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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 195 OF 2015

eTHEKWINI MUNICIPALITY: BEACHES BY-LAW, 2015



Adopted by Council on the: 24 June 2015

BEACHES BY-LAW, 2015

To provide for measures to manage, control and regulate public access and behaviour at beaches and beach areas; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Municipality has the competence in terms of Part B of Schedule 5 of the Constitution relating to beaches and amusement facilities, billboards and the display of advertisements in public places, local amenities, and traffic and parking;

AND WHEREAS there is a need to develop legislation to govern the access to and use of beaches and coastal areas within the jurisdiction of the Municipality;

NOW THEREFORE The Municipal Council of the eThekweni Metropolitan Municipality, acting in terms of section 156 read with Schedule 5 (Part B) of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

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CHAPTER 1

INTERPRETATIONS

Definitions

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

"admiralty reserve" means any strip of land adjoining the inland side of the high-water mark which, when the Act took effect, was state land reserved or designated on an official plan, deed or other document evidencing title or land-use rights as "admiralty reserve", "government reserve", "beach reserve", "coastal reserve" or other similar reserve;

"authorised official" means a person authorised to implement the provisions of this By-law, including but not limited to –

(a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) municipal or metropolitan Police Officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and

(c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

"bathing" means swimming or entering the beach bathing area or any swimming pool provided by the Municipality on the beach area for public use, but excludes surf-riding or surfing and paddling;

"beach area" means the beach, the beach bathing area and any part of the coastal area and its immediate surroundings, including any open space, park, road, lane, parking space, pathway, or any municipal property or public amenity located in such area;

"beach bathing area" means any portion of the seashore which is demarcated as a bathing area and which may be protected from sharks by whatsoever means and under supervision of lifeguards, and includes the sea for a distance of two hundred metres seaward;

"coastal area" means the sea-shore and the sea for a distance of 200 metres seaward and 100 metres inland, but excluding any privately owned land and including all Admiralty Reserve and Public Roads as defined in the Road Traffic Act, 1996 (Act 93 of 1996);

"coastal zone" means the area comprising coastal public property, the coastal protection zone, coastal access land and coastal protected areas, the seashore, coastal waters and the exclusive economic zone and includes any aspect of the environment on, in, under and above such area, as contemplated by the Act;

"craft" means any boat, jet-ski, ski-boat or motorised vessel, and includes a surf-craft or windsurfer;

"fish" means the marine living resources of the sea and the seashore, including any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral,

sponge, holothurian or other echinoderm, reptile and marine mammal, and includes their eggs and larvae at all juvenile stages, but does not include sea birds and seals;

“fishing” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to engage in any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish; placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (c) any operation in support of or in preparation for any activity described in this definition; or
- (d) the use of a vessel or aircraft in relation to any activity described in this definition;

“groyne” means a protective structure of stone or concrete or similar material that extends from shore into the water which is meant for coastal stability purposes and to prevent a beach from washing away;

“motor-vehicle” means any self-propelled vehicle having an engine or motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on the road or on water of one or more persons or any material, item, substance or object, and includes a trailer, motor-bike, quad-bike, personal watercraft or earth-moving or earth-working vehicle, but excludes any vehicle which is controlled by a pedestrian, or any vehicle with a mass not exceeding 230 kilograms which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability or a vessel;

“municipal council” or “council” means the eThekweni municipal council, a municipal council referred to in section 157(1) of the Constitution;

“Municipality” means the eThekweni Municipality, a category A municipality as envisaged in terms of section 155(1) of the Constitution of the Republic of South Africa and established in terms of PN343 of 2000 (KZN);

“municipal manager” means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

"nuisance" means any conduct or behaviour by any person or the use, keeping, producing, by-producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool, vegetation or animal or causing or creating any situation or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person, in the exercise of rights common to all or of any person;

"official lifeguard" or "lifeguard" includes any professional lifeguard or member of a voluntary lifesaving association or club or a member of the Surf Lifesaving Association of South Africa, employed as a lifeguard on the Municipality's beaches;

"pier" means any constructed pier situated at any of the beaches in the area of jurisdiction of the eThekweni Municipality;

"sea-shore" or "beach" means the area between the low-water mark and the high-water mark, or as may be determined or adjusted from time to time in respect of the coastal zone boundaries by a competent national or provincial authority in terms of the Act;

"seine netting" means any means of catching or entrapping fish at sea using a net or similar material or equipment;

"surf-craft" includes a surf board, wave-ski, jet-ski, water-ski, paddle-ski, aquaplane or other similar device or apparatus and any paddles or oars used with it, except if such is of an inflatable character or wholly constructed of a soft pliable material;

"surf riding" or "surfing" means any activity on or in the water with or on a surf-craft or personal watercraft which includes but not limited to the pastimes known as surfing, surf riding or surf-skiing, wind-surfing, para surfing, kite-surfing, boarding, in-board rescue boarding or rubber-ducking or any other pastime, sport or activity or calling involving the riding of the sea waves by a person with any apparatus designed specifically for that purpose, and **"surf"** bears an equivalent meaning;

"the Act" means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"vessel" means a waterborne craft of any kind, whether self-propelled or not, but does not include a personal watercraft or any moored floating structure that is not used as a means of transport by water; and

"waste" means any substance, whether or not that substance can be reduced, re-used, recycled and recovered –

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) which the generator has no further use of for the purposes of production;
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister of Environmental Affairs by notice in the *Gazette*,

and includes waste generated by the mining, medical or other sector. Provided that, a by-product is not considered waste and any portion of waste, once re-used, recycled and recovered, ceases to be waste.

Interpretation

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

CHAPTER 2 OBJECTS OF BY-LAW

Objects of By-law

3. The objects of this By-law are to –

- (a) create an effective system for the managing and controlling of public access to beaches and beach areas;

- (b) provide measures to regulate conduct on beaches and beach areas and to prohibit certain activities or conduct on beaches and beach areas;
- (c) provide measures to control and regulate access to and the use of public amenities on the beach and beach areas;
- (d) provide penalties for the breach of its provisions; and
- (e) provide for related matters.

CHAPTER 3 APPLICATION

Application of By-law

4.(1) This By-law applies to all beaches located or situated on the coastal area which falls under the jurisdiction of the eThekweni Municipality and is binding on all persons to the extent applicable.

CHAPTER 4 USE OF BEACHES BY PUBLIC

Areas reserved for specific recreational activities

5.(1) The Municipality may, in the beach area, indicate by means of suitable notices or signage erected at designated access points or other suitable sites, where specific activities may be allowed, limited, controlled or prohibited.

(2) The Municipality may reserve any part of the beach area exclusively for a particular recreational activity.

(3) No person may engage or partake in any recreational activity on any part of the beach area other than that for which that part of the beach has been exclusively reserved by a notice or signage or by any other manner.

(4) No person may engage in any recreational activity in any part of the beach area in contravention of any—

(a) provision of this By-law or any legislation;

(b) direction or prohibition conveyed by any notice or signage displayed on any part of the beach area; or

(c) instruction, direction or warning given by an authorised official in respect of any part of the beach area.

Prohibition of bathing within certain areas

6.(1) The Municipality may by a displayed notice or signage or in any other manner, permanently or temporarily prohibit bathing in any part of the beach.

(2) An authorised official may prohibit bathing in any part of the beach at any time for as long as the conditions of the sea appear in his or her discretion to be unsafe.

(3) Any permanent or temporary prohibition under this section must be indicated by means of a notice or signage erected and displayed at both ends of the prohibited area.

(4) No person may bathe in any part of the beach where bathing is prohibited in terms of this section.

(5) No person may, while such a life-saving appliance or device is in use, perform an act which impairs or impedes or is likely in any manner to impair or impede its efficient operation.

Motor-vehicles

7.(1) No person may enter onto the beach using a motor-vehicle or bring or drive a motor-vehicle on any part thereof in contravention of any legislation or Regulations made in terms of any applicable legislation .

(2) The provisions of subsection (1) do not apply to any—

- (a) motor-vehicle used by an authorised official in the course of his or her duties;
- (b) authorised emergency or rescue motor-vehicle;
- (c) motor-vehicle driven by a person authorised to implement the provisions of any legislation;
- (d) ordinary motor-vehicle involved in a *bona fide* emergency situation;
- (e) off-road vehicles used in terms of relevant legislation; or
- (f) motor-vehicle authorised by the Municipality or any other sphere of government in terms of any law.

(3) No person may in any part of the beach area—

- (a) drive a motor-vehicle recklessly or dangerously or in such a manner as to endanger the safety of any person;
- (b) race a motor-vehicle, or drive a motor-vehicle at a speed in excess of the limit imposed by the Municipality in any part of the beach except during a *bona fide* emergency situation or if authorised to do so in terms of any law;
- (c) drive a motor-vehicle whilst under the influence of alcohol, drugs or any dependence producing substance;
- (d) drive a motor-vehicle without a valid driver's licence;
- (e) drive or park a motor-vehicle in a prohibited area;
- (f) drive a motor-vehicle in contravention of a notice or signage erected on the beach or any instruction or direction given by an authorised official;
- (g) tow objects or persons behind a motor-vehicle; or
- (h) repair or wash a motor-vehicle.

Boats

8.(1) No person may, at or on the beach—

- (a) launch, land, keep, use, let or hire a boat, surf-ski or craft of whatever kind, except at places set aside for that purpose by the Municipality, unless authorised or required to do so at any other place in terms of any law;
- (b) use or operate a boat, surf-ski or craft of whatever kind in such a manner as to cause danger or annoyance to any person;

- (c) use or operate a boat, surf-ski or craft at a speed in excess of the limit imposed by the Municipality in any part of the beach, except when a vessel is used in an emergency or for life-saving operations; or
- (d) repair any boat, or watercraft.

Surf-riding or surfing

9.(1) No person may without the authorisation of the Municipality engage in surf-riding or surfing within any part of the beach which is designated as a swimming area, unless it is an inboard rescue boat.

(2) An authorised official may permanently or temporarily prohibit surf-riding or surfing on the grounds that it is unsafe or is likely to cause discomfort or injury to other users of the beach.

Nuisances and prohibited, indecent or offensive behaviour

10.(1) No person may while on the beach area –

- (a) remain, bathe or sun-bathe in any part of the beach if in the nude or while clad indecently or improperly: Provided that this provision does not apply to the act of breastfeeding a child;
- (b) hang onto, sit upon or cause to sink safety ropes provided for the protection of bathers or in any way tamper or interfere with those safety ropes or other appliances provided for the assistance of bathers;
- (c) enter or remain in any part of the beach contrary to a prohibition by an authorised official, or any notice or signage to that effect or otherwise fail to observe the terms of notices or signage displayed by the Municipality on any part of the beach;
- (d) swim in any part of the beach where no official lifeguards are present or contrary to the times designated for swimming or remaining in any part of the beach, or bathe at night;
- (e) throw, deposit, dump, leave or discharge any litter or waste or any material of any kind whatsoever, other than in receptacles provided for that purpose by the Municipality, or do so in any manner that causes a nuisance or detracts from the cleanliness or attractiveness of the beach;
- (f) leave charcoal, ashes, firewood, bones, pieces of meat, or other foodstuff on the beach other than in receptacles provided by the Municipality for waste and litter;

- (g) leave or dump any unused or excess fishing equipment or other items such as but not limited to bait, fish hooks and fishing nets, other than in receptacles provided by the Municipality for waste and litter.
- (h) use obscene, offensive, indecent or foul language or otherwise behave in an offensive, improper or disorderly manner;
- (i) wilfully or negligently do anything which may cause danger, discomfort or inconvenience to any person or in any way cause a nuisance in any part of the beach;
- (j) obstruct or interfere with any authorised official in the execution of his or her duties;
- (k) interfere with, misuse or damage any building, structure, item, facility or any amenity provided for use by the public, or any property of the Municipality, or otherwise disregard or contravene directions as to the use to which any public amenity may be put;
- (l) other than any authorised official, except in an emergency, handle, touch or in any way make use of, or tamper or fiddle with, a lifeline, a lifebuoy, torpedo buoy or any other life-saving appliance or device installed or placed in any part of the beach or beach area, or perform an act which impairs or impedes or is likely in any manner to impair or impede its efficient operation;
- (m) move, deface or otherwise interfere with any notice board, notice, signage or marker erected, posted or placed on the beach;
- (n) jump or leap from any pier, groyne or structure erected for the protection of the beach or attempt to enter upon a pier or groyne from the water;
- (o) play any game or indulge in any pastime which is likely to cause nuisance, annoyance, injury or discomfort to any person in any part of the beach;
- (p) offer for sale, market or hawk any illegal goods or services in contravention of the Municipality's By-laws dealing with informal trading or any other applicable legislation;
- (q) display any advertisement or notice without the written permission of the Municipality;
- (r) enter or be in or on the beach and coastal area for the purpose of sleeping or so sleep therein;
- (s) beg or introduce others to beg for money or goods on his or her behalf;
- (t) hold, convene or organise any entertainment, display, performance, procession, public meeting, recreation, or event on the beach without the permission of the Municipality or do so in contravention of any condition attached to any such authorisation;
- (u) address any gathering of persons or seek by any means and for any purpose to attract or convene a gathering of persons on the beach without the permission of the Municipality;

- (v) consume any alcohol except on licenced premises or where temporary authorisation has been granted by the Municipality;
 - (w) use or consume any dependence producing drug or substance or smoke or inhale any substance using a hubbly bubbly or tobacco water pipe or similar apparatus;
 - (x) swim or enter the bathing area or any part of the beach while under the influence of alcohol, drugs or any other dependence producing substance;
 - (y) use roller skates or a board or any similar device to which rollers or wheels are attached, except where permitted by a notice displayed by the Municipality;
 - (z) discharge fireworks or flares, or start or keep any fire unless for the purposes of making a braai in an area where such activity is permitted, unless that person is authorised to discharge such fireworks or flares or to make and keep such fire by the Municipality or in terms of any law; or
 - (aa) urinate or defecate anywhere other than in a toilet provided by the Municipality for public use.
- (2) No person may bathe in any part of the beach area whilst suffering from any cutaneous condition which is infectious or contagious.

Animals

11.(1) No person may bring any animal onto any part of the beach area except—

- (a) with the written permission of the Municipality;
- (b) where a notice is displayed allowing such animal to be on such part of the beach area;
- (c) where a person is authorised by the Municipality to bring such animal for the purposes of ritual slaughter; or
- (d) any person who suffers from a visual impairment and requires the assistance of a guide dog.

(2) The following persons are exempted from the application of subsection (1): Provided that they are acting within the course and scope of their employment—

- (a) an authorised member of the South African Police Service;
- (b) an authorised member of the Metropolitan Police Office;
- (c) an authorised member of the South African National Defence Force;
- (d) authorised and registered security officer; or

(e) any other person permitted by the Municipality or in terms of any law.

(3) The provisions of subsection (1) do not apply to any animal that is kept inside a motor-vehicle or other suitable enclosure, and is not released therefrom.

(4) Any animal that is permitted to be brought in or on the beach area must be brought, handled or controlled in such a manner as not to cause a nuisance, discomfort or danger to any person in accordance with the Animals By-law of the Municipality.

(5) Any animal, which is not under the control or apparently not under the control of any person may, if found on any part of the beach area, be impounded by an authorised official and thereafter be dealt with in accordance with the Animals By-law of the Municipality.

(6) The person in control of a dog must pick up all excrement of such dog made on the beach area as contemplated in the Animals By-law of the Municipality.

Firearms

12.(1) No person may possess or discharge a firearm in any part of the beach area in contravention of any applicable law.

(2) Subsection (1) does not apply in the case of the firing of blank cartridges during competitions organised by lifeguards or other authorised persons during approved sports meetings or events taking place in any part of the beach area.

Camping

13. No person may stay, sleep or camp overnight in any part of the beach area or erect a tent or structure for the purpose of staying overnight other than in a designated area.

CHAPTER 5 NATURAL ENVIRONMENT

Protection of the natural environment

14.(1) The Municipality may take all reasonable measures within its powers, and to the extent allowed by law, to protect the natural environment of the coastal area within its jurisdiction.

(2) No person may—

- (a) wilfully or negligently pollute the sea, coastal area, or surrounding terrain with fuels, oils, offal, bilge water, sewage, waste, wastewater, refuse, rubble or any objectionable or unlawful discharge of any substance whatsoever;
- (b) pick, uproot, fell or damage or attempt to pick, uproot, fell or damage a plant growing in the coastal area;
- (c) break, damage, destroy or remove an egg from a nest; or disturb or attempt to disturb a bird or the nesting site of a bird, or disturb, harvest, remove or in any way interfere with the fauna and flora in the coastal area;
- (d) injure, disturb or kill or attempt to injure, disturb or kill a wild animal unless that action is authorised by means of a permit, or unless the health and welfare of the public is endangered by that animal;
- (e) collect, harvest or take any fish species, mussels, or any other species whatsoever from the sea or any part of the beach without being authorised to do so;
- (f) without the prior written authorisation of the Municipality, remove any material or thing which is the property of or under the control of the Municipality, or excavate, or tunnel in the sand or cause any substantial movement of sand,: Provided that the reasonable digging of holes by children or beachgoers in the use and enjoyment of the beach is not prohibited;
- (g) except in places and where amenities are provided by the Municipality for such purpose, start a fire in the coastal area without the prior written permission of the Municipality, which permission may be subject to the conditions which the Municipality may deem fit to impose;
- (h) bring or erect any structure or thing other than that which is of a portable and temporary nature and which is ancillary to the use and enjoyment of the beach and

coastal area, and which does not interfere with the use and enjoyment of the beach and coastal area by other persons; or

(i) otherwise do anything which detrimentally affects the natural environment of the coastal area.

Fishing

15.(1) No person may—

(a) engage in fishing at the beach from any pier, groyne or storm water outfall; or

(b) have in his or her possession or control on any pier, groyne or outfall any fishing tackle or equipment or any other thing designed or intended for use for the purpose of fishing, including bait,

unless fishing from such pier, groyne or outfall or portion thereof is permitted as indicated by a notice or signage erected by the Municipality or in terms of any other law.

(2) Any fishing which is permitted as contemplated in subsection (1) may only take place between such hours as may be specified in a notice or signage erected by the Municipality or other authorisation to that effect, and in accordance with such conditions as may be conveyed thereby.

(3) No person may, while fishing, or while on the beach use or permit the use of fishing equipment, including any rod, net, trap or other device in such manner as to cause danger or annoyance to any other person or in such a way as to cause an obstruction to or to interfere with the comfort or personal privacy of any other person.

(4) No person may place fishing bait, fish or fishing equipment or tackle on or immediately adjacent to any seat provided for the use of the public.

(5) Every person must clear away all bait, refuse and any fishing equipment, other equipment and items before leaving the place where that person had been for the purpose of fishing and take any such bait, refuse, and any fishing equipment and other items with him or her, or place these in a refuse receptacle provided by the Municipality.

(6) No person may do seine netting or fish for commercial purposes in any beach without a written permission issued by the relevant department of government dealing with fisheries or any other empowered statutory entity.

(7) No motor-vehicles may enter any part of beach for the purposes of seine netting or commercial fishing without written permission in terms of, and in compliance with, the Regulations pertaining to Vehicles in the Coastal Zone issued in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or any other applicable legislation, which written permission must be produced to any authorised official on demand.

CHAPTER 6 OFFENCES AND PENALTIES

Offences

16. (1) A person commits an offence if he or she—

- (a) contravenes any provision of this By-law;
- (b) contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law;
- (c) fails to comply with the terms of any notice or signage displayed in terms of this By-law;
- (d) obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law; or
- (e) fails to obey any lawful instruction or direction given to him or her in terms of this By-law.

(2) A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence, or after he or she has been convicted of such offence.

Penalties

17.(1) Any person who is convicted of an offence under this By-law is liable to a fine of an amount not exceeding R40 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.

(2) In the case of a continuing offence, an additional fine of an amount not exceeding R100 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

**CHAPTER 7
MISCELLANEOUS PROVISIONS****Appeals**

18.(1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons thereof 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.

(3) The appeal authority must commence with an appeal within 6 weeks and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(5) The appeal authority must furnish written reasons for its decision on all appeal matters.

(6) All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

(7) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsections (1) to (5).

Delegations

19.(1) Subject to the Constitution and applicable national and provincial laws, any –

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty

conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councilors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councilor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the –

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

Repeal of laws

20. The By-laws and Notices listed in the Schedule to this By-law are hereby repealed to the extent mentioned in the third column of the Schedule.

Short title and commencement

21.(1) This By-law is called the Beaches By-law, 2015, and takes effect six months from the date of publication thereof in the *Provincial Gazette* or on such earlier date as may be determined by the publication of a commencement notice in the *Provincial Gazette*.

SCHEDULE 1
LAWS REPEALED

(in terms of Section 20 of this By-law)

PART A: BY-LAWS

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Provincial Notice No. 31 of 1963 published in Provincial Gazette No. 3135 dated 24 January, 1963.	Borough of Amanzimtoti By-law Relating to Tariff of Charges for Beach Amenities	The whole
Provincial Notice No. 285 of 1955 published in the Provincial Gazette No. 2620 dated 16 June, 1955	Borough of Amanzimtoti By-law Relating to Beach Nuisances	The Whole
Provincial Notice No. 285 of 1955 published in Provincial Gazette No. 2620 dated 16 June, 1955.	Borough of Isipingo By-law Relating to Beach Nuisances	The whole
Provincial Notice No. 442 of 1965 published in Provincial Gazette No. 3294 dated 28 October, 1965.	Township of Umkomaas By-laws Relating to Parks, Gardens, Beaches, Swimming Baths, Sports Grounds and Public Places	The whole
Municipal Notice No. 96 of 1999 published in Provincial Gazette No. 5399 dated 23 December, 1999.	Umkomaas Transitional Local Council Regulations Governing Vehicles on the Seashore	
Provincial Notice 30 of 1954 published in Provincial Gazette No. 2520 dated 28 January, 1954.	City of Durban Yacht Bank By-laws	The whole

PART B: NOTICES PUBLISHED IN TERMS OF BY-LAWS

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Provincial Notice No. 221 of 1989 published in Provincial Gazette No. 4702 dated 27 July, 1989.	Borough of Kingsburgh Sea- Shore Notice	The whole
Notice 41 of 1989 published in Government Gazette No. 11919 dated 9 June, 1989	Durban Seashore Regulations	The whole

MUNICIPAL NOTICE 195 OF 2015

UMTHETHO WAMABHISHI KAMASIPALA WASETHEKWINI, 2015



Wemukelwe uMkhandlu mhla ka: 24 June 2015

Washawa mhla ka:

UMTHETHO WAMABHISHI KAMASIPALA, 2015

Wokuhlinzekela izindlela zokuphatha, ukulawula nokushaya imithetho yokuvakashelwa nokusetshenziswa kwamabhishi nezindawo ezisemabhishi ngumphakathi; wokuhlinzekela ukuchithwa nokugcinwa kwemithetho; nokuhlinzekela ezinye izindaba eziphathelele nalokho.

ISENDLALELO

NJENGOBA uMasipala unegunya ngokweNgxenywe B yoHlelo 5 loMthethosisekelo lokulawula mayelana namabhishi nezindawo zokuzithokozisa, namabhodi ezikhangiso nokuphanyekwa kwezikhangiso ezindaweni zomphakathi, nezinsiza zomphakathi, kanjalo nokuhamba kwezimoto nezindawo zokupaka;

NANJENGOBA kunesidingo sokuthi kushaywe imithetho ezolawula ukuvakashelwa nokusetshenziswa kwamabhishi nezindawo ezisogwini ezingaphansi kolawulo lukaMasipala;

NGAKHO-KE, uMkhandlu kaMasipala waseThekwini, ngokwesigaba 156 sifundwa noSheduli 5 (iNgxenywe B) soMthethosisekelo weRibhabhlikhi yaseNingizimu Afrika, sifundwa nesigaba 11 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), ngalokhu ushaya lo Mthetho kaMasipala olandelayo:

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2. Ukuhunyushwa

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3. Izinhlolo zoMthetho kaMasipala

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16. Amacala
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ISAPLUKO 7 OKUYINGXUBEVANGE

18. Ukwedluliswa kwezinqumo
19. Ukudluliselwa kwamandla
20. Ukuchithwa kwemithetho
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USHEDULI 1: UKUCHITHWA KWEMITHETHO

ISAPLUKO 1 UKUHUNYUSHWA

Izincazelo

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

"indawo eshiyelwe ezasolwandle" kushiwo isiqephu sendawo lapho kuhlangukhona umhlaba nolwandle, ngokuqala kokusebenza kwalo Mthetho obekuyindawo engaphansi kombuso eshiyiwe noma eklanywe kwipulani esemthethweni, kwitayitela noma komunye umbhalo ongubufakazi betayitela noma welungelo lokusebenzisa umhlaba "njengendawo eshiyelwe ezasolwandle", "indawo eshiyelwe imisebenzi kahulumeni" "indawo eshiyelwe ibhishi" "indawo esogwini" noma indawo eshiyelwe okuthi akube njalo;

1. Kulo mthetho wedolobha ngaphandle uma ingqikithi isho okunye –

"isisebenzi esigunyaziwe" ngumuntu ogunyazwe ukulandela ukuthotshelwa kwezihlinzeko zalo mthetho wedolobha okufaka kodwa okungagcini ku:-

- (a) abaqaphe ukuthula abachazwe esigabeni 334 soMthetho iCriminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) amaphoyisa kamasipala noma edolobha achazwe eMthethweni iSouth African Police Services Act, 1995 (Act No. 68 of 1995);
- (c) nalabo basebenzi, ama-ejenti, abakhonjiwe, izithunywa nabajutshelwe ukwenzela umasipala imisebenzi njengokugunyazwa nguMasipala; ngalokhu.

"indawo yobhukuda" noma "izindawo zokubhukuda" kushiwo noma iyiphi indawo yokubhukuda ebhishi, iphuli nanoma iyiphi enye indawo noma izindawo zokubhukuda okubandakanya amaphuli ezikhathi ezithile ahlinzekwa nguMasipala futhi okungakaMasipala;

"indawo yokubhukuda ebhishi" kushiwo noma iyiphi ingxenye yolwandle enesihlabathi eklanywe njengendawo yokubhukuda futhi evikelekile koshaka ngandlela thile futhi eqashwe abahlanguli futhi kubandakanya indawo engamamitha angamakhulu amabili uma ungena olwandle;

"ibhishi" kushiwo ibhishi, indawo yokubhukuda ebhishi nanoma iyiphi ingxenye yendawa egudle ulwandle nezingxenye zayo, kubandakanya izindawo ezivulekile, amapaki, imigwaqo, imizila, izindawo zokupaka, izindlela zokuhamba, nanoma iyiphi impahla kamasipala noma yokusiza umphakathi ekhona kuleyo ndawo;

"indawo esogwini" kushiwo ugu lolwandle olungamamitha angu-200 ukusuka olwandle kanjalo nolwandle olungamamitha angu-200 ukusuka ogwini, kodwa akubandakanyi indawo ezimele futhi kubandakanya zonke izindawo ezishiyelwe ezasolwandle nemigwaqo yomphakathi njengoba ichaziwe eMthethweni wokuHamba kweziMoto, 1996 (uMthetho No. 93 ka 1996);

'Indawo yasebhishi' kushiwo ibhishi, indawo yokubhukuda ebhishi kanye nanoma iyiphi ingxenye yogu kanye nezindawo eziyizungezile, okufaka izindawo ezivulekile, ipaki,

umgwaqo, indawo yokupaka, indlela yezinyawo, kanye nanoma yini kamasipala noma yomphakathi etholakala kuleyo ndawo.

"isiyingi sasogwini" kushiwo indawo ehlanganise indawo yomphakathi esogwini, indawo evulelekile emphakathini esogwini nezindawo ezivikelwe ezisogwini, unqenqema lolwandle, ugu lolwandle nezindawo zezamabhezini ezikhethekile futhi kubandakanya yonke imvelo engomakhelwane, ekuleyo ndawo noma engaphansi kwaleyo ndawo, njengoba kuqokethwe uMthetho wokuLawula iMvelo eziNdaweni ezisoGwini kaZwelonke, 2008 (uMthetho No. 24 ka 2008);

"isikebhe" kushiwo noma iluphi uhlobo lwesikebhe, okokuhamba emanzini, okwasemanzini okunenjini noma umkhumbi futhi kubandakanya okotshuza emanzini noma okuhamba ngokupheshethwa ngumoya;

"inhlanzi" kushiwo noma iluphi uhlobo lwesilwane esiphilayo sasolwandle noma onqenqemeni lolwandle, kubandakanya izintshalo nezilwane zasolwandle okungaba yiyinhlanzi noma okunye, nanoma iluphi uhlobo lwezimbaza, lwamashebenisi, lwezihlahla, lwezimpande, lwezimila noma olunye uhlobo lokuphila ngaphansi kolwandle, izilwane ezihuquzelayo nezilwane ezincelisalo zasolwandle, kubandakanya amaqanda azo, amachwane nezingane zazo ngaphandle kwezinyoni zasolwandle;

"ukudoba" kushiwo —

- (a) ukuzingela, ukubamba, ukuthatha noma ukubutha izinhlanzi noma ukuzama ukwenza lokho;
- (b) ukwenza noma yini ebukeya ingaholela ekutheni kuzingelwe, kubanjwe, kuthathwe noma kubuthwe izinhlanzi; ithuluzi noma okokugqoka okusetshenziselwa ukuthola, ukudoba noma ukubamba izinhlanzi kubandakanya o-ova bokuxhumana;
- (c) noma yisiphi isenzo okungesokweseka noma esokulungiselela ukuqala izenzo ezichazwe kulezi zincazelo; noma
- (d) ukusebenzisa isikebhe noma ibhanoyi uwenza izenzo ezichazwe kulezi zincazelo;

"umhubhe" kushiwo uhlaka olusabhuloho oluvikelekile olwaxhiwe ngamatshe noma ngokhonkolo noma okuthi akube njalo olungumhubhe ongena olwandle olwaxhelwe ukuzinzisa ugu lolwandle nokuvikela ukuguguleka komhlabathi;

"imoto" kushiwo noma iyiphi imoto enenjini noma uhlobo lwento ethi ayibe njalo eyaxhelwe noma edalelwe ukuhamba ngaleyo njini emgwaqeni noma emanzini ngenhloso yokuthutha umuntu noma abantu noma impahla, noma okuthile; futhi kubandakanya inqola, isithuthuthu, isithuthuthu esinamasondo amane, isikebhe somuntu, noma imishini yokwakha kodwa akubandakanyi uhlobo lwemoto olulawulwa umuntu ohamba ngezinyawo, noma imoto noma isikebhe esinesisindo esingaphansi kwamakhilogremu angu-230 okwaxhelwe ukuhamba umuntu okhubazekile;

"umkhandlu kamasipala" noma **"umkhandlu"** kushiwo uMkhandlu kaMasipala waseThekwini, okungumkhandlu kamasipala okukhulunywe ngawo esigabeni 157(1) soMthethosisekelo;

"uMasipala" kushiwo uMasipala waseThekwini, umasipala oku-category A njengoba kuhlangozwe ngokwesigaba 155(1) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika futhi wasungulwa ngokweSaziso soMphakathi No.343 ka 2000 (KZN);

"imenenja kamasipala" kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho weziNhlelo zoMasipala njengenhloko yezokuphatha emkhandlwini kamasipala;

"uhlupho" kushiwo noma isiphi isenzo noma ukuziphatha kwanoma imuphi umuntu noma ukusebenzisa, noma ukugcina, noma ukwenza, noma ukuqala, njengoba kungaba njalo noma iyiphi into, impahla noma ithuluzi noma isilwane noma ukubangela ukuthi kube nesimo endaweni ezimele noma yomphakathi nanoma ikuphi kuMasipala esingalimaza, esingacefezela, esingabambezele noma esingahlukumeza umphakathi nanoma imuphi omunye umuntu, uma kubhekwa ngokwamalungelo ejwayelekile kawonke wonke;

"umhlanguli osemthethweni" noma **"umhlanguli"** kubandakanya noma imuphi umhlanguli osemthethweni noma ilungu lenhlangano noma lekilabhu yabahlanguli abangamavolontiya noma ilungu le-Surf Lifesaving Association of South Africa, eliqashwe njengomhlanguli emabhishi kaMasipala;

"abahamba ngezinyawo" kushiwo, mayelana nezindawo okusukelwa kuzo, abantu abahamba ngezinyawo ezindaweni okusukelwa kuzo abangebona abasizi, abasebenzi noma abagibeli esikebheni;

"izakhiwo" kushiwo izakhiwe ezakhiwe kunoma iyiphi indawo eyibhishi endaweni engaphansi kolawulo lukaMasipala waseThekwini;

"unqenqema lolwandle" noma **"ibhishi"** kushiwo indawo enqunyiwe ephakathi kwamanzi amancane namanzi aphakeme, noma njengoba kunganquma noma kubekwe izikhathi ngezikhathi mayelana nemincele yezindawo ezisogwini amaziphathe ofanele kuzwelonke ngokoMthetho wokuLawula iMvelo eziNdaweni ezisoGwini kaZwelonke 24 ka 2008;

"ukuphosa inethi" kushiwo noma iyiphi indlela yokudoba noma yokubamba izinhlanzi olwandle kusetsenziswa inethi noma okunye okuthi makube njalo;

"okokutshuza emanzini" kubandakanya uqwembe lokutshuza, okokuntweza phezu kwamagagazi, uqwembe lokubhukuda, okokubhukuda udonswa yisikebhe noma okunye okuthi akube njalo noma okuhambisana nalokho okokugqoka okusetshenziswa kwanye nakho, ngaphandle uma lokho kuyinto efuthwayo noma kuthambile;

"ukuntweza" noma "ukutshuza" kushiwo noma imuphi umdlalo wokuntweza noma wokutshuza phezu kwamanzi kusetshenziswa uqwembe lwasemanzini lomuntu okubandakanya phakathi kokunye imidlalo eyaziwa ngokuthi yi-surfing, surf riding noma surf-skiing, wind-surfing, para surfing, kite-surfing, boarding, in-board rescue boarding noma i-rubber-ducking nanoma yiluphi olunye uhlobo, umdlalo noma isenzo noma ubizo olubandakanya ukuntweza phezu kwamagagasi olwandle olwenziwa umuntu ngoqwembe olwakhelwe lokho, kanti igama "ukutshuza" linencazelo efanayo;

"uMthetho" kushiwo uMthetho wokuLawula iMvelo eziNdaweni ezisoGwini kaZwelonke, 2008 (uMthetho No. 24 ka 2008);

"isikebhe" kushiwo okokuhamba emanzini kwanoma iluphi uhlobo, okungaba okusebenza ngenjini noma cha, kodwa akubandakanyi into yomuntu oyedwa yokuhamba emanzini nanoma iyiphi into yokuntanta emanzini engasetshenziswa njengento yokuthutha yasemanzini; futhi

"imfucuzo" kushiwo noma iyiphi into, okungenzeka ukuthi incishiswe, ibuye isetshenziswe, ivuselelwe noma ilungiswe –

- (a) elahliwe, engadingeki, etshingiwe, eshiyiwe noma echithiwe;
- (b) umnikazi wayo angayidingi leyo nto ukuphinde ayisebenzise;
- (c) okumele ichithwe noma ilahlwe; noma
- (d) ehlonzwe njengento eyimfucuzo uNgqongqoshe wezeMvelo ngesaziso kwiGazethi,

futhi kubandakanya imfucuzo ekhiqizwa umkhakha wezokumbiwa phansi, wezokwelapha noma eminye imikhakha: Kuncike ekutheni, impahla engakhekile kahle ayithathwa njengemfucuzo kanti noma iyiphi imfucuzo evuselelwayo noma elungiswayo ngeke kusaba yimfucuzo.

Ukuhunyusshwa

2. Uma kuba nokushayisana phakathi kombhalo wesiNgisi walo Mthetho kaMasipala nombhalo ohunyushiwe, umbhalo wesiNgisi iwona oyosebenza.

ISAHLUKO 2

IZINHLOSO ZOMTHETHO KAMASIPALA

Izinhloso zoMthetho kaMasipala

3. Izinhloso zoMthetho kaMasipala –

- (a) ukwakha uhlelo olusebenzayo lokusingatha nokulawula ukusetshenziswa kwamabhishi nezindawo ezisemabhishi umphakathi;

- (b) ukuhlinzeka ngezindlela zokulawula amabhishi nezindawo ezisemabhishi ukuze kugwenywe izenzo ezithile nokuziphatha okuthile emabhishi nasezindaweni ezisemabhishi;
- (c) ukuhlinzeka ngezindlela zokulawula nokushaya imithetho yokusetshenziswa kwezinsiza zomphakathi emabhishi nasezindaweni ezisemabhishi;
- (d) ukuhlinzekela izinhlawulo zokwepulwa kwezinhlinzeko zawo; kanye
- (e) nokuhlinzekela ezinye izindaba eziphathelele nalokho.

ISAHLUKO 3 UKUSEBENZA KOMTHETHO

Ukusebenza koMthetho kaMasipala

4.(1) Lo Mthetho kaMasipala usebenza kuwona wonke amabhishi atholakala ogwini asendaweni engaphansi kolawulo lukaMasipala waseThekwini futhi ubophezela wonke umuntu kukho konke okushoyo

ISAHLUKO 4 UKUSETSHENZISWA KWAMABHISHI UMPHAKATHI

Izindawo esishiyelwe ezokungcebeleka ezithile

5.(1) Umasipala angabeka izaziso noma izimpawu ezithile ezindaweni ezisemabhishi ezindaweni ezithile okungenwa kuzo noma kwezinye izindawo ezifanele, ukukhombisa lapho kungenziwa khona izinto ezithile, klapho ungenziwa okuthile kuphela noma lapho kwenqatshelwe khona okuthile.

(2) UMasipala angabeka indawo ethile endaweni esebhishi ngenhloso yezokungcebeleka ezithile.

(3) Akekho umuntu ongenza noma abambe iqhaza kwezokungcebeleka kunoma iyiphi ingxenye yendawo yasebhishi ngaphandle kokusebenzisa indawo yebhishi eshiyelwe lokho ngesaziso noma ngophawu noma ngenye indlela.

(4) Akekho umuntu ongabamba iqhaza kwezokungcebeleka zanoma iluphi uhlobo ngokushayisanayo –

(a) nezinhlinzeko zalo Mthetho kaMasipala nanoma imuphi omunye umthetho;

(b) nemiyalelo noma enqatshelwe ngesaziso noma ngophawu olukhonjiswe kunoma iyiphi ingxenye yendawo esebhishi; noma

(c) nesaziso, nomyalelo noma nesexwayiso esikhishwe isikhulu esigunyaziwe mayelana nanoma iyiphi indawo esebhishi.

Ukwenqatshelwa kokubhukuda ezindaweni ezithile

6.(1) UMasipala angakhipha isaziso noma abeke uphawu noma enqabele ngandlela thile ukubhukuda ezingxenyeni ezithile zebhishi okwesikhashana noma unomphelo.

(2) Isikhulu esigunyaziwe singenqabela ukubhukuda kunoma iyiphi ingxenye yebhishi noma nini uma ngokubona kwaso izimo olwandle zikhombisa ukuba yingozi.

(3) Noma ikuphi ukwenqatshelwa kwesikhashana noma unomphelo okuyokwenziwa ngokwalesi sigaba kumele kukhonjiswe ngesaziso noma ngophawu olugxunyekwe emaphethelweni womabili aleyo ndawo enqatshelwe.

(4) Akekho umuntu ongabhukuda engxenyeni yebhishi okwenqatshelwe ukubhukuda kuyo ngokwalesi sigaba.

(5) Akekho umuntu okungathi uma kusetshenziswa umshini noma into yokuhlenga impilo, enze isenzo esingaphazamisa noma sikhubaze noma okunamathuba okuthi siphazamise noma sikhubaze ukusebenza ngendlela kwalowo mshini.

Izimoto

7.(1) Akekho umuntu ongangena ebhishi esebenzisa imoto noma ongangenisa noma ashayele imoto engxenyeni yebhishi ngokwephula noma imuphi umthetho noma iMithethonqubo esungulwe ngokwanoma imuphi umthetho osebenzayo.

(2) Izinhlinzeko zesigatshana (1) azisebenzi –

- (a) kunoma iyiphi imoto esetshenziswa isisebenzi esigunyaziwe esenza umsebenzi waso;
- (b) ezimotweni zezimo eziphuthumayo noma zokuhlenga;
- (c) emotweni eshayelwa umuntu ogunyaziwe ukuze asebenzise izinhlinzeko zanoma imuphi umthetho;
- (d) ezimotweni ezijwayelekile ezisetshenziselwa izimo eziphuthumayo; noma
- (e) emotweni egunyazwe uMasipala nanoma iluphi olunye uhlobo lukahulumeni ngezinhloso ezinhle.

(3) Akekho umuntu kunoma iyiphi ingxenye yendawo esebhishi –

- (a) ongashayela imoto budlabha noma ngendlela eyingozi okungabeka engcupheni ukuphepha kwabanye abantu;
- (b) ongagijimisa noma ashayele imoto ngesivinini eseqile kuleso esibekwe uMasipala kunoma iyiphi ingxenye yendawo esebhishi ngaphandle uma ngokwezinhloso ezinhle kuyisimo esiphuthumayo noma uma kugunyaza umthetho ukuba kwenziwe njalo;
- (c) ongashayela imoto edle amponjwana, edle izidakamizwa nanoma yini enye edakayo;
- (d) ongashayela imoto engenayo ilayisensi yokushayela esemthethweni;
- (e) ongashayela noma apake imoto endaweni eyenqatshelwe;
- (f) ongashayela imoto ngokwephula isaziso noma uphawu olubekiwe ebhishi ngomyalelo wanoma isiphi isisebenzi esigunyaziwe;
- (g) ongadonsa okuthile noma abantu ngemuva kwemoto; noma
- (h) ogakhanda noma awashe imoto.

Izikebhe

8.(1) Akekho umuntu, ebhishi –

- (a) ongagibela, ongamisa, ongabhukuda, ongagcina, ongasebenzisa, ongaqasha noma aqashise ngesikebhe, uqwembe lokutshuza, noma okokuhamba emanzini kwanoma iluphi uhlobo, ngaphandle uma kusezindaweni ezibekelwe lokho uMasipala, noma ngaphandle

uma egunyazwe noma kudingeka enze njalo kunoma iyiphi enye indawo ngokulandea umthetho;

(b) ongasebenzisa noma agibele isikebhe, uqwembe lokutshuza noma okokuhamba emanzini kwanoma iluphi uhlobo ngendlela engaba yingozi noma yisicefe kwabanye abantu;

(c) ongasebenzisa noma agibele isikebhe, uqwembe lokubhukuda noma okokuhamba emanzini ngesivinini ezingaphezu kwaleso esinqunywe umasipala kunoma iyiphi ingxenye yebhishi, ngaphandle uma leso sikebhe sisetshenziselwa izimo eziphuthumayo noma imizamo yokuhlangula; noma

(d) ongakhandla isikebhe noma into yokuhamba emanzini.

Ukutshuza nokuntweza emazini

9.(1) Akekho umuntu ongazibandakanya nemidlalo yokutshuza nokuntweza emanzini kunoma iyiphi ingxenye yebhishi eqokwe njengendawo yokubhukuda ngaphandle kokuthola imvume kaMasipala, ngaphandle uma kuwumkhankaso wokuhlenga.

(2) Isikhulu esigunyaziwe singenqabela okwesikhashana noma unomphelo ukutshuza noma ukuntweza ezindaweni ezithile ngenxa yokuthi aziphephile noma zingaphazamisa noma zilimaze abanye abasebenzisa ibhishi.

Ukuba wuhlupho, ukuziphatha okwenqatshelwe, okungafanele noma okuphoxayo

10. Akukho muntu uma esebhishi –

(a) ongahlala, ongabhukuda noma ethamele isigcaki kunoma iyiphi ingxenye yebhishi engagqokile noma uma egqoke ngendlela engafanele neshayisa amahloni: Kepha lokhu akubali umama osuke encelisa umntwana;

(b) ongabambelela, ongahlala noma ongazikisa izintambio zezokuphepha ezakhelwe ukuvikela ababhukudi noma ongaxakazisa lezo zintambo noma okunye okuhlinzekelwe ukusiza ababhukudi;

(c) ongangena noma abe sebhishi ngokushayisanayo nemiyalelo yomsebenzi ogunyaziwe, yesaziso noma yophawu olwenqabela lokho noma ongehluleka ukulandela umyalelo wesaziso noma wophawu olubekwe uMasipala kunoma iyiphi ingxenye yebhishi;

- (d) ongabhukuda kunoma iyiphi ingxenye yebhishi lapho kungekho khona abezokuhlangula noma ngokuphambene nezikhathi ezibekiwe zokubhukuda noma ongaqhubeka nokubhukuda kuleyo ndawo nasebusuku;
- (e) ongaphosa, ongafaka, ongalahla, ongashiya noma ongazikhulula kunoma iyiphi ingxenye yebhishi noma ongalahla kunoma iyiphi noma yini, ngaphandle uma elahle emigqonyeni ehlinzekelwe lokho uMasipala, noma ongenze njalo ngendella ezobangela isicefe noma ezongahambisani nokuhlanzeka nokubukeka kwebhishi;
- (f) ongashiya amalahle, umlotha, izinkuni, amathambo, amaqatha enyama noma okunye ukudla ebhishi ngemuva kokosa noma ngemuva kokusebenzisa leyo ndawo esebhishi noma ongashiya nomaalahle izinto zokudoba ezingasetshenziswanga noma okunye okufaka phakathi amabheyithi, amahhuka okudoba, amanethi okudoba, ngaphandle uma ekulahla emigqonyeni ehlinzekelwe ukulahla udoti uMasipala.
- (g) ongasebenzisa ulimi oluqojeme, olunehlamba noma ongakhuluma ngendlela engahloniphekile noma aziphathe ngendlela ephoxayo, engafanele noma ethikamezayo;
- (h) ongenza ngabomu noma ngokunganaki into engabangela ingozi, ukungakhululeki noma ongaphazamisa abanye abantu ngendlela enesicefe kunoma iyiphi ingxenye yebhishi;
- (i) ongaphazamisa noma agxambukele kokwenziwa isisebenzi esigunyaziwe uma senza imisebenzi yaso;
- (j) ongagxambukela, ongasebenzisa kabu noma alimaze isakhiwo, uhlaka, into nanoma iziphi izinsiza ezihlinzekiwe ukuze zisetshenziswe umphakathi, noma yinoma iyiphi impahla kaMasipala noma enye, ongashaya indiva noma ephule imiyalelo yokuphatha izinsiza zomphakathi;
- (k) ngaphandle kwesisebenzi esigunyaziwe futhi ngaphandle kwasezimweni eziphuthumayo, ongathatha, ongathinta noma ongasebenzisa noma aphazamise ukusebenza kwezinsiza zokuhlangula nanoma iyiphi enye idivaysi exhunywe noma ebekwe endaweni ethile ebhishi ngesikhathi lezo zinsiza noma leyo divaysi isetshenziswa, ongenza isenzo esiphazamisa noma esikhubaza noma okungenzeka siphazamise noma sikhubaze ukusebenza kwalezo zinsiza;
- (l) ongasusa, onakalise noma ethinte noma ilipho ibhodi lesaziso, isaziso, uphawu noma ibhodi eligxunyekiwe, elinanyathiselwe noma elibekwe ebhishi;
- (m) ngaphandle uma kuyisisebenzi esigunyaziwe senza umsebenzi waso, ongangena kunoma iluphi uhlaka noma isakhiwo esakhelwe ukuvikela ebhishi, noma ongagxuma kulolo hlaka noma kuleso sakhiwo;

- (n) ongadlala umdlalo noma enze isenzo ezingabangela isicefe, isidina, esingalimaza noma siphathe kabi abanye abantu abakuleyo ngxenye yebhishi;
- (o) ongadayisa noma akhangise noma ahwebe ngempahla engekho emthethweni noma ngemisebenzi ngokushayisana noMthetho kaMasipala ophathelene nokuhweba kwasemgwaqeni nanoma imuphi umthetho ophathelene nezohwebo noma nokuhweba;
- (p) ongabeka noma isiphi isikhangiso noma isazio ngaphandle kwemvume ebhalwe phansi kuqala kaMasipala;
- (q) ongaya noma ongaba sebhishi nasendaweni esogwini ngenhloso yokuzolala noma yokulala khona;
- (r) ongakhangeza noma alethe abantu abazokhangeza ukuphiwa imali nezimpahla egameni lakhe;
- (s) ongabamba, ongabiza noma ongahlela umcimbi wenjabulo, umbukiso, umdlalo, umbhikisho, umhlangano womphakathi, ezokungcebeleka noma umcimbi ebhishi ngaphandle kokuthola imvume kamasipala noma ongenzenjalo ngokushayisana nemibandela ebekwe kwimvume ayitholile;
- (t) ongakhuluma emhlanganweni wabantu noma ongazama ngandlela thile ukuhlanganisa abantu ebhishi ngaphandle kwemvume kaMasipala;
- (u) ongaphuza noma asebenzise uphuzo oludakayo ngaphandle uma esezakhiweni ezinelayisensi, noma ngaphandle uma kukhishwe imvume yesikhashana kaMasipala;
- (v) ongaphuza noma asebenzise noma isiphi isidakamizwa noma okudakayo noma abheme ahogele noma yini ebhenywa ngegudu noma ngenqawe noma okuthi akube njalo, noma abhukude noma aye endaweni okubhukudwa kuyo noma ebhishi ngesikhathi edakiwe noma edle izidakamizwa noma okudakayo;
- (w) ongasebenzisa izicathulo ezinamasondo noma uqwembe olunamasondo noma okuthi akube njalo ukushibilika, ngaphandle kwasezindaweni ezibekelwe lokho uMasipala;
- (x) ongaya ebhishi ngesikhathi egula ephethwe yisifo sesikhumba esithelelanayo futhi esithathelanayo;
- (y) ongaqhumisa iziqhumane noma ubukhazikhazi, noma ongabasa umlilo ngaphandle uma ezokosa endaweni evumela ukwenza lokho, ngaphandle uma lowo muntu egunyaziwe ukuqhumisa lezo ziqhumane noma ukukhanyisa lobo bukhazikhazi noma ukubasa lowo mlilo uMasipala ngoma ngokwanoma imuphi umthetho;
- (z) ongachama noma azikhulule noma ikuphi ngaphandle kwasezindlini zangasese ezihlinzekwe uMasipala ukuba zisetshenziswe umphakathi; noma
- (aa) ongabhukuda ebusuku.

Izilwane

11.(1) Akekho umuntu ongeza nesilwane kunoma iyiphi ingxenye yebhishi ngaphandle uma —

- (a) ethole imvume ebhalwe phansi kuMasipala;
- (b) uma kunesaziso esishoyo ukuthi lolo hlobo lwezilwane luvumelekile ukuba kuleyo ngxenye yebhishi; noma
- (c) umuntu egunyaziwe ukuza naleso silwane ngokwenhloso yokugcina usiko.

(2) Izinhlinzeko zesigatshana (1) azisebenzi ezilwaneni eziphethwe yilaba bantu abalandelayo —

- (a) ilungu lamaPhoyisa aseNingizimu Afrika eligunyaziwe;
- (b) ilungu lamaPhoyisa oMkhandludolobha eligunyaziwe;
- (c) ilungu loMkhosi wezokuVikela waseNingizimu Afrika eligunyaziwe;
- (d) isisebenzi sezokuphepha esigunyaziwe futhi esibhalisiwe;
- (e) inoma imuphi umuntu ogunyazwe uMasipala noma ngokwanoma imuphi umthetho;
- (f) nanoma imuphi umuntu osizwa yinja emqaphayo ngenxa yokukhubazeka.

(3) Izinhlinzeko zesigatshana (1) azisebenzi ezilwaneni ezigcinwe ezimotweni noma ezivalelwe kahle, futhi ezingadedeliwe lapho.

(4) Noma isiphi isilwane esivunyelwe ukuba silethwe ebhishi kumele silethwe, siphathwe futhi silawulwe ngendlela engeke ibangele isicefe, ukungakhululeki nobungozi kwabanye abantu ngokuhambisana noMthetho kaMasipala ophathelene nezilwane.

(5) Uma kutholakala isilwane esinganakwe muntu futhi okusolakala ukuthi asinamnikazi kunoma iyiphi indawo ebhishi, siyothathwa isisebenzi esigunyaziwe ngemuva kwalokho sigcinwe ngokuhambisana noMthetho kaMasipala ophathelene nezilwane.

(6) Umuntu ophetheinja kumele acoshe wonke udoti wenja uma izikhulula endaweni yasebhishi njengoba kubekiwe eMthethweni kaMasipala ophathelene nezilwane.

Izibhamu

12.(1) Akekho umuntu, ngaphandle komuntu ohlongozwe esigabeni 11(2)(1) kuya ku (e) nanoma imuphi omunye umhlanguli ogunyaziwe, oyodubula kunoma iyiphi ingxenye yendawo esebhishi.

(2) Isigatshana (1) asisebenzi uma kudutshulwa ngezinhlamvu ezingenangozi uma kunemincintiswayo ehlelwe abahlanguli noma abanye abantu emicimbini yezemidlalo egunyaziwe noma imicimbi eyenziwa ebhishi.

Ukukhempa

13.(1) Akekho umuntu ongahlala, alale noma akhempe ubusuku bonke kunoma iyiphi ingxenye yebhishi noma amise itende noma isakhiwo ngenhloso yokuhlala ubusuku bonke ngaphandle uma kusendaweni eklanyelwe lokho.

(2) Akekho umuntu nganoma iyiphi indlela ongahlala endaweni eyenqatshelwe uMasipala, noma uma lowo muntu enqatshelwe ngezikhathi ezithile ngokwesaziso esibekwe kuleyo ndawo noma endaweni esebhishi.

ISAHLUKO 5

IMVELO

Ukuvikelwa kwemvelo

14.(1) UMasipala angathatha izinyathelo ezifanele ngokusemandleni akhe, nangokuyalelwa umthetho, ukuvikela imvelo esogwini olungaphansi kwawo.

(2) Kuncike emithethweni ekhona, uMasipala ungabeka isaziso noma uphawu endaweni esebhishi noma ngenye indlela mayelana nezenzo ezingavunyelwe kunoma iyiphi ingxenye yebhishi ukuze kuvikelwe imvelo yendawo esogwini olungaphansi kwawo.

(3) Akukho muntu –

- (a) ngabomu noma ngokunganaki ongangcolisa ulwandle, ugu, noma izindawo ezingomakhelwane ngamafutha, ngowoyela, ngokungcola, ngamanzi angcolile, ngendle, ngodoti, ngemfucuza nanoma yini enye engadingeki noma okungekho emthethweni ukuyilahla;
- (b) ongakha, ongasimpula ongalahla noma alimaze noma zame ukukha, ukusimpula, ukulahla noma ukulimaza isitshala esimile ogwini;
- (c) ongephula, ongalimaza, ongabulala noma ongasusa iqanda esidlekeni, noma aphazamise noma azame ukuphazamisa inyoni noma isidleke senyoni noma aphazamise, noma akhe noma asuse noma aphazamise ngandlela thile izimbali ezisogwini;
- (d) ongalimaza noma aphazamise noma abulale noma zame ukulimaza, ukuphazamisa noma ukubulala isilwane sasendle ngaphandle uma lokho kugunyaziwe ngephemithi, noma ngaphandle uma ukuphepha nempilo yomphakathi isengcupheni ngenxa yaleso silwane;
- (e) ongaqoqa, ongadoba noma thathe noma iluphi uhlobo lwenhlanzi, izimbaza nanoma yini okunye olwandle ngaphandle kokuthola imvume kuqala kunoma iyiphi indawo eyibhishi lapho ukuqoqwa ukuvunwa nokudoba kuvumelekile;
- (f) ngaphandle kwemvume kuqala kaMasipala, ongasusa noma yini okuyimpahla engaphansi kolawulo lukaMasipala, noma ongamba, noma agqibe emhlabathini noma ongenza ukuguguleka komhlabathi, noma ngabe ezama ukubheka umcebo noma okunye, noma ongamba umgodi oyingozi lapho: Kuncike ekutheni ukumbiwa kwemigodi okwenziwa yizingane uma zidlala noma abantu abavakashe ebhishi akwenqatshelwe;
- (g) ngaphandle uma kuyizindawo lapho kunezisiza zikaMasipala, ongabasa umlilo ogwini ngaphandle kwemvume kuqala kaMasipala, okuyimvume efika neibandela engabekwa uMasipala ngokubona kwakhe;
- (h) ongethula noma akhe noma iluphi uhlaka noma into okungeyona ephathekayo futhi eyesikhashana futhi ehambisana nokusetshenziswa ebhishi nezindawo ezisogwini, futhi engaphazamisi ukusetshenziswa kwebhishi nezindawo ezisogwini ngabanye abantu, noma ngabe ukuphazamisa noma ukuvimba ingxenye yebhishi noma yogu noma ngandlela thile, futhi isuswe ngalelo langa; noma
- (i) ongenza noma yini ephazamisa imvelo ogwini.

Ukudoba

15.(1) Akukho muntu –

(a) ongadoba ebhishi kunoma iluphi uhlaka, umhubhe noma ikhosombe; noma

(b) abeke izinto zakhe ohlakeni, emhubheni noma ekhosombeni azisebenzisela ukudoba nanoma yini okunye akusebenzisela izinhloso zokudoba kubandakanya,

ngaphandle uma ukudoba kulolo hlaka, kulowo mhube noma kulelo khosombe noma engxenyeni yalo kugunyazwe njengoba kukhonjiswe kwisaziso noma ophawini olubekwe uMasipala noma ngokwanoma imuphi umthetho.

(2) Noma ikuphi ukudoba okugunyazwe njengoba kuhlogozwe kwisigatshana 91) kungenzeka kuphela ngalezo zikhathi ezibekwe kwisaziso noma ophawuni olubekwe uMasipala nakunoma iyiphi imvume ephathelene nalokho, nanokuhambisana naleyo mibandela engabekwa lapho.

(3) Akukho muntu okungathi uma edoba, noma ngesikhathi esebhishi asebenzise noma avumele ukusetshenziswa kwezinto zokudoba, kubandakanya usinga, inethi, unoxhaka noma okunye ngendlela ezobangela ubungozinoma isicefe kwabanye abantu noma ngendlela ezophazamisa noma ezothiya ukukhululeka nengasese labanye abantu.

(4) Akukho muntu ongabeka ibheythi yokudoba, inhlanzi noma izinto zokudoba esihlalweni esiseceleni kwakhe esibekelwe ukusetshenziswa umphakathi.

(5) Wonke umuntu kumele asuse wonke amabheythi, udoti noma izinto zokudoba nokunye ngaphambi kokusuka endaweni abekade eyisebenzisa ukudoba futhi athathe leyo bheythi, udoti noma isinto zokudoba noma okunye ahambe nakho noma akulahle mgqonyeni kadoti ohlinzekwe uMasipala.

(6) Akukho muntu oyophonsa inethi noma adobe ngezinhloso zokudayisa kunoma iliphi ibhishi ngaphandle kokuthola imvume kuqala yomnyango kahulumeni obhekene nezindaba zokudoba nanoma imuphi umazipjhathe onamandla.

(7) Akukho zimoto ezivunyelwe ukungena kunoma iyiphi ingxenye yebhishi ngenhloso yokuphosa amanethi noma yokudobela ukudayisa ngaphandle kwemvume kuqala ebhalwe phansi ngokulandela nangokuhlonipha iMithethonqubo ephathelene neziMoto esiYingini esisoGwini ekhishwe ngokoMthetho wokuLawulwa kweMvelo kaZwelonke, 1998 (uMthetho No. 107 ka 1998) nanoma imuphi omunye umthetho osebenzayo, leyo mvume kumele ivezelwe noma isiphi isisebenzi esigunyaziwe uma siyicela.

ISAPHLUKO 6 AMACALA NEZIGWEBO

Amacala

16. (1) Umuntu utholakala enecala uma –

- (a) ephula izinhlinzeko zalo Mthetho kaMasipala;
- (b) ephula noma imiphi imibandela, izibophezelo noma okwenqatshelwe ngokwalo Mthetho kaMasipala;
- (c) ehluleka ukulandela umbandela wanoma isiphi isaziso noma uphawu olubekwe ngokwalo Mthetho kaMasipala;
- (d) ephazamisa, ekhubaza noma egxambukela eemsebenzini womsebenzi ogunyaziwe owenza umsebenzi wakhe ngokwalo Mthetho kaMasipala; noma
- (e) ehluleka ukuthobela noma imuphi umgomo noma umyalelo osemthethweni awunikezwe ngokwalo Mthetho kaMasipala.

(2) Umuntu uyolahlwa yicala uam ehqubeka necala ngemuva kokuba esenikeziwe isaziso ngokwalo Mthetho kaMasipala esimcela ukuba ayeke ukwenza lelo cala, noma uma esetholakele nalelo cala.

Izinhlawulo

17.(1) Noma imuphi umuntu oyotholakala necala ngokwalo Mthetho kaMasipala uyogwetshwa inhlawulo engeqile ku-R40 000 noma ukubhadla ejele isikhathi esingeqile eminyakeni engu-2 noma kokubili inhlawulo nokubhadla ejele.

(2) Uma kuqhubeka ukwepulwa komthetho, kuyokwengezwa ezinye isamba sika-R100 noma ukubhadla ejele iminyaka eyishumi ngosuku ngalunye okuqhubeka ngalo ukuphulwa kwecala noma kokubili ukubhadla ejele nenhlawulo.

ISAPHLUKO 7 OKUNGXUBEVANGE

Izikhalo

18.(1) Umuntu omalungelo akhe ayathinteka ngenxa yesinqumo esithathwe iNhlolo yzeMpilo nanoma imuphi omunye umsebenzi ogunyazwe ukwenze njalo ngokwalo Mthetho kaMasipala angafaka isikhalo mayelana naleso sinqumo ngokwezinhlinzeko zeziKhalo eziqukethwe eMthethweni weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No, 32 ka 2000) ngokubhala isaziso zokukhalaza nezizathu zaso asibhekise kwiMenenja kaMasipala ezinsukwini ezingama-21 kukhishwe isaziso sesinqumo.

(2) Imenenja kamasipala kumele ithumele leso sikhalo ohlakeni olufanele lokwemukela izikhalo.

(3) Uhlaka lokwemukela izikhalo kumele lucubungule lesi sikhalo emasontweni ayisithupha bese luthatha isinqumo ngesikhalo ngesikhathi esifanele.

(4) Uhlaka lokwemukela izikhalo kumele luqinisekise, lwehluke noma luchithe isinqumo, kodwa akumele ukuthi lokho kwehluke noma lokho kuchithwa kwesinqumo kuchezuke kumalungelo ahambisana naleso sinqumo.

(5) Uhlaka lokwemukela izikhalo kumele lukhiphe izizathi ezizwakalayo ezibhalwe phansi mayelana nesinqumo sawo odabeni lwesikhalo.

(6) Zonke izikhalo ezifakwayo zifakwa ngokoMthetho weziNhlelo zoMasipala wohulumeni baseKhaya, 2000 (uMthetho Nol. 32 ka 2000) hhayi ngokwalo Mthetho kaMasipala.

Ukudluliselwa kwamandla

19.(1) Kuncike kuMthethosisekelo neminye imithetho esebenzay kazwelonke enyesifundazwe, wonke –

- (a) amandla, ngaphandle kwamandla okukhulunye ngawo kwisigaba 160(2) soMthethosisekelo;
- (b) imisebenzi; noma
- (c) amajoka

anikezwe uMkhandlu, ngokwalo Mthetho kaMasipala, noma olunye uhlaka lukaMasipala olubekwe ngokwezombusazwe, iziphathimandla kwezombusazwe, amakhansela, abasebenzi, angadluliselwa kulolo hlaka olubekwe ngokwezombusazwe, kuleso siphathimandla sezombusazwe, kulelo khansela noma kulowo msebenzi, ohlakeni lwangaphakathi, noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla ngokwesigatshana (1) kumele kwenziwe ngokuhambisana nohlelo lokudluliselwa kwamandla olwemukelwa uMkhandlu ngokuhambisana nesigaba 59(1) soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), kuncike kwinqubo ebekwe esigabeni 59(2) soMthetho.

(3) Noma ikuphi ukudluliselwa kwamandla okuhlongozwe kulesi sigaba kumele kuqoshwe kwiRejista yokuDluliselwa kwaMandla, okumele iqukathe ulwazi mayelana –

- (a) nohlaka noma nomunyu odlulisela amandla;
- (b) nomuntu owemukela amandla adluliswayo; kanye
- (c) nemibandela egambisana nokudluliselwa kwamandla.

Ukuchithwa kwemithetho

20. Imithetho kaMasipala neZaziso ezibalulwe oHlelweni lwalo Mthetho kaMasipala ngalokhu ziyachithwa ubungako obubalulwe ohlwini lwesithathu lwalolu Hlelo.

Isihloko esifingqiwe nokuqala kokusebenza komthetho

21.(1) Lo Mthetho kaMasipala ubizwa ngoMthetho wamaBhishi kaMasipala, 2015 kanti uqala ukusebenza emva kwezinyanga eziyisithupha ushicilelwe *kwiGazethi Yesifundazwe* noma ngalolo suku elungaphambili olunganqunywa ngokuba kushicilelwe isaziso sosuku lokuqala ukusebenza esiyofakwa *kwiGazethi Yesifundazwe*.

UHLELO 1
IMITHETHO ECHITHWAYO
(ngokwesigaba 20 salo Mthetho kaMasipala)

INGXENYE A: IMITHETHO KAMASIPALA

Inombolo nonyaka womthetho	Isihloko	Okuchithwayo
Isaziso sesiFundazwe No. 31 sika 1963 esashicilelwa kwiGazethi yesiFundazwe No. 3135 yamhla ka 24 Januwari, 1963.	Umthetho kaMasipala weNdawo yasemanzimtoti mayelana nokuBizwa kwamaTharifu eziNsiza zasemaBhishi	Wonke
Isaziso sesiFundazwe No. 285 sika 1955 esashicilelwa kwiGazethi yesiFundazwe No. 2620 yamhla ka 16 Juni, 1955.	Umthetho kaMasipala weNdawo yaseSiphingo mayelana nokuHlupha emaBhishi	Wonke
Isaziso sesiFundazwe No. 442 sika 1965 esashicilelwa kwiGazethi yesiFundazwe No. 32945 yamhla ka 28 Okthoba, 1965.	Umthetho kaMasipala weLokishi laseMkhomazi mayelana namaPaki, iziNgadi, amaBhishi, iziNdawo zokuBhukuda, iziNkundla zemidlalo neziNdawo zomphakathi	Wonke
Isaziso sesiFundazwe No. 96 sika 1999 esashicilelwa kwiGazethi yesiFundazwe No. 5399 yamhla ka 23 Disemba, 1999.	Imithethonqubo yoMkhandlu waseMkhomazi wesiKhashana olawula ukuhamba kweziMoto oGwini loLwandle	
Isaziso sesiFundazwe No. 30 sika 1954 esashicilelwa kwiGazethi yesiFundazwe No. 2520 yamhla ka 28 Januwari, 1954.	Imithetho kaMasipala yeDolobha leTheku yeziNdawo ezisoGwini	Wonke

INGXENYE B: IZASIZO EZISHICILELWE NGOKWEMITHETHO KAMASIPALA

<i>Inombolo nonyaka wesaziso</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
Isaziso sesiFundazwe No. 221 sika 1989 esashicilelwa kwiGazethi yesiFundazwe No. 4702 yamhla ka 27 Julayi, 1989.	Isaziso seNdawo esoGwini e- Kingsburgh	Sonke
Isaziso 41 sika 1989 esashicilelwa kwiGazethi yesiFundazwe No. 11919 yamhla ka 9 Juni, 1989	IMithethonqubo yeNdawo esoGwini yaseThekwini	Sonke

MUNICIPAL NOTICE 196 OF 2015**ETHEKWINI MUNICIPALITY: BEACHES BY-LAW**

NOTICE IS HEREBY GIVEN that the eThekwini Municipal Council has enacted, by way of resolution in terms of section 12 of the Local Government: Municipal Systems Act, 32 of 2000, the Beaches By-law contained hereunder.

Mr Sibusiso Sithole
City Manager

City Hall
Dr Pixley Ka-Isaka Seme Street
Durban

Dated: 2015-09-17

MUNICIPAL NOTICE 196 OF 2015**ISAZISO SOMPHAKATHI****ISAZISO NGOMTHETHO WAMABHISHI KAMASIPALA**

NGALOKHU KUKHISHWA ISAZISO sokuthi uMkhandlu kaMasipala waseThekwini usushaye uMthetho Wamabhishi kaMasipala, ngokweSigaba 12 soMthetho woHulumeni Basekhaya, u-Municipal Systems Act, No.32 ka 2000 kanti lo mthetho uyalandela lapha ngenzansi.

Sibusiso Sithole
iMenenja yeDolobha

City Hall
Dr Pixley ka-Isaka Seme Street
eThekwini

Usuku: 2015-09-17

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za