



KwAZULU-NATAL PROVINCE  
KwAZULU-NATAL PROVINSIE  
ISIFUNDAZWE sAKwAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

GAZETTE EXTRAORDINARY — BUITENGEWONE KOERANT — IGAZETHI EYISIPESHELI

*(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)*  
*(Irejistiwee njengephephandaba eposihhovisi)*

**PIETERMARITZBURG**

**Vol. 9**

12 OCTOBER 2015  
12 OKTOBER 2015  
12 KUMFUMFU 2015

**No. 1524**

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ISSN 1994-4558



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# Government Printing Works

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Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

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take note!

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GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

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A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

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- ☐ Single notice, single email – with proof of payment or purchase order.
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- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**

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**MUNICIPAL NOTICE 197 OF 2015****ETHEKWINI MUNICIPALITY: MUNICIPAL PARKS AND RECREATION BY-LAW**

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

**Mr Sibusiso Sithole**  
**City Manager**

City Hall  
Dr Pixley Ka-Isaka Seme Street  
Durban

Dated: 2015-09-17

**eTHEKWINI MUNICIPALITY: MUNICIPAL PARKS AND RECREATIONAL GROUNDS BY-LAW,  
2015**



Adopted by Council on the: 24 June 2015

## **MUNICIPAL PARKS AND RECREATIONAL GROUNDS BY-LAW, 2015**

**To provide for the control, preservation and maintenance of the municipal parks and recreational grounds as well as the use and enjoyment thereof by members of the public; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.**

### **PREAMBLE**

**WHEREAS** the eThekweni Municipality has legislative and executive competence relating to local amenities and municipal parks and recreation within its area of jurisdiction;

**WHEREAS** the municipal parks and recreational grounds are available for use and enjoyment by members of the public;

**AND WHEREAS** the Municipality wishes to adopt such measures as may be necessary to protect and preserve the natural vegetation and equipment on the municipal parks and recreational grounds and to control the use and enjoyment thereof by members of the public;

**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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## **SCHEDULE: LAWS REPEALED**

## **CHAPTER 1 INTERPRETATION**

### **Definitions**

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

“**animal**” means any mammal, fish, bird, reptile, insect, amphibian or invertebrate;

“**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;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“Council”** or **“Municipal 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 and established in terms of PN343 of 2000 (KZN);

**“Municipal Manager”** means the official of the Municipality appointed as contemplated in section 54A of the Systems Act;

**“notice”** means a written notification issued or pictogram displayed in terms of this By-law which is prominently and legibly displayed in any part of a park;

**“park”** means any park, recreational ground, open space, square, reserve, bird sanctuary, botanic or other garden which is under the control or ownership of the Municipality, and includes all buildings, facilities, equipment, trees and natural vegetation within such park;

**“person”** means a natural or juristic person;

**“Policy”** means the tariff policy adopted by the Council in term of section 74 of the Systems Act;

**“prescribed fee”** means a fee determined by the Council by resolution in accordance with the Policy;

**“reservation”** means a written application to the Municipality for the use of a park or any part thereof for the purpose of a private event or function, and **“reserve”** has a corresponding meaning;

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

**“tree preservation order”** means an order issued by the Municipality for the protection of specific trees or a group of trees from deliberate damage or destruction; and

**“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 adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor.

### **Interpretation of By-law**

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

### **Objects of By-law**

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

- (a) protect and preserve parks for the benefit of the public;
- (b) regulate proper use and enjoyment of parks by members of the public;
- (c) standardise the fees prescribed for the reservation of parks for private events and functions; and
- (d) provide for matters incidental thereto.

### **Application of By-law**

4. This By-law applies to –

- (a) all parks under the ownership or control of the Municipality; and
- (b) any park which is lawfully controlled and managed by a person other than the Municipality in terms of an agreement concluded between such person and the Municipality.

## **CHAPTER 2**

### **PUBLIC ACCESS**

#### **Terms and conditions**

5.(1) The Municipality reserves the right to determine the terms and conditions for access into a park.

(2) A person who is allowed access into a park must –

- (a) observe and comply with all the notices displayed at any area of the park, including the entrance thereto; and
- (b) obey any lawful instruction given to him or her by an authorised official.

#### **Entrance into a park**

6. A person may only enter a park through the gates provided for that purpose as indicated on a notice displayed at or near the entrance to the park.

#### **Maximum number of persons**

7. The Municipality reserves the right to determine the maximum number of persons who may be present in a park at any one time: Provided that an authorised official may vary the maximum number of persons allowed in a park where permission is granted for a park to be used for either a different purpose or a private event or function as contemplated in section 11.

**Entrance fees**

8.(1) The Municipality may prescribe an entrance fee which is payable upon entry into the park.

(2) Any person in a park who is required to pay an entrance fee must, upon request by an authorised official, produce proof of payment of such fee.

(3) The Municipality may, subject to subsection (1), suspend the payment of an entrance fee in respect of any park on any specific day or days and for such period as it may deem appropriate.

**Closure or restriction of access**

9.(1) The Municipality may close or restrict public access to any park or part thereof for any purpose not inconsistent with the provisions of this By-law, including maintenance, safety and restoration or protection of trees and natural vegetation.

(2) In the event of closure of or restriction of access to a park in accordance with subsection (1), a notice must be posted at or near the entrance to the park concerned indicating the actual period of such closure or restriction of access.

**Exclusion or removal from a park**

10.(1) An authorised official may exclude or remove from a park any person who –

- (a) is in a state of intoxication or under the influence of narcotics;
- (b) behaves in a manner which is disorderly, unseemly or disruptive to other persons visiting the park; or
- (c) commits, or is reasonably suspected by an authorised official to have committed, an offence or any other act which is in contravention of any provision of this By-law.

(2) Failure or refusal by a person referred to in subsection (1) to leave a park upon being ordered by the authorised official to do so is an offence in terms of this By-law.

### **CHAPTER 3**

#### **PRIVATE EVENTS AND FUNCTIONS**

##### **Reservation of park for private event or function**

**11.** Any person who wishes to apply for the reservation of a park or part thereof for a private event or function must –

- (a) submit an application to the authorised official on the form prescribed by the Municipality for that purpose; and
- (b) make payment to the Municipality or its authorised agent of a prescribed fee for the private use of the park before the date applied for, unless payment of the prescribed fee is exempted by the Municipality in writing.

##### **Municipality's right of refusal or cancellation**

**12.(1)** The Municipality may –

- (a) refuse to grant an application for the private event or function; or
- (b) cancel any approval if such application is already approved,

if an authorised official suspects on reasonable grounds that the event or function applied for is either unlawful or is likely to result in public disturbance.

(2) In the event of the approved private use of a park being cancelled by the Municipality in accordance with subsection (1) or for any other reason not attributable to the applicant, the applicant concerned is entitled to a refund of the prescribed fee paid to the Municipality in accordance with section 11(b).

##### **Terms and conditions of private use of park**

**13.(1)** Where an application for the private use of a park or part thereof is granted by the Municipality in terms of section 11, such park or part thereof may only be used –

- (a) for the purpose indicated on the application form; and
- (b) subject to the terms and conditions stipulated by the Municipality in an agreement designed for that purpose,

unless prior approval of the authorised official is obtained in writing authorising it to be used for a different purpose.

(2) A person who applies for the private use of a park must, subsequent to the approval of such application by the Municipality, sign an agreement obtainable from the municipal department responsible for the park in question setting out the terms and conditions of the private use thereof.

#### **Public announcement and advertising**

**14.(1)** A person who has applied for the use of a park for a private event or function may not publicly announce or advertise the use of such park for the event or function concerned before the Municipality has notified that person in writing that the application has been approved.

(2) An approval of an application for the use of a park for a private event or function does not absolve the applicant from due compliance with the Municipality's Advertising and Signs By-law in respect of the private event or function concerned.

(3) An applicant referred to in subsection (1) must, before vacating the park at the end of the private event or function concerned, remove every poster, notice, decoration, flag, emblem, sign and other form of advertisement or direction erected or affixed by or at the instance of such person and make good any damage caused by such removal.

### **CHAPTER 4 GENERAL PROVISIONS**

#### **Food and alcoholic beverages**

**15.(1)** Subject to the provisions of subsection (2), the preparation and cooking of food in a park is restricted to the place or places set aside by notice for such purpose and must be done under clean and hygienic conditions.

- (2) The slaughtering or skinning of an animal for any purpose whatsoever is not allowed in a park.
- (3) Unless authorised by the Municipality in writing to do so, a person may not –
- (a) sell or display for sale any items, goods or services; or
  - (b) bring into, consume or sell any alcoholic beverage or other intoxicating substance,
- in a park.

### **Starting of a fire**

**16.(1)** A person may only start a fire in a park in a place as may be designated by the Municipality for that purpose.

(2) Where a person has started a fire in a place designated for that purpose as contemplated in subsection (1), such person may not leave the fire unattended or depart from the place where the fire is burning or smouldering without first ensuring that such fire is completely extinguished.

### **Vehicles**

**17.(1)** Unless specifically authorised by the Municipality through the use of relevant signage displayed at the entrance to a park, access of vehicles of any kind is prohibited in a park.

(2) Where vehicular access is allowed in a park, an authorised official is empowered to control and regulate the use thereof within the park concerned, including the –

- (a) adoption of traffic signage and rules;
- (b) demarcation of parking bays and the levying of tariffs for the use thereof, if any; and
- (c) charging of fines for non-compliance with the traffic signage and rules within the park, as well as the recovery thereof.

### **Facilities reserved for children**

**18.(1)** Where a facility or equipment in a park is reserved for children, the use of such facility or equipment must be restricted to persons not older than 12 years of age.

(2) An authorised official may require any person to produce documentary proof of age of any person intending to use a facility or equipment referred to in subsection (1), failing which such person may be refused access to the facility or equipment concerned.

### **Animals**

**19.(1)** Except for a guide dog which is being used by a blind person, the Municipality reserves the right to prohibit or restrict the access of any animal into a park through a notice to that effect displayed at or near the entrance to such park.

(2) Where animal access into a park is not prohibited in terms of subsection (1), any person who brings an animal into a park must keep it under proper control and ensure that any excrement by such animal is immediately removed and disposed of in a waste bin or other receptacle provided by the Municipality for that purpose.

### **Tree preservation orders**

**20.(1)** If, in the opinion of the Municipality, any tree or group of trees in a park requires legal protection, the Municipality may issue a tree preservation order in respect of the tree or group of trees concerned.

(2) A copy of the tree preservation order must be displayed prominently within three metres of the tree or group of trees to which the order relates.

(3) Any person who cuts, uproots or causes any damage whatsoever to a tree or group of trees to which a tree preservation order relates, commits an offence.

### **Prohibited conduct**

**21.(1)** A person entering or visiting a park must at all times act in strict compliance with the provisions of this By-law, as well as such lawful instructions and orders as may be issued or given by an authorised official.

(2) Subject to the provisions of subsection (1), a person entering or visiting a park may not –



- (a) conduct himself or herself in a manner which is inappropriate, improper or indecent;
- (b) cause a nuisance, annoyance or disturbance to any other person visiting the park;
- (c) destroy or remove any tree, flower or plant growing in any part of the park;
- (d) deposit or throw any rubbish, paper or other waste matter or thing anywhere other than in a receptacle provided by the Municipality for such purpose;
- (e) shoot or injure any bird or animal or throw a stick, stone or other object with the intent to injure any bird or animal or interfere with any fish in a fountain;
- (f) bathe or wash any dog or other animal in any pond or fountain;
- (g) drive, ride or park any vehicle or cause or permit any vehicle to be within the area of any park, except insofar as is permitted by a notice displayed in the park;
- (h) damage, tamper with or destroy any equipment, amenity or structure;
- (i) lie on a bench or seating place or use it in such a manner that it prevents others from using it;
- (j) use any park facility or water resources, including a fish pond, fountain, stream, dam or pond to swim, bathe, walk, or place or wash clothes or other things;
- (k) skate on roller skates or on a skateboard or similar device except where permitted by a notice displayed in the park;
- (l) build, erect, place, create, remove or modify any structure, amenity, pathway, trail, jump or ramp;
- (m) play or conduct any game of any nature that will cause –
  - (i) disturbance or potentially disturb; or
  - (ii) injury to,other park users, except at places set aside for such purpose by a notice displayed in the park and in accordance with the direction of an authorised official, if any;
- (n) sell, offer or display for sale or hire any commodity or article or distribute any pamphlet, book, handbill, or other printed or written matter without prior written consent of the Municipality;
- (o) carry, possess or discharge within a park a –
  - (i) firearm or airgun unless it is in accordance with any applicable law; or
  - (ii) slingshot, bow and arrow, dart device, or other device designed for high-speed missile projection,

except where permitted by the Municipality to do so;

- (p) engage in any other conduct in contravention of this By-law, the Municipality's Nuisance and Health By-laws or any other applicable law;
- (q) sleep over or camp in the park;
- (r) remove any gravel, sand, sod, turf or mould;
- (s) fish, except where permitted by notice and in accordance with the conditions of the applicable permit;
- (t) launch a boat of any kind on any river or pond except where permitted by the Municipality to do so;
- (u) pollute or contaminate in any way the water in any water resource, including a fish pond, fountain, stream, dam or pond; and
- (v) perform any act that may detrimentally affect the health of any visitors to the park.

## **CHAPTER 5**

### **ENFORCEMENT**

#### **Offences and penalties**

**22.(1)** A person who –

(a) contravenes, refuses or fails to comply with any provision of this By-law;

(b) refuses or fails to comply with any –

(i) notice issued; or

(ii) lawful instruction given,

in accordance with this By-law; or

(c) obstructs or hinders any authorised official of the Municipality in the execution of his or her duties under this By-law,

is guilty of an offence.

(2) A person who is convicted of an offence under this section may be sentenced to a maximum fine of R40 000 or to imprisonment for a period not exceeding two years or to both such fine and a period of imprisonment.

(3) In the case of a continuing offence an additional fine of an amount not exceeding R200-00 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 6 MISCELLANEOUS**

### **Delegations**

**23.(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, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) A delegation in accordance with subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Systems Act, subject to the criteria set out in section 50(2) of the 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.

**Appeals**

**24.(1)** A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against the decision in terms of the Appeals provision contained the Systems Act 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.

(3) The appeal authority must commence with an appeal within six 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 Systems Act 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).

**Repeal of laws and savings**

**25.(1)** The laws mentioned in the first and second columns of the Schedule to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.

(2) Any rights accrued or obligations incurred under any By-law repealed in terms of subsection (1) remain in force as if that By-law has not been repealed.

**Short title and commencement**

**26.** This By-law is called the Parks and Recreational Grounds 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  
LAWS REPEALED**

<b><i>Number and year of law</i></b>	<b><i>Title</i></b>	<b><i>Extent of repeal</i></b>
Provincial Notice No. 136 of 1928 (as amended) published in Provincial Gazette No. 1028 dated 26 April 1928	Parks and Pleasure Grounds By-law	The whole
Provincial Notice No. 493 of 1963 published in Provincial Gazette No. 3182 dated 21 November, 1963	Borough Of Amanzimtoti By-Laws Controlling Parks And Pleasure Grounds	The whole
Municipal Notice No. 30 of 2002 published in Provincial Gazette No. 6125 dated 5 September, 2002	Ethekwini Municipality Interim Parks And Recreation Grounds By-Laws	The whole
Provincial Notice No. 87 of 1953 published in Provincial Gazette No. 4769 dated 15 October, 1990	Gillitts Town Board Standard By-Laws	The whole
Provincial Notice No. 493 of 1963 published in Provincial Gazette No. 3182 dated 21 November, 1963	Borough Of Isipingo By-Laws Controlling Parks And Pleasure Grounds	The whole

Provincial Notice No. 57 of 1971 published in Provincial Gazette No. 3601 dated 28 January, 1971	Borough Of New Germany By-Laws Relating To Public Parks, Recreation Grounds And Open Spaces	The whole
Provincial Notice No. 87 of 1953 published in Provincial Gazette No. 2461 dated 10 March, 1953	Township Of Mount Edgecombe Standard By-Laws	Chapter XX By-Laws Relating To Public Amenities
Provincial Notice No. 87 of 1953 published in Provincial Gazette No. 2461 dated 10 March, 1953	Township Of Tongaat Standard By-Laws	Chapter Xx By-Laws Relating To Public Amenities
Provincial Notice No. 509 of 1973 published in Provincial Gazette No. 3759 dated 20 September, 1973	Borough Of Umhlanga Parks And Pleasure Grounds By-Laws	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 197 OF 2015****ISAZISO SOMPHAKATHI****ISAZISO NGOMTHETHO KAMASIPALA WAMAPAKI NEZINDAWO ZOKUNGCEBELEKA**

NGALOKHU KUKHISHWA ISAZISO sokuthi uMkhandlu kaMasipala waseThekwini usushaye uMthetho Wamapaki Nezindawo Zokungcebeleka, 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

**UMTHETHO KAMASIPALA WASETHEKWINI WAMAPAKI NEZINDAWO  
ZOKUNGCEBELEKA, 2015**



Wemukelwe uMkhandlu mhla ka: 24 June 2015



**UMTHETHO KAMASIPALA WAMAPAKI NEZINDAWO ZOKUNGCEBELEKA, 2015**

Wokuhlinzekela ukulawulwa, ukuvikelwa nokugcinwa kahle kwamapaki nezindawo zokungcebeleka zikaMasipala kanye nokusentshenziswa nokuthokozelwa kwazo ngamalunga omphakathi; ukuhlinzekela imithetho echithwayo nokugcinwayo; nokuhlinzekela okunye okuphathelele nalokho.

**ISENDLALELO**

**NJENGOBA** uMasipala waseThekwini unamandla ngokomthetho okuphatha nokulawula izinsiza zakhe kanjalo namapaki nezindawo zokungcebeleka endaweni engaphansi kwakhe;

**NJENGOBA** amapaki nezindawo zokungcebeleka zikaMasipala zikhonela ukusetshenziswa nokuthokozelwa ngamalunga omphakathi;

**FUTHI NJENGOBA** uMasipala efisa ukusungula izinhlelo ezidingekayo ukuze kuvikelwe futhi kongiwe izihlahla zemvelo nempahla emapaki nasezindaweni zokungcebeleka nokulawula ukusentshenziswa nokuthokozelwa kwazo ngamalunga omphakathi;

**NGAKHO-KE MANJE** uMkhandlu kaMasipala kuMkhandludolobha waseThekwini ngokugunyazwa yisigaba 156 esifundwa nengxenye B kaSheduli 5 woMthethosisekelo waseRephabliki yaseNingizimu Afrika, ufundwa nesigaba 11 soMthetho weziNhlelo zoMasipala woHulumeni Basekhaya, 2000 (uMthetho No. 32 ka 2000), usungula lo mthetho kamasipala olandelayo:

**OKUQUKETHWE****ISAHLUKO 1****UKUHUNYUSHWA**

1. Izincazelo
2. Ukuhunyushwa koMthetho kaMasipala

3. Izinhloso zoMthetho kaMasipala
4. Ukusebenza koMthetho kaMasipala

## **ISAPHLUKO 2**

### **UKUNGENA KOMPHEKATHI**

5. Imigomo nemibandela
6. Ukungena ePaki
7. Isibalo sabantu
8. Izimali zokungena
9. Ukuvalwa noma ukulawulwa kokungena
10. Ukunqatshelwa noma ukuxoshwa epaki

## **ISAPHLUKO 3**

### **IMICIMBI NEMIHLANGANO YANGASESE**

11. Ukugcinwa kwepaki kwenzelwa umcimbi noma umhlangano
12. Ilungelo likaMasipala lokwenqaba noma lokwesula
13. Imigomo nemibandela yokusebenzisa ipaki
14. Izimemezelo zomphakathi nokukhangisa

## **ISAPHLUKO 4**

### **OKWEJWAYELEKILE**

15. Ukudla neziphuzo ezidakayo
16. Ukubaswa komlilo
17. Izimoto
18. Izindawo ezisetshenziswa yizingane
19. Izilwane
20. Imiyalelo yokuvikelwa kwezihlahla
21. Izenzo ezingavumelekile

## **ISAPHLUKO 5**

### **UKUSEBENZA KOMTHETHO**

22. Amacala nezinhlawulo

## **ISAPHLUKO 6**

**OKUNGXUBEVANGE**

23. Ukudluliselwa kwamandla
24. Ukudluliswa kwamacala
25. Imithetho echithwayo nokugcinwayo
26. Isihloko esifingqiwe nokuqala kokusebenza komthetho

**ISHEDULI****IMITHETHO KAMASIPALA ECHITHWAYO****ISAPHLUKO 1  
UKUHUNYUSHWA****Izincazelo**

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

**"isilwane"** kushiwo noma ngabe isiphi isilwane esincelisayo, inhlanzi, inyoni, isilwane esihuquzelayo, isinambuzane, isilwane esiphila emanzini nasemhlabeni noma isilwane esingenamgogodla;

**"umsebenzi ogunyaziwe"** kushiwo umuntu ogunyazwe ukulandela izimiso zalo mthetho okufaka phakathi kokunye —

- (a) umsebenzi womthetho ochazwe esigabeni 334 soMthetho weNqubo yamaCala obuGebengu, 1977 (uMthetho No. 51 ka 1977);
- (b) amaphoyisa kaMasipala njengoba echazwe eMthethweni wamaPhoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); kanye
- (c) nalabo basebenzi, ama-ejenti, abadluliselwe amandla, izithunywa nabahlinzeka uMasipala ngomsebenzi: Kuncike ekutheni ngokwezinhloso zokusesha nokushaqa impahla, uma lowo muntu engesiyena umuntu womthetho, kufanele aphekezelwe umuntu womthetho;

**"uMthethosisekelo"** kushiwo uMthethosisekelo weRiphabhliki yaseNingizimu Afrika, 1996;

**"umkhandlu"** noma **"umkhandlu kamasipala"** kushiwo ukhandlu kamasipala weTheku, umkhandlu kamasipala ohlongozwe esigabeni 157(1) soMthethosisekelo;

**"uMasipala"** kushiwo umasipala weTheku, umkhakha A kamasipala obalulwe esigabeni 155(1) soMthethosisekelo owabunjwa ngokweSaziso soMphakathi No. 343 sika 2000 (KZN);

**"imenenja kamasipala"** kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho wezinHlelo zoMasipala njengenhloko yokuphathwa komkhandlu kamasipala;

**"isaziso"** kushiwo isaziso esibhalwe phansi esikhishiwe noma uphawu olukhangisiwe ngokomthetho kaMasipala okubalulekile ukuthi kukhangiswe kuzo zonke izingxenye zepaki;

**"ipaki"** kushiwo noma ngabe iyiphi ipaki, indawo yokungecebeleka, indawo evulelekile, indawo yokuhlanganela, ihlathi, ipaki yezinyoni, ipaki yezimbali noma ngabe iyiphi ipaki engaphansi kaMasipala, kubandakanya nazo zonke izakhiwo, izinsiza, impahla, izihlahla nezintshalo nezemvelo ezikuleyo paki;

**"umuntu"** kushiwo umuntu qobo noma ngokomthetho;

**"inqubomgomo"** kushiwo inqubomgomo yamatharifu eyamukelwa uMkhandlu, ngokwesigaba 74 soMthetho weziNhlelo zoMasipala;

**"imali enqunyiwe"** kushiwo imali enqunyiwe uMkhandlu ngesivumelwano nangokuhambisana nenqubomgomo;

**"ukubekisa indawo"** kushiwo isicelo esibhalwe phansi sokusebenzisa ipaki esibhalelwe uMasipala nanoma iyiphi ingxenye yayo ngenhloso yokwenza umcimbi noma umhlangano wangasese kanti igama "ukubekisa" linencazelo efanayo;

**"uMthetho weziNhlelo zoMasipala"** kusho uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No.32 ka 2000);

**"umyalelo wokulondolozwa kwezihlahla"** kusho umyalelo okhishwe nguMasipala ukuze kuvikelwe izihlahla ezikhethekile noma uhlobo oluthile lwezihlahla ekonakalisweni noma ekulinyazweni ngabomu; futhi

**"izimoto"** kusho noma ngabe iyiphi imoto yomuntu futhi kubandakanya -

(a) inqola; kanye

(b) nemoto enamaphedali futhi enenjini noma imoto ehamba ngogesi njengengxenye yalokho noma okuhambisana nalokho futhi eyakhiwe noma eyenzelwe ukuba ihambe ngalawo maphedali noma ngenjini kagesi noma kokubili amaphedali nenjini kagesi.

### **Ukunyushwa koMthetho kaMasipala**

2. Uma kuba nokushayisana phakathi kwalo mthetho kamasipala obhalwe ngesiNgisi nohunyushiwe, kuyolandelwa owesiNgisi.

### **Izinhloso zoMthetho kaMasipala**

3. Izinhloso zalo Mthetho kaMasipala —

(a) ukuvikelwa nokulondolozwa kwamapaki ukuze kuhlomule umphakathi;

(b) ukusentshenziswa ngendlela nokuthokozelwa kwamapaki ngamalunga omphakathi;

(c) ukubeka imali efanayo edingekayo uma ngabe udinga ipaki uzokwenza imicimbi nemigubho yabantu; kanye

(d) nokuhlinzekela okunye okuphathelene nalokho.

### **Ukusebenza kwalo Mthetho kamasipala**

4. Lo Mthetho kamasipala usebenza —

(a) kuwo wonke amapaki angaphansi kukaMasipala; kanye

(b) nanoma iyiphi ipaki elawulwa umuntu ngokusemthethweni okungeyena uMasipala ngokwesivumelwano salowo muntu noMasipala.

## **ISAPHLUKO 2**

### **UKUNGENA KOMPHEKATHI**

#### **Imigomo nemibandela**

**5.(1)** Umasipala unelungelo lokunquma imigomo nemibandela yokungena epaki.

(2) Umuntu ovunyelwe ukungena epaki kufanele –

- (a) abheke futhi athobele zonke izaziso ezifakwe epaki, nasesangweni; futhi
- (b) athobele yonke imiyalelo azonikwa yona umsebenzi ogunyaziwe.

#### **Ukungena epaki**

**6.** Umuntu angangena epaki kuphela ngesango elihlinzekelwe ukungena njengoba kuveziwe kusaziso esifakiwe la kungenwa khona epaki.

#### **Isibalo sabantu**

**7.** UMasipala unegunya lokunquma isibalo sabantu abavumeleke epaki nanoma ngasiphi isikhathi: Kuncike ekutheni umsebenzi ogunyaziwe engabeka izibalo ezingefani zabantu abavumelekile ukungena uma imvume ikhishelwe ukuba ipaki isethenziselwe ezinye izidingo noma imicimbi noma imigubho yabantu njengoba kuqukethwe esigabeni 11.

#### **Imali yokungena**

**8.(1)** UMasipala unganquma imali ekhokhwayo yokungena epaki.

(2) Noma imuphi umuntu ongena epaki okufanele akhokhele ukungena epaki kufanele, uma ecelwa umsebenzi ogunyaziwe aveze ubufakazi bokukhokha obubhalwe phansi baleyo mali ekhokhiwe.

(3) UMasipala, kuncike kwisigatshana (1), engamisa ukukhokhwa kwemali yokungena kunoma iyiliphi ipaki noma ngaluphi usuku noma izinsuku futhi leso sikhathi asibona sifanele.

**Ukuvalwa noma imibandela yokungena**

9.(1) Umasipala ungavala noma ungabeka imibandela yokungena komphakathi kunoma iyiphi ipaki noma ingxenye yayo ngenxa yanoma iyiphi inhloso engahambisani nezinhlinzeko zalo mthetho kaMasipala, okubalwa ukulungiswa, ezokuphepha nokuvikelwa kwezihlahla nemvelo.

(2) Uma kuvalwa noma kubekwa imibandela yokungena epaki ngokwesigatshana (1), isaziso kumele sifakwe eduzane nesango lepaki ukutshengisa isikhathi okuyobe kuvalwe ngaso noma kunemibandela yokungena.

**Ukukhishwa noma ukuxoshwa epaki**

10.(1) umsebenzi ogunyaziwe angakhipha noma axoshe noma imuphi umuntu epaki -

- (a) odakiwe noma osebenzise izidakamizwa;
- (b) oziphatha ngendlela engahlelekile, engenanhlonipho noma ephazamisa abanye abantu abasepaki; noma
- (c) owenza, noma usolwa umsebenzi ogunyaziwe ukuthi wenze icala noma noma wenze isenzo esishayisanayo nezinhlinzeko zalo mthetho kaMasipala.

(2) Ukwehluleka noma ukwenqaba komuntu okukhulunywa ngaye kwisigatshana (1) ukuhamba epaki eseyalelwe umsebenzi ogunyaziwe ukuba enze njalo kuyicala ngokwalo mthetho kaMasipala.

**ISAPHEKULO 3****IMICIMBI NEMHLANGANO YANGASESE****Ukubekiswa kwepaki ukuze kube nomcimbi noma nomhlangano wangasese**

11. Noma ngabe imuphi umuntu ofisa ukufaka isicelo sokubekisa ipaki ukuze enze umcimbi noma umhlangano wangasese kumele –

- (a) afake isicelo kumsebenzi ogunyaziwe kwifomu elihlinzekwe nguMasipala laleyo nhloso; futhi

(b) akhokhele uMasipala noma i-ejenti egunyaziwe leyo mali enqunyiwe yokusebenzisa ipaki ukwenza umcimbi wangasese lungakafiki usuku olufakelwe isicelo salo, ngaphandle uma ngabe uMasipala ethi ayisezukuphokhwa imali ekhokhwayo.

### **Igunya likaMasipala lokwenqaba noma lokwesula**

#### **12.(1) uMasipala –**

(a) engenqaba ukugunyaza isicelo esifakelwe ukwenza umcimbi wangasese; noma  
(a) ahoxise ukugunyazwa okwenzekile uma ngabe isicelo bese sigunyaziwe, uma ngabe umsebenzi ogunyaziwe esola ngezizathu ezizwakalayo ukuthi isicelo somcimbi esifakiwe kungabe asikho emthethweni noma kubonakala ukuthi kungahle kuphazamiseke umphakathi.

(2) Uma isicelo ebese sigunyaziwe sesihoxiswa nguMasipala ngokwesigatshana (1) nanoma yingaziphi ezinye izizathu ezingabaluliwe kumfakisicelo, umfakisicelo othintekayo unegunya lokubuyiselwa imali ebekiwe ebese eyikhokhele uMasipala yokwenza umcimbi wakhe ngokwesigaba 11(b).

### **Imigomo nemibandela yokusetshenziswa kwepaki ngasese**

**13.(1)** Uma kufakwe isicelo sokusebenzisa ipaki noma ingxenye yayo ngasese kwagunyazwa nguMasipala ngokwesigaba 11, lelo paki noma ingxenye yalo ingasetshenziselwa kuphela -

(a) leyo nhloso ebhalwe kwifomu yesicelo; futhi  
(b) ngokwemigomo nemibandela ebekwe nguMasipala esivumelwaneni esakhelwe lokho, ngaphandle uma umsebenzi ogunyaziwe ekhiphe imvume kuqala ebhalwe phansi yokuthi ipaki ingasetshenziselwa ezinye izinhloso.

(2) Umuntu ofaka isicelo sokusebenzisa ipaki, emuva kokuba uMasipala esesigunyazile isicelo sakhe, kufanele asayine isivumelwano esitholakala eMnyangweni kaMasipala esimayelana nalelo paki okukhulunywa ngalo esibalula imigomo nemibandela yokusebenzisa ipaki.

### **Isimemezelo somphakathi kanye nokukhangisa**



**14.(1)** Umuntu ofake isicelo sokusebenzisa ipaki ukuze enze umcimbi wangasese angeke enze isimemezelo emphakathini noma akhangise ukusentshenziswa kwepaki ngalowo mcimbi okukhulunywa ngawo ngaphambi kokwaziswa nguMasipala ngencwadi ukuthi isicelo sakhe sigunyaziwe.

(2) Ukugunyazwa kwesicelo sokusebenzisa ipaki ngomcimbi wangasese akuniki ofake isicelo ilungelo lokungawuhloniphi umthetho kaMasipala wokuKhangisa neziMpawu mayelana nalowo mcimbi wangasese othintekayo.

(3) Umfakisicelo okukhunywa ngaye kwisigatshana (1) kumele, ngaphambi kokuphuma epaki ekupheleni komcimbi, asuse noma imuphi umbhalo, isaziso, umuhlobiso, ifulegi, umfanekiso, uphawu, nanoma iluphi uhlobo lwesikhangiso noma uphawu olubekwe yilowo muntu futhi alungise umonakalo owenzekile ngenkathi kususwa.

#### **ISAHLUKO 4 OKWEJWAYELEKILE**

##### **Ukudla nophuzo oludakayo**

**15.(1)** Kuncike kwizinhlinzeko zesigatshana (2), ukulungiswa nokuphekwa kokudla epaki kwenziwa kuphela endaweni noma ezindaweni ezicacisiwe kwisaziso futhi kumele kwenzeke ngaphansi kwezimo ezihlanzekile.

(2) Ukuhlinzwa noma ukunqunywa kwesilwane noma ngabe ngayiphi inhloso akuvumelekile epaki.

(3) Ngaphandle uma egunyazwe uMasipala ngencwadi, umuntu angeke –

- (a) adayise noma akhangise ngempahla, ngomsebenzi noma ngamasevisi; noma
- (b) aphaathe, aphuze noma adayise utshwala noma izidakamizwa epaki.

##### **Ukubaswa komlilo**

**16.(1)** Umuntu engabasa umlilo epaki kuphela endaweni eqokelwe lokho nguMasipala.

(2) Uma umuntu ebasu umlilo endaweni eqokelwe lokho uMasipala njengoba kubekwe kwisigatshana (1), lowo muntu angeke ashiye umlilo unganakiwe, noma ahambe endaweni enomlilo usavutha noma awushiye usavutha ngaphandle kokuqinisekisa ukuthi umlilo usucishe ngokuphelele.

### **Izimoto**

**17.(1)** Ngaphandle uma kungunyazwe uMasipala ngokusebenzisa izimpawu esangweni lepaki ukungena kwezimoto noma zaluphi uhlobo akuvumelekile epaki.

(2) Uma ukungena kwezimoto kuvunyelwe epaki, umsebenzi ogunyaziwe unamandla okulawula nokunquma ukusetshenziswa kwazo kulelo paki, okubalwa –

- (a) ukufakwa kwezimpawu nemithetho yomngwaqo;
- (b) izindawo zokupaka izimoto namatharifu akhokhwayo, uma ekhona; kanye
- (c) nenhlawulo yokungathobeli imithetho yezimpawu zomngwaqo esepaki, kanye nokuqoqwa kwalezo zimali

### **Izindawo ezakhelwe izingane**

**18.(1)** Uma kunezindawo noma kunempahla yasepaki eyakhelwe izingane, lezo zinsiza kumele zisetshenziswe yizingane ezingaphansi kweminyaka engu-12 kuphela.

(2) Umsebenzi ogunyaziwe angacela noma ubani ukuba akhiphe ubufakazi beminyaka yobudala obubhalwe phansi bomuntu ofuna ukusebenzisa izinsiza noma impahla ehlongozwe kwisigatshana (1), ngale kwalokho umuntu enganqatshelwa ukuba asebenzise izinsiza nempahla okukhulunywa ngayo.

### **Izilwane**

**19.(1)** Ngaphandle kwenja eholu umuntu ongaboni, uMasipala unegunya lokwenqabela noma lokubeka imibandela yokungena kwesilwane epaki ngesaziso esitshengiswe ngasesangweni lepaki.

(2) Uma ukungena kwesilwane epaki kungenqatshelwe ngokwesigatshana (1), noma ubani oletha isilwane epaki kumele asigade futhi udoti wesilwane ususwe ngokushesha ufakwe emgqonyeni nakunoma iyiphi enye indawo yokulahla udoti ehlinzekelwe lokho uMasipala.

### **Umyalelo wokulondolozwa kwezihlahla**

**20.**(1) Uma, ngokubona kukaMasipala, noma isiphi isihlahla epaki sidinga ukuvikelwa ngokomthetho, uMasipala kumele akhiphe umyalelo wokuvikelwa kwaleso sihlahla noma lelo qoqo lezihlahla.

(2) Ikhophi yomyalelo wokuvikelwa kwesihlahla kumele inanyathiselwe ebangeni elingamamitha amathathu ukusuka esihlahleni noma ezihlahleni noma kulokho okukhishelwa umyalelo.

(3) Noma imuphi umuntu onquma, osimpula noma owonakalisa isihlahla noma iqoqo lezihlahla zikhishelwe umyalelo, kuyobe wenza icala.

### **Ukuziphatha okungavumelekile**

**21.**(1) Umuntu ongena noma ovakasha epaki kumele zikhathi zonke aziphathe ngendlela ehambisana nezinhlinzeko zalo mthetho kaMasipala, kanjalo nemiyalelo esemthethweni njengoba ingakhishwa umsebenzi ogunyaziwe.

(2) Kuncike ezinhlinzekweni zesigatshana (1), umuntu ongena noma ovakasha epaki angeke –

- (a) aziphathe ngendlela engafanele, engalungile noam engahloniphekile;
- (b) abange isicefe, abe wuhlupho noma aphazamise abanye abantu abeze epaki;
- (c) onakalise noma asempule isihlahla, imbali noma isitshalo simile epaki;
- (d) alahle udoti, iphepah, noma ukungcola nanoma yini enye endaweni engahlinzekelwe lokho uMasipala;
- (e) adubule, alimaze inyoni noma isilwane noma ajikijele ngenduku, ngentshe noma ngenye into ngenhloso yokulimaza inyoni noma isilwane noma athinte idamu noma amanzi agcine izinhlanzi;
- (f) ageze noma awasheinja noma esinye isilwane edamini noma emanzini;
- (g) ashaye, agibele noma apake imoto noma eyalele noma avumele ukuba kungene imoto epaki, ngaphandle uma kuvunyelwe ngesaziso esibekiwe epaki;

- (h) alimaze, athintathinte noma ahlephule impahla, izinsiza noma isakhiwo;
- (i) alale ebhentshini noma entweni yokuhlala noma ayisebenzise ngendlela ezovimbela abanye ukuthi bayisebenzise;
- (j) asebenzise izinsiza zasepaki noma amanzi, okubalwa isiziba sezinhlanzi, ichibi, umsele, idamu noma ixhaphozi ukubhukuda, ukugeza, Ukuhamba, noma ukubeka noma ukuwasha izingubo noma okunye;
- (k) ashibilike ngezicathulo ezinamasondo noma nge-*skateboard* noma okunye okuthi akube njalo ngaphandle uma kuvunyelwe ngesaziso esikhangiswe epaki;
- (l) akhe, amise, abeke, asungule, asuse noma alungise isakhiwo, izinsiza, indlela, umzila, isikhisi noma ingquma;
- (m) adlale noma aqale umdlalo wanoma iluphi uhlobo ozobangela –
- (i) ukuphazamiseka noma amathuba okuphazamiseka; noma
  - (ii) ukulimala,
- kwabanye abasebenzisa ipaki, ngaphandle kwasezindaweni ezibekelwe lokho ngesaziso esikhangiswe epaki futhi ngokuhambisana nomyalelo womsebenzi ogunyaziwe, uma ukhona;
- (n) adayise, akhiphe noma akhangise noma qashe noma yini esetshenziswayo noma impahla noma akhiphe amaphepha, incwadi, amapheshana noma okunye okubhaliwe noma okuqoshiwe ngaphandle kwemvume kuqala kaMasipala;
- (o) aphaathe, agcine noma adubule epaki –
- (i) ngesibhami noma okunye okuthi akube yisibhamu ngaphandle uma kusemthethweni; noma
  - (ii) ngesihlilingi, umcibisholo, okokuciba, noma okunye okwakhelwe ukuciba,
- ngaphandle uma egunyazwe umasipala ukwenze njalo;
- (p) enze noma iziphi izenzo ezephula lo mthetho kaMasipala, imithetho kaMasipala yokuziPhatha neyezeMpilo nanoma imuphi omuye umthetho osebenzayo;
- (q) alale noma akhempe epaki;
- (r) asuse indawo egandayi, inhlabathi, isoyi, noma ubumba;
- (s) adobe, ngaphandle kwalapho kuvumeleke khona ngesaziso futhi nangaphansi kwemibandela ehambisana naleyo mvume;
- (t) asuse isikebhe sanoma iluphi uhlobo kunoma imuphi umfula noma ixhaphozi ngaphandle kwemvume kaMasipala yokwenza njalo;
- (u) angcolise nganoma iyiphi indlela amanzi noma umthombo wamanzi okubalwa nedamu lezinhlanzi, impophoma yamanzi, isiphethu; futhi

(v) enze nanoma yini engaphazimisa kakhulu impilo yanoma ubani ovakashele epaki.

## **ISAPHLUKO 5**

### **UKUSEBENZA KOMTHETHO**

#### **Amacala nezinhlawulo**

**22.(1)** Umuntu –

(a) owephula, onqaba noma ohlukela ukulandela izinhlinzeko zalo mthetho kaMasipala;

(b) owenqaba noma ohluleka ukulandela noma isiphi –

(i) isaziso esikhishiwe; noma

(ii) umyalelo osemthethweni okhishiwe, ngokuhambisana nalo mthetho kaMasipala; noma

(c) ophazamisa noma ovimbela umsebenzi ogunyaziwe kaMasipala ukuba enze umsebenzi wakhe noma amajoka ake ngokwalo mthetho kaMasipala, unecala.

(2) Umuntu olahlwa yicala ngokwalesi sigaba angagwetshwa inhlawulo engeke yeqe ku R40 000 noma agwetshwe ukubhadla ejele izikhathi esingeqile eminyakeni emibili noma kokubili inhlawulo nokubhadla ejele.

(3) Uma umuntu eqhubeka nokwenza amacala uyokhokha imali yenhlawulo yokwengeza engekho ngaphezu kuka R200-00 noma ukubhadla ejele isikhathi esingeqile ezinsukwini eziyi - 10, ngosuku ngalunye lokuqhubeka nokwephula le mithetho noma kokubili inhlawulo nokubhadla ejele.

## **ISAPHLUKO 6**

### **OKUNGXUBEVANGE**

#### **Ukudluliselwa kwamandla**

**23.(1)** Kuncike ezinhlinzekweni zoMthethosisekelo nakweminye imithetho kazwelonke neyesifundazwe esebenzayo, onke –

(a) amandla, ngaphandle kwamandla okukhulunye ngawo esigabeni 160(2) soMthethosisekelo;

(b) imisebenzi; noma

(c) amajoka,

anikezwe, ngokwalo Mthetho kaMasipala, uMkhandlu, noma olunye uhlaka lukaMasipala lwezepolitiki, abasezikhundleni ngokwepolitiki, amakhansela noma abasebenzi, angadluliselwa noma angadluliswa yololo hlaka lwezepolitiki, yilowo osesikhundleni ngokwezepolitiki, ikhansela noma umsebenzi, emhlanganweni noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla ngokwesigatshaa (1) kumele kwenzeke ngokuhambisana nohlelo lokudluliselwa kwamandla olwemukelwa umkhandlu ngokuhambisana nesigaba 59(1) soMthetho weziNhlelo zoMasipala, kuncike kwinqubo ebekwe esigabeni 50(2) soMthetho.

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

- (a) nohlaka noma nomuntu ohlulisela amandla;
- (b) okudluliselwa kuye amandla; kanye
- (c) nemibandela ehambisana nokudluliswa kwamandla.

#### **Ukudluliswa kwamacala**

**24.**(1) Umuntu omalungelo akhe ayahlukumezeka ngesinqumo ezithathwe umsebenzi ogunyaziwe ngokwalo Mthetho kaMasipala angadlulisa udaba lwakhe ngaleso sinqumo ngokwezinhlinzeko zokuDluliswa kwamaCala eziqukethwe esigabeni 62 soMthetho weziNhlelo zoMasipala ngokuthumela isaziso sokudlulisa icala nezizathu zakhe kwiMenenja kaMasipala ezinsukwini ezingu 21 kusukela osukwini aziswe ngalo ngesinqumo.

(2) IMenenja kaMasipala kumele idlulisele lokho kudluliswa kwecala egatsheni elibhekele ukudluliswa kwamacala.

(3) Igatsha elibhekeke ukudluliswa kwamacala kumele licubungule lelo cala elidlulisiwe emavikini ayisithupha bese lithatha isinqumo ngesikhathi esifanele.

(4) Igatsha elibhekele ukudluliswa kwamacala kumele liqinisekise, lishintshe noma lichithe isinqumo, kodwa ukushintshwa noma ukuchithwa kwesinqumo angeke kugudluke emalungelweni ahambisana nokuthathwa kwaleso sinqumo.

(5) Igatsha elibhekele ukudluliswa kwamacala kumele likhiphe izizathu ezibhalwe phansi ngesinqumo salo mayelana nodaba oludlulisiwe.

(6) Konke ukudlulisa kwamacala okwenziwayo kwenziwa ngokoMthetho weziNhlelo zoMasipala hhayi ngokwalo Mthetho kaMasipala.

(7) Uma icala liqinisekisiwe yinkantolo yomthetho kanti ummangalelwa ufuna ukudlulisa lelo cala, icala kumele lidluliswe ngokwezinqubo zokudluliswa kwamacala zasenkantolo hhayi ngokwezigatshana (1) kuya ku (5).

### **Imithetho echithwayo negcinwayo**

**25.**(1) IMithetho kaMasipala ebalulwe ohlwini lokuqala nolwesibili lweSheduli ekulo Mthetho kaMasipala ngalokhu iyachithwa ngobubanzi obubalulwe ohlwini lwesithathu lwale Sheduli.

(2) Wonke amalungelo noma izibopho ezitholakale ngenxa yale mithetho kaMasipala echithwayo ngokwesigatshana (1) ayaqhubeka nokusebenza sengathi leyo Mithetho kaMasipala ayizange ichithwe.

### **Isihloko esifingqiwe nokuqala kokusebenza komthetho**

**26.** Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala wamaPaki neziNdawo zokuNgcebeleka, 2015 kanti uqala ukusebenza emva kwezinyanga eziyisithupha ushicilelwe *kwiGazethi Yesifundazwe* noma ngalolo suku elungaphambili olunganqunywa ngokuba kushicilelwe isaziso sosuku lokuqala ukusebenza esiyofakwa *kwiGazethi Yesifundazwe*.

## **ISHEDULI**

### **IMITHETHO ECHITHWAYO**

<b><i>Inombolo nonyaka womthetho</i></b>	<b><i>Isihloko</i></b>	<b><i>Ubungako obuchithwayo</i></b>
UMthetho kaMasipala No. 136	UMthetho kaMasipala	Wonke

ka 1928 (njengoba uchitshiyelwe)	wamaPaki neziNdawo zeNjabulo	
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# 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](mailto: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](http://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](mailto: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](mailto:submit.egazette@gpw.gov.za).

