokuqhubeka kweso sigwebo.

- (2) Iya kuba lukhuselo olululo ukuba umntu ekubhekiswa kuye kwicandelwana (1)(b) ukungqina ukuba akanalwazi, akakhange abone ngenx'engaphambili kwaye, akakhange athintele ikhomishini yamatyala ekhankanywe kwicandelwana (1).

Ukubhangiswa kweMithetho kaMasipala

32. Amagatya ayo nayiphi iMithetho kaMasipala abhekisele kugcino lwezilwanyana aphunyezwe yile Mithetho kaMasipala ayabhangiswa njengoko ezalana nemicimbi ebekwe kule Mithetho kaMasipala

Isihloko esifutshane

Le Mithetho kaMasipala ibizwa ngokuba yiMithetho kaMasipala yokuGcinwa kweZilwanyana.

ISHEDYULI 1

Ugunyaziwe wokuhlala..... Inombolo yeMvume:.....
 Umhla:.....

**IMVUME: IMITHETHO KAMASIPALA YOKUGCINWA
 KWEZILWANYANA, IINTAKA KUNYE NEENKUKHU KUNYE
 NAMASHISHINI AQUKA UKUGCINWA KWEZILWANYANA, IINTAKA,
 IINKUKHU OKANYE IZILWANYANA ZASEKHAYA**

Ngesingqinisiso kwisicelo sakho somhla.....imvume yokugcina izilwanyana-iinkukhu njengoko kuchaziwe apha ngezantsi uyayinikwa.

*Izilwanyana/Iinkukhu:.....
 Idilesi:

Ukunikezelwa kwale mvume kuhambelana nokuhambelana kwakho namagatya ale Mithetho kaMasipala sele echaziwe.

Ingqalelo yakho iyacelwa kumagatya ecandelo 5(4) lwale Mithetho kaMasipala sele ikhankanyiwe ifuna umnini/umnikazi mvume ukuba azise i/gosa lezeMpilo likaMasipala ngako nakuphi ukonyuka kwamanani ezilwanyana okanye iinkukhu kugqithiso kwinani eligunyaziswe yimvume kunye necandelo 5(5) ngokubhekisele ekurhoxisweni kwemvume.

Ozithobileyo

Egameni leGosa lezeMpilo

*Chaza inani nohlobo lwezilwanyana okanye iinkuku

ISHEDYULI 2

Ugunyaziwe wokuHlala

Ilungiselelwe ukusetyenziswa yiofisi

Inombolo yesicelo:

Umhla wokufunyanwa:

Isicelo sinikezelwe/saliwe:

Inombolo yemvume:

Umhla:.....

**IMVUME: IMITHETHO KAMASIPALA YOKUGCINWA
KWEZILWANYANA, IINTAKA KUNYE NEENKUKHU KUNYE
NAMASHISHINI AQUKA UKUGCINWA KWEZILWANYANA, IINTAKA,
IINKUKHU OKANYE IZILWANYANA ZASEKHAYA**

Mna/thina.....

(igama eliphceleleyo lomfaki/abafaki-sicelo)

Ndicela imvume yokugcina* izilwanyana/iinkukhu/imivundla kwisakhiwo

Esime.....

Isitalato.....

Idolophu, ngokwemiqathango yeMithetho kaMasipala esele ikhankanyiwe yo.....

(igama loGunyaziwe wokuHlala). Iinkcukacha ze* zilwanyana/iinkukhu-imivundl eza kugcinwa ngolu hlobo lulandelayo:

UHLOBO

INANI

.....

Mna/Thina ndiyalwamkela uxanduva okanye ukugcina* izilwanyana. Iinkukhu, imivundla ngokuhambelana namagatya eMithetho kaMasipala asele ekhankanyiwe kunye nolwazi lokuba kwimeko apho mna iye yandim okanye yasithi abasilela ukuhambelana nale mvume inokurhoxiswa ngokwemiqathango yecandelo 5 lale Mithetho kaMasipala sele ikhankanyiwe.

Utyikityo loMfaki/abafaki-sicelo.....
 Isikhundla.....

No. 33

UMASIPALA WASEMBIZANA

**IMITHETHO KAMASIPALA YEESHEDI
ZOKUSENGELA KUNYE NOKUHANJISWA KOBISI**

UMTHETHO OYILWAYO

IMITHETHO KAMASIPALA YOBISI

UMphathi kaMasipala woMasipala waseMbizana, ngokwecandelo le-13 loMthetho weeNdelela zokwenza zooMasipala: uRhulumente waseKhaya, ka-2000 (uMthetho wama-32 ka-2000) ufundwa necandelo le-162 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika, ka-1996 (uMthetho we-108 ka-1996), upapasha imiThetho kaMasipala yoBisi: uMasipala waseMbizana, nevunywe liBhunga likaMasipala.

I-INDEKSI

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ISAPHLUKO 1

Ingcaciso

1. Kule miThetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into, naliphi na igama okanye ithetho enikwe intsingiselo kulo Mthetho kufuneka ibe naloo ntsingiselo yaye,

“engena umoya nekhanyiswe ngokwaneleyo” ithetha engenisa umoya nokukhanya ngeefestile kukho indawo engaphazamisekiyo ekhanyayo elingana nobuncinane bomyinge weshumi ekhulwini (10%) bendawo yaphantsi kwakunye nendawo enokuvulwa elingana nobuncinane bomyinge wesihlanu ekhulwini (5 %) nekwabekwe ngendlela yokuba ukungena komoya kuncediseka;

“ishedi yokusengela evunyiweyo” ithetha ishedu yokusengela ekhutshelwe isatifiketi sokuvumeleka yaye ibe isebenza, kananjalo, xa kusetyenziswa amacandelo 2(1) no-7(1), iquka ishedu yokusengela ekhutshelwe isatifiketi sokuvumeleka nesebenzayo;

“isatifiketi sokuvumeleka” sithetha isatifiketi sokuvumeleka njengoko kuthethwe ngaso kwicandelo lesi-3;

“imfuyo evelisa ubisi” ithetha iimazi zeenkomo, zeebhokhwe, zeegusha, zamahashe okanye ezeedonki ezisetyenziselwa ukuvelisa ubisi oluza kusetyenziswa ngabantu yaye: “isilwanyana sobisi” sinentsingiselo efanayo nale;

“indlela yokulahla” ithetha itanki elingenzulu kuyaphi okanye eliphela kumgangatho waphantsi kowokuqala wesakhiwo okanye enye iveseli, indlela ehamba amanzi amdaka, idami okanye umhlaba wasefama ekunokulahlwa kuwo ukungcola okungamanzi;

“ukungcola okungamanzi” kuthetha nayiphi na into engamanzi, inkukuma engamanzi okanye eqinileyo okanye isichumiso esingamanzi okanye esiqinileyo esiphuma kwishedu yokusengela;

“ishedu yokusengela ekhoyo” ithetha ishedu yokusengela esetyenziselwa umsebenzi wayo ngokusemthethweni kanye phambi kokuqala kwale miThetho kaMasipala;

“onaso” uthetha umntu esikhutshwe ngegama lakhe isatifiketi sokuvumeleka;

“umhloli” uthetha umntu ekuthethwe ngaye kwicandelo 53(1) lalo Mthetho;

“indawo yokusengela” ithetha loo ndawo esengelwa imfuyo yobisi apho eshedini;

“isithuthi esilitanki lobisi” sithetha isithuthi sokuhambisa ubisi oluninzi;

“uMasipala” uthetha uMasipala waseMbizana;

“iBhunga likaMasipala” lithetha iBhunga loMasipala waseMbizana ekuthethwe ngalo kwicandelo lama-59 lifundwa kunye necandelo 81(2) loMthetho ka-2000 weeNdlela zokwenza zooMasipala bamaKhaya, (uMthetho wama-32 ka-2000), ngokweCandelo 157(1) loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996 (uMthetho we-108 ka-1996), okanye umntu obekelwe ukumela uMasipala ngokomthetho okanye isindululo sikaMasipala;

“ishedi yokusengela entsha” ithetha ishedhi yoursengela iya kuqala ukusebenza emva komhla wokuqala kwale miThetho kaMasipala;

“ukuzisebenzisela” ngokubhekiselele kubisi, kuthetha ubisi-

- (a) olusetyenziswa, okanye olulungiselelwe ukusetyenziswa ngumnini wemfuyo esengwayo kuphela okanye likhaya laloo mntu; okanye
- (b) olunikwa abasebenzi baloo mntu ngaphandle kwentlawulo ukuze lusetyenziswe ngabo basebenzi okanye amakhaya abo;

“isatifiketi sokuvumeleka sethutyana” sithetha amanzi acocekileyo nangenazibi angenayo i*Eseherichia coli* ngokwe-100ml engahlawulelwayo kuyo nayiphi na into eyenziwe ngqindilili nenobungozi kwimpilo yabantu;

“ixabiso elibekiweyo” lithetha ixabiso elibekwe nguMasipala ngokwesindululo;

“lo Mthetho” uthetha uMthetho weMpilo, ka-1977 (uMthetho wama-63 ka-1977).

Ukwalelwa kokuveliswa kobisi ngaphandle kwakwiishedi zobisi ezivunyiweyo

2. (1) Akukho mntu makasebenzise ishedhi yokusengela ngenjongo yokusenga imfuyo evelisa ubisi ukuze avelise ubisi oluya kusetyenziswa ngabantu, ngaphandle kokuba ishedhi leyo yokusengela esengelwa kuyo le

mfuyo yobisi yishedi yokusengela evunyiweyo, yaye loo shedi yokusengela isetyenziswa ngokwemigaqo yale miThetho kaMasipala kunye nemiqathango yesatifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana ekhutshelwe loo shedi yokusengela.

(2) Imigaqo yecandelwana (1) –

(a) ayiyi kusebenza kwishedi yokusengela apho ubisi luveliselwa ukuba ubani azisebenzisele kuphela ukuba loo mnini wayo akafakanga isicelo soko ngomhla woku-1 kuJulayi ka-1989 okanye ngomhla womnyalelo ekuthethwe ngawo kwicandelwana (3);

(b) ayiyi kusebenza kwimeko yeshedi esele ikhona –

(i) ukuba umnini waloo shedi sele ikho ufaka isicelo zingaphelanga iinyanga ezingama-24 emva kokuqala kwale miThetho kaMasipala ecela isatifiketi sokuvumeleka – ngomhla esikhutshwe ngawo isatifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana, nokuba sesiphi, sikhutshelwa loo shedi yokusengela okanye ngomhla wokwaliwa kwesicelo sakhe; yaye

(ii) ukuba loo mnini weshedi akafaki sicelo zingaphelanga iinyanga ezingama-24 emva kokuqala kokusebenza kwale miThetho kaMasipala okanye ngomhla womnyalelo ekuthethwe ngawo kwicandelwana (3), nokuba ngowuphi umhla oqale wafika

(3) Ukuba uMasipala ucingela ukuba ishedi esele ikho isetyenziswa ngendlela ebangela ubungozi benene bezempilo okanye kuloo shedi yokusengela kuveke imeko ebangela ubungozi obukhawulezileyo nobenene, uMasipala unokuthi, ngaphandle kwale migaqo kwicandelwana (2)(b), ayalele ngokubhaliweyo umnini weshedi yokusengela esele ikho, ukuba kuloo shedi makungaphumi lubisi luya kusetyenziswa ngabantu bude ubungozi okanye imeko leyo ilungiswe ngendlela eyanelisa abasemagunyeni.

ISAPHLUKO II

Ukufaka isicelo sesatifiketi sokuvumeleka

3. (1) Nawuphi na umntu onomdla wokufaka isicelo sesatifiketi sokuvumeleka seshedi yokusengela makasifake ngokubhaliweyo yaye kweso sicelo sakhe afake ezi nkukacha zilandelayo:
 - (a) Igama, idilesi nenombolo yomnxeba yomfaki-sicelo;
 - (b) ingcaciso yetayitile yendawo leyo; kunye
 - (c) nesibonisi senani labasebenzi abaqeshiweyo, okanye abaya kuqeshwa, kunye nelona nani liphezulu lezilwanyana eziya kusengwa.
- (2) Eso sicelo masifakwe kuMasipala olawula loo ndawo ekuyo ishedhi yokusengela okanye eza kubekwa kuyo kunye nesiketshi esibonisa ulinganiso lwe-1:1000 lwazo zonke izixhobo zeshedi yokusengela ekuthethwe ngazo kwicandelo le-9, kubekho neplani yomhlaba weshedi leyo, imbonakalo yecala kunye neyokunyuka kwayo;
- (3) UMasipala unokuthi, xa ejonga esi sicelo, acele umfaki wesicelo lowo okanye nawuphi omnye umntu ukuba anike ezinye iinkukacha, ngaloo ndlela abona kufaneleke ngayo.
- (4) UMasipala kufuneka angasijongi isicelo sokukhutshwa kwesatifiketi sokuvumeleka ngaphandle kokuba umhloli waloo Masipala uye wenza uhlobo olupheleleyo lwaloo ndawo ifakelwa isicelo, yaza ingxelo yolo hlobo, kunye neziphakamiso ngaloo mba, zisezandleni zikaMasipala.
- (5) Ukuba uMasipala, emva kokujonga isicelo sokukhutshelwa isatifiketi sokuvumeleka, ingxelo kunye neziphakamiso ezifanelekileyo zomhloli kunye nawo nawuphi na amanye amaxwebhu abekiweyo okanye ulwazi olufunyenweyo, luyanelisa ukuba loo shedi yokusengela kuthethwa ngayo-
 - (a) iyayilandela yonke imigaqo yale miThetho kaMasipala; yaye
 - (b) ifunyaniswe ngenxa zonke ikufanele ukuvelisa nokuphathwa ngokucocekileyo kobisi, kufuneka akhuphe isatifiketi sokuvumeleka egameni laloo mfaki-sicelo, ngohlobo olubonwe nguMasipala, malunga naloo shedi yokusengela kuthethwa ngayo.

Isatifiketi sokuvumeleka sethutyana

4. (1) Ukuba, xa kujongwa isicelo, uMasipala wanelisekile ukuba loo shedi yokusengela kuthethwa ngayo ifaneleke ngazo zonke iindlela ukuba ifanele ukuvelisa nokuphathwa ngokucocekileyo kobisi kodwa ibe ingalandelanga yonke imigaqo yale miThetho kaMasipala-
- (a) kufuneka kwimeko yeshedi yokusengela esele ikho; yaye
- (b) unokuthi, kwimeko yeshedi yokusengela entsha,

akhuphe isatifiketi sokuvumeleka sethutyana ngegama lalo mfaki-sicelo, ngohlobo olubonwa njengolufanelekileyo nguMasipala, isatifiketi eso sikhutshelwa loo shedi yokusengela kuthethwa ngayo ukuvumela umfaki-sicelo ukuba alungise ishedi yokusengela ukuze ihambelane nemigaqo yale miThetho kaMasipala.

- (2) UMasipala unokuthi, ngokucelwa ngumnini wesatifiketi sokuvumeleka sethutyana kunye nangokwengxelo ephathekayo yohlobo kunye neziphakamiso zomhloli, asiyekise isatifiketi sokuvumeleka sethutyana aze akhuphe isatifiketi sokuvumeleka endaweni yaso.

Imiqathango esikhutshwa phantsi kwayo isatifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana

5. Ngumqathango wesatifiketi sokuvumeleka kunye nesatifiketi sokuvumeleka sethutyana ukuba ishedi yokusengela, abasebenzi abaqeshwe kuyo kunye nomhloli weemveliso zobisi –
- (a) banokudluliselwa ngumnini (wesatifiketi) komnye umntu kodwa loo nto isenziwa ngokuba kuqale kufunyanwe imvume kuMasipala; yaye
- (b) loo shedi yokusengela isetyenziswe ngokwemigaqo yale miThetho kaMasipala.

Ukudluliselwa kwesatifiketi sokuvumeleka

6. (1) Umnini wesatifiketi ocinga ngokugqithisela isatifiketi sokuvumeleka sakhe komnye umntu kufuneka afake eso satifiketi sokuvumeleka, kunye nesicelo esibhaliweyo sokuvunywa kolo dluliselo, kuloo Masipala ubekhuphe eso satifiketi sokuvumeleka.

- (2) Ukuba uMasipala uyasivuma isicelo unokuthi ngokokubona kwakhe axhase isatifiketi sokuvumeleka esele sikho ngokufanelekileyo aze afake igama lalo mnini mtsha kuso okanye acime isatifiketi sokuvumeleka esele sikho aze akhuphe isatifiketi sokuvumeleka esitsha egameni lalo mnini waso mtsha.

Ukubanjwa okanye ukurhoxiswa kwesatifiketi sokwamekeleka okanye isatifiketi sokwamkeleka sethutyana

7. (1) Ukuba uMasipala uvume ishedi yokusengela ngokwamandla engxelo yomhloli kunye nesindululo somhloli, ucingela ukuba loo shedi yokusengela-
- (a) isetyenziswa ngendlela eyenza ingozi yempilo ekhawulezileyo neyinyani okanye kuloo shedi kwehle isehlo esibangela ingozi ekhawulezileyo neyinyani yempilo, uMasipala unokubamba eso satifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana ithuba elide kangokokuba ecingela ukuba obo bungozi busekhona yaye kufuneka azise umnini waso ngokubhaliweyo;
- (b) isetyenzwa ngendlela ingahambelaniyo nemigaqo yale miThetho kaMasipala okanye imimiselo nemiqathango yesatifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana, uMasipala kufuneka azise umnini waso ngokubhaliweyo.
- (2) Nasiphi na isaziso ekuthethwe ngaso kwicandelwana (1) masibeke iinkcukacha emazibe bezizathu ezanelisayo zokwazisa loo mnini wesatifiketi ukuba isigqibo sikaMasipala sisekelwe enini, yaye kufuneka ayalele umnini wesatifiketi ukuba aphenjule ezo zityholo zibekwe kweso saziso zingedlulanga iintsuku ezingama-21 emva kokufumana eso saziso.
- (3) Ukuba loo mpendulo ifunyenwe, uMasipala unokuthi, emva kokujonga loo mpendulo ayifumeneyo, akhuphe umyalelo oya kumnini wesatifiketi emyalela ukuba alungise loo miba icacisiweyo ibikhalazelwa ungedlulanga umhla othile obekiweyo, ekwacacisa ukuba xa ingenziwanga le nto eso satifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana, nokuba isisphi, singarhoxiswa kungakhange kukhutshwe esinye isaziso.
- (4) Isaziso esikhutshwe ngokwecandelwana (1) kufuneka sisiwe kumnini wesatifiketi okanye umntu ojongene naloo shedi yokusengela kuthethwa ngayo, yaye loo mntu unikwe isaziso eso, kufuneka ajongane neso saziso ngendlela ebekwe apho kwisaziso

eso, yaye eso satifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana kuthethwa ngaso, kwiimeko apho isatifiketi eso simiswayo okanye sirhoxiswayo.

- (5) ukumiswa okanye ukurhoxiswa kwesatifiketi sokuvumeleka okanye isatifiketi sokuvumeleka sethutyana ngokweli canelo kufuneka kube nesiphumo sokuba ngalo lonke eli lixa eso satifiketi sisamisiweyo yaye ukususela kumhla wokurhoxiswa kweso satifiketi, akukho bisi luveliswe okanye lufunyenwe kuloo shedi yokusengela ekufuneka lusetyenziswe ngabantu.

IS AHLUKO III

IIMFUNO NEMITYALELO

Ishedi zokusengela

8. (1) (a) Ishedi yokusergela evunyiweyo kufuneka ubuncinane ibe-
- (i) nendawo yokusengela ekuthethwe ngayo kwicandelwana (2);
 - (ii) igumbi lobisi ekuthethwe ngalo kwicandelwana (3), aho ubisi lufikela khona xa lusuka kwindawo yokusengela, nalapho olo bisi lugcinwa khona yaye lunokucocwa, lulungiswe luze lufakwe kwiipakethe;
 - (iii) igumbi lokutshintsha ekuthethwe ngalo kwicandelwana (4); kunye
 - (iv) igumbi lokuhlambela, ukucoca okubulala iintsholongwane izinto zokugcina ubisi kunye nezinye izixhobo ezingancamathelanga kunye nezixhobo ezincinci ezisetyenziswa xa kuphethwe ubisi.
- (b) (i) Ezi zinto kuthethwe ngazo kumhlathi (a) kufuneka, ngokwemigaqo yomhlathana (i), zakhiwe njengamagumbi ohlukeneyo kwisakhiwo esikhulu esinye okanye njengezakhiwo ezahlukeneyo ezingadibananga.
- (ii) Eli gumbi lokuhlambela izinto zobisi kuthethwe ngalo kumhlathi (a) kufuneka, ngokwemigaqo yomhlathana (ii), lakhiwe njengeyona ndawo ibalulekileyo yegumbi lobisi okanye njengegumbi elilodwa

(2) Kwimeko yendawo yokusengela-

- (a) kufuneka kungabikho qhagamshelwano lwenzekayo okanye lunokwenzeka nomngxuma wegumbi langasese okanye igumbi elinegesi (ezingumoya), umsi, amavumba, uthuli okanye uthuthu lokugqola ngakumbi xa kujongwa ubunjani bezinto ezenziwa kwelo gumbi;
- (b) esebenza njengegumbi lokumisa ngaphezu komqolo omnye wemfuyo evelisa ubisi emeleneyo, kufuneka kubekho ipaseji eyahlula le miqolo enobuncinane bemitha enye;
- (c) izahluli, ukuba zikhona, ezahluka imfuyo evelisa ubisi kwenye xa isengwa, mazibe zezenziwe ngemathiriyeli ethambileyo nengekho rhabaxa engenandawo zivulekileyo okanye zichachambileyo;
- (d) iibhokisi zokutyela zemfuyo mazibekwe ngendlela yokuba ukutya okomisiweyo okuwela ngaphaya kwezi bhokisi kukwazi ukususeka;
- (e) iindonga zangaphandle-
 - (i) ubuncinane mazibe nobude beemitha ezi-2,4 ngaphakathi;
 - (ii) kwiindawo esengelwa kuzo imfuyo evelisa ubisi, maziphokele ukuya kubuncinane be-2,1 yeemitha phezu kwenqanaba lomhlaba emi kuwo imfuyo evelisa ubisi;
- (f) umphakathi wamadonga mawugude yaye ube nokuhlanjwa;
- (g) uphahla malukwazi ukumelana nemvula yaye lukwazi ukuhlambeka;
- (h) umgangatho apha phantsi kufuneka-
 - (i) ube ngowemathiriyeli angagqobhoziyo kuyo amanzi nehlabekayo;
 - (ii) mawuhluzelwe ngokwaneleyo uhluzela kwidreyini eqhagamshelwe kwindlela yokuhambisa ukungcola ukuze kungabikho madama amanzi amileyo athi enzeke apha phantsi;

- (i) loo ndawo yokusengela kufuneka-
 - (i) ingene umoya nokukhanya ngokwaneleyo;
 - (ii) ibe nobuncinane betephu yamanzi enye ephama amanzi angenanto nenokufakelwa umbhobho ongesosigxina ngeenjongo zokuhlamba; yaye
- (j) iindawo zokurgena nokuphuma zemfuyo evelisa ubisi mazibe nokuthile okuqinileyo okuyogqumayo nokuqhagamshelwe kwindlela yokuhambisa ukungcola, yaye loo nto yogqume apha phantsi mayifakelwe ngendlela yokuba nasiphi na isilwanyana sobisi esingena okanye esiphuma kwindawo yokusengela masihambe kuyo ubuncinane umgama oziimitha ezine (4).

(3) Malunga negumbi lokusengela -

- (a) elo gumbi lokusengela malilandele imigaqo ekwicandelwana (2) (3) (i), (f), (g), (h) no-(i);
- (b) apho izixhobo zokuhlamba izixhobo zobisi zithatha inxenye enkulu kwigumbi lobisi ekuthethwe ngalo kwicandelwana (1) (b) (ii) kufuneka kubekho isithuba esaneleyo sokuvumela ukucocwa nokubulala iintsholongwane kuzo zonke iizinto zokugalela ubisi, nezokugcina ubisi;
- (c) igumbi lobisi malibe nobuncinane besinki enye, enetephu yamanzi abandayo neyashushu aze amanzi asuka apho aqhagamshelwe kwindlela yehambisa ukungcola;
- (d) elo gumbi lobisi malakhiwe ngendlela yokuba umbhobho wobisi osuka kwimoto ehambisa ubisi ukwazi ukuqhagamshelwa kwitanki elikhulu lefama ngocango, yaye isithuba esiphakathi kwezi ndawo zoqhamgashelo masirigabi ngaphezu kweemitha ezintandathu (6);
- (e) elo gumbi lobisi malukhuselwe kwizinambuzane ezikrekrethayo;
- (f) iminyango neefestile mazingangeni thuli xa zivaliwe; yaye
- (g) eli gumbi lobisi malibe netanki elikhulu lasefama ekuthethwe ngalo kwicandelo 9(3) lokugcina ubisi.

(4) Igumbi lokutshintshela kufuneka -

- (a) lilandele ngqo icandelwana (2)(e)(i), (f), (g), (h), (i) kunye no-(j);

- (b) libe nobuncinane besinki yokuhlamba izandla enye kunye neshawa enye eneetephu zamanzi kubantu abali-15 ngabanye okanye inxenye yeli nani esebenza kuloo shedi yokusengela, yaye kufuneka libe nesephu, ibhrashi yeenzipho kunye neetawuli ezilahwayo, yaye amanzi asuka kuloo sinki naloo shawa kufuneka aye kwindlela yokuhambisa ukungcola;
 - (c) libe kufutshane nendawo yokusengela kunye negumbi lobisi.
- (5) Nakuphi ukungcola okungamanzi okusuka kwishedi yobisi kufuneka -
- (a) kungagcinwa, kulungiswe okanye kulahlwe kuyo nayiphi na indawo ngaphandle kwakwindlela yokulahla ukungcola;
 - (b) kungaqokelelwa okanye kulahlwe kwindawo yokulahla ngayo nayiphi na enye indlela ngaphandle kombhobho, okanye indlela yamanzi eyenziwe ngesamente okanye umgqomo wamanzi amdaka;
 - (c) kungalahlwa ngendlela eya kwenza ukuba kungcoliseke indawo egcina amanzi;
 - (d) kungabangeli inkathazo okanye kwenze imeko eya kuba nobungozi empilweni.
- (6) Makusetyenziswe amanzi angenanto kwishedi yokusengela.
- (7) Umnini (weshedi) kufuneka aqiniseke ukuba -
- (a) kwishedi yokusengela –
 - (i) akukho nkathazo okanye imeko enobungozi empilweni edalekayo okanye evelayo;
 - (ii) akukho zinto okanye iigesi ezinobungozi okanye ezingabangela ingozi ezigcinwa kuyo; okanye
 - (iii) akukho senzo siqhutywayo esinokungcolisa okanye simoshe ubisi olo,
 - (b) izinambuzane ezikrekrethayo, iimpukane, amaphela kunye nezinye izinambuzane ziyalawuleka kwindawo yeshedi yokusengela.
- (8) Ishedi yokusengela mayingasetyenziselwa nayiphi na enje injongo ngaphandle kokuveliswa nokuphathwa kobisi.

- (9) Izinto ezinobisi ezingalungiswanga kunye nezinye izixhobo ezikhulu nezixhobo zokusebenza ezisetyenziswa ekuphatheni ubisi mazingahlanjwa, zicocwe, zicocwe iintsholongwane kwenye indawo ngaphandle kwakwigumbi lokuhlamba izixhobo zobisi ekuthethwe ngalo kwicandelwana (1)(a)(iv).
- (10) Akukho mntu makasetenzise okanye aphaathe icuba lalo naluphi na uhlobo okanye atye kwishedi yokusengela ngaphandle kwakwigumbi lokutshintshela okanye lokutyela leshedi yokusengela.
- (11) Bonke ubulongwe besilwanyana sobisi mabususwe kwishedi yokusengela ngelo xesha emva kokuba siyishiyile ishedu yokusengela yaye apha phantsi nakuzo zonke iindawo zokungena nokuphuma zeshedi yokusengela mazihlanjwe zicoceke.

Izinto zokugcina ubisi kunye neematshini zokusenga

9. (1) Into egcina ubisi –

- (a) akufunekanga yenziwe yonke okanye inxenye yayo yenziwe ngekopolo okanye nekopolo enentwana yentsiribi okanye nantoni na enokuba nobungozi;
- (b) mayigude, ingabinandawo zivulekileyo ekunokungena kuzo ubisi, ukuchachampa okanye izibhaxu zerusi;
- (c) mayenziwe ngendlela yokuba yonke indawo edibana nobisi mayikwazi ukufikeleleka ukwenzela ukuhlanjwa nokucocwa ngezibulala-zintsholongwane; yaye
- (d) mayingasetyenziselwa nayiphi na enye injongo ngaphandle kokugcina ubisi.

(2) Umatshini wokusenga kufuneka –

- (a) wakhiwe ngendlela yokuba umbhobho wokufunxa walo matshini ungakhanywa bonke ubumanzi;
- (b) uxotyiswe ngesixhobo esibonisa ukuhamba kobisi ukusuka kwisilwanyana sobisi ngasinye, yaye
- (c) ulandele icandelwana (1)(a), (b) no-(c) kunye notshintsho oluyimfuneko.

(3) Itanki elikhulu lasefama kufuneka –

- (a) libe nendlela yokuchitha okungaphakathi eya ngqo kwindawo yokuchitha ukungcola.
 - (b) lifakwe umbhobho wokuchitha ukungcola owakhelwe wafakwa ngendlela eyenza ukuba konke okungamanzi kuphume kwelo tanki, yaye indawo esekugqibeleni kuloo mbhobho wokuchitha mayithungelwe ngokujijwayo ize ifakwe isiciko esijijwayo esivumela ukuba eso siphelo saloo mbhobho sivaleke;
 - (c) lifakwe indlela yokuzamisa ekwaziyo ukuzamisa ubisi kwelo tanki ingaphelanga imizuzu emihlanu emva kokuba iqalisiwe;
 - (d) lifakwe ithemometha ekwaziyo ukulinganisa iqondo lobushushu lobisi kwelo tanki ngokuchanekileyo lilisa kwi-20C ekufutshane;
 - (e) lixhotyiswe ukuze likwazi ukubandisa ubisi olukwelo tanki lube kwi-50C okanye iqondo elingaphantsi zingaphelanga iiyure ezintantu, lize ligcine olo bisi lubandisiweyo njengeqondo eliphakathi kwe-10C ne-50C;
 - (f) lifakelwe kumgama omncinane weemitha eziyi-0,5 ukusuka kulo naluphi na uphahla, udonga lwesilingi;
 - (g) Logqunywe ngendlela eya kwenza ukuba xa kungekho kubandiswa kwenzekayo, amaqondo obushushu obisi olukwelo tanki makangenyuki ngaphezu kwee-30C kwiiyure ezili-12 ukuba lirhangqwe liqondo lobushushu obuzii-32⁰C;
 - (h) Lilandele ngqo icandelwana (1)9(a), (b) no-(c).
- (4) Itanki lemoto ethutha ubisi kufuneka-
- (a) lifakelwe ngendlela eya kwenza ukuba libe nendlela ephumayo eya kumbhobho ochithayo ukuze konke okungaphakathi kwelo tanki kukwazi ukuchithwa kuphume kwelo tanki ngombhobho okhuphela ngaphandle ngeli xesha isithuthi sona sime ngendlela eqhelekileyo;
 - (b) logqunywe ngendlela eya kwenza ukuba amaqondo obushushu obisi olukwelo tanki

angenyuki ngaphezi kwe-2⁰C qho ngeeyure ezingama-48; yaye

- (c) libe nobuncinane bendawo evulekileyo enye efakelwe isiciko esingadlulisi luthuli ekunokuhlolwa ngaso umphakathi welo tanki yaye kufuneka lifakelwe ngendlela eya kwenza ukuba zonke iindawo ezidibana nobisi zikwazi ukuhlambeka zicocwe iintsholongwane ngale ndlela ibekwe kwicandelwana (6);
 - (d) lihambelane noko kukwicandelwana (1)(a), (b) no-(c).
- (5) Zonke izixhobo ezisetyenziselwa ukufudumeza ubisi mazifakwe iqhoshha lokulawula iqondo lobushushu elichanekileyo eliyi-0,5⁰C ngokoluhlu olunikiweyo lilinganiso yaye, ukongeza kwizilungisi zeqondo lobushushu elizenzekelayo nexesha, eso sixhobo masibe neevalvu zolungiso lokuhamba nonqando lokuhamba apho olu bisi lungajongananga nokulungiswa kobushushu lujikwa ngokuzenzekelayo ukuba luye kwitanki lokusalayo.
- (6) Into ehlala ubisi kunye nezinye izixhobo ezibethelelweyo nezingabethelelwanga kunye nezixhobo zokusebenza mazihlanjwe zicocwe ngesibulala-zintsholongwane emva kokuba zisetyenzisiwe ukwenzela ukuba zicoceke, amafutha kunye nobisi olomeleyo lunyibilike lusuke ukuze nobalo lweentsholongwane eziyibhakthiriya olukwindawo edibana nobisi lungedluli kwiibhakthiriya ezili-10 kwi-100 mm² nganye kuloo ndawo emva kokuba kubulewe iintsholongwane.

Ubisi

10. (1) ubisi lokuqala olusuka kwibele ngalinye kufuneka luthathwe isampuli eya kuvavanywa yaye kufuneka lulahlwe emva kokuvavanywa kananjalo ukuba olo vavanyo luveza naziphi na iimpawu zokungafarieleki okukolo bisi, olo bisi lweso silwanyana malugcinwe ecaleni kungadityaniswa nolunye ubisi yaye lungasetyenziswa ngabantu.
- (2) ubisi olufumaneka kwimfuyo evelisa ubisi kwiiveki zokuqala ezilandela ukucocwa kobisi kufuneka lungadityaniswa nobisi olulungiselelwe ukusetyenziswa ngabantu.
- (3) Ubisi malungakhutshelwa kwenye into elugcinayo lusiwe kwenye kusetyenziswa eyesithathu.

- (4) Ubisi malukhuselwe kwimitha engqale ngqo yelanga.
- (5) Ngaphandle kwaxa ubisi lubulawa iintsholongwane ngobushushu okanye lukwenye inkqubo yokucoca ngobushushu, ubisi kufuneka zingedlulanga iiyure ezintathu lufikile kwigumbi lobisi, malupholiswe lube kwiqondo lobushushu oluyi-5⁰C okanye nangaphantsi, kodwa libe ngaphezulu kweqondo lokwenzeka komkhenkce, lize ligcinwe kwelo qondo lobushushu lude lukhutshwe kwindawo yokusengela.

Imfuyo evelisa ubisi

11. (1) Zonke izilwanyana zobisi maziphawulwe ngophawu oluzahlulayo nolungacimiyo esinokubonwa ngalo eso silwanyana.
- (2) Kufuneka kubhalwe phantsi isifo ngasinye sobisi olubekwe bucala ukukhutshwa ngakunye kumhlambi ovelisa ubisi, ubuyiselo ngalunye olwenziwayo kumhlambi ovelisa ubisi ngenjongo yokusengwa kunye nalo lonke uhlobo olwenziwa ngabonyango lwezilwanyana kunye nonyango olwenziwa ngabonyango lwezilwanyana kubhalwe negama laloo gqirha wezilwanyana ukuba bekukho ugqirha obandakanyekayo kolo xilongo okanye unyango.
- (3) Isilwanyana ngasinye sobisi masixilongwe ngugqirha wezilwanyana ubuncinane kanye qho ngomjikelelo weminyaka emibini yaye kufunyanwe ingxelo kuloo gqirha wezilwanyana.
- (4) Ubisi lwaso nasiphi na isilwanyana sobisi esigulayo okanye esibonakala ngathi siyagula malunganikwa abantu ukuba balusebenzise de umnini waso abe uqinisekisile ukuba eso silwanyana asisaguli seso sigulo sichatshazelwe kwicandelwana (5).
- (5) Ubisi lwemfuyo evelisa ubisi egula okanye ecingeleka ukuba igula –
 - (a) kukudunjelwa yimibele;
 - (b) ukuba nengxaki yemibele;
 - (c) ukumfimfa kobisi olunegazi okanye ubisi olungekho mgangathweni okanye ubisi olungaqhelekanga;
 - (d) isifo sephepha;
 - (e) isifo esibangela isisu ebantwini (*isalmonellosis*);

- (f) umkhuhlane onobuzaza (kuquka isifo *ianthrax*, *ianaplasmosis*);
- (g) umanz'abomvu;
- (h) umkhuhlane wethutyana kunye nesifo sesikhumba esinamaqhuma;
- (i) ulosuleleko yibhakthiriya enobungozi (*iseptic metritis*);
- (j) isitwayi okanye ibhula (*iseptic multiple mange*); okanye
- (k) usuleleko olunzulu lwamakhalane okanye *ibruceliosis*

ezinezilonda ezivulekileyo okanye ezosulelwe ziintsholongwane nezinokosulela ubisi, izinto zokugcina ubisi, okanye izixhobo ezikhulu okanye izixhobo ezincinci okanye abantu abasebenza ngezilwanyana zobisi, ubisi lwazo malunganikwa abantu ukuba balusebenzise ngaphandle kokuba kulandelwe amanyathelo anelisayo kuMasipala okunciphisa loo ngozi yempilo.

- (6) Ukuba imibele yemfuyo evelisa ubisi ithanjiswe ngamafutha ngethuba kusengwa, loo mafutha makagcinwe kwizinto ezingafakwanga ezinye izinto ezongezelelweyo yaye loo nto afakwe kuyo xa ingasebenzi kufuneka ivalwe ngesiciko esiqinayo.
- (7) Zonke iinyama zesisu imibele, izisu nemisila yemfuyo evelisa ubisi kufuneka phambi kokuba kusengwe zingabinakungcola yaye ukuba inyama yesisu, umbe'e, isisu okanye umsila iyahlanjwa kufuneka wosulwe ngetawuli ecocekileyo.

Abasengi nabantu abaphatha ubisi

- 12. (1) Izandla neenzipho zomthengi ngamnye okanye umntu ngamnye ophatha ubisi makahlambisise ngesephu namanzi, yaye makungabikho ntsila phantsi kweenzipho zomntu ophatha ubisi xa ephethe ubisi.
- (2) Umntu ngamnye ophatha ubisi, kufuneka yonke imihla phambi kokuqala imisebenzi yakhe anxibe iimpahla neegambhutsi ezicocekileyo nezingakrazukanga yaye azinxibe qho ngethuba ephethe ubisi.

(3) Akukho mntu makaphathe ubisi xa enesifo esosulelayo okanye onesilonda esivulekileyo okanye ithumba elisengalweni, ezandleni, entloko okanye emqaleni.

ISAHLUKO IV

UKUTHUTHWA KOBISI

Imisebenzi yomqhubi wesithuthi

13. Ukuba ubisi olungekafakwa ezipaketheni zopakisho lokugqibela ukuba luza kuthengiswa lufakwa kwisithuthi kwishedi yobisi ukuze luthuthelwe kwenye indawo okusasazwa kwalo okanye indawo yokululungisa, umqhubi weso sithuthi kufuneka-

- (a) phambi kokuba naluphi na ubisi lufakwe kweso sithuthi-
 - (i) enze uvavanyo lwe-alizaroli (i-alkhoholi eziipesenti ezingama-68) kwisampuli yobisi olufakwe kuyo, sampuli leyo ekufuneka eyithathe ngokwakhe okanye ayalele uhlolo ngqo, ukusuka kwinto egcina ubisi ekuza kufakwa kuyo olo bisi; yaye
 - (ii) athathe amaqondo obushushi obisi kolo luninzi lusetankini aze, ukuba uvavanyo lwe-alizaroli lubonisa ukuba kukho okukhoyo, okanye iqondo lobushushu lolo bisi luninzi lusetankini lingaphezu kwe-5⁰C, angaluvumi olo bisi ukuba luthuthwe.
- (b) aqiniseke ukuba isithuthi esinetanki lobisi okanye loo nto inobisi icociwe yaza yabulawa iintsholongwane kanye nje ukuba lonke ubisi lukhutshiwe ukwenzela ukuba ubalo lweebhakthiriya ezikuloo ndawo idibana nobisi aluggithi kwiibhakthiriya ezili-10 nge-100mm² emva kokuba zibulewe iintsholongwane; yaye
- (c) athathe isampuli yobisi kwishedi nganye yokusengela apho ubisi lufakwa khona aze aphawule loo sampuli ngophawu ekunokubonwa ngalo ukuba yiyiphi loo shedi yokusengela ize loo sampuli igcinwe kwinto eyodwa okanye iqondo lobushushu laloo sampuli lingedluli kwi-5⁰C xa lufika kuloo ndawo luya kuyo.

IMIGAQO GABALALA

Ukubekelwa bucala

14. (1) uMasipala unokubekela bucala ngokubhaliweyo nawuphi na umntu ukuba angayilandeli le miThetho kaMasipala ukuba uMasipala ubona ngathi oko kungalandelwa kwale mithetho akuphazamisi okanye akuyi kubangela luphazimiso.
- (2) Oko kubekelwa bucala kufuneka kuxhomekeke kwimiqathango eya kusebenza ithuba elibekwe laxelwa kolo xwebhu nguMasipala.

Isibheno

15. (1) Nawuphi na umntu ocingela ukuba akaphathekanga kakuhle sisigqibo sikaMasipala esenziwe ngokwale miThetho kaMasipala unokufaka ibango kuMphathiswa ngeso sigqibo.
- (2) Eso sibheno masifakwe zingaphelanga iintsuku ezingama-42 ngokusiwa kuloo Masipala ufanelekileyo, ukuze sifakwe kuMphathiswa, ngesaziso esicacisa gca nangokuchanekileyo eyona nto ibangelwayo.
- (3) UMasipala kufuneka, zingagqithanga iintsuku ezili-14 zokufumana eso saziso, athumele ikopi-
- (a) yeso saziso;
 - (b) inkcazelo ebhaliweyo ebeka izizathu zokufaka isibheno ngeso sigqibo; kunye
 - (c) nengxelo kunye neziphakamiso zomhloli okhethwe nguMasipala njengofanelekileyo ekwenzeni eso sigqibo sifakelwa isibheno;
 - (d) kuMphathiswa, yaye ikopi zaloo nkcazelo kunye nengxelo yalowo ufaka isicelo.
- (4) Lowo ufake isicelo unokuthi, zingaphelanga iintsuku ezili-14 zokufumana ikopi zaloo nkcazelo kunye nengxelo, afake enye inkcazelo kuMphathiswa.
- (5) UMphathiswa kufuneka, emva kokufumana ingcaciso yesibini yalowo ufaka ibango ukuba umfaki-bango lowo ufaka ingcaciso yesibini, ajonge umxholo welo bango lifakwa kuye yaye unokuqinisekisa, atshintshe okanye afake endaweni yeso sikaMasipala sifakelwa isibheno esinye

isigqibo acinga ukuba sasifanele ukuba senziwe nguMasipala aze ayalele uMasipala ukuba enze oko kuyimfuneko ukuze enze isigqibo sakhe.

(6) UMqondisi-Gabalala kufuneka azise lowo ubefake isibhengo ngokubhaliweyo kunye noMasipala malunga nesiphumo sesibheno eso.

(7) Ukuqaliswa kwesigqibo sikaMasipala esifakelwa isibheno, kufuneka sihlehliswe ukusuka kumhla wokufika kweso saziso sixelwe kwicandelwana (2) ukuya kumhla esirhoxiswe ngawo isibheno okanye esigqitywe ngawo nguMphathiswa.

Izohlwayo

16. Nawuphi umntu owenza okuchasene okanye ongaphumeleliyo ukulandela nayiphi imigaqo yale miThetho kaMasipala unetyala yaye ujongene nokuthi, xa egwetyiwe, nesigwebo okanye xa engakwazi ukusihlawula isigwebo, avalelwe entolongweni ithuba elingedlulanga kwiinyanga ezintandathu, okanye kokubini eso sigwebo noko kuvalelwa entolongweni.

Ukuyekiswa kwale miThetho kaMasipala

17. Imigaqo yayo nayiphi na imiThetho kaMasipala enento yokwenza neeshedi zokusengela kunye nokuhanjiswa kobisi nguMasipala iyayekiswa ukuba iyakhabana nemiba ekuthethwe ngayo kule miThetho kaMasipala.

Isihloko esifutshane

18. Le miThetho kaMasipala ibizwa ngokuba yimiThetho kaMasipala elawula iishedi zokuSengela kunye nokuHanjiswa koBisi.
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515

Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605. Tel. (040) 635-0052