

**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,**

13 MARCH 2009  
13 MAART 2009  
13 kuNDASA 2009

**Vol. 3**

**No. 241**

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**MUNICIPAL NOTICE**

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**No. 14**

**13 March 2009**

eThekweni Municipality 2010 FIFA World Cup South Africa By-laws

eThekweni Municipality

**2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS**

(Published in terms of Municipal Systems Act 32 of 2000)

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**PREAMBLE****WHEREAS:**

- A. FIFA, an association organised in accordance with Article 60 of the Swiss Civil Code, is both the world governing body of association football and the lawful owner of the world-wide Marketing Rights, Media Rights and all other commercial rights in respect of the Competition; and
- B. FIFA has selected the Republic of South Africa as the host country of the Competition and has appointed the SAFA as the member association with the responsibility to organise, stage and host the Competition in the Republic of South Africa; and
- C. SAFA has, pursuant to an agreement with the LOC, assigned all its rights and delegated all of its obligations to the LOC, to organise, stage and host the Competition; and
- D. The eThekweni Municipality was included as one of the identified Host Cities in the Bid and by virtue of such inclusion in the Bid has agreed to be a candidate for selection by the LOC and FIFA as one of the host cities in which Matches will be staged; and
- E. Following the selection of the eThekweni Municipality, it has assumed certain obligations with regard to the Competition and in particular, has agreed to ensure that appropriate by-laws are passed to enable the efficient running of the Competition. In this instance, the eThekweni Municipality is required to ensure that appropriate by-laws in the areas listed below are promulgated and implemented, and become effective for the Term to enable an orderly and efficient staging and hosting of the Competition:
- Advertising,
  - Controlled Access,
  - Public Open Spaces and City Beautification,
  - Public Roads and Traffic Guidance as well as
  - Street Trading.

**NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE FOLLOWING ETHEKWINI MUNICIPALITY 2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS ARE ADOPTED:**

## 1. CHAPTER 1 - PRELIMINARY PROVISIONS

### 1.1. Definitions

In these By-laws the following terms shall bear the following meanings, unless the context otherwise indicates -

- 1.1.1. **"Accreditation"** means accreditation in terms of the Accreditation Systems and Procedure Annex;
- 1.1.2. **"Accreditation Systems and Procedure Annex"** means the accreditation systems and procedures of FIFA, that will be applicable to the Competition;
- 1.1.3. **"Advertisement"** means a visual representation including but not limited to a Sign, illustration, object, mark, symbol or device of any kind which is visible to the public from, including but not limited to, any street or any public place or any other vantage point or which is under or over-hanging from any bridge, building or other structure, including sky writing, used for Advertising activity; or any combination of such elements with the object of transferring information;
- 1.1.4. **"Advertising"** means the act or process of notifying, warning, informing, displaying, making known or any other act of transferring information in a visual or oral manner;
- 1.1.5. **"Advertising Structure"** means any physical structure erected or positioned so as to display a Sign or Billboard, or to which a Sign or Billboard is attached;
- 1.1.6. **"Ambush Marketing"** means marketing, promotional, advertising or public relations activity in words, sound or any other form, directly or indirectly relating to the Competition, and which claims or implies an association with the Competition and/or capitalises or is intended to capitalise on an association with, or gains or is intended to gain a promotional benefit from it to the prejudice of any sponsor of, the Competition, but which is undertaken by a person which has not been granted the right to promote an association with the Competition by FIFA and whose aforesaid activity has not been authorised by FIFA Competition.
- 1.1.7. **"Air pollution"** means, as defined by the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004 ) any change in the composition of the air

caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;

- 1.1.8. **"Approval"** means approval by the Municipality including by an Authorised Official, and **"Approve"** has a corresponding meaning;
- 1.1.9. **"Authorised Official"** means a Person authorised to implement the provisions of these By-laws, including but not limited to –
- 1.1.9.1. peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 ( Act No. 51 of 1977);
- 1.1.9.2. Municipal or Metropolitan Police Officers as contemplated in the South African Police Services Act, 1995 (Act No. 68 of 1995); and/or
- 1.1.9.3. such employees, agents, delegated nominees, representatives and/or service providers of the Municipality as are specifically authorised by the Municipality in this regard;
- 1.1.10. **"Bid"** means the representations, warranties, assurances and promises set forth in the documents submitted by SAFA to FIFA in connection with the Competition bid, including without limitation all assurances and undertakings submitted by the relevant governmental authorities supporting the bid and confirming support for the staging and hosting of the Competition;
- 1.1.11. **"Billboard"** means any screen, board or Sign supported by a freestanding structure which may be handwritten, hand drawn or hand painted, paper-posted, sign-written, pasted with vinyl or covered, pasted or written upon by a combination of such methods and which may feature special effects, which displays an Advertisement;
- 1.1.12. **"Branded Licensee"** means any Person, not being a FIFA Partner, FIFA World Cup Sponsor or National Supporter, to which FIFA grants the right to place any of the Competition Marks on products (and related product packaging and product advertising materials) which also bear the corporate identification or trademark of such Person;
- 1.1.13. **"Broadcast Rights"** means the right to broadcast, transmit, display, film and photograph the Competition, as well as all recordings thereof (or any part

thereof) in any form and in all media now known or hereafter and the right to exploit the same;

- 1.1.14. **"Broadcast Rights Holders"** shall mean a Person, that has acquired from FIFA, directly or indirectly, any part of the Broadcast Rights;
- 1.1.15. **"By-laws"** means these eThekweni Municipality 2010 FIFA World Cup South Africa By-laws relating to Advertising; Controlled Access Sites; Public Open Spaces; Public Roads and Traffic Guidance; and City Beautification and Street Trading and includes any notices promulgated in terms hereof;
- 1.1.16. **"Clear Height"** means the minimum vertical distance from the ground, road or surface level, whatever the case may be, to the underside of a Sign;
- 1.1.17. **"Commercial Affiliate"** means any FIFA Partner, FIFA World Cup Sponsor, National Supporter and Branded Licensee;
- 1.1.18. **"Competition"** means either the 2009 Confederations Cup which is scheduled to be contested in 14 June to 28 June in the year 2009 in the Republic of South Africa or the 2010 FIFA World Cup South Africa™ which is scheduled to be contested from 11 June to 11 July in the year 2010 in the Republic of South Africa, which ever Competition is applicable, under the governance of FIFA, including all Matches and Official Events;
- 1.1.19. **"Competition Marks"** means -
- 1.1.19.1. the Official Emblem;
  - 1.1.19.2. any official Competition mascot;
  - 1.1.19.3. any official Competition Poster;
  - 1.1.19.4. any official Competition 'Look' designs;
  - 1.1.19.5. two or three dimensional representations of the FIFA World Cup trophy;  
and
  - 1.1.19.6. any Competition-related designations including trade marks and marks as defined in the Trade Marks Act, 1993;



- 1.1.20. **"Conservation Public Open Space"** means Public Open Space which is managed by or on behalf of the Municipality for conservation purposes, and includes any nature reserve, greenbelt, ravine, bird sanctuary and site of historic, ecological or archaeological value;
- 1.1.21. **"Controlled Access Site"** means –
- 1.1.21.1. the locations of the Matches including without limitation, the Stadium;
  - 1.1.21.2. the locations of the Official Events;
  - 1.1.21.3. any other areas in respect of which admission is regulated by Accreditation;
  - 1.1.21.4. Accreditation centres;
  - 1.1.21.5. Official Training Sites;
  - 1.1.21.6. Team Hotels;
  - 1.1.21.7. the official hotels for the FIFA Delegation;
  - 1.1.21.8. FIFA Fan Parks; and
  - 1.1.21.9. any other area within the area of jurisdiction of the Municipality, designated or demarcated by the Municipality as a Controlled Access Site and shall include private property;
- 1.1.22. **"Culture"** means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a society or a social group and includes the intangible aspects of inherited culture, which includes cultural tradition; oral history; performance; ritual; popular memory; skills and techniques; indigenous knowledge systems; the holistic approach to nature, society and social relationships; language and heritage conservation and further includes any museum, archive, library, historical site and monument and **"Cultural"** shall have a corresponding meaning;
- 1.1.23. **"Demarcated Space"** means a portion of a road or the road reserve which has been identified and demarcated as a place where a vehicle may be lawfully parked;

- 1.1.24. **"Environment"** means, as defined in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as the surroundings within which humans exist and that are made up of –
- 1.1.24.1. the land, water and atmosphere of the earth;
  - 1.1.24.2. micro-organisms, plant and animal life;
  - 1.1.24.3. any part or combination of the above; and
  - 1.1.24.4. the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;
- 1.1.25. **"Exclusion Zone"** means the controlled zone situated immediately outside the outer perimeter of the Stadium, as designated or demarcated by the Municipality, including private property located therein;
- 1.1.26. **"FIFA"** means Fédération Internationale De Football Association;
- 1.1.27. **"FIFA Congress"** means the bi-annual congress of FIFA, being FIFA's supreme body constituted by representatives of all FIFA Member Associations held [in conjunction with the Competition];
- 1.1.28. **"FIFA Delegation"** means with respect to the Competition, the following Persons –
- 1.1.28.1. FIFA staff and the staff of all FIFA subsidiary companies;
  - 1.1.28.2. members of FIFA's internal official committees;
  - 1.1.28.3. guests of FIFA; and
  - 1.1.28.4. all other individuals who are nominated by FIFA as being a member of the FIFA Delegation;
- 1.1.29. **"FIFA Fan Park"** means a fan park to be established by the Municipality under the auspices and guidance of FIFA;
- 1.1.30. **"FIFA Member Association"** means any national football association officially affiliated to FIFA;

- 1.1.31. **"FIFA Partner"** means a Person to which FIFA grants the most comprehensive package of available Marketing Rights;
- 1.1.32. **"FIFA World Cup Sponsor"** means a Person to which FIFA grants the second most comprehensive package of available Marketing Rights;
- 1.1.33. **"Final Draw"** means the official draw ceremony for the Competition, by means of which the Participating Member Associations are allocated to Competition groups;
- 1.1.34. **"Goods"** means any items or stock displayed or kept by a Street Trader for the purpose of Selling, including animals as defined in the Animal Protection Act, 1962 (Act No. 71 of 1962);
- 1.1.35. **"Intersection"** means any intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 1.1.36. **"Litter"** includes any receptacle, container or other matter, which has been discarded or abandoned or left behind by a Street Trader or his or her customers;
- 1.1.37. **"LOC"** means the 2010 World Cup Organising Committee, an association incorporated under Section 21 of the Companies Act, 1973 (Act No. 61 of 1973) (Registration No. 2005/029945/08);
- 1.1.38. **"Local Community"** in relation to the Municipality means that body of Persons comprising –
- 1.1.38.1. the residents within the area of jurisdiction of the Municipality;
  - 1.1.38.2. the ratepayers of the Municipality;
  - 1.1.38.3. any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the Municipality; and

- 1.1.38.4. Persons visiting the area of jurisdiction of the Municipality, including visitors to the Competition, who, because of their presence in that area, make use of services or facilities provided by the Municipality;
- 1.1.39. **"Marketing Rights"** means all advertising, promotional, marketing, merchandising, licensing, franchising, sponsorship, hospitality, publishing, and any other rights and/or associated commercial opportunities (other than the Media Rights) related to or in connection with the Competition;
- 1.1.40. **"Match(es)"** means each and every football match in their entirety (including extra time and penalty kick phases) of the Competition, including training matches and any delayed or deferred matches and replays;
- 1.1.41. **"Media"** means all members of the written press, photographers and electronic media entitled to media Accreditation;
- 1.1.42. **"Media Rights"** means the right to broadcast, transmit, display, film and photograph the Competition, as well as all recordings thereof (or any part thereof) in any form and in all Media now known or hereafter and the right to exploit such rights;
- 1.1.43. **"Municipality"** means –
- 1.1.43.1. the eThekweni Municipality established in terms of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998);
- 1.1.43.2. its successors in title; or
- 1.1.43.3. a municipal owned entity or a delegated nominee fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law, as the case may be;
- 1.1.44. **"Municipal Services"** means any municipal service provided or system conducted by or on behalf of the Municipality for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or for the generation, impounding, storage, purification or supply of water, gas or electricity, or any other services that may be required for or in connection with the Competition;

- 1.1.45. **"National Supporter"** means a Person to which FIFA grants a package of specified Marketing Rights, such rights to be exercisable only in the Republic of South Africa;
- 1.1.46. **"Nuisance"** means:
- 1.1.46.1. any stream, pool, marsh, ditch, gutter, watercourse, cistern, watercloset, earthcloset, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
  - 1.1.46.2. any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
  - 1.1.46.3. any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
  - 1.1.46.4. any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
  - 1.1.46.5. any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance;
  - 1.1.46.6. any factory or industrial or business premises not kept in a cleanly state and free from offensive smells arising from any drain, water closet, earth closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon;
  - 1.1.46.7. any factory or industrial or business premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;
  - 1.1.46.8. any area of land kept or permitted to remain in such a state as to be offensive;

- 1.1.46.9. any other activity, condition or thing declared to be a nuisance by the Minister in terms of the provisions of the Health Act, 1977 (Act No. 63 of 1977);
- 1.1.46.10. an unreasonable interference with:
  - 1.1.46.10.1. the health or well-being of a Person;
  - 1.1.46.10.2. the use and enjoyment by an owner or occupier of his or her property;
  - 1.1.46.10.3. the use and enjoyment by a member of the public of a Public Open Space;
- 1.1.47. **"Official Emblem"** means any official logo and/or official device of the Competition;
- 1.1.48. **"Official Events"** means any organisational, social, cultural and other official functions, ceremonies and draws staged, hosted or organised by the LOC and/or FIFA in connection with the Competition;
- 1.1.49. **"Official Training Site"** means a venue within the jurisdiction of the Municipality selected to host any Competition-related training sessions for a Team, including the surrounding and adjacent areas, parking facilities, media areas, concourses, fencing and entrances, under the control of the Municipality;
- 1.1.50. **"Organ of State"** means –
  - 1.1.50.1. any department of State or administration in the national, provincial or local sphere of government; and
  - 1.1.50.2. any other functionary or institution –
    - 1.1.50.2.1. exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) or a provincial Constitution; or

- 1.1.50.2.2. exercising a public power or performing a public function in terms of any legislation, but does not include a court of law and a judicial officer;
- 1.1.51. **"Owner"** in relation to a Sign includes a Person who owns or leases the Advertising Structure applicable to a Sign, or will own or lease such Advertising Structure once it has been erected, and any Person who has a right to share in the ownership or lease of such Advertising Structure;
- 1.1.52. **"Parking Meter"** means a device for registering and visibly recording the period that a vehicle is permitted to occupy a Demarcated Space in accordance with the insertion of a coin, token, card or other Prescribed object therein and includes a post or fixture to which it is attached or permitted by valid road traffic signs specifying a permissible time period within which to park, or a device in which a coin can be inserted to produce a coupon to be displayed on a vehicle, that registers and visibly record the period that a vehicle is permitted to occupy a Demarcated Space to park;
- 1.1.53. **"Parking Period"** means that period of parking in a Demarcated Space which is permitted by the insertion into the Parking Meter allocated to such Demarcated Space of a coin, token, card or other object as Prescribed or permitted by valid road traffic signs specifying a permissible time period within which to park;
- 1.1.54. **"Participating Member Association"** means any FIFA Member Association whose representative Team has qualified to participate in the Competition;
- 1.1.55. **"Person"** means a legal person which includes a natural person, partnership, firm, corporation, corporation trust, unincorporated association, joint venture, company and close corporation;
- 1.1.56. **"Premises"** means an erf, stand, land, lot, plot, agricultural holding, farm portion or similar land entity registered in a deeds registry, or traditional land allotment;
- 1.1.57. **"Prescribed"** means prescribed by Municipal resolution;
- 1.1.58. **"Prohibited Area"** means a place declared in terms of section 6A(2) of the Businesses Act, 1991 (Act No. 71 of 1991) to be an area in which Street Trading is prohibited;

- 1.1.59. **"Property"** means in relation to a person carrying on the business of Street Trading any article, receptacle, vehicle or structure used or intended to be used in connection with such business;
- 1.1.60. **"Public Advertising Media"** means such Advertising media space (including, without limitation, light and electricity posts, and Advertising space on public buildings) as is owned, leased, administered by or under the direct control of the Municipality;
- 1.1.61. **"Public Amenity"** means -
- 1.1.61.1. any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any Public Road, road reserve, reserve street, lake, dam, or river;
  - 1.1.61.2. any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the Property of, or possessed, controlled or leased by the Municipality and to which the general public has access, whether on payment of admission fees or not;
  - 1.1.61.3. any nature conservation area including -
    - 1.1.61.3.1. nature reserves;
    - 1.1.61.3.2. protected natural areas;
    - 1.1.61.3.3. nature conservation worthy areas;
    - 1.1.61.3.4. natural open spaces;
- 1.1.62. **"Public Open Space"** means any land which –
- 1.1.62.1. is owned by an Organ of State; or
  - 1.1.62.2. is let or over which an Organ of State has certain real rights arising from the filing in the Deeds Office or other registration office of a general plan of a township, agricultural holding or other division of land, or any



alteration, addition to or amendment of such land approved by the Surveyor General, on which is marked the land to which the public has a common right of use; and

1.1.62.3. is controlled and managed by the Municipality; and

1.1.62.4. is either –

1.1.62.4.1. set aside in terms of any law, zoning scheme or spatial plan, for the purpose of public Recreation, conservation, the installation of public infrastructure or agriculture; or

1.1.62.4.2. predominantly undeveloped and open and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan;

1.1.62.4.3. used for public Recreational or Cultural purposes, and includes a FIFA Fan Park, any park, botanical garden, sports ground and playground, libraries, multimedia libraries, museums, art centres, sports facilities, sports fields, sports centres, public gymnasiums and swimming pools, community halls, community centres and any place at which group activities of an indoor sporting, Cultural or Recreational nature can be pursued;

1.1.63. **"Public Road"** means a square, public street, avenue, road, sidewalk, an island located within a street, avenue or road, subway, avenue, bridge, walkway, public passageway and any thoroughfare shown on the general plan of a township or in respect of which the public has acquired a prescriptive or other right of way and which is more fully described in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

1.1.64. **"Recreation"** or **"Recreational"** means any leisure activity;

1.1.65. **"Restricted Area"** means any area including public property, designated as such by the Municipality for the purpose of Street Trading during the Competition subject to such specific conditions and restrictions as the Municipality may deem fit;

- 1.1.66. **"SAFA"** means South African Football Association;
- 1.1.67. **"Safety and Security Plan"** means the safety and security plans to be implemented by the Municipality during the Competition;
- 1.1.68. **"Sell"** includes -
- 1.1.68.1. offer to render a service;
  - 1.1.68.2. barter, exchange or hire out;
  - 1.1.68.3. display, expose, offer or prepare for sale;
  - 1.1.68.4. store with a view to selling; or
  - 1.1.68.5. provide a service for reward,
- and **"Sale"** and **"Selling"** have corresponding meanings;
- 1.1.69. **"Services"** includes any advantage or gain for consideration or reward;
- 1.1.70. **"Sign"** means any method of displaying writing, letters, numbers, figures, objects, Competition Marks, photographs, symbols or illustrations, pamphlets, and includes but is not limited to a non-physical sign projected onto a building or other structure or in the air with the aid of modern technology (e.g. laser beams), which device, article or non-physical sign is visible or distributed in any way whatsoever from a road or public place, or any place whatsoever, for the purpose of advertising, providing information, Ambush Marketing or attracting the public to any place, public display, article or merchandise for sale, and whether the surface of the sign is attached to or forms part of a building, or is fixed to the ground or to a pole, tree, screen or hoarding, Person, vehicle or other movable object, or is displayed or distributed in any other way including but not limited to security signs, projecting signs, trailer signs, boundary wall signs, tourism signs, window signs, signs on buildings, sky signs, roof signs, flat signs, signs painted on walls and roofs of buildings, aerial signs, development signs, service facility signs, signs for sponsored road traffic projects, building wrap signs, construction site signs, tower and bridge signs, on-Premises business signs, signs at residential properties or community signs, forecourt signs, balcony, veranda, canopy and under-awning signs, functional signs by public bodies, real estate

agent signs, electronic signs, signs for sale of goods or livestock, signs pulled or attached to or created by vehicles or aircrafts including sky banners and sky writing, hand held signs, signs attached or incorporated into clothing, headgear, costumes, flags, spectator cheering articles or banners, and for the avoidance of doubt including any Billboard, but excluding road traffic signs and street name signs;

- 1.1.71. **"Special Event"** means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or any other similar event of a sporting, Cultural or Recreational nature which requires, for that purpose, exclusive use of the whole or a part of a Public Open Space;
- 1.1.72. **"Stadium"** means any stadium within the geographical area of jurisdiction of the Municipality that will be used for purposes of the Competition, including the entire premises thereof inside the perimeter fence, the aerial space above such stadium premises, all parking facilities, hospitality areas, media zones, concession areas and commercial display areas;
- 1.1.73. **"Street Furniture"** means any furniture and fittings installed by, or on behalf of the Municipality on a Public Road for public use;
- 1.1.74. **"Street Trader"** means a Person selling Goods and includes a seller, peddler or hawker and also:
- 1.1.74.1. a Person who as principal, agent, assistant, subcontractor, employer or employee carries on the business of Street Trading or on behalf of whom or for whose benefit the business of Street Trading is carried on; and
- 1.1.74.2. a Person to whom a stand has been leased or allocated by the Municipality and for as long as such Person is carrying on the business of Street Trading on it;
- 1.1.75. **"Street Trading"** means the Selling of any Goods by a Street Trader;
- 1.1.76. **"Team"** means any team which represents a Participating Member Association and which has qualified to participate in the Competition. References to **"Team"**

shall include all squad members and coaches as stipulated in the 2010 Regulations as well as medical personnel and other auxiliary staff;

- 1.1.77. **"Team Hotel"** means a hotel and any other location providing accommodation within the area of jurisdiction of the Municipality, for a Team;
- 1.1.78. **"Term"** means the period as specified in the attached Term Schedule in Chapter 9;
- 1.1.79. **"Ticket"** means the evidential item representing that the Ticket Holder has the right to enter a Stadium to attend a particular Match and/or Official Event of the Competition and to obtain a particular seat allocated to the Ticket for that purpose in accordance with the Ticket terms and conditions and all applicable laws, and "Ticketing" shall have a corresponding meaning;
- 1.1.80. **"Ticket Holder"** means a Person who has the right in terms of a Ticket to attend a particular Match or Official Event and to obtain a particular seat allocated to the Ticket for that purpose;
- 1.1.81. **"Traffic-free Zone"** means as defined in section 7(1) (b) of the Special Measures Act, 2006 (Act No. 11 of 2006) any Public Road or area that is identified by the National Commissioner of the South African Police Service, after consultation with all other stakeholders, as a traffic-free zone and that is clearly marked in the prescribed manner as a traffic-free zone;
- 1.1.82. **"Trolley"** means a push trolley, push cart or any table, stand or basket on wheels;
- 1.1.83. **"Verge"** means a verge as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); and
- 1.1.84. **"Waste"** means refuse and includes but not limited to any substance or article which a Person wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoilt and that has been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled.

## 1.2. Application of the By-Laws

- 1.2.1. To the extent that any notices, directives, instructions, regulations, policies or procedures issued by FIFA or the LOC will be administered and enforced by the Municipality and will or may create obligations binding on the Local Community, such notices, directives, instructions, regulations, policies or procedures shall be published by the Municipality as notices to these By-laws.
- 1.2.2. For the purpose of these By-laws a reference to any legislation shall be a reference to that legislation and the regulations promulgated there under, as at the date of promulgation of these By-laws and as amended or re-enacted from time to time.
- 1.2.3. These By-laws shall be construed as an addition to the Municipality's existing by-laws relating to Advertising; Controlled Access Sites, Public Open Spaces and City Beautification; Public Roads and Traffic Guidance and Street Trading, if any, and to the extent that conflicts may arise between the Municipality's existing by-laws relating to Advertising; Controlled Access Sites, Public Open Spaces and City Beautification; Public Roads and Traffic Guidance and Street Trading , if any, and these By-laws, the provisions of these By-laws shall prevail.
- 1.2.4. If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality, and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

### 1.3. Purpose of the By-Laws

- 1.3.1. The Municipality has the responsibility to manage, administer, maintain and implement these By-laws and ensure that all areas and activities outlined under subsection 1.1.15 hereof are effectively dealt with in accordance with these By-laws and notices thereto as well as any other applicable provincial and/or national legislation relevant to the staging and hosting of the Competition.
- 1.3.2. In this regard, the Municipality has the responsibility to ensure the following within its area of jurisdiction during the Term:

- 1.3.2.1. the regulation of Advertising;
- 1.3.2.2. the effective administration of Controlled Access Sites;
- 1.3.2.3. the regulation of Special Events and the administration, management, maintenance and the general enhancement of neatness of Public Open Spaces;
- 1.3.2.4. the appropriate traffic guidance, management and control measures are adopted, including the provision of Public Road users with all necessary information, such as, including but not limited to, information about actual and anticipated road closures, detours, parking areas, Traffic-free Zones, and where possible, directions and suitable routes to and from Stadiums and Official Events to ensure the orderly and safe flow of traffic; and
- 1.3.2.5. the regulation of Street Trading.

## 2. CHAPTER 2 – PRINCIPAL PROVISIONS: ADVERTISING

### 2.1. General Prohibitions

2.1.1. No Person may, in any place owned, leased, administered by or under the Control of the Municipality -

2.1.1.1. engage in Ambush Marketing for the Term;

2.1.1.2. engage in any Advertising or erect and/or position any Advertising Structure without the prior Approval of the Municipality.

2.1.2. No Person shall, except with the prior Approval of the Municipality granted specifically with regard to the Competition, conduct any Advertising activity on any Public Advertising Media during the Term in the following areas, including on private property falling therein –

2.1.2.1. at any Controlled Access Site, or

2.1.2.2. within a one kilometre radius of a Stadium or as demarcated by the Municipality;

2.1.2.3. within a 100 (one hundred) meter radius of a FIFA Fan Park or as demarcated by the Municipality;

2.1.2.4. at any place visible from the principal public road(s), as designated by the Municipality by means of appropriate signage, leading to the venue of a Stadium, and within two kilometres from the perimeter of a Stadium, as the case may be or as demarcated by the Municipality; and

2.1.2.5. at any other area designated and/or gazetted by the Municipality.

2.1.3. No Person shall, except with the prior Approval of the Municipality granted specifically with regard to the Competition, and to the extent applicable and within the Municipality's jurisdiction, conduct any Advertising activity on any Public Advertising Media during the Term, in the following areas -

2.1.3.1. immediately outside or surrounding airports;

2.1.3.2. in or immediately outside or surrounding main train stations;

2.1.3.3. within a kilometre radius of the central business district of the area of jurisdiction of the Municipality or as demarcated by the Municipality; and

2.1.3.4. to the extent the Municipality has jurisdiction, on the principal routes from the airport and main train stations to the central business district of the area of jurisdiction of the Municipality and to the Stadium.

2.1.4. No Person shall, during the Term erect, maintain, distribute or display a Sign or a Billboard at a Controlled Access Site or within an Exclusion Zone, without the prior written Approval of the Municipality granted specifically with regard to the Competition.

## 2.2. **Safety**

No Person shall erect, maintain, distribute or display a Sign, a Billboard or an Advertising Structure in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, which –

2.2.1. constitutes a danger to any Person or property;

2.2.2. is so placed or contains an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;

2.2.3. is illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;

2.2.4. is attached to a road traffic sign or signal;

2.2.5. combined with a road traffic sign or signal obscures a road traffic sign or signal;

2.2.6. creates confusion with a road traffic sign or signal;

2.2.7. interferes with the functioning of a road traffic sign or signal or creates a road safety hazard;

2.2.8. obscures a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;



- 2.2.9. projects over a pedestrian or cycle circulation route, unless the Clear Height of such Sign is Approved by the Municipality;
- 2.2.10. obstructs a fire escape and/or fire fighting equipment; or
- 2.2.11. is placed closer than the minimum clearance Prescribed by the Municipality with regard to overhead power lines.

### 2.3. Design and Construction

- 2.3.1. Advertising Structures in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, shall be designed and constructed according to applicable South African Bureau of Standards ("SABS") approved standards.
- 2.3.2. Every Sign in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, in which electricity is used, including electronic and illuminated Signs, must -
  - 2.3.2.1. have power cables and conduits containing electrical conductors positioned and fixed in such a manner that they are not unsightly;
  - 2.3.2.2. be designed in such a manner that the Sign is not a fire risk;
  - 2.3.2.3. be provided with an external switch in an accessible position and at a height of at least three metres from the ground by means of which the electricity supply to the Sign may be switched off;
  - 2.3.2.4. be wired and constructed in accordance with and subject to the provisions of all applicable laws and regulations; and
  - 2.3.2.5. be installed and erected by a qualified and registered electrician.
- 2.3.3. No person shall erect, maintain or display a Sign, Billboard or an Advertising Structure in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, which interferes or is detrimental with the functioning of the natural environment.

#### 2.4. Maintenance

All Signs in Controlled Access Sites and Exclusion Zones, in particular, or in any other area within the Municipality, in general, shall be maintained by their Owners on proper regular basis, and the owner shall ensure that such signs are kept in a safe, neat and tidy manner.

### 3. CHAPTER 3 - PRINCIPAL PROVISIONS: CONTROLLED ACCESS SITES

#### **Designation of Controlled Access Sites and Exclusion Zones**

- 3.1. The Municipality may designate an area referred to in subsection 1.1.21, as a Controlled Access Site.
- 3.2. Designation of Controlled Access Sites will be indicated by the City Manager to the Local Community by means of public notices, local newspapers and/or Municipality's website.
- 3.3. The Municipality may designate an area, referred to in subsection 1.1.25 within its jurisdiction as an Exclusion Zone.
- 3.4. Designation of Exclusion Zones will be indicated to the Local Community by the City Manager by means of public notices, local newspapers and/or Municipality's website.
- 3.5. **General Prohibition Applicable to Controlled Access Sites**

No Person shall except with the written Approval of the Municipality -

- 3.5.1. smoke, eat, drink or sleep in any Controlled Access Site where these activities are forbidden;
- 3.5.2. interfere with any works being carried out, including but not limited to, installation of equipment, plant or infrastructure located within or upon a Controlled Access Site;
- 3.5.3. remove any object or part thereof or any fixture, fitting or equipment from a Controlled Access Site;
- 3.5.4. bring any animal except guide dogs or animals assisting Authorised Officials in the execution of their duties into any Controlled Access Site;
- 3.5.5. use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner in a Controlled Access Site;
- 3.5.6. hamper, disturb, obstruct or harass any other Person using and/ or entering any Controlled Access Site;

- 3.5.7. damage or indirectly cause damage to any part of a Controlled Access Site or its contents or equipment;
- 3.5.8. spill or drop any substance that may cause danger or harm to any user of a Controlled Access Site;
- 3.5.9. commit any act of vandalism including but not limited to painting, defacing or marking any part of any Controlled Access Site;
- 3.5.10. lie, sit, stand, congregate or walk, in a manner that otherwise causes an obstruction of any nature whatsoever, within any Controlled Access Site;
- 3.5.11. tout or solicit a driver of a motor vehicle who parks a motor vehicle at a Controlled Access Site for the purpose of or under pretext of looking after or watching over the motor vehicle;
- 3.5.12. urinate, excrete or behave or act in manner that may be considered an act of public indecency within any Controlled Access Site;
- 3.5.13. deposit or leave or cause to be left any object which may endanger or cause harm to or be a Nuisance to any user of a Controlled Access Site;
- 3.5.14. carry, brandish or otherwise display or use within a Controlled Access Site any weapon, traditional weapon or any other object that may cause harm; or
- 3.5.15. throw any object, of any nature whatsoever, within or onto a Controlled Access Site, or
- 3.5.16. engage in Ambush Marketing.

### 3.6. Exclusion Zone

- 3.6.1. No Person shall conduct business activities on a Match day in the Exclusion Zone except with the written Approval of the Municipality granted specifically with regard to the Competition.
- 3.6.2. No Person shall conduct any Ambush Marketing in the Exclusion Zone.

#### **4. CHAPTER 4 - PRINCIPAL PROVISIONS: PUBLIC OPEN SPACES AND CITY BEAUTIFICATION**

##### **4.1. City Beautification for Competition**

- 4.1.1. All Persons engaged in major construction during the Term which is visible to the public view and close to, major or concentrated transport centres or entertainment areas which will or may be used for the Competition, Controlled Access Sites and the Exclusion Zone, shall take all necessary measures at their own cost to cover and/or conceal such construction sites from public view to the satisfaction of the Municipality.
- 4.1.2. The Municipality shall have the right, to request any holder of any existing licence, permit, Approval or other authorisation to undertake any major public or major private construction works at, any concentrated transport centres or entertainment areas which will or may be used for the Competition, Controlled Access Sites and the Exclusion Zone which is in progress at the start of the Competition, to suspend any such construction works for the whole or any part of the Term, without any obligation on the part of the Municipality to compensate such holder, provided that that the period of any such suspension shall be added to the duration of that licence, permit, Approval or other authorisation following the termination of such suspension at the end of the Term.
- 4.1.3. No Person shall write, paint, or by any other means, display pictures, signs, writing or symbols in the area of jurisdiction of the Municipality during the Term which in the reasonable opinion of the Municipality amounts to graffiti.

##### **4.2. General Prohibition**

No Person shall at a Special Event or in a Public Open Space, in particular, or in any other area within the Municipality, in general, without the Approval of the Municipality -

- 4.2.1. cause a Nuisance to other users of a Public Open Space;
- 4.2.2. use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner towards any other user of a Public Open Space;
- 4.2.3. hamper, disturb, obstruct or harass any other person using and/ or entering a Public Open Space;

- 4.2.4. damage or indirectly cause damage to any part of a Public Open Space or its infrastructure, plant, equipment, fixtures, fittings, buildings and/or structures;
- 4.2.5. smoke, eat, drink or sleep in a Public Open Space where these activities are forbidden;
- 4.2.6. spill or drop any substance that may cause danger or harm to any user of a Public Open Space;
- 4.2.7. interfere with any works being performed or the installation of any equipment, plant or infrastructure located within or upon a Public Open Space;
- 4.2.8. remove or damage any object or part of any fixture, fitting, equipment, plant or infrastructure from a Public Open Space;
- 4.2.9. commit any act of vandalism including but not limited to painting, defacing or marking any part of a Public Open Space or any infrastructure, plant, equipment, fixtures, fittings, buildings and/or structures erected, constructed, installed or otherwise located within or upon a Public Open Space;
- 4.2.10. lie, sit, stand, congregate or walk so as to cause a wilful obstruction, or otherwise cause any obstruction, of any nature whatsoever in a Public Open Space;
- 4.2.11. tout or solicit a driver of a motor vehicle who parks a motor vehicle at or immediately adjacent to a Public Open Space for the purpose of or under pretext of looking after or watching over the motor vehicle;
- 4.2.12. urinate or excrete except in a facility specifically designed for and provided by the Municipality for that purpose or otherwise act in any manner that may be considered an act of public indecency in a Public Open Space;
- 4.2.13. beg or solicit money in a Public Open Space;
- 4.2.14. deposit or leave or cause to be left any object which may endanger or cause harm to any user of a Public Open Space;
- 4.2.15. carry, brandish or otherwise display or use within a Public Open space any weapon, traditional weapon or any other object that may cause harm;
- 4.2.16. throw any object, of any nature whatsoever, within or onto a Public Open Space;

- 4.2.17. unlawfully enter a Public Open Space to which access has been restricted or prohibited;
- 4.2.18. cause a Nuisance including play loud or offensive music;
- 4.2.19. bathe, wade, or swim in or wash himself, an animal or any object, including clothing, in any water body located within or upon a Public Open Space;
- 4.2.20. make, light or otherwise start a fire except in a facility specifically designed for and provided by the Municipality for that purpose;
- 4.2.21. camp or reside;
- 4.2.22. perform any action prohibited in terms of any sign erected by the Municipality in a Public Open Space; and
- 4.2.23. consume any beverage from a glass container.

#### **4.3. Access Restriction**

- 4.3.1. The Municipality may restrict the general access to and use of any Public Open Space in order to protect a Public Open Space or to reduce vandalism and/or the destruction of Municipality property at any Public Open Space.
- 4.3.2. The Municipality may restrict the general access to and use of any Public Open Space in order to develop or undertake any activity which it reasonably considers necessary or appropriate to achieve the purposes of these By-laws in preparation for the Competition.

#### **4.4. Waste**

- 4.4.1. No Person shall -
  - 4.4.1.1. deposit, dump or discard any Waste, other than in a receptacle provided by the Municipality for that purpose, at a Public Open Space; or
  - 4.4.1.2. pollute or deposit any Waste in a manner which may detrimentally impact on any water body located upon or within a Public Open Space.

4.4.2. Every bar and/or restaurant shall ensure that its Waste containers do not overflow with Waste.

4.4.3. The Municipality shall have a right to enter any bar and/or restaurant for the purpose of removing an overflowing Waste container, at the owner's expense,

#### 4.5. Vehicles

No Person shall -

4.5.1. except at times specified and on roads or pathways provided by the Municipality, drive, draw or propel any vehicle other than a bicycle or a vehicular device used by a person with disability at a Public Open Space;

4.5.2. drive, draw or propel any vehicle of whatsoever nature in excess of 40 (forty) kilometres per hour within a Public Open Space; or

4.5.3. park any vehicle of whatsoever nature in a Public Open Space, except in designated area or other area where parking is otherwise permitted by the Municipality at a Public Open Space.

#### 4.6. Vegetation and Animals

No Person shall without the express authorisation of the Municipality, within a Public Open Space –

4.6.1. disturb, damage, destroy or remove any tree, shrub or other vegetation;

4.6.2. affix, place, arrange or create any Advertisement of whatever nature anywhere within a Public Open Space;

4.6.3. plant any vegetation;

4.6.4. alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree or other plant;

4.6.5. capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest or in any other way disturb any animal, fish, or bird or its nest or egg;

4.6.6. ride a horse, except -



- 4.6.6.1. in an area designated by the Municipality for that purpose; and
- 4.6.6.2. a Person who in the performance of his or her official duties, patrols such Public Open Spaces on horseback;
- 4.6.7. walk, carry, ride or bring an animal other than a horse or dog provided that the presence of such horse or dog is not prohibited within such Public Open Space;
- 4.6.8. walk any dog unless -
  - 4.6.8.1. walking a dog in such a Public Open Space is permitted by the Municipality; and
  - 4.6.8.2. such dog, while walking within a Public Open Space remains at all times under the control of a person walking such dog.

#### 4.7. **Selling and Special Events**

- 4.7.1. No Person shall, within a Public Open Space –
  - 4.7.1.1. use the Public Open Space in a way that unfairly restricts or prevents other users of the Public Open Space from enjoying that Public Open Space; or
  - 4.7.1.2. except within a Public Open Space or part thereof, which has been let to a Person by the Municipality for that purpose, sell, hawk, offer or display any goods or articles for sale or hire;
- 4.7.2. No Person may undertake any event or a Special Event at a Public Open Space or in its surrounding vicinity, which will or may be used for the purposes of the Competition, in particular, or in any other Public Open Space within the Municipality, in general, unless specifically authorised by the Municipality.

## 5. CHAPTER 5 - PRINCIPAL PROVISIONS: PUBLIC ROADS AND TRAFFIC GUIDANCE

### 5.1. General Prohibition in Respect of Public Roads

#### 5.1.1. No Person shall during the Term -

- 5.1.1.1. erect or cause, or permit to be erected, or place any object including any banner, rope, wire, cord, pole, barbed-wire fence, railing, paling, wall or any other barrier or obstruction of any nature whatsoever upon, under, over or across any Public Road without the permission of the Municipality;
- 5.1.1.2. use any material or goods that are likely to cause any damage or harm to any part of a Public Road or to harm any of its users including but not limited to pedestrians, cyclists, motorcyclists and motorists;
- 5.1.1.3. spill or drop any substance on or over or across a Public Road including but not limited to discharging any water, chemical or petroleum substance, that may in any way endanger or harm any road users including but not limited to pedestrians, cyclists, motorcyclists and motorists;
- 5.1.1.4. interfere with any works being carried out by the Municipality or any authorised service provider or third party on a Public Road or in relation to any Municipality services including digging holes, trenches, pits or tunnels on or under any Public Road; or painting, defacing or marking any Public Road;
- 5.1.1.5. commit any act of vandalism including but not limited to painting, defacing or marking any part of a Public Road;
- 5.1.1.6. hamper, disturb, obstruct or harass any Public Road user including but not limited to any pedestrian, cyclist, motorcyclist and/or motorist using and/or entering any Public Road;
- 5.1.1.7. cause any animal to stray or walk onto a Public Road, excluding guide dogs and animals assisting an Authorised Official in law enforcement duties;

- 5.1.1.8. tout or solicit a driver of a motor vehicle who parks a motor vehicle in a Public Road at or near a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle;
- 5.1.1.9. urinate, excrete or behave in a manner that may be considered an act of public indecency on a Public Road or within any Controlled Access Site;
- 5.1.1.10. beg on a Public Road.
- 5.1.2. No person shall during the Term, except with the Approval of the Municipality:
  - 5.1.2.1. push or otherwise convey any Trolley on a Public Road within an Exclusion Zone and/or at a Controlled Access Site, in particular, or in any other area within the Municipality, in general,;
  - 5.1.2.2. deposit or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatsoever nature on any portion of a Public Road; and/or
  - 5.1.2.3. park or leave any vehicle of any nature whatsoever including but not limited to any car, bus, minivan, truck, bicycle, pedal-cycle, coaster, sled, motor cycle, caravan, trailer, cart, tractor or earth moving equipment, whether or not unattended, on any Public Road other than in a Demarcated Space.

5.2. General Prohibitions in Respect of Road Traffic Control

- 5.2.1. No Person, other than an Authorised Official, shall direct any form of traffic by means of any visible or audible signal.
- 5.2.2. No Person may drive a vehicle of any nature whatsoever including but not limited to any car, bus, minivan, truck, bicycle, pedal-cycle, coaster, sled, motor cycle, caravan, trailer, cart, tractor or earth moving equipment into or within a Traffic-free Zone or park any such vehicle in that Traffic-free Zone unless a Prescribed notice authorising the presence of the vehicle in that Traffic-free Zone has been validly issued and obtained and is visibly displayed on the vehicle in the Prescribed manner.

- 5.2.3. No Person travelling upon any pedal cycle, motor cycle, coaster, sled, roller-skates, or any other similar device may cling to or attach himself or herself or such pedal cycle, coaster, sled, roller-skates or device to any other moving vehicle, upon a Public Road.
- 5.2.4. No Person shall, where applicable, except with the Approval of the Municipality, park or cause to be parked any vehicle of whatsoever nature in a Demarcated Space without paying the appropriate amount or inserting the appropriate token or card in the applicable Parking Meter for the required Parking Period.
- 5.2.5. No Person shall use or obstruct any emergency lane or any other special lane on any Public Road which have been demarcated by the Municipality for special use by the FIFA Delegation or any body, authority or Person during the Term.
- 5.2.6. No Person shall park, stop or otherwise obstruct any lane on any Public Road during the Term.

### 5.3. General Prohibitions in Respect of Parking

The Municipality shall be entitled to restrict public access to Demarcated Spaces and other parking areas in or around a Stadium or other Controlled Access Site on Match days or on the occurrence of Official Events, and in this regard shall be entitled to –

- 5.3.1. restrict the right to use certain Demarcated Spaces and other parking areas inside the Stadium and immediately outside the entrances thereof, to the following persons -
  - 5.3.1.1. VIPs;
  - 5.3.1.2. Teams; and
  - 5.3.1.3. Match officials (including referees);
- 5.3.2. restrict the right to use certain Demarcated Spaces and other parking areas inside the Stadium perimeter as close as possible to the Stadium building and where required for the Service Providers to the following persons -
  - 5.3.2.1. the FIFA Delegation;
  - 5.3.2.2. members of the LOC delegation;

5.3.2.3. Commercial Affiliates;

5.3.2.4. Broadcast Rights Holders;

5.3.2.5. FIFA guests; and

5.3.2.6. services -providers;

5.3.3. restrict the right to use certain Demarcated Spaces and other parking areas inside the Stadium to representatives of the Media and the Media shuttle service.

#### **5.4. Instructions by Authorised Officials**

5.4.1. An Authorised Official may, for purposes of implementing or giving effect to the Safety and Security Plan where the circumstances necessitate, and in the interests of ensuring or promoting traffic control and/or safety on a Match day -

5.4.1.1. instruct any Person to refrain from using a Public Road; and

5.4.1.2. instruct any Person to remove any vehicle of whatsoever nature, whether parked, stationary or in transit, from a Public Road.

5.4.2. Failure to adhere to any such instruction shall constitute an offence under these By-laws.

#### **5.5. Road Closure Action by Municipality**

The Municipality may, after giving appropriate notices as it may deem necessary, close temporarily any Public Road, street or thoroughfare vested in the Municipality for purposes of traffic control, management and/or guidance and/or for purposes of implementing or giving effect to the Safety and Security Plan whether or not in the vicinity of any Stadium, Official Event, FIFA Fan Park, Official Training Site, Exclusion Zone and/or Controlled Access Site.

## 6. CHAPTER 6 - PRINCIPAL PROVISIONS: STREET TRADING

### 6.1. Conduct of Street Traders in General and During the Course of Trading

#### 6.1.1. A Street Trader shall not, for the Term –

- 6.1.1.1. occupy any part of a Public Road or Public Amenity with his/her Property or Goods, except to the extent Prescribed by the Municipality;
- 6.1.1.2. on conclusion of his/her daily business activities, leave any or all of his/her Property and Goods in a Public Road or Public Amenity;
- 6.1.1.3. place his/her Property or Goods on a Verge or Public Amenity except for the purposes of setting up a stall prior to commencing trade or for the purposes of conducting Street Trading;
- 6.1.1.4. place or stack his/her Property and Goods in such a manner that they do or may constitute a Nuisance or danger to any person or property, or are likely to injure any person or cause damage to property;
- 6.1.1.5. attach any object by any means to any Public Amenity, Verge, tree, parking meter, lamp-pole, electricity pole, telephone pole, telephone booth, post box, traffic sign, bench or any other Street Furniture in or on a Public Road or a Public Amenity;
- 6.1.1.6. make a fire in any place or in circumstances where it could cause injury or loss to a Person, building, vehicle, or Street Furniture, except Street Traders that are in possession of a Street Trading permit, authorizing them to prepare foodstuffs by utilizing open-flame fire or gas-fired implements;
- 6.1.1.7. sleep overnight at the place of his/her Street Trading business;
- 6.1.1.8. erect any structure for the purpose of providing shelter at the place of his/her Street Trading business;
- 6.1.1.9. interfere with the ability of a person using a Verge to view the goods displayed behind a shop display window, or obscure such goods from view;

- 6.1.1.10. carry on business, or take up a position, or place his or her Property on a portion of a Verge or Public Amenity, in contravention of a sign or notice erected or displayed by the Municipality for the purpose of these By-laws;
- 6.1.1.11. store his/her Property or Goods in a manhole, storm water drain or a public toilet, bus or taxi shelter or under a publicly accessible tree;
- 6.1.1.12. carry on Street Trading in such a manner as to –
  - 6.1.1.12.1. create a Nuisance;
  - 6.1.1.12.2. damage or deface the surface of a Public Road or Public Amenity or any public or private property;
- 6.1.1.13. create a traffic obstruction or obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular traffic or pedestrians ignore, disobey or refuse a request by an Authorised Official to remove his/her Property and Goods so as to permit the carrying out of any work or service in relation to a Public Road or Public Amenity.
- 6.1.1.14. display his/her Goods or Property on or in a Public Amenity except with the approval of the Municipality;
- 6.1.1.15. conduct Ambush Marketing;
- 6.1.2. A Street Trader shall ensure that when liquefied petroleum gas is used during its activities of Street Trading that it shall comply with appropriate standards and requirements applicable in the use of such gas.

**6.2. Conduct of A Street Trader with Regard to Ensuring Place of Trading is Kept Clean**

- 6.2.1. A Street Trader shall, for the Term –
  - 6.2.1.1. dispose of Litter generated by his or her business in whatever receptacle is provided by the Municipality for the public or at a dumping site of the Municipality;

- 6.2.1.2. not dispose of Litter in a manhole, storm water drain or other place not intended for the disposal of Litter;
- 6.2.1.3. on request by an Authorised Official, move his or her Property and Goods so as to permit the cleansing of the area or site where he or she is trading, or the effecting of Municipal Services or for any other lawful reason;
- 6.2.1.4. ensure that no smoke, fumes or other substance causes Air Pollution;
- 6.2.1.5. ensure that no odour, or noise emanating from his or her activities causes a Nuisance of any kind;
- 6.2.1.6. keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- 6.2.1.7. keep his or her Property in a clean, sanitary and well maintained condition;
- 6.2.1.8. take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a Public Road or Public Amenity, or into a storm water drain, of any fat, oil or grease or any other substance that may be harmful to the general public and users of the Public Road or Public Amenity; and
- 6.2.1.9. ensure that on conclusion of his/her business for the day, the area or site occupied by him or her for the purposes of trade is free of Litter and must do so within the parameters of certain prescribed specific periods of time.

### **6.3. Prohibition on Street Trading**

- 6.3.1. No Person shall, except with the prior written Approval of the Municipality granted specifically with regard to the Competition,
  - 6.3.1.1. carry on the business of Street Trading at any Controlled Access Site or Exclusion Zone during the Term;
  - 6.3.1.2. carry on the business of Street Trading in a Restricted Area;



6.3.1.3. carry on the business of Street Trading in a garden or park to which the public has a right of access.

6.3.2. No Person shall carry on the business of Street Trading -

6.3.2.1. in a Prohibited Area;

6.3.2.2. on a Verge contiguous to an auto teller bank machine;

6.3.2.3. on a Verge contiguous to -

6.3.2.3.1. a building declared to be a heritage resource in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999); except where special permission has been granted in terms of the same legislation;

6.3.2.3.2. a building belonging to or occupied solely by the State or the Municipality;

6.3.2.3.3. a church or other place of worship;

6.3.2.3.4. a Public Amenity

6.3.2.3.5. except to the extent that the carrying on of such business is permitted by a sign erected or displayed by the Municipality and in compliance therewith;

6.3.2.4. at a place where -

6.3.2.4.1. it causes obstruction of the entrance or exit from a building;

6.3.2.4.2. it causes an obstruction of a fire hydrant; and

6.3.2.5. on that half of a Public Road contiguous to a building used for residential purposes if the owner or person in control or any occupier of the building objects to it;

6.3.2.6. on that half of a Public Road contiguous to a shop or that part of a building in which business is being carried on by a Person who sells

goods of the same nature as, or of a similar nature to, Goods being sold by the Street Trader if that Person objects to it;

- 6.3.2.7. on a stand or in any area demarcated by Municipality in terms of section 6A(3)(b) of the Businesses Act, 1991 ( Act No. 71 of 1991), if he/she is not in possession of written proof that he/she has rented such stand or area from the Municipality or that such stand has been allocated to him; nor shall he/she trade in contravention of the terms and conditions of such lease or allocation; and
- 6.3.2.8. within a reasonable distance from any Controlled Access Site, such distance being Prescribed by the Municipality.

#### **6.4. Restricted and Prohibited Trading Areas**

- 6.4.1. The Municipality may, in terms of section 6(A)(2) of the Businesses Act, 1991 (Act No. 71 of 1991), declare any place, including private property, falling within its area of jurisdiction as a Prohibited Area or a Restricted Area, with reference to -
  - 6.4.1.1. certain specific periods during the Term;
  - 6.4.1.2. the boundaries of Restricted Areas or Prohibited Areas;
  - 6.4.1.3. the boundaries of a stand or area set apart for the purposes of carrying on the business of Street Trading;
  - 6.4.1.4. any other category of restriction or prohibition against Street Trading, which the Municipality may prescribe.
- 6.4.2. The Municipality may identify and demarcate any such Restricted Area or Prohibited Area in any manner it deems appropriate.

#### **6.5. Prohibition on Persons under the Age of Sixteen**

- 6.5.1. No Person under the age of sixteen years shall engage in the business of Street Trading in or near a Public Road or Public Amenity.

- 6.5.2. Any Person who or which employs or engages or requests such a Person referred to in section 6.5.1 above, to conduct the business of Street Trading or to assist therewith shall be guilty of an offence.

**6.6. Vicarious Liability**

- 6.6.1. When a Person who is an employee, subcontractor, agent or assistant of another Street Trader performs any act or omission which constitutes an offence in terms of these By-laws, the latter Person shall be deemed to have committed the act or omission himself/herself/itself and where found liable shall be guilty of the same offence as the employee, subcontractor, agent or assistant unless he/she/it can prove that –

- 6.6.1.1. in committing the act or omission the employee, subcontractor, agent or assistant was acting without his/her/its permission or knowledge;
- 6.6.1.2. he/she/it took all reasonable steps to prevent the act or omission; and
- 6.6.1.3. it was not within the scope of authority of the employee, subcontractor, agent or assistant to perform such act or omission.

- 6.6.2. The fact that an employer can prove that prior instructions forbidding the act or omission were issued to the employee shall not excuse him or her from liability for the employee's act or omission which subsequently amounted to a contravention of provisions under these By-laws.

## **7. CHAPTER 7 - MISCELLANEOUS PROVISIONS**

### **7.1. Powers of Entry to Inspect Premises**

7.1.1. An Authorised Official shall be entitled to demand, in relation to any Sign, Billboard, Advertising Structure or Advertisement erected, positioned, distributed or displayed in a Controlled Access Site, an Exclusion Zone or on any Public Advertising Media in the areas referred to in sections 2.1.2 and 2.1.3, in particular, or in any other area within the Municipality, in general, to inspect the Approval granted in respect of that Sign, Billboard, Advertising Structure or Advertisement, as the case may be.

7.1.2. Failure to furnish such Approval by the Owner or other holder thereof within a reasonable time shall constitute an offence under these By-laws.

### **7.2. Removal and Impoundment of Signs**

7.2.1. The Municipality shall, in relation to any Sign, Billboard, Advertising Structure or Advertisement erected, positioned, distributed or displayed in a Controlled Access Site, an Exclusion Zone or on any Public Advertising Media in the areas referred to in sections 2.1.2 and 2.1.3, in particular, or in any other area within the Municipality, in general, be entitled to do the following –

7.2.1.1. to direct the Owner of a Sign, Billboard, Advertising Structure or Advertisement that wholly or partially projects over or encroaches on any boundary of a Premises, whether public or private, by notice to remove the projecting or encroaching part or the whole of the Sign immediately. Failure to comply with the notice shall constitute an offence;

7.2.1.2. to remove or seize a Sign, Billboard or Advertisement or to serve a notice on the responsible Person to remove or seize such Sign, Billboard or Advertisement if, in the opinion of the Municipality, such Sign, Billboard or Advertisement is detrimental to the environment or to the amenity of the neighbourhood, or is otherwise in contravention of these By-laws;

- 7.2.1.3. in removing or seizing such a Sign, Billboard or Advertisement, not be required to compensate any Person in any way for loss or damage resulting from its removal or seizure;
- 7.2.1.4. if a Sign, Billboard, Advertising Structure or Advertisement constitutes a danger or is obscene, in the reasonable opinion of the Municipality, or is erected and/or positioned without prior Approval of the Municipality, the Municipality may, without serving any notice, carry out the removal or seizure of such Sign from a Premises, whether public or private;
- 7.2.2. Any costs incurred by the Municipality in removing, seizure, storing, or undertaking alterations to a Sign, Billboard, Advertising Structure or Advertisement may be recovered from the Owner of the Sign, Billboard, Advertising Structure or Advertisement;
- 7.2.3. The Owner of a Sign, Billboard, Advertising Structure or Advertisement that is removed by the Municipality may, except where court proceedings have been instituted against such Owner, apply to the Municipality within 7 (seven) days of the date of the removal or impoundment of the Sign, to have the Sign returned, subject to reimbursement of the Municipality's costs of removal, seizure and storage;
- 7.2.4. Should the Owner of any Sign, Billboard, Advertising Structure or Advertisement that is removed by the Municipality fail to collect such Sign, Billboard, Advertising Structure or Advertisement within 30 (thirty) days after a court case relating to such removal is finalised, the Municipality may destroy the Sign, Billboard, Advertising Structure or Advertisement or otherwise dispose of it as it deems fit;
- 7.2.5. The Municipality shall not be liable for damages of whatever nature arising from the impoundment, removal, seizure or disposal of any Sign, Billboard, Advertising Structure or Advertisement.

### **7.3. Access Rights and Restrictions on Controlled Access Sites**

The right of access to and use of a Controlled Access Site shall be regulated through Accreditation and Ticketing. Depending on the nature of the Controlled Access Site and the nature of the event being held at such Controlled Access Site, no Person other than –

- 7.3.1. an Accredited Person;
- 7.3.2. a Ticket Holder; or
- 7.3.3. any other Person duly authorised or permitted to enter a Controlled Access Site, and
- 7.3.4. an emergency response vehicle in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996),

shall be permitted access to a Controlled Access Site.

#### **7.4. Instructions by Authorised Officials in Respect of Public Open Spaces**

- 7.4.1. An Authorised Official may instruct any Person to leave a Public Open Space if -
  - 7.4.1.1. the Authorised Official reasonably believes that the Person is contravening any provision of these By-laws, and
  - 7.4.1.2. such Person fails to immediately terminate such contravention upon the instruction of that Authorised Official.
- 7.4.2. Failure to adhere to such an instruction shall constitute an offence under these By-laws.

#### **7.5. Search and Seizure Powers of the Municipality on Public Roads and in Respect of Contraventions on Street Trading**

- 7.5.1. Subject to any applicable legislation including without limitation the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) and the Road Traffic Act 1989 (Act No 29 of 1989), an Authorised Official:
  - 7.5.1.1. may search, remove and/or impound any Goods, Property, container, structure, materials, substance, shelter, tent vehicle of any nature whatsoever, whether or not unattended,-
    - 7.5.1.1.1. which he/she reasonably suspects of being used or are intended to be used or have already been used in or in connection with the business of Street Trading or a contravention of these By-laws;

- 7.5.1.1.2. left or parked at any unauthorised parking area;
- 7.5.1.1.3. which he/she finds in park or on a public road or public place and which in their opinion constitutes an infringement of these By-laws, whether or not such Goods, Property, container, structure, materials, substance, shelter, tent or vehicle which is in the possession of or under the control of any person at the time of such impoundment or removal;
- 7.5.1.2. shall perform all such functions as may be assigned to him/her by the Minister of Trade and Industry and any other responsible or designated authority.
- 7.5.2. An Authorised Official by virtue of section 1.1.9 shall issue a receipt from an approved receipt book to the person who appears to be in control of the Goods, Property, structure, materials, substance, container, shelter, tent or vehicle concerned.
- 7.5.3. Any Goods, Property container, structure, materials, substance, shelter, tent or vehicle as contemplated in subsection 7.5.1 shall be marked in a suitable manner and kept in safe custody.
- 7.5.4. The Street Trader whose Goods, Property, container, structure, material, substance, shelter or tent is impounded in terms of these by-laws shall, before such Goods, Property, materials, substance, container, shelter, tent or vehicle is returned to him/her pay to the Municipality the storage costs as determined by Municipality from time to time.
- 7.5.5. The owner thereof may claim any impounded Goods, Property, container, structure, materials, substance, shelter, tent or vehicle, on production of proof of ownership to the satisfaction of the Municipality.
- 7.5.6. Any Goods, Property, structure, materials, substance, container, shelter, tent or vehicle which has not been claimed within a period of three months from the date of impoundment, may be destroyed if of no commercial value, or sold by public auction and the proceeds thereof shall be retained by the Municipality to

defray its costs and expenses with regard to the contravention, impoundment and storage.

- 7.5.7. The Municipality shall not be liable for compensation to any Person for damages arising out of the damage to or the loss of any Goods, Property, container, structure, materials, substance, shelter, tent or vehicle removed in terms of sub section 7.5.1 or sale thereof by public auction, and the owner of such Goods, Property, materials, substance, container, tent or vehicle shall have no claim or right of redress against the Municipality, should such Goods, Property, materials, substance, container, tent or vehicle be handed over in good faith to a Person other than the owner thereof.
- 7.5.8. Any Goods of a perishable nature will only be kept for 24 hours from impoundment and will be disposed of at the discretion of the Municipality.
- 7.5.9. In addition to the foregoing, and without derogating therefrom, an Authorised Official shall have the powers, and may implement the procedures, which an inspector is empowered to undertake in terms of Section 4 of the Merchandise Marks Act, 1941, and the provisions of that section shall apply mutatis mutandis to goods seized and procedures followed by an Authorised Official in terms of this section.

**7.6. Offences and Penalties:**

Any Person who –

- 7.6.1. Contravenes or fails to comply with any provision of these By-laws;
- 7.6.2. Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by these Bylaws; or
- 7.6.3. Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of these Bylaws ought to be done at the time and in the manner therein provided; or
- 7.6.4. Knowingly permits or allows any condition of things to exist or continue to exist contrary to these Bylaws; or



- 7.6.5. Does not cease any action which that Person is required to cease under these Bylaws; or
- 7.6.6. Fails or refuses, neglects to comply and/or continuously fails, refuses, neglects to comply even after notices of breach or lawful institutions have been issued in terms of these By-laws; or
- 7.6.7. Fails to comply with any notice, or direction, or conditions contained in any licence granted by the Municipality; or
- 7.6.8. Obstructs an Authorised Official in the execution or performance or attempted execution or performance of any duty to be discharged by such Authorised official in the exercise of any power conferred by these Bylaws;

is guilty of an offence and liable on conviction to a fine not exceeding Ten Thousand Rand (R10 000, 00) or in default of payment to imprisonment for a period not exceeding six (6) months, or both, and in the case of a continuing offence, to a further fine not exceeding Two Thousand Rand (R2 000,00), or in default of payment to imprisonment not exceeding one (1) month, for every day during the continuance of such offence after a written notice has been issued by the Municipality and served on the Person concerned requiring the discontinuance of such offence.

eThekweni Municipality 2010 FIFA World Cup South Africa By-laws

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## **8. CHAPTER 8 - FINAL PROVISIONS**

### **8.1. Short Title and Commencement**

These By-laws shall be called the eThekweni Municipality 2010 FIFA World Cup South Africa By-laws, and shall operate for the Term.

## 9. CHAPTER 9 - TERM SCHEDULE

9.1 The Term Schedule of these By-laws shall be as follows:

9.1.1 All Chapters of these By-laws shall commence upon the adoption, hereof, by the Council and remain in effect for an indefinite period until the Municipality decides otherwise, except for the following clauses -

9.1.1.1 Clause 2.1.1.1, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.2 Clause 2.1.2.1, which shall commence upon designation of a particular area as a Controlled Access Site and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.3 Clause 2.1.2.3, which shall commence upon the finalisation and publishing of the boundaries of a FIFA Fan Park and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.4 Clause 2.1.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.5 Clause 2.1.4, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.6 Chapter 3, which shall commence upon designation of particular areas as Controlled Access Sites and/or Exclusion Zones and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.7 Clause 4.1.1, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.8 Clause 4.2.23, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

- 9.1.1.9 Clause 4.3.2, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.10 Clause 4.4.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.11 Clause 5.2.5, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.12 Clause 5.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.13 Clause 5.4, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.14 Clause 5.5, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.15 Clause 6.3.1, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.16 Clause 7.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition; and
- 9.1.1.17 Clause 7.5.1.2, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition.

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**IZAZISO ZIKAMASIPALA**

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**No. 14**

**13 kuNdasa 2009**

IMithetho YeDolobha Emayelana NemiDlalo Yendebe YoMhlaba Ye-FIFA ENingizimu Afrika NgoNyaka Ka-2010

**UMASIPALA WASETHEKWINI**

**IMITHETHO YEDOLOBHA EMAYELANA NEMIDLALO YENDEBE YOMHLABA YE-FIFA ENINGIZIMU AFRIKA NGONYAKA KA-2010**

**(Ishicilelwa ngaphansi koMthetho iMunicipal Systems Act, uMthetho 32 ka 2000)**

IMithetho YeDolobha Emayelana NemiDlalo Yendebe YoMhlaba Ye-FIFA ENingizimu Afrika NgoNyaka Ka-2010

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IMithetho YeDolobha Emayelana NemiDlalo Yendebe YoMhlaba Ye-FIFA ENingizimu Afrika NgoNyaka Ka-2010

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## ISANDULELO

### NJENGOBA

- A. I-FIFA, inhlangothi ehlelwe ngokoMthetho 60 weSwiss Civil Code, kuyinhlangothi yomhlaba eyengamele ibhola lezinyawo kunjalo nje ingumnikazi osemthethweni waMaLungelo Okuthengisa, Amalungelo Abezindaba namanye amalungelo okuhweba mayelana noMqhudlwano; futhi
- B. IFIFA ikhethe iRiphabhliki yaseNingizimu Afrika njengezwe elizosingatha uMqhudlwano futhi yakhomba iSAFA njengenhlangothi eyilungu enomthwalo wokuhlela, ukudlalisa nokusingatha uMqhudlwano eRiphabhliki yaseNingizimu Afrika; futhi
- C. ISIFA, ilandela isivumelwano neLOC, wonke amalungelo ayo nawo wonke umsebenzi, ikunikeze iLOC ukuba ihlele, idlale futhi isingathe uMqhudlwano; futhi
- D. UMasipala waseThekwini naye ufakwe njengeline lamadolobha akhethelwe ukusingatha imidlalo; ngenxa yalokho kukhethwa ube esevuma ukuba azibeke ethubeni lokukhethwa yiLOC neFIFA ukuba abe ngeline lamadolobha okuyodlalelwa kuwo; futhi
- E. Ngemuva kwalokho kukhethwa kukaMasipala waseThekwini, ubeke emahlombe akhe imisebenzi ethile mayelana noMqhudlwano ikakhulukazi wavuma ukuqinisekisa ukuthi kushaywe imithetho yedolobha efanele ukwenzela ukuba uMqhudlwano uhambe ngemfanelo. Lapha-ke uMasipala waseThekwini kudingeka aqiniseke ukuthi kushaywa futhi kulandelwa imithetho efanele yedolobha ezindaweni ezisohlwini olungenzansi, futhi kube ngesebenzayo ngesikhathi esinqunyiwe ukuze udlale futhi usingathwe ngokuyikho uMqhudlwano:
- Ukukhangisa,
  - Ukulawulwa kokungena,
  - Izindawo zomphakathi ezivulekile nokuhlotsiswa kwedolobha,
  - Imigwaqo yomphakathi nokulawulwa kwalokho okuhamba emigwaqweni,
  - Ukuhwebela emigwaqweni

**MANJE NGAkho-ke NGENXA YALOKHU OKUNGENHLA LE MITHETHO YEDOLOBHA ELANDLELAYO YENDEBE YOMHLABA KA-2010 ENINGIZIMU AFRIKA KAMASIPALA WASETHEKWINI IYAMUKELWA:**

## 1. ISAHLUKO 1 – IMIBANDELA YOKUQALA

### 1.1 Incazelo yamagama asetshenzisiwe

Kule Mithetho yeDolobha la magama alandelayo analezi zincazelo, ngaphandle kwalapho indikimba ikhomba okunye-

1.1.1 **“ukuNikwa iGunya”** kusho ukunikwa igunya kanjengoba kuchazwa kwisengezo esichaza uhlelo nenqubo emaqondana nokunikezwa kwamagunya;

1.1.2 **“Isengezo esichaza ngohlelo nenqubo emaqondana nokunikwa kwamaGunya”** kusho uhlelo lokunikwa kwamagunya nenqubo yakhona kaFIFA eyosebenza eMqhudlwani;

1.1.3 **“isiKhangiso”** kusho umfanekiso obonakalayo okufaka ukukhombisa, uphawu, umdwebo, into, nanhlobo ebonakalayo emphakathini, kungagcini lapho, okungafaka noma yimuphi umgwaqo noma indawo yomphakathi kumbe noma iyiphi indawo ekahle noma ngaphansi kwebhuloho, isakhiwo, nanoma yisiphi isakhiwo, kungagcini lapho, kubalwa nombhalo wokukhangisa osemoyeni; nanoma iyiphi inhlanganisela ngenhloso yokwedlulisa ulwazi;

1.1.4 **“uKukhangisa”** kusho isenzo sokwazisa, ukwexwayisa, ukuqhakambisa nokwenza noma yini ukwedlulisa ulwazi ngendlela engabonakala noma engezwakala;

1.1.5 **“iSakhiwo soKukhangisa”** kusho noma yini eyakhelwe noma ebekwe ngendlela yokuqhakambisa uphawu noma uqwembe, noma enophawu kumbe uqwembe;

1.1.6 **“ukuMaketha okunguMshoshaphansi”** kusho ukumaketha, ukuheha amehlo, ukukhangisa noma ukuzimbandakanya nomphakathi ngamagama, ngomsindo, nangayiphi enye indlela eqonde ngqo noma egigiyelayo eqondene noMqhudlwano futhi exhumene noma ekhombisa ukuxhumana nawo esebenzisa noma eqonde ukusebenzisa lokho kuxhumana noma ezuzayo noma eqonde ukuhlomula ngokugqama kuwo lokho kube kufiphaza nanoma yimuphi umxhasi woMqhudlwano, kodwa kube kwenziwa ngumuntu ilungelo lokumaketha ukuxhumana noMqhudlwano angalinikwanga iFIFA noMqhudlwano weFIFA ube ungamgunyazanga ukuba akwenze lokho.

1.1.7 **“UkuNgcoliswa koMoya”** njengokuchazwa kwakho eMthethweni iNational Environment Management: Air Quality Act, 2004 (uMthetho 39 ka 2004), kusho noma iyiphi inguguquko kokuqethwe umoya ngenxa yentuthu, umsizi, uthuli (okubandakanya nomlotha ondizayo), amalahle, nanhlobo yezinhlayiya ezithintekayo, usi, intushwana, izifuthwa, nokunamaphunga;

1.1.8 **“iMvume”** kusho imvume eyenziwe nguMasipala kufaka nokuvunywa yiSiphathimandla esiGunyaziwe;

1.1.9 **“isiPhathimandla esiGunyaziwe”** kusho umuntu ogunyaziwe ukuba alandele imibandela yaleMithetho yeDolobha, kufaka nalokhu okulandelayo kodwa kungagcini lapho-

1.1.9.1 abasebenzi ababizwa ngama 'peace officers' njengokuchazwa kwabo esigabeni 334 soMthetho iCriminal Procedure Act, 1977 (uMthetho 51 ka 1977);



- 1.1.9.2 Amaphoyisa kaMasipala noma edolobha njengokuchazwa kwawo eMthethweni iSouth African Police Services Act, 1995 (uMthetho 68 ka 1995); kanye/noma
- 1.1.9.3 abasebenzi, izithunywa, abagunyazwe ukuba bamele kanye/noma abakaMasipala abenza imisebenzi ethile abagunyaziwe nguye uMasipala;
- 1.1.10 **“iBhidi”** isho iziphakamiso, izibophezelo, iziqinisekiso nezethembiso ezisemqulwini owethulwe iSAFA kwiFIFA mayelana noMqhudelwano kufaka zonke iziqinisekiso nokuzibophezela okwethulwe nguhulumeni okweseka iBhidi futhi okuqinisekisa ukweseka ukudlalisa nokusingatha uMqhudelwano;
- 1.1.11 **“uQwembekazi”** lusho nanoma yiliphi ibhodi noma uphawu olusesakhiweni esizimele okungaba ngolubhalwe ngesandla, ludwetshwe ngaso noma lupendwe ngaso, oluyiphepha elinanyathiselwe, uphawu olubhaliwe, lunanyekwe ngenamfunamfu noma lwembozwe, lwananyekwa noma kwabhalwe phezu kwalo ngale nhlanganisela, okungagcina sekubukeka kusasikhangiso;
- 1.1.12 **“Umnini layisense onikwe igunya lokusebenzisa izimpawu zoMqhudelwano emikhiqizweni yakhe”** kusho noma ngubani ongeyena oBambisene neFIFA, engemxhasi wendebe yomhlaba yeFIFA futhi engeyena uMlandeli weZwe onikezwe iFIFA ilungelo lokubeka iziMpawu zoMqhudelwano emikhiqizweni (nokokuyigoqa, nokokuyikhangisa leyomikhiqizo) okunanophawu olumchazayo noma lokuhweba lwalowo muntu;
- 1.1.13 **“Amalungelo oKusakaza”** kuchaza ilungelo lokusakaza, ukuhambisa, ukukhombisa, ukuthwebula uMqhudelwano ngefilimu nangesithombe kanjalo nokuwuqopha noma ngandlelani nazo zonke izinhlobo zokusakaza nokwazisa ezaziwayo kumanje nje nakamuva nelungelo lokuzisebenzisa;
- 1.1.14 **“Onelungelo lokusakaza”** nguMuntu othole kwiFIFA ngqo noma ongatholanga kwiFIFA ngqo noma iyiphi ingxenye yamalungelo okusakaza;
- 1.1.15 **“iMithetho yeDolobha”** isho le mithetho yedolobha kaMasipala waseThekwini yendebe yomhlaba ka-2010 eNingizimu Afrika eqondene nokukhangisa, ukulawulwa kwezindawo zokungena, izindawo zomphakathi ezivulekile, imigwaqo yomphakathi nokulawulwa kwezinto ezihamba emgwaqweni; nokuhlotsiswa kwedolobha nokuhweba emigwaqweni okufaka nezaziso ngokwale mithetho;
- 1.1.16 **“ukuPhakama oKwanele”** kusho ibanga lokuphakama elingaba lincane kusuka emhlabathini, emgwaqweni noma endaweni ephansi kuya lapho kuqala khona uPhawu lokuKhangisa enzansi nalo;
- 1.1.17 **“umHlobo wezoHwebo”** kusho oBambisene neFIFA, uMxhasi weNdebe yoMhlaba yeFIFA umlandeli wezwe kanye nomnini layisense onikwe igunya lokusebenzisa izimpawu zoMqhudelwano emikhiqizweni yakhe;
- 1.1.18 **“uMqhudelwano”** usho indebe i-2009 Confederations Cup okuhlelwe ukuba ibangwe mhla ka-14 Juni kuze kube ngumhla ka-28 Juni 2009 eRiphabhliki yaseNingizimu Afrika noma iNdebe yoMhlaba yeFIFA ka2010 eNingizimu Afrika okuhlelwe ukuba ibangwe kusukela mhla ka-11 Juni kuze kube ngumhla ka-11 Julayi 2010 eRiphabhliki yaseNingizimu Afrika, kuye ngokuthi kushiwo muphi uMqhudelwano ngaphansi kweFIFA, kubalwa yonke imiDlalo neMicimbi eseMthethweni;
- 1.1.19 **“iziMpawu zoMqhudelwano”** zisho

- 1.1.19.1 uPhawu oluseMthethweni;
- 1.1.19.2 noma yisiphi isilwanyana zokudlala soMqhudelwano esisemthethweni;
- 1.1.19.3 noma isiphi isiThombe soMqhudelwano esisemthethweni;
- 1.1.19.4 noma yimiphi imidwebo ebukeya saMqhudelwano esemthethweni;
- 1.1.19.5 imifanekiso yenkomishi yeNdebe yoMhlaba yeFIFA emacala mabili noma amathathu; kanye
- 1.1.19.6 Nanoma yimuphi umdwebo ohambelana noMqhudelwano kubalwa nezimpawu zokuhweba nalezo ezichazwe eMthethweni wezimpawu iTrade Marks Act, 1993;
- 1.1.20 **“iNdawo yoMphakathi eVulekile yoKongiwa kweMvelo”** kusho indawo yomphakathi evulekile ephethwe nguMasipala noma ephethwe egameni lakhe ngenhloso yokulondolozwa, ifaka noma iyiphi indawo elondolozelwe imvelo, indawo engakhiwe ezungeze idolobha, imihosha, ikhaya lezinyoni, nezindawo ezibalulekile ngokomlando, ngokwemvelo noma ngokwendalo;
- 1.1.21 **“iNdawo okuLawulwayo ukuNgena kuyona”** ichaza –
  - 1.1.21.1 izindawo zemiDlalo okubalwa kuzokodwa kungagcini lapho, iNkudla;
  - 1.1.21.2 izindawo zeMicimbi eseMthethweni;
  - 1.1.21.3 noma iziphi ezinye izindawo ukungena khona okulawulwa ngoKunikwa iGunya;
  - 1.1.21.4 izizinda zoKunika iGunya kwabafanele;
  - 1.1.21.5 iZikhulgo zoKuzilolonga eziseMthethweni;
  - 1.1.21.6 amaHhotela amaQembu;
  - 1.1.21.7 amahhotela asemthethweni ezithunywa zeFIFA;
  - 1.1.21.8 iziKhungo zeFiFA zabaLandeli bebhola; kanye
  - 1.1.21.9 nanoma iyiphi enye indawo engaphansi kukaMasipala ekhonjwe noma eklanywe nguMasipala njengeNdawo okuLawulwayo ukuNgena kuyona engafaka nendawo okungesiyo eyomphakathi;
- 1.1.22 **“iSiko”** lisho khona konke lokho okwenza umehluko, ngokomoya, okuphathekayo, ngokomqondo nangokwemizwa umphakathi noma abantu abehluka ngakho, lifaka nalokho okungaphatheki okwathathelwa kwabasandulela, inqubo ngokwesiko; umlando oxoxwayo, imikhuba, okukhunjulwayo, amakhono namasu, ulwazi lwemvelo, iso elivulekile lokubhekana nemvelo, nomphakathi kanye nokuxhumana, ulimi nokulondolozwa kwamagugu, kufake nezinqolobane zamagugu, imitapo yolwazi, izizinda zomlando kanye nezakhiwo zawo;
- 1.1.23 **“iNdawo eKlanyiwe”** ichaza ingxenye yomgwaqo noma indawo eseceleni komgwaqo ekhonjwe yaklanywa njengendawo lapho kungamiswa khona imoto ngokusemthethweni;

- 1.1.24 **“iMvelo”** ichazwa njengaseMthethweni iNational Environment Management Act, 1998 (uMthetho 107 ka 1998) njengezindawo okukhona abantu kuzo futhi ezakhiwe –
- 1.1.24.1 inhlabathi, amanzi nomoya komhlaba;
  - 1.1.24.2 izilwanyana ezincanyana, okuyizihlahla nezilwane okuphilayo;
  - 1.1.24.3 noma iyiphi ingxenye noma inhlanganisela yalokhu okungenhla; kanye
  - 1.1.24.4 nezimo ezithintekayo, ezibukekayo neziyisiko zalokhu okungenhla ezithinta impilo yabantu nenhlalakahle yabo;
- 1.1.25 **“iNdawo eHlungiwe”** ichaza indawo eqashelwe kusukela ngaphandle kweNkundla, njengokukhonjwa noma ukuklanywa kwayo nguMasipala kufaka nendawo ekungeyona eyomphakathi elapho ngaphakathi;
- 1.1.26 **“iFIFA”** ichaza iFédération Internationale De Football Association;
- 1.1.27 **“iNgqungquthela yeFIFA”** kuchaza ingqungquthela yeFIFA eba njalo ngemuva kweminyaka emibili, okungumgwamanda omkhulu kaFIFA onabamele zonke iziNhlango zeBhola ezingamaLungu kaFIFA ohlangana mayelana noMqhudlwano;
- 1.1.28 **“iThimba leFIFA”** lisho mayelana noMqhudlwano, labantu abalandelayo –
- 1.1.28.1 abasebenzi beFIFA nabesebenzi bazo zonke izinkampani ezingaphansi kweFIFA;
  - 1.1.28.2 amalungu amakomidi asemthethweni eFIFA angaphakathi;
  - 1.1.28.3 izimenywa zeFIFA;
  - 1.1.28.4 bonke abanye abantu abakhethwe yiFIFA njengamalungu ezithunywa zeFIFA;
- 1.1.29 **“iziKhungo zeFIFA zabaLandeli bebhola”** ichaza isikhungo sabalandeli bebhola ezokwakhiwa nguMasipala ngaphansi kweso nezeluleko zeFIFA;
- 1.1.30 **“iNhlango yeBhola eyiLunga le-FIFA”** ichaza noma iyiphi inhlangano yezwe yebhola ebhalise ngokusemthethweni kwiFIFA;
- 1.1.31 **“oBambisene neFIFA”** kuchaza uMuntu iFIFA emnikeze amaLungelo angayiwa okuMaketha;
- 1.1.32 **“uMxhasi weNdebe yoMhlaba yeFIFA”** kuchaza uMuntu oza isibili ngamaLungelo angayiwa okuMaketha awanikezwe yiFIFA;
- 1.1.33 **“ukuQhatha koKugcina”** kuchaza umcimbi wokuqhatha osemthethweni woMqhudlwano okuyikona okuyofaka amaqembu eziNhlango zeBhola ezingamaLunga ezibambe iqhaza emaqoqweni ahlukene oMqhudlwano;
- 1.1.34 **“iziMpahla”** zichaza noma iziphi izimpahla ezichayawe noma okugciniwe ngumHwebi waseMgwaqweni ngenhloso yokuThengisa, kubalwa nezilwane njengoba zichazwe eMthethweni i-Animal Protection Act, 1962 (uMthetho 71 ka 1962);

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- 1.1.35 **“iMpambanamigwaqo”** ichaza noma iyiphi impambanamigwaqo njengoba kuchazwe ngokoMthetho iNational Road Traffic Act, 1996, (uMthetho 93 ka 1996);
- 1.1.36 **“ukuNgcola”** kuchaza noma yisiphi isitsha, kumbe okunye nje okulahliwe noma okushiye noma okusale kumHwebi waseMgwaqweni noma kubathengi bakhe;
- 1.1.37 **“iLOC”** ichaza iKomidi eliHlelela iNdebe yoMhlaba ka-2010, okuyinhlangano emiswe ngaphansi kweSigaba 21 soMthetho iCompanies Act, 1973 (uMthetho 61 ka 1973) (Registration No. 2005/029945/08);
- 1.1.38 **“uMphakathi weNdawo”** mayelana noMasipala uchaza abantu –
- 1.1.38.1 abayizakhamuzi endaweni engaphansi kukaMasipala;
- 1.1.38.2 abangabakhokhi bentela kaMasipala;
- 1.1.38.3 noma iyiphi inhlangano yomphakathi nenhlangano okungeyona ekahulumeni, yomkhakha ozimele noma yenhlangano yabasebenzi noma isigungu esithinteka ezindabeni zendawo ngaphakathi kukaMasipala; kanye
- 1.1.38.4 nabavakashele indawo engaphansi kukaMasipala, kubalwa nabavakashe ngokoMqhudlwano, kodwa abasebenzisa imisebenzi nezinto zikaMasipala ngenxa yokuthi bakhona endaweni;
- 1.1.39 **“AmaLungelo okuMaketha”** achaza ukukhangisa, ukuheha, ukumaketha, ukudayisa, ukukhipha ilayisense, ukunikeza ilungelo lebhizinisi, ukuhlalisa, ukushicilela, nanoma yimaphi amanye amalungelo aphantsi namathuba okuhweba (okungewona amalungelo abezindaba) aphantsi namathuba noMqhudlwano;
- 1.1.40 **“um(imi)Dlalo”** ichaza lowo nalowo mdlalo webhola lezinyawo usuwonke uphelele (sekuhlangele nesikhathi esengeziwe nokushaywa kwamaphenathi) eMqhudlwani, kubalwa nemidlalo yokuqeqesha namaphi eminye imidlalo elibazisekile noma ehlelwe nephindwayo;
- 1.1.41 **“aBezindaba”** kuchaza bonke abamaphephandaba, abathwebula izithombe, abemisakazo nabomabonakude abanelungelo lokuNikwa iGunya njengabemithombo yezindaba;
- 1.1.42 **“aMalungelo aBezindaba”** kuchaza ilungelo lokusakaza, ukuhambisa, ukukhombisa, ukuthwebula uMqhudlwano ngefilimu nangesithombe kanjalo nokuwuqopha noma ngandlelani nazo zonke izinhlobo zokusakaza nokwazisa ezaziwayo kumanje nje nakamuva nelungelo lokuzisebenzisa;
- 1.1.43 **“UMasipala”** uchaza –
- 1.1.43.1 uMasipala waseThekwini owakhiwa ngokoMthetho iLocal Government: Municipal Structures Act 1998 (uMthetho 117 ka 1998);
- 1.1.43.2 izindlalifa zawo ngokwesikhundla; noma
- 1.1.43.3 isakhiwo sikaMasipala noma lowo onikwe igunya nguMasipala lokuba enze umsebenzi othile ngaphansi kwale miThetho yeDolobha, enikezwe ngokwesigaba 81(2) soMthetho iLocal Government:

Municipal Systems Act (uMthetho 32 of 2000), nanoma imuphi omunye umthetho ofanele;

1.1.43.4 **“iNkathazo”** ichaza:

- 1.1.46.1 noma yimuphi umfula, ichibi, ixhaphozi, umsele, umgudu wamanzi, isigubhu samanzi sasendlini yangasese, indlu yangasese ehambisa indle ngamanzi, indlu yangasese esebenzisa inhlabathi, indawo yokushobinga, umgodi ogcina indle, amapayipi ahambisa amanzi, awendle, umgodi wendlu yangasese, indunduma yomlotha noma eyobulongwe engcole noma esesimweni noma esendaweni noma eyakhiwe ngendlela enyanyisayo noma eyingozi empilweni;
- 1.1.46.2 noma yisiphi isitebela, isibaya, ished, ihoko lezinkukhu noma indawo esetshenziselwa ukugcina izilwane noma izinyoni eyakhiwe, esendaweni, esetshenziswa noma emi ngendlela eyenyanyekayo noma eyingozi;
- 1.1.46.3 noma yikuphi ukunqwabelana kwezibi, okwangaphakathi kwesilwane esihlatshiwe, umanyolo okunyanyisayo noma okuyingozi empilweni,
- 1.1.46.4 noma isiphi isakhiwo esisendaweni, esakhiwe, esisetshenziswa noma esigcinwe ngendlela engenakuphepha noma eyingozi empilweni;
- 1.1.46.5 noma isiphi isakhiwo esisetshenziselwa ukuhlala esingenawo amanzi ahlanzekile nanele ngokufanele ebangeni elingekude;
- 1.1.46.6 noma iyiphi ifemu noma imboni noma isakhiwo sebhizinisi esingahlanzekile futhi esinephunga elixakayo eliphuma emseleni wamanzi, endlini yangasese esebenzisa amanzi ukuhambisa indle, endlini yangasese esebenzisa inhlabathi, endaweni yokushobinga nanoma yikuphi nje, noma engangeni moya ozodambisa ngokungenzeka ukuxaka nobungozi besisi, iphunga, uthuli noma okunye ukungahlanzeki okudalekayo, noma eminyene noma ekhanya luvindi noma engangeni moya lokhu okungaba yingozi empilweni yalabo abasebenza khona;
- 1.1.46.7 noma iyiphi ifemu noma imboni noma isakhiwo sebhizinisi esidala noma esikhipha amaphunga axakayo kumbe nokunye okuyingozi empilweni;
- 1.1.46.8 noma iyiphi indawo egcinwa noma evunyelwa ukuthi ihlale isesimweni esenyanyisayo;
- 1.1.46.9 ukwenza noma yini, nasimo sini kumbe nanoma yini uNgqongqoshe aseyimemezele njengeyinkathazo ngaphansi koMthetho iHealth Act, 1977 (uMthetho 63 ka 1977);
- 1.1.46.10 ukugxambukela okungafanele:
  - 1.1.46.10.1 empilweni kumbe kwihlalakahle yoMuntu;
  - 1.1.46.10.2 ekusetshenzisweni nasekuzithokoziseni ngendawo komnikaziyo noma kohlala kuyona;

- 1.1.46.10.3 ekusetshenzisweni nasekuzithokoziseni  
ngeNdawo eVulekele uMphakathi kwelungu  
lomphakathi;
- 1.1.47 **“uPhawu oluseMthethweni”** luchaza noma yiluphi uphawu noma umaka osemthethweni woMqhudlwano;
- 1.1.48 **“iMicimbi esemthethweni”** ichaza noma yimuphi umcimbi wabantu, wamasiko, neminye imicimbi nokuqhathwa okusemthethweni okwenzelwa, okusingathwa, noma okuhlelwe yiLOC kanye/noma yiFIFA mayelana noMqhudlwano;
- 1.1.49 **“iNdawo yoKuzilolonga esemthethweni”** ichaza indawo engaphansi kukaMasipala ekhethelwe ukusingatha noma yikuphi ukuzilolonga kweQembu okuphathelele noMqhudlwano, kubalwa nezindawo ezizungezile neziseduze, izidingo zokupaka, izindawo zabezindaba, ezokuhlanganela, uthango namasango, okungaphansi kukaMasipala;
- 1.1.50 **“uPhiko lukaHulumeni”** lusho-
- 1.1.50.1 noma imuphi umnyango kaHulumeni ezingeni likazwelonke, lesifundazwe noma likamasipala; kanye
- 1.1.50.2 nanoma yisiphi isiphathimandla noma isakhiwo -
- 1.1.50.2.1 esisebenzisa amandla noma esenza umsebenzi ngokoMthethosisekelo wezwe, iConstitution of the Republic of South Africa Act, 1996 (uMthetho 108 ka 1996) kumbe uMthethosisekelo wesifundazwe;
- 1.1.50.2.2 noma esisebenzisa amandla kumbe ukufeza umsebenzi womphakathi ngokwanoma yimuphi umthetho, kodwa kungayifaki inkantolo nezikhulu zokwahlulela;
- 1.1.51 **“uMnikazi”** mayelana noPhawu ufaka noMuntu oneSakhiwo soKukhangisa kumbe osiqashile esiqondene nalolo Phawu, noma ozoba naso kumbe ozosiqasha uma sesakhiwe, nanoma ngubani onelungelo lokwabelwa ebunikazini noma ekuqashweni kwaleso Sakhiwo soKukhangisa;
- 1.1.52 **“iMitha yokuPaka”** ichaza okokuqopha nokukhombisa ubude besikhathi esivumelekile sokuma kwemoto eNdaweni eKlanyiwe ngokuhambisana nokufakwa kohlamvu lwemali, uphawu, ikhadi noma okunye okuqokwe ngokomthetho noma okuvumelekile ngokwezimpawu zokuhamba emgwaqweni ezisemthethweni ezichaza ubude obuvumelekile besikhathi sokupaka; noma okokufaka imali ukuze kuphume ithikithi elingabekwa emotweni, elichazayo futhi liveze ngokombhalo isikhathi leso evunyelwe ukusipaka imoto eNdaweni eKlanyelwe ukupaka;
- 1.1.53 **“Isikhathi sokuPaka”** kusho lobo bude besikhathi sokupaka eNdaweni eKlanyiwe obuvunyelwe ngokufaka kwiMitha yokuPaka eyabelwe leso sikhala uhlamvu lwemali, uphawu, ikhadi noma lokho okuqokwe ngokomthetho noma okuvumelekile ngokwezimpawu zokuhamba emgwaqweni ezisemthethweni ezichaza ubude obuvumelekile besikhathi sokupaka;

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- 1.1.54 **“iNhlango yeBhola eyiLungu eBambe iQhaza”** kusho noma iyiphi iNhlango yeBhola oyiLungu leFIFA iQembu elimmele elikwazile ukuphumelela ukuthola ilungelo lokubamba iqhaza eMqhudelwaneni;
- 1.1.55 **“uMuntu”** kusho umuntu okufaka umuntu siqu, isakhiwo ubunikazi baso obudidiyele abantu abangaphezulu koyedwa, ifemu, i-corporation, i-corporation trust, umfelandawonye, inkampani kanye ne-close corporation;
- 1.1.56 **“iNdawo”** ichaza isiza, isitende, umhlaba, umhlaba wezolimo, ingxenye yepulazi noma omunye umhlaba onjalo obhaliswe emqingweni wemininingwane yobunikazi bemihlaba, noma indawo eyisabelo;
- 1.1.57 **“okuNqunyiwe ngokoMthetho”** kusho okunqunywe nguMasipala ngesinqumo esithathwe uMkhandlu;
- 1.1.58 **“iNdawo eVinjelwe”** ichaza indawo emenyezelwe ngokwesigaba 6A(2) soMthetho iBusiness Act, 1991 (uMthetho 71 ka 1991) njengendawo lapho ukuhweba emgwaqweni kungavunyelwe khona;
- 1.1.59 **“iMpahla”** maqondana nomuntu oqhuba ibhizinisi lokuHweba eMgwaqweni ichaza noma iyiphi impahla, isitsha, imoto noma isakhiwo esisetshenziswa noma okuhloswe ukuba sisetshenziswe mayelana nalelo bhizinisi;
- 1.1.60 **“okoKukhangisa eMphakathini”** kusho indawo yokukhangisa (kubalwa, kodwa futhi kungagcinwa lapho, izigxobo zamalambu nezikagesi, nendawo yokukhangisa ezakhiweni zomphakathi) esingesikaMasipala, esiqashwe noma esilawulwa nguye;
- 1.1.61 **“iNdawo yokuThokoza yoMphakathi” –**
- 1.1.61.1 yinoma imuphi umhlaba womphakathi, indawo yokunandisa nokuhlangana yangaphandle, indawo yomphakathi yokubhukuda, indawo etshalwe kahle ebukekayo kumbe indawo nje yomphakathi, ipaki, kufaka noma iyiphi ingxenye yalokho nanoma yini elapho, kanjalo nanoma yimuphi umgwaqo womphakathi, umgwaqo obekiwe, ichibi, idamu, noma umfula;
- 1.1.61.2 yinoma isiphi isakhiwo, ihholo, ikamelo noma ihhovisi kubalwa nanoma iyiphi ingxenye nanoma yini elapho eyimpahla kaMasipala noma elawulwa noma eqashwe nguye futhi evulekele umphakathi jikelele kungenwa ngemali noma cha;
- 1.1.61.3 noma iyiphi indawo yokongiwa kwemvelo kubalwa -
- 1.1.61.3.1 iziqiwu;
- 1.1.61.3.2 izindawo zemvelo ezivikelwe;
- 1.1.61.3.3 izindawo ezifanele ukuba yizindawo zokongiwa kwemvelo;
- 1.1.61.3.4 izindawo zemvelo ezivulekile;
- 1.1.62 **“iNdawo eVulekile yoMphakathi”** ichaza noma imuphi umhlaba –

- 1.1.62.1 umnikazi wawo owuphiko lukaHulumeni; noma
- 1.1.62.2 oqashiwe kumbe uphiko lukaHulumeni olunamalungelo athile kuwo ngenxa yokubhalisa ehhovisi lobunikazi bemihlaba noma elinye ihhovisi lokubhalisa ipulani eyejwayelekile yelokishi, indawo yezolimo noma okunye ukwahlukaniswa komhlaba, noma luhlobo luni lwenguquko, ukwengezwa noma ukuchitshiyelwa emhlabeni okuvunywe nguMklami-jikelele Wemihlaba lapho kuphawulwe khona umhlaba umphakathi ongawusebenzisa; futhi
- 1.1.62.3 uphethwe futhi ulawulwa nguMasipala; futhi
- 1.1.62.4 kuphakathi kokuthi -
  - 1.1.62.4.1 ubekwe eceleni, ngokwanoma yimuphi umthetho, uhlelo lokuklama noma lwendawo, ukuba usetshenziselwe ukungcebeleka komphakathi, ukongiwa kwemvelo, ukufakwa kwengqalasizinda yomphakathi noma ulimo; noma
  - 1.1.62.4.2 ungathuthukisiwe neze futhi uvulekile ungakabekwa eceleni nganhloso yimbe ngokomthetho, uhlelo lokuklama noma lwendawo;
  - 1.1.62.4.3 usetshenziselwa ukungcebeleka komphakathi noma izinhloso zamasiko, futhi ufaka isiKhungo sabaLandeli bebhole seFIFA, ipaki noma ngabe iyiphi, indawo etshalwe kahle ebukekayo, inkundla yemidlalo neyokudlala, imitapo yolwazi, imitapo yolwazi exubile, inqolobane yamagugu, izikhungo zezobuciko, izidingo zemidlalo, izinkundla zemidlalo, izindawo zomphakathi zokuzivocavoca namachibi okubhukuda, amahholo omphakathi, nakuphi lapho kudlalelwa ngaphakathi ngokwamasiko noma ngokungcebeleka ngamadlanzana;
- 1.1.63 **“uMgwaqo woMphakathi”** usho unxande, umgwaqo womphakathi, umgwaqwana, indawo yokuhamba abezinyawo, isiqhingana esiphakathi nomgwaqo, umgwaqo ohamba ngaphansi, ibhuloho, indlela ebanzi, umhubhe womphakathi nanoma iyiphi indlela enqamlelayo ekhonjiswe epulanini yelokishi noma umphakathi onelungelo lokudlula kuyo futhi echazwe ngokugcwele eMthethweni iNational Road Traffic Act, 1996 (uMthetho 93 ka 1996);
- 1.1.64 **“ukuNgcebeleka”** kusho noma yini eyenzelwa ukuchitha isizungu nje;
- 1.1.65 **“iNdawo eneMibandela”** kusho nayiphi indawo kubalwa neyomphakathi ekhonjelwe lokho nguMasipala ngenhloso yokuHwebela eMgwaqweni ngesikhathi soMqhudelwano kuye ngemibandela uMasipala ayibona ifanele;
- 1.1.66 **“iSAFA”** usho iSouth African Football Association;
- 1.1.67 **“uHlelo lokuPhepha nokuVikeleka”** lusho uhlelo lokuphepha nokuvikeleka oluzosetshenziswa nguMasipala ngesikhathi soMqhudelwano;



1.1.68 **“ukuDayisa”** kufaka –

- 1.1.68.1 ukusho ukuthi ufisa ukwenza uMsebenzi oThile;
- 1.1.68.2 ukushintshiselana, ukushintshana noma ukuqashisa;
- 1.1.68.3 ukuchaya, ukubeka obala, ukudayisa noma ukulungiselela ukudayisa;
- 1.1.68.4 ukulondoloza ngenhloso yokudayisa; noma
- 1.1.68.5 ukwenza uMsebenzi oThile ngenhloso yokuthola inzuzo, futhi **“ukuDayisa”** noku **“Thengisa”** kunencazelo efanayo;

1.1.69 **“uMsebenzi oThile”** ufaka ukwenza noma yini ngenhloso yokuhlomula noma yokuzuza;

1.1.70 **“uPhawu”** lusho noma iyiphi indlela yokukhombisa umbhalo, izinhlamvu zamagama, izinombolo, imidwebo, izinto, izimpawu zoMqhudlwano, izithombe noma imifanekiso, amapheshana ezaziso okufaka – kanti phela kakusikhona lokho kuphela – nophawu olungathinteki olukhonjiswa esakhiweni noma emoyeni kusetshenziswa ubuchwepheshe besimanje okuyaye kube luphawu olubonakala umuntu esemgwaqweni noma esendaweni yomphakathi, nakuyiphi nje enye indawo olusatshaliswa nganoma iyiphi indlela ngenhloso yokukhangisa, ukwazisa, ukumaketha okungumshoshaphansi noma ukuhehela umphakathi kunoma iyiphi indawo, kokuthile okubekelwe ukukhangiswa emphakathini, kunoma iyiphi impahla noma intengiso, noma uphawu lunanyekiwe noma luyingxenywe yesakhiwo, noma lugxunyeke phansi noma esigxotsheni, esihlahleni, esibukweni noma oqwembeni olukhulukazi, umuntu, imoto noma utho olunyakazisekayo, noma luchayawe noma lusatshaliswa nganoma iyiphi indlela kufaka – kanti phela kakusikhona lokho kuphela – izimpawu zokuvikeleka, izimpawu ezivela zibe sobala, izimpawu zezinqola ezidonswayo, izimpawu zezindonga eziyizingqenqema, izimpawu zezokuvakasha, izimpawu ezisemafasiteleni, izimpawu ezakhiweni, izimpawu ezisemoyeni, izimpawu ezimpahleni, izimpawu ezithe mba phansi, izimpawu ezipendwe ezindongeni nasezimpahleni zezakhiwo, izimpawu ezisemkhathini, izimpawu zentuthuko, izimpawu zezidingo zokufeza umsebenzi, izimpawu zemikhankaso exhasiwe yokuhamba emgwaqweni, izimpawu ezizungeze izakhiwo, izimpawu zalapho kwakhiwa khona, izimpawu emibhoshongweni nasemabhulohweni, izimpawu emabaleni emabhizinisini, izimpawu ezindaweni zokuhlala noma zemiphakathi, izimpawu ngaphambili ekungeneni, ezinsimbini zokunqanda ukuwela phansi, kovulandi, etendeni ngemuva evenini nangaphansi emphemeni, izimpawu zomsebenzi zezinhlangano zomphakathi, izimpawu zabadayisi bezindlu, izimpawu zobuxhakaxhaka besimanje, izimpawu zokudayisa impahla noma imfuyo, izimpawu ezidonswa noma ezixhunywe ezimotweni noma emabhanoyini, kubalwa namabhena asemoyeni, nemibhalo yakhona, izimpawu ezibanjwa ngesandla, izimpawu ezifakwe ezingutsheni, ezigqokweni, ezindwangwini ezibhakuziswayo, empahleni nasemabhayini abalandeli okukhuthaza, kanti ukuze kugwenywe ungabazane kubala nanoma iziphi izingqwembe ezinkulukazi, kodwa phela zingabalwa izimpawu okungezomgwaqo kanjalo zamagama emigwaqo;

1.1.71 **“uMcimbi oKhethekile”** uchaza udwendwe lokubukisa, ujenga, umjaho, ikhonsathi, umbukiso, umkhosi, umcimbi, ukuthwetshulwa kwezithombe

zebhayisikobho, ukuthwetshulwa kwezithombe ezithule du nanoma yimuphi umcimbi ofuze lena wemidlalo, wamaSiko noma wokuNgcebeleka oyidinga yonke iNdawo yoMphakathi eVulekile;

- 1.1.72 **“iNkundla”** ichaza noma iyiphi inkundla endaweni engaphansi kukaMasipala eyosetshenziselwa uMqhudlwano, kubalwa lonke ingaphakathi layo elibiyelwe, nasemoyeni ngaphezu kwenkundla, zonke izidingo zokupaka izindawo zokukhoselisa izivakashi, ezabezindaba, ezokubonelela nezohwebo;
- 1.1.73 **“iFenisha yaseMgwaqweni”** ichaza noma iyiphi ifenisha nokuxhunyiwe efakwe nguMasipala noma efakelwe yena eMgwaqweni woMphakathi ukuze isetshenziswe ngumphakathi;
- 1.1.74 **“UmHwebi waseMgwaqweni”** kuchaza uMuntu odayisa iziMpahla okungaba ngumdayisi, umdayisi ozulazulayo noma ohamba edayisa kanjalo;
  - 1.1.74.1 noMuntu osebhzinisini lokuHweba eMgwaqweni njengenhloko, oyisithunywa, umsizi, ongusonkonteleka omncane, umqashi noma umqashwa, noma lowo ukuHweba eMgwaqweni okwenzelwa yena;
  - 1.1.74.2 uMuntu oqashe noma onikezwe umpheme nguMasipala inqobo nje uma esengumHwebi waseMgwaqweni;
- 1.1.75 **“UkuHweba eMgwaqweni”** kuchaza ukuDayiswa kwanoma iziphi iziMpahla zidayiswa ngumHwebi waseMgwaqweni;
- 1.1.76 **“iQembu”** lichaza noma iliphi iqembu elimele iNhlango yeBhola eyiLungi leFIFA elibambe iqhaza futhi elikwazile ukuphumelela ukuthola ilungelo lokubamba iqhaza eMqhudlwani. Ukukhuluma ngeQembu kuyofaka nabadlali besikwata nabaqeqeshi njengoba kubekwe kwiNqubomgomo ka-2010 kanjalo nabasebenzi bezokwelapha nabanye abelekelelayo;
- 1.1.77 **“iHhotela leQembu”** lichaza ihotela nayiphi enye indawo ehlalise iQembu endaweni engaphakansi kukaMasipala;
- 1.1.78 **“isiKhathi esiNqunywe”** sisho isikhathi esichazwe oHlwini lwesiKhathi esiNqunywe oluhambisana naloMthetho weDolobha, esaHlukweni sika 9;
- 1.1.79 **“iThikithi”** lichaza into ewubufakazi emele ukuthi uMphathi weThikithi unelungelo lokungena eNkundleni abuke uMdlalo noma/kanye noMcimbi oseMthethweni woMqhudlwano nokuthola isihlalo esibekelwe lelo Thikithi ngokwemibandela yeThikithi nayo yonke imithetho esebenzayo;
- 1.1.80 **“uMphathi weThikithi”** usho uMuntu ngokweThikithi onelungelo lokubukela uMdlalo noma/kanye noMcimbi oseMthethweni woMqhudlwano nokuthola isihlalo esibekelwe lelo Thikithi ukuze kufezuke lesosidingo;
- 1.1.81 **“iNdawo okungaHambi iziMoto”** njengokuchazwa kwayo esigabeni 7(1) (b) soMthetho iSpecial Measures Act, 2006, (uMthetho 11 ka 2006) kuchaza noma imuphi uMgwaqo woMphakathi noma indawo ekhonjwe nguKhomishani wezwe wamaphoyisa aseNingizimu-Afrika njengendawo okungavumelekile ukuba kuhambe izimto kuyona futhi enezimpawu

ezicacile ngendlela enqunywe ngokusemthethweni ukuthi iyindawo engahambi izimoto;

- 1.1.82 **“iNqola”** isho inqola eqhutshwayo nanoma yiliphi itafula, umpheme noma ubhasikidi onamasondo;
- 1.1.83 **“uNqenqema loMgwaqo”** kusho unqenqema njengokuchazwa kwalo eMthethweni iNational Road Traffic Act (uMthetho 93 ka 1996); futhi
- 1.1.84 **“uDoti”** usho izibi okufaka noma yini nampahlani uMuntu athanda ukuyilahla ngoba ingadingeki, ingasadingeki, yephukile, isigugile, ingenwe lutho luthize, noma yonakele ngandlela thize yabe isilahlwa noma yanqwatshele noma yagcinwa ukuze ilahlwe, isetshenziswe futhi, iphindwe noma yenziwe umkhiqizo futhi.

## 1.2 Ukusebenza kwale Mithetho ye Dolobha

- 1.2.1 Ngenxa yokuthi naziphi izaziso, imithetho, inqubomgomo noma inqubo okukhishwa yiFIFA noma iLOC ukuthotshelwa kwakho kuzolandelelwa nguMasipala futhi kungase kudale umthwalo ongase ube semahlombe omphakathi wendawo, lezi zaziso, imithetho, inqubomgomo noma inqubo kumele kushicilelwe nguMasipala njengezaziso zale Mithetho yeDolobha.
- 1.2.2 Ngale le Mithetho yeDolobha kuhloswe ukuthi uma kukhulunywa nganoma imuphi umthetho kube kukhulunywa ngawo kanye kanjalo nangaleyo eshaywe ngaphansi kwawo njengoba yayinjalo ngalolo suku okuvunywe kwamukelwa ngalo le Mithetho yeDolobha uMkhandlu nangokuchitshiyelwa kwayo njalo njalo.
- 1.2.3 Le Mithetho yeDolobha kumele ithathwe njengesengezo emithethweni yedolobha kaMasipala ekhona kumanje nje ephathelene nokuKhangisa, iziNdawo okuLawulwayo ukuNgena kuzona, iziNdawo zoMphakathi eziVulekile, ukuHlotshiswa kweDolobha, iMigwaqo yoMphakathi nokuLawulwa kweZinto eziHamba eMgwaqweni nokuHweba eMgwaqweni, uma kukhona, kanti lapho kungase kube nokungqubuzana phakathi kwemithetho kaMasipala ekhona njengamanje ephathelene nokuKhangisa, iziNdawo okuLawulwayo ukuNgena kuzona, iziNdawo zoMphakathi eziVulekile, ukuHlotshiswa kweDolobha; iMigwaqo yoMphakathi nokuLawulwa kweZinto eziHamba eMgwaqweni nokuHweba eMgwaqweni, uma kukhona, nale Mithetho yeDolobha, okushiwo yile Mithetho yeDolobha yikhona okumele kulandelwe.
- 1.2.4 Uma noma yini ekule Mithetho yeDolobha inikeza uMasipala igunya, umsebenzi noma umthwalo koqashwe nguMasipala, futhi lelo gunya, umsebenzi noma umthwalo unikezwe abenzela uMasipala imisebenzi ngokwesigaba 81(2) soMthetho iLocal Government: Municipal Systems Act, 2000 (uMthetho 32 ka 2000), nanoma yimuphi omunye umthetho, lowo mthetho kumele uthathwe njengoqondiswe kulowo owenzela uMasipala umsebenzi noma lowo oqashwe wagunyazwa ngoqokelwe ukwenza lowo msebenzi.

## 1.3 Inhloso yale Mithetho yeDolobha

- 1.3.1 UMasipala unomthwalo wokusingatha, alandelele, alawule ukusebenza kwale Mithetho yeDolobha kanjalo aqinisekise futhi ukuthi yonke imicikilisho nokudingeka kwenziwe ngaphansi kwesigatshana 1.1.15 lapha kwenziwa njengoba kunjalo ngokwale Mithetho yeDolobha kanye nezaziso kanjalo nanoma yimuphi umthetho wesifundazwe kanye/kumbe nowezwe oqondene nokudlalisa nokusingatha uMqhudlwano.

1.3.2 Kulokhu uMasipala unomthwalo wokuqinisekisa lokhu okulandelayo endaweni engaphansi kwakhe ngaleso siKhathi esiNqunyiwe:

- 1.3.2.1 ukulawula ukuKhangisa;
- 1.3.2.2 ukulawula ngokuyikho iziNdawo okuLawulwayo ukuNgena kuzona;
- 1.3.2.3 ukulawula iMicimbi eKhethekile kanye nokuphatha nokugcina ukuhleleka nokuhlanzeka kweziNdawo eziVulekile zoMphakathi;
- 1.3.2.4 ukuqikelela ukuthi imibandela efanele yokulawula nokuphatha okuhamba emigwaqweni iyaphasiswa, kubalwa nokunikezwa kwabasebenzisa iMigwaqo yoMphakathi lonke ulwazi njengolwemigwaqo ezovalwa nengase ivalwe, izimpambuko, izindawo zokupaka, iziNdawo okungaHambi iziMoto kuzona – kungagcini lapho – uma kungenzeka, izinkomba nemizila efanele eya noma evela eziNkundleni naseMicimbini eseMthethweni ukuqinisekisa ukugeleza okuphephile kwezinto ezihamba emgwaqweni; kanye
- 1.3.2.5 nokulawula uHwebo lwaseMgwaqweni.

## 1. ISAHLUKO 2 – IMIBANDELA EMAYELANA NOKUKHANGISA

### 2.1 Okungavumelekile

2.1.1 Akukho muntu, endaweni kaMasipala, eqashwe noma ephethwe nguMasipala noma engaphansi kolawulo lwakhe, ongenza okulandelayo –

2.1.1.1 ukuMaketha okunguMshoshaphansi ngalesi siKhathi esiNqunyiwe;

2.1.1.2 ukuKhangisa noma ukwakha noma/kumbe ukubeka iSakhiwo sokuKhangisa ngaphandle kokuthola iMvume kaMasipala kuqala.

2.1.2 Akukho muntu okumele aKhangise nganoma iyiphi indlela nganoma imiphi imigudu esebenzisa noma ikuphi okuKhangisa eMphakathini ngaphandle uma eqale ngokuthola iMvume kaMasipala eqondene ngqo noMqhudlwano, ngalesi siKhathi esiNqunyiwe, kulezizindawo ezilandelayo, kuhlangani nendawo okungesiyo eyomphakathi engaphakathi kwazo –

2.1.2.1 kunoma iyiphi iNdawo okuLawulwayo ukuNgena kuyona, noma

2.1.2.2 endaweni eyikhilomitha elilodwa kusukela eNkundleni noma njengokuklama kukaMasipala;

2.1.2.3 endaweni engamamitha ayikhulu kusukela esiKhungweni seFIFA sabaLandeli bebhola noma njengokuklama kukaMasipala;

2.1.2.4 nomaphi kusukela lapho kubonakala khona umuntu esemgwaqweni omkhulu womphakathi/esemigwaqweni emikhulu yomphakathi, njengokukhombisa kukaMasipala ngophawu olufanele kuya eNkundleni, nokusondela ngamakhilomitha amabili kusukela eNkundleni, noma njengokuklama kukaMasipala; futhi

2.1.2.5 kunoma iyiphi indawo eklanywe noma/kumbe yashicilelwa nguMasipala.

2.1.3 Akukho muntu okumele aKhangise nganoma iyiphi indlela nganoma imiphi imigudu esebenzisa noma ikuphi okuKhangisa eMphakathini ngaphandle uma eqale ngokuthola iMvume kaMasipala eqondene ngqo noMqhudlwano, ngalesi siKhathi esiNqunyiwe, kulezizindawo ezilandelayo –

2.1.3.1 izindawo ezingaphandle kancane kanye nezungeze izikhumulo zezindiza;

2.1.3.2 ngaphakathi nezindawo ezingaphandle kancane nezizungeze iziteshi ezinkulu zezitimela;

2.1.3.3 endaweni eyikhilomitha kusukela esizindeneni samabhizinisi esisenkabeneni endaweni ephethwe nguMasipala noma njengokuklama kwakhe; futhi

2.1.3.4 kangangamandla uMasipala anawo, emizileni emikhulu esuka esikhumulweni sezindiza naseziteshini ezinkulu zezitimela kuya esizindeneni esisenkabeneni samabhizinisi endaweni engaphansi kukaMasipala futhi kuya eNkundleni.

2.1.4 Akukho muntu ovumelekile ukuba akhe, agcine, asakaze noma achome uPhawu noma uQwembekazi eNdaweni okuLawulwayo ukuNgena kuyona

noma eNdaweni eHlungiwe ngaleso sikhathi, ngaphandle kokuthola iMvume ebhaliwe kaMasipala kuqala ekhishwe maqondana noMqhudlwano ngqo.

## **2.2 Ukuphepha**

Akukho Muntu ovumelekile ukuba akhe, agcine, asakaze noma achome uPhawu noma uQwembekazi noma iSakhiwo sokuKhangisa eNdaweni okuLawulwayo ukuNgena kuyona noma eNdaweni eHlungiwe –

- 2.2.1 okungaba yingozi kunoma imuphi uMuntu noma empahleni;
- 2.2.2 okubekwe ngendlela noma okungase kudonse amehlo abashayeli ngendlela engadala isimo sokushayela ngendlela engaphephile;
- 2.2.3 okukhanyiswe ngale ndlela engadala ukuphazamiseka noma engakhubaza ukubona kwabahamba ngezinyawo kumbe abashayeli abeza neno;
- 2.2.4 okunanyekwe ophawini lomgwaqo;
- 2.2.5 okuhlanganiswe nophawu lomgwaqo noma okulusithayo;
- 2.2.6 okudala isidideka ngophawu lomgwaqo;
- 2.2.7 okuphazamisa ukusebenza kophawu lomgwaqo noma okudala isimo esingadala ingozi yomgwaqo;
- 2.2.8 okusitha abahamba ngezinyawo kumbe abashayeli bangabe besababona abahamba ngezinyawo, okuhamba emgwaqweni noma kujantshi wesitimela kanjalo nobunjalo bomgwaqo, bujantshi wesitimela noma bendlela yabahamba ngezinyawo njengezimpambanamgwaqo, amajika nokuguquka kobubanzi;
- 2.2.9 okugamxela endleleni yabahamba ngezinyawo noma ngamabhayisikili ngaphandle uma ukuPhakama oKwanele kwalolo Phawu kuVunywe nguMasipala;
- 2.2.10 okuvimba intuba yokubalekela umlilo noma/futhi nempahla yokucima umlilo; noma
- 2.2.11 okubekwe kwasondela kakhulu kunesikhala okumele sishiywe esiNqunywe ngokoMthetho nguMasipala mayelana nezintambo zikagesi ezinqamula phezulu.

## **2.3 Ukudweba nokwakha**

- 2.3.1 IzaKhiwo zokuKhangisa eNdaweni okuLawulwayo ukuNgena kuyona noma eNdaweni eHlungiwe, noma kuyiphi enye indawo engaphansi kukaMasipala, kumele zime futhi zakhiwe ngokwemigomo ebekwe ngabeSouth African Bureau of Standards (“SABS”).
- 2.3.2 Naluphi uPhawu eNdaweni okuLawulwayo ukuNgena kuyona noma eNdaweni eHlungiwe, noma kuyiphi enye indawo engaphansi kukaMasipala, lapho kusetshenziswa khona ugesi, kubalwa nezinobuxhakaxhaka besimanje nezimpawu ezikhanyayo, kumele –
  - 2.3.2.1 lube nezintambo zikagesi nokokuxhuma okuhambisa ugesi okubekwe kwaboshwa ngendlela ebukekayo;
  - 2.3.2.2 lume ngendlela yokuthi uphawu kungabe lungokheleka kalula;

2.3.2.3 lube nenkinobho engaphandle endaweni okufinyelelekayo kuyo futhi ephakeme ngamamitha angengaphansi kwamathathu ukuphakama okungacishwa ngayo ugesi oya ophawini;

2.3.2.4 lube nezintambo futhi lwakhiwe ngokuhambisana nemibandela yayo yonke imithetho esebenzayo; futhi

2.3.2.5 luxhunywe futhi lwakhiwe ngusogesi oqeqeshiwe futhi obhalisiwe.

2.3.3 Akukho muntu okumele akhe, agcine, asakaze noma abeke uPhawu noma uQwembekazi noma iSakhiwo soKukhangisa eNdaweni okuLawulwayo ukuNgena kuyona noma eNdaweni eHlungiwe, noma kuyiphi enye indawo engaphansi kukaMasipala, okuphazamisa noma okungaba yingozi ekusebenzeni kwemvelo.

## **2.4 Ukunakekelwa kwezimpawu zokukhangisa**

Zonke iziMpawu eziNdaweni okuLawulwayo ukuNgena kuzona noma eziNdaweni eziHlungiwe, noma kuyiphi enye indawo engaphansi kukaMasipala, kumele zinakekelwe ngabaNikazi bazo bahlale bezibheka bazigcine zisebenza futhi umnikazi kumele aqinisekise ukuthi lezi zimpawu zigcineka ziphephile, zingabi manaphanapha futhi zihlanzeke.

### 3. **ISAHLUKO 3 – IMIBANDELA EMAYELANA NEZINDAWO OKULAWULWAYO UKUNGENA KUZONA**

#### **Ukukhunjwa kweziNdawo okuLawulwayo ukuNgena kuzona neziNdawo eziHlungiwe**

UMasipala angakhetha indawo ebaluliwe kwindinyana 1.1.21 ayenze iNdawo okuLawulwayo ukuNgena kuyona.

UMphakathi weNdawo uyokwaziswa ngalezi ziNdawo okuLawulwayo ukuNgena kuzona uMphathi weDolobha ngezaziso zomphakathi, nangokusebenzisa amaphephandaba endawo kanye ne-website kaMasipala.

UMasipala angakhetha indawo, ebaluliwe kwindinyana 1.1.25 endaweni engaphakathi kwemingcele yakhe ayenze iNdawo eHlungiwe.

UMphakathi weNdawo uyokwaziswa ngalezi ziNdawo eziHlungiwe ngezaziso zomphakathi, nangokusebenzisa amaphephandaba endawo kanye ne-website kaMasipala.

#### **Okungavunyelwe eziNdaweni okuLawulwayo ukuNgena kuzona**

Akunamuntu ovunyelwe ngaphandle uma kuqala ethole iMvume kaMasipala ebhaliwe ukuba –

abheme, adle, aphuze noma alale kunoma iyiphi iNdawo okuLawulwayo ukuNgena kuyona lapho lezi zinto zingavumelekile khona;

athikameze imisebenzi eyenziwayo, ehlanganisa kepha ingagcini, ekufakweni kwempahla, imishini noma ingqalasizinda eNdaweni okuLawulwayo ukuNgena kuyona;

asuse noma ngabe iyiphi into noma ingxenye yayo, noma into eyakhelwe yanamathela, nanoma ingabe iyiphi nje enye impahla eNdaweni okuLawulwayo ukuNgena kuyona;

alethe noma ngabe yisiphi isilwane eNdaweni okuLawulwayo ukuNgena kuyona ngaphandle kwezinja ezisiza abangaboni emehlweni noma izilwane ezisiza iZiphathimandla eziGunyaziwe ukuba zenze imisebenzi yazo;

asebenzise ulimi olungafanele noma olungemukelekile noma aziphathe ngendlela ewuhlupho noma engemukelekile eNdaweni okuLawulwayo ukuNgena kuyona;

aphazamise, avimbele noma ahlukumeze noma yimuphi omunye uMuntu osebenzisa noma oze kule Ndawo okuLawulwayo ukuNgena kuyona;

acekele phansi noma adale umonakalo kunoma ngabe iyiphi ingxenye yeNdawo okuLawulwayo ukuNgena kuyona noma nanoma iyiphi impahla yale ndawo noma impahla ekule ndawo;

achithe noma aconsise into engadala ingozi noma ilimaze osebenzisa iNdawo okuLawulwayo ukuNgena kuyona;

enze isenzo sokucekela phansi okubandakanya kodwa okungagcini ekupendeni noma ekwenzeni omaka kunoma iyiphi iNdawo okuLawulwayo ukuNgena kuyona noma ingxenye yayo;

alale, ahlale, ame, ahlanganyele noma ahambe ngendlela enokuvimba kwanganoma yiluphi uhlobo kuleNdawo okuLawulwayo ukuNgena kuyona;

azicelele kumshayeli wemoto opaka imoto yakhe eNdaweni okuLawulwayo ukuNgena kuyona ukuba amgadele noma ambhekele leyo moto;



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achame, azikhulule noma aziphathe ngendlela engamukelekile emphakathini kwenye yale ziNdawo okuLawulwayo ukuNgena kuzona;

abeke noma ashiye noma adale ukushiya kwento engalimaza noma yenze umonakalo kumbe abe iNkathazo kunoma imuphi osebenzisa noma iyiphi iNdawo okuLawulwayo ukuNgena kuyona;

aphathe, aveze kumbe asebenzise eNdaweni okuLawulwayo ukuNgena kuyona noma isiphi isikhali, isikhali sendabuko noma enye into engadala ukulimala; noma

ajikijele nanoma yini, yanoma yiluphi uhlobo eNdaweni okuLawulwayo ukuNgena kuyona; noma

enze ukuMaketha okunguMshoshaphansi.

### 3.6 IziNdawo eziHlungiwe

3.6.1 Akukho Muntu ovumelekile ngosuku loMdlalo, eNdaweni eHlungiwe, ukuba ahwebe ngaphandle uma ethole kuqala iMvume kaMasipala ebhaliwe emaqondana ngqo noMqhudlwano.

3.6.2 Akukho muntu ovumelekile ukuba enze ukuMaketha okunguMshoshaphansi eNdaweni eHlungiwe.

#### 4. ISAHLUKO 4 – IMIBANDELA EMAYELANA NEZINDAWO EZIVULEKILE ZOMPHAKATHI NOKUHLOTSHISWA KWEDOLOBHA

##### UkuHlotshiswa kweDolobha lihlotshiselwa uMqhudelwano

Bonke aBantu abenza imisebenzi emikhulu yokwakha ngeSikhathi esiNqunyiwe ebonakalayo emphakathini futhi eseduze nezindawo ezinkulu zokugibela noma nezindawo zokuzijabulisa ezizosetshenziswa noma ezingasetshenziselwa uMqhudelwano, noma zisetshenziswe njengeziNdawo okuLawulwayo ukuNgena kuzona noma njengeziNdawo eziHlungiwe, kufanele bathathe zonke izinyathelo ezifanele ngezindleko zabo zokusitha lezo ndawo okwakhiwayo kuzona zingabonwa wumphakathi ngendlela ezogculisa uMasipala.

UMasipala unelungelo, lokucela noma ngabe ubani onelayisense, izincwadi zegunya noma iMvume yokwenza noma yimuphi umsebenzi omkhulu wokwakha noma ngabe okahulumeni noma ngabe akuwona okahulumeni kunoma iyiphi indawo eseduze nezindawo ezinkulu zokugibela noma nezindawo zokuzijabulisa ezizosetshenziswa noma ezingasetshenziselwa uMqhudelwano, noma zisetshenziswe njengeziNdawo okuLawulwayo ukuNgena kuzona noma njengeziNdawo eziHlungiwe oqhubekayo ngesikhathi kuqala uMqhudelwano, ukuba awumise lowo msebenzi wokwakha ngengxenywe ethile yesiKhathi esiNqunyiwe noma ngaso sonke isiKhathi esiNqunyiwe, ngaphandle kokuzibophezela ukuba anxephezele lowo muntu, ngaphansi kombandela wokuthi isikhathi okuzomiswa ngaso leyo mvume sizokwengezwa esikhathini okuzosebenza ngaso leyo mvumeemva kwalokho kumiswa kwangaleyo nkathi;

Akukho Muntu ovumelekile ukuba abhale, noma apende, noma nje nganoma iyiphi enye indlela akhombise ngezithombe, izimpawu, nangemibhalo noma izifanekiso endaweni engaphansi kukaMasipala ngesiKhathi esiNqunyiwe ngokubona kukaMasipala ezingathathwa njengemidwebo yohlobo lwe-'graffiti'.

#### 4.2 Okungavumelekile

Akukho Muntu ovumelekile ukuba eMcimbini oKhethekile noma eNdaweni eVulekile yoMphakathi noma kuyiphi enye indawo engaphanzi kukaMasipala, ngaphandle kweMvume kaMasipala –

- 4.2.1. adale iNkathazo kwabanye abasebenzisa iNdawo eVulekile yoMphakathi;
- 4.2.2. asebenzise ulimi olubi noma olungemukelekile noma aziphathe ngendlela ewuhlupho nenobuxhwanguxhwangu kunoma imuphi omunye osebenzisa iNdawo eVulekile yoMphakathi;
- 4.2.3. aphazamise, avimbele noma ahlukumeze noma yimuphi omunye umuntu osebenzisa noma oze kule Ndawo eVulekile yoMphakathi;
- 4.2.4. acekele phansi noma ngenye indlela alimaze noma iyiphi ingxenywe yeNdawo eVulekile yoMphakathi noma ingqalasizinda yayo, imishini yayo noma impahla yayo noma okufakwe kuyona noma amabhilidi noma izakhiwo zayo;
- 4.2.5. abheme, adle, aphuze noma alale eNdaweni eVulekile yoMphakathi lapho lezi zinto zingavumelekile kuyona;
- 4.2.6. achithe noma aconsise into engadala ingozi noma ilimaze osebenzisa iNdawo eVulekile yoMphakathi;
- 4.2.7. athikameze imisebenzi eyenziwayo, ehlanganisa kepha ingagcini, ekufakweni kwempahla, imishini noma ingqalasizinda eNdaweni eVulekile yoMphakathi;
- 4.2.8. asuse noma ngabe iyiphi into noma ingxenywe yayo, noma into eyakhelwe yanamathela, nanoma ingabe iyiphi nje enye impahla eNdaweni eVulekile yoMphakathi;

- 4.2.9. enze isenzo sokucekela phansi okubandakanya kodwa okungagcini ekupendeni noma ekwenzeni omaka kunoma iyiphi iNdawo eVulekile yoMphakathi noma ingxenye yayo nanoma iyiphi ingqalasizinda, imishini, impahla, okufakiwe, amabhilidi, kanye nezakhiwo eziseNdaweni eVulekile yoMphakathi;
- 4.2.10. alale, ahlale, ame, ahlanganyele noma ahambe ngendlela enokuvimba kwanganoma yiluphi uhlobo eNdaweni eVulekile yoMphakathi;
- 4.2.11. azicelele kumshayeli wemoto opaka imoto yakhe eNdaweni eVulekile yoMphakathi noma endaweni eseduze kwayo ukuba amgadele noma ambhekele leyo moto;
- 4.2.12. achame, azikhulule kunoma iyiphi indawo ngaphandle kwaleyo ehlinzekelwe lokho nguMasipala noma nganoma iyiphi enye indlela aziphathe ngendlela engamukelekile emphakathini eNdaweni eVulekile yoMphakathi
- 4.2.13. acele ukuba anikelelwe imali eNdaweni eVulekile yoMphakathi;
- 4.2.14. abeke noma ashiye noma adale ukushiya kwanoma iyiphi into engalimaza noma yenze umonakalo kunoma ngubani osebenzisa iNdawo eVulekile yoMphakathi;
- 4.2.15. aphaathe, aveze kumbe asebenzise eNdaweni eVulekile yoMphakathi noma isiphi isikhali, isikhali sendabuko noma enye into engadala ukulimala;
- 4.2.16. ajikijele nanoma yini, yanoma yiluphi uhlobo eNdaweni eVulekile yoMphakathi;
- 4.2.17. angene eNdaweni eVulekile yoMphakathi ngokungemthetho lapho ukungena kungavunyelwe khona;
- 4.2.18. adale iNkathazo okubandakanya nokudlalela umculo phezulu noma adlale umculo onengayo;
- 4.2.19. ageze noma abhukude yena noma ageze noma abhukudise isilwane noma awashe noma afake noma yini kunoma yimaphi amanzi aseNdaweni eVulekile yoMphakathi okubandakanya nezingubo zokugqoka;
- 4.2.20. abase noma okhele umlilo ngaphandle kwezindawo uMasipala azenzele lokho;
- 4.2.21. akhempe noma ahlale;
- 4.2.22. enze noma yisiphi isenzo esinqatshelwe nganoma yiluphi uphawu olufakwe uMasipala eNdaweni eVulekile yoMphakathi;
- 4.2.23. aphuze noma iluphi uhlobo lwesiphuzo engilazini efayo.

#### 4.3. Imikhawulo yokungena nokuphuma

- 4.3.1 UMasipala angabeka imikhawulo yokungena kanye nokusetshenziswa kweziNdawo zoMphakathi eziVulekile ukuze avikele iziNdawo eziVulekile zoMphakathi futhi anciphise amathuba okucekelwa phansi kwempahla kaMasipala esenziNdaweni eziVulekile zoMphakathi.
- 4.3.2 UMasipala angabeka imikhawulo yokungena kanye nokusetshenziswa kweziNdawo eziVulekile zoMphakathi ngenhloso yokuthuthukisa noma yokwenza noma yini ayibona idingekile noma ifanele ukuqinisekisa ukufezeka

kwezidingo zale Mithetho yeDolobha ngesikhathi kulungiselelwa uMqhudlwano.

#### 4.4 UDoti

##### 4.4.1. Akekho uMuntu -

4.4.1.1. oyobeka noma alahle uDoti ngaphandle kwezindawo ezihlinzekelwe leyo nhloso nguMasipala eNdaweni eVulekile yoMphakathi; noma

4.4.1.2. oyongcolisa noma alahle noma yimuphi uDoti ngendlela engadala umonakalo kunoma yimaphi amanzi aseNdaweni eVulekile yoMphakathi.

4.4.2. Yonke indawo yokuthengisa utshwala noma/kanye nokudla kuyomele iqinisekise ukuthi imigqomo yayo kaDoti ayigcwali ize ichichime.

4.4.3. UMasipala uyoba nelungelo lokungena kunoma iyiphi indawo ethengisa utshwala noma/kanye nokudla ngenhloso yokuthutha umgqomo kaDoti ochichimayo, ngezinhleko zoMnikazi.

#### 4.5. Izimoto

Akekho uMuntu ovumelekile ukuba –

4.5.1 ngaphandle kwezikhathi ezibaluliwe kanye nangaphandle kwemigwaqo noma izindlela ezihlinzekwe nguMasipala, ashaye, noma adonse noma ahambise noma iyiphi imoto ngaphandle kwebhayisikili noma inqola esetshenziswa ngabakhubazekile eNdaweni eVulekile yoMphakathi;

4.5.2 ashaye, adonse noma ahambise noma iyiphi imoto yanoma yiluphi uhlobo ngesivini esingaphezu kwamakhilomitha angama-40 ngehora eNdaweni eVulekile yoMphakathi;

4.5.3 amise imoto yanoma yiluphi uhlobo eNdaweni eVulekile yoMphakathi, ngaphandle kwasendaweni okuvumelekile ngokukaMasipala ukuba kumiswe izimoto kuyona eNdaweni eVulekile yoMphakathi.

#### 4.6 Izitshalo kanye nezilwane

Akekho uMuntu ovumelekile ukuba, ngaphandle kwegunya alinikezwe nguMasipala, eNdaweni eVulekile yoMphakathi –

4.6.1. aphazamise, alimaze, acekele phansi noma asuse noma yisiphi isihlahla, isitshalo noma okunye okumilile;

4.6.2. anameke, abeke, ahlele noma enze isikhangiso sanoma yiluphi uhlobo eNdaweni yoMphakathi eVulekile;

4.6.3. atshale noma yini;

4.6.4. aguqule ukuhaba kwanoma yimuphi umsele ngendlela yokuba aphazamise ukufinyelela kwamanzi, umoya nomsoco kunoma yisiphi isihlahla noma isitshalo;

- 4.6.5. abambe noma azame ukubamba, asukele, adubule, alimaze ajikijele, agcone, ahlukumeze noma nganoma iyiphi enye indlela aphazamise noma yisiphi isilwane, inhlanzi, noma inyoni noma isidleke noma amaqanda ayo;
- 4.6.6. agibele ihhashi, ngaphandle –
  - 4.6.6.1 kwasezindaweni uMasipala azenzele lokho; futhi
  - 4.6.6.2 ngaphandle koMuntu owenza umsebenzi wakhe osemthethweni, noma umuntu ogade leziNdawo eziVulekile zoMphakathi egibele ihhashi;
- 4.6.7. ahambe, aphaathe, agibele noma alethe isilwane ngaphandle kwehhashi nomainja ngaphansi kombandela wokuthi ubukhona balelo hhashi nomainja akwenqatshelwe kuleyo ndawo evulekile yomphakathi;
- 4.6.8. ahambe nenja ngaphandle uma –
  - 4.6.8.1 uma ukuhamba nenja kuleyo ndawo kuvunyelwe nguMasipala; futhi
  - 4.6.8.2 ngenkathi leyonja ihamba eNdaweni eVulekile yoMphakathi ihlale ilawulwa ngumuntu ngaso sonke isikhathi.
- 4.7. UkuDayisa kanye neMicimbi eKhethekile**
  - 4.7.1 Akekho uMuntu okuyothi eseNdaweni eVulekile yoMphakathi –
    - 4.7.1.1 oyosebenzisa iNdawo eVulekile yoMphakathi ngendlela evimbela abanye abasebenzisa leyo ndawo ukuba bakwazi ukuyisebenzisa; noma
    - 4.7.1.2 oyodayisa, akhangise ngezinto ezidayiswayo noma eziqashiswayo kunoma iyiphi iNdawo eVulekile yoMphakathi noma ingxenye yayo ngaphandle kwakuleyo Ndawo eVulekile yoMphakathi noma ingxenye yayo uMasipala ayiqashisele uMuntu othile ngenjongo yokuba enze lowo msebenzi;
  - 4.7.2. Akekho uMuntu ovumelekile ukuba enze noma yimuphi umcimbi noma uMcimbi oKhethekile eNdaweni eVulekile yoMphakathi noma eduze kwayo, leyo ndawo ibe izosetshenziswa noma ingasetshenziselwa uMqhudlwano, noma yiphi enye indawo engaphansi kukaMasipala, ngaphandle uma egunyazwe nguMasipala.

## **5. ISAHLUKO 5 – IMIBANDELA EMAYELANA NEMIGWAQO YOMPHAKATHI NOKUHAMBA EMGWAQWENI**

### **Okungavumelekile maqondana neMigwaqo yoMphakathi**

Ngesikhathi esiNqunyiwe akekho uMuntu -

- 5.1.1.1 oyokwakha noma enze ukuba kwakhiwe noma avumele ukuba kwakhiwe noma kufakwe noma yini okubandakanya noqwembe, indophu, uwaya, intambo, uthango lukafenisi onameva, ukubiya, udonga nanoma ngabe yikuphi okanye kokubiya noma kokuvimba kunoma yimuphi uMgwaqo woMphakathi, ngaphansi kwawo, ngaphezu kwawo noma kunqamule kuwona ngaphandle kwemvume kaMasipala;
  - 5.1.1.2 oyosebenzisa noma iyiphi impahla okungenzeka idale umonakalo noma ilimaze ingxenye ethile yoMgwaqo woMphakathi noma abayisebenzisayo okubalwa kubo abahamba ngezinyawo, abamabhayisikili, abezithuthuthu, nabezimoto;
  - 5.1.1.3 oyochitha noma ukulahla noma yini eMgwaqweni woMphakathi okubalwa kukho amanzi, amakhemikhali, noma okunamafutha, okungahle ngandlela thize kubeke engozini noma kulimaze abasebenzisa umgwaqo okungabalwa kubo abahamba ngezinyawo, abamabhayisikili, abezithuthuthu nabezimoto;
  - 5.1.1.4 oyophazamisa noma imiphi imisebenzi eyenziwa nguMasipala nanoma ubani omunye ogunyaziwe ukwenza imisebenzi ethile emgwaqweni womphakathi noma maqondana nokuhlinzekwa kwanoma yiluphi usizo lukaMasipala okubandakanya ukumba imigodi, imisele, izikhonxe, imihubhe emgwaqweni noma ngaphansi kwawo, noma ukupenda, noma ukona noma ukumaka noma yimuphi uMgwaqo woMphakathi;
  - 5.1.1.5 oyokwenza isenzo sokucekela phansi okungabalwa kuzo ukupenda, ukudweba noma ukwenza omaka kunoma iyiphi ingxenye yoMgwaqo woMphakathi;
  - 5.1.1.6 oyothikameza, aphazamise, avimbe ahluphe noma imuphi umuntu osebenzisa uMgwaqo woMphakathi okubalwa kubo abahamba ngezinyawo, abamabhayisikili, abezithuthuthu, abezimoto;
  - 5.1.1.7 oyovumela noma yisiphi isilwane ukuba sizicanasele eMgwaqweni woMphakathi, kepha lapha azibalwa izinja ezisiza abantu abazimpumputhe kanye nalezo ezisiza isiPhathimandla esiGunyaziwe ngenhloso yokufeza imisebenzi yezomthetho;
  - 5.1.1.8 oyoziqengela noma azicelele kumshayeli opaka imoto eMgwaqweni woMphakathi noma eduze kwendawo yokuzijabulisa ukuba amgadele noma amqaphele leyo moto;
  - 5.1.1.9 oyochama noma azikhulule noma aziphathe ngendlela engamukelekile emphakathini noma eMgwaqweni woMphakathi noma eNdaweni okuLawulwayo ukuNgena kuyona;
  - 5.1.1.10 oyocela imali noma/kanye nokudla eMgwaqweni woMphakathi.
- 5.1.2 Akekho uMuntu ovumelekile, ngesiKhathi esiNqunyiwe, ngaphandle uma eneMvume kaMasipala ukuba:

5.1.2.1. aqhube noma ahambise inqola eMgwaqweni woMphakathi noma eNdaweni eHlungiwe noma eNdaweni okuLawulwayo ukuNgena kuyona noma kuyiphi enye indawo engaphansi kukaMasipala;

5.1.2.2. abeke noma adale ukuba kubekwe noma yisiphi isihlabathi, amatshe, inhlabathi, izitini, izinkuni, umcako, usimende nanoma yiziphi ezinye izinto eziyimpahla yokwakha noma ezimbiwe zanoma yiluphi uhlobo kunoma iyiphi ingxenye yoMgwaqo woMphakathi; kanye/noma

5.1.2.3. apake noma ashiye noma iyiphi imoto yanoma yiluphi uhlobo okungabalwa kuzo imoto, ibhasi, iveni encane, iloli, ibhayisikili, okushovwayo, i-coaster, isihlibhi, isithuthuthu, ikharaveni, ikalishi, ugandaganda noma okokusebenza umhlaba, noma ngabe kunomuntu okubhekile noma ngabe akunamuntu, kunoma yimuphi uMgwaqo woMphakathi, ngaphandle kwaseNdaweni eKlanyelwe lokho.

## 5.2 Okungavumelekile maqondana nokulawulwa kokuhamba emgwaqweni

5.2.1. Akekho uMuntu ovumelekile ukuba alawule izimoto zanoma iluphi uhlobo ngokusebenzisa okubonakalayo noma okuzwakalayo, ngaphandle kwesiPhathimandla esiGunyaziwe.

5.2.2. Akekho umuntu ovumelekile ukuba ashayele imoto yanoma iluphi uhlobo okubalwa kuzo, imoto, ibhasi, iveni encane, inqola, ikalishi, ugandaganda noma okokusebenza umhlaba eNdaweni okungaHambi iziMoto kuyona noma kupakwe imoto kuleyo ndawo ngaphandle uma kunesaziso esiNqunywe ngokoMthetho esikhishiwe esigunyaza lokho futhi esifakwe endaweni ebonakalayo emotweni ngendlela eNqunywe ngokoMthetho.

5.2.3. Akekho uMuntu ohamba ngokushovwayo, isithuthuthu, i-coaster, isihlibhi, ama-roller skates, nanoma yini enye efana nakho ovunyelwe ukubophela lezi zinto noma yena kunoma iyiphi imoto ehambayo eMgwaqweni woMphakathi.

5.2.4. Akekho uMuntu ovumelekile, lapho kufanele khona, ngaphandle uma ethole iMvume kuMasipala, ukuba apake noma apakise imoto eNdaweni eKlanyelwe ukupaka ngaphandle kokukhokha imali efanele noma ukufaka ithokeni noma ikhadi elifanele kwiMitha yokuPaka efakela lesi siKhathi sokuPaka.

5.2.5. Akekho uMuntu ovumelekile ukuba avimbe noma yimuphi umzila wezimoto zosizo oluphuthumayo nanoma yimuphi omunye umzila oyisipesheli kunoma yimuphi uMgwaqo woMphakathi oklanyelwe nguMasipala ukuba usetshenziswe ngokukhethekile yiThimba le-FIFA nanoma yimuphi omunye uMuntu, isiphathimandla ngesiKhathi esiNqunyiwe.

5.2.6. Akekho uMuntu ovumeleke ukupaka, ukumisa nokuvimba nangabe iyiphi indlela noma imuphi umzila wokuhamba izimoto eMgwaqweni woMphakathi ngesiKhathi esiNqunyiwe.

## 5.3 Okungavumelekile maqondana nokupaka

UMasipala unelungelo lokulawula ukungena komphakathi eziNdaweni ezKlanyelwe noma ezinye izindawo zokupaka eduze neNkundla noma kunoma iyiphi enye iNdawo okuLawulwayo ukuNgena kuyona ngezinsuku zeMidlalo noma ngezinsuku zeMicimbi eKhethekile, kanti maqondana nalokhu uMasipala unelungelo -

5.3.1. lokunika kuphela ilungelo lokusebenzisa iziNdawo eziKlanyiwe kanye nezinye izindawo zokupaka ngaphakathi kweNkundla kanye naseduze ngaphandle kwezintuba zokungena, laba abalandelayo-

5.3.1.1 izicukuthwane;

5.3.1.2 amaQembu; kanye

5.3.2.3 nabaphathi boMdlalo (okubandakanya nonompempe);

5.3.2 lokunika ilungelo lokusebenzisa iziNdawo eziKlanyiwe kanye nezinye izindawo zokupaka ngaphakathi kweNkundla eziseduze ngangokungenzeka nebhilidi leNkundla nalapho kudingeke khona kulabo abahlinzeka ngosizo, leli lungelo linikwe laba abalandelayo kuphela

5.3.2.1 iThimba le-FIFA;

5.3.2.2 amalunga ethimba le-LOC;

5.3.2.3 abaHlobo bezoHwebo;

5.3.2.4 abaPhethe amaLungelo okuSakaza;

5.3.2.5 izimenywa ze-FIFA; kanye

5.3.2.6 nabahlonzeka ngosizo;

5.3.3 lokunika ilungelo lokusebenzisa iziNdawo eziKlanyiwe nezinye izindawo zokupaka ngaphakathi eNkundleni abemithombo yezindaba kanye namabhasi abo.

#### **5.4 Imiyalelo yeziPhathimandla eziGunyaziwe**

5.4.1. IsiPhathimandla esiGunyaziwe singakwenza okulandelayo, ngenhloso yokuqinisekisa uhlelo lokuphepha nokuvikeleka lapho kuvela isidingo, kanye nasekuqinisekiseni ukuthi izimoto zilawuleka ngendlela efanele nenokuphepha ngosuku loMdlalo-

5.4.1.1. singayalela noma imuphi uMuntu ukuthi angawusebenzisi uMgwaqo woMphakathi; futhi

5.4.1.2. singayalela noma yimuphi uMuntu ukuthi asuse imoto yanoma iluphi uhlobo, noma ipakile, imile noma iyahamba, eMgwaqweni woMphakathi.

5.4.2. Ukwehluleka ukuthobela le miyalelo kuyoba yicala ngaphansi kwale Mithetho yeDolobha.

#### **5.5. Ukuvalwa kwemigwaqo nguMasipala**

UMasipala, emva kokukhipha izaziso ezifanele azibona zidingekile, angavala noma yimuphi uMgwaqo woMphakathi okwesikhashana ngenjongo yokulawula okuhamba emgwaqweni futhi nangenjongo yokusebenzisa uHlelo lokuPhepha nokuVikeleka noma ngabe kuseduze noma cha nanoma iyiphi iNkundla, uMcimbi oseMthethweni, isiKhungo se-FIFA sabaLandeli bebhola, iNdawo yokuziLolonga eseMthethweni, iNdawo eHlungiwe kanye neNdawo ukuNgena kuyona okuLawulwayo.



**6. ISAHLUKO 6 – IMIBANDELA EMAYELANA NOKUHWEBELA EMIGWAQWENI****6.1 Ukuziphatha okujwayelekile kwabahwebi basemgwaqweni kanye nangesikhathi bedayisa**

6.1.1. UmHwebi waseMgwaqweni akavunyelwe ngesiKhathi esiNqunyiwe ukuba -

6.1.1.1. abeke impahla yakhe kunoma iyiphi ingxenye yoMgwaqo woMphakathi noma yeNdawo yokuThokoza yoMphakathi, ngaphandle kwalapho okuNqume ngokuseMthethweni uMasipala ukuba ayisebenzise;

6.1.1.2. ashiye iziMpahla zakhe eMgwaqweni woMphakathi noma eNdaweni yokuThokoza yoMphakathi ekupheleni komsebenzi wakhe wosuku;

6.1.1.3. abeke iMpahla yakhe oNqenqemeni loMgwaqo noma eNdaweni yokuThokoza yoMphakathi ngenhloso yokumisa into yokudayisela nangaphambi kokuba aqale ukusebenza noma ngenjongo yokuba aHwebe eMgwaqweni;

6.1.1.4. abeke noma alayishe iMpahla yakhe ngendlela yokudala iNkathazo noma ingozi kubantu noma izakhiwo, noma isimo esingalimaza umuntu noma kube nobungozi ezakhiweni;

6.1.1.5. axhume noma yini eNdaweni yokuThokoza yoMphakathi, oNqenqemeni loMgwaqo, esihlahleni, eMitheni yokuPaka, esigxotsheni selambu lomgwaqo, esigxotsheni sikagesi, esigxotsheni socingo, endaweni yokushaya ucingo, ebhokisini leposi, ezimpawu zomgwaqo, ebhentshini nakunoma iyiphi enye iFenisha yoMgwaqo noma eMgwaqweni woMphakathi noma eNdaweni yokuThokoza yoMphakathi;

6.1.1.6. abase umlilo noma ikuphi noma ezimweni lapho kungadala ukulimala noma ukulahlekelwa koMuntu, isakhiwo, imoto, iFenisha yaseMgwaqweni, ngaphandle kwabaHwebi baseMgwaqweni abanemvume yokuhweba, ebagunyazayo ukuba benze ukudla ngokusebenzisa umlilo noma ngokusebenzisa igesi;

6.1.1.7. alale ebusuku endaweni ahwebela kuyona;

6.1.1.8. akhe isakhiwo esinompheme lapho ehwebela khona;

6.1.1.9. aphazamise ukubonakala kwempahla esesitolo kumuntu osebenzisa uNqenqema loMgwaqo noma ayisithe leyo mpahla esesitolo ingabonakali;

6.1.1.10. aqhube ibhizizisini noma adayise, noma abeke iMpahla yakhe oNqenqemeni loMgwaqo noma eNdaweni yokuThokoza yoMphakathi, lapho kubekiwe khona uphawu lukaMasipala olukwenqabela khona lokhu ngokwale Mithetho yeDolobha;

6.1.1.11. agcine iMpahla yakhe emgodini wokusebenza ngaphansi komgwaqo, emiseleni yamanzi ezikhukhula noma ezindlini zangasese zomphakathi noma kwimipheme yabagibeli bamatekisi noma bamabhasi noma ngaphansi kwesihlahla umphakathi onokufinyelela kusona;

6.1.1.12. adayise ngendlela -

6.1.1.12.1. edala iNkathazo;

6.1.1.12.2. elimaza noma eyona uMgwaqo woMphakathi noma iNdawo yokuThokoza yoMphakathi nanoma isiphi isakhiwo somphakathi noma okungesona esikahulumeni;

6.1.1.13. aphazamise ukuhamba kwezimoto, ukukwazi ukuwela kwabantu lapho kufanele bawele khona, izindawo zokupaka nokulayisha nezinye izindawo ezenzelwe izimoto noma abahamba ngezinyawo, ashaye indiva, angahloniphi noma anqabe ukuthobela umyalelo wesiPhathimandla esiGunyaziwe ukuba asuse iMpahla yakhe, ukuze kuqhubekeke nomsebenzi owenziwa eMgwaqweni woMphakathi noma eNdaweni yokuThokoza yoMphakathi;

6.1.1.14. abeke iMpahla yakhe eNdaweni yokuThokoza yoMphakathi ngaphandle uma enemvume kaMasipala yalokho;

6.1.1.15. aMakethe uMshoshaphansi;

6.1.2 UmHwebi waseMgwaqweni kufanele aqinisekise ukuthi uma esebenzisa igesi yohlobo lwe-LPG ulandela imigomo ebekelwe ukusetshenziswa kwaleyo-gas ngesikhathi sokudayisa.

## **6.2. Ukuziphatha komHwebi waseMgwaqweni ekuqinisekiseni ukuthi indawo ahwebela kuyo ihlanzekile**

6.2.1. NgesiKhathi esiNqunyiwe umHwebi waseMgwaqweni kufanele -

6.2.1.1. alahle ukuNgcola okudaleke ngesikhathi edayisa emgqonyeni awunikwe nguMasipala noma endaweni kaMasipala yokulahla udoti;

6.2.1.2. angalokothi alahle udoti emgodini wokusebenza ngaphansi komhlaba, emiseleni yamanzi ezikhukhula nakunoma iyiphi enye indawo engenzelwe ukulahlwa koDoti;

6.2.1.3. lapho ecelwa yisiPhathimandla esiGunyaziwe, asuse iziMpahla zakhe ukuze adedele ukuhlanzwa kwendawo ahwebela kuyo noma ukuze kwenziwe noma imiphi eminye iMisebenzi kaMasipala, kanye nangenxa yanoma yisiphi esinye isizathu esisemthethweni;

6.2.1.4. aqinisekise ukuthi akukho ntuthu noma isisi esiNgcolisa uMoya;

6.2.1.5. aqinisekise ukuthi akunuki lutho futhi akunamsindo ongadala iNkathazo;

6.2.1.6. agcine indawo asebenzela kuyo isesimweni esihlanzekile;

6.2.1.7. agcine iMpahla yakhe isesimweni esihlanzekile;

6.2.1.8. aqikelele ukuthi ngesikhathi sokudayisa akukho okuchithekelwa eMgwaqweni woMphakathi noma eNdaweni yokuThokoza yoMphakathi, kuchithekelwa emgudwini wamanzi, amafutha, uwoyela noma yini engadala ingozi emphakathini noma kwabasebenzisa uMgwaqo woMphakathi noma iNdawo yokuThokoza yoMphakathi; futhi

6.2.1.9. aqinisekise ukuthi ekupheleni kosuku indawo yakhe ahwebela kuyo ayinako ukuNgcola futhi akwenze lokhu ngesikhathi esibekiwe.

## **6.3 Okungavunyelwe kwabaHwebela eMigwaqweni**

6.3.1 Akukho uMuntu, ngaphandle uma enemvume kaMasipala ayithole maqondana nesikhathi soMqhudelwano, ovumelekile

6.3.1.1. ukuhwebela eNdaweni okuLawulwayo kuyo ukuNgena noma eNdaweni eHlungiwe ngesiKhathi esiNqunyiwe;

6.3.1.2. ukuhwebela eNdaweni eneMibandela;

- 6.3.1.3. ukuhwebela engadini noma epaki lapho umphakathi unelungelo lokuyisebenzisa;
- 6.3.2. Akekho uMuntu ovumelekile ukwenza umsebenzi wokuHwebela eMgwaqweni-
  - 6.3.2.1. eNdaweni eVinjelwe;
  - 6.3.2.2. oNqenqemeni loMgwaqo olungasemshinini wasebhange;
  - 6.3.2.3. oNqenqemeni loMgwaqo oluncikene -
    - 6.3.2.3.1. nesakhiwo esimenyezwe njengesiyigugu lezwe ngaphansi koMthetho iNational Heritage Resources Act, ka 1999 (uMthetho 25 ka 1999); ngaphandle uma ethole imvume eyisipesheli ngaphansi kwawo lo mthetho;
    - 6.3.2.3.2. nesakhiwo sikaMasipala noma esisetshenziswa uMasipala noma sikaHulumeni noma esisetshenziswa nguHulumeni;
    - 6.3.2.3.3. nesonto noma indawo yokukhonzela;
    - 6.3.2.3.4. neNdawo yokuThokoza yoMphakathi;
    - 6.3.2.3.5. ngaphandle uma ukuhwebela kuleyo ndawo kuvunyelwe ngophawu oluthile olubekwe nguMasipala futhi ngendlela ethobela lolo phawu;
  - 6.3.2.4. endaweni lapho –
    - 6.3.2.4.1. kudala ukuphazamiseka lapho kungenwa noma kuphunywa ebhilidini
    - 6.3.2.4.2. kuphazamisa okuxhunywa kukona amanzi okucima imililo; futhi
  - 6.3.2.5 kuleso sigamu soMgwaqo woMphakathi esiseduze nebhilidi elingelokuhlala abantu, uma oliphethe noma umnikazi ephikisana nalokho kuhweba;
  - 6.3.2.6 kuleso sigamu soMgwaqo woMphakathi oseduze nesitolo noma kuleyo ngxenye yebhilidi kulona ibhizinisi iqhutshwa nguMuntu odayisa iMpahla efanayo naleyo edayiswa ngumHwebi waseMgwaqweni uma lowo Muntu ephikisana nalokho kuhweba;
  - 6.3.2.7 endaweni yokudayisa noma endaweni eklanywe nguMasipala ngokwesigaba 6A(3)(b) sika-Business Act, 1991 (uMthetho 71 ka 1991), uma engenabo ubufakazi bokuthi uyiqashile leyondawo yokudayisa noma indawo kuMasipala noma ukuthi leyondawo yokudayisa unikiwe yona; futhi akavumelekile ukuba ahwebe ngokuphikisana nemibandela yalokho kuqasha kwakhe noma ukunikwa kwakhe leyo ndawo; futhi
  - 6.3.2.8 kube nebanga elenele kusukela eNdaweni okuLawulwayo ukuNgena kuyona, lelo banga kube ngeliNqunye ngokuseMthethweni nguMasipala.

**6.4. IziNdawo zokuhweba ezineMibandela neziNdawo eziVinjiwe ukuhwebela kuzona**

- 6.4.1. UMasipala, ngaphansi kwesigaba 6(A)(2) sika-Businesses Act, 1991 (uMthetho 71 ka 1991), angamisa noma iyiphi indawo, ngisho enabaniniyo uma nje ingaphansi kwendawo kaMasipala njengeNdawo eVinjiwe ukuhwebela kuyo noma iNdawo eneMibandela, maqondana -
- 6.4.1.1. nezikhathi ezithize ngesiKhathi esiNqunyiwe;
- 6.4.1.2. nemingcele yeziNdawo ezineMibandela noma iziNdawo eziVinjiwe;
- 6.4.1.3. nemingcele yezindawo zokudayisa noma yendawo ebekelwe ukuqhuba ibhizinisi lokuHweba eMgwaqweni;
- 6.4.1.4. nanoma yimuphi omunye umkhakha wemibandela noma wokuvimbela ukuHwebela eMigwaqweni, uMasipala angazibeka.
- 6.4.2. UMasipala angakhomba noma aklame leyo Ndawo eneMibandela noma iNdawo eVinjelwe nganoma iyiphi indlela ayibona ifanele.

**6.5. Ukungavunyelwe kwabantu abaneminyaka engaphansi kweyi-16**

- 6.5.1. Akekho umuntu oneminyaka engaphansi kweyi-16 ovunyelwe ukuba enze umsebenzi wokuHwebela eMgwaqweni woMphakathi naseNdaweni yokuThokoza yoMphakathi noma eduze nayo.
- 6.5.2. Noma imuphi uMuntu oyoqasha noma acele lowo Muntu oshiwo ku 6.5.1, ngasenhla, ukuba enze umsebenzi wokuHwebela eMgwaqweni noma asize uyoba necala.

**6.6. Ukuba necala kwabaqashi ngamacala enziwe abasebenzi babo**

- 6.6.1. Uma uMuntu ongumsebenzi, ongusontileka omncane ongaphansi kukasonkontileka omkhulu, oyisithunywa noma ongumsizi womunye umHwebi waseMgwaqweni enza noma yini eyicala ngokwale Mithetho yeDolobha, lo ayisithunywa sakhe, noma umsebenzi wakhe kuyothathwa ngokuthi uyena siqu sakhe owenze lelo cala kanti uma limlahla uyotholwa enecala elifanayo nesisebenzi sakhe noma isithunywa sakhe noma usontileka omncane ongaphansi kwakhe ngaphandle uma engaveza ubufakazi bokuthi -
- 6.6.1.1. ekwenzeni lelo cala lowo msebenzi, usontileka omncane, isithunywa noma umsizi wayekwenza lokho ngaphandle kolwazi noma kwemvume yakhe;
- 6.6.1.2. uthathe zonke izinyathelo ezifanelekile ukuba singalinge senzeke lesi senzo; futhi
- 6.6.1.3. lowo msebenzi, usontileka omncane, iisithunywa noma umsizi ubengenalo igunya lokwenza lokho akwenzile.
- 6.6.2. Ukuthi umqashi unabo ukufakazi bokuthi wamnika umsebenzi imiyalelo yokuba angasenzi leso senzo lokho akusho ukuthi umqashi akanacala ngenxa yaleso senzo somsebenzi esiyicala ngaphansi kwale mithetho yedolobha.

## **7. ISAHLUKO 7 – IMIBANDELA EXUBILE**

### **7.1 Amalungelo okungena kuhlolwe indawo**

7.1.1 IsiPhathimandla esiGunyaziwe, maqondana nanoma yiluphi uPhawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso esifakiwe, sabekwa, sakhishwa noma sabekwa eNdaweni ukuNgena kuyona okuLawulwayo, eNdaweni eHlungiwe noma kunoma yikuphi okokuKhangisa eMphakathini kulezi zindawo ezishiwo esigabeni 2.1.2 nesigaba 2.1.3, kanye nazo zonke ezinye izindawo ezingaphansi kukaMasipala, sinelungelo lokuhlola iMvume egunyazayo eyakhishwa maqondana nalolo Phawu, naloloQwembekazi, naleso siKhangiso noma naleso Sakhiwo sokuKhangisa.

7.1.2 Ukwehluleka koMnikazi noma kwanoma ngubani omunye ukukhipha leyo Mvume ngesikhathi esifanele kuzobe sekungukwenza icala ngaphansi kwale Mithetho yeDolobha.

### **7.2 Ukususwa nokugcinwa kweziMpawu**

7.2.1 UMasipala, maqondana nanoma yiluphi uPhawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso esifakiwe, sabekwa, sakhishwa noma sabekwa eNdaweni ukuNgena kuyona okuLawulwayo, eNdaweni eHlungiwe noma kunoma yikuphi okokuKhangiso eMphakathini kulezi zindawo ezishiwo esigabeni 2.1.2 nesigaba 2.1.3, kanye nazo zonke ezinye izindawo ezingaphansi kukaMasipala, unelungelo lokwenza lokhu okulandelayo -

7.2.1.1 ukuyalela uMnikazi walolo Phawu, uQwembekazi, noma iSakhiwo sokuKhangisa noma isiKhangiso ngokuphelele noma ingxenye yaso eyeqela ngaphakathi komngcele wanoma iyiphi iNdawo kahulumeni noma yomnikazi wayo, ngesaziso ukuba asuse leyo ngxenye yoPhawu eyeqela ngale komngcele ngokushesha. Ukwehluleka ukuthobela lowo myalelo okuleso saziso kuyicala

7.2.1.2 ukususa noma ukushaqa lolo Phawu, uQwembekazi noma isiKhangiso noma anike lowo Muntu ofanele isaziso sokuba asuse lolo Phawu, uQwembekazi noma isiKhangiso uma, ngokubona kukaMasipala, lolo Phawu, uQwembekazi noma isiKhangiso singayilungele imvelo noma indawo, noma uma sephula le mithetho yedolobha;

7.2.1.3 ekususeni, ekushaqeni lolo Phawu, uQwembekazi noma isiKhangiso, akudingekile ukuba uMasipala akhokhele noma yimuphi uMuntu isinxephezelo ngokulahlekelwa noma ngokonakalelwa kwakhe yimpahla yakhe ngenxa yalokho kususwa noma ukuthathwa;

7.2.1.4 uma uPhawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso sinobungozi noma sinento elichilo, ngokubona kukaMasipala, noma sifakwe noma sibekwe ngaphandle kokuthola iMvume kaMasipala kuqala uMasipala angalususa lolo Phawu, kuleyoNdawo noma ngabe eyomphakathi noma eyomniniyo ngaphandle kokunikeza isaziso;

7.2.2 Noma iziphi izindleko uMasipala ongangena kuzona ngesikhathi ususa, ushaqa, ugcina noma ulungisa uPhawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso ungazibiza kuMnikazi walolo Phawu, loloQwembekazi, leso Sakhiwo sokuKhangisa noma leso siKhangiso.

7.2.3 Umnikazi woPhawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso esisuswe nguMasipala, ngaphandle kwalapho sekuthathwe khona izinyathelo zasenkantolo eseziqhubeka ezithathelwe lowo Mnikazi, uMnikazi angafaka isicelo kuMasipala ezinsukwini eziyisikhombisa (7) kusukela ngosuku lolo Phawu lususiwe

sokuthi lubuyiselwe uma nje uMnikazi ezokhokha izindleko uMasipala angene kuzona ngesikhathi esusa, eshaqa noma egcina lolu Phawu.

7.2.4 Uma uMnikazi woPhawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso ehluleka ukulanda lolu Phawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso ezinsukwini ezingama-30 emva kokuphuthulwa kwecala lasenkantolo elimayelana nalokho kususwa, uMasipala angalulahla lolu Phawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso ngendlela abona ukuthi kufanelekile ngayo.

7.2.5 UMasipala angeke ube necala ngokulimala kwanoma iluphi uhlobo ngokugcinwa noma ukususwa, ukushaqwa noma ukulahlwa kwanoma iluphi uPhawu, uQwembekazi, iSakhiwo sokuKhangisa noma isiKhangiso.

### 7.3 Amalungelo okungena neMibandela eziNdaweni okuLawulwayo ukuNgena kuzona

Ilungelo lokungena nelokusebenzisa iNdawo ukuNgena kuyona okuLawulwayo lizolawulwa ngokuNikwa iGunya kanye namaThikithi. Kuzoya ngohlobo lweNdawo okuLawulwayo ukuNgena kuyonanolobho lwemicimbi ebanjelwa kuleyo Ndawo ukuNgena kuyona okuLawulwayo, kepha akukho Muntu, ngaphandle -

7.3.1 koMuntu oNikwe iGunya;

7.3.2 uMphathi weThikithi; noma

7.3.3 nanoma imuphi omunye uMuntu onemvume noma ogunyaziwe ukungena eNdaweni okuLawulwayo ukuNgena kuyona, kanye

7.3.4 nezimoto zosizo oluphuthumayo ngokoMthetho i-National Road Traffic Act 1996 (uMthetho 93 ka 1996),

ovumelekile ukuba angene eNdaweni okuLawulwayo ukuNgena kuyona.

### 7.4 Imiyalelo yeziPhathimandla eziGunyaziwe maqondana neziNdawo eziVulekile zoMphakathi

7.4.1 IsiPhathimandla esiGunyaziwe singayalela noma imuphi uMuntu ukuba asuke eNdaweni eVulekile yoMphakathi uma -

7.4.1.1 ngokwenkolelo ephusile yesiPhathimandla esiGunyaziwe lowo Muntu enza okuphambene nale Mithetho yeDolobha, futhi uma

7.4.1.2 lowo Muntu ehluleka ukuyeka ngokushesha lokho kwephula le Mithetho yeDolobha ayalelwa ukuba akuyekile yisiPhathimandla esiGunyaziwe.

7.4.2 Ukwehluleka ukuthobela lowo myalelo kuyicala ngaphansi kwale Mithetho yeDolobha.

### 7.5 Amandla kaMasipala okusesha nokushaqqa impahla eMigwaqweni yoMphakathi kanye namaqondana nokwephulwa kwezimiso zokuHwebela eMigwaqweni

7.5.1 Kweyame kunoma yimuphi umthetho osebenzayo sekubalwa, kodwa kungagcinwa kwi-Promotion of Administrative Justice Act, 2000 (uMthetho 3 ka 2000) kanye ne-Road Traffic Act 1989 (uMthetho 29 ka 1989), isiPhathimandla esiGunyaziwe -

7.5.1.1 singasesha, sisuse noma sishaqa noma iyiphi iMphahla, ikhonteyina, isakhiwo, umpheme, itende nemoto yanoma yiluphi uhlobo noma ngabe inomuntu oyibhekile noma ngabe ayinamuntu :-

7.5.1.1.1 lapho sisola ngukuphusile ukuthi isetshenziswa noma kuhloswe ukuthi isetshenziswe ebhizinisini lokuHweba eMigwaqweni noma ngokwephula le Mithetho yeDolobha;

- 7.5.1.1.2 lapho ishiywe ipakiwe kunoma iyiphi indawo ekungafanele izimoto zipakwe kuyona;
- 7.5.1.1.3 lapho sithola epaki noma emgwaqweni womphakathi noma endaweni yomphakathi futhi ngokubona kwaso kunguyephula le Mithetho yeDolobha, noma ngabe leyo Mpahla, leyo khonteyina, leso sakhiwo, lowo mpheme, lelo tende noma leyo moto ngisho ingaphansi kolawulo lukanoma ubani ngesikhathi ithathwa noma isuswa;
- 7.5.1.2 siyokwenza yonke imisebenzi enganikezelwa kusona uNgqongqoshe wezokuHweba neziMboni (Trade & Industry) kanye nayinikwe yinoma imuphi umuntu noma isakhiwo esinawo lawomandla.
- 7.5.2 IsiPhathimandla esiGunyaziwe ngaphansi kwesigaba 1.1.9 kufanele sikhuphe irisidi elikhishwa encwadini egunyaziwe yamarisidi ilinike lowo obonakala ukuthi nguyena engaphansi kolawulo lwakhe leyo Mpahla, leyo khonteyina, leso sakhiwo, lowo mpheme, lelo tende noma leyo moto ethathwayo.
- 7.5.3 Noma iyiphi noma iyiphi iMpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto njengoba kushiwo esigabeni 7.5.1 izofakwa omaka ngendlela efanele bese igcinwa ngokuphepha.
- 7.5.4 UmHwebi waseMgwaqweni othathelwe iMpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto ngokwale Mithetho yeDolobha uma esebuyiselwa iMpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto kufanele akhokhe izindleko zokugcina lokho njengoba kuzonquma uMasipala ngezikhathi ngezikhathi.
- 7.5.5 Umnikazi angabiza noma iyiphi iMpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto yakhe ebikade ithathiwe ngokuveza ubufakazi bobunikazi ngendlela eyanelisa uMasipala.
- 7.5.6 Noma iyiphi iMpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto okungazange kuzofunwa ngabanikazi ezinyangeni ezintathu kusukela zigciniwe zingalahla uma zingenalo inani lokudayiswa, noma zidayiswe endalini yomphakathi bese kuthi inzuzo etholakale lapho igcinwe nguMasipala ukuhlangabezana nezindleko zakhe ezimayelana nokwephulwa komthetho, ukushqwa kwempahla nokugcinwa kwayo.
- 7.5.7 UMasipala angeke abe nesibopho sokunxephezela noma imuphi uMuntu ngokulahlekelwa okudalwe ukulimala noma ukulahlekelwa yinoma iyiphi iMpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto ethathiwe ngaphansi kwesigaba 7.5.1 noma ukudayiswa kwayo endalini, futhi umnikazi wale Mpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto angeke abe nelungelo lokubiza inkokhelo kuMasipala uma kwenzeka leyo Mpahla, ikhonteyina, isakhiwo, umpheme, itende noma imoto yanikwa omunye uMuntu ongeyena umnikazi wayo ngoba uMasipala ekholwa ukuthi uyena ngempela umnikazi wayo.
- 7.5.8 Noma iziphi iziMpahla ezibolayo zizogcinwa isikhathi esingamahora angama-24 bese ziyalahla ngokubona kukaMasipala.
- 7.5.9 Ngaphezu kwalokhu okungenhla, futhi ngaphandle kokugudluka kukona, isiPhathimandla esiGunyaziwe sinamandla, futhi singayilandela inqubo, umhloli anegunya lokuyilandela ngokwesigaba 4 soMthetho i-Merchandise Marks Act, 1941, kanti futhi okuhlinzekwe kuleso sigaba kuyosebenza nezinguquko ezifanele maqondana nempahla eshaqiwe nenqubo elandelwe yisiPhathimandla esiGunyaziwe ngaphansi kwalesi sigaba.

## 7.6 AmaCala neziNhlawulo

Noma yimuphi uMuntu -

- 7.6.1 Owephula noma ongazithobeli noma yiziphi izimiso zalo mqulu weMithetho yeDolobha;
- 7.6.2 Owenza noma odala ukuba kwenziwe noma ovumela ukuba kwenziwe noma onesandla ekwenziweni kwanoma yini ephambene nale Mithetho yeDolobha; noma
- 7.6.3 Ongenzi noma ngenxa yobudedengu angenzi noma avumela ukuba kungenziwa noma yini ngokwale Mithetho yeDolobha okufanele ukuba yenziwe ngesikhathi nangendlela okuhlinzekelwe ngayo; noma
- 7.6.4 Othi azi kodwa avumele ukuthi kwenzeke noma yini noma kuqhubeke ukwenzeka kwanoma yini ephambene nale Mithetho yeDolobha; noma
- 7.6.5 Ongayeki noma yini okufanele ayiyeke ngaphansi kwale Mithetho yeDolobha; noma
- 7.6.6 Ohlulekayo noma owenqabayo, okushaya indiva ukuthobela noma ohlala njalo ehluleka noma enqaba ukuthobela le Mithetho yeDolobha ngisho nasemva kokukhishwa kwezaziso ezimxwayisayo ngokuphula le Mithetho yeDolobha; noma
- 7.6.7 Ohlulekayo ukuthobela okushiwo yizaziso, noma imiyalelo, noma imibandela equkethwe ilayisense ekhishwe nguMasipala; noma
- 7.6.8 Ophazamisa isiPhathimandla esiGunyaziwe ekwenzeni noma ekuzameni ukwenza noma yimuphi umsebenzi okufanele siwenze ngokwamandla aso esiwanike yile Mithetho yeDolobha;

unecala futhi kufanele abhekane nenhlawulo engeqile ezinkulungwaneni eziyishumi zamarandi (R10 000) noma uma ehluleka ukukhokha adonse ejele isikhathi esingeke seqe ezinyangeni eziyisithupha (6), noma kokubili lokhu, kanti uma eqhubeka nokwenza icala usengakhokhiswa enye inhlawulo ngaphezulu engeqile ezinkulungwaneni ezimbili zamarandi (R2 000) noma uma ehluleka ukukhokha adonse ejele isikhathi esingeqile enyangeni eyodwa usuku nosuku aqhubeka ngalo ukwenza icala emva kokuthi izaziso ezibhaliwe sezikhishiwe nguMasipala futhi wanikezwa zona lo Muntu othintekayo zimyalela ukuba ayeke ukwenza lelo cala.



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## **8. ISAHLUKO 8 – IMIBANDELA YOKUGCINA**

### **8.1 Igama elifinyeziwe nokuqala ukusebenza kwale Mithetho yeDolobha**

Le Mithetho yeDolobha izobizwa ngeMithetho yeDolobha emayelana neNdebe yoMhlaba ye-FIFA eNingizimu Afrika ngonyaka ka-2010, kanti izosebenza ngesiKhathi esiNqunyiwe.

## 9. ISAHLUKO 9 – UHLA LWESIKHATHI ESINQUNYIWE

### 9.1 Uhla lwesiKhathi esiNqunyiwe saleMithetho yeDolobha luyoba njengalokhu okulandelayo:

9.1.1 Zonke izaHluko zameMithetho yeDolobha ziyiqala ukusebenza ngesikhathi yamukelwa uMkhandlu leMithetho yeDolobha bese iqhubeka ukusebenza ngokunganqunyelwa sikhathi kuze kube Umasipala unquma ngenye indlela, ngaphandle kwalezizigaba ezilandelayo –

9.1.1.1 Isigaba 2.1.1.1, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.2 Isigaba 2.1.2.1, esiyoqala ukusebenza ngesikhathi kukhonjwa leyondawo ethize njengeNdawo okuLawulwayo ukuNgena kuyona bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.3 Isigaba 2.1.2.3, esiyoqala ukusebenza uma sekuqediwe futhi kwaziswa ngemingcele yesiKhungo se-FIFA sabaLandeli beBhola bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.4 Isigaba 2.1.3, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.5 Isigaba 2.1.4, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.6 Isahluko 3, esiyoqala ukusebenza ngesikhathi kukhonjwa leyondawo ethize njengeNdawo okuLawulwayo ukuNgena kuyona noma iNdawo eHlungiwe bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.7 Isigaba 4.1.1, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.8 Isigaba 4.2.23, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.9 Isigaba 4.3.2, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.10 Isigaba 4.4.3, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

9.1.1.11 Isigaba 5.2.5, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;

- 9.1.1.12 Isigaba 5.3, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;
- 9.1.1.13 Isigaba 5.4, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;
- 9.1.1.14 Isigaba 5.5, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;
- 9.1.1.15 Isigaba 6.3.1, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;
- 9.1.1.16 Isigaba 7.3, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;
- 9.1.1.17 Isigaba 7.5.1.2, esiyoqala ukusebenza ngesikhathi leMithetho yeDolobha yamukelwa uMkhandlu bese iqhubeka isebenza kuze kube isikhathi esingamasonto amabili kusanda kuphela uMqhudelwano;