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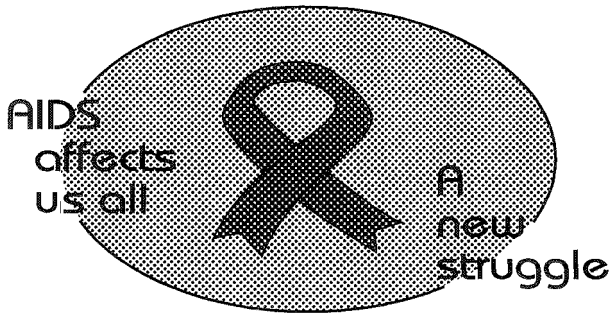
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No. 516

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MUNICIPAL NOTICE

No. 108 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Pollution Control Bylaws.

POLLUTION CONTROL BYLAWS

CHAPTER 1
DEFINITIONS

1. Definition

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

"adverse effect" means any actual or potential impact on the environment that impairs or could impair human health or well-being or the environment to an extent that is more than trivial or insignificant;

"air pollutant" means any substance that causes or may cause air pollution including, without limiting the generality of the foregoing, dust, smoke, fumes and gas;

"air pollution" means any change in the environment caused by any air pollutant where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of any natural or managed ecosystem, or on materials useful to people, or will have such an effect in the future;

"air pollution control zone" means the geographical area to which section 9 of these by-laws is declared to apply;

"ambient sound level" means the reading of an integrating impulse sound level meter measured at the end of a total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a disturbing noise is absent;

"atmosphere" means air that is not enclosed by a building, machine,

chimney or other such structure;

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, and / or enforce the provisions of these bylaws;

"chimney" means any structure or opening of any kind from or through which air pollutants may be emitted;

"compressed ignition powered vehicle" means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

"Council"means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"dark smoke" means dark smoke as defined in the Atmospheric Pollution Prevention Act No. 45 of 1965;

"disturbing noise" means the a noise level which exceeds the ambient sound level by 7dB(A) or more, and "disturbing" in relation to a noise shall have a corresponding meaning;

"dust" means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

"dwelling" means any building or other structure, or part of a building or structure, used for residential purposes, and any outbuildings ancillary to it;

"fuel-burning equipment" means any furnace, boiler, incinerator, or other equipment, including a chimney-

(a) designed to burn, or capable of burning, liquid, gas or solid fuel;

(b) used to dispose of any material or waste by burning; or

(c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

"light absorption meter" means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

"littering" means the discarding or leaving behind of any object or matter whether gaseous, liquid or solid by the person in whose control or possession it was;

"municipal manager" means the person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"noise level" means the reading on an integrating sound level meter taken at the measuring point at the end of a reasonable period after the integrating sound meter has been put into operation during which period the noise level alleged to be disturbing noise is present, to which reading 5dB(A) is added if the disturbing noise contains a pure tone component or is of an impulsive nature;

"obscuration" means the ratio of visible light attenuated by suspended air pollutants to incident visible light, expressed as a percentage;

"open burning" means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and "burning in the open" has a corresponding meaning;

"operator" means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

"person" includes a natural person, company, closed corporation, trust, association and partnership;

"premises" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the Council;

"proclaimed township" means any land unit zoned and utilized for residential purposes;

"public road" means a road which the public has the right to use;

"smoke" means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

"vehicle" means any motor car, motor cycle, bus, truck or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power;

"water course" includes-

(a) a spring;

(b) a natural channel in which water flows regularly or intermittently; and

(c) a wetland, lake or dam into which, or from which, water flows; and

and a reference to a water course includes, where relevant, its bed, banks and mouth.

CHAPTER 2
NOISE POLLUTION

2. Control of noise

No person shall on any premises or land make, produce cause or permit to be made or produced by any person, machine, animal, device or apparatus or combination of these, a noise which is a disturbing noise.

3. Notices

(1) The Municipality may by written notice instruct the person causing or responsible for a disturbing noise or the owner of such building or premises on which a disturbing noise is caused or both of them, within a period specified in such notice, immediately to stop such noise or have it stopped or take the necessary steps to reduce the disturbing noise level to a level below that of a disturbing noise; provided that if the Municipality is satisfied that the disturbing noise is due to or caused by-

(a) the working of:

(i) a machine or apparatus which is necessary for the maintenance or repair of property, or the protection of life, property or public services;

(ii) garden equipment;

(iii) a machine or device,

(b) the noise level of which has in the opinion of the Municipality been reduced or muffled according to the best practicable methods;

(b) a sports meeting; or

(c) circumstances or activities beyond the control of the person responsible for causing the disturbing noise,

the Municipality may, whether generally or specifically, permit the working of such machine or apparatus, or such sports meeting or circumstances or activities to continue, subject to such conditions as the Municipality may deem fit.

CHAPTER 3
POLLUTION OF A WATER COURSE

4. Pollution of a water course

Except with the permission of the Council, a person may not cause –

(a) waste water;

(b) any toxic or harmful substance; or

(c) any litter or waste,

to run into or be dumped in a water course.

5. Boats on water courses

No person may operate a boat on a water course while it is leaking oil, petrol or any toxic or noxious substance.

6. Equipment on craft

A person may not use a motor-driven boat on a water course unless it is equipped with an effective silencer affixed to the exhaust pipe of the motor.

CHAPTER 4
LITTERING AND DUMPING

7. Littering

No person shall discard or leave any litter on any land or water surface, street, road or any site in or on any place to which the public has access, except in a container or at a place which has been specifically indicated as having been provided or set aside for such purpose.

8. Dumping

(1) No person may dump, or cause or permit to be dumped, on any land or premises any waste.

(2) If the provisions of sub-section (1) are contravened, Council may direct, by way of a written notice, that -

(a) any person who committed, or who directly or indirectly caused or permitted, the contravention;

(b) the owner of the land or premises where the contravention took place;

(c) the person in control of, or any person who has or had at the time of the contravention a right to use, the land or premises where the contravention took place; or

(d) any person who negligently failed to prevent the contravention from taking place,

cease the contravention in a specified time, take steps to prevent a further contravention or the continuation of the contravention, and/or take whatever steps Council considers necessary to clean up or remove the

waste, to lawfully dispose of the waste and to rehabilitate the affected area.

(3) If a person fails to comply with sub-section (1), or if a person fails to comply with directions given in a notice issued under sub-section (2), Council may itself take whatever steps it considers necessary to clean up or remove the litter, to rehabilitate the affected area and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council may then recover the reasonable costs of taking these steps from any of the persons listed in sub-section (2), who shall be jointly and severally liable therefore.

CHAPTER 5
AIR POLLUTION CONTROL

9. Air pollution control zones

(1) The whole area within the jurisdiction of the Council is hereby declared an air pollution control zone.

(2) Within the air pollution control zone, the Council may from time to time by resolution-

(a) prohibit or restrict the emission of one or more air pollutants from all premises or certain premises;

(b) prohibit or restrict the combustion of certain types of fuel;

(c) declare smokeless zones, in which smoke with an obscuration of more than 10% may not be emitted; or

(d) prescribe different requirements in an air pollution control zone relating to air quality in respect of:

(i) different geographical areas;

(ii) specified premises;

(iii) classes of premises; or

(iv) premises used for specified purposes.

(3) The Council may in writing exempt certain premises, classes of premises or premises used for specified purposes from the provisions of this by-law.

10. Smokeless zones

(1) Council may by resolution declare certain areas to be smokeless zones from a date indicated in that resolution.

(2) No owner or occupier of any premises within a smokeless zone shall cause or permit the emission from such premises of smoke of such a density or content as will obscure light to an extent greater than 10 per cent.

(3) If, on the written application of any person, the Council is satisfied that there are adequate reasons for the temporary exemption of any premises from the provisions of this section, the Council may, by notice in writing to the applicant, grant such exemption for a period specified in such notice.

CHAPTER 6
SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

11. Prohibition

(1) Subject to sub-section (2), dark smoke must not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

(2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

12. Installation of fuel-burning equipment

(1) No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans and specifications.

(2) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of sub-section (1):

(a) the owner or occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence; and

(b) the Council may, on written notice to the owner or occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner or operator within a period stated in the notice.

13. Operation of fuel-burning equipment

(1) No person shall use or operate any fuel-burning equipment on any premises contrary to an authorisation referred to in section 12.

(2) Where fuel-burning equipment has been used or operated in contravention of sub-section (1):

(a) the owner and occupier of the premises concerned and the operator of the fuel-burning equipment shall each be guilty of an offence;

(b) the Council may on written notice to the owner and occupier of the premises:

(i) revoke its authorization under section 12; and

(ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

14. Installation and operation of obscuration measuring equipment

(1) The Council may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring equipment at his or her own cost, if:

(a) unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;

(b) unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;

(c) fuel-burning equipment has been or is intended to be installed on the relevant premises which are reasonably likely in the opinion of an authorised official to emit dark smoke;

(d) the Council considers that the nature of the air pollutants emitted from the relevant premises are reasonably likely to create a hazard to human health or the environment.

(2) A notice referred to in sub-section (1) must inform the person to whom it is addressed of:

(a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which this must be done;

(b) that person's right to request written reasons for the issuing of the notice; and

(c) the measures that must be taken and the potential consequences if the notice is not complied with.

15. Monitoring and sampling

(1) An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install obscuration measuring equipment in terms of section 16(1) must:

(a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;

(b) if requested to do so by an authorised official, produce the record of the monitoring and sampling results for inspection; and

(c) if requested to do so by an authorised official, provide a written report (in a form and by a date specified by the authorised official) of part or all of the information in the record of the monitoring and sampling results.

CHAPTER 7
SMOKE EMISSIONS FROM DWELLINGS

16. (1) No person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

(2) Any person who emits or permits the emission of dark smoke in contravention of sub-section (1) commits an offence.

CHAPTER 8
EMISSIONS CAUSED BY OPEN BURNING

17. (1) Subject to sub-section (4), any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Council, which may include the imposition of further conditions with which the person requesting authorization must comply, has been obtained.

(2) The Council may not authorize open burning under sub-section (1) unless -

(a) the material will be open burned on the land from which it originated;

(b) that person has investigated and assessed every reasonable alternative for reducing, reusing, recycling or removing the material in order to minimize the amount of material to be open burned, to the satisfaction of the Council;

(b) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Council;

(c) a warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region;

(d) the land on which that person intends to open burn the material is not land within a proclaimed township:

(e) the open burning is conducted at least 100 metres from any buildings or structures;

(f) the open burning will not pose a potential hazard to human health or safety, private property or the environment;

(g) that person has notified in writing the owners and occupiers of all adjacent properties of-

(i) all known details of the proposed open burning; and

(ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Council within 7 days of being notified; and

(ii) the prescribed fee has been paid to the Council.

(3) Any person who undertakes or permits to be undertaken open burning in contravention of sub-section (1) commits an offence.

(4) The provisions of this section shall not apply to:

(a) recreational outdoor barbecue or braai activities on private premises; or

(b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes.

CHAPTER 9
EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES

18. Prohibition

(1) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.

(2) If dark smoke is emitted in contravention of sub-section (1) the owner and driver of the vehicle shall each be guilty of an offence.

19. Stopping of vehicles for inspection and testing

(1) In order to enable an authorised official to enforce the provisions of these by-laws, the owner of a vehicle must comply with any reasonable direction given by an authorised official-

(a) to stop the vehicle; and

(b) to facilitate the inspection or testing of the vehicle.

(2) Failure to comply with a direction given under sub-section (1) is an offence.

(3) When a vehicle has stopped in compliance with a direction given under sub-section the authorised official may:

(a) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:

(i) at or as near as practicable to the place where the direction to stop the vehicle is given; and

(ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or

(b) conduct a visual inspection of the vehicle and, if the authorized official reasonably believes that an offence has been committed under section 18, instruct the owner or driver of the vehicle in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 20.

20 Testing procedure

(1) An authorised official must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 18.

(2) The following procedure must be adhered to in order to conduct a free acceleration test:

(a) when instructed to do so by the authorised official, the owner or driver must start the vehicle, place it in neutral gear and engage the clutch;

(b) while the vehicle is idling; the authorised official must conduct a visual inspection of the emission system of the vehicle;

(c) when instructed to do so by the authorised official, the owner or driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle; provided that the authorised official may do so him/herself or herself if the owner or driver fails or refuses to comply with the authorised official's reasonable instructions;

(d) while the throttle pedal is depressed, the authorised official must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke; and

(e) the owner or driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorised official.

(3) If, having conducted the free acceleration test, the authorised official is satisfied that the vehicle-

(a) is not emitting dark smoke, then the authorised official must furnish the owner of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 18; or

(b) is emitting dark smoke, the authorised official must issue the owner of the vehicle with a repair notice in accordance with section 21.

21. Repair notice

(1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.

(2) The repair notice must contain *inter alia* the following information:

(a) the make, model and registration number of the vehicle;

(b) the name, address and identity number of the driver of the vehicle; and

(c) if the driver is not the owner, the name and address of the vehicle owner.

(3) A person commits an offence if that person fails to comply with the notice referred to in sub-section (1).

CHAPTER 10
GENERAL PROVISIONS

22. Offences

Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20 000 or imprisonment for a period not exceeding 2 years.

23. Conflict of bylaws

If there is any conflict between these bylaws and any other bylaws of the Council, these bylaws will prevail.

No. 109 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Parking Grounds Bylaws.

PARKING GROUNDS BYLAWS

1. Definitions

In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) has that meaning and, unless the context otherwise indicates -

"authorised official" means a designated officer authorised by the Council as contemplated in section 23 of that Act for purposes of these By-laws to perform and exercise any or all of the functions and powers specified in, and subject to the provisions of that Chapter and to the provisions of any other law;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"parking bay" means a demarcated area within which a vehicle is to be parked in terms of these By-laws, demarcated as such upon the surface of a parking ground or a floor thereof;

"parking ground" means any area of land or any building set aside by the Council as a parking ground or garage for the parking of vehicles by members of the public, whether or not prescribed fees have been determined for the use thereof;

"parking meter parking ground" means a parking ground or any part thereof where parking is controlled by means of parking meters;

"parking meter" means a device for registering and visibly recording the passage of time in accordance with the insertion of a coin or other method of

payment prescribed by the Council and includes any post or fixture to which it is attached;

"parking period" means that period including a period reflected on a parking meter on any one day during which vehicles are permitted to park in a parking ground or parking bay or as indicated by a road traffic sign;

"pay and display machine" means a machine installed at a pay and display parking area for the sale of tickets on which are reflected the following:

(a) The date or day of issue of the ticket;

(b) the amount paid for the ticket;

(c) the departure time; and

(d) the machine code number;

"pay and display parking area" means a parking ground, or any part thereof where a notice is erected by the Council at the entrance thereof indicating that the parking ground concerned or part thereof is a pay and display parking area;

"pound" means any area or place set aside by the Council for the custody of vehicles removed from a parking ground in terms of these By-laws;

"prescribed fee" means a fee determined by the Council from time to time in the Council's tariff of charges.

2. Parking fees

Any person making use of a parking ground or parking bay must pay the prescribed fees.

CHAPTER 1

TICKET-CONTROLLED PARKING GROUND

3. Conditions of parking in a ticket-controlled parking ground

(1) No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or to remain in a parking ground, wherein parking is controlled by the issue of tickets -

(a) except in a parking bay and in compliance with such directions as may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;

(b) after an authorised official has indicated to the person that the parking ground is full; or

(c) after the expiry of the parking period.

(2) (a) No person may remove or cause or permit the removal of any vehicle in a parking ground unless -

(i) that person has produced to the authorised official a ticket authorising him or her to park in the parking ground and which was issued to such person upon entering or leaving the parking ground; and

(ii) that person has paid to the authorised official the prescribed fee;

and if the person fails to produce a ticket authorising the person to park in such parking ground, the person shall be deemed to have parked the vehicle from the beginning of a period as prescribed until the time the person wants to remove the vehicle and he or she shall be charged accordingly.

(b) (i) No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking ground until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.

(ii) The authorised official must require the person referred to in subparagraph (i) to complete and sign such an indemnity form as is prescribed by Council, which will have the effect of

indemnifying the Council against claims of whatever nature by any person relating to the removal of that vehicle.

(iii) The authorised official may require such person to furnish such security as the prescribed by the Council.

(3) The provisions of subsection (2)(a) does not apply where the prescribed fees were paid upon entering the parking ground and the person who paid such fees produces the required ticket to the authorised official on demand.

(4) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as prescribed is payable for the next parking period.

4. Mechanical parking grounds

(1) Where the actual parking of a vehicle is effected wholly or partly by means of a mechanical device in a parking ground, an authorised official may, if parking bays are available, issue to a person who wants to park a vehicle at the parking ground, a ticket in terms of which the Council authorises the parking of such vehicle in that parking ground.

(2) No vehicle parked in a parking ground referred to in subsection (1) may be removed by any person unless -

(a) payment of the prescribed fee is made to the authorised official; and

(b) that person has produced to the authorised official the ticket issued to him or her in terms of subsection (1) or, failing the production of such ticket the provisions of section 3(2)(b) will apply with the necessary changes.

(3) No person who has caused a vehicle to be parked in a parking ground referred to in subsection (1) may allow it to remain therein after expiry of the parking period.

5. Monthly tickets

(1) Notwithstanding anything to the contrary contained in these By-laws, the Council may in respect of any parking ground controlled by the issue of tickets issue at the prescribed fee a ticket which entitles the holder for one calendar

month or any lesser period stated therein, to park a vehicle in that ground at the times stated in the ticket, if parking bays are available.

(2) The Council may issue to any of its officials a ticket which entitles the holder, when using a vehicle regarding the business of the Council, to park it in a parking ground specified, if space in the parking ground is available.

(3) A ticket issued in terms of subsection (1) or (2) may not be transferred to any other person or be used in respect of any vehicle other than the specified vehicle, without the prior written permission of the Council.

(4) A ticket issued in terms of subsection (1) or (2) must be affixed by the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

6. Vehicles of excessive size

Unless a road traffic sign displayed at the entrance to a parking ground indicates otherwise, no vehicle which together with any load, exceeds 5 m in length, may be parked in a parking ground.

CHAPTER 2

PARKING METER PARKING GROUNDS

7. Place of parking

No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking meter parking ground otherwise than in a parking bay.

8. Conditions of parking

(1) No person may park a vehicle or cause any vehicle to be parked in a parking bay unless a coin or other prescribed object is forthwith inserted -

(a) into the meter allocated to such parking bay; or

(b) if the meter controls more than one parking bay, in the meter controlling such bays as indicated by markings or signs on the road or sidewalk;

and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.

Provided that -

(i) subject to subsection (4), a person may, without such payment, park a vehicle in a vacant parking bay for such part of any period as the parking meter may indicate to be unexpired; and

(ii) where a person has ascertained that the parking meter in any parking bay is not operating properly he or she must, subject to subsection (5), be entitled to leave a vehicle in that bay without inserting a coin or other prescribed object.

(2) The insertion of a coin or other prescribed object into a parking meter will entitle the person inserting it to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.

(3) The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object to be inserted in respect of such period into the parking meter allocated to any such bay, must be in accordance with the charge as prescribed and the periods and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter itself.

(4) Subject to the provisions of subsection (5) no person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of a period as indicated by the parking meter or return the vehicle to that bay within fifteen minutes after that expiry, or obstruct the use of that bay by any other person.

(5) If the Council displays in a parking bay, a sign prescribing a maximum period for continuous parking which differs from that specified by the parking meter, any person may, subject to the provisions of subsections (1) and (3), park a vehicle in that bay for the period so prescribed or for any shorter period, but no person may park a vehicle for any period in excess of the prescribed period.

9. Offences relating to parking meters

No person may –

(a) insert or attempt to insert into a parking meter a coin or object except

(i) a coin of South African currency of a denomination as prescribed;

(ii) an object which is prescribed as another method of payment.

(b) insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object;

(c) tamper with, damage, deface or obscure a parking meter;

(d) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;

(e) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;

(f) remove or attempt to remove or obscure a parking meter or any part thereof from the post or other fixture to which it is attached.

10. Proof of time

The passage of time as recorded by a parking meter is for the purpose of these By-laws and in any proceedings arising from the enforcement of these By-laws, deemed to be correct and may constitute evidence on the face of it of the time that the vehicle has been parked in a parking bay.

CHAPTER 3

PAY AND DISPLAY PARKING AREAS

11. Parking

(1) No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay and display parking area unless immediately upon entering such area -

(a) the person purchases a ticket issued by means of a pay and display machine in that parking area in accordance with the instructions displayed on, or within a distance of not more than 1,5 m of such machine; and

(b) the person displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.

(2) (a) The period during which a vehicle may be parked in a pay and display parking area and the coin or other prescribed object to be inserted in respect of such period into the pay and display machine, must be indicated on such machine.

(b) No person may allow a vehicle to remain in a pay and display parking area after the expiry of the departure time indicated on the ticket.

12. Offences relating to pay and display machines

No person may –

(a) insert or attempt to insert into a pay and display machine, a coin or other prescribed object which is false or counterfeit or any object other than a coin of South African currency or other prescribed object;

(b) jerk, knock, shake or in any way interfere with, or damage or deface a pay and display machine;

(c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

13. Proof of date and time of departure

The date or day and time of departure as recorded by a pay and display machine is taken on the face of it to be correct evidence of date or day and time, unless the contrary is proved.

CHAPTER 4

MISCELLANEOUS

14. Closure of parking grounds

Notwithstanding anything to the contrary contained in these By-laws, the Council may at any time close any parking ground or portion thereof temporarily or permanently and must indicate the fact and the period of such closure by a road traffic sign displayed at the entrance to the ground closed or at the portion closed, as the case may be.

15. Defective vehicles

No person may park or cause or permit any vehicle to be parked or to be or remain in any parking ground which is mechanically defective or for any reason incapable of movement but no offence is committed if a vehicle which, after having been parked in a parking ground, develops a defect which immobilises it and the person in control of it proves that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

16. Parking of a vehicle in parking ground

No person may park or cause or permit any vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) to be parked or to be or remain in any parking ground.

17. Cleaning and repair of vehicle

No person may in any parking ground clean, wash, work on or effect repairs except minor emergency repairs, to any vehicle or any part thereof except with the prior written consent of the Council.

18. Parking according to instruction

No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official or introduce or remove a vehicle otherwise than through an entrance thereto or exit there-from demarcated for that purpose.

19. Tampering with vehicles

(1) No person may in any parking ground without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon such vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents.

(2) No person may in any parking ground -

(a) park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of such a bay;

(b) do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;

(c) with intent to defraud the Council forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these By-laws.

(2) No person may park a vehicle or cause or permit it to be parked in any parking ground before the beginning or after the expiry of the parking period prescribed for the parking ground unless that person is the holder of a ticket issued in terms of these By-laws authorising him or her to do so.

20. Persons prohibited from being in parking ground

No person may enter or be in a parking ground otherwise than for the purpose of parking a vehicle therein or lawfully removing it therefrom unless authorised thereto by the Council.

21. Abandoned vehicles

(1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than seven (7) days may unless otherwise authorised by the Council be removed by or at the instance of an authorised officer as defined in the National Road Traffic Act, to the Council's pound.

(2) The Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and if, after the lapse of ninety (90) days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (3), be sold by the Council at a public auction.

(3) Fourteen (14) days' prior notice of an auction sale to be held in terms of subsection (2) must be published in at least two (2) newspapers circulating within the municipal area of the Council, but the sale may not proceed if at any time before the vehicle is sold, such vehicle is claimed by the owner or any person authorised by the owner or otherwise lawfully entitled to claim the vehicle and all prescribed fees payable in respect thereof in terms of these By-laws and all costs referred to in subsection (4) is paid to the Council.

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and to defray the following -

(a) The costs incurred in endeavouring to trace the owner in terms of subsection (2);

(b) the costs of removing the vehicle, publishing in two (2) newspapers, and effecting the sale of the vehicle;

(c) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate,

and any balance of the proceeds must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one (1) year of the date of the sale, the balance will be forfeited to the Council.

22. Refusal of admission

An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience.

23. Medical practitioner exempt

A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked to enable him or her to perform professional duties at any place other than a consulting room or similar place and while a form or token issued by the South African Medical Council for that purpose is displayed on the windscreen of the vehicle concerned in a conspicuous manner.

24. Offences and penalties

Any person who –

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice issued in terms of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine not exceeding R2000 or in default of payment to imprisonment for a period not exceeding 12 months.

25. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to parking, these bylaws will prevail.

No. 110 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its bylaws relating to the keeping of dogs.

BYLAWS RELATING TO THE KEEPING OF DOGS

1. Definitions

(1) For the purpose of these bylaws:
"area" means the area of jurisdiction of the Richmond Municipality;

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, and / or enforce the provisions of these bylaws;

"confined" means confined so as to prevent escape;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"dog" means a male or a female canine;

"licence" means a licence issued for the whole or part of the period 1 January to 31 December of the current year by the Chief Financial Officer of the Richmond Municipality;

"premises" means 'premises' as defined in Section 1(1) of the Local Authorities Ordinance No. 25 of 1974;

"public place" means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in a Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public nave the right to use;
"rabies certificate" means certification that a dog has been inoculated against hydrophobia by a veterinarian or an authorised government officer

within the twelve months preceding the date on which the licence is issued;

"veterinarian" means 'veterinarian' as defined in Section 1 of the Animal Diseases Act No. 35 of 1984.

2. No person shall keep within the area:

(i) any dog which is ferocious or has a propensity to rush at persons, animals or vehicles unless such dog is secured by a leash or confined so that persons, animals and vehicles are safe from attach or harassment by such dog; (for the purpose of this bylaw a dog which has bitten or attempted to bite a person or animal other than in defence of itself or its custodian in any place other than upon the premises where it habitually is kept shall be deemed to be ferocious);

(ii) any bitch in season which is causing a nuisance. An authorised official may, by notice in writing, require the owner or person in control of a bitch in season to remove such bitch for the period of its season to a place providing suitable accommodation for bitches in season. Failure to comply with such a notice shall constitute a contravention of these bylaws;

(iii) on any one premises, more than two dogs without the consent in writing of the Municipality, which consent may be given subject to conditions and may be withdrawn;

(iv) any dog for which a licence has not been issued;

(v) any dog for which a rabies certificate has not been issued;

(vi) any dog which by reason of its continuous barking, yelping, howling or whining causes a nuisance or disturbs the public peace.

(For the purpose of sub-sections (i) to (vi), it shall be presumed, until the contrary is proved, that the owner or the occupier of the premises on which a dog is found is the person keeping the dog.)

3. Any dog which is found at large and unattended in a public place, or found within the area in a diseased state and apparently ownerless may be seized and impounded by an authorised official and if found to be dangerous, ferocious or diseased may be destroyed by the said official. (For the purpose of this bylaw any dog not wearing a badge or other means of identifying its owner and which appears to be ownerless shall be deemed to be ownerless.)

4. No person owning a dog or being in charge of a dog shall allow such dog to be in a public place unless secured by a leash or confined so that it cannot endanger the safety of persons, animals or vehicles making use of such public place.

5. An authorised official may seize any dog which is ferocious or deemed to be dangerous or which is causing a disturbance or public nuisance.

6. An authorised official who seizes a dog in the exercise of the powers conferred by these bylaws shall take or convey the dog to the municipal pound or other place where it can be confined and suitably cared for.

7. Any person claiming ownership or responsibility for a dog conveyed to the municipal pound or other place of confinement shall be given custody of the dog on:

(i) payment of all costs incurred in seizing, conveying, maintaining and otherwise caring for the dog;

(ii) satisfying the person in charge of the municipal pound or other place of confinement that he or she is owner of the dog or responsible for the dog and that a rabies certificate and a licence has been issued for the dog.

8. Any dog conveyed to the municipal pound or other place of confinement in terms of section 6 and not claimed within seven days of seizure may be sold by the person in charge of the municipal pound or other place of confinement and the proceeds of such sale shall be applied in defraying the expenses incurred in seizing, maintaining and otherwise caring for the dog so sold and any balance shall be paid to a society for the prevention of cruelty to animals.

9. If any dog is conveyed to the municipal pound or other place of confinement in terms of section 6 and is not claimed within seven days of seizure or cannot be sold under the provisions of section 8, such dog may be handed over to a society for the prevention of cruelty to animals, provided that if any dog is found to be suffering from an infectious or incurable disease or incurable injury or to be so ferocious as to be dangerous, the person in charge of the municipal pound or other place of confinement may destroy the dog.

10. Penalties

Any person who contravenes or fails to comply with any provision of these bylaws, shall be guilty of an offence and on convictions be liable:

(i) in the case of a first conviction, to a fine not exceeding five hundred rands or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and

(ii) where such provision is contravened or not complied with on a second or subsequent occasion, to a fine not exceeding one thousand rands or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

11. Repeal

The Richmond Town Board Bylaws Relating to the Keeping of Dogs, promulgated on 28 February 1991 under Natal Provincial Gazette Notice 58 of 1991, are hereby repealed.

12. Conflict of bylaws

If there is any conflict between these bylaws and any other bylaws of the Council relating to the keeping of dogs, these bylaws will prevail.

No. 111 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Street Trading Bylaws.

STREET TRADING BYLAWS

1. Definitions

(1) In these bylaws, except as otherwise expressly provided or unless the context otherwise requires-

"approval" means approval by the authorized official and "approve" has a corresponding meaning;

"association" means persons who are self employed and have organised themselves into a street trader association with a constitution and a code of conduct;

"authorized official" means an official of the Council to whom it has delegated a duty, function or power under these bylaws in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

"Council" means the Council of the Richmond Municipality and includes, in relation to a duty function or power under these bylaws, a committee or official of the Council to whom it has delegated that duty, function or power "local authority" service means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the generation, impounding storage, purification or supply of water, gas or electricity;

"local authority service works" means all property or works of whatsoever nature necessary or desirable for or incidental to any local authority service

"nuisance" bears the meaning given to it by the Ordinance, or any amendment thereof;

"prescribed fee" means a fee determined by the Council from time to time in the Council's tariff of charges.

"property" in relation to a street trader, means any goods, receptacle, vehicle or movable structure used or intended to be used in connection with the carrying on of his business as such;

"public place" means any street and any square, park, recreation ground,

garden, commonage or enclosed or open space –

(a) which being situate in an approved private township, was set apart for the use and benefit of the public and is shown on the general plan of such township; or

(b) which being situate in a local authority area, the local authority is vested with the ownership, control or management thereof by law or by deed of title for the use and benefit of the public, or which the public has the right to use; or

(c) to which, if situated in an existing private township (whether such existing private township is or is not itself situated in a local authority area), the public or the inhabitants have a common right, or to which if shown on a general plan or diagram or any plan compiled in the Office of the Surveyor-General and commonly known as a lay-off or deduction plan filed or record in the Office of the Surveyor-General or in the Deeds Registry, the owners of lots in such existing private township have a common right;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes –

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"roadway" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

"sell" includes -

(a) barter, exchange or hire;

(b) display, expose, offer or prepare for sale:

(c) store with a view to sell; or

(d) provide a service for reward' and "sale" has a corresponding meaning;

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"street trader" means a person who carries on the business of street trading;

"street trading" means the selling of any goods or the supplying or offering to supply any service for reward, as a street vendor, peddlar or hawker in a public road or public place but does not include the sale of newspapers only;

"the Act" means the Business Act, 71 of 1991, and includes the regulations made thereunder;

"vehicle" includes -

(a) a self-propelled vehicle;

(b) a trailer;

(c) a hand-drawn or propelled vehicle; and

"verge" means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder.

(2) In these bylaws unless the context otherwise indicates, any word or expression defined in the Act shall bear the meaning so given to it.

(3) For the purpose of these bylaws a single act of offering for sale or of selling goods or services in or from a public road or public place constitutes the carrying on of the business of a street trader.

(4) For the purpose of these bylaws a reference to a person carrying on the business of street trader shall include any employee of any such person.

2 Application

No person shall carry on the business of a street trader unless he or she -

(a) has obtained the written approval of the Council to do so, and

(b) is a member of a Street trader association recognised by the Council

3 Prohibitions

No person shall carry on the business of a street trader -

(a) at a place or an area declared under section 6A(2)(a) of the Act as a place or area in which the carrying on of street trading is prohibited;

(b) on a verge, contiguous to

(i) a building belonging to, or occupied solely by, the State or the Council;

(ii) a church or other place of worship; or

(iii) a building declared to be a national monument under the National Monument Act, 28 of 1969, or any amendment thereof except to the extent that the carrying on of such business is permitted by a notice or sign erected or displayed by the Council and in compliance therewith;

(c) on a verge contiguous to a building in which business is being carried on by any person who solely or mainly sells goods of the same or similar nature as goods being sold by the street trader concerned, without the consent of that person;

(d) 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 thereto;

(e) at a place where it substantially obstructs pedestrians in the use of a sidewalk or take up a position or deposit his property on a sidewalk so as to do so;

(f) at a place where it causes an obstruction to vehicular traffic;

(g) at a place where it causes an obstruction in front of

(i) an entrance to or exit from a building;

(ii) a fire hydrant;

(h) on a stand or in any area contemplated in section 6A(3)(b) of the Act if he is not in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him;

(i) in contravention of the terms and conditions of the lease or allocation to

him of a stand or area contemplated in section 6A(3)(b) and (c) of the Act.

4. Restrictions

(1) No person carrying on the business of a street trader shall –

(a) if such business is carried on any public road or public place

i. sleep overnight at the place of such business; or

ii. erect any permanent structure at the business site for the purpose of providing shelter;

without prior written approval of the Council,

(b) carry on such business in such a manner as to —

(i) create a nuisance

(ii) damage or deface the surface of any public place or any public or private property or

(iii) create a traffic hazard;

(c) other than in a refuse receptacle approved or provided by the council, accumulate, dump store or deposit or cause or permit to be accumulated, dumped, stored or deposited any litter on any land or premises or on any public road or public place;

(d) obstruct access to a service or to service works of the Council or of the State or any statutory body;

(e) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;

(f) obstruct access to a pedestrian arcade or mall;

(g) carry on business or take up a position or place his property on a portion of a sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purpose of these bylaws;

(h) carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6A(2)(a) of the Act;

(i) obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;

(j) obstruct access to or the use of street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins, and other facilities designed for the use of the general public; or

(k) obscure any road traffic sign displayed in terms of the Road Traffic Act 1996, and regulations made thereunder or any marking, notice or sign displayed or made in terms of these bylaws.

(2) The council shall reserve the right to restrict the number of street traders and street trader associations.

5. Cleanliness of place of business and protection of public health

Every street trader shall-

(a) unless prior written approval exempting him or her from the provisions of this paragraph has been given by the Council, daily remove from any public road or public place at the end of each trading day or at the conclusion of trading all goods, moveable structures, waste, packaging material, stock and equipment of whatsoever nature which are utilized in connection with such trading;

(b) carry on this business in such a manner as not to be a danger or threat to public health or public safety;

(c) at the request of an officer or an employee of the Council move or remove anything so that the place of business may be cleaned;

(d) keep the area or stand occupied by him for the purpose of his business as well as his property in a clean and sanitary condition and free of litter; or

(e) if his activities involve the cooking or other preparation of food, take steps to ensure that no fat oil or substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure.

6 Trading in parks and gardens

No street trader shall carry on business in a garden or park to which the public has the right of access except with the prior written approval of the Council s Municipal Manager or other authorized official and in compliance with an conditions imposed by him or her when granting such consent.

7 Objects used for display of goods

A street trader shall ensure that any structure, container, surface or other object used by him for the preparation, display, storage, or transportation of goods –

(a) is maintained in a good state of repair and in a clean and sanitary condition, and

(b) is not so placed or stacked so as to constitute a danger to any person or so as to be likely to injure any person.

8 Removal and impoundment

(1) For the purpose of this bylaw "goods" includes any receptacle vehicle or movable structure.

(2) An officer may remove and impound goods-

(a) which he reasonably suspects are being used or are intended to be used or have been used in or in connection with the carrying on of any business of a street trade, and

(b) which he finds at a place where the carrying on of such business is restricted or prohibited and which in his opinion constitutes an infringement in terms of section 3(h) or section 5 or prohibited in terms of section 2(a) to (g) and which in his opinion constitutes an infringement of such provision, whether or not such goods are in the possession or under the control of any person at the time of such removal or impoundment.

(3) Any officer acting in terms of sub-section (2) shall -

(a) except in the case of goods which have been left or abandoned. issue to the person carrying on the business of street trader a receipt of any goods so removed and impounded; and

(b) forthwith deliver any such goods to the authorized official.

(4) Neither the Council nor a councilor official, officer or employee of the Council shall be liable for any loss of or damage to any goods removed and impounded in terms of this section.

9. Disposal of impounded goods

(1) Any perishable goods removed and impounded in terms of section 8 (2)

may at any time after the impoundment thereof be sold or destroyed by the Council and in the case of a sale of such foods the proceeds thereof less any expenses incurred by the Council in connection with the removal, impoundment and sale of such goods, shall, upon presentation of the relevant receipt issued in terms of section 8 (3)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the Council.

(2) The owner of any goods (other than perishable goods), dealt with by the Council in terms of sub section 1, impounded in terms of section 8(2) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the Council and shall present the relevant receipt issued in terms of section 8(3)(a), failing which such goods may be sold by the Council and in the event of sale of such goods the provisions of sub section (1) relating to the proceeds of a sale shall apply.

(3) If the owner of any goods impounded in terms of section 8(2) claims the return of such goods from the Council and such owner is unable or refuses to refund any expenses incurred by the Council in connection with the removal and impoundment of such goods, such goods may be sold by the Council and proceeds of any sale of such goods less any such expenses and the cost of such sale shall be paid to such owner.

(4) in the event of the proceeds of any sale of goods contemplated by this section not being sufficient to defray any expenses incurred by the Council in connection with the removal, impoundment and sale of such goods, the owner of such goods shall remain liable for so much of such expenses as is not defrayed by the proceeds of the sale of such goods.

10 General offences and penalties

(1) Any person who-.

(a) contravenes or fails to comply with any provision of these bylaws;

(b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purpose of these bylaws;

(c) contravenes or fails to comply with any approval or condition granted or imposed in terms of these bylaw's;

(d) for the purpose of these bylaws make a false statement knowing it to be false in a material respect or deliberately furnishes false or misleading information to an authorized official or officer; or

(e) threatens, resists, interferes with or obstructs an authorized official, officer or employee of the Council in the performance of his powers, duties or functions under these bylaws,

shall be guilty of an offence and on conviction be liable to a fine not exceeding R2000 or imprisonment for a period not exceeding six months.

2. When an employee of a street trader performs any act or is guilty of any omission which constitutes an offence under these bylaws the employer shall be deemed to have performed the act or to be guilty of the omission himself and he can prove that -

1. in performing the act or being guilty of the omission the employee was acting without his knowledge or permission;

2. all reasonable steps were taken by him to prevent the act or omission; and

3. it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.

3. The fact that an employer issued instructions forbidding any act or omission referred to in sub section (2) shall not of itself be accepted as sufficient proof that he took all steps referred to in paragraph (b) of that sub section.

4. When an employer is by virtue of the provisions of sub section (2) liable for anything done or omitted by his employee, then that employee shall also be liable to prosecution for the offence.

11 Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to street trading, these bylaws will prevail.

No. 112 **1 November 2010**

The Council of the Richmond Municipality, has in terms of Section 156 Of the Constitution, *1996,* (Act No. 108 of 1996) read in conjunction section 11 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) hereby publishes its Bylaws relating to the Removal of Refuse.

BYLAWS RELATING TO THE REMOVAL OF REFUSE

1. Definitions

"authorized official" means an official of the Council to whom it has delegated a duty, function or power under these bylaws in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

"Council" means the Council of the Richmond Municipality and its successors in law, and includes the Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any official to whom the Executive Committee has delegated any powers and duties with regards to these bylaws;

"prescribed fee" means a fee determined by the Council from time to time in the Council's tariff of charges.

"refuse receptacle" means any receptacle, complying with the South African Bureau of Standards' specifications, for holding refuse;

"refuse bag" means a durable refuse bag suitable to be placed in a refuse receptacle;

"refuse of any nature" means all types of refuse including domestic refuse, garden refuse, commercial refuse, industrial refuse, special refuse or bulk refuse; and

"special refuse" means any refuse requiring special handling treatment and / or disposal procedures, and includes abattoir waste, minerals, oils, sludges, sand, stone excavated soils, builders' rubble, hazardous or radio-active waste, and medical waste, and any other matter so deemed by the Council from time to time.

2. Disposal of refuse

(1) No person may dispose or allow the disposal of refuse of any nature in any way other than as prescribed in these bylaws without the written approval of the authorised official.

(2) No person may accumulate, store or allow the accumulation or storage of refuse of any nature on any property other than as prescribed in these bylaws without the written approval of the authorised official.

(3) The authorised official may direct the occupier or owner of a property on which refuse of any nature is found to be accumulating or person deemed to be responsible for the disposal of refuse of any nature on any public place or vacant land to deal with the refuse as directed and any person failing to comply with such directive will be guilty of an offence.

(4) In the event of the person directed to remove refuse in terms of sub-section (3) failing to deal with such refuse in the manner and within the time frame directed, the authorised official may arrange for the removal of such refuse and the Council may recover all costs in this regard from such person.

(5) The Council may arrange for the removal of all or a portion of any refuse from premises situated on properties within its area of jurisdiction.

(6) The Council may introduce the different levels of refuse removals services in different service areas within the Council's area of jurisdiction.

(7) Where the Council selects not to render a removal service in respect of bulk garden refuse, industrial refuse or special refuse, the Council may direct the occupier or owner, as the case may be, in writing to arrange at his / her own cost for the removal of such refuse and the disposal thereof at a dump site approved by the Council.

(8) Should the owner or occupier fail to comply with a directive as contemplated in sub-section (6), the authorised official may arrange for the removal of such refuse and recover the costs thus incurred from the occupier or owner as the case may be.

(9) For the purpose of these bylaws, the Council may raise -

(i) an annual levy against the owner; and / or

(ii) a monthly charge payable by the occupier, on all premises in the service area which shall be payable regardless of whether or not the refuse removal service is actually utilized; and / or

(iii) recover the levy for the service through the sale of municipal refuse bags;

(iv) a fee per service; and / or

(v) a deposit for any permit issued in terms of these bylaws.

(vi) The Council may differentiate in the levy, charge or fees between the different refuse removal service levels rendered in the respective service areas.

(vii) In a service area where a compulsory service has been introduced by the Council, the levy or monthly charge shall be payable by the occupier or owner, as the case may be, regardless of whether or not the refuse removal service is actually utilized.

3. Care of receptacles and the use of disposal bags

(1) Every owner or occupier, as the case may be, shall, where the service introduced for the service area so requires, provide and maintain, on the premises, a refuse receptacle in such condition as not to cause or constitute a nuisance, and shall cause all commercial and domestic refuse accumulated on such premises to be deposited therein,

(2) Every owner or occupier, as the case may be, shall, where the service introduced for the service area so requires, utilize standard plastic disposal bags or municipal refuse bags, as the case may be, for refuse removal.

(3) Every owner or occupier shall keep such bags in such condition as not to cause or constitute a nuisance and shall cause all commercial and domestic refuse accumulated on such premises to be deposited therein.

(4) Every owner or occupier, as the case may be, shall cause every receptacle to be continuously covered, save when refuse is being deposited in or removed therefrom,

(5) No person other than an authorized official or employees of the Council, shall interfere with or remove, from any premises, any refuse receptacle except to facilitate the removal of such refuse.

4. Separate refuse receptacles required for each trade, business or flat

(1) Where more than one trade, business or occupation is carried on in one building, or where a building is divided into separately occupied flats or suites of apartments, the owner or occupier, as the case may be, of each business premise, separate flat or suite of apartments, shall provide and maintain separate refuse receptacles in respect of each such trade or business, flat or suite of apartments.

(2) The authorised official may waive or vary the requirements of this bylaw by reducing the number of refuse receptacles required in terms of sub-section (1) of this bylaw, provided such waiver or variation shall, in no way, affect the liability of such occupier or owner to pay for the individual services mentioned in sub-section (1).

5. Provision of extra refuse receptacles

In the event of the authorised official being satisfied that the accumulation of refuse on any premises is too large to be dealt with by the normal removal service in the area, the owner or occupier of such premises, as the case may be, shall, if so required by the authorised official, provide and maintain one or more extra receptacles and shall be liable for payment of the prescribed levy or fee proportionate to the number and type of receptacles required by the authorised official.

6. Bin area to be provided

(1) The authorised official may direct the owner of any property on which more than one tenant or owner is accommodated to provide a bin area of a suitable size and

construction on the property for the temporary storage of any refuse generated or accumulated on the property and must make suitable arrangements for the removal of all refuse from such bin area an removal thereof as prescribed in these bylaws.

(2) The owner of any property on which a bin area has been provided for the temporary storage or refuse of any nature must keep such bin area in a sanitary condition at all times.

7. Location of refuse receptacles or bags for removal

The owner or occupier, as the case may be, shall –

(1) In a service where a standard plastic disposal bag(s) or municipal refuse bags are used, place them on the street verge or pavement on the collection day;

(2) in a service area where refuse receptacles or other approved receptacles are used, place such receptacles on the street verge or pavement on the morning of the collection day; and

(3) if the refuse concerned is bulk refuse, industrial or special refuse, it shall be placed in such a position as the authorised official may determine and direct from time to time, in order to facilitate the removal of such refuse.

8. Liquid waste matter

No person shall, at any time or under any circumstances, deposit or cause or permit to be deposited any liquid waste matter of any kind in any refuse receptacle or refuse bag.

9. Removal of industrial, special and bulk refuse

(1) The owner or occupier, as the case may be, of any premises on which industrial, special or bulk refuse is produced or accumulated, shall package and deal with such refuse in a manner which the authorised official may determine and direct from time to time.

(2) Should the owner or occupier fail to deal with such industrial, special or bulk

refuse as directed, the authorised official may arrange for the removal of such refuse, and recover the costs thus incurred from the occupier or owner as the case may be.

10. Provision for the self-disposal of domestic refuse

(1) Notwithstanding the aforegoing provisions of these bylaws, owners or occupiers of premises whose boundary line is situated more than 100 m from any road traversed by any refuse removal vehicle provided by the Council, may apply to the authorised official for authority to bury their refuse on their premises, on the grounds of inaccessibility, in pits constructed at their expense to the satisfaction of the authorised official. All owners or occupiers, to whom authority is given in terms of this bylaw, shall be exempted from charges levied by the Council in respect of the refuse removal service, save that the Council is empowered to levy a charge for the processing of any application received, and for regular inspections of the pit which shall be stated in the Council's tariff of charges.

(2) The authorised official may grant or refuse an application in his discretion and in granting such an application may impose such conditions as to the location and the digging of the pit, the disposal of the refuse therein and the measures to be taken to prevent any nuisance or health hazard which may emanate therefrom, as he may deem fit: provided that the authorised official shall not refuse an application unless he has reasonable grounds for believing that the proposed pit will constitute a nuisance or health hazard or a source of pollution of any river, stream or water supply.

(3) In granting such an application, the authorised official shall issue to the applicant a certificate on which any conditions imposed by him in terms of these bylaws shall be endorsed. The abovementioned certificate shall be valid for such period as the authorised official may determine or until its withdrawal or cancellation, whichever is the earlier.

(4) The authorised official may, at any time, by notice in writing, alter, amend or vary any condition endorsed on any certificate issued in terms of these bylaws or issue any written instruction to the holder of such a certificate to do or perform any act, matter or thing regarding a pit, the digging of a new pit or the disposal or handling

of the refuse therein.

(5) Should the holder of the certificate issued in terms of these bylaws fail to comply with any of the conditions endorsed thereon or with any written instruction from the authorised official issued in terms of these bylaws, the authorised official may, by notice in writing to the holder, require him to comply with any such conditions within such period as he may determine, Upon the failure of such holder to comply with the terms of such notice, the authorised official may cancel or withdraw his certificate in which event such holder shall be obliged to revert to the use of the refuse removal service provided by the Council, subject to the conditions pertaining thereto.

(6) The continued disposal of refuse in a pit after the cancellation of a certificate issued in terms of these bylaws shall be an offence and render the offender liable to prosecution.

(7) The provision of this section of the bylaws shall not apply to the self-disposal of refuse where such self-disposal forms part of the service introduced by the Council in a service area.

11. Garden refuse

(1) No person may place, store or dump any garden refuse or allow any person to do so, on any road, verge, public or private open space without the written approval of the authorised official having been obtained.

(2) The authorised official may, subject to such conditions as it may deem fit, issue a permit to allow the temporary storing of garden refuse, on the verge or other suitable place for a limited period of time on payment of the deposit laid down in the Council's tariff of charges.

(3) Should any person fail to comply with the conditions of any permit issued in terms of these bylaws for the temporary storage of garden refuse the deposit paid will be forfeited to Council and the authorised official may arrange for the removal of such refuse and the person to whom the permit was issued will be liable for all costs incurred for the removal of all the garden refuse on the spot indicated on the said permit.

(4) The Council may establish or approve garden refuse, transfer sites where garden refuse may be deposited for removal or landfill purposes subject to such conditions and on such days and during such hours as the Council may determine and displayed by notice on site.

(5) No person may enter upon a site established or approved by the Council in terms of these bylaws for the disposal of garden refuse at any time other than the days and time indicated on the notice displayed or disposes of any refuse other than organic garden refuse on such site.

12. Offences and penalties

(1) Any person who –

(i) contravenes any provision of these bylaws, which contravention is not expressly stated to be an offence;

(ii) contravenes any condition or restriction imposed upon the granting of any application, approval, authority, consent or permission in terms of these bylaws; or

(iii) fails to comply with the terms of any notice served upon him or instruction to him in terms of these bylaws, shall be guilty of an offence.

(2) Any person who contravenes any of these bylaws shall be guilty of an offence and liable, upon conviction, to a fine -

(i) not exceeding one thousand rands (R1 000) or imprisonment for a period not exceeding one year or both such fine and imprisonment an the case of a first conviction, and

(ii) in the case of a second or subsequent conviction for the same offence, a fine not exceeding two thousand rands (R2 000) or imprisonment for a period not exceeding two year or both such fine and imprisonment.

13. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to refuse, these bylaws will prevail.

No. 113 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11 read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Cemetery Bylaws.

CEMETERY BYLAWS

CHAPTER 1

1. DEFINITIONS

Unless the context otherwise indicates –

"adult" means any deceased person over the age of 12 years, whose coffin will fit into the grave opening prescribed for adults in section 28;

"ashes" means the physical remains of a body after it has been cremated;

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, and / or enforce the provisions of these bylaws;

"berm" means a concrete strip laid by the Council along a row of graves;

"caretaker" means the person holding the position of caretaker or superintendent of any cemetery or acting in such capacity in the service of the Council;

"cemetery" means any piece of land duly set aside by the Council within the Municipal area for the purpose of a public cemetery;

"child" means any deceased person of the age of 12 years or younger whose coffin will fit into the grave opening prescribed for children in section 40(2);

Municipal Manager" means Municipal Manager of the Council or any other person acting by virtue of any power delegated to him/her;

"contractor" means the person who has paid any of the tariffs contained in the tariff of charges, or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights or interests referred to in these bylaws;

"Council" means the Richmond Municipality and its successor in law and includes the Council of that Municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any official to

who the Executive Committee has delegated any powers and duties with regard to these bylaws;

"cremation" means the incineration of any human body or remains to ashes;

"foot kerb" means the construction on which a memorial works or headstone is attached;

"funerary urn" means an urn containing the cremated remains with size 175 mm x 185 mm x 110 mm;

"garden of remembrance" means a section of a cemetery, which has been set aside for the interment or scattering of ashes;

"grave" means any grave in a cemetery in respect of which any person has obtained the right of having a single body interred therein;

"memorial plate" means a plate of 305 mm x 210 mm x 15 mm manufactured in granite or marble attached to the memorial wall over niche;

"memorial wall" means a wall with Niches set out to preserve the funerary urns against which only memorial plats can be attached;

"memorial work" means tombstone, railing, fence, monument, memorial inscription or other work erected on any grave;

"Municipality" means the Municipality of Richmond;

"niche" means shallow recess in memorial wall to contain an urn of 385 mm x 185 mm;

"Registrar of Deaths" means any person appointed by the Government of the Republic of South Africa to register deaths;

"resident" means a person who, at the time of death, was ordinarily a resident within the area of jurisdiction of the Municipality, excluding inmates in hospitals, institutions, or other persons temporarily resident within the area of jurisdiction of the Municipality; and

"tariff of charges" means the tariff of charges determined by the Council from time to time.

CHAPTER 2

GENERAL

2. Establishment of cemeteries

The Council may set aside any land for the purpose of a cemetery and no person shall be permitted to inter a body in any other place without the prior written consent of the Council.

3. Hours of admission for visitors

Every cemetery shall be open to the public during the following hours: Mondays to Fridays: 7:30 to 16:00; Saturdays 6:30 to 17:00 and Public Holidays: 8:00 to 16:00. The Council shall have the power to close to the public any cemetery or part thereof for such period as it may deem fit.

4. Reserving of graves

(1) no person shall, without the written consent to the Council, sell or transfer to any other person any right relating to a grave that has been obtained in terms of these bylaws. Should the Council consent to such transfer, it will be subject to the conditions that every transfer of the rights relating to a reserved grave be registered by the caretaker and the registration fee as determined by the Council in terms of the Council's tariff of charges.

(2) Any person having reserved a grave and failing to use the grave within a period of 50 years from the date of reservation, or omitting to notify the Council that he/she does not intend to use the grave, thus gives the Council the right to sell the grave. The applicable charges as determined by the Council shall be payable in respect of grave sold.

(3) The Council shall not be obliged to refund any charges paid in respect of a grave sold in terms of subsection (2).

5. Religious ceremonies

Subject to the provisions of these Bylaws, the members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the written consent of the Council.

6. Plans of graves, plots and niches

Plans indicating different graves and niches available are kept at the Council's offices for inspection free of charge.

7. Complaints

Any person wishing to lodge a complaint concerning the conditions in or the management of the cemetery shall lodge the complaint in writing to the Municipal Manager.

8. Charges/Tariffs

The tariff of charges as determined by the Council, shall be payable to the Council for the services rendered in terms of these bylaws.

9. Consent notice order

Any written consent, notice or order issued by the Council in terms of these bylaws, shall be signed by Municipal Manager or his authorised representative and shall be *prima facie* evidence thereof.

10. Instructions of caretaker

Every person taking part in any funeral procession or ceremony in the Cemetery shall obey the instruction/s of the caretaker/officer in charge.

11. Flowers

The caretaker may remove flowers and foliage placed on graves when, in his opinion, they have wilted.

CHAPTER 3

PROHIBITION ORDERS

12. Children

No person under the age of 12 years may enter any cemetery unless under the supervision of an adult.

13. Keeping to paths/walkways

Except for the purpose of permitted by these Bylaws, all persons shall only use roads, paved walkways and demarcated turf walkways provided in the cemetery.

14. Entrances and exits of cemeteries

No person shall enter or leave a cemetery except through the official entrances provided.

15. Performance of activities

No person shall use any road, path or grass route within the cemetery for the purpose of transporting goods, parcels or any other material except if it is intended for use within cemetery.

16. Prohibited actions within cemeteries

(1) No person shall –

(a) commit any nuisance within any cemetery;

(b) ride on any animal, cycle, skateboard or roller skates within the cemetery;

(c) allow any animal to wander inside any cemetery;

(d) plant, cut, pick or remove any plant, shrub or flower without permission of the caretaker;

(e) hold or take part in any demonstration in any cemetery;

(f) obstruct, resist or oppose the caretaker or any official employed by the Council in the performance of his/her duties, or refuse to comply with any order or request which the caretaker is entitled to make in terms of these bylaws;

(g) mark, draw, or scribble objects on walls or erect advertisements on buildings, fences, gates and memorial work or on anything within any cemetery/or section or deface it in anyway,

(h) sit, stand or climb on or over any memorial work, gate, wall, fence or building in any cemetery;

(i) be in or remain in any cemetery or part thereof before or after the hours mentioned in section 3 or during any period when it closed to the public; and

(j) without the written permission of the Council, tout or operate any business, order, exhibit or distribute any tracts, business cards or advertisements within or at the entrance of the cemetery.

Miscellaneous

(1) No person shall dispose of a body in any other manner than by interring it in a cemetery or having it cremated in a crematorium approved in terms of the provisions of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996).

(2) No person shall acquire any right to or interest in any ground or grave in anycemetery, other than such rights or interests as may be obtainable in terms of these bylaws.

17. Exposure of bodies

No person shall convey a dead body that is not covered, or expose any such body or any part thereof or remove the lid or cover of the coffin wherein such dead body or corpse is placed, in any street, cemetery or public place.

18. Music inside cemetery

No loud music shall be played in any cemetery without consent of the Council, except in case of the State, Police or military funerals.

19. Occupation of chapel or shelter

No person shall for the purpose of a funeral, occupy any chapel or shelter in a cemetery for more than 45 minutes.

20. Hours of interments

No interment shall be held before 9:00 or after 17:00 on any day without the prior consent of the Council.

21. Number on graves

No person shall fix a peg on any grave not properly allocated by the Council and no person shall intern a body in any grave on which a peg-marked number has not been lawfully fixed.

22. Rubble and damage to cemetery

No person shall at any time leave any refuse, soil, stone or any other debris within the cemetery or in any way damage or deface any part of any cemetery or anything therein.

23. Inclement weather

No person shall fix or place any memorial work during inclement weather or while the soil is, in the opinion of the Council, in an unsuitable condition.

24. Disturbance of human remains

Subject to the provisions of an exhumation order given in terms of the Inquest Act, 1959; or section 20 of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996); or any other provision of any other act relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding it in any cemetery.

CHAPTER 4

INTERMENTS

25. Application for an acquisition of the use of a grave

(1) Any person desiring to have a body or human remains interred in a graveshall submit the appropriate form to the caretaker before the time of interment. The next of kin or the closest surviving relative or a person of interest shall sign the application of interment.

(2) The Council, may on payment of the applicable fees, allocate the use of any grave appropriated for an internment to any person who applied for it in terms of subsection (1).

(3) No body or human remains shall be interred within any cemetery without the permission of the caretaker. This permission will only be granted on submission of a written burial order, signed by the Registrar of Deaths authorising the interment, and on presentation and submission of such a notice of interment. In all cases where a postmortem has been held, the order of the magistrate shall also be submitted to the caretaker.

(4) The Council may, upon request, inter any body free of chare, or in terms of the provisions of any applicable legislation.

26. Alteration of date of interment

Should any changes to the date, day or time previously fixed for an interment be made, notice of such changes shall be given to the caretaker at least 24 hours before such interment. For the purpose of this section, 48 hours notice should be given if the aforesaid 24 hours includes a Sunday or part thereof.

27. Dimensions of graves and grave apertures

(1) The standard dimensions of an adult gravesite shall be 2 500 mm x 1 500 mm and that of a child 1 500 mm x 1 000 mm.

(2) The standard dimensions of the aperture of an adult's grave shall be 2 200 mm in length and 900 mm in width and that of a child's grave 1 200 mm in length and 700 mm in width.

(3) Anybody requiring a grave for the interment of an adult with an aperture larger that the standard size, shall, when applying for the interment, specify the measurements of the coffin and the mountings. The appropriate fee for the enlargement of the aperture will be payable to the Council as prescribed in the tariff of charges.

28. When a child's coffin is too large

Should a child's coffin be too large for the aperture of a child's grave, it shall be placed in an adult grave and fees payable for an adult's interment shall apply.

29. Depth of grave

No adult grave shall be less than 1 800 mm and that of a child less than 1500 mm in depth.

30. Covering of earth

There shall be at least 1 m of earth between the coffin and the surface of the ground. In the instance of successive burials, at least 300 mm of earth shall be left between the coffins.

31. Coffins in graves

No person shall place any coffin constructed from any material other than soft wood or other perishable materials approved by the Council, unless otherwise stipulated in other legislation.

32. Number of bodies in one grave

No more than two bodies shall be buried in the same grave at the same time.

33. Reservation of graves

Any person wishing to reserve a grave or upon the death of a person to reserve an adjoining grave, if available, shall obtain the right, on payment of the fees prescribed in the tariffs of charges, to use such grave for future burial purposes.

34. Second interments

(1) Any person who wishes to apply for a second interment in the same grave may do so only after a period of two years has lapsed since the date of the first interment on condition that the grave was deepened prior or during the preparation of the grave for the first interment.

(2) The applicant who wishes to have a body interred for the purpose of a second interment shall –

(a) apply on the prescribe from at lest 24 hours before the interment shall take place; and

(b) remove any memorial work on such grave at his own cost and comply with any requirements made by the caretaker in this regard.

CHAPTER 5

ASHES

35. Acquiring of niches

Subject to the provisions of these bylaws, a person may acquire a niche in the cemetery, if available, and by paying the prescribed fees.

36. Burial of ashes

(1) Subject to the provisions of these bylaws, ashes may be buried in a grave in the cemetery and all prescriptions, provisions and fees applicable in terms of these bylaws pertaining to the burial of a body in a grave are *mutatis mutandis* applicable in this instance. The grave aperture may be smaller than the aperture prescribed for the burial of a body.

(2) No ashes shall be buried in a grave without it being proved to the satisfaction of the Council as being the cremated remains of a human body and the required documentation is submitted to this effect.

(3) Ashes buried in a grave shall be placed in a funeral effect.

(4) There shall be at least 100 mm of earth between the urn containing in the ashes, and the surface of the ground.

(5) Subject to the provisions of these bylaws, the burial of ashes in a grave being used already for a first interment, may take place free of charge.

37. Placing of ashes in Memorial Wall, Memorial Garden or Garden of Remembrance

(1) Any person who desires to place a funerary urn containing cremated remains in the niche in the Memorial Wall, Memorial Garden or Garden of Remembrance shall submit an application, accompanied by the Cremation Certificate, in writing or on the prescribed form, to the caretaker. If the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, he may, in his discretion, grant an application signed by any other person.

(2) Any person applying in terms of subsection (1) shall pay the prescribed fees as determined by the Council.

38. Exhumation of ashes

(1) No person shall exhume ashes from any grave without the prior written consent or complying with any conditions determined by the Council.

(2) Applications for the exhumation of ashes shall be submitted to the Council at least 8 working hours prior to the exhumation.

39. Scattering of ashes

The scattering of ashes in the Landscape Area or Garden of Remembrance is permitted with prior written consent of the Council.

CHAPTER 6

EXHUMATION OF BODIES AND RE-OPENING OF GRAVES

40. Exhumation

(1) Subject to the provisions of these bylaws and any other legislation, no grave shall be re-opened without a written consent of the Council.

(2) Subject to the provision of these bylaws, no person shall exhume or cause any body to be exhumed without a written consent of the authorised official and the charges for exhumation as determined by the Council shall be paid before the exhumation takes place. Such consent shall be submitted to the caretaker at least two days before the date fixed for the exhumation or removal of the body.

41. Closure due to exhumation

At the time of an exhumation of a body, the cemetery shall be closed to the public.

42. Screening of activities

The grave from which a body is to be removed shall be effectively screened from view during the exhumation and a suitable container shall be supplied for the remains.

43. Authorised official shall be present

No exhumation shall take place unless authorised official is present.

44. Transfer of body from one grave to another by the Council

Subject to the provisions of these bylaws and any applicable legislation, the Council may move a body from one grave to another.

CHAPTER 7

CARE OF GRAVES

45. General

(1) No shrub, tree or any other plant material may be planted on graves without the consent of the Council and the Council may use its discretion to prune, cut down, dig up or remove any shrub, plant or flower at any time.

(2) No person shall bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise provided for in these bylaws

46. Position of memorial work

No person shall erect any memorials on any grave except in such a position as indicated by the caretaker or as otherwise provided for in these bylaws.

47. Repairs to memorial work

If the contractor allows the memorial work to fall or cause danger to deface the cemetery in any way, the Council may order him to repair the damage. Should the required repairs not be done within one month of receiving such notice, the Council may carry out these or remove the memorial work without paying any compensation and recover the cost incurred from the contractor.

48. Supervision of work

Any person engaged in any work in any cemetery shall affect such work under the supervision and to the satisfaction of the caretaker.

49. Damaging of memorial works

The Council shall not accept responsibility for any damages caused or may occur which is not due to the negligence of the Council's employees.

50. Moving of memorial work

The Council may, after due notice, at any time, change or alter the position of any memorial work in any cemetery.

51. Bringing material into cemetery

(1) No person shall bring any material into the cemetery for the purpose of constructing any memorial work on any grave unless –

(a) a sketch plan indicating the dimensions of the memorial work, the inscription and position thereof has been submitted and approved by the caretaker;

(b) all charges due in respect of such grave have been paid; and

(c) the Council's written approval has been given to this effect.

52. Removal of memorial works by the Council

Any memorial work placed, built, altered, decorated, painted, in contravention of these bylaws or which, in the opinion of the Council, contravenes the good ethics and morals of society, may be removed by the Council after due notice, without payment of any compensation.

53. Requirements for erection of memorial works

(1) Any person erecting memorial work shall conform to the following requirements:

(a) where any part of any memorial work is to be joined to any other part, copper or galvanised iron clamps, pins or dowels of approved thickness and of sufficient length, shall be used for such purposes. The holes into which such clamps, pins or dowels must fit shall not be less than 50 mm deep.

(b) Any part such work, which rests upon the ground or stone or other foundation, shall be squared and added.

(c) The stones referred to in subsection (1) will not be of uneven thickness nor have uneven corners.

(d) The underside of all memorial work shall be set at least 50 mm below the natural level of the ground.

(e) No kerbstones shall be used which protrude more than 230 mm above the surface on the ground or are more than 200 mm thick.

(f) All head and kerbstones shall be properly secured from the inside with round copper or galvanised iron pins.

(g) All headstones up to 15 mm in thickness shall be securely attached to the base in an approved manner.

(h) All memorial work shall be completed as far as possible before is brought into cemetery.

(i) No soft stone shall be used for memorial work and memorial work shall be constructed or made of marble or granite or any other approved hard stone.

(j) In the case of single graves, foot kerbs shall consist of one solid piece.

(k) No person shall do any stonework, chiselling etc. in the cemetery which is not connected with the erection of memorial work, except if the work is expressly permitted for in the bylaw.

(l) All memorial work shall have an adequate concrete foundation chiastic with the headstone and where joints occur in the kerbstone, all joints shall be fitted with good cement mortar.

(m) Where memorial work has a base on ground level, such base shall not be less than 900 mm wide by not less than 300 mm x 300 mm.

(n) All letters on memorial work shall be engraved thereon and shall not protrude above the surface of the memorial work.

(o) With the consent of the contractor, the name of the maker may be affixed to any memorial work; provided that no address or other particulars be added thereto.

54. Vehicles and tools

Any person engaged in any work on any grave shall provide such vehicles, tools and other appliances of his own as he may require.

CHAPTER 8

OFFENCES AND PENALTIES

55. Penalties

Any person contravening any provision of these bylaws or failing to comply therewith or failing to comply with the conditions of any notice served on him by the Council in terms of these bylaw shall be guilty of an offence and liable, upon conviction, to a fine not exceeding of R2000 or imprisonment not exceeding a period of twelve months, or to both the fine and the imprisonment.

CHAPTER 9

CONFLICT OF LAWS

56. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to cemeteries, these bylaws will prevail.

No. 114 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11_T read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Public Road and Miscellaneous Bylaws.

PUBLIC ROAD AND MISCELLANEOUS BYLAWS

1. Definitions

In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) has that meaning and, unless the context otherwise indicates –

"authorised official" means any person or official authorised in writing as such by the Council.

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"trolley" means a push trolley, push cart or any table, stand or basket on wheels;

"municipal store" means the municipal store of the Council;

"prescribed fee" means a fee determined from time to time by the Council in terms of the Council's tariff of charges.

"storekeeper" means the person in the service of the Council who holds the position of storekeeper or a person acting in that capacity;

"public road" means a square, road, sidewalk, island in a road, subway, avenue, bridge, 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 which are vested in the Council;

"token" in respect of a trolley, means a sign on which the name or trade name and the address of the owner appears;

"watercourse" means a watercourse as defined in section 1 of the National Water Act, 1998 (Act No. 36 of 1998);.

CHAPTER 1

PUBLIC ROADS AND MISCELLANEOUS

2. Ropes, wires or poles across public road

No person may place any rope, wire or pole on, under or across any public road, or hang, or place anything whatsoever thereon without the prior written consent of the Council.

3. Damage to trees

No person may climb upon, or break or damage or in any way mark or paint on any tree on any public road within the municipal area of the Council, and no person may, without the prior written consent of the Council, lop, top, trim, cut down or remove any such tree unless the person is authorised to do so in terms of these By-laws or any other law.

4. Barbed wire, dangerous and electrical fencing

(1) No owner or occupier of land -

(a) other than an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road or public place;

(b) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, or after one year from the date of commencement of these By-laws, have along such public road any electrified fence, railing or other electrified barrier unless –

(i) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than two meters high; and

(ii) the fence, railing, or other barrier is designed and installed in accordance with any relevant specifications determined by the Council and any standard issued in terms of the Standards Act, 1993 (Act No. 29 of 1993);

(c) may erect, or cause, or permit to be erected, any electrified fence, railing, wall or other electrified barrier mentioned in paragraph (b) without the prior written permission of the Council, which permission is granted in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

(2) The full technical details of the proposed electrified fence, railing, wall or other electrified barrier must accompany any application for permission submitted to the Council.

5. Protection of public road

No person may place upon or off-load on a public road any materials or goods which are likely to cause damage to a public road unless the person has taken reasonable precautions to protect the surface of the public road against damage.

6. Cleanliness of public roads

(1) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such public road, without removing it or causing it to be removed from such public road immediately.

(2) If the person mentioned in subsection (1) fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from the person.

7. Article placed in building facing public road

No person may place any article likely to cause injury or damage to any person or property if it were to fall, in any building or other part of a building near any public road without taking all reasonable steps against it falling onto the public road.

8. Damaging of Council's property

Subject to the provisions of section 10, no person may deface, tamper, damage, remove, or in any way interfere with any Council's property or work on or along any public road.

9. Cleaning and repairing on public roads

No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road except in an emergency breakdown of a vehicle.

10. Excavations in public roads

(1) No person may make or cause to be made any hole, trench, pit or tunnel on or under any public road or remove any soil, metal or macadam therefrom without the prior written consent of the Council unless such person is authorised to do so in terms of these By-laws or any other law.

(2) A person, who requires the consent referred to in subsection (1), must comply with the requirements prescribed by the Council from time to time.

(3) The Council may require a person referred to in subsection (2) to pay the prescribed fee or register with Council.

11. Defacing, marking or painting public roads

No person may in any way deface, mark or paint any public road or part of the public road without the prior written consent of the Council.

12. Races and sports events

(1) An application for consent to hold a race or sports event on any public road in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996), must be submitted in writing to the Council on the prescribed form at least 60 days prior to the envisaged event.

(2) The applicant must pay the prescribed deposit for the costs to be incurred during the race or sports event, to the Council prior to commencement of the race or sports event and any mutual adjustment must be made after the

conclusion of the race or sports event as soon as the Council has determined actual costs incurred by the Council.

13. Loitering on public roads

(1) No person may -

(a) lie or sit so as to obstruct traffic on any public road;

(b) stand, congregate, loiter or walk, or otherwise act on any public road in any manner that may obstruct traffic; or

(c) jostle or loiter at or within 20 m of the entrance of any place of public worship during the time of divine service or during the assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any persons going to, attending at, or leaving such place of worship.

(2) Any person performing any of the prohibited acts mentioned in subsection (1) must, upon request by an authorised official, discontinue to do so, failing which the person is guilty of an offence.

14. Loitering and touting at places of public entertainment

(1) No person may loiter or, except when forming part of a queue, congregate on any public road within 20 m of the entrance to any place of public entertainment so as to obstruct traffic or persons proceeding to, attending at, or departing from such place of entertainment.

(2) No person may, without the prior written consent of the Council tout or solicit drivers of motor vehicles who park their motor vehicles at places of entertainment for the purpose of or under pretext of attending to the motor vehicles during the assembly thereat or the departure therefrom.

15. Public decency

(1) No person may appear unclothed on any public road.

(2) No person may on or in view of any public road urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any

indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act.

(3) No person may on any public road sing any obscene or profane song, or use any profane, foul, indecent or obscene language.

(4) No person may on any public road in any way loiter or solicit or importune any other person for the purpose of begging.

(5) No person may on a public road use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

16. Trolleys

(1) The owner of a trolley must affix the prescribed token in a conspicuous position on the trolley.

(2) The owner or the person who controls or has the supervision over a trolley or who offers it to be used by any person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on any public road.

(3) Any trolley that has been left or abandoned on any public road, may be removed, or caused to be removed, by any authorised official and be placed under the care of the storekeeper.

(4) The storekeeper must store any trolley which has been placed under his or her care in terms of subsection (3), at the municipal store and the Council must publish once a month in respect of eleven months of a year calculated from the first day of January, a notice in two newspapers circulating within the municipal area, which states –

(a) the name of the owner of the trolley, if known;

(b) the number of trolleys being so stored;

(c) that the trolley may be claimed by the owner from the Council on payment of the prescribed storage charge;

(d) that any trolley that has not been claimed after a period of three months from the date of publication of the said notice, may be sold by the Council by public auction; and

(e) that the proceeds of the public auction shall accrue to the Council.

(5) The Council is not liable for the theft, damage to or loss of any trolley while the trolley is stored in the municipal store or the selling thereof by public auction.

17. Public road collections

(1) No collection on a public road may be organised or held without the prior written consent of the Council.

(2) Application for such consent must be made on a form provided for this purpose by the Council.

(3) The Council may give the consent referred to in subsection (1) to an organisation or person to hold a collection on a specified public road, date and at a specified time and reserves the right to determine the number of collections which may be held on any one day on the public road so specified.

(4) Every organisation or person, holding a public road collection is entitled to use its or his or her own identifiable collection boxes and if any organisation or person does not possess any boxes, the Council's collection boxes may be used upon payment of the prescribed charge.

18. Control of stormwater and watercourses on public road

(1) A person may not, without prior written consent of the Council, which consent may be conditional or unconditional -

(a) lead or discharge any water on or over or across a public road; or

(b) by any means whatever, raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any public road.

(2) The Council may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any -

(a) deviate any watercourse, stream or river if the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a public road;

(b) divert stormwater from or under any public road onto private property other than land occupied by buildings, other structures or improvements; and

(c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken under paragraph (a) or (b).

19. Obstruction on public roads

No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any public road, sidewalk or footway unless it is deposited within an enclosure in respect of which the prior written consent of the Council has been obtained.

20. Consent to hoard in footway

(1) Any person who erects, removes, alters, repairs or paints any building or structure or carries out any excavation, on any part of which is within 2 m of a public road must, before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building or structure.

(2) If the enclosure occupies or projects over any portion of a public road, the person must apply for a written permit to the Council and if the person making the application is not the owner of the building or land on which the work is done or is to be done, the owner must countersign the application.

(3) The Council may determine what portion of the public road is necessary for the purpose of carrying out any building operations and in all cases where it so determines that the public road may be used for such purposes, grant a permit in writing setting forth the portion which may be occupied for such purpose and the conditions under which such permit is granted.

(4) The Council reserves the right to withhold the issue of the permits required in terms of this section until all prescribed fees have been paid and the acceptance of any such permit by the applicant without objection, is taken to indicate that all kerbs, gutters and other works were in good order and condition on the date of such permit.

(5) Every permit granted by the Council for the erection of a hoarding, fence, scaffolding or an enclosure or a planked shed, must specify the area and precise position of that part of the public road where the enclosure, overhanging or covering is permitted and the period for which the permit is granted.

CHAPTER 2

TRAFFIC MATTERS

21. Control of traffic

(1) An authorised officer may direct all traffic by means of visible or audible signals and every person shall obey such signal.

(3) No person may obstruct, hinder, abuse, or interfere with any authorised officer in the exercise of the powers in terms of these By-laws.

22. Clinging to moving vehicles

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 his or her cycle or device to any other moving vehicle, upon any public road.

23. Prohibition of animal-drawn vehicles

No person may, on the public roads within the area prescribed by the Council from time to time, drive or cause to be driven any animal drawn vehicle along or through those portions of such public roads determined by the Council.

24. Removal of obstructions

(1) If any person causes an obstruction on any public road or public place, an authorised officer, may order such person to refrain from causing or to remove the said obstruction.

(2) Where a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing, such obstruction, an authorised officer, may take such steps as may be necessary to remove the obstruction, or to prevent its continuance and the Council may in the case where the person fails or neglects to remove or cease causing the obstruction, recover the cost of the removal of the obstruction from that person.

25. Games, throwing stones, on public roads

(1) No person may roll any hoop or fly any kite or throw stones or use any bow and arrow, or by any means discharge any missile upon, over or across any public road, or play cricket, football or any other game whatsoever on any public road.

(2) No person may erect a tent or place chairs or any article on a public road for the purpose of a funeral, party or any other event without the prior written consent of the Council.

26. Shoeing and cleaning of animals on public roads

No person may shoe or farry any animal, or clean, dress, train, break-in or turn cattle loose on a public road.

27. Animals on public roads

(1) No person may leave any severely injured, feeble, emaciated, diseased or dying animal on any public road except for the purpose of seeking assistance for the removal of such animal.

(2) Any live stock at large on a public road within the municipal area of the Council may be taken to a place designated by the Council by any authorised officer.

(3) Any person contravening subsection (1) is liable, in addition to payment of the penalty determined by the Council, to pay to the Council the cost incurred by it in acting in accordance with subsection 2.

28. Offences and penalties

Any person who –

(a) contravenes or fails to comply with any provisions of these By-laws

(b) fails to comply with any notice issued in terms of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine not exceeding R2000 or in default of payment to imprisonment for a period not exceeding 12 months.

29. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council, these bylaws will prevail.

No. 115 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Encroachment on Property Bylaws.

ENCROACHMENT ON PROPERTY BYLAWS

1. Definitions

In these By-laws, any word or expression that has been defined in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), has that meaning and, unless the context otherwise indicates –

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, and / or enforce the provisions of these bylaws;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"encroachment" means any physical object which intrudes on municipal property, or property which the Council has control over or other property in respect of which a servitude or other property right has been registered in favour of the Council;

"m" means metre;

"mm" means millimetre;

"prescribed fee" means a fee determined by the Council from time to time in terms of the Council's tariff of charges

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section

thereof or to which the public or any section thereof has a right of access, and includes –

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

2. Council permission required in respect of 4(a) and (b)

(1) No person may, without prior written permission make or construct any colonnades, verandas, balconies, bay windows, pavement lights, showcases or other projections into or over any part of a public road, and pavement opening in or under any public road.

(2) The Council may refuse the permission required in terms of subsection (1) or may grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case and subject to payment of the prescribed fee.

(3) The prescribed fees mentioned in subsection (2) are payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner is liable for the payment of prescribed fees in terms of these By-laws for each encroachment.

(4) The owner of an encroachment must within three months after the date of commencement of these By-laws apply to the Council in writing for condonation of -

(a) the existence of the encroachment;

(b) the horizontal dimension of every encroachment measured - parallel to the road boundary on or over which the encroachment exists; and

(c) pay the applicable fee.

(5) Until the Council is notified of the horizontal dimension of the encroachment mentioned in terms of subsection (4)(b), every encroachment relating to a building is deemed to have an aggregate horizontal dimension equal to the total road frontage on or over which the encroachment exists, of the property on which the building concerned is situated.

3. Rules for the construction of encroachments

(1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over public roads, as well as the paving, kerb and gutter thereof must be to the satisfaction of and to the levels approved by the Council.

(2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.

(3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

4. Columns

(1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.

(2) No person is permitted to place any veranda column over any pavement where such pavement is less than 2,6 m wide.

(3) No person may place any veranda column more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre.

(4) No person may place any veranda column over any pavement at the corner of a public road that is beyond the alignment of the building lines.

(5) No person may place a portion of any veranda column at a distance lesser than 600 mm back from the front edge of any kerb.

(6) No person may place a twin or double veranda column over any public road or pavement.

(7) Where verandas are supported on columns, the columns may not have square arris, no base may project more than 50 mm beyond the bottom diameter of the column and the maximum horizontal axial dimensions of such base may not exceed 350 mm.

(8) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.

(9) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.

(10) No person may place a column on a public road where the footway or sidewalk I is, or is likely to be occupied by cables, pipes or other municipal services, without the permission of the Council.

(11) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.

(12) The cost of the notarial deed of servitude mentioned in subsection (11) is payable by the owner of the abutting property.

(13) Plain piping or tubing must not be used for columns over or on public road verandas and balconies unless architecturally treated for aesthetic purposes.

(14) The coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.

(15) Nothing in these By-laws prohibits –

(a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or

(b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these By-laws are observed.

5. Balconies and bay windows

(1) Balconies, bay windows or encroachments may not overhang a public road if they are at a height of less than 3 m above the pavement.

(2) Balconies may not encroach more than 1,35 m over any public road.

(3) Bay windows may not encroach more than 900 mm over any public road.

(4) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.

(5) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.

(6) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.

(7) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.

(8) A balcony over any public road may not be the sole means of access to any room or apartment.

(9) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.

(10) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

6. Plinths, pilasters, corbels and cornices

(1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.

(2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following encroachment over a public road:

(a) A pilaster : 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey

must be included in the calculation of the maximum aggregate length for bay windows;

(b) a fire-resisting ornamental hood or pediment over a door : 600 mm and in any part not less than 2,75 m in height above the footway or pavement;

(c) a cornice : 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

7. Verandas around corners

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

8. Pavement openings

(1) No pavement opening may be the sole means of access to any vault or cellar.

(2) No pavement opening on any public road may extend more than 1,2 m beyond the building line.

(3) Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.

(4) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.

(5) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council.

(6) No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

9. Maintenance, removal and tenancy of projections

(1) The owner of any encroachment must maintain the encroachment in good order and repair.

(2) Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.

(3) The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them, must do so within a reasonable time.

10. Encroachment erected in front of building

Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –

(a) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and

(b) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

11. Encroachments

(1) (a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the authorised official on a form provided by the Council for that purpose.

(b) Where in the opinion of the authorised official drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.

(2) Any person erecting, constructing or possessing any encroachment or fixtures on, under or over any public road, is regarded as a tenant in respect of the encroachment or fixture, and, if notified in writing by the Council under the hand of the Building Control Officer to remove any such encroachment or fixture, must do so within the period stated in the notice.

(3) The owner of the building in connection with which any encroachment or fixture exists, or is proposed –

(a) must defray any cost incurred in connection with wires or property of the Council;

(b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

12. Prescribed fee for special services

Any person who requires any special service from the Council, including the attendance necessary in respect of a dangerous building, must pay to the Council the prescribed fee with regard to the special service as well as the prepaid prescribed fee for the Council to attend at a building on request or for the Council to give advice as to the effect of these By-laws on proposals put forward by architects, builders or owners.

13. Offences and penalties

Any person who –

(a) contravenes or fails to comply with any provisions of these By-laws; or

(b) fails to comply with any notice issued in terms of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine not exceeding R2000 or in default of payment to imprisonment for a period not exceeding 12 months.

14. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to encroaments, these bylaws will prevail.

No. 116 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Waste Management Bylaws.

WASTE MANAGEMENT BYLAWS

CHAPTER 1
INTERPRETATION, PRINCIPLES AND OBJECTS

1. Definitions.

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

"affected person" means a person who has been issued, or who is being issued, with an enforcement notice;

"approved", in the context of bins, bin liners, containers, receptacles and wrappers means approved by the council or service provider for the collection and storage of waste;

"authorised official" means an authorised official authorised by the Council for the purposes of these bylaws to perform and exercise any or all of the functions in terms of these bylaws or the provisions of any other law";

"Bill of Rights" means chapter 2 of the Constitution of the Republic of South Africa, 1996;

"bin" means an approved receptacle for the storage of less than 1,5 cubic metres of waste which may be supplied by the council or service provider to premises in terms of these By-laws;

"bin liner" means an approved loose plastic or other suitable material liner for use in the interior of a bin;

"building waste" includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

"bulky waste" means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door council service provided by the council or service provider;

"business waste" means waste, other than hazardous waste, healthcare risk waste, building waste, industrial waste, garden waste, bulky waste and special industrial waste, generated on premises used for non-residential purposes;

"commercial services" means any service, excluding council services, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste;

"container" means an approved receptacle having a capacity greater than 1,5 cubic metres for the temporary storage of waste in terms of these By-laws;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"Council services" means a municipal service relating to the collection of waste, including domestic waste, business waste and dailies, provided exclusively by the council or service providers in accordance with the provisions of the Systems Act and Chapter 6 of these By-laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins;

"Criminal Procedure Act" means the Criminal Procedure Act, 1997 (Act 51 of 1997);

"damage to the environment" means any pollution, degradation or harm to the environment whether visible or not;

"dailies" means putrescible waste generated by hotels, restaurants, food shops, hospitals, and canteens that must be collected on a more frequent basis, normally a daily basis, to prevent the waste from decomposing and presenting a nuisance, environmental or health risk;

"domestic waste" means waste generated on premises used solely for residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include business waste, building waste, garden waste or bulky waste;

"dump" means placing waste anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the council or service provider;

"DWAF" means the National Department of Water Affairs and Forestry;

"enforcement notice" means a notice issued by an authorised official under section 44 of these By-laws;

"environment" means the surroundings within which humans exist made up of –

(a) the land, water and atmosphere of the earth,

(b) micro-organisms, plant and animal life,

(c) any part or combination of (a) and (b) and the interrelationships among and between them, and

(d) the physical, chemical aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"environmental emergency" means any unexpected or sudden occurrence that may cause or has caused serious harm to human health or damage to the environment, regardless of whether the potential for harm or damage is immediate or delayed;

"firm" includes any juristic person or any association of persons established or operating in the Republic of South Africa;

"garden waste" means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, bulky waste, building waste or any waste generated as a result of garden service activities;

"garden service" means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, to any domestic, business, commercial or industrial premises;

"garden waste handling facility" means a waste handling facility that receives and temporarily stores garden waste or any other recyclable waste;

"hazardous waste" means waste containing or contaminated by poison, a corrosive agent, a flammable substance having an open flash-point of less than 90 deg C, an explosive, radioactive material, a chemical or any other waste that has the potential even in low concentrations to have a significant adverse affect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;

"health care risk waste" means all hazardous waste generated at health care facilities such as hospitals, clinics, laboratories, medical research institutions, dental and medical practitioners and veterinarians;

"industrial waste" means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, dailies, special industrial waste, hazardous waste, health care risk waste or domestic waste;

"land reclamation" means the planned and engineered disposal of inert or other appropriate waste for the purpose of constructing any facility or changing the natural features of any piece of land;

"level of service" means the frequency of the council service and the type of service point;

"licensee" means any person who has obtained a licence in terms of Chapter 7 of these By-laws;

"litter" means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

"local community" in relation to the council means that body of persons comprising –

(a) the residents of the council,

(b) the ratepayers of the council,

(c) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the council, and

(d) visitors and other people residing outside of the council who, because of their presence in the council, make use of services or facilities provided by the council;

"nuisance" means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

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

"owner" includes any person that has the title to any premises or land or any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rent or profits if such land or premises were let, whether for his own account or as an agent for any person entitled thereto or interested therein: Provided that the "owner" in respect of the premises on the Sectional Title Register opened in terms of section 12 of the Sectional Titles Act, 1986 (Act 95 of 1986), means the body corporate as defined in that Act, in relation to such premises;

"person" means natural person or firm and includes licensees;

"pollution" means any change in the environment caused by –

(a) substances; or

(b) noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state,

where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

"premises" means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial or residential purposes;

"prescribed fee" means a fee determined by the council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act 209 of 1993), or any other applicable legislation;

"public place" includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, enclosed space vested in a council, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes –

(a) the verge of any such road, street or thoroughfare;
(b) any bridge, ferry, or drift traversed by any such road, street or thoroughfare; and
(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"radioactive material" means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial;

"radioactive waste" means any radioactive material which is or is intended to be disposed of as waste;

"recyclable waste" means waste which has been separated from the waste stream, and set aside for purposes of re-use, reclamation or recycling;

"resident" means in relation to a council a person who is ordinarily resident in the council;

"road reserve" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway or that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

"service delivery agreement" means an agreement between the council and a service provider in terms of which the service provider is required to provide council services;

"service provider" means any person who has entered into a service delivery agreement with the council in terms of the Systems Act;

"special industrial waste" means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste, which in terms of the council's drainage or sanitation By-laws may not be discharged into a drain or sewer;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"sustainable development" means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to procure that development serves present and future generations;

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"target" means any desired air, water quality or waste standards contained in any legislation;

"tariff" means the user charge for the provision of council services, determined and promulgated by the council or adjusted by a service provider in terms of tariff policy by-laws adopted under section 75 of the Systems Act;

"waste" means any undesirable or superfluous matter, material, by-product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of discarding, reuse, reclamation or recycling. Waste products may be liquid or solid and may include products that contain a gaseous component and may originate from domestic, commercial or industrial activities, but does not include –

(a) matter processed as part of sanitation services under the Water Services Act (Act 107 of 1997);
(b) any gas or gaseous product which may be regulated by national or provincial legislation; or
(c) any radioactive material save where these By-laws specifically permit it to be handled;

"waste disposal facility" means any facility or site which receives waste for disposal thereof, and which is operated in terms of a permit obtained from DWAF or any other competent authority or where such a facility is an incinerator, registration or such permission as is required by law, and includes garden waste handling facilities;

"waste generator" means any person or firm that generates or produces waste;

"waste handling facility" means any facility that accepts, accumulates, handles, recycles, sorts, stores or treats waste prior to its transfer for incineration or final disposal;

"workplace" means any place within the council on or in which or in connection with which, a person undertakes council services or commercial services; and

"wrapper" means a plastic or other suitable or approved material covering that totally encloses bales or slugs of compacted waste.

2. Principles –

(1) The council has the responsibility to ensure that all waste generated within the council is –

(a) collected disposed of or recycled in accordance with these By-laws; and
(b) that such collection disposal or recycling takes account of the waste management hierarchy set out in subsection 2 below.

(2) The underlying principle of these By-laws is to establish a waste management hierarchy in the following order of priority:

(a) avoidance, waste minimisation and waste reduction;
(b) re-use;
(c) recycling, reprocessing and treatment; and
(d) disposal.

(3) Any official involved in the application of these By-laws must, as far as reasonably possible, take into account the hierarchy referred to in subsection 2.

3. Main objects.

(1) The main objects of these By-laws are –

(a) the regulation of the collection, disposal and recycling of waste;
(b) the regulation of the provision of council services by service providers and commercial services by licensees; and
(c) enhancing sustainable development.

(2) In pursuing the main objects of these By-laws, and in particular the object set out in subsection (1)(a), the council must –

(a) endeavour to ensure that local communities are involved in the development of local waste plans;
(b) endeavour to minimise the consumption of natural resources;
(c) promote the recycling and reuse of waste;
(d) encourage waste separation to facilitate re-use and recycling;
(e) promote the effective resourcing, planning and delivery of council services and commercial services;
(f) endeavour to achieve integrated waste planning and services on a local basis;
(g) promote and ensure environmentally responsible council services and commercial services; and
(h) endeavour to ensure compliance with the provisions of these By-laws.

4. Duty of care

(1) Every person has a duty to manage any waste generated by his activities or the activities of those persons working under his direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular –

(a) no person may engage in council services or commercial services in a manner that results in, or creates a risk of harm to human health or damage to the environment, except insofar as such risk of harm or damage is an unavoidable aspect of the council services or waste management service and has been authorised by the council; and

(b) every person who generates waste or engages in council services or commercial services must take all reasonable measures to prevent any other person from contravening subsection (1)(a) above in relation to that waste.

(2) Without limiting its generality, subsection (1) applies to an owner of land, premises or equipment, a person in control of land, premises or equipment or a person who has a right to use the land, premises or equipment on which or in which –

(a) any activity or process is or was performed or undertaken; or
(b) any other situation exists, which causes, or is likely to cause, harm to human health or damage to the environment.

(3) Any person subject to the duty imposed in subsection (1) may be required by the council or an authorised official to take measures to ensure compliance with the duty.

(4) The measures referred to in subsection 3 that a person may be required to undertake include –

(a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;

(b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;

(c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;

(d) containing or preventing the movement of pollutants or other causes of damage to the environment;

(e) eliminating or mitigating any source of damage to the environment; or

(e) rehabilitating the effects of the damage to the environment.

CHAPTER 2

WASTE MANAGEMENT PLANNING, POLICY AND STRATEGY

Part 1: Local Waste Plans

5. Development of local waste plans –

(1) The council must prepare a local waste plan for the council within one year of commencement of these By-laws, which plan must be implemented within four years of the commencement of these By-laws. The objectives of the local waste plan include:

(2) establishing a means of ensuring that waste is collected, reused, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without –

(a) risk to water, air, soil, plants or animals;
(b) causing nuisance through noise or odours; or
(c) adversely affecting rural or urban areas or areas of special interest;

(3) establishing an integrated network of waste handling and waste disposal facilities to ensure that –

(a) comprehensive and adequate council services and commercial services are established within the council;

(b) the disposal of waste occurs at accessible waste disposal facilities; and

(c) the most appropriate methods and technologies are used in order to ensure a high level of protection for and prevention of damage to the environment and harm to human health;

(d) encouraging the minimisation or reduction of waste;

(e) promoting the recovery of waste by means of recycling or re-use through proven alternative technology; and

(f) any other object which would enhance sustainable development.

6. Scope, preparation and amendment of the local waste plan –

(1) The local waste plan includes but is not be limited to the following matters –

(a) population and development profiles within the council;

(b) an assessment of all significant sources and generators of waste within the council;

(c) an assessment of the quantities and classes of waste currently generated and projected to be generated within the council;

(d) an assessment of the existing markets, council services, commercial services and waste handling and waste disposal facilities for each waste category;

(e) an assessment of the existing options for waste reduction, management and disposal within the council;

(f) an assessment of the number of persons within the council who are not receiving council services and proposed strategies and targets for providing these services to such persons;

(g) proposed strategies and targets for managing and reducing waste in the council and for the efficient disposal of waste that cannot be re-used or recycled;

(h) strategies for waste education and initiatives for separating waste at its source;

(i) strategies for raising awareness of waste management issues;

(j) strategies for establishing the information system as required in section 7;

(k) an implementation programme that identifies the required time-frames, resources and responsibilities for achieving these strategies and targets;

(l) a mechanism for monitoring performance in light of these targets and strategies;

(m) current and anticipated waste collection, transportation, transfer and disposal costs;

(n) a consideration of how the local waste plan relates to other relevant plans of the council; and

(o) such other matters as may be required by any other legislation, regulation or guidelines.

(2) In preparing the local waste plan, the Council must –

(a) take into consideration any integrated development plan or land development objectives of the council, and the requirements of any national or provincial legislation or policy

(b) consult with the local community, as required by the Systems Act;

(c) take reasonable steps to bring its draft local waste plan to the notice of the local community by inviting comment thereon from members of the local community. Not less than two months must be allowed for submitting such comments, and the finalisation of the local waste plan must be after considering any comment received from the local community;

(d) send copies of the draft local waste plan to the Minister of Environmental Affairs and the Minister of Water Affairs and Forestry, and neighbouring Municipalities for their information; and

(e) send a copy of the draft local waste plan to the Eastern Cape Province for comment and finalise the local waste plan after considering such comment.

(3) The council may amend the local waste plan from time to time and must review the plan at least every five years. Such amendments or reviews must be conducted in consultation with the local community.

(4) The council must publish a report once a year on the implementation of the plan. The report must include –

(a) a description of activities and measures taken to achieve the objects of the plan;
(b) an indication of whether the objects of the plan are being achieved, and if not, an explanation of problems which have undermined the achievement of the objects;
(c) details of convictions under these By-laws; and
(d) a description of significant incidents of dumping.

Part II: Information System

7. Establishment of an information system –

(1) The council must establish and maintain an information system which records how waste is managed within the council.

(2) The information system may include any information relating to or connected to the management of waste within the council.

(3) Details regarding the implementation of the information system will be set out in the local waste plan referred to in section 5.

(4) The local community is entitled to reasonable access to the information contained in the information system, subject to any limitations imposed by law. In giving effect to this right, the council must –

(a) at the request of a member of the local community, provide information contained in the information system;

(b) take steps to ensure that the information provided is in a format appropriate for lay readers; and

(c) may impose a fee for providing such information in order to cover the cost of providing the information requested.

8. Purpose of the information system –

(1) The purpose of the information system is for the council to –

(a) record data relating to the implementation of the local waste plan and the management of waste in the council;

(b) record information held by the council in relation to any of the matters referred to in subsection 6(1)(a)-(j);

(c) furnish information upon request or as required by law to provincial and national government;

(d) gather information regarding potential and actual waste generators, service providers and licensees;

(e) provide information to waste generators, service providers, licensees and the local community in order to –

(i) facilitate monitoring of the performance of the council, service providers and licensees, and, where applicable, waste generators;

(ii) stimulate research; and

(iii) assist the council to achieve the main objects of these By-laws.

9. Provision of information –

(1) The council may, subject to the provisions of any other law including the common law require any waste generator, licensee, service provider or person involved in or associated with the provision of council services or commercial services within the council to furnish information to the council that may reasonably be required for the information system. Such information may concern –

(a) significant sources of waste generation and the identification of the generators of waste;

(b) quantities and classes of waste generated;

(c) management of waste by waste generators;

(d) waste handling and waste disposal facilities;

(e) population and development profiles;

(f) reports on progress in achieving any waste management targets;

(g) the management of radioactive waste;

(h) any information which has been compiled in accordance with subsection 8(1)(e);

(i) markets for waste by class of waste or category; and

(j) any other information required by legislation, regulation or guidelines.

(2) The council may, at its discretion, determine when and how often information must be furnished.

10. Manner of engaging in waste minimisation initiatives –

Notwithstanding the need to promote waste minimisation recycling and reuse of waste, no person may undertake waste minimisation initiatives in such a manner that is likely to cause or to increase the risk of harm to human health or damage to the environment.

CHAPTER 3

COUNCIL SERVICES

Part I : Providing Access to Council Services

11. Duty to provide access to council services –

(1) The council has an obligation to the local community to progressively ensure efficient, affordable, economical and sustainable access to council services.

(2) This duty is subject to –

(a) the obligation of the local community to pay the prescribed fee, for the provision of council services, which must be priced in accordance with any nationally prescribed norms and standards for rates and tariffs; and

(b) the right of the council to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of council services. In exercising the right in this subsection, the council must comply with national legislation and have regard to the factors set out in subsection 3.

(3) The council must take the following factors into account in ensuring access to council services:

(a) the waste management hierarchy set out in section 2;
(b) the need to use resources efficiently;
(c) the need for affordability;
(d) the requirements of operational efficiency;
(e) the requirements of equity; and
(f) the need to protect human health and the environment.

12. The provision of council services –

(1) The council must as far as reasonably possible and subject to the provisions of these By-laws –

(a) provide for the collection of domestic waste or business waste on a regular basis; and

(b) provide recycling facilities,

at a cost to end users determined in accordance with the prescribed fee promulgated by the Council.

(2) In relation to council services, the council may determine-

(a) the quantities of waste that will be collected;

(b) which residential or commercial premises require council services more frequently than the regular collection service for reasons of health, safety and environmental protection;

(c) the maximum amount of waste that may be placed for collection without the provision of an additional service or the imposition of an additional tariff; and

(d) specify requirements for the provision of waste storage areas and access to such areas in respect of new premises which are constructed after the commencement of these By-laws.

(3) The council may provide, or require the generator of the waste to provide, an approved receptacle for the storage of domestic waste, business waste and dailies pending collection. Where such receptacle is provided by the council, it remains the property of the council.

(4) In providing council services, the council or service provider may determine or designate-

(a) collection schedules;

(b) locations for placing approved receptacles for collection,

(c) which types of waste generated by the occupier of any premises are recyclable waste and determine the conditions for their storage or collection; and

(d) which waste items are unsuitable for collection.

(5) The council or service provider may require a generator of dailies and business waste to compact that portion of the waste that is compactable. Such a requirement may be imposed where the quantity of dailies or business waste generated on premises requires daily removal of more than the equivalent of eight 240-litre bins and where, in the opinion of the council or service provider, the major portion of such waste is compactable. The occupier of premises may elect to compact any volume of such waste and place it into an approved receptacle or wrapper approved by the council or service provider: Provided that-

(a) the capacity of the wrapper must not exceed 85 litres and the mass of the wrapper and contents must not exceed 35 kilograms;

(b) after the waste has been compacted and put into the wrapper, it must be placed in the approved receptacle and must be stored so as to prevent damage to the wrapper or any nuisance arising until collected; and

(6) Any approved receptacle used in terms of subsection 3 may be collected, emptied and returned to the premises by the council or service provider at such intervals as it may deem necessary.

(7) The council or service provider may review any decisions taken in terms of subsection 4 at any time.

(8) The council or service provider must notify all generators of domestic waste, business waste and dailies of any decisions taken in terms of subsections (4) or (5) in writing.

Part II: Using Council Services

13. Obligations of generators of domestic waste, business waste and dailies –

(1) Any person generating domestic waste, business waste and dailies (other than waste which has been designated by the council as recyclable) must place domestic waste, business waste and dailies in an approved receptacle.

(2) No person may allow an animal in his control to interfere with, overturn or damage a receptacle, which has been placed for collection.

(3) The occupier of premises must ensure that –

(a) no hot ash, unwrapped glass or other domestic waste, business waste and dailies which may cause damage to approved receptacles or which may cause injury to the council or service provider's employees while carrying out their duties in terms of these By-laws, is placed in approved receptacles before suitable steps have been taken to avoid such damage or injury;

(b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render such approved receptacles unreasonably difficult for employees of the council or service provider to handle or carry, is placed in such receptacles;

(c) every approved receptacle on the premises is kept closed save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;

(d) the approved receptacle delivered by the council is not used for any purpose other than the storage of domestic waste, business waste and dailies and, in particular, that no fire may be lit in a bin or container;

(e) the approved receptacle is placed outside the entrance to the premises before a time and on a day of the week specified by the council or service provider by notice to the owner or occupier of the premises, except where, on written application to the council, the council has indicated in writing that it is satisfied that a person is physically infirm or otherwise incapable of complying with the notice; and

(f) the approved receptacle, placed in accordance with subsection (3)(e) must be undamaged and properly closed so as to prevent the dispersal of its contents.

(4) The owner or occupier of premises must provide space and any other facilities deemed necessary by the council or service provider on the premises for the storage of approved receptacles.

(5) The space provided in terms of subsection (4) must –

(a) be in such a position on the premises as will allow the storage of approved receptacles without their being visible from a street or public place;

(b) where dailies are generated on the premises –

(i) be in such a position as will allow the collection and removal of such waste by the council or service provider's employees without hindrance; and

(ii) be not more than 20m from the entrance to the premises used for the collection of waste by the council or service provider;

(c) be so located as to permit convenient access to and egress from such space for the council or service provider's waste collection vehicles;

(d) comply with any further reasonable requirements imposed by the council or service provider by notice to the owner or occupier of the premises; and

(e) be constructed in accordance with the requirements of any applicable building regulations.

(6) The occupier of premises must place or cause the approved receptacles to be placed in the space provided in terms of subsection (5) and must at all times keep them there, save that-

(a) in the case of buildings erected, or buildings, the building plans of which have been approved, prior to the coming into operation of these By-laws, or

(b) in the event of the council or service provider being unable to collect and remove waste from the space provided in terms of sub-subsection (5)(b)(ii);

the council or service provider may, having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the premises where the approved receptacles must be placed for the collection and removal of such waste and such receptacles must then be placed in such position at such times and for such period as the council or service provider may require.

14. The prescribed fee for council services –

The council may either levy rates on property or determine tariffs (or both) for the provision of council services.

15. Liability to pay for council services –

(1) The owner of premises is liable to the council to pay the prescribed fee for the provision of council services, and is not entitled to exemption from the liability to pay the prescribed fee by reason of his not making use, or of making a partial or limited use, of council services regardless of whether the council provides such services directly or through a service provider.

(2) The prescribed fee becomes due and payable on the same date as the general assessment rate levied.

CHAPTER 4

COMMERCIAL SERVICES

Part I: Provision of Commercial Services by Licensees and Flow Control

16. Provision of commercial services by licensees –

(1) Save in the case of garden waste, only a licensee may provide commercial services.

(2) Any person requiring commercial services must satisfy himself that the contractor is licensed to collect and dispose of the category of waste that has been generated and must take reasonable steps to ensure that the relevant waste is collected and disposed of in terms of these By-laws.

17. Provision for council co-ordination of waste disposal -

The council may direct, by a notice published in the Eastern Cape Provincial Gazette, that a category of waste be disposed of at a particular depot or disposal site. No person may dispose of such waste other than as specified in the notice gazetted under this section or as specified by the council under other empowering legislation prior to the coming into operation of these By-laws.

Part II: Business, Industrial and Recyclable Waste

18. Storage of business, industrial and recyclable waste –

(1) The owner or occupier of premises on which business, industrial or recyclable waste is generated must ensure that until such time as such waste is collected by a licensee from the premises on which it was generated –

(a) the waste is stored within a bulk container or other approved receptacle; and

(b) no nuisance, including but not limited to dust, is caused by the waste in the course of generation, storage, or collection.

19. Collection and disposal of industrial, business and recyclable waste –

(1) The owner or occupier of premises generating business, industrial and recyclable waste must ensure that-

(a) the container in which the waste is stored may not be kept in a public place except as required for collection;

(b) the waste is collected by a licensee within a reasonable time after the generation thereof; and

(c) that the service rendered by the licensee must only be in respect of that portion of the business, industrial or recyclable waste authorised in its license.

(2) A licensee must dispose of business, industrial or recyclable waste at a waste handling facility or waste disposal facility designated by the council as a waste disposal facility for that purpose in terms of section 18 above and in accordance with the provisions of section 19.

Part III: Garden Waste and Bulky Waste

20. Storage, collection and disposal of garden waste and bulky waste –

(1) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance.

(2) The occupier of the premises on which garden waste is generated and not composted or on which bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.

(3) Any person or licensee may remove garden waste and bulky waste, provided that once such waste has been collected from the premises on which it was generated, it is deposed at a garden waste handling facility in accordance with the provisions of section 28.

(4) At the written request of the occupier of premises the council or service provider may, in its sole discretion, deliver an approved receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste. The provisions contained in section 13, read with the necessary changes, must apply, to an approved receptacle delivered in terms of this section but which is to be used for the storage of garden waste.

(5) Where, in the course of providing council services, the council or the service provider providing the service, is of the opinion that it would cause inconvenience to members of the public not, at the same time, to remove garden and bulky waste, the council or service provider may remove such waste if such waste has been placed in an approved receptacle referred to in section 13 in the space designated for domestic waste, in which event the tariff for domestic waste, read with the necessary changes, must apply.

Part IV: Building Waste

21. Generation of building waste –

(1) The owner or occupier of premises on which building waste is to be generated must notify the council, in writing, of the intention to generate building waste and of the proposed manner for its removal and disposal at least 14 days prior to the intended generation of such waste.

(2) The owner or occupier of such premises must ensure that –

(a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;

(b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;

(c) any building waste which is blown off the premises is promptly retrieved; and

(d) pursuant to any instructions from the council, any structure necessary to contain the building waste is constructed.

22. Storage of building waste –

(1) The owner or occupier of premises may apply to the council for written consent to place an approved receptacle for the storage and collection of building waste in the road reserve for the period of such consent.

(2) Any consent given in terms of subsection (1) may be subject to such conditions as the council may consider necessary.

(3) Every approved receptacle, authorised in terms of subsection (1) and used for the removal of building waste, must –

(a) have clearly marked on it the name, address and telephone number of the person in control of such approved receptacle;

(b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and

(c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.

23. Collection and disposal of building waste. –

(1) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of by a licensee.

(2) All building waste must be disposed at a waste disposal facility designated for that purpose by the council in terms of a notice under section 17, unless the council has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.

Part V: Special Industrial, Hazardous or Health Care Risk Waste

24. Generation of special industrial, hazardous or health care risk waste –

(1) No person may carry on an activity which may cause special industrial, hazardous or health care risk waste to be generated, without notifying the council, prior to the generation of such waste, of the composition of such waste, the estimated quantity generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed, and the identity of the licensee removing such waste: Provided that where such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the council within 6 months of the commencement of these By-laws.

(2) If so required by the council, the notification referred to in subsection (1) may be substantiated by an analysis of the composition of such waste certified by an appropriately qualified industrial chemist.

(3) The person referred to in subsection (1) must notify the council in writing of any changes occurring with respect to the generation, composition, quantity and method and location of disposal of the special industrial, hazardous, or health care risk waste.

25. Storage of special industrial, hazardous or health care risk waste –

(1) Any person carrying on an activity which may cause special industrial, hazardous or health care risk waste must ensure that the special industrial, hazardous or health care risk waste generated on the premises is kept and stored thereon until it is collected from the premises.

(2) Special industrial, hazardous or health care risk waste stored on premises must be stored in such a manner that it does not become a nuisance or cause harm to human health or damage to the environment, and in accordance with the requirements of any applicable building regulations or additional by-laws.

(3) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle for a period not exceeding any maximum period stipulated by the council before collection.

(4) The council may enact additional by-laws providing guidelines for the management of health care risk waste.

26. Collection and disposal of special industrial, hazardous or health care risk waste –

(1) Only licensees may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the council, stipulated as licence conditions or in additional by-laws, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and the requirements of any other legislation.

(2) A licensee licensed to collect and dispose of special industrial, hazardous or health core risk waste, must inform the council at those intervals the council may stipulate in the licence or elsewhere, about the removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the facility at which the waste has been disposed.

(3) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the council as a waste disposal facility for that purpose.

CHAPTER 5

TRANSPORTATION AND DISPOSAL OF WASTE

27. Transportation of waste

(1) Notwithstanding the provisions of any other legislation, no person may-

(a) operate a vehicle for the conveyance of waste upon a street unless the vehicle has a body of adequate size and construction for the type of waste being transported;

(b) fail to maintain the vehicles used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;

(c) cause or permit any waste being transported in or through the council to become detached, leak or fall from the vehicle transporting it, except at a waste disposal facility;

(d) knowingly dispose waste at a waste disposal facility that is not permitted to accept such waste .

28. Disposal of waste –

(1) Waste generated within the council must be disposed of at a waste disposal facility that has been permitted to accept and dispose of such waste in terms of section 17 and in accordance with the provisions of any other law regulating the disposal of waste.

(2) No person may burn waste either in a public or private place except at an authorised incinerator operated by a licensee, or other than at a place designated by the council for such purpose.

(3) Notwithstanding the provisions of subsection (1), any person may dispose of those forms of recyclable waste specified by the council in a notice in terms of section 17 or elsewhere at designated garden waste handling facilities, but may do so only if all such waste is brought to the facility in vehicles able to carry a maximum load of one tonne or less.

(4) The disposal of waste at any waste disposal facility may, in addition to any conditions imposed by a competent authority, be subject to such conditions as the council may from time to time specify, including the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste may be placed and any other matters which the council considers necessary to ensure the environmentally sound management of waste.

(5) Every person who enters a waste disposal facility must –

(a) enter the waste disposal facility at an access point determined by the operator of the waste disposal facility;

(b) on request, provide the council or the operator of the waste disposal facility with any information regarding the composition of the waste; and

(c) follow all instructions issued by the operator of the waste disposal facility in regard to access to the actual place where, and the manner in which, the waste should be deposited.

(6) No person may-

(a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility or enter such facility in an intoxicated state;

(b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised to do so by the operator of the waste disposal facility or the council and then only at such times and on such conditions as the council or operator may from time to time determine;

(c) dispose of waste at a waste disposal facility which is not permitted for such waste; or

(d) light any fire upon or near any disposal area without authorisation.

(7) Any person who contravenes subsection 28(6) will be liable for all reasonable costs incurred by the council in removing or otherwise dealing with waste improperly disposed of at a waste disposal facility.

(8) The operator of the waste disposal facility may at any time require a vehicle or a container on a vehicle that has entered the waste disposal facility for the purposes of disposing waste to be weighed at a weighbridge.

(9) The council, the operator of the waste disposal facility, an authorised official or any other persons duly authorised by the council may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.

(10) Any person contravening any of the provisions of this section may be refused entry or be removed from a disposal waste disposal facility.

CHAPTER 6

SERVICE PROVIDERS

29. Agreement, delegation and consumer charter -

(1) The council may discharge any of its obligations under section 12 of these By-laws by entering into a service delivery agreement with a service provider or service providers in terms of the Systems Act.

(2) Subject to the provisions of the Systems Act or any other legislation, the council may assign to a service provider any power enjoyed by the council under these By-laws: Provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement.

(3) Any reference in these By-laws to "council or service provider" should be read as the "council" if the council has not entered into a service delivery agreement, and should be read as "service provider" if the council has entered into a service delivery agreement.

(4) Service providers must provide services in accordance with a consumer charter which must be drawn up in consultation with the council and which must-

(a) accord with the provisions of these By-laws;
(b) be accessible to the public;

(c) establish the conditions of the service including collection times; and
(d) provide for the circumstances in which council services may be limited.

CHAPTER 7

LICENSEES

Part I: Registration

30. Registration requirements –

(1) Any person who provides or intends to provide commercial services within the council must register with the council.

(2) Registration must be by written notification to the council, and must specify-

(a) the name and the residential and postal address of the person providing commercial services, and if a company or close corporation, its registration number, names of its directors or members and the address of its registered head office;

(b) the nature of the waste management service provided or intended to be provided by the person;

(c) the scope of the service, which must specify the number of clients served or intended to be served at the time of registration, the geographical area of operation and the actual or intended capital expenditure involved, or to be involved, in rendering the service; and
(d) the disposal facilities it owns or intends to utilise for the disposal of waste it collects or generates.

(3) The council must provide proof of registration specifying the name and the residential and postal address of the registered person and describing the nature of the commercial services provided or intended to be provided by that person.

(4) Where a person has registered in terms of subsection (1) and the person –

(a) acquires a firm providing commercial services;
(b) merges with other persons providing commercial services;
(c) changes ownership;
(d) changes juristic nature;
(e) changes the nature of the commercial services it provides;
(f) intends to cease providing such services;
(g) is involved in winding-up proceedings; or
(h) increase its gross revenue or client base in excess of 25%,

then that person must notify the council of that occurrence and, save in the circumstances set out in subsections (4)(f) or (g), re-register in accordance with the provisions of subsection (1).

Part II: Licence to Provide Commercial Services

31. Licence requirements -

(1) Subject to section 35, no person may provide commercial services without having first obtained a licence.

(2) Licences issued under these By-laws –

(a) are personal to the licensee and incapable of cession or assignment without the prior written consent of the council;

(b) are valid for the period stipulated in the licence, which period may not exceed five years, and may, upon application in terms of these By-laws, be renewed by the council for further periods; and

(c) may be suspended or revoked by the council, if the licensee is in breach of any of the provisions of these bylaws or any term stipulated in the license.

32. Licence application –

(1) Applications for a licence to provide commercial services must be in writing on a form prescribed by the council. The form must specify the information to be included in the application and the time available for making the application, which period must not be less than two months in duration.

(2) The council must consider each application, having regard to the following:

(a) the financial, technical and managerial competency and experience of the applicant;
(b) the environmental, health and safety record of the applicant;

(c) the nature of the waste management service to be provided; and

(d) any other factors which the council considers relevant.

(3) After considering the application in terms of subsection (2), the council must –

(a) approve the application by issuing a licence subject to terms and conditions; or

(b) reject the application, which rejection must be accompanied by reasons.

33. Licence terms and conditions –

(1) When issuing a licence in terms of section 32, the council may, subject to the provisions of subsection (2), impose any licence conditions it deems reasonably necessary.

(2) Licences issued by the council must –

(a) describe the geographical area of operation of the licensee;

(b) specify the licence period and the procedure for any licence renewal;

(c) specify the category or categories of waste the licensee may manage;

(d) contain a requirement that the licensee must comply with these By-laws, and applicable provincial and national legislation;

(e) require the licensee to keep monthly records in respect of-

(i) the quantities of waste received, the location of the sources generating the waste, the identity of the generator and, where the licensee manages different categories of waste, the quantity of each category managed;

(ii) emission levels where the licensee manages a licensed incinerator;

(iii) any activity related to the achievement of local, provincial or national targets where such targets have been determined, and must include the results of monitoring such activity;

(iv) any waste minimisation or recycling activities in which the licensee is involved;

(v) consumer supply figures; and

(vi) complaints received by the public;

(f) require the licensee to have the appropriate property and liability insurance for any waste disposal or handling facilities owned by it in accordance with an insurance programme approved by the council under the licence, which approval may not subject the council to any liability if the insurance programme proves inadequate;

(g) permit the licensee to conduct any other business activity not regulated in the licence, provided that any such business activity does not conflict with or adversely affect the licensee's obligations under the licence, these By-laws or any other law, and provided that such activities are separately accounted for;

(h) stipulate procedures for amendment of the licence;

(i) stipulate circumstances under which the licence may be revoked or suspended by the council and set out an appeals procedure;

(j) prescribe the payment of a licence fee;

(k) require the licensee to take reasonable steps to prevent his employees from committing any act or omission in the course of their employment that may cause harm to humans or damage to the environment;

(l) require the licensee to ensure compliance with these By-laws and conditions by its employees, agents and sub-contractors, and ensure that sub-contractors are licensed to store, collect, transport and dispose of any waste stream that they have been contracted to manage; and

(m) contain any other term or condition that the council considers relevant.

34. Prohibited conduct –

(1) Licensees may not:

(a) cease operations at a waste disposal facility without a closure plan approved by DWAF and the Department of Environmental Affairs and Tourism or any other competent authority;

(b) abandon a waste disposal facility or waste handling facility;

(c) operate in contravention of the terms and conditions of their licence;

(d) fail or refuse to give information, or give false or misleading information when required to do so in terms of these By-laws;

(e) fail to take all reasonable steps to prevent an act or an omission by an employee where the employee is or was acting on behalf of the licensee, when such an act or omission would constitute an offence if it were the act or omission of a licensee;

(f) dispose of any health care risk waste otherwise than by incineration, unless prior consent has been obtained from the DWAF; or

(g) dispose of hazardous or special industrial waste otherwise than by disposing of it at a waste disposal facility which has been permitted for the disposal of this category of waste.

35. Transitional provisions and exemptions. –

(1) Any person lawfully providing commercial services within the council at the time an application for a licence is made, may continue to provide commercial services while the licence application is being considered by the council.

(2) A council may at its sole discretion, and having regard to the main object of these By-laws and its local waste plan, exempt any form of commercial service from the provisions of Chapter 7 of these By-laws and must indicate the terms and scope of any exemption in a notice published in the Eastern Cape Provincial Gazette.

CHAPTER 8

LITTERING, DUMPING AND ABANDONED ARTICLES

36. Duty to provide facilities for litter –

(1) The council, or owner in the case of privately owned land, must take reasonable steps to ensure that sufficient approved receptacles are provided for the discarding of litter by the public, in any place to which the public has access.

(2) The council, or owner of privately owned land, must ensure that all approved receptacles installed on the premises for the collection of litter are –

(a) maintained in good condition;

(b) suitably weighted and anchored so that they cannot be inadvertently overturned;

(c) constructed in such a manner as to ensure that they are weatherproof and animal proof;

(d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;

(e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and

(f) emptied and cleansed periodically or when full. The emptying and cleansing of approved receptacles must be sufficiently frequent as to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.

(3) In any public place where an approved receptacle has been placed for the depositing of litter, the council may put up notices about littering.

37. Prohibition of littering –

(1) No person may –

(a) cause litter;

(b) sweep any waste into a gutter, onto a road reserve or onto any other public place;

(c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and

(d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.

(2) Notwithstanding the provisions of subsection (1), the council, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed. For the purposes of this section, a reasonable time may mean that period of time before the litter becomes a nuisance or cause for complaint.

38. Prohibition of dumping and abandoning articles –

(1) No person may, without authorisation, deposit or permit the depositing of any waste whether for gain or reward or otherwise, upon any land or in any building of which he is the owner or occupier except where such deposits are made in accordance with the provisions of these By-laws.

(2) Subject to any provisions to the contrary contained in these By-laws, no person may leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.

(3) No person may dump waste.

(4) Any article, other than a motor vehicle deemed to have been abandoned in terms of section 114 of the Road Traffic Act, 1989 (Act 29 of 1989), which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the council as having been abandoned, may be removed and disposed of by the council as it may deem fit.

(5) The council may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation as it may deem fit.

CHAPTER 9

ADMINISTRATIVE ENFORCEMENT PROVISIONS

Part 1: Appointment of Authorised Officials

39. Appointment of authorised officials

(1) The council shall appoint authorised officials who shall be vested with the power to –

(a) Discharge the council's right of access to premises in terms of section 101 of the Systems Act;

(b) issue an enforcement notice under section 44;

(c) impose an infringement notice in terms of section 45; and

(d) exercise the powers of an authorised official in terms of the provisions of any other applicable law.

(2) An authorised official is not a peace officer within the meaning of the Criminal Procedure Act and has no powers of arrest in respect of any offence created in these by-laws.

(3) In appointing an authorised official, the council shall have regard to:

(a) a person's technical understanding and experience of matters related to waste management; and

(b) any other factor that may be relevant to supervision and enforcement of these by-laws, whether technical or administrative.

(4) An authorised official may be an employee of the council or any service provider of the council: Provided that, in the latter case, there is no conflict of interest between the person's duty as an authorised official and as an employee of the service provider.

(5) Upon appointment, authorised officials shall be issued with a means of identification by the council (hereinafter called "an identification") which shall state the name and function of the authorised official, and must include a photograph of the officer. An authorised official, acting within the powers vested in him by these by-laws, is required to present identification on demand by a member of the local community.

Part II: Powers of Authorised Officials

40. Powers to execute work and inspect vehicles and premises –

(1) In addition to the powers an authorised official has as an authorised representative of the council under section 101 of the Systems Act or any other legislation, an authorised official, may

(a) enter any land or premises to execute work or conduct an inspection; and

(b) may search any vehicle or other mode of conveyance with the consent of the owner or person in charge of the vehicle.

(2) A search conducted in terms of these By-laws must be conducted in a manner that conforms to the requirements of the Bill of Rights and any other law and, in particular, must be conducted with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) To the extent that access to premises does not fall within the scope of section 101 of the Systems Act or any other legislation, an authorised official who has reasonable grounds to suspect that there is an environmental emergency and that any delay in obtaining a search warrant will caused serious harm to human health or damage to the environment may, without warrant, enter and search any premises associated with the emergency: Provided that the entry and search be conducted in conformity with the requirements of the Bill of Rights and any other law, and in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(4) Where, in the opinion of an authorised official, any search of a vehicle, as contemplated in these By-laws, gives rise to the reasonable apprehension that the presence of waste in or on that vehicle is a serious and immediate danger to human health or to the environment, the authorised official may seize that vehicle in order to prevent, or where that is impossible, to mitigate harm to human health or damage to the environment.

(5) In the event of the seizure of any vehicle under subsection (4), the council must-

(a) forthwith take steps to dispose of such waste in order to prevent, and where that is impossible, to mitigate, harm to human health or damage to the environment; and

(b) return the said vehicle, within 48 hours after disposing of such waste, to the control of the licensee or person from whose possession or control it was taken.

41. Powers to question –

(1) In order to monitor or enforce compliance with these By-laws, the authorised official, may, subject to the requirements of the Bill of Rights, and any other law including the common law, require a licensee or any other person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, on any matter to which these By-laws relate, require that the disclosure be made on oath or affirmation.

(2) An authorised official may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(3) An authorised official must, on request, provide his identification as an authorised official.

42. Supervision of licensees –

(1) Authorised officials must inspect the workplace of a licensee not less than twice a year, and an authorised official is entitled to enter the workplace of a licensee for this purpose.

(2) Such an inspection must be conducted in conformity with the requirements of the Bill of Rights, and any other law, and in particular, an authorised official in conducting an inspection under subsection (1) must do so with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) If an authorised official is of the opinion, after such an inspection, that a licensee is complying with these By-laws, he may, subject to the provisions of subsection (2), issue the licensee with a certificate confirming compliance, which must state –

(a) the name and residential and postal address of the licensee;

(b) the time, date and scope of the inspection; and

(c) any remarks which in the opinion of the authorised official may be relevant.

(4) If a licensee fails to obtain a certificate confirming compliance at three inspections over a period of two years, the authorised official may recommend that the council review the licence, and should there be reasonable grounds, the council may revoke the licence in terms of subsection 31(2)(c): Provided that the consecutive inspections occur at not less than four month intervals.

(5) Authorised officials must keep a register recording each inspection that has been undertaken.

43. Supervision of owners and occupiers –

Owners and occupiers must keep their premises clean and free from any waste which in the opinion of an authorised official is likely to cause a nuisance, harm to human health or damage to the environment, and must take reasonable steps to prevent an employee acting in the course of their employment, from committing an act or omission that may cause a nuisance, harm to human health or damage to the environment.

Part III: Enforcement and Infringement Notices

44. Enforcement notices

(1) If, in the opinion of the authorised official, a person is –

(a) causing a nuisance, harm to human health or damage to the environment; or

(b) as licensee, is failing to comply with the terms of a licence granted in terms of these By-laws; or

(c) as owner or occupier, has failed to satisfy an obligation in terms of section 43 of these by-laws; or

(d) the authorised official may issue or cause to be issued on that person an enforcement notice in terms of this section.

(2) An enforcement notice issued under this section must state–

(a) the name and also the residential and postal address, if either or both of these be known, of the affected person;

(b) the nature of the nuisance, harm to human health or damage to the environment that the affected person is causing or is likely to cause;

(c) the steps required to forestall or remediate the nuisance, harm to human health or damage to the environment in sufficient detail to enable compliance with the enforcement notice;

(d) that the affected person must not later than 21 calendar days from the date on which the enforcement notice is issued take steps to comply with the notice;

(e) that failure to comply with the requirements of the enforcement notice within the period contemplated in paragraph (d) may result in civil liability; and

(f) that written representations may be made to the council in accordance with section 47, or a designated committee or internal functionary to which powers under these By-laws have been delegated, at a specified place, within 21 calendar days of receipt of the notice.

(3) If an affected person fails to comply with an enforcement notice, the council or anyone authorised by the council, may perform the steps required in the enforcement notice, provided that council does so in conformity with the requirements of the Bill of Rights and any other law, in particular, an authorised official must act with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(4) Where the council incurs any expenditure as a result of performing such steps, the council may recover any reasonable expenditure from the person who failed to act as directed or, where criminal proceedings have not been instituted, by means of civil proceedings.

(5) Any licensee which commits an offence in terms of subsection 1(1)(b) and has, within the last five years, been convicted of the same offence, may be declared a serial offender under these By-laws and have its license revoked immediately.

45. Infringement notices –

(1) If, in the opinion of the authorised official, a person is-

(a) Contravening subsections 34(1)(a) - (g), 37(1)(a) – (d), 38(1) – (5), 44(1)(a) – (c) of these By-laws; or

(b) allowing waste other than domestic waste or dailies to remain uncollected,

the authorised official may serve or cause to be served on that person an infringement notice in terms of this section instead of a notice contemplated in section 56 of the Criminal Procedure Act.

(2) The infringement notice must –

(a) specify, at the time when the notice is issued, the name and also the residential and postal address, if either or both of these be known, of the person on whom the infringement notice is served;

(b) state the particulars of the infringement;

(c) specify the amount of the penalty payable in respect of that infringement and the place where the penalty may be paid which penalty may not exceed R5000,00 (five thousand rand); and

(d) inform the person on whom the infringement notice is served that, not later than 28 calendar days after the date of service of the infringement notice, he may –

(i) pay the penalty; or
(ii) inform the council in writing that he elects to be tried in court on a charge of having committed an offence under section 51.

(3) Where a person makes an election under subsection (2)(d)(ii), the procedure set out in section 46 applies.

46. Complaints –

Any person may lodge a complaint with an authorised official, or through any other channel established by the council, that any other person is causing harm to human health or damage to the environment by engaging in council services or commercial services, in which event the authorised official, unless he has reasonable grounds to believe that the complaint is frivolous or an abuse of the main objects of these By-laws set out in section 3, must investigate the complaint and must, if he is satisfied that such harm is or is likely to be caused, issue an enforcement notice or infringement notice, whichever be appropriate.

47. Representations –

(1) Any affected person may make representations to the council, or a designated committee or internal functionary of the council to which the council has delegated its powers, in the manner specified in the enforcement notice.

(2) Representations must be made by submitting a sworn statement or affirmation to the council, designated committee or internal functionary within 21 calendar days of the service of the notice.

(3) Any representation not lodged within 21 calendar days must not be considered, save where the affected person has shown good cause and the council, the designated committee or internal functionary condones the late lodging of the representation.

(4) The council, or designated committee or internal functionary, must duly consider the representations and any response thereto by an authorised official or any other person, if there be such a response; and may, on its own volition, conduct any further investigations to verify the facts if that, in its opinion, is necessary. If the council, or

designated committee or internal functionary, should conduct any further investigations, the results of such investigation must be made available to the affected person, who must be given an opportunity of making a further response if he so wishes, and the council, or designated committee or internal functionary, must also consider such further response.

(5) After the council, or designated committee or internal functionary, is satisfied that the requirements of subsection (4) have been satisfied, the council, or designated committee or internal functionary, must make an order in writing and give a copy of it to the affected person setting out its findings. Such an order may –

(a) confirm, alter or set aside in whole or in part, an enforcement notice; and

(b) must specify the period within which the affected person must comply with any order made by it.

(c) If the enforcement notice is confirmed, in whole or in part, or is altered but not set aside, the council, or designated committee or internal functionary, must inform the affected person that he may elect to be tried in court, or must discharge the obligations set out in the enforcement notice.

(6) If the affected person elects to be tried in court, he must notify the council, or designated committee or internal functionary of his election within seven calendar days, and on receipt of such notification by the council, or designated committee or internal functionary, the provisions of section 48 apply.

(7) If the affected person does not elect to be tried in court, he must discharge his obligations under the enforcement notice within the prescribed manner and time.

(8) If the affected person lodges a representation or elects to be tried in Court, any requirement in terms of section 44 of these By-laws requiring compliance with an enforcement notice, may be suspended unless, in the opinion of the council, the affected person has caused an environmental emergency in which event and without derogation from any right that the affected person may have, or may in the future have, at common law or under any other law, to any relief of whatever nature, the affected person must immediately comply with any such requirement on being ordered, orally or in writing, by the council to do so.

(9) If there is an environmental emergency and if the affected person, despite receiving a lawful order made in terms of subsection (8), fails to comply with such an order, the council may itself cause the environmental emergency to be stopped, reversed or abated, in which event the council may institute civil proceedings for the recovery of any reasonable and necessary expenditure which it has incurred or may incur in effecting such a stoppage, reversal or abatement.

CHAPTER 10

JUDICIAL ENFORCEMENT PROVISIONS

48. Service of documents and process

For the purposes of the service of any notice, order or other document relating to non-payment for the provision of council services, the address of the owner of the premises on which domestic waste and dailies is generated is deemed to be the place for service of documents and process of such owner.

49. Service of notices -

(1) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings-

(a) it must be served on him personally, failing which if it be served on any member of his household, 16 years or older, who signs for the receipt of such notice at his place of residence or business; and

(b) if sent by registered post to the person's address as contemplated in section 48, it constitutes service in terms of section 7 of The Interpretation Act, 1957 (Act 33 of 1957).

50. Trial –

If a person who elects to be tried in court in terms of subsection 47(6) or 47(8), notifies the council of his election, the authorised official must within 10 calendar days take all necessary steps, as envisaged in the Criminal Procedure Act, in order to secure the attendance and prosecution of the accused, in which event the enforcement notice or infringement notice must be cancelled.

51. Offences and penalties

Any person, including an affected person or licensee, who –

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice issued in terms of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of these By-laws, or

(d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

CHAPTER 11

GENERAL PROVISIONS

52. Ownership –

(1) The person holding the permit to operate a waste disposal facility is deemed to be the owner of the waste disposed at that facility.

(2) Such operator has a right of recourse against –

(i) any person that causes waste to be disposed at the waste disposal facility where that person knowingly and without the knowledge of the operator disposes waste that that facility is not permitted to accept; and

(ii) any waste generator that knowingly puts waste out for collection that is not of the category being collected.

54. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to waste, these bylaws will prevail.

No. 117 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Advertising Signs Bylaws.

ADVERTISING SIGNAGE BYLAWS

1. Definitions

In this Bylaw, unless the context otherwise indicates

"advertisement" means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, or enforce the provisions of these bylaws;

"building control officer" means any person appointed or deemed to be appointed a building control officer by the Council in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"curtilage" means the whole of the area of ground within the boundaries of a lot or lots, or subdivision forming the site of any building or proposed building;

"display" in relation to an advertisement, means to display the advertisement within public view;

"flat sign" means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

"ground sign-board" means any sign detached from a building and affixed to the ground;

"projecting sign-board" means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;

"roof" means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;

"sign-board" means any sign-board, structure or device whatever, used or intended or adapted for the display thereon of an advertisement;

"sky sign-board" means any sign-board on a roof or any sign-board on the top of a parapet of a roof;

"tariff of charges" means the tariff of charges determined by the Council from time to time; and

"wall" means any external wall of a building, but does not include a parapet balustrade or railing of a verandah or balcony.

2. Application of regulations

(1) Subject to the provisions of sub-section (2), this Bylaw shall be applicable in respect of all advertisements displayed or to be displayed within the area of jurisdiction of the Council.

(2) The following categories of advertisements shall, subject to sub-section 3(3), be exempted from the provisions of this Bylaw:

(a) ~~a~~An advertisement displayed within the curtilage of any premises during the course of building operations (including plumbing, electrical wiring, painting and renovations) on such premises commonly referred to as "builders' boards" or "contractors' boards".

(b) An advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians using the road in which the advertisement is erected or using any adjacent or adjoining road.

(c) An advertisement required to be displayed by law.

(d) An advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being so used is not to display such advertisement.

(e) An advertisement affixed flat to or painted on any part of any building other than a dwelling-house which merely indicates the name or address of such building or the occupier or owner thereof, with or without a general description of the type of business lawfully carried on in such building, the hours of attendance or business and the telephone number of such business; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m^2 in the area and does not project more than 100 mm from the surface to which it is affixed.

(f) An advertisement displayed within the curtilage of any dwelling-house which merely indicates the name or address of that dwelling-house or the occupier thereof; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m^2 in area.

(g) An advertisement displayed within the curtilage of any premises (which is designed solely for the direction of, or the conveyance of a request or warning to, any person entering upon such premises); provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m^2 in area.

(h) An advertisement displayed within the curtilage of any immovable property advertising the sale or lease of such property, or the fact that such property has been sold; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m^2 in area.

(i) An advertisement displayed from the interior of any building enclosed by walls, windows and doors.

(3) The provisions of this Bylaw shall be in addition to and not in substitution for any provision of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940).

3. Temporary and portable advertisements

(1) Any advertisement -

(a) intended to be displayed solely for or in connection with a particular occasion, function, sale or event, including an election or referendum;

or

(b) displayed on any sign-board intended or adapted to be carried or conveyed,

shall only be displayed with the prior written consent of the authorised official and subject to such conditions as he may impose.

(2) Any such advertisements, including any sign-board on which it is displayed, shall not exceed 0,8 m^2 in area.

(3) No advertisement advertising a particular occasion, function, sale or event other than an election or referendum, irrespective of whether such advertisement is exempted under section 2(2) or not, shall be displayed for longer than 14 days before the day on which it begins or longer than three days after the day on which it ends; provided that an advertisement advertising the fact that immovable property has been sold may be displayed for a maximum period of 14 days.

(4) No election or referendum advertisements shall be displayed for longer than the period extending from the beginning of the day of nomination/referendum to the end of the third day after the day of the election or expiry date of the referendum.

In respect of each candidate not more than 200 election advertisements or copies of an election advertisement shall be displayed in terms of locations and conditions prescribed by the authorised official.

(5) Any cloth, paper, papier-mache or other similar material which may be used for the display of the advertisement shall be securely fixed to a portable board.

(6) Every application for permission in terms of sub-section (1) shall be accompanied by the deposit referred to in the tariff of charges.

(7) A deposit paid in terms of sub-section (6) shall, subject to the provisions of sub-section (8), be refunded when all advertisements to which it relates have been removed to the satisfaction of the authorised official.

(8) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-section (1), fails to remove it or cause it to be removed within the relevant period referred to in sub-section (3) or (4), shall be guilty of an offence and the authorized official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of sub-section (6) the sum referred to in the tariff of charges in respect of each and every advertisement so removed; provided that if the said amount the Council shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.

(9) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub-section (1) and any person, other than a police officer or other person charged with the enforcement of these regulations, who is authorised by the person responsible for the display of the advertisement to remove it shall be deemed to be the displayer thereof so long as it is displayed.

(10) In any legal proceedings relating to an advertisement displayed either in accordance with or in contravention of any provision of this regulation, it shall be presumed that such advertisement was displayed by the person or persons, club or other body of persons sponsoring, promoting or organizing or in control of the meeting, function or event to which it relates or by the candidate to whom an election advertisement relates or that any such person, club or body caused or permitted such advertisement to be displayed, as the case may be, until it is proved to the contrary.

(11) The authorized official shall be entitled, without giving notice to anyone, to remove or to cause to be removed any advertisement displayed without his permission in terms of sub-section (1) or in contravention of any provision of these regulations or which constitutes in any respect a contravention of these regulations and the person

who displayed any such advertisement or caused or permitted it to be displayed or is deemed under sub-section (9) or (10) to have done so shall be liable to pay to the Council the sum referred to in the tariff of charges in respect of each advertisement removed by the authorized official.

(12) No person shall place or cause to be placed upon any public road any advertisement advertising the sale or lease of immovable property or the fact that such property has been sold; provided that this prohibition shall not apply in respect of any such advertisement -

(a) which is erected on a Saturday, Sunday or public holiday for the duration of such Saturday. Sunday or public holiday, or for two or more such succeeding days:

(b) including any sign-board on which it is displayed, which does not exceed 0,8 m^2 in area:

(c) which gives directions to and advertises what is commonly known as a show house;

(d) which does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians using the road in which the advertisement is erected or using any adjacent or adjoining road; and

(e) which is not displayed on a sign-board which is driven into or buried in the ground.

4. Display of permanent advertisements prohibited

No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this Bylaw.

5. Application for display of permanent advertisements

(1) Any person intending to erect, alter or display any permanent advertisement for which the prior written permission of the Council is required, shall apply for such permission to the authorized official on the prescribed application form (Schedule 1). Such form shall be signed by the applicant and by the owner (if

he is not also the applicant) of the site upon which such advertisement is or is to be located.

(2) An application referred to in sub-section (1) shall be accompanied by -

(a) full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;

(b) a drawing on durable paper indicating the position of such sign on the site at a scale of not less than 1: 50, showing the full text, the colour of the material, the construction, the overall dimensions and the method of attachment, suspension or support and, if required by the authorized official, the applicant shall furnish such additional particulars in connection with the application as may be required;

(c) in the case of ground signs, information in regard to all calculations upon which such size is based;

(d) an application fee of R30.00.

(3) The Council may refuse or grant such application subject to such conditions (not inconsistent with the regulations) as it may think proper, including the payment of a rental where the proposed sign is included in the framework provided by the Council.

6. Consideration of application of display of permanent advertisements

(1) The Council may grant on such conditions as it may determine, or refuse an application referred to in section *5,* but the Council shall not grant an application if it is of the opinion that, having regard to the design, colour or other characteristics of the advertisement in question, its proposed position in relation to the building or premises upon or in which it is to be displayed and neighbouring properties, such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighbouring properties, or otherwise be unsightly.

7. Sign-boards affixed to buildings

(1) The following sign-boards and no others may, subject to the provisions of this Bylaw, be affixed to buildings:

1. Flat sign-boards,

2. Projecting sign-boards, and

3. Sky sign-boards

(2) No flat sign-board shall -

(a) extend above the top or beyond either side of the wall to which it is affixed;

(b) project in any part more than 100 mm from the wall to which it is affixed;

(c) exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.

(3) No projecting sign-board shall -

(a) be affixed otherwise than at right angles to the road line;

(b) be affixed at a clear height of less than *2,5* m;

(c) exceed 225 mm in thickness;

(d) extend beyond the top of the wall to which it is affixed;

(e) project in any part more than I,5 m from the wall to which it is affixed;

(f) extend over or nearer than 1,2 m to any overhead electricity wires or cables;

(g) be affixed otherwise than in a vertical plane.

8. Advertisement painted on buildings

(1) The following advertisements and no others may, subject to the provisions of this Bylaw, be painted on buildings;

(a) Advertisements painted on the walls of buildings.

(b) Advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.

(2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building to the eaves or 15% of the area of the wall on which it is painted.

(3) An advertisement painted on the roof of a building shall contain only the name (or abbreviation thereof) of the person, firm, company, society or association occupying such building.

9. Ground Sign-boards

(1) Ground sign-boards on poles, standards or pylons and no others may, subject to the provisions of this Bylaw, be erected upon any premises.

(2) Every ground sign-board shall -

(a) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;

(b) not exceed 2 m x 0,3 m (300 mm) except as provided for in sub-section (3) below;

(c) if no part extend or project beyond the road line;

(d) not exceed 6,5m in height and may be permitted at ground level,

(3) Ground signs may be permitted to a maximum length of 6 metres and a maximum height of 3 metres provided the sign is not likely to cause injury to the amenity of the neighbourhood and the approval of the Board has been obtained.

(4) Any person who intends to erect a sign other than within the boundaries of the property to which it refers shall require the approval of the Chief Engineer and shall pay an annual charge as laid out in the Schedule of Fees.

10. Flashing advertisements

The Council shall only approve flashing or animated illuminated advertisements if it is of the opinion that, having regard to the proposed position and characteristic of the

advertisement, the display of the advertisement will not be likely to distract or disturb persons using any public road or to create conditions contemplated in section 11(2).

11. General prohibitions relating to advertisements

(1) No person shall display any advertisement so as to obstruct any fire escape or the means of egress to a fire escape or to obstruct or interfere with any window or opening required for ventilation purposes.

(2) No person shall display any advertisement –

(a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to obscure, obstruct or otherwise interfere so;

(b) which is illuminated and contains the colours, red, greed or amber or any one or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15 m (measured horizontally) from the vertical line of the road line at the corner of a public road;

(c) which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.

11.A. (a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the local authority, and on payment of the fees specified in the tariff of charges, such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Chief Engineer.

(b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

12. Constructional requirements for sign-boards

(1) Every sign-board shall be neatly and properly constructed and finished in a workmanlike manner to the satisfaction of the building control officer.

(2) (a) Every sign-board attached to a building (or wall) shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.

(b) The method of attachment shall be such that it is capable of effectively

securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.

(c) The use of nails or staples for the purpose of the anchorage and support of a sign-board is prohibited.

(3) Every projecting sign-board shall, unless the building control officer otherwise approves, have not less than four supports -

(a) which shall be of metal;

(b) any two of which shall be capable of supporting the mass of the sign-board;

(c) the designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of I,5 kPa;

(d) which shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.

(4) (a) All sign-boards which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.

(b) Such bolts shall be of such a size and strength as will ensure effective compliance with sub-section (2) or (3).

(5) Every illuminated sign-board and every sign-board in which electricity is used shall -

(a) be constructed of a material which is not combustible;

(b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off;

(c) be wired and constructed to the satisfaction of the building control officer.

(6) All exposed metalwork of a sign-board shall be painted or otherwise treated to

prevent decay and insect attack and thereafter painted.

(7) No permanent sign-board shall be constructed in whole or in part of cloth, glass, canvas, cardboard, paper or like materials.

13. Maintenance of permanent advertisements

The person having possession or control of any permanent advertisement shall, while such advertisement is displayed, at all times maintain such advertisement, including any sign-board on which it is displayed, in good repair and safe condition.

14. Alterations of and additions to permanent advertisements

(1) No person shall alter or add to any permanent advertisement, including any sign-board on which it is displayed, without the prior written approval of the Council.

(2) Any person having possession or control of a permanent advertisement and who desires to alter or add to it shall apply to the Council in writing for its approval.

(3) An application referred to in sub-section (2) shall specify the nature and extent of the proposed alteration or addition.

(4) A person who has applied in terms of sub-section (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

15. Removal of permanent advertisements

(1) When there is being displayed a permanent advertisement -

(a) for which no approval was granted under section 4; or

(b) which does not conform to the specifications or conditions prescribed in any approval granted thereafter or in any section applicable thereto or which is being displayed in a manner or place or in circumstances other than those prescribed in any such authority or regulation, the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice, and to effect such removal or alteration within

such period (which shall be not less than fourteen days as from the date on which the notice was given) as may be specified in the notice : Provided that the Council shall not, within a period of three months as from the date of publication of this Bylaw, give any such direction in regard to an advertisement which was being displayed on the last mentioned date and has thereafter been displayed continuously in the same place.

(2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates, is being displayed and remove the advertisement or effect the alterations prescribed in the notice.

(3) The Council may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given, unless he proves -

(a) that he did not, at the time when he received the notice, nor at any time thereafter, display the advertisement; or

(b) that he did take any active part in displaying the advertisement and did not grant any person permission to display it and did not receive any valuable consideration in connection with the displaying of the advertisement, and that he does not manufacture an article or own, control or manage a business or undertaking to which the advertisement relates.

16. Delegation of Council's powers

(1) The Council may by resolution delegate to the building control officer, any power conferred upon it by this Bylaw on such conditions as the Council may determine.

(2) Any delegation under sub-section (1) shall not prevent the exercise of the relevant power by the Council itself.

17. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to advertising signs, these bylaws will prevail.

SCHEDULE 1

I, the undersigned.....apply for permission to erect and display a sign on/near Lot..... in full accordance with the specifications below and the attached drawings, and the provisions of the Council's regulations relating to advertising and tender an application fee of .....

Particulars of sign

1. The sign is manufactured of .....

2. The sign is SINGLE/DOUBLE-faced (delete incorrect)

3. Type of sign GROUND/WALL/PROJECTING/VERANDAH/SKY

4. Measurements (a) Total height above ground level .....

   (b) Min. clearance above ground level .....

   (c) Length ..... m

   (d) Width ..... m

5. Projecting from building ..... mm

6. Colour of (a) Background .....

   (b) Lettering .....

7. Position on premises (describe).....

   .....

8. Sky signs (a) Number of storeys .....

   (b) Total height of building .....

9. State how sign is to be secured, type of supports, anchorage, bolts, etc

.....

10. Attach please a sketch of the proposed sign along with a photograph indicating by means of a black outline the position of the position of the proposed sign.

I undertake to maintain the sign, fittings and supports in a safe condition and in proper repair and indemnify the Council against any and all claims whatsoever that may arise as a result of, or in connection with, the erection and/or display of the sign.

Dated at ..... this .....day of..... 20.....

.....
Signature of Applicant

Witnesses Address

1. ....

2. ....

I, the undersigned .....

owner of the premises referred to above, consent to the erection of the abovementioned sign on the terms and conditions set forth above.

Dated at .....this ..... day of..... 20.....

.....
Signature of owner of premises

I, the undersigned ..... owner of the sign referred to above, acknowledge that I have read the foregoing conditions and agree to abide by them in so far as they affect me or my company.

Dated at ..... this ..... day of.....20.....

.....

Signature of owner of sign

No. 118 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Funeral Undertakers Bylaws.

FUNERAL UNDERTAKERS BYLAWS

1. Definitions

Unless the context otherwise indicates

"adequately ventilated and illuminated" means adequately ventilated and illuminated as contemplated in the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), as amended or the health bylaws applicable within the area of jurisdiction of the Council;

"authorised officer" means any official of the Council who has been authorised by the Council to administer, implement or enforce any provisions of these bylaws;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

"certificate of competence" means a document contemplated in section 5;

"existing funeral undertaker's premises" means exiting funeral undertakers' premises, which are used as such, on the date of commencement of these bylaws;

"funeral undertaker's premises" means that premises that are or will be used for the preparation and or storage of corpses;

"holder" means the person in whose name a certificate of competence has been issued;

"new funeral undertaker's premises" means undertaker's premises that start operating as such after the date of commencement of these bylaws;

"nuisance" means any condition, thing, act or omission which is offensive or injurious to health or which tends to prejudice the safety, good order or health of the area or part thereof;

"preparation" means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and shall include the embalming of such corpse for the said purpose, and "prepare" and any work derived there from shall have a corresponding meaning;

"provisional certificate of competence" means a document as referred to in section 7;

"pure water" means clean and clear water that contains no Escherichia coli organisms and is free from any substance in concentrations that are detrimental to human health;

"rodent – proof" means rodent-proof as laid down in the regulations regarding the Prevention of Rodent Infestation and the Storage of Grain, Forage, etc. in Urban and Rural areas of the Republic of South Africa promulgated by Government Notice R. 1411 of 23 September 1966

"the Act" means the Health Act, 1977 (Act No. 63 1977), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates; and

"thermometer" means an apparatus which can give the temperature readings referred to in the bylaws, the combined accuracy of such a thermometer and its temperature – sensitive sensor being approximately $0,5^{0}C$.

2. Corpses to be prepared only at funeral undertaker's premises in respect of which a certificate of competence has been issued

Unless otherwise provided for in these bylaws, no person shall prepare and/or store any corpse except on a funeral undertaker's premises in respect of which a certificate of competence has been issued and is in effect.

3. Exemptions

(1) the Council may, in writing, exempt any person from compliance with all or any of these bylaws where, in the opinion of the Council, non-compliance does not, or will not, create a nuisance.

(2) Such exemption shall be subject to such conditions and valid for such period as the Council may stipulate in the certificate of exemption.

4. Application for the issue or transfer of a certificate of competence

(1) (a) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises shall, not less than 21 days before submitting his application to the Council, cause a notice of his intention to be published in English, Afrikaans and Zulu in a newspaper that circulates in the area in which such premises will be or is situated.

(b) Such notice shall contain information to the effect that an application for the issue of a certificate of competence in terms of these bylaws is to be submitted to the Council and that any person who wishes to object to such use may lodge his or her objection, together with substantiated representations, with the Council in writing within 21 days of the date of publication of such notice.

(2) (a) An application for the issue of a certificate of competence shall be made to the Council in writing on the prescribed form and shall be accompanied by –

(i) a description of the premises and the location thereof; including equipment, storage facilities, preparation areas and toilet facilities.

(ii) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100 including the effluent disposal system

(iii) a plan of the premises on which north is shown indicating adjacent premises already occupied by the applicant or other

persons and the purpose for which such premises are being utilized or are to be utilized;

(iv) Particulars of any person other than the applicant or any of his or her employees who prepares or will prepare corpses on the premises;

(v) a contingency plan for the storage of corpses in the event of a refrigeration or cold room breakdown; and

(vi) a cleansing and disinfection programme.

(3) The Council, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information required.

(4) The Council shall not issue or transfer a certificate of competence unless a complete inspection of the premises concerned has been carried out by an officer appointed by the Council and the officer's report on such inspection, including recommendation on such issue or transfer, is in possession of the Council.

5. Issue or transfer of certificate of competence

When the Council is satisfied that the premises concerned –

(1) complies with all requirements laid down in these bylaws and any other applicable legislation;

(2) are in all respects suitable for the preparation of corpses; and

(3) will not be offensive to any occupants of premises in the immediate vicinity of such premises,

it shall, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in the name of the applicant in such form as it may determine or shall, by endorsement, transfer an existing certificate of competence to a new holder, as the case may be.

6. Validity and transfer of certificate of competence

A certificate of competence, excluding a provisional certificate of competence, shall, on endorsement by the Council, be transferable from one holder to a new holder and such certificate shall, if so endorsed, be valid from the date of which it was issued until it is revoked or suspended in terms of these bylaws.

7. Issue of provisional certificate of competence

(1) Notwithstanding the fact that the Council is not satisfied as contemplated in section 4 with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, the Council may, in the case of existing funeral undertaker's premises and subject to such conditions as Council may determine, issue a provisional certificate of competence in respect of such premises.

(2) A certificate referred to in subsection (a) will only be issued if the Council is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance, and will be issued for a maximum period of six months to enable the applicant to alter such premises in order to comply with the provisions of these bylaws.

(3) If, after the period referred to in subsection (b), the premises does not comply with the provisions of these bylaws, the Council may revoke the provisional certificate of competence.

8. Duties of holder

(1) The holder shall immediately inform the Council in writing if there are any changes in the particulars or circumstances supplied to the Council in the application for certificate of competence.

(2) A funeral undertaker shall not dispose of a body in any place or premises other than a cemetery or crematoria registered in terms of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996).

(3) The holder shall comply with the provisions of these bylaws, applicable legislation and any conditions imposed by the Council.

9. Suspension or revocation of a certificate of competence or provisional certificate of competence

(1) If the Council is of the opinion, on the strength of an inspection report and/or recommendation by a medical officer of health or environmental health officer, that there are reasonable grounds to suspect that –

(a) the funeral undertaker's premises concerned are being used in such a way as to create a nuisance or that conditions constituting a nuisance have been or are being created on the funeral undertaker's premises concerned; or

(b) the premises concerned are being used in contravention of the provisions of the Health Act, 1977 (Act No. 63 of 1977), these bylaws or other applicable legislation or any conditions imposed by the certificate of competence or provisional certificate of competence, the Council may in its discretion –

(i) revoke certificate of competence or provisional certificate of competent concerned;

(ii) suspend the certificate of competence or provisional certificate of competence concerned for such period as the Council may determine, to enable the holder to comply with the applicable legislation and/or conditions imposed; provided that if the holder fails to comply within the period stipulated in the notice of suspension, the Council may revoke the relevant certificate without further notice.

(2) A notice issued by the Council in terms of section 9(1) shall be issued in writing, and then served on the holder.

(3) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of this bylaw shall have the effect that, from the date of the notice of suspension or revocation –

(a) no preparation of any corpse shall be performed on the premises concerned;

(b) no corpse shall be received for preparation on the premises concerned; and

(c) not corpse shall be preserved on the premises concerned and every corpse shall immediately be removed to a mortuary under the control of the State, a provincial administration or the Council or any other funeral undertaker's premises, provided that this bylaw shall not be applicable and the said notice shall not be so construed as to restrict any other business activity relating to the funeral undertaking profession including the sale of coffins and policies.

(4) Where the Council is of the opinion that a condition that gave rise to the revocation of a certificate as contemplated in this bylaw was corrected after such revocation, it shall, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

10. Requirements relating to funeral undertaker's premises

(1) Provision for the following shall be made on a funeral undertaker's premises:

(a) a preparation room for the preparation of corpse;

(b) change-rooms, separate for each sex, for the use of the employees employed at such premises;

(c) refrigeration facilities for the refrigeration of corpses;

(d) facilities for washing and cleaning of utensils and equipment inside the building;

(e) facilities for cleaning of vehicles on the premises; and

(f) facilities for loading and unloading corpses as contemplated in clause 10(6).

(2) No room on a funeral undertaker's premises shall be used for any purpose other than the purpose for which it is intended.

(3) The preparation room

(a) shall be so designed as to –

(i) be separate from all other rooms on the premises and so as not to be directly accessible from or in view of any office or salesroom: provided that, where a preparation room on existing funeral undertaker's premises is so situated, the entrance thereto must be so concealed that the interior of the preparation room is completely our of sight of any person in any adjoining office or salesroom;

(ii) enable obnoxious odours and vapours to be adequately treated; and be sufficiently ventilated and lighted.

(b) shall have a floor –

(i) covering an area of not less than 6 m2 for the first table of the kind referred to in section 10(3)(e) and 8 m2 for each additional table;

(ii) constructed of concrete or similar waterproof material with a smooth non-slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into a disposal system approved by the Council; and

(iii) which, if it is replaced or laid after the date of commencement of these bylaws, shall be provided with half round filling where it meets the walls;

(c) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other suitable, smooth, waterproof, light-colored and washable material;

(d) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust proof and painted with a light-colored washable paint;

(e) shall contain not less than one table of stainless steel or glazed earthenware or other suitable material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;

(f) shall contain not less than one wash basin for each table, made of stainless steel or other suitable material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;

(g) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces; and

(h) shall have door openings that are not less than 0,82 m in width and 2,00 m in height so that corpses can be taken into and out of such room without any difficulty.

4. Each change-room shall contain at least the following:

(a) One hand-basin with hot and cold running water for every six employees or part thereof.

(b) Disposable towels, soap, nailbrushes and disinfectant.

(c) Not less than one toilet for every 15 male employees or part thereof and not less than one toilet for every 15 female employees or part thereof employed at the funeral undertaker's premises concerned, provided that, where a separate urinal for men forms part of such facilities, one toilet plus one separate urinal shall be permissible for every 30 men or part thereof.

5. Refrigeration facilities such as refrigeration or cold chambers for the keeping of corpses, shall be installed in or close proximity of such preparation room and –

(a) where refrigerators are used, it shall be constructed of a material that does not absorb moisture, shall be provided with removable trays and shall be so deigned as to drain into an approved drainage system and be easy to clean;

(b) be of such nature that the surface temperature of any corpse shall be no higher than 5^0C during preparation. An accurate thermometer must

be provided at the refrigerator or cold chamber and must be operational at all times.

(c) In instances where cold chambers are used, it shall comply with sections 10(3)(a)(ii), (b)(ii), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean; and

(d) Corpses are not be to be stored on top of each other and must be stored individually on the trays or shelves.

(6) The cleansing, loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gulley connected to a sewer system approved by the Council.

(7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in section 10(6).

11. Hygiene

(1) All solid refuse on the premises of a funeral undertaking shall be kept in corrosion-resistant containers with tight-fitting lids and shall be dealt with in accordance with the requirements of the Council.

(2) Every holder of a certificate of competence relating to funeral undertaker's premises shall –

(a) provide clean protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and overcoats/overalls to all employees and all other persons involved in the preparation of corpses or postmortems, and each such employee or other person shall, at all times when so involved, wear such clothing;

(b) keep such premises free of pests and insects at all times;

(c) clean immediately after the preparation of any corpse, all working areas or surfaces at such premises where corpses are prepared;

(d) wash and disinfect all equipment used for the preparation of corpses immediately after use;

(e) wash, clean and disinfect all protective clothing that has been used on the premises on a daily basis;

(f) keep such premises clean and tidy at all times; and

(g) if a corpse has been transported without a moisture-proof covering, wash and disinfect the loading space of the vehicle concerned after such corpse has been removed.

12. Penalties

Any person who –

(1) contravenes or fails to comply with any provisions of these bylaws;

(2) contravenes or fails to comply with any notice given or condition imposed in terms of these bylaws;

(3) for the purpose of these bylaws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or officer;

(4) threatens, resists, interferes with or obstructs an authorized officer or employee for the Council in the performance of his powers, duties or functions under these bylaws, shall be guilty of an offence and upon conviction be liable to a fine of R10 000.00 or imprisonment for a period not exceeding twelve months or to both the fine and the imprisonment.

13. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to funeral undertakings, these bylaws will prevail.

No. 119 **1 November 2010**

The Richmond Municipality Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Pound Bylaws.

POUND BYLAWS

1. Definitions

In these bylaws, unless inconsistent with the context –

"animal" means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"impounded animal" means any animal received into a pound as contemplated in section 5;

"owner" in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;

"owner" in relation to any land includes the registered owner, the lessee and any lawful occupier of such animal;

"pound" means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and

"pound manager" means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.

"prescribed fee" means a fee determined by the Council from time to time in the Council's tariff of charges

"public place" any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant

municipal land or cemetery; and

"public road" will mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

2. Application

Nothing prevents any animal detained in terms of these bylaws from being impounded in a pound or similar facility established by any other municipality, the provincial government or other lawful authority.

3. Establishment of pound

(1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.

(2) The Council will give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

4. Detention and removal of animals

(1) Any animal –

(a) found trespassing on land; or

(b) straying or wandering unattended in a public road or other public place,

may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound manager.

(2) Any person who has detained an animal for the purpose of impounding must –

(a) remove such animals to a pound within 24 hours after seizure; and

(b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

5. Receipt of animals

(1) Any person removing an animal to a pound must provide the pound manager with –

(a) his or her name and permanent residential address;

(b) the time and place of detention of the animal; and

(c) the capacity in which he or she detained the animal.

(2) The pound manager must, upon receipt of a detained animal –

(a) Record the particulars furnished in terms of section 5(1) and enter the same in a book maintained for the purpose;

(b) Furnish the person delivering the animal with a receipt reflecting

(i) his or her name;

(ii) a description of the animal; and

(iii) the date and time of receipt of the animal at the pound; and

(c) Keep a copy of each receipt issued in terms of section 5(2)(b).

(3) No person may release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

6. Care of animals

(1) The pound manager must take proper care of any animal impounded in terms of these bylaws.

(2) The pound manager may not use or cause or permit to be used any animal impounded in terms of these bylaws.

(3) In the event of the injury or death of any impounded animal, the pound manager must record the cause of such injury or death and must retain any veterinary certificate issued.

(4) The pound manager must keep records of any expense incurred in respect

of an impounded animal including, but no limited to, the feeding and vetinary care of the animal.

7. Release of animals

The pound manager must release an impounded animal to any person who has -

(1) satisfied the pound manager that he or she is the owner of the impounded animal;

(2) paid the conveyance and prescribed pound fees; and

(3) paid any veterinary or other expenses incurred in the impounding of the animal.

8. Disposal of animals

(1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which –

(a) the Council has taken al reasonable steps to locate and notify the owner;

(b) the owner has not been located or, despite having been given 10 days notice, has failed to remove the impounded animal; and

(c) 10 days prior notice of the proposed sale has been given in terms of section 8(2).

(2) The sale of an impounded animal must be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –

(a) describing the animal, its sex, its approximate age and any particular brands or marks; and

(b) stating that the animal will be sold by public auction if not claimed within 10 days.

(3) The proceeds of any sale will be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, will be forfeited to the Council if not claimed within three months by a person who establishes to

No. 120 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Bylaws for the use of Community, Arts and Cultural Facilities.

BY-LAWS FOR THE HIRE AND USE OF COMMUNITY, ARTS AND CULTURAL FACILITIES

1. Definitions

In this these By-laws, unless the context otherwise indicates-
"arts" means all forms and traditions of dance, drama, music, music theatre, visual arts, crafts, design, written and oral literature, film video, traditional and community art, all of which serve as means for individual and collective creativity and expression through performance, execution; presentation, exhibition, transmission and study;

"artist" means anyone who is involved in the creation or production of music, dance, theatre, craft, films, video, traditional and community art, musical theatre and literature;

"appurtenance," means any installation or appliance in the premises and includes, without derogating from the generality of the aforegoing, any keys, locks, windows, sewerage pans, basins, water taps and fittings and "appurtenances" has a corresponding meaning;

"authorised official" means an official of the Council to whom powers and/or functions have been delegated or assigned;

"centre" means a building owned or operated by the Council, whether incorporating a community hall or not, at which group activities of an indoor sporting, cultural or recreational nature can be pursued.

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"culture" means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a. society or a social group and includes language and heritage conservation (including museums, archives, libraries, historical sites and monuments);

"cultural activity" means any cultural function, cultural meeting, festival, flea market, exhibition or any other cultural activity;

"facilities" means the arts and culture facilities under the administration and control of the Council and includes all appurtenances;

"group activity" means an activity of function of an artistic, cultural or indoor sporting nature, in which several members of a group of persons having an interest in the nature of the activity participate either together or in sub-groups, or serially, whether as individuals or in teams;

"hirer" means any person who applies, pays and obtains approval for the use of the facilities;

"person" means a natural or juristic person and vice versa and includes a voluntary association of natural and/or juristic persons;

"premises" means any land, building or structure or any portion of land, building or structure on or in which the arts and cultural activities regulated by these By-laws are carried out or on which a centre has been constructed;

“prescribed fee” means the fee determined by the Council from time to time in the Council's tariff of charges;

"property" means the property on which the premises or buildings of the Council are situated;

2. Rights and status of artists

The Council must recognise the right of all artists to practise their respective forms of art and enjoy their right to freedom of expression through such medium, consistently with the application of any other relevant law.

3. Co-operation between Council departments

Eve ry Department of the Council having jurisdiction over or responsibility for any multi-purpose community facility must cooperate with any other such Department in ensuring that –

(a) such centre is properly maintained in a state fit for the purposes for which it was designed and is used; and

(b) no part of such centre is made available to or hired out to more than one person at the same time.

4. Application for hiring of facilities

(1) Any person wishing to apply for the hiring of facilities must –

(a) submit an application in the form prescribed by the Council for this purpose;

(b) submit such application to the Council and must stipulate the facilities, seating, accommodation and equipment required and the period for which the premises and such other facilities as are referred to in this paragraph are required;

(c) ensure that such application form is received by the Council not less than two weeks prior to the date on which the premises and facilities are first required by the applicant.

(2) The Council may refuse to hire out any premises or facilities in terms of subsection (1), or to cancel any booking thereof if –

(a) the premises or the facilities are to be used for any unlawful purposes; or

(b) the premises or facilities being applied for are required by the Council for municipal purposes at the same time..

(3) No compensation is payable by the Council to the hirer for any loss which the hirer may suffer by reason of the Council having acted in terms of subsection (2): Provided that the Council may in its discretion refund all the charges that have already been paid to it in respect of the application.

(4) The hirer is limited to the use of the facilities specified in the application form and may not use any other facilities for which he or she has not applied.

(5) The facilities and accommodation so hired may not, except with the prior written approval of the Council, be used for any purpose other than the purposes indicated on the application form.

(6) No premises or facilities hired out by the Council may be used for the purpose of conducting any form of religious worship, unless the express written consent of the Council to such use has been given in writing; provided that –

(a) such use may be made of the premises only at the times specified in the contract of hire or letter of approval; and

(b) the Council is entitled to refuse its approval unless it is satisfied that such use will not, by reason of singing, chanting, acclamation or other form of noise-producing worship will not constitute an undue interference with the amenities normally enjoyed by other occupants of the building or occupants of neighbouring buildings.

5. Tariff of Fees

The Council may from time to time determine a tariff of prescribed fees for the services and facilities provided by the Council in terms of these By-laws.

6. Payment of charges

No person is permitted to use any premises or facilities unless the prescribed fee has been fully paid. The Council may exempt any person or organisation, on good cause, from the payment of portion or all of the prescribed fee.

7. Period of hire

Notwithstanding any determination made by the Council regarding the dates and period for which the premises and/or facilities may be hired, the Council may allow the hirer reasonable access to the facilities before the commencement date of the period of hire, so *as* to enable the hirer to make the necessary preparations and arrangements in the premises.

8. Adjustment of period of hire

(1) Any person who makes an application for the use of premises and/or facilities in terms of the provisions of section 4 may, subsequent to the approval of such application and the reservation of such premises, apply for the postponement of such reservation to a later date, without penalty or forfeiture. The Council reserves the right to refuse such a postponement if the premises and/or facilities have in the meantime been reserved for use by another or others on the dates to which the postponement is sought.

(2) Any person who has already made an application for reservation of premises or facilities may cancel such reservation. However, if -

(a) a reservation is cancelled one month or longer prior to the commencement date of such reservation the hirer must receive a full refund of the prescribed fee already paid;

(b) a reservation is cancelled more than 15 days but less than one month prior to the commencement date of such reservation, the hirer must receive a % refund of the prescribed fee;

(c) a reservation is cancelled 15 days or less prior to the commencement date of such reservation, the hirer is note entitled to receive any refund of the prescribed fee.

(3) Any person may extend the period of hire of premises and/or facilities upon written application to the Council, provided that the premises and/or facilities concerned have not in the meantime been reserved for use by any other person or persons.

9. Joint hire

(1) The Council may let any premises or parts thereof to different hirers for simultaneous use and in such a case, each hirer must use all the ancillary facilities

which serve the different parts of the premises in common jointly with the other users and in such manner that all the different hirers, their guests, consumer s and patrons, are able to enjoy the use of the facilities without infringing on the rights of use by other users.

(2) The provisions of these By-laws, read with the necessary changes, apply to the joint users of the hired premises.

10. Sub-letting

The hirer may not sub-let any of the hired premises or facilities to any other person or organization nor may the hirer cede, pledge or renounce in favour of another person any of his rights or obligations under these By-laws nor allow any other person to occupy the premises without the prior written consent of the Council.

11. Condition of premises

(1) The hirer must inspect the hired facilities, including all installations, appliances, fittings, accessories and furniture before he commences to use the same installations, appliances, fittings, accessories and furniture and if the hirer finds that any of the installations, appliances, fittings, accessories and furniture on the premises are not in a proper state of repair, the hirer must report this fact to the Council.

(2) If the hirer fails either to inspect the facilities in terms of subsection (1), or to report any defects found, it may be deemed that upon commencement of occupation by the hirer, everything in the premises was in a proper state of repair.

12. Duties of the hirer

Every person hiring premises from the Council must -

(a) take all reasonable steps to keep all sewerage pipes, water taps and drains within or serving the premises free from obstruction or blockage as a result of the hirer's activities;

(b) at all times keep the premises in a clean, tidy and sanitary condition;

(c) not affix or attach to the premises any notices or other matter without tile prior consent of the Council: Provided that upon the termination of the hire, the hirer must remove all such attachments;

(d) not obscure any plate glass windows by painting or otherwise;

(e) not drive into the walls or partitions or doors of the premises any screws or nails;

(f) not change or interfere with or overload any electrical installation in the premises;

(g) not remove or take out from the premises any furniture or other articles whatsoever belonging to the Council,

(h) not obstruct or interfere or tamper with any thermostats or air conditioning appliances in the premises or any building in which such premises are located;

(i) not introduce or install any unsafe or heavy article, furniture, fiting, appliance or equipment which in the opinion of an authorised official could damage the premises or any part thereof: Provided further that an authorised official may impose on the introduction of such item, such conditions as are reasonable to ensure the safety of the premises and persons using them;

(j) not install in the premises any air conditioning or ventilating units or equipment without the Council's prior consent;

(k) not permit the storage of motor vehicles or other movable items of any description on the pavements outside or the entrance halls, staircases or passages of the premises;

(l) not do anything on the premises, nor allow anything to be done in non-compliance with any reasonable instruction or prohibition given or issued by an authorised official;

(m) not park vehicles nor allow the parking of vehicles by the hirer's employees, invitees, agents, directors or other representatives anywhere on the premises except in the properly demarcated parking bays on the premises as pointed out by an authorised official.

13. Damage to property

A hirer who fails to keep and maintain the premises and facilities hired out to him or her and to return them to the Council in the same order and condition as when they were hired out to him or her Is, in addition to any remedies available to the Council at common law, guilty of an offence and liable to the penalties specified in these By-laws.

14. Advertisements and decorations

(1) No person who has applied for the hire of premises and/or facilities may publicly announce or advertise any function or event in respect of which an application for the hire of such premises and/or facilities in terms of these By-laws has been made before the Council has notified such person in writing that the application has been approved.

(2) Every hirer must, before vacating the hired premises on the termination of the period of hire for any reason whatsoever, remove all posters, notices, decorations, flags, emblems, signs and other forms of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal

15. Admissions and sale of tickets

The hirer is responsible for all arrangements in connection with the admission of the members of the public to any cultural or other activities on the premises; and the provision of ushers and other persons necessary to control the admission of persons to the premises, and the sale of tickets.

16. Overcrowding

(1) No overcrowding of the premises or facilities may be allowed at any time during any of the hirer's cultural activities and the hirer must comply with the Council's requirements prescribing the maximum number of persons allowed on the facilities during cultural activities,

(2) Without detracting from the general requirements referred to in subsection (1), the hirer may not allow more persons admission to the premises than the number of available seats or, where seating is not provide, the maximum number of persons prescribed by notice on the premises or as stipulated in the contract of hire.

17. Sale of refreshments

(1) No person may sell food or soft drinks on or in any hired premises during any activities for which they have been hired, without the prior written consent of the Council.

(2) The Council may permit the sale of refreshments or foodstuff's by such persons as it may approve after it has received written application to sell such items, and the

Council may allocate sufficient accommodation to such approved persons, wherein trading stock, furniture, equipment, installations and books necessarily required for that purpose may be accommodated.

(3) The provisions of subsections (1) and (2) do not apply where the supply and sale of refreshments or foodstuffs is an integral part of the cultural activities of the hirer.

(4) The provisions of sections 19(1) and (2), read with the necessary changes, apply with regard to any loss, theft or damage suffered by the hirer or any other person in respect of the items referred to in subsection (2).

18. Services

(1) The nature of the municipal services to be provided to the facilities by the Council or its employees, authorised representatives of the Council or a service provider is at the sole discretion of the Council.

(2) Neither the Council nor its employees or authorised representatives or service providers are liable for the non-receipt or non-delivery of goods, postal matter or correspondence belonging to the hirer, nor are they liable for anything which the hirer, his or her employees, invitees, agents, directors or representatives may have deposited or left in the premises or any part thereof.

(3) The Council may take such steps as it may consider necessary in its discretion for the proper maintenance and operation of any common areas in the premises.

(4) An authorised representative of the Council may attend the hirer's function to ensure compliance with any provision of these By-laws.

(5) The hirer is not entitled to the official services of any authorised official or other representative of the Council who attends the hirer's function in terms of subsection (4).

(6) The hirer is not entitled to receive gratuitous cleaning or other services from the Council in connection with the hirer's activities during the preparation of a function or during a function.

19. Exclusion of liability

(1) The Council, its employees, and service providers are not liable for -

(a) any damage or loss sustained by any person as a result of an insufficient supply or interruption in the supply of municipal services to the premises, or due to any act or omission on the part of the Council, its employees,

authorised officials or representatives or service providers if the Council considers the interruption necessary to enable it to exercise any of its rights or carry out its obligations under these Bylaws or under arty other law;

(b) any loss, theft or damage caused to the stock-in-trade, furniture, equipment, installations, books, papers, clothing or other articles of any stature whatsoever kept in the hired premises by the hirer or anyone else whether in regard to the hirer's business or not;

(c) any consequential loss suffered by the hirer or anyone by making use of the facilities on the hired premises or as a result of rain, hail, lightning, wind, fire, storms, riot or civil commotion or for loss of life or injury to the hirer or anyone else on or in the premises;

(d) any loss suffered by the hirer or anyone else as a result of any failure or defect of any of the facilities on the hired premises: Provided such failure or defect is not attributable to any wilful act or omission on the part of the Council,

(2) Every hirer must, at the time of concluding a contract of hire for the premises and/or facilities applied for, complete and sign an indemnity in a form required by the Council in favour of the Council, its employees and service providers

20. Destruction of premises

(1) The Council may cancel the hire of facilities if-

(a) the facilities are destroyed or are damaged to such an extent as to be substantially unusable; or

(b) there is damage to the facilities such that, although subsection (1) (a) does not apply, the premises have been rendered substantially unusable because of absence of access or supply of any necessary municipal service or amenity: or

(c) there is destruction of damage to the premises or parts thereof or to neighbouring buildings, whether or not the hired premises are involved and the Council decides not to proceed with the hire of the premises in order to engage in reconstruction, renovation or rebuilding or for safety reasons.

(2) Any decision made in terms of subsection (1) must be communicated by written notice given by the Council to the hirer within a reasonable period of the taking

place of the event referred to in subsection (1) (a) giving rise to the cancellation; provided that in the case of notice given in terms of subsection (1) (b) and (c), such notice shall be deemed to be effective as from the date on which the damage or destruction, as the case may be, took place.

(3) No hirer has any claim against the Council, its employees or authorised representatives or service providers arising out of the damage to or destruction of the premises or any part thereof or for the resultant loss of beneficial use of the premises by such hirer.

21. Termination for non-compliance

The Council may at any time cancel the hire of the facilities if the hirer fails to comply with any of the provisions of these By-laws and the Council is not liable for any damage or loss sustained by any person as a result of such cancellation. In the event of such a cancellation, the Council is not precluded from exercising any rights or claims which the Council may have against the hirer under any provision of these By- laws or at common law.

22. Termination of hire

(1) Upon the termination of the period of hire for any reason. The hirer must return the premises and the facilities to the Council in good order and condition and must make good and repair at his or her own cost on demand any damage or breakages or, in the alternative, reimburse the Council for the cost of replacing, repairing or making good any broken, damaged or missing articles.

(2) Every hirer must vacate the hired premises within such period after expiry of the period of hire as is stated on the application form or contract of hire. If the hirer fails to comply with the provisions of this subsection, the Council shall be entitled to levy a further prescribed fee for such additional period during which the hirer remains in occupation of the premises after the expiry of the period of hire. The provisions of this subsection do not preclude the Council from taking lawful steps to procure the eviction of any such hirer from the premises.

(3) Every hirer must comply with all reasonable and lawful instructions of the Council in respect of the cleaning of the facilities upon the hirer's vacation of the premises.

(4) Every hirer must comply with all reasonable and lawful instructions of the Council in respect of the vacation of the premises and the return of the facilities.

23. Fire hazards and Insurance

(1) A hirer may not at any time bring or allow to be brought or kept on the premises, nor undertake nor permit to be done or undertaken in the premises, any matter, thing or activity whereby the fire or any other insurance policy of the building concerned may become or becomes void or voidable or whereby the premium for any such insurance may be or is increased.

(2) If the premiums for such insurance are increased as a result of any act or omission contemplated in subsection (1), the Council may, in its discretion, allow such activity and recover from the hirer the amount due in respect of any additional insurance premiums and the hirer must pay such amount immediately on notification from the Council or the insurance company to the effect that such additional premiums have been charged.

(3) The Council may at any time at its discretion require the hirer to take up insurance of the premises hired with an insurance company approved by the Council, against loss or damage by fire or any other cause during or as a result of any function for which the facilities are hired.

24. Storage facilities

The Council is not responsible for providing facilities for the storage of the equipment of the hirer, or the hirer's employees, visitors, supporters or agents during any period prior to, during or after a cultural activity.

25. Equipment

A hirer who requires the Council to supply any equipment for use during a function, may use such equipment only with the permission of the Council and under the supervision of an authorised official. If the hirer causes damage to the equipment

or removes or causes the equipment to be removed from the premises without permission or, having removed it with permission, fails to return it, the hirer is liable for the repair or replacement costs thereof.

26. Right of entry

(1) Subject to the provisions of applicable national and provincial legislation, the Council or the authorised representative of the Council or a service provider may enter the premises at all reasonable times-

(a) to inspect the premises and carry out any repairs or alterations or additions or modifications or improvements on or to the facilities or the premises.

(b) in order to ensure that the conditions of hire of the premises and the provisions *of* these By-laws are being complied with.

(2) A hirer has no claim for remission of any charges payable for the hire *of* the facilities, compensation, damages or otherwise in connection with the exercise by the Council of the rights under subsection (1).

(3) The Council, the authorised representative of the Council or a service provider is entitled to erect scaffolding, hoardings and building equipment in, at, near or in front of the premises as well *as* such other devices required by law or which the Council's architects may certify is necessary to carry out the repairs contemplated in subsection (1)(a).

27. Inspection

Upon the conclusion of all the hirer's activities at the end of the period of hire or at the termination of the hire under arty of the provisions of these By-laws, the authorised representative of the Council and the hirer or his nominee must inspect the premises and facilities hired, for the purpose of assessing any damage or loss.

28. Regulations

The hirer must comply with the Council's reasonable security arid fire protection regulations which may from time to time be in force in respect of the premises.

29. Nuisance

(1) No person attending any cultural activity in hired premises may conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to other people in or users of the premises, or to occupiers of other parts of the building or neighbouring buildings.

(2) An authorised official of the Council may, during any cultural activity of the hirer, direct that the hirer removes from the facilities any person who is in *a* state of intoxication and who is behaving in an unseemly or obnoxious manner or causing a nuisance or annoyance to other people in or users of the premises, or to occupiers of other parts of the building or neighbouring buildings-

(3) An authorised official of the Council may, during any cultural activity of the hirer, direct the hirer to prevent the entry on the hired facilities by any person who is in a state of intoxication and who behaves in an unseemly or obnoxious manner or is causing a nuisance or annoyance to other people in or users of the premises, or to occupiers of other parts of the building or neighbouring buildings.

30. Offences and Penalties

Any person who -

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice issued in terms of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws - is guilty of an offence and liable on conviction to a fine not exceeding R2000.00 or in default of payment to imprisonment for a period not exceeding twelve months.

31. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to the hire and use of community, arts and cultural facilities, these bylaws will prevail.

No. 121 **1 November 2010**

2The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes Credit Control and Debt Collection Bylaws.

CREDIT MANAGEMENT AND DEBT COLLECTION BYLAWS

CHAPTER 1

1. Definitions

For the purpose of these bylaws, any word or expression to which a meaning has been assigned in the Act shall bear the same meaning in these bylaws and unless the context indicates otherwise -

"account" means any account rendered for municipal services provided:

"Act" means the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time;

"actual consumption" means the measured consumption of any consumer;
"applicable charges" means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council;

"average consumption" means the average consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing that consumer's total measured consumption of that municipal service over the preceding three months by three;

"agreement" means the contractual relationship between the municipality or its authorised agent and consumer, whether written or deemed;

"area of supply" means any area within the area of jurisdiction of the municipality to which a municipal service or municipal service or municipal services are provided;

"arrears" means any amount due, owing and payable by a consumer in respect of municipal services not paid on the due date;

"authorised agent" means -

(a) any person authorised by the Council to perform any act, function or duty in terms of, or exercise any power under these bylaws; and/or

(b) any person to whom the Council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or

(c) any person appointed by the Council in terms of a written contract as a service provider to provide revenue services to consumers on its behalf to the extent authorised in such contract;

"commercial consumer" means a consumer other than household and indigent consumers, including without limitation, business, government and institutional consumers;

"connection" means the point at which a consumer gains access to municipal services;

"council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"consumer" means a person with whom the municipality or its authorised agent has concluded an agreement for the provision of municipal services;

"defaulter" means a consumer who owes arrears;

"due date" means the date on which the amount payable in respect of an account becomes due, owing and payable by the consumer, which date shall be not less than 14 days after the date of the account;

"emergency situation" means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;

"estimated consumption" means the deemed consumption by a consumer whose

consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality or its authorised agent;

"household consumer" means a consumer that occupies a dwelling, structure or property primarily for residential purposes;

"illegal connection" means a connection to any system through which services are provided that is not authorised or approved by the municipality or its authorised agent;

"indigent customer" means a household consumerqualifying and registered with the municipality as an indigent in accordance with these bylaws;

"legal costs" means legal costs on an attorney-own client scale;

"municipal manager" means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person –

(a) acting in such position; and

(b) to whom the municipal manager has delegated a power, function or duty in respect of' such a delegated power, function or duty;

"municipal services" means for purposes of these bylaws, any services provided by the municipality or its authorised agent, including refuse removal, water supply, sanitation, and electricity services;

"occupier' includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner" means -

(a) the person in who the legal title to premises is vested;

(b) in case where the person in whom the legal title to premises is vested is

insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

(c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;

(d) in the premises for which a lease agreement of 30 years or longer has been entered into, the lessee of the premises;

(e) in relation to -

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. *95* of 1986), the developer or the body corporate in respect of the common property; or

(ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or

(f) a person occupying land under a register held by a tribal authority;

"person" means any natural person, local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"public notice" means publication in an appropriate medium that may include one or more of the following:

(a) publication of a notice, in the official languages determined by the municipal council,

(i) in the local newspaper or newspapers in the area of the municipality; or

(ii) in the newspaper or newspapers circulating in the area of the municipality determined by the municipal council as a newspaper of record; or

(iii) by means of radio broadcasts covering the area of the municipality; or

(iv) displaying a notice at appropriate offices and pay-points of the municipality or its authorised agent; or

(b) communication with consumers through public meetings and ward committee meetings;

"shared consumption" means the consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a consumer's premises is situated for the same period by the number of consumers within that supply zone, during the same period;

"subsidised service" means a municipal service which is provided to a consumer as an applicable rate which is less than the cost of actually providing the service including services provided to consumers at no cost;"supply zone" means an area, determined by the municipality or its authorised agent, within which all consumers are provided with services from the same bulk supply connection, and

"unauthorised services" means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised or approved by the municipality or its authorised agent.

CHAPTER 2

PROVISION OF MUNICIPAL SERVICES TO CONSUMERS OTHER THAN INDIGENT CONSUMERS

Part 1: Application for Municipal Services

2. Application for services

(1) A consumer who qualifies as an indigent consumer must apply for services as set out in Chapter 4 below.

(2) No person shall be entitled to have access to municipal services unless application has been made to and approved by the municipality or its authorised agent on the prescribed form

(3) If, at the commencement of these bylaws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall be deemed that -

(a) an agreement in terms of subsection (7) exists; and

(b) the level of services provided to that consumers are the level of services elected,

until such time as the consumer enters into an agreement in terms of sub section (2).

(4) The municipality or its authorised agent must on application for the provision of municipal services inform the applicant of the then available levels of services and then applicable tariffs and/or charges associated with each level of service.

(5) The municipality or its authorised agent is only obliged to provide a specific level of service requested if the service is currently being provided and if the municipality or authorised agent has the resources and capacity to provide such level of service.

(6) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with altering the level of services is paid by the consumer.

(7) An application for services submitted by a consumer and approved by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the consumer, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(8) In completing an application form for municipal services, the municipality or its authorised agent must ensure that the document and the process of interaction with the owner, consumer or any other person making such an application are understood by that owner, consumer or other person and advise him or her of the option to register as an indigent consumer.

(9) In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in completing such form.

(10) Municipal services rendered to a consumer are subject to the provisions of these bylaws, any applicable bylaws and the conditions contained in the agreement.

(11) If the municipality or its authorised agent -

(a) refuses an application for the provision of municipal services or a specific service or level of service;

(b) is unable to render such municipal services or a specific service or level of service on the date requested for such provision to commence; or

(c) is unable to render the municipal services or a specific service or level of service,

the municipality or its authorised agent must, within a reasonable time, inform the consumer of such refusal and/or inability, the reason therefor and, if applicable, when the municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

3. Special agreements for municipal services

The municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant -

(a) within the area of supply, if the services applied for necessitated the imposition of conditions not contained in the prescribed form or these bylaws;

(b) receiving subsidized services; and

(c) if the premises to receive such service is situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the consumer to advise the municipality concerned of such special agreement.

4. Change in purpose for which municipal services are used

Where the purpose or extent to which any municipal service used is changed, the onus and obligation is on the consumer to advise the municipality or its authorised agent of such change and to enter into a new agreement with the municipality or its authorised agent.

Part 2: Applicable Charges

5. Applicable charges for municipal services

(1) All applicable charges payable in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the Council in accordance with -

(a) its rates and tariff policy;

(b) its credit control and debt collection policy;

(c) any bylaws in respect thereof; and

(d) any regulations in terms of national or provincial legislation.

(2) Applicable charges may differ between different categories of consumers, users of services, types and levels of' services, quantities of services, infrastructure requirement and geographic areas.

(3) Services will be terminated due to non-payment on the terms and conditions as stipulated in the credit control and debt collection policy.

(4) Deferment for payment of service accounts can be granted to consumers in terms of council's delegated powers and conditions approved in its credit control and debt collection policy.

(5) The municipality may consolidate any separate account of persons who are liable for payment to the municipality and may credit all payments received from such a person to any service and order of performance as determined by council from time to time in its credit control and debt collection policy.

6. Availability charges for municipal services

The Council, in addition to the tariffs or charges prescribed for municipal services actually provided, may levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

7. Subsidised services

(1) The Council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service.

(2) The Council may, in implementing subsidies, differentiate between types of household consumers, types and levels of services, quantities of services, geographical areas and socio-economic areas.

(3) A public notice in terms of subsection (1) must contain at least the following details applicable to a specific subsidy:

(a) the household consumers who will benefit from the subsidy;

(b) the type, level and quantity of municipal service that will be subsidized;

(c) the area within which the subsidy will apply;

(d) the rate (indicating the level of subsidy);

(e) the method of implementing the subsidy; and

(f) any special terms and conditions which will apply to the subsidy.

(4) If a household consumer's consumption or use of municipal services is -

(a) less than the subsidised service, the unused portion may not be accrued by the consumer and will not entitle the consumer to cash or a rebate in respect of the unused portion; and

(b) in excess of the subsidised service, the consumer will be obliged to pay for such excess consumption at the applicable rate.

(5) A subsidy implemented in terms of subsection (I) may at any time, be withdrawn or altered in the sole discretion of the Council, after -

(a) service of notice as contemplated in section 115 of the Act on the person affected by the council's intention to consider such withdrawal or alteration; and

(b) consideration by the Council of any comments or requests received from the person affected.

(6) Commercial consumers shall not qualify for subsidised services.

(7) Subsidised services shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

8. Authority to recover additional costs and fees

(1) The municipality or its authorised agent has the authority to, notwithstanding the provisions of any other sections contained in these bylaws, recover any additional costs incurred in respect of implementing these bylaws against the account of the consumer, including but not limited to -

(a) all legal costs, including attorney and client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the consumer; and/or

(b) the or essential costs incurred relating to any action taken in demanding payment from the consumer or reminding the consumer, by means of telephone, fax, e-mail, letter or otherwise.

PART 3: PAYMENT

9. Payment of deposit

(1) The Council may, from time to time, determine different deposits for different categories of consumer, users of services, debtors, services and service standards, provided that the deposit will not be more than two–the monetary value of the most recent measured monthly consumption of the premises for which an application is made.

(2) A consumer must on application for the provision of municipal services and before the municipality or its authorised agent will provide such services, pay a deposit, if the municipal council has determined a deposit.

(3) The municipality or its authorised agent may annually review a deposit

paid in terms of subsection (2) and in accordance with such review require that an additional amount be deposited by the consumer where the deposit is less that the most recent deposit determined by the Council.

(4) If a consumer is in arrears, the municipality or its authorised agent may require that the consumer-

(a) pay a deposit if that consumer was not previously required to pay a deposit; and

(b) pay an additional deposit where the deposit paid by that consumer is less than the most recent deposit determined by the Council.

(5) Subject to subsection (7), the deposit shall not be regarded as being in payment of an account.

(6) No interest shall be payable by the municipality or its authorised agent on any deposit held.

(7) The deposit, if any, is refundable to the consumer on termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the consumer within 12 months of termination of' the agreement.

10. Methods for determining amounts due and payable

(1) The municipality or its authorised agent must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all consumer connections and/or read all metered consumer connections, on a regular basis, subject to subsection (2).

(2) If a service is not measured, a municipality or its authorised agent may, notwithstanding subsection (I), determine the amount due and payable by a consumer, for municipal services supplied to him, her or it, by calculating–

(a) the shared consumption, if possible; or

(b) the estimated consumption.

(3) If a service is metered, but it cannot be read due to financial and human resource constraints or circumstances out of the control of the municipality or its authorised agent, and the consumer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.

(4) Where water supply services are provided through a communal water services network (standpipe), the amount due and payable by consumers gaining access to water supply services through that communal water services network, must be based on the shared or estimated consumption of water supplied to that water services network.

(5) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to meter all consumer connections and/or read all metered consumer connections within a determined area, the Council may, on the recommendation of the municipality or its authorised agent, determine a basic tariff (flat rate) to be paid by all the consumers within that area, irrespective of actual consumption.

(6) The municipality or its authorised agent must inform consumers of the method for determining amounts due and payable in respect of municipal services provided which will apply in respect of their consumption or supply zones.

11. Payment for municipal services provided

(1) A consumer shall be responsible for payment of all municipal services consumed by him/her or it from the commencement date of the agreement until his/her or its account has been settled in full and the municipality or its authorised agent must recover all applicable charges due to the municipality.

(2) If a consumer uses municipal services for a use other than which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a lower than the applicable charge the municipality or its authorised agent may make an adjustment of the amount charged and recover the balance from the consumer.

(3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges and the date of payment, -

(a) it shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and

(b) any fixed charge shall be calculated on a pro ràta basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

12. Full and final settlement of an account

(1) Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in final settlement of such an account.

(2) Subsection (1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

13. Responsibility for amounts due and payable

Notwithstanding the provisions of any other section of these bylaws, the owner of premises shall be liable for the payment of any amounts due and payable to the municipality or its authorised representative in respect of the preceding two years, where the owner is not the consumer and the municipality or its authorised agent after taking reasonable measures to recover any amounts due and

payable by the consumer from the latter, could not recover such amounts.

14. Dishonoured payments

Where any payment made to the municipality or its authorised agent by negotiable instrument is later dishonoured by the bank, the municipality or its authorised agent –

(1) may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the consumer; and

(2) shall regard such an event as default on payment.

15. Incentive schemes

The Council may institute incentive schemes to encourage payment and to reward consumers that pay accounts on a regular and timeous basis.

16. Paypoints and approved agents

(1) A consumer must pay his/her or its account at pay-points, specified by the municipality or its authorised agent from time to time, or at approved agents of the municipality or its authorised agent.

2. The municipality or its authorised agent must inform a consumer of the location of specified pay-points and approved agents for payment of accounts.

PART 4: ACCOUNTS

17. Accounts

(1) Accounts will be rendered monthly to consumers at the address last recorded with the municipality or its authorised agent. The consumer may receive more than one account for different municipal services if they are accounted for separately.

(2) Failure to receive or accept an account does not relieve a consumer of

the obligation to pay any amount due and payable.

(3) The municipality or its authorised agent must, if administratively possible, issue a duplicate account to a consumer on request upon payment of a fee as prescribed in the Council's tariff of charges.

(4) Accounts must be paid not later than the last date for payment specified in such account

18. Consolidated debt

(1) If one account is rendered for more than one municipal service provided, the amount due and payable by a consumer constitutes a consolidated debt, and a payment made by a consumer of an amount less than the total amount due, will be allocated at the discretion of the municipality between service debt.

(2) If an account is rendered for only one municipal service provided, any payment made by a consumer of an amount less that the total amount due, will be allocated at the discretion of the municipality.

(3) A consumer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

PART 5: QUERIES, COMPLAINTS AND APPEALS

19. Queries or complaints in respect of account

(1) A consumer may lodge a query or complaint in respect of an accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.

(2) A query or complaint must be lodged with the municipality or its authorised agent before the due date for payment of the account.

(3) A query or complaint must be accompanied by the payment of the average of the last three month's accounts where the history of the account is available or an estimated amount provided by the municipality,

before the payment due date until the matter is unresolved.

(4) The municipality or its authorized agent will register the query or complaint and provide the consumer with a reference number.

(5) The Council or its authorized agent -

(a) shall investigate or caused the query or complaint to be investigated; and

(b) must inform the consumer, in writing, of its finding within one month after the query or complaint was registered.

(6) Failure to make such agreed interim payment or payments will render the consumer or liable for disconnection.

20. Appeals against findings of municipality or its authorised agent in respect of queries or complaints

(1) A consumer may appeal in writing against a finding of the municipality or its authorized agent in terms of section 19.

(2) An appeal and request in terms of subsection (1) must be made in writing and be lodged with the municipality within 21 days after the consumer became aware of the finding referred to in section 19 and must -

(a) set out the reason for the appeal; and

(b) be accompanied by any security determined for the testing of a measuring device, if applicable.

PART 6: ARREARS

21. Interest

(1) Interest will be levied on arrears at the prevailing prime interest rate prescribed by the Council from time to time.

(2) The cost associated with the limitation or disconnection of municipal services shall be for the cost of the consumer and shall be included in the account following the re-connection.

22. Accounts 30 days in arrears

(1) Where an account rendered to a consumer remains outstanding for more than 30 (thirty) days the Council or its authorised agent may-

(a) institute legal action against a consumer for the recovery of the arrears; and

(b) hand the consumer's account over to a debt collector or an attorney for collection

(2) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and penalties, including the payment of a higher deposit, as may be determined by the municipal Council from time to time.

PART 7: AGREEMENT FOR THE PAYMENT OF ARREARS

23. Agreements

(1) The following agreement for the payment of arrears in instalments may be entered into:

(a) An acknowledgement of debt.

(b) A consent to judgment.

(c) An emolument attachment order.

(2) The consumer shall acknowledge that interest will be charged at the prescribed rate.

(3) The municipality or its authorised agent must require a consumer to pay at least its current account on entering into an agreement for the payment of arrears in instalments.

(4) The municipality reserves the right to raise the security deposit requirement of debtors who seek agreements.

24. Copy of agreement to consumer

A copy of the agreement shall be made available to the consumer.

25. Failure to honour agreements

If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence and the municipality or its authorised agent may -

(a) disconnect the water supply services provided to the consumer;

(b) institute legal action for the recovery of the arrears; and

(c) hand the consumer's account over to a debt collector or an attorney for collection.

26. Re -connection of services

(1) An agreement for payment of the arrear amount in instalments, entered into after the water services was limited or disconnected, will not result in the services being restored until -

1. the arrears, any interest thereon, administration fees, cost incurred in taking relevant action and penalties, including payment of a higher deposit, are paid in full; or

2. in addition to payments referred to in subsection (1) the consumer shall pay the standard re-connection fee as determined by the municipality from time to time, prior to the re-connection of municipal services by the municipality or its authorised agent.

CHAPTER 3

ASSESSMENT RATES

27. Amount due for assessment rates

(1) The provisions of Chapter 3 shall apply in respect of the recovery of assessment rates.

(2) All assessment rates due by owners are payable by a fixed date as determined by the municipality in its credit control and debt collection policy.

(3) Joint owners of property shall be jointly and severally liable for payment of assessment rates.

(4) Assessment rates may be levied in equal monthly instalments and when levied in equal monthly instalments, the amount payable will be included in the municipal account.

(5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that -

a) the property is not occupied by the owner thereof; and/or

(b) the municipal account is registered in the name of a person other than the owner of the property.

CHAPTER 4

PROVISION OF MUNICIPAL SERVICES TO INDIGENT CONSUMERS

28. Qualification for registration as indigent consumer

All households where the combined gross income of all the members of the household over the age of 18 years old is less than the amount to be determined by the Council, qualify for registration as indigent consumers.

29. Application for registration

(1) A household who qualifies as an indigent consumer must complete the prescribed application

(2) Any application in terms of subsection (1) must be accompanied by -

(i) documentary proof of income, such as a letter from the consumers employer, a salary advice, a pension card, unemployment fund card; or

(ii) an affidavit declaring unemployment or income; and

(iii) the consumer's latest municipal account in his/her possession;

(iv) a certified copy of the consumer's identity document; and

(v) the names and identity numbers of all occupants over the age of 18 years who are resident at the property.

(3) A consumer applying for registration as an indigent consumer shall be required to declare that all information provided in the application form and other documentation and information provided in connection with the application is true and correct.

(4) The municipality or its authorised agent shall counter-sign the application form and certify that the consequences and conditions of such an application for the consumer were explained to the consumer and that the consumer indicated that the content of the declaration was understood.

30. Approval of application

(1) The municipality or its authorised agent may send authorised representatives to premises or households applying for registration as indigent consumers to conduct an on site audit of information provided prior to approval of an application.

(2) An application shall be approved for a period of 12 months only. Subsidies will be forfeited if the applicant fails to submit proof of income or to re-apply for the subsidy.

31. Conditions

The municipality or its authorised agent may upon approval of an application or any time thereafter limit the water supply services of an indigent consumer to a basic supply of not less than 6 (six) kiloliters per month.

32. Application every 12 months

(1) An indigent consumer must re-apply for indigent support every 12 months, failing which the assistance will cease automatically.

(2) The provisions of section 33 and 34 shall apply to any application in terms of subsection (1).

(3) The municipality or its authorized agent cannot guarantee a renewal for indigent support.

33. Subsidised services for indigent consumers

(1) The Council may annually, as part of its budgetary process, determine services and levels thereof which will be subsidised in respect of

indigent consumers in accordance with national policy, but subject to principles of sustainability and affordability.

(2) The Council must, in the determination of municipal services which will be subsidised for indigent consumers, give preference to subsidising at least

the following services:

(a) water supply services of 6 kiloliters per household per month;

(b) sanitation services or daily night soil removal or an improved ventilated pit latrine per household per month whichever is the most affordable to the municipality or its authorised agent;

(c) refuse removal services to a maximum of one removal per household per week; and

(d) all rates levied on properties of which the municipal value is less than R20 000: provided that if in the case of any property or category of properties, it is not feasible to value or measure such property, the basis on which the property rates thereof shall be determined, shall be as prescribed by the Council.

(3) The municipality must, when making a determination in terms of subsection (1) give public notice of such determination.

(4) Public notice in terms of subsection (3) must contain at least the following:

(a) the level or quantity of municipal service which will be subsidized;

(b) the level of subsidy;

(c) the method of calculating the subsidy; and

(d) any special terms and conditions which will apply to the subsidy, not provided for in these bylaws.

(5) Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in subsection (1) shall be charged for and the indigent consumer shall be liable for the payment of such charges levied on the excess consumption.

(6) The provisions of Chapter 3 shall *mutatis mutandis* apply to the amounts

due and payable in terms of subsection (5).

34. Funding of subsidised services

(1) The subsidised services referred to in section 33 shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

(2) The subsidy amount to be funded from revenue raised nationally which is allocated to the municipality shall be calculated by dividing the amount allocated by the estimated number of consumers which may qualify for registration as indigent consumers.

35. Existing arrears

Arrears accumulated in respect of the municipal accounts of consumers prior to registration as indigent consumers will be either -

(a) written off; or

(b) be attempted to be recovered through legal proceedings and/or extended arrangements.

36. Audits

The municipality may undertake regular random audits carried out by the municipality or its authorised agent to --

(a) verify the information provided by indigent consumers;

(b) record any changes in the circumstances of indigent consumers; and

(c) make recommendations on the de-registration of the indigent consumer .

37. De-registration

(1) Any consumer who provides or provided false information in the application form and/or any other documentation and information in connection with the application shall automatically, without notice, be de-registered as an indigent consumer from the date on which the municipality or its authorised agent become aware that such information is false.

(2) An indigent consumer must immediately request de-registration by the municipality or its authorised agent if his/her circumstances has changed to the extent that he/she no longer meet the qualifications set out in section 28.

(3) An indigent consumer shall automatically be de-registered if an application in accordance with section 29 is not made or if such application is not approved.

(4) An indigent consumer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent consumer has changed to the extent that he/she no longer meet the qualifications set out in 28.

(5) An indigent consumer may at any time request de-registration.

CHAPTER 5

BUSINESSES WHO TENDER TO THE MUNICIPALITY

38. policy Supply Chain Management Policy and tender conditions

The policy Supply Chain Management Policy and tender conditions may provide that -

1. when inviting tenders for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that

consideration and evaluation thereof will necessitate the tenderer obtain from the municipality a certificate stating that all relevant municipal accounts owing by the tenderer or its directors, owners or partners have been paid or that suitable arrangements (which include the right to set off in the event of non-compliance) have been made for payment of' any arrears;

2. a municipal account is to mean any municipal service charge, tax or other fees fines and penalties, due in terms of a contract or approved tariff or rate, which is outstanding after the due date normally appearing on the consolidated account or overdue in terms of the contract or any other due date that has passed; and

3. tender conditions contain a condition allowing the municipality to deduct moneys owing to the municipality from contract payments in terms of a reasonable arrangement with the debtor.

CHAPTER 6

UNAUTHORISED SERVICES

39. Unauthorised Services

1. No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality or its authorised agent for the rendering of those services.

2. The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these bylaws by written notice order a person who is using an unauthorised service to -

   (a) apply for such services in terms of Chapter 2 part 1;

   (b) undertake such work as may be necessary to ensure that the consumerinstallation through which access was gained complies with the provisions of these or any other relevant bylaws.

40. Interference with infrastructure for the provision of municipal services

(1) No person other than the municipality or its authorised agent shall manage, operate or maintain infrastructure through which municipal services are provided.

(2) No person other than the municipality or its authorised agent shall effect a connection to infrastructure through which municipal services are provided.

41. Obstruction of access to infrastructure for the provision of municipal services

(1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.

(2) If a person contravenes subsection (1), the municipality or its authorised agent may -

(a) by written notice require such person to restore access at his/her own expense within a specified period; or

(b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

42. Illegal re-connection

(1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully and intentionally or negligently interferes with infrastructure through which municipal services are provided, after such consumers access to municipal services have been limited or disconnected, shall immediately be disconnected.

(2) A person who re-connects to municipal services in the circumstances referred to in subsection (1) shall be liable for the cost associated with any consumption, notwithstanding any other actions which may be taken against such a person.

43. Immediate disconnection

The provision of municipal services may immediately be disconnected if any person -

(a) unlawfully and intentionally or negligently interferes with infrastructure through which the municipality or its authorised agent provides municipal services;

(b) fails to provide information or provides false information reasonably requested by the municipality or authorised agent.

CHAPTER 7

OFFENCES

44. Offences

Any person who —

(1) Fails to give access required by the municipality or its authorised agent in terms of these bylaws;

(2) assists any person in providing false or fraudulent information or assists in willfully concealing information;

(3) uses, tampers or interferes with municipal equipment, service supply equipment, reticulation network or consumption of services rendered;

(4) fails or refuses to give the municipality or its authorised agent such information as may reasonably be required for the purpose of exercising the powers or functions under these bylaws or gives such the municipality or its authorised agent false or misleading information, knowing it to be false or misleading;

(5) contravenes or fails to comply with a provision of these bylaws;

(6) fails to comply with the terms of a notice served upon him/her in terms of these bylaws,

shall be guilty of an offence and liable upon conviction to a period not exceeding six months imprisonment or community service or a fine, not exceeding R 2000.00, or a combination of the aforementioned.

CHAPTER 8

DOCUMENTATION

45. Signing of notices and documents

A notice or document issued by the municipality in terms of these bylaws and signed by a staff member of the municipality or its authorised agent shall deemed to be duly issued and must on its mere production be accepted by a court of law evidence of that fact.

46. Notices and documents

(I) A notice or document issued by the municipality or its authorised agent in terms of these bylaws shall be deemed to be duly authorised if an authorised agent signs it.

(2) Any notice or other document that is served on an owner, consumer or any other person in terms of these bylaws is regarded as having been served -

(a) if it has been delivered to that person personally;

(b) when it has been left at that person's place of residence business or employment in the Republic with a person over the age of sixteen years;

(c) when it has been posted by registered or certified mail to that person's last known address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is known, when it has been served on the person's agent or representative

in the Republic in the manner provided in sub-section (a) - (c); or

(e) if that person's address and agent or representative in the Republic is known, when it has been in a conspicuous place on the property or premises, if any, to which it relates.

(3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of the person.

(4) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

47. Authentication of documents

Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if signed by the municipal manager or by a duly authorised officer of the municipality or the authorised agent of the municipality; such authority being conferred by resolution of the municipality, written agreement or by a bylaw.

48. *Prima facie* evidence

In legal proceedings by or on behalf of the municipality or its authorised agent, a certificate reflecting the amount due and payable to the municipality or its authorised agent, under the hand of the municipal manager, or suitably qualified municipal staff member authorised by the municipal manager or the manager of the municipality's authorised agent, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

CHAPTER 9

GENERAL PROVISIONS

49. Power of entry and inspection

The municipality or its authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

50. Exemption

(1) The municipality may, in writing, exempt an owner, customer, any other person or category of owner, consumers, rate prayers, users of services from complying with a provision of these bylaws, subject to any conditions it may impose, if it is of the opinion that application or operation of that provision would be unreasonable, provided that the municipality or its authorised agent shall not grant exemption from any section of' these bylaws that may result in -

(a) the wastage or excessive consumption of municipal services:

(b) the evasion or avoidance of water restrictions;

(c) significant negative effects on public health, safety or the environment;

(d) the non-payment for services;

(e) the Act or any regulations made in terms thereof, is not complied with.

(2) The municipality at any time after given written notice of at least 30 days, withdraws any exemption given in terms of subsection (I).

51. Availability of bylaws

(1) A copy of these bylaws shall be included in the municipalities Municipal

Code as required in terms of legislation.

(2) The municipality or its authorised agent shall take reasonable steps to inform consumers of the contents of the credit control and debt collection bylaws.

(3) A copy of these bylaws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.

(4) A Copy of the bylaws may be obtained against payment of a fee as prescribed in the Council's tariff of charges from the municipality or its authorised agent.

52. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to credit control and debt collection, these bylaws will prevail.

No. 122 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Credit Management Bylaws.

CREDIT MANAGEMENT BYLAWS

Definitions

Unless the context otherwise indicates –

"bank guarantee" means an unconditional undertaking by a financial institution to it guarantee a specified maximum amount to be paid if the principal debtor ("the consumer") fails to pay,

"calculated amounts" means the amounts calculated by the Strategic Manager : Finance to be due to the Council by a consumer in respect of the supply of the applicable municipal services for any period during which the exact quantity of the supply cannot be determined accurately for any reason, and shall be based on the average consumption figures, if available, for the service rendered to the consumer over the three months immediately prior to any such period commencing, or failing the availability of such data, on the average consumption figures applicable to one or more properties of similar size and nature in the area in which the consumer resides or carries on business;

"Chief Executive Officer" means the person appointed as Municipal Manager in terms of the Local Government: Municipal Systems Act, 2000, or any person acting in that capacity;

"consolidated account" means one combined account for all municipal services, surcharges, property tax and basic charges payable;

"consumer" means any person to whom a service is or has been rendered by the Council and "consumer services" has a corresponding meaning;

"conventional electricity and water meters" means electricity and/or water meters, as the case may be, which are used to determine the supply of electricity and water and which

are read on a monthly or other fixed interval basis;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"due date" means, in the absence of any express agreement between the Council and the consumer, the date stipulated on the account and determined by the Council from time to time as the last date on which the account may be paid;

"existing consumers" means consumers who have already entered into an agreement for the supply of municipal services;

"financial year" means 1 July in any year to 30 June of the following year;

"legal costs" means legal costs on an attorney-own client scale;

"meter audits" means an investigation to verify the correctness of the consumption and supply of electricity or water;

"normal office hours" means the hours when the offices of the Strategic Manager : Finance are open to the public from Mondays to Fridays, excluding public holidays;

"owner" means -

(a) the person in whom, from time to time, is vested legal title to the premises;

(b) in a case where the person in whom legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager; liquidator or other legal representative;

(c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;

(d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof; and

(e) in relation to (1) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or (2) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointment agent of such a person;

"property tax" means rates and/or taxes charged according to the value of a property which may be based on a tariff on the value of the land or improvements or both, and has the same meaning as assessment rates;

"rebate" means a discount on any property tax or service charge determined by the Council from time to time;

"reconnection fee" means the fee charged to reconnect the electricity/water supply when the supply has been disconnected due to non-payment, which fee will be determined periodically by the Council and will form part of the municipal tariff of charges;

"required amount" means the total calculated amount of the electricity/water consumed during any period of tampering, as well as the tampering fee:

"service accounts" means accounts in respect of electricity and/or water consumption;

"service agreement" means an agreement for the consumption of electricity and/or water;

"Strategic Manager : Finance" means the Head of the Department responsible for the Council's financial affairs, and any person duly authorised by him or her to act on his or

her behalf in the stated capacity;

"tampering fee" means a fee charged for the illegal disconnection, adjustment or bypassing of a consumption meter or the siphoning of a supply of electricity or water supply to an unmetered destination, which fee will be determined annually during the budget process and will form part of the tariff of service charges;

"terminated account" means the final account for services after the consumer has left the premises, whether or not the consumer has given notice to terminate the supply of service;

"variable flow-restricting device" means a device that is coupled to the water connection that allows the water supply to be restricted or closed; and

"voluntary garnishee order/emoluments order" means a court order for the deduction of an amount of money from the salary or other income of a consumer.

2. **Service agreement**

(1) Before being provided with electricity, water and or other consumer services, every consumer must enter into a service agreement with the Council in which, *inter alia,* the consumer agrees that the electricity and/or water payment system may be used for the collection of arrears in respect of all service charges.

(2) Where a consumer has failed to enter into a service agreement with the Council, water and/or electricity will be blocked, disconnected or restricted, as the circumstances may require, until such time as a service agreement has been entered into and the applicable deposits have been paid. The consumer shall be liable for calculated amounts.

3. **Accounts**

(1) The Council will bill the inhabitants of, and property owners and property

occupiers within its area for property tax and municipal services supplied to them by the Council at regular intervals or as prescribed by law.

(2) The owner of a property is liable for refuse and sewerage charges.

(3) The Council will post or hand-deliver the consolidated accounts to the respective consumers at the address notified by each consumer, to reach the consumer before the due date printed on the account. Any change of address becomes effective only when notification of the change is received and acknowledged by the Council.

(4) The consumer must pay, in full, the amount rendered on or before the due date. Failure to comply with this section will result in debt collection action being instituted against the consumer, and interest at the rate determined from time to time by the Council or in the absence of any determination, as prescribed by law, will be charged from the date upon which the amount of the account was due for payment.

4. Deposits

(1) Deposits are to be determined by the Strategic Manager : Finance, which determination is based on two and a half times the average monthly account for the service in or on that property, either as factually determined or as a calculated amount.

(2) In determining the deposit described in section 4 (1), the Strategic Manager : Finance will differentiate between areas to give cognisance to differences in service standards and usage.

(3) The Strategic Manager : Finance may reassess consumer deposits for new commercial and industrial consumers three months after the initial deposit date, and may, as a result of this reassessment require an additional deposit from any such consumer.

(4) The Strategic Manager : Finance must review all deposits biennially or when a consumer's service is disconnected or blocked as a result of non-payment. The outcome of this review will be communicated to the consumer in the event of any variation in the deposit arrangements being required. Should the deposit mentioned in section 4 (2) or 4 (3) be found to be inadequate, the consumer will be allowed to make arrangements with the Strategic Manager : Finance for the payment of the additional amount.

(5) Consumer deposits are to be paid for all separately metered services.

(6) Consumer deposits are to be paid in respect of water and electricity services only.

(7) Deposits must be paid in cash or by cheque. The Council will accept a bank guarantee in cases where the deposit exceeds R2 000-00. The bank guarantee has to be hand-delivered during normal office hours to the Strategic Manager : Finance's offices.

(8) All deposits have to be paid at least 2 days prior to occupation of the property or the date on which the services are required, if not required on date of occupation. Failure to comply with this bylaw may cause a delay with the connection of services, and the Council will not be liable for any loss or prejudice that may result.

(9) No service deposit is required if a pre-payment meter is installed for the particular service.

(10) Where new conventional electricity and/or water meters are installed for existing pre-payment consumers, these consumers may enter into a written agreement with the Council to pay off, over a maximum period of 6 months, the deposits levied.

5. Disconnection for non-payment

(1) General

The reconnection fee will be charged in cases of consumers who receive other municipal services of any kind and who fall into arrears with their payment in respect of those services and whose water and/or electricity supply, whether prepayment or conventional, has been disconnected or restricted.

(2) Notices to consumers.

(a) The Council may, at its discretion, issue final request notices or other reminders to consumers whose accounts are in arrears, prior to disconnection.

(b) The Council may issue a final demand for payment of arrears in respect of all debtor accounts reflecting an amount outstanding for more than 30 days, after which the account will be referred for debt collection, in terms of section 10, in addition to the disconnection of the supply of services.

(3) Water.

(a) The Council will serve a written notice on consumers with conventional water meters in respect of which municipal service accounts are in arrears, stating its intention to restrict the water supply within a set number of days as contemplated in section 4 of the Water Services Act, 1997 (Act No. 108 of 1997) and/or the Water Bylaws.

(b) The water supply to consumers with conventional water meters referred to in section 5 (4) (a), will be restricted after the period of the notice issued in terms of section 5 has lapsed. Such consumers will be charged the applicable reconnection fee.

(c) In cases where, water supply is to be restricted or disconnected, Council may install a variable flow-restricting device to facilitate future reconnections and restrictions. The full service will not be re-instated before the municipal service account is paid in full or satisfactory arrangements in terms of the Credit Management Policy have been made with the Strategic Manager : Finance, and only for as long as the arrangements are honoured.

(d) The Council shall not be obliged to sell water to consumers with pre-paid meters if their municipal services accounts are not paid in full or unless satisfactory arrangements in terms of section 7 have been made with the Strategic Manager : Finance, and then only for as long as those arrangements are honoured.

(e) Where possible, all disconnected or restricted water meters will be clearly marked to avoid restricted or disconnected meters being reported as faulty.

(f) Standby plumbers, meter readers and contractors are not permitted to restore any service to consumers without written authorisation from the Council's Credit Control Section.

(g) In cases where water leaks are discovered on the consumer's side of the water meter and he or she does not act timeously to rectify the problem, a variable flow-restricting device will be installed to curb water losses and to limit the amount of water to be charged to the consumer.

6. Tampering

(1) Where the water supply is found to have been tampered with or the meter bypassed, the Council may, subject to these bylaws and other applicable legislation, isolate or disconnect the supply, and charge the consumer the applicable tampering fee, calculated amounts due as well as a reconnection fee in instances where the supply had been isolated and a connection fee in instances where the supply has been removed.

(2) In instances where there is evidence of a discrepancy between the water consumption and purchase history of a specific property, transgressors will be dealt with in the following manner:

(i) Subject to paragraph (ii), supply will be isolated at point of supply in instances of a first offence and removed in instances of subsequent offences.

(ii) A written notification will be given to the consumer, informing him or her of isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.

(iii) The Council will only re-instate services after the amounts referred to in paragraph (ii) have been paid.

(3) In instances where physical tampering with the water supply is detected, transgressors will be dealt with in the following manner:

(i) Supply will be isolated immediately in instances of a first offence and removed in instances of a second or subsequent offence.

(ii) A written notification will be given to the consumer, informing him or her of the isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.

(iii) The Council will only re-instate services after the amounts referred to in paragraph (ii) have been paid.

(4) In addition to the provisions of this bylaw, the Council may enforce any other rights or exercise any power conferred upon it by the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), Water Services Act,

1997 (Act No. 108 of 1997), the Council's Water Bylaws, and any other applicable legislation.

7. Agreements and arrangements with consumers in arrear

(1) The Strategic Manager : Finance or his delegate is authorised to enter into agreements with consumers in arrear with their accounts and to grant such persons extensions of time for payment.

(2) The Strategic Manager : Finance may determine, on the merits of each case, the initial amount to be paid as part of such agreement, as well as the number of installments over which the arrear amount must be paid off and the term over which payment is to be made. Such term may not exceed 24 months.

(3) The Strategic Manager : Finance may, in exceptional cases and with the approval of the Municipal Manager, extend the period of repayment referred to in section 7 (2).

(4) In instances where the Strategic Manager : Finance is satisfied, at the time of making arrangements and after investigation, that a *bona fide* consumer cannot reasonably afford the payment of services, such consumer's details will be recorded and further legal steps against such consumer will either be deferred or waived, as the Strategic Manager : Finance may decide.

8. Acknowledgement of debt

(1) Only debtors with positive proof of identity or an authorised agent with a power of attorney will be allowed to complete an acknowledgement of debt agreement.

(2) An acknowledgement of debt agreement must contain all arrangements for paying off arrear accounts. One copy of the document will be handed to the consumer and another filed at the Council's Credit Management Section.

(3) A consumer who has already been served with summons or other legal process by the Council's attorneys may apply for credit facilities. However, all legal costs already incurred will be for his or her account and an initial payment of at least half of the total resultant outstanding debt will be required. The consumer must also sign an acknowledgement of debt, which will include legal fees due.

(4) Failure to honour the acknowledgement of debt agreement will lead to immediate blocking, disconnection or restriction of services without further notice, and the resumption of legal action.

(5) In all instances where the consumer in arrears is employed, the Council may obtain a voluntary garnishee order or emolument attachment order.

9. Interest on arrears

(1) Interest will be charged on service arrears at an interest rate as determined by resolution of the Council, or in the absence of any such determination, as prescribed by law.

(2) Interest will be charged on arrear property tax as prescribed in the applicable legislation.

10. Hand-overs

(1) The Council will issue a final demand in respect of all consumer accounts reflecting an amount outstanding for longer than 30 days and, if such account still reflects an amount in arrears after 60 days, it will be handed over for collection by the appropriate Council department or to external debt collection specialists.

(2) Although not obligatory, the Strategic Manager : Finance should, where possible, investigate ways and means of assisting consumers before attaching movable or immovable property.

11. Consumer may not selectively nominate payment

A consumer is not entitled to allocate any payment made to any portion of the total debt due. The allocation of payments will be made at the sole discretion of the Strategic Manager : Finance.

12. Authority to appoint debt collection specialists

The Strategic Manager : Finance has the authority to appoint debt collection specialists and to enter into agreements with such agencies in terms of the Contingency Fee Act, 1997, if necessary.

13. Relief measures for pensioners

(1) The Council may grant a rebate on property tax to persons who own and occupy property if they submit a written request annually and they can prove to the satisfaction of the Strategic Manager : Finance that they comply with the following requirements:

(a) The applicant must be a ratepayer of 60 years or older or be a *bona fide pensioner*, or a ratepayer receiving a disability pension from the public or local government service or from a registered pension or provident fund.

(b) The applicant must be the owner of the residential property in question and the property must be registered in his or her name (Bodies Corporate do not quality).

(c) The total annual income of the applicant must not more than an amount pre-determined by the Council.

(d) The applicant must provide a sworn affidavit stating that –

(I) the declared income is the sole source of income to the pensioner;

(ii) his or her income does not exceed the amount in

paragraph (c) and

(iii) he or she permanently occupies the residential property.

(2) All applications must be submitted before a pre-determined date and no applications received after this date will be considered.

(3) A new application must be made for each financial year.

(4) The percentage rebate mentioned inn paragraph (1) (a), the maximum income limit mentioned paragraph (1) (c) and the dosing date for applications mentioned in paragraph (2), will be determined each year at the approval of the budget and must be advertised within 30 days thereafter.

14. **Conflict of laws**

If there is any conflict between these bylaws and any other bylaws of the Council relating to credit management, these bylaws will prevail.

No. 123 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11__ read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Public Health Bylaws.

PUBLIC HEALTH BYLAWS

CHAPTER I:

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions

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

"adequate" when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that in the opinion of an authorised official is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By-laws;

"approved" when used to describe a particular object, measure or material, means an object, measure or material that has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

"authorised official" means an authorised official authorised by the Council for the purposes of these bylaws to perform and exercise any or all of the functions in terms of these bylaws or the provisions of any other law";

"compliance notice" means a notice issued in terms of section 20 to comply with these By-laws or with a permit issued in terms of these By-laws;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"Richmond area" means the area under the jurisdiction of the Council;

"municipal manager" means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"occupier", in relation to any premises, means any person -

(a) occupying the premises;

(b) leasing the premises;

(c) who is not occupying the premises but is entitled to do so; or

(d) who manages the premises or a business on the premises on behalf of a person referred to in (a), (b) or (c);

"organ of state" means organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, (1996) (Act No. 108 of 1996);

"owner", in relation to any premises, means -

(a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence; or

(b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"permit" means a public health permit granted by the Council in terms of the section 11;

"person" means a natural person or a juristic person, and includes an organ of state;

"pest" means any animal that may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes and cockroaches;

"premises" means -

(a) any land without any buildings or other structures on it;

(b) any building or other structure and the land on which it is situated; or

(c) any land that adjoins land referred to in (a) or (b) and any building or other structure on that land, if the land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in (a) or (b); or

(d) any vessel, vehicle or movable structure that is used for a scheduled use;

"prescribed fee" means a fee determined by the Council from time to time in terms of the Councils Tariff of chargers.

"prohibition notice" means a notice issued in terms of section 21;

"public health" means the mental and physical health and well-being of people in the Richmond area;

"public health hazard" means any actual threat to public health, and without limitation, includes –

(a) the circumstances referred to in section 5(3);

(b) unsanitary conditions;

(c) circumstances that make it easier for a communicable disease to spread;

(d) circumstances that make food or drink (including water for domestic consumption) unhygienic or unsafe to eat or drink; and

(e) circumstances that allow pests to infest any place where they may affect public health;

"public health nuisance" means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of section 7;

"public place" means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in a Council and includes any road, place

or thoroughfare which is in the undisturbed use of the public or which the public nave the right to use;

"scheduled use" means a use listed in Schedule One.

Unless the context indicates otherwise, any word or term that is defined in a schedule has the same meaning wherever it is used in these By-laws.

2. Purpose

The purpose of these By-laws is to enable the Council to protect and promote the long term health and wellbeing of people in the Richmond area by -

(a) providing, in conjunction with other applicable legislation, an effective legal and administrative framework within which the Council can –

(i) manage and regulate activities that have the potential to impact adversely on public health; and

(ii) require premises to be properly maintained and managed; and

(b) clearly defining the rights and obligations of the Council and the public in relation to this purpose.

CHAPTER II:
PUBLIC HEALTH PRINCIPLES

3. Principles

(1) Every person has a constitutional right to an environment that is not harmful to their health or well being and to have access to sufficient water and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.

(2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Council.

(3) Any person who owns or occupies premises in the Richmond area must ensure that it is used for and maintained in a manner that ensures that public health hazards and

public health nuisances do not occur on the premises.

(4) Any person who wishes to undertake an activity that creates a risk to public health that is more than trivial or insignificant must -

(a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and

(b) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.

(5) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that -

(a) avoids creating a public health hazard or a public health nuisance;

(b) does not make it easier for human or animal diseases to spread;

(c) does not give rise to unsanitary or unhygienic conditions;

(d) prevents unsafe food or drink from being eaten or drunk;

(e) avoids creating conditions favourable for infestations by pests; or

(f) wherever reasonably possible, improves public health in the Richmond area.

(6) In dealing with matters affecting public health the Council must -

(a) adopt a cautious and risk-averse approach;

(b) prioritise the collective interests of the people of the Richmond area, and of South Africa, over the interests of any specific interest group or sector of society;

(c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;

(d) adopt a long-term perspective that takes account the interests of future

generations; and

(e) take account of, and wherever possible without compromising public health, minimise any adverse effects on other living organisms and ecosystems.

4. Application of principles

The public health principles set out in section 3 must be considered and applied by any person -

(a) exercising a power or function or performing a duty under these By-laws;

(b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the Richmond area; or

(c) exercising a public power or function or performing a public duty in the Richmond area that is likely to have a significant effect on public health in the Richmond area.

CHAPTER III:
PUBLIC HEALTH HAZARDS

5. Prohibition on causing a public health hazard

(1) No person may create a public health hazard anywhere in the Richmond area.

(2) Every owner or occupier of premises must ensure that a public health hazard does not occur on the premises.

(3) An owner or occupier of premises creates a public health hazard if –

(a) the premises are infested with pests or pests are breeding in large numbers on the premises;

(b) there are conditions on the premises that are conducive to the spread of a communicable disease;

(c) there are unsanitary conditions in any part of the premises; or

(d) any water supply for domestic consumption on the premises is unsafe for

human consumption.

(4) Any person that contravenes or fails to comply with subsections (1) or (2) commits an offence.

6. Duty to report

(1) The owner or occupier of premises who knows of a public health hazard on the premises must within 24 hours of becoming aware of its existence –

(a) eliminate the public health hazard; or

(b) if the owner or occupier is unable to comply with subsection (a), take reasonable steps to reduce the risk to public health and report the existence of the public health hazard to the Council.

(2) An owner or occupier who does not comply with subsection (1) commits an offence.

CHAPTER IV:
PUBLIC HEALTH NUISANCES

7. Prohibition on causing a public health nuisance

(1) No person may cause a public health nuisance anywhere in the Richmond area.

(2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on the premises.

A **General nuisances**

An owner or occupier of premises creates public health nuisance –

(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;

(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;

(3) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;

(4) any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;

(5) any building is erected on a premises without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the premises;

(6) any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance;

(7) any factory or industrial or business premises not kept in a cleanly state and free from offensive smells arising from any drain, watercloset, earthcloset, 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;

(8) 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;

(9) any area of land kept or permitted to remain in such a state as to be offensive; or

(10) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the provisions of section 39 (2) of the Health Act No. 63 of 1975.

B **Pest control**

An owner or occupier of premises creates public health nuisance –

(1) waste or plant matter is left or kept in a manner that attracts rodents or other pests to the premises;

(2) flies are being attracted, or can breed, in significant numbers because –

(a) insufficiently rotted manure or any other organic material is being kept or used; or

(b) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;

(3) mosquitoes can breed in significant numbers because –

(a) containers in which mosquitoes can breed, such as bottles, crockery, and tins, have been left or are kept on the premises;

(b) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;

(c) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or

(d) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations or wells.

(4) The following measures are deemed to be approved measures for the purposes of paragraph 7B(3)(d) –

(a) draining accumulated water at least once every seven days;

(b) covering accumulated water with oil at least once in every seven days; and

(c) in the case of wells, providing a mosquito-proof cover and a pump.

C **Air pollution**

An owner or occupier of premises creates public health nuisance –

(1) any waste is burned outside except in an approved appliance;

(2) ash, grit, soot or smoke is emitted from any chimney on the premises in a manner or quantity that is sufficient to have an adverse impact on public health; or

(3) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have and adverse impact on public health.

CHAPTER V:
POTENTIALLY HAZARDOUS USES OF PREMISES

8. Duty to list potentially hazardous uses

If the Council reasonably believes that any premises in the Richmond area have been, or are likely to be, used from time to time for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity in a Schedule to these bylaws and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

9. Scheduled uses

(1) Any person who uses premises in a manner or for a purpose listed in the Schedule referred to in section 8 must comply with each of the provisions set out in the schedule relating to that use unless that person has been granted an exemption under section 10 from complying with any provision.

(2) Any person who uses premises in a manner or for a purpose that is listed in Schedule Two must obtain a permit under section 11 before commencing the use and must comply with the terms and conditions of the permit.

10. Exemption certificate

(1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with one or more of the requirements of the relevant schedule, may apply to the Council in accordance with section 13 for an exemption certificate.

(2) The Council may grant an exemption certificate, with or without conditions, if officer the authorised official is satisfied that –

(a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant schedule; and

(b) the scheduled use for which the exemption is required is not likely to cause a

public health hazard or a public health nuisance.

11. Public health permits

(1) Any person who wants to undertake a scheduled use that is listed in Schedule Two must apply in writing to the Council in accordance with section 13 for a public health permit.

(2) The Council may issue a public health permit to the owner or occupier of any premises within the area of its jurisdiction if officer the authorised official is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit –

(a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council;

(b) may exempt the permit holder for complying with one or more of the provisions of the relevant schedule, if the person authorised to issue the permit reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant schedule; and

(c) may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of these By-laws.

12. Approval of measures and materials

(1) The Council may approve any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.

(2) An object, material or measure referred to in subsection (1) may be approved by the Council in –

(a) a public health permit; or

(b) guidelines prescribed by the Council in terms of subsection (3).

(3) The Council may publish guidelines in the Provincial Gazette which describe –

(a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and

(b) the circumstances in which taking these measures or using these materials or objects is acceptable to the Council.

13. Application procedure

(1) Any person that wants to obtain a permit or an exemption certificate must apply to the Council in writing in a form stipulated by the Council, prior to undertaking the relevant scheduled use.

(2) When the Council receives an application for a permit or an exemption certificate it must ensure that the relevant premises are inspected by the authorised official as soon as reasonably possible.

(3) Before deciding whether or not to approve an application referred to in subsection (1), the Council –

(a) must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for a scheduled use, have been consulted and have had an opportunity to make representations; and

(b) may request the applicant to provide any further information which the Council considers relevant to enable him or her to make a properly informed decision.

(4) In deciding whether or not to issue a permit or an exemption certificate, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in section 3.

14. General terms applicable to permits and certificates

(1) A permit or an exemption certificate –

(a) is not transferable from one person to another; and

(b) applies only to the premises specified in the permit or certificate.

(2) Every permit or exemption certificate –

(a) must specify the address and other relevant details regarding the location of the premises concerned;

(b) must describe the premises concerned;

(c) must describe the activity concerned;

(d) may specify terms and conditions; and

(e) must indicate when it expires.

(3) The Council may charge applicants a prescribed fee for considering and granting the permit or exemption certificate.

(4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee (if any) has been paid.

15. Suspension, cancellation and amendment of permits and of exemption certificates

(1) The authorised official may by written notice to the holder of a permit or exemption certificate, suspend, amend or cancel the permit or certificate.

(2) The authorised official may suspend or cancel a permit or exemption certificate with immediate effect if –

(a) the authorised official reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and

(b) the holder of the permit or certificate fails to comply with a compliance notice that states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.

(3) The authorised official may suspend or cancel a permit or exemption certificate after

giving the holder a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –

(a) the authorised official reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or

(b) the holder of the permit or certificate fails to comply with a compliance notice.

(4) The authorised official may amend a permit or exemption certificate by endorsing the permit or certificate or by written notice to the holder, if the environmental health officer reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit or exemption certificate was issued.

CHAPTER VI:
IMPLEMENTATION AND ENFORCEMENT

16. Appointment and identification of environmental health officers

(1) The Council must issue an identity card to each authorised official.

(2) The identity card must –

(a) contain a recent photograph of the authorised official;

(b) be signed by the authorised official; and

(c) identify the person as an authorised official.

(3) The authorised official must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the authorised official is exercising a power under these By-laws.

(4) If, for any reason, it is not practicable to comply with subsection (4), the -authorised official must produce the identity card for inspection by the person entitled to see it at the first reasonable opportunity.

17. General powers of an authorised official

(1) An authorised official may, for the purposes of implementing or administering any power or duty under these By-laws –

(a) exercise any power afforded to such officer in terms of these By-laws or any other applicable legislation;

(b) issue a compliance notice in terms of section 20 requiring any person to comply with the provisions of these By-laws;

(c) issue a prohibition notice in terms of section 21 prohibiting any person from conducting an activity;

(d) undertake measures in terms of section 23 to remove, reduce and/or minimise any public health nuisance;

(e) apply to the magistrate's court in terms of section 19 for a demolition order;

(f) issue:

(i) a public health permit in terms of section 11;

(ii) an exemption certificate in terms of section 10.

(g) cancel, suspend or amend any permit or exemption certificate in terms of section 15; or

(h) enter and inspect premises in terms of section 18;

18. Regulatory inspections

(1) An authorised official may, subject to subsection (3) –

(a) enter and inspect any premises;

(b) question any person on the premises;

(c) inspect any relevant document;

(d) copy any document referred to in subsection (c) or if necessary remove the document to make a copy of it;

(e) take any sample that the authorised official considers necessary for examination or analysis;

(f) monitor and take readings or make measurements; and

(g) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

(2) An environmental health officer who removes anything other than a substance contemplated in subsection 2(e) from any premises being inspected must –

(a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and

(b) return it as soon as practicable after achieving the purpose for which it was removed.

(3) An environmental health officer may conduct an inspection of any premises –

(a) with a written authorisation issued by a magistrate in terms of section 24; or

(b) without a written authorisation in the circumstances listed in section 25.

19. Demolition order

(1) If the Council believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions contained in any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises, or from both.

(2) The Council may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than fourteen day's notice in writing of its intention to make the application.

20. Compliance notice

(1) If an authorised official, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises

are being used for a scheduled use in contravention of these By-laws, the authorised official may serve a compliance notice on one or more of the following persons:

(a) the owner of the premises;

(b) the occupier of the premises;

(c) any person apparently in charge of undertaking the scheduled use on the premises.

(2) A compliance notice must state –

(d) why the authorised official believes that these By-laws is being contravened;

(e) the measures that must be taken –

(i) to ensure compliance with these By-laws; or

(ii) to eliminate or minimise any public health nuisance;

(f) the time period within which the measures must be taken;

(g) the possible consequences of failing to comply with the notice; and

(h) how to appeal against the notice.

(3) If a person fails to comply with a compliance notice that requires a particular action be taken, the Council may –

(a) take the required action specified in the compliance notice; and

(b) recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

21. Prohibition notice

(1) An authorised official may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:

(a) the owner or occupier of the premises if the authorised official reasonably

believes that the premises are being used for a purpose or in a manner that is causing a public health hazard or a public health nuisance;

(b) any person who is carrying on an activity or using premises for a purpose or in a manner that the authorised official reasonably believes is causing a public health hazard or a public health nuisance; or

(c) a person on whom a compliance notice was served if the authorised official reasonably believes that that person has not complied with the compliance notice.

(2) The authorised official must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the authorised official reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

(3) A prohibition notice must state –

(a) the reasons for serving the notice;

(b) whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;

(c) the possible consequences of failing to comply with the notice; and

(d) how to appeal against the notice.

(4) Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection (1) and remains in force until it is withdrawn.

(5) The authorised official must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

(6) It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –

(a) he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and

(b) he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection (5).

22. Withdrawal of prohibition notice

(1) An authorised official must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

(2) After completing the investigation the authorised official must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.

(3) The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

23. Municipal remedial work

(1) The Council may enter any premises and do anything on the premises that it reasonably considers necessary –

(a) to ensure compliance with these By-laws or with any compliance notice or prohibition notice;

(b) to reduce, remove or minimise any public health nuisance; or

(c) to reduce, remove or minimise any significant public health hazard.

(2) The Council may only enter premises to take measures under this section –

(a) with a written authorisation issued by a magistrate in terms of section 24; or

(b) without a written authorisation in the circumstances listed in section 25.

24. Procedure to undertake regulatory inspection or remedial work without a written authorisation

(1)A magistrate may issue a written authorisation to enter and execute work or conduct an inspection of any premises, if, from information on oath, there are reasonable grounds to believe either –

(a) that, in the interests of the public, it is necessary to execute work or obtain information that cannot be obtained without entering the premises; or

(b) that there is non-compliance with the terms of these By-laws.

(2) A written authorisation in terms of subsection (1) may be issued at any time and must specifically-

(a) identify the premises that may be entered and worked on or inspected; and

(b) identify the authority entitled to enter and execute work or conduct the inspection.

(3) A written authorisation issued in terms of subsection (2) is valid until –

(a) it is carried out;

(b) it is cancelled by the person who issued it or, in that persons absence, by a person with similar authority;

(c) the purpose for which it was issued has lapsed; or

(d) three months have passed since the issuing date.

(4) A written authorisation in terms of subsection (1) may only be carried out between 07h00 and 19h00, unless the magistrate who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.

(5) Before commencing any work or conducting an inspection, any person who carries out a written authorisation must either –

(a) if the owner of or a person apparently in control of the premises is present –

(i) identify themselves an explain their authority to that person or furnish

proof of their authorisation; and

(ii) hand a copy of the written authorisation to that person.

(b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent place.

(6) Any inspection conducted or work undertaken in terms of this section must be conducted with strict regard to decency and order, including –

(a) a person's right to, respect for and protection of his or her dignity;

(b) the right of a person to freedom and security; and

(c) the right of a person to his or her personal privacy.

25. Procedure to undertake regulatory inspection or remedial work without a written authorisation

(1) An authorised official may enter and execute work or conduct inspections of premises without authorisation –

(a) with the consent of the owner, occupier or person apparently in control of the premises;

(b) on a routine basis no more frequently than 6 (six) times during a 12 (twelve) month period where the authorised official reasonably believes that the premises are being used for a scheduled use and the purpose of the inspection is to determine whether or not the scheduled use complies with the provisions of these By-laws;

(c) where a compliance notice relating to the premises has been issued in terms of section 20, and the purpose of the inspection is to determine whether or not the notice has been complied with;

(d) where the owner or occupier of the premises has failed to comply with a compliance notice, issued in terms of section 20, or a prohibition notice, issued in terms of section 21, directing that relevant measures be taken; or

(e) the authorised official has reasonable grounds to believe that a public health hazard or public health nuisance exists on the premises and that the delay in obtaining written authorisation –

(i) may defeat the purpose of the inspection; or

(ii) is likely to endanger public health.

(2) Before inspecting any premises or commencing any work in terms of this section, persons undertaking the inspection or commencing the work must identify themselves and explain their authority to the person apparently in control of the premises or the person who gave them permission to enter.

(3) Any inspection undertaken or work commenced in terms of this section must be carried out at a reasonable time, taking into account the circumstances of the specific situation.

(4) Any inspection conducted or work undertaken in terms of this section must be conducted with strict regard to decency and order, including –

(a) a person's right to, respect for and protection of his or her dignity;

(b) the right of a person to freedom and security; and

(c) the right of a person to his or her personal privacy.

26. Cost orders

(1) The Council may recover any costs reasonably incurred by it in taking measures under section 23 from any person who was under a legal obligation to take those measures, including –

(a) a person on whom a compliance notice or a prohibition notice that required those steps to be taken, was served;

(b) the owner or occupier of the premises; or

(c) any person responsible for creating a public health hazard or a public health nuisance.

(2) The municipal manager may issue a cost order requiring a person who is liable to pay costs and expenses incurred by the Council in terms of subsection (1) to pay those costs by a date specified in the order.

(3) The person on whom a cost order has been served may, within 20 days of the order being served, appeal against the order in terms of section 27.

CHAPTER VII:
APPEALS

27. Appeals

(1) A person whose rights are affected by a decision taken by any authorised official under these By-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

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

(4) When the appeal is against a decision taken by –

(a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or

(b) the municipal manager, the mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER VIII:
GENERAL PROVISIONS

28. Offences and penalties

(1) Any person who –

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice issued in terms of these By-laws;

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) obstructs or hinders any authorised official in the execution of his or her duties under these By-laws –

is guilty of an offence and liable on conviction to a fine not exceeding R 2000.00 or in default of payment to imprisonment for a period not exceeding 12 months.

29. Delivery of notices

(1) A notice, order or other document is to be regarded as having been properly served if -

(a) it has been delivered to that person personally;

(b) sent by registered post to the person to whom it is addressed at their last known address;

(c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided for in subsection (a),(b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the premises to which it relates.

(2) A notice, order or other document that may in terms of these By-laws be served on

the owner or occupier of premises –

(a) may be addressed to the owner or occupier of the specified premises and need not name the owner or occupier; and

(b) if the Council does not know the address of the owner or occupier of the premises and cannot easily obtain it, the notice, order or other document is to be regarded as having been properly served if it is posted up in some conspicuous place on the premises.

30. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council, these bylaws will prevail.

SCHEDULE ONE

SCHEDULED USES

The activities and uses of premises listed in this schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant schedule and where required, in the permit, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

Schedule	Activity
Two	private sewage works
Three	offensive trades
Four	swimming pools and spa-baths
Five	keeping of animals

SCHEDULE TWO
PRIVATE SEWAGE WORKS

1. Permit for provision of service for the removal of human excrement or urine

No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a valid permit.

2. Permit for installation of sewage works

No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit.

3. Maintenance of sewage works

Any person operating a sewage works must ensure that is maintained in a sanitary condition and good state of repair at all times.

4. Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance

No person may dispose of sewage or waste water from baths, wash-hand basins or kitchen sinks in a way or in a location that may -

(a) cause dampness in or on any premises;

(b) endanger the quality of any water supply; or

(c) create any public health nuisance.

5. Compulsory use of Council's sewage removal service

Every occupier must use any sewage removal service provided by the Council for the premises.

SCHEDULE THREE

OFFENSIVE TRADES

1 Definitions

In this Schedule, unless the context indicates otherwise -

"effluent" means any waste water which may arise as a result of undertaking any scheduled use or an activity causing a public health nuisance;

"offensive trade" means any business listed below or that involves an activity listed below –

(a) panel beating, spray painting;

(b) operating a waste recycling plant;

(c) scrap yard;

(d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning, glue or size making;

(e) charcoal burning, brick burning, lime burning;

(f) manure making or storing, compost making;

(g) parchment making;

(h) manufacturing malt and yeast;

(i) cement works, coke-ovens, salt glazing works;

(j) sintering of sulphurous materials;

(k) viscose works;

(l) ore and mineral smelting, calcining, puddling and rolling of iron and other metals, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion and compounding of carbon with iron and other metals;

(m) works for the production of carbon bisulpide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide, sulphur chlorides;

(n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride and zinc oxide; or

(o) the refining or processing of petrol, oil or their by-products ;

"offensive trader" means any person who owns, conducts or carries on an offensive trade.

2 Permit requirement

No person may conduct an offensive trade in or on any premises, except in terms of a valid permit.

3 Requirements for premises

No person may undertake an offensive trade in or on any premises unless -

(a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;

(b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;

(c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;

(d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;

(e) the premises are provided with adequately light and ventilation as prescribed in National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;

(f) an adequate supply of running potable water is provided;

(g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;

(h) adequate means are provided for the disposal of all effluents arising from the manufacturing process performed on the premises;

(i) adequate accommodation is provided for the storage of all finished products or articles or materials which are used in the manufacturing process and which may-

(i) discharge offensive or injurious effluent or liquids; or

(ii) decompose in the course of the work or trade;

(j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gases, fumes, vapours or dust produced during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of material;

(k) adequate toilet facilities are provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;

(l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;

(m) all gates to the premises are of solid construction with a minimum height of 2 metres;

(n) all perimeter walls and gates adequately screen activities from public view; and

(o) all materials are stacked or stored on the premises below the height of the perimeter screening.

4 Duties of an offensive trader

Every offensive trader must -

(a) maintain the premises in a clean, hygienic and good condition at all times;

(b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;

(c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;

(d) prevent any waste accumulating on the premises; and

(e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of any material on the premises.

5 Liquid refuse from bone and tripe boiler

(1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.

(2) The cooling process referred to in subparagraph (1) must take place in a manner that prevents the generation of any noxious and injurious effluent.

6 Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must -

(a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner;

(b) clean the entire tank or other receptacle every time it is emptied;

(c) clean every tub or other receptacle used to contain a solution of the material known as "puer".

7 Storage of rags, bones and waste

No trader in rags, bones and waste may place or store, or cause or permit to be stored, rags or bones in any part of his or her premises that –

(a) is inhabited by people; or

(b) is not adequately ventilated.

8 Safety measures

Every offensive trader must take the safety measures prescribed in the Occupational Health and Safety Act 1993, (Act No.85 of 1993).

SCHEDULE FOUR

SWIMMING POOLS AND SPA-BATHS

1 Definitions

In this Schedule, unless the context indicates otherwise –

"spa-bath" means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing;

"spa-bath keeper" means any person who owns or controls the operation of a spa-bath;

"swimming pool" means a structure with a controlled water supply used for swimming or bathing, including children's swimming and paddling pools, but excluding a tidal swimming pool or a swimming pool at a private home that is not used for commercial purposes;

"swimming pool keeper" means any person who owns or controls the operation of a swimming pool.

2 Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises that do not comply with the following requirements –

(a) separate and readily accessible change-rooms, showers and toilet facilities must be provided for each sex in compliance with the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;

(b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;

(c) the surface of the floor area surrounding the spa-bath or swimming-pool must be constructed of an impervious, non-slip material;

(d) an approved chemical gas mask must be provided at the chlorinator installation;

(e) if notified in writing by an environmental health officer, an oxygen or air breathing apparatus must be provided; and

(f) an adequate number of refuse receptacles must be provided on the premises.

3 Duties of the spa-bath keeper

Every spa-bath keeper must –

(a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;

(b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;

(c) purify, treat and maintain the spa-bath water quality to an adequate level at all times;

(d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;

(e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and

(f) maintain a daily record of the spa-bath water quality.

4 Duties of the swimming pool keeper

Every swimming pool keeper must –

(a) keep the premises in a safe, clean and sanitary condition at all times;

(b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;

(c) be qualified and proficient in life saving, rendering first aid, use of the resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the water;

(d) ensure that the water is purified, treated and maintained to an adequate quality at all times;

(e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;

(f) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and

(g) maintain a daily record of the spa-bath water quality.

5 Water supply

(1) No person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the level in a swimming pool or spa-bath.

(2) An environmental health officer must –

(c) take samples of the swimming pool or spa-bath water, at intervals that he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination;

(d) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) to conduct an analysis.

6 Safety of water

Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:

(a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;

(b) the pH value of the water must be not less than 7 and not greater than 8;

(c) where chlorine based disinfectants are used, a minimum free available chlorine residul of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;

(d) where a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of subparagraph (c);

(e) the total viable bacteriological count of any sample submitted for analysis must not exceed 100 organisms per ml of water; and

(h) Escherichia coli type 1 bacteria must not be present in any 100 ml of water.

7 Order and behaviour

No person may –

(a) interfere with the spa-bath keeper, swimming pool keeper or any official of the Council in the execution of their duties;

(b) allow any dog or other pet belonging to him or under his care to enter or to remain within the premises;

(c) use any premises where he or she knows or suspects that he or she may suffering from any communicable or contagious disease; and

(d) urinate, defecate, spit or blow his or her nose in the spa-bath or swimming pool.

SCHEDULE FIVE

KEEPING OF ANIMALS

1. Definitions

In this Schedule, unless the context indicates otherwise -

"agricultural holding" means the same as defined in the relevant Town Planning Scheme;

"aviary" means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

"battery system" means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

"cattery" means premises in or upon which –

(a) boarding facilities for cats are provided; or

(b) cats are bred for commercial purposes;

"enclosure" in relation to animals, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

"keeper" means –

(a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;

(b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business which it forms part of and the person in charge of the premises in which the animals are kept;

"kennels" means premises in or upon which –

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes;

(c) dogs are kept for the purposes of being trained or hired out with or without handlers; or

(d) dogs are kept for commercial security purposes;

"livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

"pet" means a tame animal kept in a household for companionship or amusement;

"pet parlour" means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

"pet shop" means the premises on which the business of keeping and selling of pets is carried out;

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

"poultry house" means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

"poultry run" means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

"proclaimed township" means a township approved in terms of any prior law relating to townships;

"rabbit hutch" means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

"rabbit run" means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

"stable" means any building or structure used to accommodate livestock other than poultry;

"wild animal" means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

PART 1:

GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

2. Application of by-laws

(1) Subject to subparagraph (2), the provisions of this Schedule do not apply to -

(a) any agricultural show where animals are kept on a temporary basis;

(b) any laboratory where animals are kept for research purposes;

(2) Paragraph 28 of this Schedule applies to the keeping of animals at agricultural shows and at research laboratories.

PART II:

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

3. Requirements for premises

(1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:

(a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;

(b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;

(c) the height of the walls to the wall plates of the stable must -

(i) if the roof is a pitched roof be 2,4 metres;

(ii) if the roof is a flat roof be 2,7 metres;

(iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;

(iv) in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;

(d) the stable must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey accommodated in it;

(e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of it's long sides;

(f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;

(g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of paragraph 27;

(h) any enclosure must have an area of at least 10m² for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;

(i) no enclosure or stable may be situated within -

(i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or

(ii) 50 metres of any water resource or water supply intended or used for human consumption;

(j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

4. Duties of keeper of cattle, horses, mules and donkeys

Any person who keeps any cattle, horse, mule or donkey must -

(a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;

(d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements:

(i) the heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and

(ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in diameter and is kept filled with water;

(e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or heap until it is removed from the premises;

(f) remove the contents of the manure storage receptacles or heap from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;

(g) remove all bedding from the stable at least once a week and store it in the manure receptacles or heap until it is removed from the premises;

(h) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of the animals, in a storeroom or other adequate storage facility; and

(i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

PART III:
KEEPING OF GOATS AND SHEEP

5. Application

The provisions of paragraphs 6 and 7 do not apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

6. Requirements for premises

(1) No person may keep sheep or goats in –

(a) an enclosure that does not comply with the following requirements-

(i) the minimum overall floor area must be 30m²; and

(ii) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it; or

(b) a stable that does not comply with the following requirements:

(i) every wall must be constructed of brick, stone, concrete or other durable material;

(ii) every wall must be at least 2 metres in height and have a smooth internal finish;

(iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and grade to a channel drained in terms of paragraph 27;

(iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m²;

(v) lighting and ventilation openings totalling at least 0,15m² per goat or sheep must be provided;

(2) No person may keep sheep or goats in an enclosure or stable within –

(a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or

(b) 50 metres of any water resource or water supply intended or used for human consumption.

(3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate sheep or goats.

7. Duties of keeper of goats and sheep

Any person who keeps goats or sheep must -

(a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;

(d) remove all manure from the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;

(e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance;

(f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

PART IV:
KEEPING OF POULTRY

8. Application

The provisions of paragraphs 10(d) to (g) inclusive and 11(e), do not apply to the persons keeping ten or less poultry.

9. Permit requirements for poultry

No person may keep more than 10 poultry birds on an erf in a proclaimed township or 100 poultry birds on premises zoned for agriculture except in terms of a permit.

10. Requirements for premises

No person may keep poultry in premises that do not comply with the following requirements:

(a) In relation to a poultry house –

(i) every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;

(ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;

(iii) the upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;

the minimum floor must be -

(aa) 0,20 m^2 for each grown fowl, duck, muscovy duck or guinea fowl;

(bb) 0,5 m^2 for each grown goose, turkey, peacock; and

(cc) 0, 14 m^2 for each grown pigeon;

(v) the minimum aggregate floor area must be 4m^2;

(b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;

(c) in relation to buildings or structure housing a battery system -

(i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;

(ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;

(iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by the environmental health officer, the floor surface must be graded and drained by means of a channel drained in terms of paragraph 27;

(iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;

(v) the cages of the battery system must be made of an impervious material;

(vi) if required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;

(d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry hutch or building or structure housing a battery system;

(e) no poultry house, poultry run, or building or structure housing a battery system may be constructed within 3 metres of -

(i) any dwelling, other building or structure used for human habitation;

(ii) any place where foodstuffs are stored or prepared for human consumption; or

(iii) the nearest boundary of any land;

(f) feed must be stored in an adequate rodent-proof storeroom;

(g) adequate washing facilities must be provided for the cleaning of the cages;

(h) if required by an environmental health officer, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:

(i) a roofed platform constructed of concrete or other impervious material;

(ii) the platform's outside edges must have a minimum curb of 100 mm high;

(iii) the platform must be graded and drained in terms of paragraph 27; and

(iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

11. Duties of keeper of poultry

Any person who keeps poultry must -

(a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;

(b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair;

(c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;

(d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;

(e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;

(f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;

(g) place the manure and other waste matter in manure storage receptacles;

(h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and

(i) take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises.

PART V:
KEEPING OF RABBITS

12. Application

The provisions of paragraphs 14 (1)(b) to (d) inclusive and 15(d) to (f) inclusive, do not apply to persons keeping ten or less rabbits.

13. Permit requirements for rabbits

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or 20 adult rabbits on premises zoned for agriculture except in terms of a permit.

14. Requirements for the premises

No person may keep rabbits in premises that do not comply with the following requirements:

(a) in relation to a rabbit hutch -

(i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;

(ii) the floor surface must be –

(aa) constructed of concrete or other impervious material brought to a smooth finish;

(bb) situated at least 150 mm above ground level; and

(cc) graded to a channel drained in terms of paragraph 0, if required by an environmental health officer;

(iii) adequate ventilation must be provided;

(b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;

(c) in relation to a building or structure housing a battery system -

(i) any wall must –

(aa) be a minimum of least 2,4 metres high;

(bb) be constructed of concrete, stone, brick or other durable material;

(cc) must have a smooth internal surface;

(ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;

(iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of paragraph 27;

(iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and

(v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;

(d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;

(e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –

(i) any dwelling, building or other structure used for human habitation;

(ii) any place where foodstuffs are stored or prepared for human consumption; or

(iii) nearest boundary of any land;

(f) an adequate rodent-proof storeroom must be provided for the storage of feed; and

(g) adequate washing facilities must be provided for the cleaning of the cages.

15. Duties of keeper of rabbits

Any person who keeps rabbits must -

(a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;

(b) maintain the premises and any equipment, apparatus, container or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;

(c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run building or structure housing a battery system and all cages clean and free from pests;

(d) provide portable manure storage receptacles of an impervious material with close-fitting lids; and every receptacle shall be kept on a platform;

(e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;

(f) keep the manure and waste in manure storage receptacles until it is removed from the premises;

(g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

PART VI:
KEEPING OF BIRDS OTHER THAN POULTRY

16. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary that does not comply with the following requirements:

(a) the aviary must be constructed of durable rodent-proof materials;

(b) adequate access must be provided for cleaning purposes;

(c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;

(d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and

(e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

17. Duties of keeper of an aviary

Any person who keep birds in an aviary must -

(a) ensure that the aviary and the premises are kept in a clean condition and free from pests;

(b) provide and use rodent-proof facilities for the storage of bird food; and

(c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

PART VII:
DOG KENNELS AND CATTERIES

18. Requirements for the premises

No person may use premises as kennels or a cattery unless the premises comply with the following requirements:

(a) every dog or cat must be kept in an enclosure that complies with the following requirements:

(i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;

(ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide,

extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and

(iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel;

(b) subject to subparagraph (c), every enclosure referred to in subparagraph (a), must be situated in a roofed shelter that complies with the following requirements:

(i) every wall must be made of brick, stone, concrete or other impervious material;

(ii) the internal surface of every wall must have a smooth internal surface;

(iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and

(iv) every shelter must have adequate access for cleaning and eliminating pests;

(c) a dog kennel that complies with the following requirements may be provided instead of the shelter contemplated in subparagraph (b):

(i) the kennel must be constructed of moulded asbestos or other similar material;

(ii) the kennel must be movable;

(iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and

(iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;

(d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;

(e) the apron must be graded and drained in a way that drains storm water away from the enclosure;

(f) a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;

(g) any cages in which cats are kept must be constructed of durable impervious material and in a manner that they may be easily cleaned;

(h) any shelter, enclosure or kennel may not be situated within five metres of any –

(i) dwelling or other building or structure used for human habitation;

(ii) place where food is stored and prepared for human consumption; or

(iii) the boundary of the premises.

19. Food preparation area

Any keeper of kennels or a cattery who is instructed by an environmental health officer to provide a food preparation area, must provide a separate room or roofed area for the preparation of food that complies with the following requirements:

(a) the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;

(b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;

(c) adequate washing facilities for food bowls and utensils must be provided; and

(d) a rodent-proof storeroom must be provided for the storage of food.

20. Duties of a keeper kennels or catteries

Any person operating a kennel or cattery must –

(a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;

(b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;

(c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in subparagraph (b);

(d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;

(e) store all loose food in receptacles, with close fitting lids, in the food store;

(f) provide adequate refrigeration facilities to store perishable foods on the premises;

(g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;

(h) keep any sick dog or cat isolated from any other animals; and

(i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

PART VIII:
PET SHOPS AND PET PARLOURS

21. Requirements for premises

No person may operate a pet shop or pet parlour in or on any premises that does not comply with the following requirements:

(a) all walls, including any partition, must –

(i) be constructed of brick, concrete or other impervious material;

(ii) have a smooth and easily cleanable internal surface; and

(iii) be painted with a washable paint or other adequate finish;

(b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;

(c) all ceilings must be dust proof and easily cleanable;

(d) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;

(e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of paragraph 27;

(f) adequate storage facilities must be provided;

(g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –

(i) a curbed and roofed over platform with a minimum surface area of 1,5 m^2, raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or

(ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;

(h) the platform, sink or trough referred to in subparagraph (g) must be drained in terms of paragraph 27;

(i) any wall surface within 0,5 metres of the platform, sink or trough referred to in subparagraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;

(j) a clearly designated changeroom must be provided if more than six persons are employed on the premises and every change room must –

(i) have a floor area providing at least 0,5 m^2 for each employee;

(ii) have a minimum overall floor area of 6m^2 and width of two metres; and

(iii) be equipped with an adequate metal locker for each employee;

(k) where no changeroom is required in terms of subparagraph (j), each employee must be provided with an adequate metal locker;

(l) for the purposes of washing, clipping or grooming of pets –

(i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;

(ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;

(iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii) must unobstructed; and

(iv) the floors of the rooms referred to in subparagraphs (i) and (ii) must be graded to a channel drained in terms of paragraph 27;

(m) all buildings, including storage areas, must be rodent-proof; and

(n) the premises may not have direct internal access with any room or place-

(i) used for human habitation;

(ii) where clothing is stored or sold; or

(iii) where food is prepared, stored or sold for human consumption.

22. Duties of petshop or pet parlour keeper

Any keeper of a pet shop or pet parlour must –

(a) provide cages for housing the pets complying with the following requirements:

(i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;

(ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;

(iii) the cages must be able to be moved easily;

(iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;

(v) the cages must be fitted with a drinking vessel filled with water;

(vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;

(vii) the cages must be kept a minimum of 450 mm above floor level; and

(viii) the space below every cage must be unobstructed;

(b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the store room;

(c) provide adequate refrigeration facilities to store all perishable pet food on the premises;

(d) ensure that in any room in which the pets are kept –

(i) 50 % of the floor space is unobstructed; and

(ii) the cages are placed a minimum of 800 mm from one another;

(e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop, in a clean and sanitary condition, free from pests and in good repair;

(f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;

(g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;

(h) provide an adequate supply of potable water for drinking and cleaning purposes;

(i) provide adequate ventilation to ensure the comfort and survival of the pets; and

(j) ensure that the number of pets contained in each cage does not impede their free movement.

PART IX:
KEEPING OF WILD ANIMALS

23. Requirements for the premises

No person may keep wild animals on premises that do not comply with the following requirements:

(a) all wild animals must be kept in enclosures constructed and equipped as follows –

(i) the enclosure must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;

(ii) the enclosure may not be situated within 50 metres of –

(aa) any boundary of the premises;

(bb) any dwelling, building or structure used for human habitation;

(cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or

(dd) any water resource intended for domestic consumption;

(iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and

(iv) the enclosure must be graded and drained in a way that does not to pollute any water resource or create a public health nuisance;

(b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with paragraph 27, must be provided for the preparation of food;

(c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either –

(i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or

(ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;

(d) both facilities referred to in subparagraph (c) must be provided with a supply of running potable water and be drained in accordance with paragraph 27; and

(e) all areas and rooms in which fodder and food are stored must be rodent-proof.

24. Duties of keeper of wild animals

Any person that keeps wild animals must –

(a) maintain the premises in a clean and sanitary condition at all times;

(b) clean all manure and food scraps from any enclosure at adequate intervals; and

(c) prevent the soil beneath or around any enclosure from becoming saturated with urine.

PART X:
KEEPING OF PIGS

25. Requirements for premises

No person may keep pigs in or on premises that do not comply with the following requirements:

(a) every wall must –

(i) be constructed of brick, stone, concrete or other durable material;

(ii) have a minimum height of 1,5 metres; and

(iii) have a smooth, impervious internal surface;

(b) the floor area must provide at least 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;

(c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;

(d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –

(i) be situated opposite one another in the external walls; and

(ii) provide a minimum of 0,15 m² for each pig;

(e) the floor must be –

(i) at least 150 mm above the surrounding ground level;

(ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and

(iii) graded for the run-off of liquids into an open channel outside the pigsty;

(f) the open channel referred to in subparagraph (e)(iii) must –

(i) be constructed of concrete or other durable and impervious material;

(ii) be a minimum of 100 mm in diameter; and

(iii) be drained in terms of paragraph 27;

(g) the pigsty must be strong enough to prevent the pigs breaking out;

(h) the pigsty may not be situated within 100 metres of –

(i) the boundary of the premises;

(ii) any dwelling, building or structure used for human habitation;

(iii) any dwelling, building or structure in which food is prepared, stored or sold for human consumption;

(iv) any water resource intended for domestic consumption;

(i) a roofed over concrete platform must be provided for –

(i) the storage of all swill in containers; and

(ii) the preparation of pig feed;

(j) the platform referred to in subparagraph (i) must comply with the provisions of subparagraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and

(k) a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

26. Duties of keeper of pigs

Every person keeping pigs must -

(a) ensure that every pig is kept within a pigsty;

(b) maintain the premises and any equipment, apparatus, container or receptacle in a clean and sanitary condition and in good repair;

(c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;

(d) keep all manure storage receptacle on a platform that complies with paragraph 25(j);

(e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;

(f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;

(g) provide a rodent-proof store-room in which all feed, other than swill, must be stored; and

(h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

PART XI:
MISCELLANEOUS PROVISIONS

27. Drainage

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Schedule, must be drained in accordance with provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

28. Dangerous animals

(1) No person may without a permit issued by an environmental health officer, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, highly venomous snakes, spiders or scorpions.

(2) Any person who keeps any animal that is known to behave in a manner that is dangerous to humans must keep it in an adequate enclosure and take adequate measures to ensure that it does not escape from the premises or pose a danger to the residents of, or visitors to, the premises.

29. Requirements for keeping of bees

(1) No person may keep bees on any premises unless –

(a) the person is in possession of a valid permit; and

(b) the bee hive is situated –

(i) a minimum of five metres from any boundary of the premises; and

(ii) a minimum of ten metres from any public place or building used for human habitation;

(c) the bees are kept in an approved bee hive; and

(d) the bee hive is –

(i) kept in an area inaccessible to children and animals;

(ii) kept in the shade at all times; and

(iii) supplied with a source of drinking water within five metres of the hive.

(2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

30. Illness attributable to animals

(1) The illness of any person, which that may be attributed to any animal kept or handled by that person, must be reported to an environmental health officer within 24 hours of diagnosis, by the person making the diagnosis.

(2) An environmental health officer may order the removal of the animal from the premises if he or she reasonably believes that the animal poses a public health hazard or public health nuisance.

31. Keeping of and slaughtering animals for religious and ceremonial purposes

(1) Any person who keeps an animal prior to slaughtering it for religious or ceremonial purposes must comply with the provisions of these By-laws.

(2) A person intending to slaughter an animal in any place other than in a recognised abattoir must:

(a) notify the Council in writing, fourteen days prior to the event;

(b) notify all neighbours in writing, seven days prior to the event;

(c) screen the slaughtering process from the public;

(d) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;

(e) handle the meat in a hygienic manner at all times; and

(f) dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the environmental health officer.

32. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to public health, these bylaws will prevail.

No. 124 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Public Meetings And Gatherings, Processions and the Like Bylaws.

BYLAWS RELATING TO PUBLIC MEETINGS AND GATHERINGS, PROCESSIONS AND THE LIKE

I. Definitions

In these bylaws, unless the context otherwise indicates -

"Council" means the Council of the Richmond Municipality and its successors in law, and includes the Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regards to these bylaws;

2. Permission Required

No person shall hold, convene or organise or cause to be held convened or organised any public meeting, public gathering, procession, exhibition, performance or public address in any public street or public place or deliver or cause to be delivered any public address in any public street or public place unless-

(1) the Council has under the hand of the Municipal Manager granted its permission in writing for the holding or delivery thereof; and

(2) it is held or delivered in compliance with any condition, requirements or restriction imposed by the Council; and

(3) it complies with all the laws in force in the Republic of South Africa.

3 Application for Permission

(1) Any person wishing to obtain the Council's permission as in subsection (2) required shall deliver to the Council not less than 7 days, or such lesser

period as the Council may in its discretion permit before the day on which the public meeting public gathering procession exhibition performance or public address concerned is to be held or delivered, a written application specifying -

(a) the nature thereof;

(b) the full names, addresses and telephone numbers of every holder, convennor and organism thereof and of every person intending to deliver an address;

(c) the date on which, time at which, and place at, or route along which it is to be held or delivered;

(d) the expected maximum duration thereof:

(e) in the case of a procession, the number of persons expected to take part; and

(f) particulars regarding any hand, musical instruments, device for the application of sound, vehicle or temporary structure to he used in conjunction therewith.

(2) The Council may require such person to supply any additional information which it may consider necessary for the purposes of dealing with such application.

4. Grant or Refusal of Permission

(1) The Council may grant its permission if all information required has been supplied in full and if it is satisfied at the holding or delivery of the public meeting, public gathering, procession, exhibition, performance or public address concerned is not likely to -

(a) endanger, obstruct or interfere with -

i. pedestrian or vehicular traffic;

ii. any public market, auction or fair; and

iii. any other public meeting, gathering, procession, exhibition, performance or public address; or

iv. lawful use by the public of any street or public place; or

(b) endanger or be injurious to public health.

(2) The Council may, when granting its permission for the holding of any public meeting, public gathering, procession, exhibition or performance, or the delivery of any public address under this chapter, impose such conditions, requirements and restrictions as it may deem necessary in the public interests and may, without derogating from the generality of the foregoing in particular, limit the holding or delivery thereof to specified times or periods and to specify places or routes and prohibit or restrict the use of any band, musical instrument, device for the application of sound, vehicle or temporary structure in conjunction therewith.

5. Exemption

The provisions of this chapter shall not apply to any funeral, wedding, military or police procession.

6 Offences and Penalties

Any person who -

(a) contravenes or fails to comply with any provisions of these bylaws or of any term, condition, restriction, requirement, notice or order imposed or issued in terms thereof;

(b) resists, hinders, obstructs, molests or interferes with any officer or employee of the Council in the performance of his duties or the execution of his powers under these bylaws; or

(c) causes or permits any other person to commit any of the aforesaid-

shall he guilty of an offence and shall be liable upon conviction, to a fine not exceeding two thousand rand, or in default of payment of any fine, impose, imprisonment for a period not exceeding one year.

7. Damages

Not withstanding the stipulations continued in subsection (6) above, the Council shall hold responsible any person or orgarniser of a public meeting and gathering or participant in such gathering or procession for any damage to any property of the Council and shall claim the cost to repair such damage from such a person or organiser.

8. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to public meetings and gatherings, these bylaws will prevail.

No. 125 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Library and Information Services Bylaws.

LIBRARY AND INFORMATION SERVICES BY-LAWS

1. Definitions

In these By-laws the following words shall, unless the context otherwise requires, have the meanings respectively assigned to them:

"a librarian" means the librarian in charge of a library operated by the Council, or any assistant or delegate of such person, and "that librarian" has a corresponding meaning;

"a library" means any one of the various libraries comprising the library and "that library" has a corresponding meaning;

"audio-visual material" means all films, records, compact discs, stiffys, audio books, language courses, audio and video cassettes, including digital video material, and gramophone records available for use in or borrowing from, a library, and whether the property of or on loan to the Council for that purpose;

"auditorium/lecture rooms" means an area or room or rooms at a library, which is made available for hiring under prescribed circumstances and conditions at a prescribed fee;

"charge" means an appropriate fee determined by the Council or contained in any by-.law made by the Council from time to time, in accordance with the relevant legislation;

"child" means an person under the age of sixteen years who has never been married;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as

any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"indigent person" means any person declared as such by the Council;

"lending period" means the period during which a member or visitor is permitted to retain any library material;

"librarian" means any official employed by the Council and who exercises control of and manages a library or a section thereof, and includes any assistant to a librarian;

"library" means any public library administered and maintained by the Council.

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

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

"member" means any person or organisation registered as a member of the library;

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

"organisation" means a non-profit-making institution or company, or a cultural association having a constitution;

"pensioner" means any person aged 60 or over;

“prescribed fee” means a fee determined by the Council in terms of the Council's tariff of charges;

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

"specialised library material" means library material that needs special equipment in order to access the content of such material or the use of which is likely to inconvenience other patrons of a library if utilised within a library;

"Systems Act" means the Local Government: Municipal Systems Act, No 32 of 2000, as amended from time to time.

"the librarian", unless the context indicates otherwise, means the Director: Library and Information Services or his or her assistant or delegate;

"the library" means the totality of all libraries, with their contents, operated by the Council and controlled by the Director: Library and Information Services of the Council;

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

2. Admission To Library Buildings

(1) Subject to the provisions of subsection (2) hereof, and of section 19, any person admitted to a library may use the facilities of that library during official library hours; provided that if a person wishes to borrow library material, such person must first become a member of the library and pay the prescribed fee for membership.

(2) A librarian may: -

(a) in his/her discretion determine the maximum number of persons that may be allowed in any part of the library at any given time and may exercise the necessary access control for that purpose;

(b) for any reasonable cause, instruct a member or other person to leave the library.

3. Membership

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

(2) The Council may –

(a) grant membership of the library to any resident, or any resident as a representative of any organisation or similar body, duly authorised by that organisation or body, provided such representative is duly authorised by that organisation, and every person referred to in this paragraph must –

(i) pay the prescribed fee for membership; and

(ii) undertake to abide by the policies adopted by the Council from time to time for the conduct of the business of the library;

(iii) undertake to pay the entire cost of any library materials lost by the applicant and to pay any amount determined by the Richmond Municipality in respect of library materials damaged while on loan to the applicant;

(b) grant, subject to such conditions as it may determine from time to time, membership of the library to a child if his/her parent or guardian so consents in writing and undertakes to ensure the observance by such child of the provisions of these By-laws;

(c) grant membership of the library to a person residing outside its area of jurisdiction and who is neither an owner of property within the Council's area nor a rate payer of the Council on such conditions as may determined by the Council from time to time;

(d) admit a person residing, working or studying for a period of not more than three months in the area of jurisdiction of the Council may as a visitor if –

(i) such particulars as may be determined by the Council or the librarian are submitted by such person; and

(ii) such person pays the applicable prescribed fee; and

(iii) a librarian approves the application;

and upon such approval, such visitor has all the rights and privileges, and is subject to the same obligations and duties, as a member;

(e) exempt any applicant for membership who is an indigent case wholly or partly from the payment of the prescribed fee for membership.

(3) (a) A library membership card must be issued to each member authorising that member to borrow from the library such quantity of library materials as may be determined by the Council from time to time.

(b) Additional membership cards, entitling the member to borrow further quantities of library material may be issued to a member in the discretion of a librarian.

(4) A membership card is valid from its date of issue to the date of expiry stated thereon and the membership of a person to whom such a card has been issued lapses after the expiry of that period, unless it is renewed prior to the expiry date.

(7) A member who wishes to cancel his or her membership of the library must –

(a) notify a librarian in writing;

(g) return the membership card or cards in his or her name; and

(h) simultaneously return all borrowed library material in his or her possession to a librarian.

(8) if if library material is not returned in terms of section 3(5)(c), such person will be liable in terms of Section 8(2), with such adjustments as may be necessary.

(7) When a member changes his or her address, the member must notify the librarian thereof within thirty (30) days after the change has taken place.

(8) When a membership card is lost, the member must forthwith notify a librarian in writing, and -

(a) the librarian must, on payment of the prescribed fee, issue a duplicate card;

(b) should a lost membership card subsequently be found by the member, any duplicate card must be returned to a librarian immediately;

(c) despite the provisions of section 8(1), the member is not liable in terms of that section for any library material borrowed against the lost membership card after the date of such notice.

4. Loan Of Library Material

(7) Library material which is not available for removal from a library on loan in any reference or special library will be determined by the librarian and a notice specifying such material must be displayed at the inquiry desk of each library.

(2) (a) Library material borrowed from a library is the responsibility of the member against whose membership card it was borrowed.

(g) If a member borrows material from a library, that member must ascertain whether or not the material is visibly damaged, and if so, must draw a librarian's attention to the damage and that librarian shall record particulars of the damage on the date sheet and sign it.

(h) When a member returns damaged library material, he or she will be responsible for making good the damage, or paying the prescribed fee in respect of damaged library material, as the case may be, unless the damage was previously recorded as contemplated in paragraph (b) hereof.

(i) No person may be in possession of library material outside a library unless it has been lent out to him or her in terms of a membership card.

(3) A librarian may refuse to make damaged material available for borrowing, but where such material is made available for borrowing, the particulars of the damage must first be recorded in terms of section 4(2)(b).

(7) A member may, upon payment of the prescribed fee, request that any library material not available –

(g) at any particular library, but which is available through another library affiliated to the KwaZulu-Natal Provincial Library Services;

(h) in the library, but is available from another Library;

be obtained from such source and made available or loaned, as the case may be, to him or her.

(5) The loan of audiovisual-material or items from Student Service, is be subject to the payment of the prescribed charge.

5. Return Of Library Material

A member must return borrowed library material not later than the last day of the lending period provided that -

(a) If it is not required by any other member, the librarian may then extend the lending period of any library material for a further lending period;

(b) a member who has failed to return library material by the end of the lending period allowed by a librarian may not keep it for more than seven (7) days after receipt of a written notice from a librarian that such library material is to be returned to that library.

6. Overdue Library Material

(1) If a member does not return library material borrowed against a membership card within the applicable period stated in section 5(a), he or she is liable for payment to the Council of the prescribed fees for every week or portion thereof during which the member fails to return library material, unless -

(b) good cause, which may include serious illness, is shown to the satisfaction of a librarian;

(c) the return date falls within a National Library Week or other period when the library in question is closed to the public for any reason;

(d) any other period of grace lawfully given;

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

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

7. Reservation of Library Material

A member may reserve library material, provided that -

(a) payment of the prescribed fee therefor is made in advance;

(b) no library material will be held in reserve for a period longer than the period specified by the librarian or his or her authorised representative.

8. Lost And Damaged Library Material

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

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

(6) The particulars of a member who has failed to return library material outstanding for a period longer than that stated in subsection (2) must, in the event of failure by the Council to retrieve such library material from the member, despite reasonable efforts to do so, be entered on a central register of unreturned library material, together with the details of the material in question, the unpaid prescribed fees fines due thereon, and the like, and such particulars must be circulated to all libraries operated by the Council, and the member's privilege of borrowing material from the library must be suspended until such library material is returned to a library or is paid for in full as prescribed.

(7) Despite the other provisions of this section, lost or damaged library material remains the property of the Council or the library from which the library material may have been loaned, as the case may be, even if the prescribed fee in respect thereof or the replacement cost, as the case may be, have been paid to the Council.

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

9. Handling Of Library Material

A member who has borrowed library material or is using library material in the library is obliged to –

(a) keep such library material in a clean condition;

(b) prevent such library material from being damaged in any way;

(c) ensure that such library material is not mutilated, defaced, marked, creased or damaged;

(d) ensure that no part of such library material, or any protective coverings or any identification thereof as the property of the Council or the KwaZulu-Natal Library Services, as the case may be, is removed;

(e) ensure that any such library material is not lent to any unauthorised person.

10. Exposure Of Library Material To Notifiable And Infectious Diseases

No person known by him or her to be suffering from a notifiable medical condition as proclaimed in terms of section 45 of the Health Act, No 63 of 1977 may borrow or handle library material, and no member may allow any other person suffering from such a notifiable medical condition to handle or come into contact with library material lent to that member if such handling or contact would expose others to the danger of infection or any form of health hazard.

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

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

(4) Any person in possession of library material which to that person's knowledge has been exposed to a notifiable medical condition, must immediately advise a librarian that such library material has been so exposed.

11. Library Material For Special Purposes

(1) Specialised library material may be used only in areas of a library specifically demarcated for that purpose, and no such material may not be removed from that part of a library without the permission of a librarian.

(2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten (10) minutes after a librarian has requested its surrender.

12. Reproduction of Library Material And Objects and Use of Facsimile Facilities

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

(a) payment of the prescribed fee;

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

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

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

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

13. Library Hours

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

(a) the days on and hours during which the library will open and close; and

(b) the hours during which the use of such library or any section thereof will be restricted to adults or children.

14. Hire and Use Of Auditoria and Lecture Rooms or Library Space for Exhibitions, Filming or Programmimg

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

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

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

to organisations supporting the provision of library services;

for such specific activities as the Council may from time to time either generally or specifically determine.

15. Internet Viewing Stations

Any person may utilize the internet viewing stations of a library, where such facilities are made available by the Council, provided that he or she -

(a) pays the prescribed fee therefor;

(b) obtains prior permission being obtained from a librarian;

(c) observes the maximum period of use as determined by a librarian;

(d) abstains from loading personal software on to any hardware comprising an internet viewing station;

(e) agrees to and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her;

(f) agrees to and does observe the Council's policy on e-mail and internet usage, which must be displayed at each station.

16. Hiring Of Multimedia Library Space

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

(2) Any person who or body which wishes to hire a multimedia library must make an advance reservation with the librarian in charge thereof.

(3) The hiring of a multimedia library shall be subject to such conditions as the librarian may determine.

17. Performing Arts Library

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

(2) Material not for loan may be determined by the Librarian in his/her discretion.

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

18. Audiovisual Materials

Conditions in respect of the borrowing of audio visual materials:

(1) An applicant must undertake/agree that s/he will not make copies or allow copies to be made of any records, CD's or tapes borrowed from the library.

(1) Applicant should acknowledge that the making of copies of sound recordings constitutes an infringement of the copyright laws.

(2) Applicant should acknowledge that s/he is aware that should he/she be convicted of an offence in terms of the Copyright Act of 1978, then he/she can be liable for a fine up to R50 000 or ten years imprisonment.

(3) Deposit with respect to audiovisual materials be required as per tariff of charges that may be prescribed from time to time.

19. Positioning of By-Laws And Notices In a Library

(1) A copy of these By-laws must be available for inspection and a notice to that effect must be displayed at a prominent place in every library and be brought to the attention of library users where necessary.

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

20. Conduct In The Library

(1) Any person who -

(a) conducts or engages in excessively loud conversation in any part of a building housing a library in a manner which causes or is likely to cause annoyance to any other person in that library; or

(b) uses abusive or otherwise objectionable language or behaviour or behaves in a disorderly manner in a library; or

(c) hampers, disturbs, obstructs or harasses any other person in the legitimate use of a library; or

(d) damages any part of a library building or its contents; or

(e) furnishes a false name or address to a librarian for the purpose of entering any part of that library or for obtaining any benefit or privilege; or

(f) enters or remains in the library while knowingly suffering from any notifiable medical condition or while under the influence of intoxicating liquor or habit-forming drugs; or

(g) smokes, eats, drinks, sleeps in any part of a library where these activities are forbidden; or

(h) contravenes any other provision of these By-laws;

may be ordered by a librarian to leave that library, and if he or she refuses to do so, may be removed from such library by the use of reasonable and necessary force.

Any person who, despite being ordered to desist there from, persists in conduct of any kind referred to in section 19(1)(a) or (b), is guilty of an offence and on conviction liable to imprisonment for a period not exceeding 6 months, or to a fine in lieu thereof or to both such fine not exceeding R1000 and imprisonment.

21. Liability for loss or injury

(1) The Council is not responsible for any damage to, loss or theft of any items brought into a library building by members of the public.

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

22. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to library and information, these bylaws will prevail.

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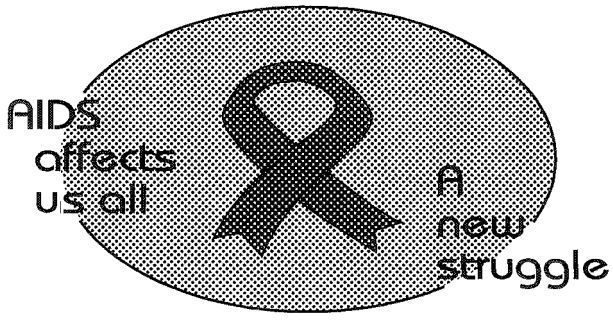
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PART 2 OF 3

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No. 126 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Public Spaces Bylaws.

PUBLIC SPACES BYLAWS

CHAPTER I

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

Definitions

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

"active game" means any physical sport, game or other activity by one or more persons which is undertaken within a public open space other than in an area set aside for that purpose, and which may cause injury to other users of the public open space, a nuisance or damage to vegetation or municipal property within a public open space and includes rugby, golf, archery, football, tennis, badminton, hockey, netball, volleyball, skate-boarding, and roller-skating;

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, and enforce the provisions of these By-laws;

"conservation public open space" means public open space that is managed by or on behalf of the Council for conservation purposes, and includes nature reserves, greenbelts, ravines, bird sanctuaries and sites of historic, ecological or archaeological value;

"Council" means the Richmond Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"Criminal Procedure Act" means the Criminal Procedure Act, 1977 (Act No. 51 of 1997);

"designated area" means an area designated by the Council as an area in which an active game or any other activity, which would otherwise be prohibited under Chapter III of these By-laws, may be undertaken;

"enforcement officer" means any person who is duly appointed by the Council to enforce any provision of these By-laws;

"environment" means the surroundings which are inhabited by humans and that are made up of –

(a) the land, water and atmosphere of the earth;

(b) micro-organisms, plant and animal life;

(c) any part or combination of (a) and (b) and the interrelationships among and between them; and

(d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"environmentally sustainable" means the exercising of any decision-making powers or performance of any activities in a manner aimed at ensuring that –

(a) the risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances;

(b) the potential benefits to the environment and to human health and safety are maximised to the extent reasonably possible under the circumstances; and

(c) legislation intended to protect the environment and human health and safety is complied with;

"local community" means that body of persons comprising –

(a) the residents of the area in which the public open space is situated;

(b) the ratepayers of the area in which the public open space is situated; and

(c) any civic organisations and non-governmental or private sector organisations or bodies which are involved in local affairs in the area in which the public open space is situated;

"municipal manager" means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"municipal property" means any structure or thing owned or managed by or on behalf of the Council and which is incidental to the use and enjoyment of a public open space and includes buildings, lapas, kiosks, benches, picnic tables, playground equipment, fountains, statues, monuments, fences, poles, notices and signs;

"notice" means a clear and legible official notice drawn up by the Council in English and any other official language and prominently erected in a public open space;

"nuisance" means an unreasonable interference or likely interference with –

(a) the health or well-being of any person;

(b) the use and enjoyment by an owner or occupier of his or her property; or

(c) the use and enjoyment by a member of the public of a public open space;

"organ of State" means –

(a) any department of State or administration in the national, provincial or local sphere of government; or

(b) any other functionary or institution –

(i) 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

(ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer;

"person" means a natural person or a juristic person, and includes an organ of State;

"prescribed fee" means a fee determined by the Council from time to time in the Council's tariff of charges.

"printed matter" includes any advertisement, billboard, poster, book, pamphlet or handbill;

"prohibited activity" means any activity or behaviour that is prohibited in terms of Chapter III from being undertaken in a public open space, either completely or without permission in terms of sections 0, 0 or 0;

"public open space" means any land which –

(a) is owned by an organ of State, or

(b) 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

(c) is controlled and managed by the Council; and

(d) is either –

(i) set aside in terms of any law, zoning scheme or spatial plan for the purposes of public recreation, conservation, the installation of public infrastructure or agriculture; or

(ii) 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;

"public utility public open space" means public open space that is managed by or on behalf of the Council for the purposes of providing a public service, which includes road reserves and areas subject to electrical, pipeline and other public utility servitudes, but excludes council housing, clinics and other social services;

"recreational public open space" means public open space that is managed by or on behalf of the Council for public recreational purposes, and includes parks, botanical gardens, sports grounds and playgrounds, but excludes golf courses;

"road reserve" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway or that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or shoulder;

"service provider" means a person or institution or any combination of persons and institutions which provide a municipal service in terms of the Local Government: Municipal Systems Act, 1998 (Act No. 32 of 2000);

"special event" means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or similar event, which requires, for that purpose, exclusive use of a part of a public open space;

"urban agricultural public open space" means public open space that is managed by or on behalf of the Council for urban agricultural purposes;

"vehicle" means a device designed or adapted mainly to travel on wheels, but excludes wheelchairs and children's pushchairs;

"waste" means any substance or article that the owner wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoilt and that has either been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled;

"watercraft" includes any boat, raft, yacht, canoe, inflatable mattress, model ship or boat, radio-controlled boat or similar device;

"water body" means any body of water within a public open space and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river or wetland.

Application

(1) These By-laws apply to all public open space that falls under the jurisdiction of the Council, but do not apply to cemeteries.

(2) These By-laws are binding on the State.

Purpose

The purpose of these By-laws is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework:

(a) to ensure that the way in which the Council controls, manages and develops public open spaces is environmentally sustainable, and is in the long-term interests of the whole community of Richmond, including future generations; and

(b) that clearly defines the rights and obligations of the public in relation to public open spaces.

CHAPTER 2

MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

Principles

(1) Public open spaces must be managed, and where appropriate developed, in the interests of the whole community, and in determining the interests of the whole community –

(a) the long-term collective interests of the people of Richmond, and of South Africa, must be prioritised over the interests of any specific interest group or sector of society;

(b) a long-term perspective, that takes account the interests of future generations, must be adopted; and

(c) the interests of other living organisms that depend on public open spaces must be taken into account.

(2) Public open spaces must be managed in an environmentally sustainable manner.

(3) Subject to subsection (5) and section 0, people must be given access to public open spaces on a non-discriminatory and equitable basis.

(4) Where necessary, special measures must be taken to facilitate access to public open spaces by historically disadvantaged persons and by disabled persons.

(5) Access to a public open space may be restricted in a manner that does not unjustifiably discriminate against any person or class of persons –

(a) if the restriction is authorised by these By-laws or by any other applicable legislation; or

(b) in order to achieve the purposes of these By-laws.

(6) The recreational, educational, social and other opportunities which public open spaces offer must be protected and enhanced to enable local communities, particularly historically disadvantaged communities, and the public to improve and enrich their quality of life.

(7) Local communities must be encouraged to use and care for public open spaces in their areas.

(8) The natural environment and heritage resources within public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community, the public and future generations.

Application of principles

The public open space management principles set out in section 0, and the national environmental management principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998), must be considered and applied by any person –

(a) exercising a power or function or performing a duty under these By-laws;

(b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the use of, public open spaces within the Council's jurisdiction; or

(c) exercising a public power or function or performing a public duty that is likely to have a significant effect on, or which concerns the use of, public open spaces.

General powers

The Council may in relation to any public open space –

(a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these By-laws may be undertaken, and erect a prominent notice to this effect at entrances to the designated area;

(b) develop any public open space in accordance with the principles set out in section 0;

(c) erect, construct, establish or demolish municipal property; and

(d) exercise any other power reasonably necessary for the discharge of the Council's obligations in terms of these By-laws relating to the management of public open spaces.

Fees

The Council may require members of the public to pay –

(a) a reasonable prescribed fee to use recreational or other facilities that the Council provides within public open spaces;

(b) a reasonable prescribed fee for entrance to public open spaces which are significantly more expensive to maintain than other public open spaces, such as botanical gardens;

(c) a prescribed fee for the right to undertake a special event;

(d) a prescribed fee for the right to exclusively use municipal property for a specific period;

(e) a deposit prior to undertaking a prohibited activity;

(f) an annual or monthly fee for the right to use urban agricultural public open space to the exclusion of any other person; and

(g) a prescribed fee for processing applications for permits or letters of

permission under these By-laws.

Restricting access

The Council may restrict access to any public open space or to any part of a public open space for a specified period of time –

(a) to protect any aspect of the environment within a public open space;

(b) to reduce vandalism and the destruction of property;

(c) to improve the administration of a public open space;

(d) to develop a public open space;

(e) to enable a special event that has been permitted in terms of section 0 to proceed; or

(f) to undertake any activity that the Council reasonably considers necessary or appropriate to achieve the purposes of these By-laws.

Procedure when exercising powers

If the rights or legitimate expectations of any person will be materially and adversely affected by the Council exercising any power in terms of sections 0, 0 or 0, before exercising the power the Council must –

(a) give notice of the proposed administrative action, which notice must –

(i) be published in the Provincial Gazette and in a newspaper circulating in the area or areas that will be directly affected by the proposed administrative action;

(ii) contain a clear statement of the proposed administrative action;

(iii) invite comments and objections within a specified period; and

(b) consider the comments and objections received in response to the notice.

Powers of enforcement officers

In relation to any public open space, an enforcement officer may –

(a) issue a notice in terms of section 341 of the Criminal Procedure Act;

(b) issue a notice under section 0;

(c) order any person to leave a public open space if the enforcement officer reasonably believes that that person has not complied with any provision of these By-laws; and

(d) exercise any other power that may be exercised by a peace officer under the Criminal Procedure Act.

Obligations in relation to public open spaces

(1) The Council must within a public open space erect any notice required under these By-laws.

(2) In relation to recreational public open spaces, the Council must –

(a) ensure that they are open to the public between sunrise and sunset, unless specified otherwise in terms of a notice; and

(b) erect prominently displayed notices at every entrance indicating:

(i) the opening and closing times of that recreational public open space; and

(ii) any rules made in relation to that recreational public open space.

CHAPTER 3

PROHIBITED CONDUCT

Prohibited activities

(1) Any person who undertakes an activity or behaves in a manner that is prohibited under sections 0 to 0 commits an offence unless the activity or conduct in question –

(a) took place in a designated area within which that activity was allowed;

(b) is authorised in terms of a permission granted or permit issued under sections 0, 0 or 0; or

(c) was deemed to have been authorised by the Council under subsection (2).

(2) Subject to subsection (3), a person is deemed to have permission to undertake a prohibited activity if that person needs to undertake the prohibited activity –

(a) to perform his or her obligations as an employee, agent or subcontractor of the Council under his or her contract with, or mandate from, the Council or to achieve the purposes of this by-law;

(b) to carry out public duties as an employee, agent or subcontractor of an organ of State within a public open space is subject to a public utility servitude in favour of an organ of State;

(c) to fulfil his or her duties as an authorised officer to implement these By-laws; or

(d) to fulfill his or her duties as a peace officer.

(3) No person is deemed to have permission to undertake an activity that is prohibited under Section 13(1)(a), (e) or (f) or an activity that the Council has expressly refused to permit.

General

No person shall within a public open space –

(a) act in a manner that is dangerous to life or property;

(b) contravene the provisions of any notice within any public open space;

(c) unlawfully enter a public open space to which access has been restricted in terms of section 0;

(d) cause a nuisance;

(e) behave in an indecent or offensive manner; or

(f) obstruct any authorised official who is exercising a power under these By-laws.

Use

No person shall, without the written consent of the Municipality, within a public open space –

(a) bathe, wade, or swim in or wash him- or herself, an animal or any object, including clothing, in any water body;

(b) sail, row, paddle, propel or control any watercraft on any water body;

(c) make, light or otherwise start a fire, unless in a designated braai area;

(d) camp or reside in any public open space;

(e) consume, brew, store or sell any alcoholic beverage;

(f) use any sound equipment, including a radio, portable hi-fi or car stereo;

(g) play an active game, except in an area designated for that purpose, on sport playing fields or on a golf course;

(h) shoot a projectile of any nature; or

(i) ride a horse or motorcycle.

Waste

No person shall within a public open space –

(a) deposit, dump or discard any waste, unless in a receptacle provided by the Council for that purpose; or

(b) pollute or deposit any waste or thing in a manner which may detrimentally impact on a water body.

Vehicles

No person shall within a public open space –

(a) except at times and on roads or pathways prescribed by the Council, drive, draw or propel any vehicle;

(b) drive, draw or propel a vehicle in excess of 10 kilometres per hour; or

(c) park a vehicle in a public open space.

Animals and vegetation

(1) Subject to subsection (2), no person shall within a public open space –

(a) disturb, damage, destroy or remove any vegetation;

(b) plant any vegetation;

(c) alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree;

(d) capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest or in any other way disturb any fish, bird or animal;

(e) disturb, damage or destroy any bird nest or eggs;

(f) walk, carry, ride or bring an animal, unless the animal is a guide dog and is accompanied by a person with a sight disability; or

(g) affix or place on any tree any printed matter.

(2) The provisions of subsections (1)(a) and (b) do not apply to any person who has obtained a permit in terms of section 0 to undertake agricultural activities in an urban agricultural public open space.

Municipal property and erection of structures

(1) Subject to subsection (2), no person shall within a public open space –

(a) deface, damage, destroy or remove any municipal property;

(b) disturb the surface of any land, whether by digging or undertaking any earthworks;

(c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;

(d) affix or place on any municipal property, or distribute, any printed matter; or

(e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations in any public open space.

(2) The provisions of subsection (1)(b) do not apply to any person who has obtained a permit in terms of section 0 to undertake agricultural activities in an urban agricultural public open space.

Selling and special events

(1) No person shall within a public open space unless covered in item s22 of these bylaws –

(a) use municipal property in a way that unfairly restricts or prevents other users of the public open space from enjoying that municipal property; or

(b) sell, hawk, offer or display any goods or articles for sale or hire;

(2) No person may undertake a special event, except in terms of a permit issued in terms of section 0.

Community service

No person shall within a public open space undertake any community or voluntary work of any description.

Restoration or removal notices

(1) Unless permission or a permit to do so has been obtained under sections 0, 0 or 0, an enforcement officer may issue a restoration or removal notice to any person who has directly or indirectly in a public open space

(a) damaged, defaced, disturbed, destroyed, demolished or removed vegetation or a municipal structure;

(b) erected, built or assembled a structure; or

(c) dumped, discarded or deposited any waste, unless in a receptacle provided by the Council for that purpose.

(2) The restoration or removal notice may direct the person within the reasonable time stated in the notice to take stated reasonable action:

(a) to restore or rehabilitate the affected area to the reasonable satisfaction of the Council; or

(b) to remove a structure or thing and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 4

APPLICATIONS FOR AUTHORISATION

Application for permission

(1) Any person who wants to undertake a prohibited activity must apply in writing to the Council for permission to do so.

(2) The Council may, after receiving an application, request the applicant to provide additional information which the Council reasonably requires in order to consider the application.

(3) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee (if any) has been paid.

(4) Subject to subsections (2) and (3), the Council must consider the application within a reasonable time and must either:

(a) refuse the application; or

(b) grant permission in writing subject to whatever conditions the Council considers appropriate to best achieve the purposes of these By-laws, which may include payment of a deposit and/or a fee.

(4) The Council must not grant permission for any person to behave in a manner that is prohibited under section 0(1)(a), (e) or (f).

Application for a special event permit

(1) An application for permission to hold a special event in a public open space must be made at least three weeks before the proposed date of the special event.

(2) The time period referred to in subsection (1) may be reduced on good cause at the Council's discretion.

(3) The application must contain the following information –

(a) the name and full contact details of the applicant (including name, organisation (if any), address, telephone and fax numbers and email address, if available);

(b) the nature and purpose of the special event;

(c) the intended route or area proposed to be used by the special event; and

(d) the permissions, if any, required under Chapter III of these By-laws.

(4) Subject to any permit conditions imposed by the Council, the holder of a special events permit has the right to use the area of public open space specified on the permit to the exclusion of any other person during the period specified in the permit.

Application for permission to farm in an urban agricultural public open space

(1) An application for permission to farm in an urban agricultural public open space must contain the following information –

(a) the name and full contact details of the applicant (including name, organisation (if any), address, telephone and fax numbers and email address, if available);

(b) the nature of the agricultural activity that the applicant proposes to undertake; and

(c) the size and location of the area on which the applicant wishes to undertake the proposed agricultural activity.

(2) A permit under this section may require the permit holder to pay an annual or monthly fee for the use of the land.

(3) The holder of an urban agricultural permit may, subject to any conditions in the permit, use the area of public open space specified in the permit for agricultural purposes to the exclusion of any other person.

CHAPTER 5

CO-OPERATIVE MANAGEMENT AGREEMENTS

(1) The Council may enter into a written agreement with any organ of State, local community or organization to provide for –

(a) the co-operative development of any public space; or

(b) the co-operative management of any public open space; and

(c) the regulation of human activities within a public open space.

(2) The Council shall not enter into a co-management agreement in relation to a public open space unless it is reasonably believed that entering into the co-management agreement will promote the purpose of these By-laws.

(3) The Council must monitor the effectiveness of the co-management agreement in achieving the purposes for which it was entered into and may cancel the agreement after giving reasonable notice to the other party if the Council has reason to believe that the co-management agreement is not effective, or is inhibiting the attainment of the purpose of these By-laws.

CHAPTER 6

TREE PRESERVATION ORDERS

General

(1) If the Council believes that any tree or group of trees in a public open space requires legal protection the Council may issue a tree preservation order in respect of that tree or group of trees.

(2) A tree preservation order:

(a) must indicate the tree or trees to which it relates; and

(b) may provide that any person who cuts, disturbs, damages, destroys, removes, transports, exports, purchases, sells, donates or in any other manner acquires or disposes of the tree or trees to which it relates, commits an offence.

(3) The Council must erect a prominently displayed copy of any tree preservation order granted at or in the vicinity of the tree or trees to which the order relates.

Procedure

Unless, in the Council's reasonable opinion, the issuing of a tree preservation order is required as a matter of urgency, the Council must, before issuing a tree preservation order under section 0 –

(a) give notice of the proposal to protect the tree or group of trees and invite comments and objections within a specified period, by publishing a notice in the Provincial Gazette and in two newspapers circulating in the area in which the tree or group of trees is situated;

(b) notify any affected organs of State; and

(c) consider the comments and objections received in response to the notice.

CHAPTER 7

APPEALS

(1) A person whose rights are affected by a decision taken by any authorised official under these By-laws, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

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

(4) When the appeal is against a decision taken by-

(a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or

(b) the municipal manager, the executive mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 8

GENERAL PROVISIONS

Offences and penalties

(1) Any person who –

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice issued in terms of these By-laws;

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) obstructs or hinders any authorised official in the execution of his or her duties under these By-laws

is guilty of an offence and liable on conviction to a fine not exceeding R2000 or to imprisonment for a period not exceeding12 months.

Conflict of laws

30. If there is any conflict between these bylaws and any other bylaws of the Council relating to public spaces, these bylaws will prevail.

No. 127 **1 November 2010**

The Richmond Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Bylaws relating to Nuisance

BYLAWS RELATING TO NUISANCES

1. Definitions

In these bylaws, unless the context otherwise indicates –

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, and / or enforce the provisions of these bylaws;

"Council" means the Richmond Municipality and its successor in law, and includes the Council or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws.

2. Disturbance of the Peace

2.1 No person shall disturb the public peace in any public place by making unseemly noises or by shouting, wrangling or quarrelling, or by hooting or playing loud music, or by collecting a crowd, or by fighting or challenging to fight, or by striking with or bandishing or using in a threatening manner any stick or other weapon, or by any other riotous, violent or unseemly behaviour, at any time of the day or night.

2.2 Subject to obtaining prior written approval of the Council, no person shall advertise any wares or services in any public place by means of any megaphone loudspeakers or other similar device or ringing of bells in such manner to constitute a public nuisance in the neighbourhood

2.3 No person being in or on any private premises, shall disrupt the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noise shouting quarrelling wrangling or singing or the continuous playing of

musical instruments, radios or the like or by the continuous or over-loud use of loudspeakers, or the like

2.4 Any itinerant vocalist or musician performing in any public place shall when so required by any authorized official-depart from such neighbourhood.

2.5 No person shall discharge fireworks or light any bonfire in any public space, without prior written permission of the Council.

2.6 No person shall, with out lawful cause, discharge any firearm or airgun within the Municipality, provided that this bylaw shall not apply to any persons engaged in authorised target practice in places set aside for that purpose or to any person to whom written permission to do so has been given by the Council.

2.7. (1) No person shall carry any knife, dagger or other dangerous weapon or any other lethal weapon in any public place, provided that this bylaw shall not apply to the following:

(a) Any person in the Military or Police service when on duty.

(b) Any security officer or police officer.

(c) Any person who shall have obtained from the police a written exemption from the operation of this bylaw, which exemption the police are hereby authorised to grant.

(2) No persons armed with lethal weapons shall he permitted to congregate in any part of the municipality for any purpose or in any manner liable or calculated to cause a breach of the peace.

2.8. No person shall, in any public place, use any abusive or, threatening language or commit any act which is liable or calculated to cause a breach of the peace.

3. Offences against Decency and Morality

3.1. No person shall, in any public place, commit any indecent act or immoral gesture or act or willfully and obscenely expose his or her person.

3.2. No person shall write, print, or draw any obscene or indecent words or figures in

any public place or upon any wall, door, window or other part of premises in or within sight of any public place, nor use any foul, obscene or indecent language in any public place within the hearing of any person therein.

4. Public Places

4.1 No person shall litter upon any street or footpath, which might in any way endanger the safety of pedestrians, or pollute the environment.

4.2 No person shall allow any goods or other article, whether they be his own property or in his charge or custody, to be or remain in or on any street or footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may be necessary for loading and unloading, and in no case after receipt of a notice requiring him to remove same given by any security officer, police officer or authorised official.

4.3 No person shall, for trading or any other purpose, place any goods, wares or articles on any stand or support on or overhanging or protruding over any pavement or street nor place such goods, wares or articles upon any pavement nor place, fix or hang such goods wares or articles upon any verandah post, stays or celing on or over any public footpath or street.

4.4 No person shall carry on or take part in any trade or calling nor open, unpack or pack any cases furniture, goods, materials or merchandise in any street.

4.5 No person shall hold any auction sale in any street or in or from any doorway, window or other opening of any premises abutting on any street without the written consent of the Council and then only subject to such conditions as may be imposed in such consent.

4.6 No person shall place or deposit any slops, trimmings of hedges, fences or trees or any garden or other refuse or waste material of any kind on any street or pavement unless same is placed in approved boxes or receptacles for the purpose of removal by the Council's employees or contractors.

5. Collection of Money

5.1 No person or organization may, without the written permission of the Council, collect or attempt to collect money or hold a cake sale in any public

5.2 The Council may either refuse or grant its consent on such conditions as the Council may prescribe.

6. Encroachment of trees, branches, or shrubs

6.1 No person, being the owner or occupier or any premises abutting on any street or footpath shall permit any tree, branch or shrub growing on such premises to overhang or extend on to such street or footpath in such manner as to cause an obstruction or discomfort to the public, or to come into contact, or to be likely to come into contact, with any wire, pole or public work in or over such street or footpath, nor permit the roots of any such tree or shrub to grow to such an extent that they cause or are likely to cause, any damage to the surface of any footpath or street or to any drain, sewer, water main, underground cable or pipe laid in or under the surface of such footpath or street.

6.2 The owner or occupier of any such premises shall upon receipt of a notice signed by the Municipal Manager requiring him to cut down or back or remove any such tree or shrub or the roots thereof within a time specified and if such owner or occupier shall fail to comply with such notice within such time specified therein the Council may cause such tree or shrub or the roots thereof to be cut down or back or removed, and may recover the cost of executing such work from such owner or occupier.

7. Offences and Penalties

Any person who -

7.1 contravenes or fails to comply with any provision of these bylaws or of any term, condition restriction requirement notice or order imposed or issued in terms thereof;

7.2 resists, hinders, obstructs molests or interferes with an officer or employee of the

Council in the performance of his duties or the exercise of his powers under these bylaws; or

7.3 causes or permits any other person to commit any of the aforesaid acts shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding R1000, or in default of payment of any fine imposed, imprisonment for a period not exceeding twelve months.

8. Conflict of laws

If there is any conflict between these bylaws and any other bylaws of the Council relating to nuisance, these bylaws will prevail.

IZAZISO ZIKAMASIPALA

No. 108 **1 kuLwezi 2010**

UMkhandlu kaMasipala waseRichond, usebenza ngaphansi kwegunya lesigaba 11, futhi ufundwa ngokuhambisana nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo zikaMasipala, wezi- 2000 (UMthetho No.32 wezi-2000),lapha ushicilela iMithetho yawo kaMasipala elawula ukungcoliswa komoya.

IMITHETHO KA MASIPALA ELAWULA UKUNGCOLISWA KOMOYA

ISAHLUKO 1
IZINCAZELO

1. Incazelo

Kulo mthetho kaMasipala, ngaphandle uma ingqikithi ibalula ngokunye:

"umphumela ongemuhle" kuchaza umthelela okhona noma ongabakhona esimweni semvelo othikameza kumbe ongathikameza impilo yomuntu kumbe ukuphila kahle kumbe imvelo ngendlela yokuthi kube ngaphezu kweze noma kungasho lutho;

"okungcolisa umoya" kuchaza nanoma iyiphi into edala noma engadala ukugcoliswa komoya kufaka, kepha kungagcini kulokhu okulandelayo, uthuli, intuthu, ukuthunqa kanye negesi;

"ukugcoliswa komoya " kuchaza nanoma yiyiphi inguquko esimweni semvelo edalwe noma yini engcolisa umoya lapho leyonguquko inomphumela ongemuhle empilweni yomuntu noma isimo sokuphila kahle noma ekuhlanganisweni, ukuhlehlela emuva kanye nokuvunda kwanoma iyiphi imvelo noma ukuphathwa kokuphilayo nobunjalo bendawo abahlala kuyo, noma izinto eziphathekayo ezinosizo kubantu , noma ezizoba nomphumela onjalo ngesikhathi esizayo;

"indawo elawula ukungcoliswa komoya" kuchaza ubungako bomumo womhlaba lapho isigaba 9 sale mithetho kaMasipala ezosebenza kuyo

"izinga lomsindo ozungezile" kuchaza ukufundwa kwemitha lezinga lomsindo odididyelwe ekupheleni kwesikhathi esiyimizuzu ekungenani eyi- 10 emva kokuthi leli mitha lezinga lomsindo odidiyelwe selisebenza, ngaleso sikhathi lowo msindo osolekayo ukuthi ungumsindo ophazamisayo ungekho;

"umoya owemboze umhlaba jikelele" kuchaza umoya ongabiyelekile esakhiweni, emshinini, kushemula noma kwesinye isakhiwo esinjalo;

"isisebenzi esigunyaziwe" kuchaza nanoma yisiphi isisebenzi soMkhandlu esinikezwe igunya nguwo uMkhandlu ukuphatha, ukwenza kusebenze kanye/noma ukuphoqelela izihlinzeko zale mithetho kaMasipala;

"ushemula" kuchaza nanoma yisiphi isakhiwo noma yiluphi uhlobo lokuvuleka lapho okungcolisa umoya kungaphuma khona;

"imoto ecindezelwayo esuswa ngamandla enjini" kuchaza imoto enamandla enjini ehanjiswa ngukuvutha nokuqhuma ngaphakathi kwayo, udisili noma injini yamafutha afuze lawo;

"UMkhandlu" kuchaza uMasipala wase- Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi lawo Eliphethe kumbe nanoma yiluphi olunye uhlaka olusebenza ngokwamandla eliwanikwe ngokomthetho, kumbe nayinoma yisiphi isikhulu esigunyazwe nguMkhandlu sanikwa amandla nemisebenzi maqondana nale mithetho kaMasipala;

"intuthu emnyama" kuchaza intuthu emnyama njengoba kuchaziwe eMthethweni No. 45 1965 Wokuvimbela Ukungcoliswa Komoya emhlabeni jikelele.

“umsindo ophazamisayo” kuchaza izinga lomsindo eledlula izinga lomsindo ozungeze nge-7Db(A) noma ngaphezulu, futhi “okuphazamisayo” okuphathelene nomsindo kuyoba nencazelo ehambisana nale;

"uthuli" kuchaza into esatshe esesimweni esicoliweyo noma esibhudukayo ekwaziyo ukuchelwa kumbe ihlakazwe emoyeni owemboze umhlaba wonke jikelele;

"indlu yokuhlala" kuchaza nanoma yiliphi ibhilidi noma isakhiwo noma ingxenye yebhilidi noma isakhiwo, esisetshenziselwa injongo yokuhlala ,kanye nanoma iyiphi indlu eyengeziwe eyakhiwe ngaphandle;

"izinto zokusebenza ezibasela umlilo" kuchaza noma isiphi isithando somlilo, ubhayela, iziko elakhelwe ukushisa izinto zibe ngumlotha,noma ezinye izinto zokusebenza, kubalwa noshemula-

(a) owakhelwe ukushisa, ongakwazi ukushisa okusaluketshezi, igesi noma okokubasela umlilo okusathse;

(b) osetshenziselwa ukulahla nanoma yini ephathekayo noma izibi ngokuzishisa; noma

(c) osetshenziselwa ukuthi okusaluketshezi, igesi noma okusatshe kube ingxenye yokushiswayo;

"imitha lokumunca ukukhanya" kuchaza umshini wokukala osebenzisa ilahle lethoshi elizwelana nokushisa noma ukusesha ukunquma izinga lokukhanya elimuncwa okungcolisa umoya;

"ukulahla imfucuza" kusho ukulahla noma ukushiya ngemuva into noma yini engaba igesi, okusaluketshezi noma into esasigaxa ngumuntu okunguyena ophethe noma obengumnini wayo;

"uMphathi kaMasipala" kuchaza umuntu oqashwe kanjalo nguMkhandlu ngokwesigaba 82 WoHululmeni Basekhaya: Umthetho Wezinhlaka ZikaMasipala, we- 1998 (uMthetho No. 17 we- 1998);

“izinga lomsindo” kuchaza ukufundwa kwemitha elidididyelwe lezinga lomsindo okwenziwe ngenkathi kukalwa ekupheleni kwesikhathi esifanele emva kokuthi imitha lomsindo elididiyelwe selenziwe lasebenza ngesikhathi kunezinga lomsindo okusolekayo ukuthi umsindo ophazamisayo, lapho ukufunda okuyi-5dB(A) kwengezwa uma umsindo ophazamisayo uqukethe okusazwi noma kusesimweni sokulaleleka;

"isifiphazi" kuchaza isilinganiso samandla okukhanya okwelamalamanayo okubonakalayo okubekwe ngephesenti;

"ukushisa okuvulekile" kuchaza ukuvutha kwento ephathekayo isha ngaphandle kwashemula ukubonisa umkhiqizo wokusha ophumela emoyeni, bese kuthi “ukushisa endaweni evulekile” nakho kube nencazelo efanayo;

"umenzi womsebenzi" kuchaza umuntu ongumnikazi kumbe owengamele lowo msebenzi, noma olawula umsebenzi oqhubekayo, okhipha okungcolisa umoya;

"umuntu" kubalwa umuntu gaqa lakhe, inkampani, inhlangano esemthethweni, inkampani enezimali ezisisiwe, inhlangano kanye nokuhlanganyela;

"isakhiwo" kuchaza nanoma yiliphi ibhilidi noma esinye isakhiwo kuhlangene nomhlaba lapho sakhiwe khona kanye nanoma yimuphi umhlaba oncikene naso osetshenziswayo noma osetshenziselwa okuphathelene nanoma yimiphi imisebenzi eyenziwa kulelo bhilidi noma isakhiwo, futhi kubalwa nanoma yimuphi umhlaba ongenamabhilidi noma ezinye izakhiwo kanye nanoma yiliphi ikhanda lesitimela, umkhumbi, isikebhe noma eminye imikhumbi esebenzayo noma ekhona ngaphakathi kwendawo engaphansi koMkhandlu;

"indawo ekhethelwe ukuthi ibe yilokishi labantu abamnyama" kuchaza nanoma yiyiphi ingxenye yendawo ebekelwe futhi essetshenziselwa ukuthi kuhlale abantu kuyo;

"umgwaqo womphakathi" kuchaza umgwaqo umphakathi onelungelo lokuwusebenzisa;

"intuthu" kuchaza igesi, into ewuhlamvana oluncinyane kanye nalokho okungumphumela wokushisa okuphumela emoyeni uma kusha impahla ishiswa noma iqondene nokushisa futhi kubalwa umule, amatshana, izinhlamvana ezisamatshana ezikhishwa intuthu;

"imoto" kuchaza nanoma yiyiphi imoto, isithuthuthu, ibhasi, ithrakhi noma okunye kokuthutha okuqhutshwa ngokuphelele noma nganhlanye ngomoya oshintshayo isimo, isisi, igesi noma amafutha, noma nangayiphi enye indlela ngaphandle kwamandla omuntu kumbe esilwane;

"umzila wamanzi" ufaka-

(a) umthombo;

(b) umsele wemvelo lapho amanzi ehlale egobhoza khona noma ngezikhawu; kanye

(c) ixhaphozi, ichibi elikhulu noma idamu lapho amanzi engena noma ephuma noma esuka egobhoza khona; futhi

uma kukhulunywa ngomzila wamanzi kusuke futhi kubalwa, uma kufanele, kanye nengaphansi lawo, unqenqema kanye nesizalo.

ISAHLUKO 2
UKUNGCOLISA NGOKUBANGA UMSINDO

2. Ukulawulwa komsindo

Akekho umuntu okumele abange umsindo nanoma kuziphi izakhiwo noma umhlaba noma abe yisisusa noma avumele ukuba umsindo ophazamisayo ubangwe yinoma yimuphi umuntu, umshini, isilwane, into yokusebenza noma yilokhu okuhlangene, okungaba ngumsindo phazamisayo.

3. Izaziso

(1) UMasipala angabhala isaziso lapho azisa khona lowo muntu oyimbangela yomsindo ophazamisayo noma umnikazi walelo bhilidi noma wezakhiwo lapho umsindo ophazamisayo usuka khona, noma bobabili, esikhathini esibekiwe kuleso saziso, ukuthi kumele awumise ngokushesha lowo msindo noma enze ukuthi umiswe kumbe athathe izinyathelo ezifanele ukwehlisa izinga lomsindo ophazamisayo kuye ezingeni elingaphansi kwalelo eliphazamisayo; ngaphandle uma uMasipala wanelisekile ukuthi lowo msindo ophazamisayo wenziwa noma ubangelwa-

(a) ukusebenza :

(i) komshini noma into yokusebenza enesidingo sokugcina noma sokukhanda isakhiwo, noma ukuvikela impilo, isakhiwo noma kwemisebenzi yomphakathi;

(ii) kwezinto zokusebenza zasengadini;

(iii) komshini noma into yokusebenza;

(b) izinga lomsindo ebeselehlisiwe noma ebeselincishisiwe ngokubona kukaMasipala ngendlela enhle kakhulu enokwenzeka ;

(b) umhlangano wezemidlalo; noma

(c) izimo noma imisebenzi engaphezulu kokulawulwa ngumuntu eyimbangela yokudaleka komsindo ophazamisayo,

uMasipala ngokwejwayelekile noma ngoqobo angavumela ukuthi kuqhubeke ukusebenza kwalowo mshini kumbe into yokusebenza, kumbe umhlangano wezemidlalo, kuncike kulezo zimo njengalokhu uMasipala ungabona kufanelekile.

ISAHLUKO 3
UKUNGCOLISWA KOMZILA WAMANZI

4. Ukungcoliswa komzila wamanzi

Ngaphandle uma kunemvume yoMkhandlu, umuntu angabangela -

(a) ukumoshwa kwamanzi;

(b) nanoma yini enophoyizini noma enobungozi; kumbe

(c) nanoma yiyiphi imfucuza noma izibi;

kungene noma kulahlwe emzileni wamanzi.

5. Izikebhe emzileni wamanzi

Akekho umuntu okumele asebenzise isikebhe emzileni wamanzi sibe sivuza amafutha, uphethroli noma yini enophoyizini noma ubungozi.

6. Izinto zokusebenza esikebheni

Umuntu angesebenzisa isikebhe esihanjiswa ngenjini emzileni wamanzi ngaphandle uma umbhobho okhipha intuthu enjinini ufakwe into yokusebenza eyehlisa izinga lomsindo.

ISAHLUKO 4
UKUNGCOLISA NGEMFUCUZA KANYE NOKULAHLWA KWEMFUCUZA

7. Ukungcolisa ngemfucuza

Akekho umuntu okumele alahle noma ashiye nanoma iyiphi imfucuza endaweni enamanzi, esitaladini, emgwaqeni noma iyiphi indawo yokwakha esendaweni esetshenziswa ngumphakathi, ngaphandle uma kusentweni yokuphatha kumbe endaweni ekhonjisiwe ngokusobala ukuthi ihlinzekelwe noma ibekelwe lowo msebenzi.

8. Ukulahlwa kwemfucuza

(1) Akekho umuntu ongalahla imfucuza noma abangele noma anikeze imvume yokulahla izibi, kunoma yimuphi umhlaba noma isakhiwo.

(2) Uma kwephulwa izihlinzeko zesigatshana (1), uMkhandlu ungakhomba, ngendlela yokubhala isaziso, ukuthi -

(a) nanoma yimuphi umuntu owenze, noma obangele kumbe ovumele ngokusobala kumbe ngokucashile ukwephulwa kwezihlinzeko;

(b) umnikazi womhlaba noma wesakhiwo lapho kwaphulwa khona umthetho;

(c) umuntu olawula, kumbe nanoma yimuphi umuntu obekade enelungelo lokusebenzisa, umhlaba noma isakhiwo ngesikhathi lapho umthetho waphulwe khona;

(d) Nanoma yimuphi umuntu ohlulekayo ngobudedengu ukuvimbela ukwaphulwa komthetho,

unqamula ukwephulwa komthetho ngesikhathi esiqondene ngqo, uthatha izinyathelo ukugwema ukuqhubeka kokwaphulwa komthetho, kanye/noma uthatha noma yiziphi izinyathelo uMkhandlu azicabanga zidingekile ukuhlanza noma ukususa izibi, ukulahla ngokusemthethweni izibi kanye nokuhlenga indawo ethintekile.

(3) Uma umuntu ehluleka ukuhambisana nesigatshana (1), noma uma umuntu ehluleka ukuhambisana nemiyalelo enikeziwe esazisweni esikhishiwe ngaphansi kwesigatshana (2), UMkhandlu qobo lwawo ungathatha nanoma yiziphi izinyathelo ocabanga ukuthi zidingekile ukuhlanza noma ukususa udoti, ngenhloso yokuhlenga indawo ethintekayo kanye nokuqiniseka ukuthi izibi kanye nezinto eziphathekayo ezingabe zinamagciwane ezingeke zihlanzeke noma zihlengeke, zilahlwa ngokusemthethweni. UMkhandlu ungabe sewuthola izindleko ezifaneleyo zokuthatha lezo zinyathelo kunoma yibaphi abantu ababalwe esigatshaneni (2), ngokuhlanganyela abazobhekana kanzima nalokhu.

ISAHLUKO 5
UKULAWULA UKUNGCOLISWA KOMOYA

9. Izifunda ezilawula ukungcoliswa komoya

(1) Yonke indawo engaphansi koMkhandlu lapha imenyezelwa njengendawo elawula ukungcoliswa komoya.

(2) Endaweni elawula ukungcoliswa komoya, ngokukhipha isiphakamiso izikhathi ngezikhathi, uMkhandlu -

(a) Ungenqaba noma uvimbele ukuphunyiswa kwengxenye noma ngaphezulu kwalokhu okungcolisa umoya okusukela kuzoz onke izakhiwo noma ezakhiweni ezithile;

(b) ungenqaba noma uvimbele ukuvutha kwezinhlobo ezithile zalokho okubasela umlilo;

(c) ungamemezela izindawo okumele zihlale zingenantuthu, lapho intuthu enesivimbelo esingaphezu kwama-10% ingeke iivunyelwe ukuthi ikhishwe; noma

(d) ubeke izidingo ezehlukene endaweni elawula ukungcoliswa komoya ezimayelana nesimo somoya maqondana-

(i) nezindawo ezahlukene zomumo wezwe;

(ii) izakhiwo ezibekwe eceleni;

(iii) izigaba zezakhiwo; noma

(iv) izakhiwo ezisetshenziselwa izinjongo ezithile.

(3) UMkhandlu ngokubhala phansi ungakhulula izakhiwo ezithile, izigaba zezakhiwo noma izakhiwo ezisetshenziselwa izinjongo ezithile ezihlinzekweni zalo mthetho kaMasipala.

10. Izindawo okumele zihlale zingenayo intuthu

(1) UMkhandlu ungamemezela izindawo ezithile ukuba zibe yizindawo ezingenantuthu ukusukela ngosuku olukhonjiwe kuleso siphakamiso.

(2) Akekho umnikazi noma umhlali wanoma yiziphi izakhiwo ezisendaweni engenantuthu okumele abangele kumbe avumele ukuthi kube nokuphuma kwentuthu kulezo zakhiwo eningi ngendlela yokuthi ingasitha ukukhanya ngezinga elingaphezulu kwamaphesenti ayi- 10.

(3) Uma ngokwesicelo esifakwe yinoma yimuphi umuntu, uMkhandlu weneliseka ukuthi kunezizathu ezanele zokunikwa kukashwele kwesikhashana kwanoma yiziphi izakhiwo ngokwezihlinzeko zalesi sigaba, uMkhandlu, ngokubhalela umfakisicelo isaziso, unganika ushwele wesikhathi esibalulwe kuleso saziso.

ISAHLUKO 6
UKUPHUNYISWA KWENTUTHU EZAKHIWENI OKUNGEZONA IZINDAWO ZOKUHLALA

11. Isivimbelo

(1) Kuncike esigatshaneni (2), intuthu emnyama akumele iphunyiswe kunoma yiziphi izakhiwo isikhathi eseqile emizuzwini emithathu kunoma yisiphi isikhathi esiqhubekayo semizuzu engama-30.

(2) Lesi sigaba asiqondisile entuthwini emnyama ekhishwa emshinini wokubasela umlilo okwenzeka lapho kudunyiswa lowo mshini noma lapho ukhandwa, kumbe ulindele ukuthi ukhandwe, ngaphandle uma lokho kuphuma kwentuthu kungagwemeka ngokusebenzisa uhlelo olungcono kakhulu olungaba khona.

12. Ukufakwa komshini osebenza ngokushisa amafutha

(1) Akekho umuntu okumele afake, aguqule, anwebe noma abeke noma yini esikhundleni somshini osebenza ngokushisa amafutha esakhiweni ngaphandle kokuthola igunya elibhalwe nguMkhandlu kuqala, elinganikezwa kuphela emva kokubhekelela izinhlelo nezincasiselo ezifanele.

(2) Lapho sekufakiwe, kuguquliwe, kunwetshiwe noma kubekiwe esikhundleni somshini osebenza ngokushisa amafurtha ezakhiweni ukuphikisana nesigatshana (1):

(a) Umnikazi noma umhlali wesakhiwo kanye nalowo ofake umshini osebenza ngokushisa amafutha uyobekwa icala lokwephula umthetho; futhi

(b) uMkhandlu, ngokubhalela umnikazi noma umhlali wesakhiwo isaziso, ungakhipha umyalelo wokuthi ususwe lowo mshini esakhiweni ngezindleko zomnikazi kumbe zomuntu osebenzisa lowo mshini esikhathini esishiwo esazisweni.

13. Ukusetshenziswa komshini osebenza ngokushisa amafutha

(1) Akekho umuntu okumele asebenze noma asebenzise noma yimuphi umshini osebenza ngokushisa amafutha kunoma yisiphi isakhiwo ngokuphambene nokugunyazwa okubalulwe esigabeni 12.

(2) Lapho umshini osebenza ngokushisa amafutha usetshenziswe ngokwephula isigatshana (1):

(a) Umnikazi kanye nomhlali waleso sakhiwo nomsebenzisi womshini osebenza ngokushisa amafutha bayobekwa icala ngamunye lokwephula umthetho;

(b) uMkhandlu, ngokubhalela umnikazi kanye nomhlali wesakhiwo isaziso:

(i) ungahoxisa ukugunyaza kwayo ngaphansi kwesigaba 12; futhi

(ii) ukhiphe umyalelo wokuthi kususwe lowo mshini osebenza ngokushisa amafutha ngezindleko zomnikazi nomhlali phakathi esikhathini esishiwo esazisweni.

14. Ukufakelwa kanye nokusetshenziswa komshini wokukala ukuthikameza

UMkhandlu unganikeza isaziso kunoma ubani ongumsebenzisi womshini osebenza ngokushisa amafutha kumbe nanoma yimuphi umnikazi noma umhlali wesakhiwo lapho kusetshenziselwa khona umshini osebenza ngokushisa amafutha, noma okuhloswe ukuthi usetshenziswe, ukuthi afake, anakekele noma asebenzise umshini wokukala ukuthikameza ngezindleko zakhe uma:

(a) ukuphuma kwentuthu emnyama okungagunyaziwe noma okungekho emthethweni okuqondene naleso sakhiwo kwenzeka ngokulandelana futhi ngesikhathi esifanayo okungenani ngaphezu kwesikhathi esiyizinsuku ezimbili;

(b) ukuphuma kwentuthu emnyama okungagunyaziwe noma okungekho emthethweni okuqondene naleso sakhiwo kwenzeka ngezikhawu okungenani isikhathi esingaphezu kwezinsuku eziyishumi nane;

(c) umshini osebenza ngokushisa amafutha usufakiwe kumbe kuhloswe ukuthi ufakwe ezakhiweni ezifanele ukubukeka senathi uzokhipha intuthu emnyama ngokubona kwesisebenzi esigunyaziwe;

(d) uMkhandlu ucabangela ukuthi isimo salokho okungcolisa umoya okukhishwa esakhiweni esifanele kungenzeka kudale ingozi empilweni yomuntu noma kubunjalo bendawo.

(2) Isaziso okukhulunywa ngaso esigatshaneni (1) kumele sazise umuntu okunguyena obhalelwe:

(a) ngelungelo lomuntu lokuthi enze izethulo ezibhaliwe nokuthi eze yena qobo ukuzokwethula nokuphikisana nolwazi nezimpikiswano okumayelana nesaziso, futhi kumele aveze isikhahti esilungile ekumele lokhu kwenzeke nakho;

(b) ngelungelo lomuntu lokucela izizathu ezibhaliwezokukhishwa kwesaziso; kanye

(c) nezinyathelo okumele zithathwe kanye nemiphumela engenzeka uma kungahanjiswana nesaziso.

15. Ukuqaphela kanye nokubonakalisa

(1) Umhlali noma umnikazi wesakhiwo, nomsebenzisi wanoma yimuphi umshini osebenza ngokushisa amafutha, odingeka ukuba afake umshini wokukala ukuthikameza ngokwesigaba 16(1) kumele:

(a) arekhode imiphumela yakho konke ukuqaphela kanye nokwenza isampula bese egcina ikhophi yerekhodi okungenani iminyaka emine emveni kokuthola imiphumela;

(b) uma eceliwe yisisebenzi sikahulumeni esigunyaziwe, aveze irekhodi lemiphumela yokuqaphela kanye nokwenza isampula ukuze lihlolwe; futhi

(c) uma eceliwe isisebenzi sikahulumeni esigunyaziwe, anikeze umbiko obhaliwe (efomini futhi ngosuku olushiwo isisebenzi sikahulumeni esigunyaziwe) oyingxenye noma yalo lonke ulwazi oluserekhodini lwemiphumela yokuqaphela nokwenza isampula.

ISAHLUKO 7
UKUPHUMA KWENTUTHU EZINDLINI ZOKUHLALA

16. (1) Akekho umuntu okumele akhiphe noma avumele ukukhishwa kwentuthu emnyama kunoma iyiphi indawo yokuhlala isikhathi esedlulile emizuzwini emithathu ngesikhathi esiqhubekayo esiyimizuzu engamashumi amathathu.

(2) Nanoma yimuphi umuntu okhipha kumbe ovumela ukuba kukhishwe intuthu emnyama ngokwephula umthetho wesigatshana (1) wenza icala.

ISAHLUKO 8
UKUPHUMA KWENTUTHU OKUBANGWA UKUSHISA OKUVULEKILE

17. (1) Kuyoncika esigatshaneni (4), nanoma yimuphi umuntu oyekelela ukushisa okuvulekile kwanoma yiyiphi impahla kunoma iyiphi indawo noma isakhiwo uyotholakala enecala, ngaphandle uma ethole imvume ebhaliwe kuqala yoMkhandlu, engafaka ukubekwa kwemibandela eyengeziwe okufanele umuntu odinga igunya ahambisane nayo.

(2) UMkhandlu ungegunyza ukushisa okuvulekile ngaphansi kwesigatshana (1) ngaphandle uma -

(a) impahla izoshiswa ngokuvilekile endaweni esuselwe kuyo;

(b) lowo muntu esenze uphenyo wase wahlola zonke ezinye izindlela zokunciphisa, ukusebenzisa futhi, ukuphendula obesekulahliwe kuphinde kusebenze futhi noma kususwe leyo mpahla ngenhloso yokunciphisa ubuningi bempahla ezoshiswa ngokuvulekile, ngendlela ezogculisa uMkhandlu;

(b) lowo muntu esenze uphenyo wase ehlola umthelela lokho kushisa okuvulekile okuzoba nawo esimweni semvelo, ngendlela ezogculisa uMkhandlu;

(c) singakashicilelelwa isifunda isexwayiso ngaphansi kwesigatshana 10 (1)(b) soMthetho kaZwelonke Wezemililo Yequbula Namahlathi, we- 1998 (uMthetho No. 101 we- 1998);

(d) indawo lapho umuntu ehlose ukushisa ngokuvulekile impahla kungeyona indawo ephakathi elokishini labamnyama;

(e) ukushisa ngokuvulekile kwenziwelwa okungena endaweni eqhele ngamamitha ayi- 100 kunoma yiliphi ibhilidi kumbe isakhiwo;

(f) ukushisa ngokuvulekile kungeke kube nobungozi obungenzeka empilweni kanye nasekephepheni kwabantu, empahleni ekungeyomuntu othile kumbe esmweni semvelo;

(g) lowo muntu ebhalile wazisa abanikazi nabahlali bazo zonke izindawo ezincikene nayo-

(i) ngayo yonke imininingwane eyaziwayo yalokhu kushisa ngokuvulekile okuhlongozwayo; kanye

(ii) nangelungelo lomnikazi nabahlali bazo zonke izindawo eziseduzane lokuba bathumelele uMkhandlu izikhalo ezibhaliwe zalokhu kushisa ngokuvulekile okuhlongozwayo zingakapheli izinsuku eziyisi- 7 emva kokuthola isaziso; kanye

(ii) nemali enqunyiwe ibe seyikhokhiwe kuMkhandlu.

(3) Nanoma yimuphi umuntu oshisa ngokuvulekile kumbe ovumela ukushisa ngokuvulekile ngokwephula isigatshana (1) wenza icala.

(4) Izihlinzeko zalesi sigatshana ngeke zisebenze:

(a) lapho abantu bezikhiphile kumbe benezoso endaweni yokuzithokozisa evulekile emagcekeni angawomuntu othile

(b) emililweni emincane elawulekile esezindaweni ezakhiwe ezinganqunyelwe mthetho ngenhloso yokupheka, ukufudumeza amanzi kanye neminye imicimbi yasekhaya.

ISAHLUKO 9
UKUPHUMA KWENTUTHU EZIMOTWENI EZIDUNYISWA NGOKUCINDEZELWA

18. Isivimbelo

(1) Akekho umuntu onemvume yokushayela noma ukusebenzisa imoto, noma abangele ukuba kushayelwe kumbe kusetshenziswe imoto edunyiswa ngokucindezelwa ekhipha intuthu emnyama emgaqweni womphakathi.

(2) Uma intuthu emnyama iphuma ngokwephula isigatshana (1), umnikazi kanye nomshayeli wemoto bayobekwa icala ngamunye lokwephula umthetho.

19. Ukumiswa kwezimoto ukuze zihlolwe futhi zivivinywe

(1) Ukuvumela isisebenzi esigunyaziwe ukuba sigcalise izihlinzeko zale mithetho kamasipala, umnikazi wemoto kumele ahambisane nanoma yimuphi umyalelo ayinikwa isisebenzi esigunyaziwe-

(a) ukuyimisa imoto ; kanye

(b) nokwelekelela ekuhlolweni noma ekuvivinyweni kwemoto.

(2) Kuyicala ukwehluleka ukuhambisana nomyalelo okhishwa ngaphansi kwesigatshana (1).

(3) Uma imoto seyimile ngokuhambisana nomyalelo okhishwe kwesigatshana isisebenzi esigunyaziwe:

(a) singahlola futhi sivivinye imoto eseceleni komgwaqo, ngaleyo ndlela ukuhlola nokuvivinya okudingeka kwenzeke:

(i) endaweni noma eduzane nendawo lapho kukhishwe khona umyalelo wokumisa imoto; futhi

(ii) ngokushesha okungenzeka, kube phakathi nehora elilodwa, emveni kokuba imoto imisiwe njengokomyalelo; noma

(b) ukuhlolwa kwemoto kwenziwe ngamehlo, futhi uma isisebenzi esigunyaziwe sikholwa ukuthi umthetho wephuliwe ngaphansi kwesigaba 18, singabhalela umnikazi noma umshayeli wemoto umyalelo ukuba ahambise imoto esikhungweni sokuvivinywa kwezimoto, esikhathini esinqunyiwe, ukuze ihlolwe futhi ivivinywe ngokuhambisana nesigaba 20.

20 Inqubo yokuvivinyo

(1) Isisebenzi esigunyaziwe kumele sisebenzise indlela yokuvivinya ekhululekile yokushova ngokushesha ukuze sinqume ukuthi kungabe imoto edunyiswa ngokucindezelwa ishayelwa noma isetshenziswa ngokwephulwa kwesigaba 18.

(2) Kumele kulandelwe le nenqubo elandelayo ngenkathi kuqhutshwa isivivinyo esikhululekile sokushova ngokushesha:

(a) umnikazi noma umshayeli wemoto kumele ayisuse imoto , ayibeke egiyeni elingagaxekile futhi esebenzisa ikilashi uma eyalelwa ukwenze njalo yisisebenzi esigunyaziwe;

(b) ngenkathi imoto iduma kancane ingekho egiyeni, isisebenzi esigunyaziwe kudingeka sihlole ngokubheka ngamehlo ukuphuma kwentuthu yemoto;

(c) umnikazi noma umshayeli wemoto kumele ehlise kancane kancane emzuzanweni owodwa isishovo semoto, uma eyalelwe ukwenze njalo isisebezi esigunyaziwe, ngaphandle uma isisebenzi esigunyaziwe singakwenza sona lokho uma umnikazi noma umshayeli wemoto ehluleka noma enqaba ukuhambisana nemiyalelo efaneleyo;

(d) isisebenzi esigunyaziwe kudingeka sikale intuthu ephumayo ngesikhathi isishovo sokwenyusa uphethroli oya enjinini sehlisiwe ngokohlelo lokuphuma kwentuthu yemoto ukuze kuqondakale ukuthi kungabe yintuthu emnyama yini noma cha; futhi

(e) umnikazi noma umshayeli wemoto angadedela isishovo sokwenyusa uphethroli wemoto oya enjinini uma injini ifinyelela ejubaneni elingujuqu, noma uma eyalelwe ukwenze njalo yisisebenzi esigunyaziwe.

(3) Uma emva kokuthi sekwenziwe ukuvivinywa okukhululekile kokushova ngokushesha, isisebenzi esigunyaziwe sesigculisekile ukuthi imoto -

(a) ayikhiphi intuthu emnyama, kumele isisebenzi esigunyaziwe sikhiphe isitifiketi esikhombisa ukuthi leyo ayishayelwa noma ayisetshenziswa ngokuphula isigaba 18, sisinike umnikazi; kumbe

(b) ikhipha intuthu emnyama, kumele isisebenzi esigunyaziwe sikhiphe isaziso sokuthi kukhandwe imoto ngokuhambisana nesigaba 21.

21. Isaziso sokukhanda

(1) Isaziso sokukhanda kumele siyalele umnikazi wemoto ukuthi akhande imoto esikhathini esibaluliwe, futhi athathe imoto ayiyise endaweni ehlonzwe esazisweni ukuze iphinde ivivinywe ngaphambi kokuphela kwaleso sikhathi.

(2) Isaziso sokukhanda kudingeka siqukathe *phakathi kwezinye izinto* ulwazi olulandelayo:

(a) Uhlobo,lwemoto kanye nenamba ekurejistwe ngayo imoto;

(b) Igama, Ikheli kanye nenombolo kamazisi walowo oshayela imoto; futhi

(c) Uma umshayeli kungesiyena umnikazi wemoto, kudingeka igama kanye nekheli lomnikazi wemoto.

(3) Umuntu wephula umthetho uma ehluleka ukuhambisana nesaziso esibalulwe esigatshaneni (1).

ISAHLUKO 10
IZIHLINZEKO EZIJWAYELEKILE

22. Amacala

Uyobekwa icala lokwephula umthetho umuntu owephula nanoma yiyiphi inhlinzeko yale mithetho kaMasipala futhi kuyothi lapho elahlwa icala akhokhe inhlawulo engadlulile ezi- R20 000 noma abhadle ejele isikhathi esingadlulile eminyakeni emibili.

23. Ukuphikisana kweMithetho kaMasipala

Uma kukhona ukuphikisana phakathi kwale Mithetho kaMasipala neminye iMithetho yoMkhandlu, le Mithetho kaMasipala iyona eyosetshenziswa.

No. 109 **1 kuLwezi 2010**

UMkhandlu Kamasipala wase-Richmond, osebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyelwa nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho yawo Yezindawo Zokupaka.

IMITHETHO KAMASIPALA YEZINDAWO ZOKUPAKA

1. Izincazelo

Kule mithetho kamasipala, nanoma yiliphi igama noma isisho esichazwe eMthethweni Kazwelonke Wezemigwaqo (uMthetho No. 93 we- 1996) sinaleyo ncazelo, ngaphandle uma indikimba ikhomba okunye-

" **isikhulu esigunyaziwe"** kusho isikhulu esiqokiwe esigunyazwe nguMkhandlu njengoba kuningwe esigabeni 23 salowo Mthetho ngezinjongo zale Mithetho Kamasipala ukwenza nokusebenzisa nanoma yimiphi imisebenzi namandla okubalulwe lapha, futhi kuya ngezihlinzekelo zaleso Sahluko kanye nezihlinzekelo zanoma yimuphi omunye umthetho;

" umkhandlu" kusho uMasipala waseRichmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanom a yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

" indawo yokupaka yesikhashana" kusho indawo edwetshwe yahlukaniselwa imoto ukuba ipake ngokwale Mithetho Kamasipala, edwetshwe kwingaphezulu lenkundla yokupaka kumbe kwiphansi layo;

"inkundla yokupaka" kusho nanoma iyiphi ingxenye yomhlaba noma yasiphi isakhiwo ebekwe eceleni nguMkhandlu njengenkundla yokupaka noma igaraji lokupakisa izimoto zamalungu omphakathi, noma ngabe akukho mali enqunyiwe ezokhokhelwa ukuyisebenzisa;

"inkundla yokupaka enemitha lokupaka" kusho inkundla yokupaka kumbe nanoma iyiphi ingxenye yayo lapho ukupaka kulawulwa ngamamitha okupaka;

"imitha lokupaka" kusho umshini wokubhalisa ubuye urekhode ngokubonakalayo ubude besikhathi ngokuhambelana nokufakwa kohlamvu lwemali noma enye indlela yokukhokha enqunywe nguMkhandlu futhi kubandakanya nanoma yisiphi isigxobo noma into emile oxhonywe kuso;

"isikhathi sokupaka" kusho leso sikhathi kubandakanya isikhathi esivela emitheni lokupaka nganoma yiluphi usuku olulodwa ngesikhathi izimoto ezivunyelwe ngaso ukupaka enkundleni yokupaka noma endaweni yokupaka yesikhashana kumbe njengoba kukhonjiswe ngophawu lomgwaqo;

"umshini wokukhokha ukhombise" kusho umshini ofakwe endaweni yokupaka lapho ukhokha ukhopmbise khona okudayiswa kuwo amathikithi okuvezwe kuwo lokhu okulandelayo:

(a) usuku noma usuku lokukhishwa kwethikithi;
(b) isamba semali ekhokhelwe ithikithi;
(c) isikhathi sokusuka; kanye
(d) nenombolo eyinkomba yomshini;

"indawo yokupaka okhokha ukhombise kuyo" kusho indawo yokupaka, noma enye ingxenye yayo lapho uMkhandlu uchome khona isaziso ekungeneni kwalapho esikhombisa ukuthi leyo ndawo yokupaka noma eyingxenye yayo iyindawo yokupaka okumele ukhokhe bese uyakhombisa;

"ephawundeni" kusho nanoma iyiphi indawo ebekwe eceleni nguMkhandlu ukuze kugcinwe kuyo izimoto ezisuswe enkundleni yokupaka ngokwale Mithetho kamasipala;

"imali enqunyiwe" kusho imali enqunywa nguMkhandlu izikhathi ngezikhathi ezinhlawulweni zentela yoMkhandlu.

2. Izimali zokupaka

Nanoma ngubani osebenzisa inkundls yokupaka noma indawo yokupaka isikhashana kumele akhokhe imali enqunyiwe.

ISAHLUKO 1

INDAWO YOKUPAKA ELAWULWA NGAMATHIKITHI

3. Imibadela yokupaka endaweni yokupaka elawulwa ngamathikithi

(1) Akukho muntu oyopaka imoto noma enze kumbe avumele ukuba kupakwe imoto kumbe avumele ukuba ishiywe endaweni yokupaka , lapho ukupaka kulawulwa ngokukhishwa kwamathikithi-

(a) ngaphandle endaweni yokupaka isikhashana futhi kuhambisana naleyo miyalelo njengoba inganikezwa yisikhulu esigunyaziwe noma lapho ingekho indawo emakiwe, ngaphandle kwasendaweni ekhonjwe yisikhulu sigunyaziwe;

(b) emva kokuba isikhulu esigunyaziwe sesimazisile umuntu ukuthi indawo yokupaka isigcwele; noma

(c) emva kokuphela kwesikhathi sokupaka.

(2) (a) Akukho muntu ongasusa noma enze kumbe avumele ukususwa kwanoma iyiphi imoto endaweni yokupaka ngaphandle uma-

(i) lowo muntu evezele isikhulu esugunyaziwe ithikithi elimgunyaza ukuthi apake endaweni yokupaka futhi elakhishelwa lowo muntu ngesikhathi engena noma ephuma endaweni yokupaka; futhi

(ii) lowo muntu eyikhokhile imali enqunyiwe esikhulwini esigunyaziwe;

futhi uma umuntu ehluleka ukuveza ithikithi elimgunyaza ukupaka kuleyo ndawo, kuyothathwa ngokuthi lowo muntu kade evele eyipakile imoto kusuka ngesikhathi esinqunyiwe kuze kube ufuna ukususa imoto futhi uyohlawuliswa ngokufanele.

(b) (i) Akukho muntu ongasusa noma enze kumbe avumele ukususwa kwanoma iyiphi imoto epakwe endaweni yokupaka emva kokuhluleka ukuveza ithikithi, lowo muntu kumele aveze obunye ubufakazi ukuze kwaneliseke isikhulu esigunyaziwe, ukuze athole ilungelo lokususa leyo moto,

(ii) Isikhulu esigunyaziwe kumele sitshele umuntu okukhulunywe ngaye esigatshananeni (i) ukuba agcwalise futhi asayine lelo fomu lokuzibophezela njengoba kunqunywe nguMkhandlu, eliyoqala ukusebenza ukuvimbela uMkhandlu icaleni lezikhalo zanoma esiphi isimo, sanoma yimuphi umuntu ezimaqondana nokususwa kwemoto ethile.

(iii) Isikhulu esigunyaziwe singatshela lowo muntu ukuba anikeze isibambiso esithile njengoba kunqunywe nguMkhandlu.

(3) Izihlinzekelo zesigatshana (2) (a) azisebenzi lapho izimali ezinqunyiwe zikhokhwa ekungeneni endaweni yokupaka futhi umuntu okhokhe leyo mali eveza ithikithi elidingekayo esikhulwini esigunyaziwe uma silidinga.

(4) Lapho imoto ingasuswanga endaweni yokupaka uma sekuphele isikhathi sokupaka, enye inhlawulo njengoba kunqunyiwe iyokhokhelwa esinye isikhathi sokupaka esilandelayo.

4. Izindawo zokupaka ezinemishini

(1) Lapho ukupakwa kwemoto ngokuphelele noma okwesikhashana ngokusebenzisa umshini endaweni yokupaka, isikhulu esigunyaziwe singanikeza lowo umuntu ofuna ukupaka endaweni yokupaka ithikithi ngokwemibandela uMkhandlu ogunyaza ngayo ukupakwa kwaleyo moto endaweni yokupaka, uma izindawo zokupaka isikhashana zikhona, njengoba uMkhandlu ugunyaza ukupakwa kwaleyo moto kuleyo ndawo yokupaka.

(2) Akukho moto epakwe endaweni yokupaka okukhulunywe ngayo esigatshaneni (1) engasuswa nanoma ngubani ngaphandle-

(a) kokukhokhwa kwemali enqunyiwe esikhulwini esigunyaziwe; futhi

(b) kokuthi lowo muntu avezele isikhulu esigunyaziwe ithikithi alinikeziwe ngokwesigatshana (1) noma, ukwehluleka ukuveza lelo thikithi kuzoholela ekusebenzeni kwezihlinzekelo zesigaba 3 (2) (b) nezinguquko ezifanelekile.

(3) Akukho muntu owenze ukuba imoto ipakwe endaweni yokupaka okukhulunywe ngayo esigatshaneni (1) ongavumela ukuba ishiywe lapho emva kokuphela kwesikhathi sokupaka.

5. Amathikithi enyanga

(1) Ngale kwanoma yini ephambene nokuqukethwe kule Mithetho Kamasipala, maqondana nanoma iyiphi indawo yokupaka elawulwa ngukukhishwa kwamathikithi, uMkhandlu ungakhipha ithikithi lemali enqunyiwe elinikeza umnikazi imvume yesikhathi esiyinyanga eyodwa noma isikhathi esingphansi kunaleso esibekiwe, yokupaka imoto kuleyo nkundla ngezikhathi ezibekiwe ethikithini, uma zikhona izindawo zokupaka isikhashana.

(2) UMkhandlu unganikeza nanoma yisiphi isikhulu sawo ithikithi eligunyaza umnikazi walo, ukuthi uma esebenzisa imoto enza umsebenzi woMkhandlu, ayipake endaweni yokupaka ebaluliwe, uma sikhona isikhala endaweni yokupaka.

(3) Ithikithi elikhishwe ngokwesigatshana (1) noma (2) angeke ladluliselwa komunye umuntu noma lisetshenziselwe nanoma iyiphi enye imoto ngaphandle kwale ebaluliwe, ngale kokuthola imvume ebhalwe nguMkhandlu kuqala.

(4) Ithikithi elikhishwe ngokwesigatshana (1) noma (2) kumele linanyathiselwe ngumnikazi emotweni elikhishelwe yona ngaleyo ndlela thize futhi kubekwe lokho okubhaliwe noma umbhalo wethikithi ufundeke ungaphandle kwemoto.

6. *Izimoto ezinobukhulu obeqile*

Ngaphandle uma uphawu lomgwaqo olubekwe ekungeneni kuleyo ndawo yokupaka lukhombisa okunye, ayikho imoto kanye nanoma yimuphi umthwalo, oweqa amamitha ama-5 ubude engapakwa endaweni yokupaka.

ISAHLUKO 2
IZINKUNDLA ZOKUPAKA EZINAMAMITHA OKUPAKA

7. Indawo yokupaka

Akukho muntu ongapaka noma ongenza kumbe avumele ukuthi kupakwe nanoma iyiphi imoto noma ayishiye yokupaka enemitha lokupaka ngale kwendawo yokupaka isikhashana.

8. Imibandela yokupaka

(1) Akukho muntu ongapaka imoto noma enze nanoma iyiphi imoto ukuba ipakwe endaweni yokupaka isikhashana ngaphandle kokuba efake uhlamvu lwemali noma enye into enqunyelwe ukusetshenziswa khona lapho-

(a) emitheni elabelwe leyo ndawo yokupaka isikhashana, noma

(b) uma imitha lilawula izindawo zokupaka isikhashana ezingaphezu kweyodwa, emitheni elilawula lezo zindawo zokupaka isikhashana njengoba kukhonjiswe ngomaka noma ngezimpawu emgwaqweni noma onqenqemeni;

bese lelo mitha lenziwa lisebenze ngokuhambisana nemiyalelo evela kulona ukuze imibhalo yemitha futhi ikhombise ngokuqgamile isikhathi sokupaka esilingana nohlamvu lwemali olufakiwe noma enye into enqunyelwe ukusetshenziswa.

Inqobo nje uma-

(i) kuya ngokwesigatshana (4), umuntu ngale kokukhokha, angapaka imoto endaweni yokupaka isikhashana engenalutho engxenyeni ethile yanoma yisiphi isikhathi njengoba kungakhombisa imitha lokupaka ukuthi asikapheli isikhathi, futhi

(ii) lapho umuntu ethola ukuthi imitha lokupaka kunoma iyiphi indawo yokupaka isikhashana alisebenzi kahle, kumele, ngokwesigatshana (5) abe nelungelo lokushiya imoto kuleyo ndawo engalufakanga uhlamvu lwemali noma enye into enqunyelwe ukusetshenziswa.

(2) Ukufakwa kohlamvu lwemali noma enye into enqunyelwe ukusetshenziswa emitheni lokupaka kuyogunyaza umuntu olufakile ukuba apake imoto endaweni yokupaka isikhashana efanele isikhathi esihambisana nemali ekhokhiwe.

(3) Isikhathi imoto engapakwa ngaso endaweni yokupaka isikhashana kanye nohlamvu lwemali noma enye into enqunyelwe ukusetshenziswa ukuba ifakwe ngaleso sikhathi emitheni lokupaka elimiselwe leyo ndawo yokupaka, kumele ihambisane nenhlawulo njengoba inqunyiwe kanye nezikhathi nohlamvu lwemali noma enye into enqunyelwe ukusetshenziswa ukuba lufakwe, kumele zikhathi zonke ikhonjiswe ngokucacile emitheni lokupaka uqobo.

(4) Kuya ngokwezihlinzekelo zesigatshana (5) akukho muntu ongashiya imoto endaweni yokupaka isikhashana emva kokuphela kwesikhathi sokupaka noma eyifakile kumbe engayifakanga imali njengoba kukhonjisiwe emitheni lokupaka kumbe ongabuyisela imoto kuleyo ndawo yokupaka isikhashana emizuzwini eyishumi nesihlanu siphelile isikhathi sokupaka noma ongaphazamisa ukusetshenziswa kwaleyo ndawo yokupaka isikhashana ngomunye umuntu.

(5) Uma uMkhandlu endaweni yokupaka isikhashana ukhombisa uphawu oluveza isikhathi sokugcina sokuqhubeka nokupaka esehlukile kuleso esibalulwe yimitha lokupaka, nanoma ngubani angapaka imoto kuleyo ndawo yokupaka isikhashana ngokwezihlinzekelo zezigatshana (1) no (3) isikhathi esinqunyiwe kumbe nanoma yisiphi isikhathi esingaphansi kwaleso kodwa akukho muntu ongapaka imoto isikhathi eseqile kwesinqunyiwe.

9. Amacala aqondene namamitha okupaka

Akukho muntu -

(a) ongafaka kumbe azame ukufaka uhlamvu lwemali noma enye into emitheni lokupaka ngaphandle

(i) kohlamvu lwemali yaseNingizimu – Afrika njengoba kunqunyiwe;

(ii) kwento enqunyelwe ukusetshenziswa njengenye indlela yokukhokha

(b) ongafaka kumbe azame ukufaka emitheni lokupaka nanoma yiluphi uhlamvu lwemali mbumbulu noma lwento enqunyelwe ukusetshenziswa kumbe enye into yakwamanye amazwe;

(c) ongaphazamisa, alimaze, onakalise noma asithe imitha lokupaka;

(d) nanganoma iyiphi indlela ongenza noma azame ukwenza ukuthi imitha lokupaka lirekhode ubude besikhathi esingeyiso esihambisana nohlamvu lwemali olufakiwe noma enye into enqunyelwe ukusetshenziswa;

(e) ongahluthula, ashaye, axukuze noma alimaze imitha lokupaka elingasebenzi kahle kumbe elingasebenzi nhlobo ngenhloso yokulenza lisebenze kumbe nganoma iyiphi enye inhloso;

(f) ongasusa noma azame ukususa kumbe ukusitha imitha lokupaka noma enye ingxenye yalo esigxotsheni noma entweni esixhunywe kuyo.

10. Ubufakazi besikhathi

Ubungako besikhathi njengoba burekhodwe yimitha lokupaka kungokwenhloso yale Mithetho Kamasipala futhi kunoma yini eyenzeka ngenxa yokuqiniswa kwale Mithetho Kamasipala, iyothathwa njengeyiqiniso futhi inobufakazi besikahthi leyo moto esisipake endaweni yokupaka isikhashana.

ISAHLUKO 3

IZINDAWO ZOKUPAKA OKHOKHA UKHOMBISE KUZO

11. Ukupaka

(1) Akukho muntu ongapaka noma enze noma avumele nanoma iyiphi imoto ukuba ipakwe noma ashiye imoto endaweni yokukhokha neyokukhangisa ngaphandle uma esanda kungena kuleyo ndawo –

(a) ethenga ithikithi elikhishwa ngumshini wokukhokha nowokukhangisa kuleyo ndawo yokupaka ngokuhambisana nemiyalelo ekhonjiswe lapho, noma ebangeni elingekude ngemitha eli-1,5 kulowo mshini, futhi

(b) ekhombisa lelo thikithi ngokulinamathisela ngaphakathi ohlangothini lomshayeli kuwindiskrini yemoto ngandlela thize futhi abeke lolo lwazi olubhalwe ethikithini eduze komshini wokukhokha nowokukhangisa olufundeka ngokugqamile ungaphandle kwemoto.

(2) (a) Isikhathi imoto engapakwa ngaso endaweni yokukhokha neyokukhangisa kanye nohlamvu lwemali noma enye into enqunyelwe ukusetshenziswa okumele ifakwe ngesikhathi esithile emshinini wokukhokha nowokukhangisa, kumele kukhonjiswe kulowo mshini.

(b) Akekho umuntu okumele ashiye imoto endaweni yokukhokha neyokukhangisa emva kokuphelelwa yisikhathi sokuyisusa esikhonjiswe ethikithini.

12. Amacala maqondana nemishini okhokha ukhombise kuyo

Akukho muntu –

(a) oyofaka noma azame ukufaka uhlamvu lwemali noma imali mbumbulu kumbe enye into enqunyelwe ukusetshenziswa okungeyona ngale kohlamvu lwemali lwaseNingizimu Afrika kumbe enye into enqunyelwe ukusetshenziswa emshinini wokukhokha ukhombise;

(b) oyohluthula, ashaye, axukuze noma alimaze nganoma iyiphi indlela noma adwebe umshini wokukhokha ukhombise;

(c)

(d) oyosusa noma azame ukususa umshini wokukhokha ukhombise noma nanoma iyiphi ingxenye yawo lapho ugxunyekwe khona.

13. Ubufakazi bosuku nesikhathi sokusuka

Usuku kanye isikhathi sokusuka njengoba kurekhodwe ngumshini wokukhokha ukhombise kuthathwa kuwona ngaphambili njengobufakazi obuyibo bosuku kanye nesikhathi ngaphandle uma kunobufakazi bokuphambana okukhona.

ISAHLUKO 4

OKUNGXUBE

14. Ukuvalwa kwezindawo zokupaka

Ngale kwanoma yini ephambene nokuqukethwe kule Mithetho Kamasipala, uMkhandlu ungavala nganoma yisiphi isikhathi nanoma iyiphi indawo yokupaka noma ingxenye yayo okwesikhashana noma unomphelo futhi kumele ukhombise imbangela nesikhathi salokho kuvalwa ngophawu lomgwaqo olubekwe ekungeneni kwendawo evaliwe noma engxenyeni evaliwe, kuye ngokuthi ikuphi.

15. Izimoto eziphukile defective

Akukho muntu ongapaka noma enze kumbe avumele ukuba kupakwe noma kushiywe nanoma iyiphi imoto ephukile edinga ukukhandwa kunoma iyiphi indawo yokupaka noma nganoma isiphi esinye isizathu sokwahluleka ukuyisusa kodwa alikho icala uma imoto kuthe emva kokuba ipakiwe endaweni yokupaka, yaqala ukukhombisa izimpawi zokuphuka ezenza ingasakwazi ukuhamba futhi umuntu ohamba ngayo ebuveza ubufakazi balokho noma ethatha izinyathelo ezifanele ukuthi ikhandwe noma isuswe ngesikhathi esifanele.

16. Ukupakwa kwemoto endaweni yokupaka

Akukho muntu ongapaka noma enze kumbe avumele nanoma iyiphi imoto engesiyo echazwe eMthethweni KaZwelonke Wezemigwaqo, we- 1996 (uMthetho No. 93 we- 1996) ukuba ipakwe noma ishiywe kunoma iyiphi indawo yokupaka.

17. Ukuwashwa nokukhandwa kwemoto

Akukho muntu ongahlanza, awashe, asebenze kumbe akhande imoto elimele ngaphandle kukhandwa into encane futhi iphuthuma kunoma iyiphi imoto kumbe enye ingxenye yayo, kunoma iyiphi indawo yokupaka ngaphandle kokuthola imvume ebhaliwe eMkhandlwini kuqala.

18. Ukupaka ngokulandela umyalelo

Akukho muntu ongapala imoto kunoma iliphi ipaki eliyindawo yokupaka ngaphandle kokuhambisana nomyalelo awunikezwa yisikhulu esigunyaziwe noma afake kumbe akhiphe imoto ngale kwendawo yokungena noma yokuphuma ehlukaniselwe ukwenza lokho.

19. Ukuganga ngezimoto

(1) Akukho muntu kunoma iyiphi indawo yokupaka ngaphandle kwesizathu esizwakalayo noma ngaphandle kolwazi nemvume yomnikazi noma umuntu onemvume ngokomthetho yokulawula imoto, oyongena kumbe agibele phezu kwaleyo moto noma ayidumise ngenhloso yokuyihambisa kumbe nanganoma iyiphi indlela agange noma athikameze izinsimbi zayo noma iyiphi enye ingxenye yayo noma izinto eyakhiwe ngazo, ezifakwe kuyo; noma okungaphakathi.

(2) Akukho muntu kunoma iyiphi indawo yokupaka -

(a) oyopaka nanoma iyiphi imoto kuthi nanoma iyiphi ingxenye yayo igamanxela kunoma yimuphi umugqa omhlophe owakhe umngcele wendawo yokupaka isikhashana kumbe ingekho ngaphakathi kwemingcele yaleyo ndawo yokupaka isikhashana

(b) oyokwenza nanoma yini noma alethe nanoma yini ethikamezayo noma engahle ithikameze ukuhamba kwabantu nezimoto;

(c) ngenhloso yokukhwabanisela uMkhandlu, oyozama ukwenza okufana, alinganise, one, alimaze, aguqule noma enze nanoma yimiphi umaka ethikithini elokhishwe ngokwale Mithetho Kamasipala.

(3) Akukho muntu ongapaka imoto noma enze kumbe avumele ukuba ipakwe kunoma iyiphi indawo yokupaka ngaphambi kwesikhathi noma emva kokuphela kwesikhathi sokupaka esinqunyelwe leyo ndawo yokupaka ngaphandle uma lowo muntu engumnikazi wethikithi elikhishwe ngokwale Mithetho Kamasipala elimgunyaza ukwenza lokho.

20. Abantu abangavunyelwe ukuba sendaweni yokupaka

Akukho muntu ongangena noma abe sendaweni yokupaka ngaphandle kwenhloso yokupaka imoto lapho noma yokuyisusa lapho ngokusemthethweni ngaphandle uma egunyazwe nguMkhandlu.

21. Izimoto ezishiywe zodwa

(1) Nanoma iyiphi imoto eshiywe endaweni eyodwa endaweni yokupaka isikhathi esiyizinsuku ezingaphezu kweziyisi- 7 zilandelana kumele ngaphandle uma igunyazwe nguMkhandlu isuswe ngokushesha yisikhulu esigunyaziwe njengoba kuchazwe eMthethweni KaZwelonke Wezemigwaqo, iyobekwa ephawundeni.

(2) UMkhandlu kumele uthathe zonke izinyathelo ezifanele ukulandela umkhondo womnikazi wemoto esuswe ngokwesigatshana (1) futhi, emva

kokuphela kwezinsuku ezingama-90 kusuka osukwini lokususwa kwayo, umnikazi noma umuntu engaphansi kwakhe engatholakali, imoto ingadayiswa nguMkhandlu endalini yomphakathi ngokwezihlinzekelo zesigatshana (3).

(3) Izinsuku eziyi-14 ngaphambi kwesaziso sendali ezoba khona ngokwesigatshana (2) kumele sishicilelwe okungenani emaphephandabeni amabili atholakala endaweni engaphansi kukamasipala woMkhandlu kodwa indali angeke iqhubeke uma kuzothi nganoma yisiphi isikhathi ngaphambi kokuba imoto idayiswe; afike umnikazi kumbe nanoma ngubani ogunyazwe ngumnikazi noma onelungelo ngokomthetho azoyifuna futhi kuthi zonke izimali okumele zikhokhwe ezinqunyiwe ngokwale Mithetho Kamasipala kanye nazo zonke izindleko okukhulunywe ngazo esigatshaneni (4) zikhokhwe eMkhandlwini.

(4) Imali etholakale endalini ezokwenziwa ngokwalesi sigaba kumele isetshenziswe kuqala ukukhokha imali okukhulkunywe ngayo esigatshaneni (3) bese kukhokhelwe lokhu okulandelayo-

(a) izindleko ezidaleke ngokuzama ukulandela umkhondo womnikazi ngokwesigatshana (2);

(b) izindleko zokususwa kwemoto, ukushicilela emaphephandabeni amabili (2), kanye nokwenza indali yemoto;

(c) izindleko zokugcina imoto ephawundeni okumele zibalwe ngesilinganiso sezinga esinqunyiwe,

futhi nanoma iyiphi imali esalayo kumele ikhokhelwe umnikazi wemoto kkumbe nanoma ngubani onelungelo ngokomthetho lokuyithola uma lowo muntu eveza ubufakazi belungelo lakhe ngendlela ezogculisa uMkhandlu futhi uma kungekho sibizo esenziwayo esikhathini esingunyaka kusukela osukwini lwendali, imali esalile iyogcina eMkhandlwini.

22. Ukwenqatshelwa ukungena

Isikhulu esigunyaziwe singenqaba ukwamukela endaweni yokupaka imoto okungenzeka ukuthi ukweluleka, ububanzi noma ubude bayo bungadala ukulimala kubantu noma esakhiweni kumbe buphazamise.

23. Ukukhululwa kukadokotela owelaphayo

Udokotela owelaphayo uyakhululwa ekukhokheni imali enqunyiwe, ngesikahthi imoto ayisebenzisayo ipakwe ukuze akwazi ukwenza umsebenzi awufundele kunoma iyiphi indawo engesilo igumbi lokuhlolela kumbe indawo efana nalo futhi uma ifomu noma uphawu olukhishwa nguMkhandlu Wezokwelapha waseNingizimu-Afrika ngaleyo nhloso luveziwe ewindini elikhulu langaphambili lemoto ethintekayo ngendlela egqamile.

24. Amacala nezinhlawulo

Nanoma ngubani-

(a) owephula umthetho noma ohluleka ukuhambisana nanoma yiziphi izimiselo zale Mithetho kamasipala;

(b) ohluleka ukuhambisana nanoma yisiphi isaziso esikhishwe ngokwale Mithetho Kamasipala, noma

(c) ohluleka ukuhambisana nanoma yimuphi umyalelo wangokomthetho onikezwe ngokwale Mithetho Kamasipala; noma

(d) othikameza kumbe ophazamisa nanoma ngubani ogunyazwe ukumela noma isisebenzi soMkhandlu ekwenzeni imisebenzi yakhe ngaphansi kwale Mithetho Kamasipala,

uyotholwa enecala lokwaphula umthetho futhi uyobhekana nenhlawulo yemali engeqile ezi-R2000 noma uma ehluleka ukukhokha uyogqunywa ejele isikhathi esingeqile ezinyangeni eziyi-12.

25. Ukushayisana kwemithetho

Uma kunokushayisana phakathi kwale Mithetho Kamasipala kanye nanoma yimiphi eminye imithetho kamasipala yoMkhandlu ephathelene nokupaka, le mithetho kamasipala iyosebenza.

No. 110 **1 kuLwezi 2010**

UMkhandlu kaMasipala waseRichmond usebenza ngaphansi kwegunya lesigaba 11; ufundwa ngokuhlanganyelwa nesigaba98 soHulumeni Basekhaya: UMthetho Wezinhlelo ZikaMasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho yawo emayelana nokugcinwa kwezinja.

IMITHETHO KAMASIPALA EMAYELANA NOKUGCINWA KWEZINJA

1. Izincazelo

(1) Ngenhloso yale Mithetho kaMasipala:

"indawo" kuchaza indawo lapho uMasipala wase Richmond unegunya khona;

"Isisebenzi esigunyaziwe" kuchaza noma yisiphi isisebenzi soMkhandlu esigunyazwe nguMkhandlu ukuphatha, ukwenza kanye/kumbe nokuphoqelela izihlinzeko zale Mithetho kaMasipala;

"UMkhandlu" kuchaza uMasipala waseRichmond kanye kanye nabalandela emva kwawo ngokomthetho, futhi ubandakanya uMkhandlu walowo Masipala noma iKomidi Eliphethe kumbe nanoma yiluphi uhlaka olusebenza ngokwamandla oluwanikwe ngokomthetho kanjalo nayinoma yisiphi isikhulu esigunyazwe yiKomidi Eliphethe sanikwa amandla nemisebenzi maqondana nale Mithetho Kamasipala ;

"ikhulekiwe" kuchaza ukuthi ikhulekiwe ukuze kuvimbeleke ukweqa;

UMkhandlu" kuchaza uMasipala waseRichmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya noMkhandlu walowo Masipala kumbe iKomidi Eliphethe kumbe nanoma yiluphi uhlaka olusebenza ngokwamandla eliwanikwe ngokomthetho kanjalo nayinoma yisiphi isikhulu esigunyazwe sanikwa amandla nemisebenzi maqondana nale Mithetho kaMasipala;

"inja" kuchaza ichalaha noma injakazi;

"ilayisensi" kuchaza ilayisensi ekhishelwe sonke kumbe ingxenye yesikhathi kusukela mhla lulu- 1 kuMasingana kuya mhla zingama- 31 kuZibandlela walowo nyaka ngoyiSikhulu Esiphezulu Sezimali sikaMasipala waseRichmond;

"amagceke" kuchaza 'amagceke'njengoba echazwe esigabeni soku-1 (1) se-Odinensi yoMaziphathe Basekhaya No. 25 we-1974;

"indawo yomphakathi" kuchaza nanoma yimuphi umgwaqo, isitaladi, indlela, ibhuloho, ibhuloho elingaphezulu, umgwaqo oguduza ngaphansi, indawo yabahamba ngezinyawo,indlela yabahamba ngezinyawo, indlela eyisikwele, indawo evulelekile, ipaki, indawo yokuma amabhasi namatekisi, umhlaba ogunyaziwe womuntu kumbe kufakwe indawo evalekile engaphansi kwegunya loMkhandlu futhi kubandakanya nanoma yimuphi umgwaqo, indawo kumbe indlela yabo bonke abantu okusendaweni engaphazanyiswa umphakathi kumbe umphakathi onelungelo lokuyisebenzisa;

"isitifiketi samarabi" kuchaza isitifiketi esichaza ukuthi inja igonyelwe isifo sokuhlanya kwezinja ngudokotela wezilwane kumbe isisebenzi sikahulumeni esigunyaziwe ezinyangeni eziyi-12 kusukela ngosuku ilayisensi ekhishwe ngalo;

"udokotela wezilwane" kuchaza udokotela wezilwane njengoba kuchazwe esigabeni soku-1 soMthetho Wezifo Zezilwane, uMthetho No. 35 we-1984;

2. Akukho muntu ongagcina ngaphakathi indaweni:

(i) nanoma yiyiphi inja enolaka noma ethanda ukusukela abantu, izilwane kumbe izimoto ngaphandle uma leyo nja ikhulekiwe ukuze kuphephe abantu, izilwane kanye nezimoto ukuze zingahlukunyezwa yileyo nja; (ngenhloso yalo mthetho kaMasipala, inja elume kumbe ezame ukuluma umuntu kumbe isilwane ngaphandle uma kungukuthi ibizivikela kumbe ibivikela umnikazi wayo kunoma yiyiphi enye indawo ngaphandle kwalawo magceke ejwayele ukugcinwa kuwo kumele ithathwe njengenolaka);

(ii) nanoma yiyiphi injakazi esesikhathini sayo sokunyelezela ebanga isicefe. Isisebenzi esinegunya singacela umnikazi kumbe umuntu olawula leyo njakazi esesikhathini sayo sokunyelezela ukuthi ayisuse ayise endaweni egcina izinjakazi ezisesikhathini sokunyelezela, ngesaziso esibhaliwe. Ukwahluleka ukulandela lesi saziso kuyosho ukwaphulwa kwale mithetho kamasipala;

(iii) kunoma yikumaphi amagceke, izinja ezingaphezu kwezimbili ngaphandle kwemvume ebhaliwe kaMasipala, leyo mvume ingakhishwa kuncike kwimibandela ethile futhi ingahoxiswa;

(iv) nanoma yiyiphi inja engakhishelwanga ilayisensi;

(v) nanoma yiyiphi inja engakhishelwanga isitifiketi samarabi ;

(vi) nanoma yiyiphi inja, ngesizathu sayo sokulokhu ikhonkotha njalo, iklewula, ishaya umkhulungwane noma ilokhu inswininiza ibanga umsindo ocasulayo kumbe ophazamisa ukuthula komphakathi.

(Ngokwenhloso yesigatshana (i) kuya ku- (vi); kumele kuthathwe ngokuthi umnikazi kumbe ohlala kuleyo ndawo lapho kutholakale khona inja uyena umuntu ogcine inja, kuze kube kutholakala okunye.)

3. Nanoma yiyiphi inja etholakale ibhayiza futhi inganakwe muntu endaweni yomphakathi, kumbe etholakale endaweni ibukeka ihlaselwe isifo kumbe kubonakala ukuthi ayinamnikazi ingavinjwa bese ibanjwe isisebenzi esinegunya kuthi uma kutholakala ukuthi sinengozi, ulaka kumbe sinesifo singabulawa yilesi sisebenzi. (Ngenhloso yalo mthetho kamasipala nanoma yiyiphi inja engaligqokile ibheji kumbe noma yini ekhombisa kuthi ngubani umnikazi wayo noma okubonakala ukuthi ayinamnikazi iyothathwa njengengenaye umnikazi.)

4. Akukho muntu ongumnikazi wenja kumbe ogade inja ongavumela leyo nja ukuthi itholakale endaweni yomphakathi ngaphandle uma ikhulekiwe ukuze kube nesiqiniseko sokuthi ayizobeka engozini ukuphepha kwabantu, izilwane kumbe izimoto ezisebenzisa leyo ndawo yomphakathi.

5. Isisebenzi esigunyaziwe singabamba nanoma yiyiphi inja enolaka noma ebukeka iyingozi kumbe ephazamisa umphakathi.

6. Isisebenzi esigunyaziwe esibamba inja ngokusebenzisa amandla esiwanikezwe yile mithetho kamasipala kumele athathe noma adlulisele inja endaweni kaMasipala noma kwenye indawo ephephile lapho izonakekelwa khona ngokufanele.

7. Nanoma yimuphi umuntu othi ungumnikazi kumbe owengamele leyo nja edluliselwe endaweni kaMasipala noma kwenye indawo ephephile kumele anikezwe igunya lokugada inja uma :

(i) ezokhokha zonke izindleko ezibekhona ngenkathi kubanjwa, kudluliselwa, kugcinwa kumbe- ke kunakekelwa inja;

(ii) anelisa umuntu owengamele indawo kaMasipala lapho kugcinwa khona izinja ezibanjiwe kumbe enye indawo ephephile yokugcinwa kwazo ukuthi ungumnikazi kumbe nguye owengamele inja futhi kumele aveze isitifiketi senja samarabi kanye nelayisensi ekhishelwe inja.

8. Nanoma yiyiphi inja edluliselwe endaweni kamasipala noma kwenye indawo ephephile ngokwesigaba sesi-6 yangalandwa muntu kwaze kwaphela izinsuku esiyisikhombisa selokhu yabanjwa iyodayiswa ngumuntu owengamele indawo kamasipala kumbe indawo ephephile bese kuthi inzuzo etholakele ngalokho kudayisa iyosetshenzisselwa ukukhokha zonke izindleko ezibekhona ngesikhathi kubanjwa, kugcinwa futhi kunakekelwa leyo nja edayisiwe kuyokuthi- ke uma kukhona imali esele bese inikelwa esikhungweni sabezokuvikela ukuhlukunyenzwa kwezilwane.

9. Uma nanoma yiyiphi inja idluliselwe endaweni kamasipala kumbe kwenye indawo ephephile ngokwesigaba sesi-6 bese kungabibikho oyilandayo kuze kuphele izinsuku eziyisikhombisa kusukela ekubanjweni kwayo kumbe ingakwazi ukudayiseka ngaphansi kwezihlinzeko zesigaba sesi-8, leyo nja kumele ihanjiswe esikhungweni sabezokuvikela ukuhlukunyeza kwezilwane, kuhlinzekwe ukuthi uma leyo nja kutholakala ukuthi inesifo esithathelanayo kumbe esingalapheki noma ukulimala okungalapheki noma inolaka olukhulu ngendlela yokuthi iyingozi, umuntu owengamele indawo kamasipala kumbe enye indawo ephephile kumele ayibulale inja.

10. **Izinhlawulo**

Nanoma yimuphi umuntu owaphula kumbe ohluleka ukulandela nanoma yiziphi izihlinzeko zale mithetho kamasipala, uyobekwa icala bese kuthi lapho elahlwa yicala uyobhekana:

(i) Uma kuyicala lokuqala, nokukhokha inhlawulo engeqile emakhulwini amahlanu amarandi noma abhadle ejele isikhathi esingeqile ezinyangeni eziyisithupha noma kokubili ukukhokha inhlawulo nokubhadla ejele; futhi

(ii) lapho le nhlinzeko iphuliwe kumbe ingalandelwanga kuze kube isihlandla sesibili noma esilandelayo,u nokukhokha inhlawulo

engeqile enkulungwaneni eyodwa yamarandi kumbe abhadle ejele isikhathi esingeqile onyakeni owodwa noma kokubili ukukhokha inhlawulo nokubhadla ejele.

11. **Ukuchithwa**

Imithetho kaMasipala yeBhodi leDolodha laseRichmond emayelana nokuGcinwa kwezinja, eyamenyezelwa mhla zingama- 28 kuNhlolanja we- 1991 ngaphhansi kweSaziso sama- 58 we- 1991 seGazethi yeSifundazwe saseNatali ,lapha iyachithwa.

11. Ukuphikisana kweMithetho kaMasipala

Uma kukhona ukuphikisana phakathi kwale mithetho kaMasipala kanye neminye imithetho yoMkhandlu emaqondana nokugcinwa kwezinja, le mithetho kaMasipala iyiyona eyosetshenziswa.

No. 111 **1 kuLwezi 2010**

UMkhandlu kaMasipala wase-Richmond usebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyela nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho yawo Kamasipala yokuDayisa Emgwaqeni.

IMITHETHO KAMASIPALA YOKUDAYISA EMGWAQENI

1. Izincazelo

(1) Kule mithetho kamasipala, ngaphandle uma kuhlinzekwe ngokunye kumbe ingqikithi ichaza okunye-

"ukuvunywa" kuchaza ukuvunywa yisisebenzi esigunyaziwe kanti **"ukuvuma"** kunencazelo ehambisanayo;

"usoseshini" kuchaza abantu abazisebenzayo, abazihlele baba yinhlangano yabadayisi basemigwaqeni enomthethosisekelo kanye nendlela yokuziphatha;

"isisebenzi esigunyaziwe" kuchaza isisebenzi soMkhandlu esinikezwe umsebenzi kumbe amandla ngaphansi kwale mithetho kamasipala maqondana ukwenziwa kwalowo msebenzi kumbe ukusetshenziswa kwamandla futhi kuhlanganisa nanoma yisiphi isisebenzi esisebenza ngaphansi kokulawulwa nokuqondiswa yileso sisebenzi;

"uMkhandlu" kuchaza uMkhandlu kaMasipala waseRichmond futhi kuhlanganisa, maqondana nomsebenzi kumbe amandla ngaphansi kwale mithetho kamasipala, ikomidi noma isisebenzi soMkhandlu esinikezwe lowo msebenzi kumbe lawo mandla.

"Isiphathimandla sendawo" kuchaza noma yiluphi uhlelo olwenziwa yisiphathimandla noma egameni lesiphathimandla sendawo ukuqoqwa, ukuthuthwa, ukunakekelwa kumbe ukulahlwa kukadoti, indle kumbe amanzi ezikhukhula noma ukuphehlwa, ukugcinwa kwempahla ephawundeni,ukuhlanzwa kumbe ukulethwa kwamanzi, igesi noma ugesi;

"Imisebenzi yomsebenzi wesiphathimandla sendawe' kuchaza yonke impahla kumbe imisebenzi yanoma yiluphi uhlobo edingengeka kunoma yimuphi umsebenzi wesiphathimandla sendawo

"uhlupho" lunencazelo enikezwe kulo yi-Odinensi, kumbe nanoma yisiphi isichibiyelo;

"imali enqunyiwe" kuchaza imali enqunywa nguMkhandlu izikhathi ngezikhathi emalini yentela yoMkhandlu.

"impahla" maqondana nomdayisi wasemgwaqeni, kuchaza nanoma yiziphi izimpahla, imigqomo/izitsha, imoto kumbe into eyakhiwe egudlulekayo esetshenziswayo nome okuhloswe ukuthi isetshenziselwe ukuqhuba ibhizinisi lakhe;

"indawo yomphakathi' kuchaza noma yisiphi isitaladi kanye nanoma yiyiphi indawo yezitolo, ipaki, inkundla yezemidlalo, ingadi, isiqhingi noma indawo evalelekile kumbe evulelekile-

(a) eyakhiwe elokishini elizimele elivunyiwe, eyayibekwe eceleni ukuze isetshenziselwe ukuhlomulisa umphakathi futhi ikhonjisiwe ipulanini yalelo lokishi; noma

(b) eyakhiwe endaweni yesiphathimandla sendawo, isiphathimandla sendawo sinikezwe ubunikazi, ukulawula kanye nokuphatha ngumthetho noma itayitela ukuze umaphakathi uyisebenzise futhi uhlomule noma umphakathi onelungelo lokuwusebenzisa; noma

(c) uma yakhiwe elokishini elizimele elivele likhona (noma ngabe lelo lokishi elivele likhona lisendaweni yesiphathimandla endawo noma cha), umphakathi kumbe abahlali banelungelo elifanayo okuthi uma likhonjisiwe epulanini ejwayelekile noma emdwebeni kumbe nanoma yiyiphi ipulani ehlanganiswe eHhovisi Lomhloli Wendawo Jikelele futhi laziwa ngokuvamile njengefayela kumbe irekhodi lohlelo lokususa eHhovisi Lomhloli Wendawo Jikelele noma lapho kuVulwa kubuye kugcinwe khona amafayela amaTayitela, abanikazi beziza kuelo lokishi elizimele elivele likhona banelungelo elifanayo;

"umgwaqo womphakathi" kuchaza nanoma yimuphi umgwaqo, isitaladi, umgwaqo omkhulu kumbe nanoma yiyiphi enye indawo (umgwaqo omkhulu noma cha) esetshenziswa kakhulu umphakathi kumbe nanoma yiyiphi ingxenye noma umphakathi kumbe ingxenye ethile onemvume yokungena, futhi kuhlanganisa-

(a) unqenqema lwanoma yimuphi umgwaqo, isitaladi kumbe umgwaqo omkhulu;

(b) nanoma yiliphi ibhuloho, isikebhe sokuwelisa noma izibuko elinqamula kulowo mgwaqo, isitaladi noma umgwaqo omkhulu;

kanye

(c) nanoma yimuphi umsebenzi noma into eyingxenye kumbe exhumene noma okungeyalowo mgwaqo, sitaladi noma umgwaqo omkhulu;

"Indlela yomgwaqo" kuchaza isiqeshana somgwaqo, sesitaladi noma somgwaqo omkhulu esithuthukiswe, sakhiwa kumbe okuhloswe ngaso ukulawula isiminyaminya sezimoto esiphakathi kwezindawo lapho kugcina khona khona umgwaqo;

"ukudayisa" kuhlanganisa -

(a) ukushintshiselana ngempahla,ukushintshana noma ukuqasha;

(b) ukukhombisa, ukuveza, ukunikezela noma ukulungiselela ukuthengisa:

(c) ukulondoloza ngenhloso yokuthengisa; noma

(d) ukuhlinzeka ngomsebenzi ukuthola inzuzo' kanti "ukuthengisa" kunencazelo efanayo;

"Indlela" kuchaza leyo ngxenye yonqenqema eyenzelwe ngokukhethekile abahamba ngezinyawo;

"umdayisi wasemgwaqeni" kuchaza umuntu oqhuba ibhizinizi lokudayisa emgwaqeni;

"ukudayisa emgwaqeni" kuchaza ukudayiswa kwanoma yiyiphi impahla noma ukusathsalaliswa kumbe ukuthembisa ukunikezela nganoma yimuphi umsebenzi ukuze uzuze, njengomdayisi wasemgwaqeni, ohamba edayisa emgwaqeni womphakathi noma endaweni yomphakathi kodwa akubandakanyi kuphela ukudayiswa kwamaphephandaba,

"Umthetho" kuchaza uMthetho Wezamabhizinisi No. 71 we-1991 futhi kuhlanganisa imithethonqubo eyakhelwe ngaphansi kwawo;

"imoto" ihlanganisa-

(a) imoto ezihambisayo ;

(b) inqola edonswayo;

(c) imoto edonswa ngesandla noma eqhutshwayo; kanti

"unqenqema" kuchaza leyo ngxenye yomgwaqo, isitaladi noma umgwaqo omkhulu kuhlanganisa indlela, engesiyo indlela yomgwaqo.

(2) Kule mithetho kamasipala ngaphandle uma ingqikithi ichaza ngokunye, nanoma yiliphi igama noma isisho esichazwa eMthethweni siyoba naleyo ncazelo esinikezwe yona.

(3) Ngokwenhloso yale mithetho kamasipala umthetho ngamunye wokunikezela ngokuthengisa noma ukudayisa izimpahla noma imisebenzi emgwaqeni womphakathi noma endaweno yomphakathi kuhlanganisa ukuqhubeka kwebhizinisi lomdayisi wasemgwaqeni.

(4) Ngokwenhloso yale mithetho kaMasipala okuqondiswe kulowo muntu oqhuba ibhizinisi lomdayisi wasemgwaqeni kuyohlanganisa nanoma ngubani oyisisebenzi salowo muntu.

2 Isicelo

Akukho muntu oyoqhubeka nebhizinisi lokudayisa emgwaqeni ngaphandle uma -

(a) esethole imvume ebhalwe phansi yoMkhandlu yokwenza lokho;

(b) eyilunga lenhlangano yabadayisi basemgwaqeni eyaziwa nguMkhandlu;

3 Izivimbelo

Akukho muntu ozoqhubeka nebhizinisi lomdayisi wasemgwaqeni -

(a) endaweni emenyezelwe ngaphansi kwesigaba 6A(2)(a) soMthetho njengendawo lapho kungavumelekile khona ukuqhuba ukudayisa emgwaqeni

(b) onqenqemeni, oluseduze

(i) nebhilidi okungelikaHulumeni noma uMkhandlu kumbe elisetshenziswa ngabantu bakaHulumeni noma boMkhandlu;

(ii) nesonto kumbe indawo yokukhonzela; noma

(iii) nebhilidi elimenyezelwe ukuba yigugu lesizwe ngaphansi koMthetho Wezamagugu Esizwe No. 28 we-1969 kumbe nanoma yisiphi isichibiyelo esenziwe ngaphandle uma ukuqhutshwa kwebhizinisi kuvunyiwe ngesaziso noma ngophawu olufakiwe noma olunanyatheliswe nguMkhandlu ngokulandela umthetho.

(c) onqenqemeni olusondelene nebhilidi lapho ibhizinisi liqhutshelwa khona yinoma ngubani odayisa kuphela impahla efanayo kumbe yohlobo olufanayo naleyo edayiswa ngumdayisi wasemgwaqeni othintekayo, ngaphandle kwemvume yalowo muntu;

(d) kuleyo ngxenye yomgwaqo womphakathi eseduze nebhilidi belisetshenziselwa ukuhlalisa abantu, uma umnikazi noma umuntu ophethe noma ohlala kulelo bhilidi ephikisana nalokho;

(e) endaweni lapho kuphazamiseka khona abahamba ngezinyawo ekusebenziseni indlela noma bethatha kumbe behla khona endaweni yakhe njengendlela benze kanjalo; ???????

(f) endaweni lapho ivimba khona izimoto

(g) endaweni lapho ivimba ngaphambi -

(i) kwendawo yokungena noma yokuphuma ebhilidini;

(ii) ipayipi lamanzi lokucisha umlilo ;

(h) Esiqintini kumbe nanoma yiyiphi indawo eningwe esigabeni 6A (3)(b) soMthetho uma engenabo ubufakazi bokuthi usiqashile leso siqinti noma indawo yoMkhandlu kumbe kungenzeka ukuthi wabelwe yona;

(i) okuphambene nemigomo nemibandela yokuqashiswa noma ukwabiwa kwesiqinti noma indawo eningwe esigabeni 6A(3)(b) no (c) soMthetho;

4. Izithibelo

(1) Akukho muntu oqhuba ibhizinisi lokudayisa emgwaqeni -

(a) uma lelo bhizinisi liqhutshelwa kunoma yimuphi umgwaqo womphakathi noma indawo yomphakathi

i. ozolala kuleyo ndawo yebhizinisi ubusuku bonke; noma

ii. ozomisa nanoma yisiphi isakhiwo esizinzile esizeni sebhizinisi ngenhloso yokwakha indawo yokuhlala;

ngaphandle kokuthola kuqala imvume yoMkhandlu

ebhalwe phansi,

(b) ongaqhuba ibhizinisi elinjalo ngendlela-

(i) edala ukuphazamiseka

(ii) elimaza noma ecekela phansi ingaphezulu lanoma iyiphi indawo yomphakathi kumbe kumbe nanoma yisiphi isakhiwo somphakathi noma somnikazi

(iii) engadala isiminyaminya emgwaqeni;

(c) ongaqoqela, alahle, agcine kumbe achithe noma avumele ukuthi kuqoqelwe, kulahlwe, kugcinwe kumbe kuchithwe nanoma yimuphi udoti endaweni engesiwona umgqomo kadoti ovunnywe kumbe ohlinzekwe ngumkhandlu, kunoma yimuphi umhlaba noma amagceke kumbe nanoma yiyiphi indawo kumbe umgwaqo womphakathi;

(d) ongaphazamisa ukufinyelela emisebenzini yoMkhandlu noma ekaHulumeni kumbe nanoma yiluphi uhlaka lukahulumeni;

(e) ongangenelela ngenhloso yokuthi abantu abasebenzisa indlela babone izimpahla ezikhonjiswe efasiteleni lokukhombisa elingemuva lesitolo noma asithe lezo zimpahla ukuze zingabonakali;

(f) ongaphazamisa ukufinyelela emhubheni wabahamba ngezinyawo kume enxanxatheleni yezitolo;

(g) ongaqhuba ibhizinisi kumbe athathe isikhundla noma abeke isakhiwo sakhe engxenyeni yendlela noma yendawo yomphakathi okungahambisani nesaziso kumbe uphawu olumiswe noma olukhonjiswe nguMkhandlu ngokwezinhloso zale mithetho kamasipala;

(h) ongaqhuba ibhizinisi endaweni ephikisana nanoma yisiphi isithibelo esimiswe nguMkhandlu ngokwesigaba 6A(2)(a) soMthetho;

(i) ongavimba ukufinyelela endaweni yokuwela abahamba ngezinyawo, yokupaka noma yokulayisha impahla kumbe ezinye izindawo zesiminyaminya sezimoto noma sabahamba ngezinyawo;

(j) ongavimba ukufinyelela noma ukusetshenziswa kwefenisha yomgwaqo njengamabhentshi okuhlala abagibeli bebhasi noma indawo yokukhosela kanye neyokuma olayini ,

imigqomo yokulahla udoti kanye nezinye izinto ezenzelwe ukusetshenziswa ngumphakathi wonke; noma

(k) ongasitha nanoma yiluphi uphawu lomgwaqo olufakwe ngokoMthetho Wezomgwaqo we-1996 kanye nemithethonqubo eyenziwe kumbe nanoma yikuphi ukumakwa, isaziso noma uphawu olufakiwe noma olwenziwe ngokwale mithetho kamasipala.

(2) UMkhandlu unelungelo lokuthibela abadayisi basemgwaqeni abathile kanye nezinhlangano zabo.

5. Ukuhlanzeka kwendawo yebhizinisi kanye nokuvikeleka kwempilo yomphakathi

Wonke umdayisi wasemgwaqeni kumele-

(a) nsuku zonke asuse zonke izimpahla ezidayiswayo, nezakhiwo ezigudlukayo, udoti, izinto zokupakisha, impahla kanye nezinto zokusebenza noma ezahlobo luni ezisetsheniselwa ukuqhuba ibhizinisi; ngaphandle uma ethole kuqala imvume ebhalwe phansi yoMkhandlu emkhululayo ezihlinzekelweni zale ndima.

(b) aqhube ibhizinisi ngendlela engezoba nabungozi noma ukwesabisa impilo noma ukuphepha komphakathi;

(c) asuse noma agudlule nanoma yini ngokwesicelo seSikhulu noma sesisebenzi soMkhandlu ukuze kukwazi ukuthi indawo yebhizinisi ihlanzwe;

(d) agcina indawo noma iisitende asisebenzisayo ngenhloso yokuqhuba ibhizinisi lakhe kanjalo nempahla yakhe isesimweni esihlanzekile esingenawo udoti;

(e) athathe izinyathelo ukuqinisekisa ukuthi akukho mafutha kumbe uwoyela noma yini enye econsele kumbe egeleza kwingaphezulu lendlela noma echaphazeleke odongeni lwesakhiwo uma kungkuthi umsebenzi wakhe uhlanganisa ukupheka noma enye indlela yokulungisa ukudla.

6 Ukudayisa emapaki nasezingadini

Akukho mdayisi wasemgwaqeni ozoqhuba ibhizinisi lakhe engadini noma epaki lapho umphakathi unelungelo lokuyisebenzisa ngaphandle uma ethole kuqala imvume yeMenenja yoMkhandlu kaMasipala noma isisebenzi esigunyaziwe ebhalwe phansi futhi ehambisana nemibandela amiselwe yona ngesikhathi enikezwa leyo mvume.

7 Izinto ezisetshenziselwa ukukhombisa izimpahla

Umdayisi wasemgwaqeni kumele aqinisekise ukuthi nanoma yiluphi isakhiwo, isitsha, ingaphezulu kumbe enye into ayisebenzisayo ukulungiselela, ukukhombisa, ukugcina noma ukuthutha impahla -

(a) kuyanakekelwa ngendlela efanale futhi kuhlala kusesimweni sokuhlanzeka, futhi

(b) akubekwanga noma kwanqwabelana ngendlela enngadala ingozi kunoma ngubani noma ngendlela okungenzeka ilimaze noma ngubani.

8 Ukususwa kanye nokudliwa

(1) Ngokwenhloso yale mithetho kamasipala "izimpahla" kuhlanganisa nanoma yiyiphi imoto ethutha udoti kumbe isakhiwo esigudlilekayo.

(2) Isikhulu singasusa futhi sidle izimpahla-

(a) uma sisola ukuthi zisetshenziswa kumbe kuhloswe ukuthi zisetshenziswe noma zisetshenziswe maqondana nokuqhuba nanoma yiliphi ibhizinisi lokudayisa emgwaqeni, futhi

(b) uma sizithola endaweni lapho kungavumelekile khona ukuqhuba ibhizinisi futhi ngokokubona kwaso lokho kufaka nokwaphulwa kwesigaba 3 (h) kumbe isigaba 5 noma kungavumelekile ngokwesigaba 2(a) kuya ku-(g) futhi nokokubona kwaso kuhlanganisa nokwaphulwa kwezihlinzekelo einjalo noma ngabe lezo zimpahla ziphethwe kumbe zilawulwa yinoma ngubani ngesikhathi sokususwa noma sokudliwa kwazo.

(3) Nanoma yisiphi isikhulu esisebenza ngokwesigatshana (2) kumele -

(a) sikhiphele umuntu oqhuba ibhizinisi lokuba ngumdayisi wasemgwaqeni irisidi yanoma yiyiphi impahla esusiwe noma edliwe ngaphandle uma kuyimpahla elahliwe noma shiyiwe

(b) khona manjalo sihambise leyo mpahla esisebenzini esigunyaziwe.

(4) Noma ngabe nguMkhandlu noma yisisebenzi esiyikhansela, isikhulu kumbe isisebenzi soMkhandlu akekho oyoba necala lokulahleka kumbe ukulimala kwempahla esusiwe noma edliwe ngokwalesi sigaba.

9. Ukulahlwa kwezimpahla ezidliwe

(1) Nanoma yiziphi izimpahla ezibolayo ezisusiwe kanye nezidliwe ngokwesigaba 8 (2) kumele noma yingasiphi isikhathi emva kokudliwa kwazo ziyobe sezidayiswa kumbe zicekelwe phansi nguMkhandlu futhi esimeni sokudayiswa kwalokho kudla kungambi eqolo ngokwezindleko zoMkhandlu ekususweni kwazo,ukudayiswa kumbe ukudliwa kwezimpahla kumele kukhokhelwe umnikazi wazo emuva kokuveza amaresidi akhishwe ngokwesigaba sesi-8(3) (a).Uma umnikazi ehluleka ukulanda zingakapheli izinyanga ezintathu kusukela ngosuku ezadayiswa ngalo,lezo zimpahla ziyodliwa ngumkhandlu.

(2) Umnikazi wanoma yiziphi izimpahla (ngaphandle kwezimpahla ezibolayo), uMkhandlu obhekene nazo ngokwesigatshana 1, ezidliwe ngokwesigaba 8(2) ofisa ukwenza isibozo sokubuyiselwa lezo zimpahla kumele, esikhathini esiyinyanga kusukela zadliwa izimpahla lezo, afake isicelo eMkhandlwini futhi kuyomele aveze amarisidi afanele akhishwa ngokwesigaba 8(3)(a), uma kwehluleka lokho, lezo zimpahla ziyodayiswa nguMkhandlu kanti ekudayisweni kwalezo zimpahla kuyosetshenziswa izihlinzekelo sesigaba 1 eziqondene nemali eyotholakala ngokudayiswa kwalezo zimpahla.

(3) Uma umnikazi wezimpahla ezidliwe ngokwesigaba 8(2) enza isibizo sokubuyiselwa nguMkhandlu izimpahla futhi lowo mnikazi engakwazi kumbe enqaba ukukhokha izindleko zoMkhandlu maqondana nokususwa kanye nokudliwa kwalezo zimpahla, lezo zimpahla ziyodayiswa nguMkhandlu bese kuthi imali eyotholakala ngokudayiswa kwalezo zimpahla uma sekususwa nanoma yiziphi izindleko zalokho kudayiswa, leyo mali iyonikezwa umnikazi.

(4) esimeni lapho imali etholakale ngokudayiswa kwezimpahla okuningwe ngazo kulesi sigaba ingenele ukukhokhela izindleko zoMkhandlu ongene kuzo mayelana nokususwa, ukudliwa kanye nokudayiswa kwalezo zimpahla, umnikazi walezo zimpahla uzokhokha zonke izindleko eziyosala zingakhokhelekanga emva kokuthathwa kwemali etholakale kudayiswa lezo zimpahla.

10 Amacala avamile kanye nezinhlawulo

(1) Noma ngubani -

(a) owaphula kumbe owehluleka ukuhambisana nanoma yisiphi isihlinzekelo sale mithetho kamasipala;

(b) oziba, onganaki noma ongahloniphi nanoma yisiphi isaziso, uphawu noma umaka okukhonjiswe noma okumiswe ngenhloso yale mithetho kamasipala;

(c) owaphula kumbe owehluleka ukuhambisana nanoma yikuphi ukuvuma noma umbandela okhishwe ngokwale mithetho kamasipala;

(d) okuyothi ngokwenhloso yale mithetho kamasipala enze isitatimende esingamanga ebe azi kahle ukuthi singamanga noma ekwenza ngamabomu unikezela esisebenzini esigunyaziwe noma esikhulwini ngolwazi oludukisayo

(e) ozosabisa, enqabele, agxambukele kumbe avimbele isisebenzi esigunyaziwe, isikhulu noma isisebenzi soMkhandlu ekusebenziseni amandla aso, imisenbenzi yaso ngaphansi kwale mithetho kamasipala,

Uyotholakala enecala futhi uyobhekana nenhlawulo engeqile ezi-R2000 kumbe abhadle ejele isikhathi esingeqile ezinyangeni eziyisithupha.

2. Uma isisebenzi somdayisi wasemgwaqeni senza nanoma yisiphi isenzo kumbe ezizwa enecala nganoma yikuphi ukweqeka okuhlanganisa icala ngaphansi kwale mithetho kamasipala umqashi kuyothathwa ngokuthi usenzile leso senzo noma enecala lokweqeka futhi kumele aveze ubufakazi bokuthi –

1. ekwenzeni isenzo noma ekubeni necala lokweqeka, isisebenzi sasingenalo ulwazi futhi singavumanga;

2. zonke izinyathelo ezifanele zithathiwe ukuvikela isenzo noma ukweqeka; futhi

3. kwakungekho ngaphansi kwegunya lokusebenza kumbe kwesizathu sokuqashwa kwesisebenzi ukuba senze isenzo esinjengalesi okukhulunywa ngaso

3. Ukuthi umqashi wakhiphe imiyalelo evimbela ukwenziwa kwanoma yisiphi isenzo noma ukweqeka okukhulunywe ngakho esigatshaneni (2) ngeke kwamukelwa njengobufakazi obanele ukuthi wathatha zonke izinyathelo ezifanele okukhulunywe ngazo endimeni (b) yaleso sigatshana.

4. Uma umqashi ngenxa yezihlinzekelo zesigatshana (2) ethinteka kunoma yini eyenziwe noma eyeqiwe yisisebenzi, leso sisebenzi naso siyothinteka sibhekane nokushushiselwa icala.

11 Ukushayisana kwemithetho

Uma kukhona ukushayisana phakathi kwale mithetho kamasipala kanye neminye imithetho kamasipala yoMkhandlu eqondene nokudayisa emgwaqeni, le mithetho yiyona eyosetshenziswa.

UMkhandlu kaMasipala waseRichmond, ngokweSigaba 156 soMthethosisekelo, we-1996, (uMthetho 108 we-1996) ofundeka ngokuhambisana nesigaba 11 soMthetho wezoHulumeni Basekhaya Wezinhlelo Zikamasipala wezi-2000 (uMthetho No. 32 wezi-2000) lapha sewushicilela iMithetho yawo kaMasipala eqondene Nokususwa Kukadoti.

IMITHETHO KAMASIPALA EHAMBISANA NOKUSUSWA KUKADOTI

1. **Izincazelo**

"isisebenzi esigunyaziwe" kuchaza isisebenzi soMkhandlu esinikezwe umsebenzi kumbe amandla ngaphansi kwale mithetho kamasipala maqondana nokwenziwa kwalowo msebenzi kumbe amandla futhi kuhlanganisa nanoma yisiphi isisebenzi esisebenza ngaphansi kokulawulwa nokuqondiswa yileso sisebenzi;

"uMkhandlu" kuchaza uMasipala waseRichmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanom a yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

"imali enqunyiwe" kuchaza imali enqunywa nguMkhandlu izikhathi ngezikhathi emalini yentela yoMkhandlu.

"umgqomo kadoti" kuchaza nanoma yimuphi umgqomo kadoti, ohambisana nokuchazwe yinhlangano yaseNingizimu Afrika ebhekele Amazinga empahla ukuthi ungafaka udoti;

"isikhwama sikadoti" kuchaza isikhwama sikadoti esiqinile esilungele ukufakwa emgqonyeni kadoti;

"udoti wanoma yiluphi uhlobo" kuchaza zonke izihlobo zikadoti kubandakanya udoti wasekhaya, udoti wasengadini, udoti wasezitolo, udoti wasezimbonini, udoti okhethekile kumbe inqwaba kadoti ;kanye

"udoti okhethekile" kuchaza nanoma yimuphi udoti odinga ukuphathwa

ngesineke kanye/kumbe ukulahlwa ngendlela ethize, futhi uhlanganisa nemfucuza yasemadeleni, insimbi, amafutha, udaka, umhlabathi umhlabathi ombiwe ematsheni, imvuthuluka yabakhi, imfucuza enobungozi kanye neyemithi yokwelapha kanye nanoma yimuphi udoti oyocatshangwa nguMkhandlu izikhathi ngezikhathi;

2. **Ukulahlwa kukadoti**

(1) Akukho muntu ongalahla kumbe avumele ukulahlwa kwanoma yiluphi uhlobo lukadoti kwenye indawo ngaphandle kwaleyo echazwe kule mithetho kamasipala ngale kwemvume ebhalwe phansi yisisebenzi esigunyaziwe;

(2) Akukho muntu ongaqongelela, agcine kumbe avumele ukuqongelelwa noma ukugcinwa kukadoti wanoma yiluphi uhlobo kunoma yisiphi isakhiwo naphandle kwaleso esichazwe kule mithetho kamasipala ngale kwemvume ebhalwe phansi yisisebenzi esigunyaziwe;

(3) Isisebenzi esigunyaziwe singayalela ohlalayo kumbe umnikazi wesakhiwo okutholakale kuso ukuthi udoti wanoma yiluphi uhlobo uqongelelwe noma umuntu okucatshangwa ukuthi nguye obhekele ukulahlwa kukadoti wanoma yiluphi uhlobo kunoma yiyiphi indawo yomphakathi noma emhlabeni ongenalutho ukubhekela udoti njengoba kuyaleliwe futhi noma ngubani ohluleka ukuhambisana nalo myalelo uyotholakala enecala;

(4) Esimeni lapho umuntu oyalelwe ukuthi asuse udoti ngokwesigatshana sesi-(3) ehluleka ukulawula lowo doti ngendlela nangesikhathi ayalelwe sona, isisebenzi esigunyaziwe singahlela ukususwa kwalowo doti futhi uMkhandlu ungazibuyisa zonke izindleko mayelana nalokhu kulowo muntu;

(5) UMkhandlu ungahlela ukususwa kwawo wonke udoti noma ingxenye yanoma yimuphi udoti emagcekeni asezakhiweni ezenganyelwe yiwo.

(6) UMkhandlu ungasungula amazinga ahlukahlukene emisebenzi yokususwa kukadoti ezindaweni ezahlukahlukene zokusebenza ezingaphansi kwendawo eyenganyelwe nguMkhandlu.

(7) Lapho uMkhandlu uqoka ukunganikezeli ngemisebenzi yokususwa kukadoti maqondana nodoti omningi wasengadini, udoti wasezimbonini noma udoti okhethekile, uMkhandlu ungayalela ohlalayo kumbe umnikazi kuya ngesimo, ngokubhalwe phansi ukuba ahlele ukususwa kwalowo doti kanye nokulahlwa kwawo ezilahlweni ezivunywe nguMkhandlu ngezindleko zakhe.

(8) Uma umnikazi kumbe ohlalayo ehluleka ukuhambisana nomyalelo njengoba kuningwe esigatshaneni (6), isisebenzi esigunyaziwe singahlela ukususwa kwalowo doti bese sibuyise zonke izindleko ezidalekile ngokukhokhisa ohlalayo noma umnikazi;

(9) Ngokwenhloso yale mithetho kamasipala, uMkhandlu unganyusa-

(i) Intela yonyaka ezokhokhelwa ngumnikazi;kanye/kumbe

(ii) nenkokhelo yanyanga zonke ekhokhwa ohlalayo, kuwo wonke amagceke ngemisebenzi eyenziwe kuleyo ndawo okumele ikhokhelwe noma ngabe udoti ususiwe noma awususwanga;kanye/noma

(iii) ubuyise intela yomsebenzi ngokudayisa izikhwama zikadoti zikamasipala;

(iv) inkokhelo ngomsebenzi ngamunye;kanye/kumbe

(v) nemali eyisibambiso yanoma yiyiphi imvume ekhishwe ngokwale mithetho kamasipala.

(vi) UMkhandlu ungahlukanisa intela, inkokhelo noma imali phakathi kwamazinga omsebenzi wokususwa kukadoti onikezelwa ezindaweni ezithile zokusebenza.

(vii) Endaweni yokusebenza lapho uMkhandlu wethulwe khona umsebenzi ophoqelekile, intela kumbe inkokhelo yanyanga zonke iyokhokhwa ngohlalayo kumbe umnikazi, kuya ngesimo ngisho noma ungasetshenziswanga umsebenzi wokususwa kukadoti.

3. Ukunakekelwa kwemigqomo kadoti kanye nokusetshenziswa kwezikhwama zokulahla udoti

(1) Bonke abanikazi noma abahlalayo, kuya ngokuthi yikuphi, lapho kudingeka ukuthi kwethulwe khona umsebenzi endaweni yokusebenza, bayohlinzeka futhi banakekele, emagcekeni, umgqomo kadoti osesimeni esingeke sibe wuhlupho futhi sidale ukuthi kunqwabelane udoti wamabhizinisi kanye nodoti wasemakhaya kuleyo ndawo obekwe kuyo,

(2) Bonke abanikazi kumbe abahlalayo, kuya ngokuthi yikuphi, lapho kudingeka ukuthi kwethulwe umsebenzi endaweni yokusebenza, bayosebenzisa izikhwama zokulahla udoti zepulastiki noma opulastiki bodoti bakamasipala, kuya ngokuthi yikuphi, ukulahla udoti.

(3) Bonke abanikazi kumbe abahlalayo bayogcina lezo zikhwama zepulastiki zisesimweni esingeke sibe wuhlupho futhi sidale ukuthi kunqwabelane udoti wamabhizinisi kanye nodoti wasemakhaya kelyo ndawo obekwe kuyo.

(4) Bonke abanikazi noma abahlalayo, kuya ngokuthi yikuphi, beyogcina yonke imigqomo kadoti ihlale imboziwe zikhathi zonke, ngesikhathi kufakwa noma kukhishwa udoti kuyo,

(5) Akukho muntu ngaphandle kwesisebenzi esigunyaziwe noma izisebenzi zoMkhandlu, oyongenelela ekususweni kumbe asuse kunoma yimaphi amagceke, nanoma yimuphi umgqomo kadoti ngaphandle uma eqikelela ukuthi lowo doti uyasuswa.

4. Imigqomo kadoti ehlukene edingwa yibhizinisi kumbe ifulethi ngalinye

(1) Lapho kunendawo yokuhwebelana engaphezu kweyodwa, ibhizinisi noma umsebenzi esakhiweni esisodwa, kumbe lapho isakhiwo sihlukaniswe saba ngamafulethi asetshenziswayo kumbe amagumbi ahlangene, umnikazi noma ohlalayo, kuya ngokuthi yikuphi, wendawo ngayinye yebhizinisi, ifulethi elihlukene noma amagumbi ahlangene uyohlinzeka agcine imigqomo kadoti ehlukene maqondana nendawo ngayinye yokuhwebelana, ibhizinisi ngalinye, ifulethi noma amagumbi ahlangene.

(2) Isisebenzi esigunyaziwe singashaya indiva kumbe singavumelani nezidingo zalo mthetho kamasipala ngokunciphisa inani lemigqomo kadoti edingekayo ngokwesigatshana (1) salo mthetho kamasipala, uma nje lokho kushaya indiva kumbe ukungavumelani kungeke kuthikameze, nangayiphi indlela, ilungelo lalowo ohlalayo kumbe umnikazi lokukhokhela imisebenzi eqondene naye kuphela ebalulwe esigatshaneni (1)

5. Ukuhlinzeka ngemigqomo kadoti eyengeziwe

Esimeni lapho isisebenzi esigunyaziwe sanelisekile ukuthi ukunqwabelana kukadoti kunoma yimaphi amagceke kungaphezu kwamandla ukuthi kungabhekwana nacho ngendlela ejwayelekile, umnikazi noma ohlalayo kulzwo magceke, njengoba kungadinga isisebenzi esigunyaziwe, uyohlinzeka agcine umgqomo kadoti owodwa noma ngaphezulu futhi kuyodingeka akhokhe intela noma enqunyiwe noma ingxenye ethile yemali ngenani kanye nohlobo lwemigqomo kadoti edingwa yisisebenzi esigunyaziwe.

6. Indawo yomgqomo kadoti kumele ihlinzekwe

(1) Isisebenzi esigunyaziwe singayalela umnikazi wanoma yisiphi isakhiwo okuhlala kuso abaqashile abangaphezu koyedwa noma umnikazi ukuba ahlinzeke ngendawo yomgqomo enesilinganiso esifanele futhi kuleso sakhiwo kwakhiwe indawo yesikhashana yokugcina nanoma yimuphi udoti odaleke kumbe oqongeleleke kuleso sakhiwo futhi kumele enze amalungiselelo afanele okususwa kwawo wonke udoti kuleyo ndawo yomgqomo kadoti

(2) Umnikazi wanoma yisiphi isakhiwo esihlinzekelwe ngendawo yomgqomo kadoti yokugcina okwesikhashana udoti wanoma yiluphi uhlobo, kumele agcine leyo ndawo yomgqomo kadoti ihlanzekile zikhathi zonke.

7. Ukubekwa kwemigqomo kadoti kumbe izikhwama zokuthutha udoti

Umnikazi kumbe ohlalayo, kuya nokuthi yikuphi-

(1) endaweni lapho kusetshenziswa khona izikhwama ezilingene zepulastiki

zokuthutha udoti noma izikhwama zodoti zikamasipala, uyozibeka enqenqemeni lomgwaqo ngosuku lokuqoqwa kukadoti.

(2) endaweni lapho kusetshenziswa khona imigqomo kadoti kumbe eminye imigqomo evunywe nguMkhandlu, uyobeka leyo migqomo onqenqemeni lomgwaqo ekuseni ngosuku lokuqoqwa kukadoti; futhi

(3) uma udoti okukhulunywa ngawo kuwudoti oyinqwaba, owasefemini kumbe okhethekile, uyobekwa ngendlela ethile eyonqunywa yisisebenzi esigunyaziwe nangokomyalelo wazikhathi zonke, ukuze kubhekelwe ukususwa kwalowo doti.

8. Udoti oluketshezi

Akukho muntu oyolahla kumbe abangele noma avumele ukuthi kulahlwe nanoma yihlobo luni lukadoti osaketshezi, noma nini kumbe ngaphansi kwanoma yisiphi isimo kunoma yimuphi umgqomo kadoti noma isikhwama sikadoti

9. Ukususwa kukadoti wasezimbonini, okhethekile kanye nodoti oyinqwaba

(1) Umnikazi kumbe ohlalayo,kuya nokuthi yikuphi, wanoma yimaphi amagceke lapho kukhiqizwa khona udoti wasembonini, okhethekile noma udoti oyinqwaba, uyowufaka abhekane nawo ngendlela enqunywe yisisebenzi esigunyaziwe nangokomyalelo waso wazikhathi zonke.

(2) Uma umnikazi kumbe ohlalayo ehluleka ukubhekana nodoti wasezimbonini, okhethekile noma udoti oyinqwaba njengoba eyalelwe, isisebenzi esigunyaziwe singahlela ukususwa kwalowo doti futhi sibuyise zonke izindleko ezidalekile kumnikazi noma kohlalayo.

10. Izihlinzeko zokulahla udoti wasekhaya

(1) Ngale kwezihlinzekelo zale mithetho kamasipala ebezisebenza ekuqaleni, abanikazi noma abahlalayo emagcekeni anomugqa womngcele oqhele ngamamitha angaphezu kwayi-100 ukusuka kunoma yimuphi umgwaqo okunqamula kuwo nanoma yiyiphi imoto ethutha udoti ehlinzekwe nguMkhandlu, bangafaka isicelo esisebenzini esigunyaziwe sokuthola imvume yokugqiba udoti emagcekeni abo, ngesizathu sokungakwazi ukufinyelela emigodini eyakhelwe bona ngendlela egculisayo isisebenzi esigunyaziwe. Bonke abanikazi noma abahlalayo abanikezwe igunya ngokwalo mthetho kamasipala, bazokhululwa ekukhokheni imali ebizwa nguMkhandlu maqondana nomsebenzi wokususwa kukadoti, ngaphandle kokuthi uMkhandlu unikeziwe amandla okubiza imali yokucubungula nanoma yisiphi isicelo esifikile kanye nokuhlolwa kwemigodi okwenziwa njalo okuyobalulwa emalini yentela yoMkhandlu.

(2) Isisebenzi esigunyaziwe singavuma kumbe sinqabe isicelo ngokubona kwaso futhi uma sivuma leso sicelo singabeka imibandela mayelana nendawo kanye nokumbiwa komgodi, ukulahlwa kukadoti lapho kanye nezinyathelo okumele zithathwe ukugwema nanoma yiluphi uhlobo lohlupho noma ubungozi kwezempilo okungadaleka lapho, njengoba kungahle kucatshangwe: ngaphandle uma isisebenzi esigunyaziwe singeke senqabe isicelo ngale kokuthi sibe nezizathu ezizwakalayo ezenza sikholwe ukuthi umgodi uzoba wuhlupho noma uzoba nobungozi kwezempilo kumbe ube yisizinda sokungcoliseka kwanoma yimuphi umfula, umsele noma ukusatshalaliswa kwamanzi.

(3) Ekuvumeni leso sicelo, isisebenzi esigunyaziwe siyonikeza umfakisicelo isitifiketi esizocacisa nanoma yimiphi imibandela okumele ayilandele ngokwale mithetho kamasipala. Isitifiketi okukhulunywe ngaso ngenhla kumele siyoba semthethweni isikhathi esiyonqunywa yisisebenzi esigunyaziwe noma kuze kube siyahoxiswa kumbe siyesulwa, noma yikuphi okuyokwenzeka kuqala.

(4) Isisebenzi esigunyaziwe nganoma yisiphi isikhathi ngokukhipha isaziso esibhalwe phansi, singashintsha, sichibiyele kumbe siguqule nanoma yimuphi umbandela okunoma yisiphi isitifiketi esikhishwe ngokwale mithetho kamasipala noma sikhiphe nanoma yimuphi umyalelo obhalwe phansi oya kumnikazi wesitifiketi ukuba enze noma yisiphi isenzo, into kumbe nanoma yini maqondana nomgodi, ukumbiwa komgodi omusha noma ukulahlwa kumbe ukusingathwa kwalowo doti.

(5) Uma umnikazi wesitifiketi esikhishwe ngokwale mithetho kamasipala ehluleka ukuhambisana nanoma yimiphi imibandela eshicilelwe kumbe noma yimuphi umyalelo wesisebenzi esigunyaziwe okhishwe ngokwale mithetho kamasipala, isisebenzi esigunyaziwe singabhalela umnikazi isaziso, simcela ukuba ahambisane nanoma yimuphi umbandela onjalo esikhathini esiyonqunywa yiso. Uma lowo mnikazi ehluleka ukuhambisana nemigomo yaleso saziso, isisebenzi esigunyaziwe singasesula kumbe sisihoxise isitifiketi sakhe okuyoholela ekutheni umnikazi lowo aphoqeleke ukubuyela asebenzise indlela yokususwa kukadoti ehlinzekwe nguMkhandlu, kuye ngemibandela maqondana nalokho

(6) Ukuqhubeka nokulahla udoti emgodini emva kokwesulwa kwesitifiketi esasikhishwe ngokwale mithetho kamasipala kuyoba yicala futhi kuyoholela ekutheni isephulamthetho sishushiswe

(7) Izihlinzeko zale sigaba semithetho kamasipala angeke zisebenze ekuzilahleleni udoti lapho lokho kuzilahlela kuyingxenye yomsebenzi owethulwa nguMkhandlu endaweni yokusebenza.

11. Udoti wasengadini

(1) Akukho muntu oyobeka, agcine noma alahle budedengu nanoma yimuphi udoti wasengadini kumbe avumele nanoma ngubani ukuba enze njalo, kunoma yimuphi umgwaqo, unqenqema, indawo evulekile yomphakathi kumbe yomnikazi ngaphandle kokuthola imvume yesisebenzi esigunyaziwe ebhalwe phansi.

(2) Isisebenzi esigunyaziwe, kuncike emibandeleni njengoba kubukeka kufanelekile, singakhipha imvume egunyaza ukugcinwa kukadoti wasengadini isikhashana onqenqemeni kumbe kwenye indawo efanele isikhathi esikalelwe uma kukhokhwe imali eyisibambiso ebekiwe ezimalini zentela yoMkhandlu.

(3) Uma noma ngubani ngubani ehluleka ukuhambisana nemibandela yanoma iyiphi imvume ekhishwe ngokwale mithetho kamasipala yokugcina udoti wasengadini okwesikhashana, imali eyisibambiso ekhokhiwe iyocwila eMkhandlwini futhi isisebenzi esigunyaziwe singahlela ukuthi kususwe lowo doti kuthi umuntu onikezwe imvume abhekane nezindleko ezidaleke ngesikhathi kususwa wonke udoti wasengadini kuleyo ndawo ebalulwe emvumweni okukhulunywa ngayo.

(4) UMkhandlu ungasungula kumbe uvume iziza zokudlulisela udoti wasengadini, lapho udoti wasengadini ungabekwa khona ukuze ususwe noma ngezinhloso zokugcwalisa umhlaba kuye ngemibandela ukuthi ngaziphi izinsuku nangamaphi amahora njengokokunquma koMkhandlu futhi kukhonjiswe esazisweni esisesizeni.

(5) Akukho muntu ongangena esizeni esakhiwe kumbe esivunywe nguMkhandlu ngokwale mithetho kamasipala ukuthi kulahlwe kuso udoti wasengadini nganoma yisiphi isikhathi ngaphandle kwezinsuku nezikhathi ezivezwe esazisweni esikhonjisiwe kumbe alahle nanoma yimuphi udoti ngaphandle kukadoti ovundisa ingadi kuleso siza.

12. Amacala kanye nezinhlawulo

(1) Noma ngubani -

(i) owaphula nanoma yisiphi isihlinzekelo sale mithetho kamasipala, lokho kwaphula okungachazwanga njengecala;

(ii) owaphula nanoma yimuphi umbandela kumbe othibela ukunikezelwa kwesicelo, ukuvunywa, igunya, imvume ngokwale mithetho

kamasipala; noma

(iii) owehluleka ukuhambisana nemigomo yanoma yisiphi isaziso anikezwa sona kumbe umyalelo anikwa wona ngokwale mithetho kamasipala, uyotholakala enecala.

(2) Nanoma ngubani owaphula nanoma yimuphi kule mithetho kamasipala uyotholakala enecala futhi uyogwetshwa, aboshwe, akhokhiswe inhlawulo-

(i) engeqile enkulungwaneni yamarandi (R 1000) noma agqunywe ejele isikhathi esingeqile onyakeni owodwa kumbe kokubili, inhlawulo nokuboshwa uma kuyicala lokuqala; futhi

(ii) uma sekuyicala lesibili kumbe sekuyinsakavukela ukwenza icala elifanayo, inhlawulo engeqile ezinkulungwaneni ezimbili z amarandi (R2 000) noma ukugqunywa ejele isikhathi esingeqile eminyakeni emibili kumbe kokubili, ukukhokha inhlawulo kanye nokuboshwa.

13. Ukushayisana Kwemithetho

Uma kunokushayisana phakathi kwale mithetho kamasipala kanye nanoma yimiphi eminye imithetho kamasipala yoMkhandlu maqondana nodoti, le mithetho kamasipala yiyona eyosebenza.

UMkhandlu kaMasipala wase Richmond, usebenza ngaphansi kwegunya lesigaba 11 uma ufundwa ngokuhambisana nesigaba 98 soHulumeni Basekhaya: UMthetho Wezinhlelo ZikaMasipala, wezi -2000 (UMthetho No. 32 wezi 2000), lapha ushicilela iMithetho kaMasipala yamathuna.

IMITHETHO KAMASIPALA YAMATHUNA

ISAHLUKO 1

1. IZINCAZELO

Ngaphandle uma ingqikithi ichaza okunye-

"umuntu omdala" kuchaza nanoma yimuphi umuntu oshonile oseneminyaka engaphezu kweyi- 12, ibhokisi lakhe lomngcwabo elingakwazi ukungena emgodini ombelwe abantu abadala ngokwesigaba sama- 28;
"umlotha" uchaza izinsalela zesidumbu ezisala uma isidumbu sishisiwe;

"isisebenzi esigunyaziwe "kuchaza nanoma yisiphi isisebenzi soMkhandlu esigunyazwe nguMkhandlu ukuphatha, ukwenza, kanye/ kumbe ukuqinisekisa izihlinzeko zale Mithetho kaMasipala;

"amabhemu" kuchaza amatshe abekwe nguMkhandlu azungeza amathuna;

"Umgcinimathunaumgcinimathuna" kuchaza umuntu ophethe isikhundla sombheki kumbe unsumpa wanoma yimaphi amathuna kumbe owenza lowomsebenzi eMkhandlwini;

"amathuna" kuchaza noma yisiphi isiqeshana sendawo ebekwe uMkhandlu eceleni ngaphakathi kuMasipala njengendawo yamathuna omphakathi;

"ingane" kuchaza nanoma yimuphi umuntu oshonile oneminyaka eyi- 12 kumbe ngaphansi ibhokisi lakhe elingangena engcwabeni elinqunyelwe izingane ngokwesigaba sama -40 (2);

"iMenenja KaMasipala" kuchaza iMenenja kaMasipala yoMkhandlu kumbe nanoma yimuphi umuntu osebenza ngegunya lanoma yimaphi amandlaanikezwe wona;

"usonkontileka" kuchaza umuntu okhokhe nanoma iyiphi imali yokutheliswa ebiziwe, noma othole ilungelo lokwenza nanoma yimuphi umsebemzi oyisikhumbuzo kumbe othole nanoma yimaphi amalungelo noma izinzuzo abekwe kule Mithetho kaMasipala;

"uMkhandlu" kuchaza uMasipala wase-Richmond kanye nabawulandelayo ngokomthetho futhi kubandakanya noMkhandlu walowo Masipala kumbe iKomidi

lawo Eliphezulu kumbe nanoma yimuphi umgwamanda osebenza ngegunya lamandla elinikezwe wona ngokoMthetho, kanye nanoma yisiphi isisebenzi esinikwe nanoma yimaphi amandla kanye nemisebenzi iKomidi Eliphezulu i emayelana nale Mithetho kaMasipala;

"ukushiswa kwesidumbu" kuchaza ukushiswa kwanoma isiphi isidumbu somuntu noma izinsalela kubeumlotha;

"isigaba esiwunqenqema "kuchaza isakhiwo okuxhunywa kuso imisebenzi yesikhumbuzo kumbe itshe lesikhumbuzo;

"isitsha somlotha" kuchaza isitsha sokulondoloza izinsalela zomlotha woshonile esinobukhulu obungama-175mm x 185mm x 110mm;

"insimu yesikhumbuzo "kuchaza isigaba sasemathuneni, ebekwe eceleni ukugcinwa kumbe ukusakazwa komlotha;

"ingcwaba" kuchaza nanoma yiliphi ingcwaba emathuneni lapho nanoma yimuphi umuntu ethole khona ilungelo lokungcwaba isidumbu esisodwa khona;

"ucwecwe lesikhumbuzo" kuchaza ucwecwe lesikhumbuzo olunobukhulu obungama 305 mm x 210 x mm x 15 mm olwenziwe ngetshe noma ngomabhuli lase lixhunywa odongweni lesikhumbuzo endaweni efanelekile;

"udonga lwesikhumbuzo" kuchaza udonga olunezingosi ezanele zokulondolozsa izitsha zomlotha lapho kungabekwa khona ucwecwe lesikhumbuzo kuphela;

"Umsebenzi wesikhumbuzo" kuchaza itshe lethuna, uthango, ukubiya, itshe lesikhumbuzo, umbhalo wesikhumbuzo kumbe nanoma yimuphi omunye umsebenzi owakhiwe kunoma yiliphi ithuna;

"uMasipala" kuchaza uMasipala wase-Richmond;

"ingosi yesikhumbuzo" ichaza ingxenye yodonga lwesikhumbuzo ezogcina isitsha somlotha esingama- 385mm x 185mm;

"uMbhali Wabashonile" kuchaza nayinoma yimuphi umuntu oqokwe nguHulumeni WaseRiphabhuliki YaseNingizimu Afrika ukubhalisa abashonile'

"isakhamuzi" kuchaza umuntu okuthe ngenkathi eshona ebe eyisakhamuzi esijwayelekile endaweni engaphansi kukaMasipala, ngaphandle kwabantu abayiboshwa ezisezibhedlela, ezikhungweni, kumbe abantu abayizakhamizi okwesikhashana endaweni engaphansi kukaMasipala;

"imali yokutheliswa eyisibizo" kuchaza imali yokutheliswa eyisibizo enqunywa nguMkhandlu isikhathi ngesikhathi.

ISIGABA 2

OKUVAMILE

2. Ukusungulwa kwamathuna

UMkhandlu ungabeka eceleni nanoma yiyiphi indawo ngenhloso yokuthi kube isemathuneni futhi akekho umuntu okumele avunyelwe ukungcwaba kunoma yiyiphi enye indawo ngaphandle kokuthola imvume yoMkhandlu ebhaliwe.

3. Izikhathi Zokungena kwezivakashi

Wonke amathuna ayovuleleka kumphakathi ngalezi zikhathi ezilandelayo: uMsombuluko kuya kuLwesihlanu 7:30 kuya ku- 16:00; ngeMigqibelo kusukela 6:30 kuya ku- 17:00 kuthi ngamaHolidi9:00 kuya ku- 16:00. UMkhandlu uyoba namandla okuvala amathuna ukuthi kungangeni umphakathi kuwo kumbe ingxenye ethile yawo isikhathi esithile ngokubona kwawo .

4. Ukugodlwa kwamathuna

(1) Akukho muntu ongadayisa kumbe adlulisele kunoma yimuphi omunye umuntu nanoma yiliphi ilungelo elimayelana nengcwaba elitholakale ngokwale mithetho kaMasipalangaphandle kwemvume ebhaliwe ku Masipala. Uma uMkhandlu ulinikeza lelo gunya lokudlulisela ithuna kuyomele lihambisane nemibandela yokuthi onke amalungelo ahlobene nokudlulisela ingcwaba eligodliwe kumele abhaliswe ngumgcinimathuna kanye nemali yokubhalisa njengalokhu inqunywenguMkhandlu ngokwemali yokutheliswa eyisibizo.

(2) Nanoma yimuphi umuntu ogodle ithuna kodwa ehluleka ukulisebenzisa esikhathini esiyiminyaka engama-50 kusukela ngosuku lokugodlwa kwalo, noma ongawazisi uMkhandlu ukuthi akanayo inhloso yokusebenzisa ithuna, unikeza uMkhandlu ilungelo lokudayisa ithuna. Amanani asebenzayo anqunywe nguMkhandlu ayokhokhwa ngokwamathuna adayisiwe.

(3) UMkhandlu angeke uphoqwe ukuba ubuyisele nanoma yiyiphi imali maqondana nethuna elidayisiwer ngokwalesi sigatshana sesi- (2).

5. Imikhosi ephathelene nenkolo

Kuncike ezihlinzekweni zale Mithetho kaMasipala, amalungu anoma iyiphi inkolo angenza imicimbi ephathelene nenkolo maqondana nanoma yimuphi umngcwabo kumbe inkonzo yesikhumbuzo ngemvume yoMkhandlu ebhaliwe.

6. Izinhlelo zamangcwaba, iziqinti kanye nezingosi

Izinhlelo ezikhombisa amangcwaba kanye nezingosi ahlukene ezikhona zigcinwa emahhovisi oMkhandlu ukuze zihlolwe mahhala.

7. Izikhalo

Nanoma yimuphi umuntu ofisa ukufaka isikhalo esiqondene nemibandela noma nokuphathwa kwezindawo zokungcwaba uyofaka isikhalo ngokubhalela iMenenja kaMasipala.

8. Amanani /Imali yokutheliswa

Amanani email yokutheliswa njengalohku inqunywe nguMkhandlu, kumele ikhokhwe eMkhandlwini ngemisebenzi eyenziwe ngokwale mithetho kaMasipala.

9. Imvume, isaziso , umyalo

Nanoma yiyiphi imvume, isaziso kumbe umyalo okhishwe nguMkhandlu ngokwale miMithetho kaMasipala, kuyosayinwa yiMenenja kaMasipala noma ngoyimele ogunyazwe yiyona futhi kumele kube nobufakazi balokho.

10. Imiyalelo yomgcini mathuna

Wonke umuntu oyingxenye yanoma yimuphi umngcwabo kumbe umcimbi emathuneni uyothobela umyalelo/ imiyalelo yomgcinimathuna/ isikhulu esiphethe.

11. Izimbali

Umgcinimathuna engazisusa izimbali ezibekwe emathuneni uma ebona ukuthi sezibunile.

ISAHLUKO 3

OKUNGAVUMELEKILE

12. Izingane

Umuntu ongaphansi kweminyaka eyi-12 akavumelekile ukungena kunoma yimaphi amathuna ngaphandle uma ehambisana nomuntu omdala omgadile.

13. Ukugcinwa kwezindlela zokuhamba

Bonke abantu emathuneni bayosebenzisa imigwaqo, izindlela zokuhamba ezigandayiwe kanye nezindawo ezihlinzekelwe ukuhamba abantu kuphela, ngaphandle uma iMithetho kaMasipala ikuvumela lokho.

14. Izindawo zokungena nezokuphuma emathuneni

Akekho umuntu oyosebenzisa ezinye izindawo zokungena nezokuphuma amathuneni ngaphandle kwalezo ezisemthethweni ezihlinzekiwe.

15. Ukwenziwa kwemisebenzi

Akekho umuntu oyosebenzisa nanoma yimuphi umgwaqo noma indlela emathuneni ngenhloso yokuthutha izimpahla, amaphasela kumbe nanoma iyiphi impahla ngaphandle uma kuhloswe ukuba isetshenziswe ngaphakathi emathuneni.

16. *Izenzo ezingavumelekile emathuneni*

(1) Akekho umuntu -

(a) ongenza okuphazamisayo ngaphakathi emathuneni;

(b) ongagibela nanoma yisiphi isilwane, ibhayisikili, i-skateboard kumbe ama-roller skate ngaphakathi emathuneni;

(c) ongadedela nayinoma yisiphi isilwane ukuba sihambe emathuneni;

(d) ongatshala, asike, akhe kumbe asike isitshalo noma imbali emathuneni ngaphandle kwemvume yomgcinimathuna;

(e) ongabhikisha kumbe abe yingxenye yakho kunoma yimaphi amathuna;

(f) ongavimba, anqabe kumbe aphikisane nomgcinimathuna kumbe nanoma yisiphi isisebenzi esiqashwe nguMkhandlu ekwenzeni imisebenzi yaso, kumbe onganqaba ukuhambisana nomyalelo kumbe isicelo lapho umgcinimathuna enelungelo lokusenza ngokwale Mithetho kaMasipala;

(g) ongabeka uphawu, adwebe kumbe abhale nanoma yini ezindongeni noma abeke izikhangiso ezakhiweni, othangweni kumbe emasangweni kanye nasematsheni esikhumbuzo noma kunoma yini esemathuneni/ engxenyeni yawo kumbe awonakalise nganoma yingayiphi indlela;

(h) ongahlala, ame, agxume kunoma yimuphi umsebenzi oyisikhumbuzo, isango, udonga, uthango kumbe nakunoma yisiphi esinye isakhiwo emathuneni;

(i) ongaba semathuneni nomqa isigaba sawo nganoma yisiphi isikhathi ngaphandle kwezikhathi ezishiwo esigabeni sesi-3 futhi nangezikhathi umphakathi osuvalelwe ngaso ukuba ungene emathuneni, futhi

(j) ongaqhuba nanoma yiliphi ibhizinisi, ayale, abukise kumbe asabalalise amakhadi ebhizinisi kumbe izikhangiso zebhizinisi emathuneni noma endaweni yokungena emathuneni ngaphandle kwemvume ebhaliwe yoMkhandlu.

17. Okuxubile

(1) Akekho umuntu okufanele alahle isidumbu nganoma iyiphi indlela, ngaphandle kokusingcwaba emathuneni kumbe sishiswe endaweni lapho kushiswa khona izidumbu evunywe ngokwezihlinzeko zoMthetho Wasemathuneni Nasezindaweni Zokushiswa Kwezidumbu waKwaZulu-Natali, 1996 (uMthetho No.12 we-1996).

(2) Akekho umuntu oyothola nanoma iliphi ilungelo lanoma yiliphi iliphi ibala kumbe ingcwaba kunoma yimaphi amathuna, ngaphandle kwamalungelo atholakala ngokwale Mithetho kaMasipala.

18. Ukuvezwa kwezidumbu

Akekho umuntu oyothutha isidumbu esimboziwe, noma ehamba eveza isidumbu kumbe ingxenye yaso, noma asuse isivalo sebhokisi elinesidumbukunam yisiphi isitaladi, emathuneni noma endaweni yomphakathi.

19. Umculo ngaphakathi emathuneni

Umculo ophezulu awuvumelekile ukuba udlalwe ngaphakathi emathuneni ngaphandle kwemvume yoMkhandlu, futhi nangaphandle- ke kwemingcwabo yoMbuso, aMaphoyisa noma yaMasosha.

20. Ukusebenzisa indlu yokukhonza kumbe igumbi

Akekho umuntu ongabamba inkonzo yomngcwabo endlini yokukhonza kumbe kunoma yiliphi igumbi elisemathuneni amaminithi angaphezu kwangama-45.

21. Amahora okungcwaba

Awukho umgcwabo okumele ubanjwe kwehora le-9:00 noma ngemuva kwele-17:00 nganoma yiluphi usuku ngaphandle kwemvume yoMkhandlu kuqala.

22. Isibalo samathuna

Akekho umuntu oyogxumeka isigxobo kunoma yiliphi ithuna elingabiwanga kahle nguMkhandlu futhi akekho umuntu oyongcwaba isidumbu engcwabeni elingagxunyekiwe isigxobo esimakiwe esinombolo ngokusemthethweni.

23. Ukubhidlika kanye nokonakala emathuneni

Akekho umuntu oyoshiya udoti, inhlabathi, itshe kumbe noma yiyiphi enye imfucumfucu emathuneni nanoma nini kumbe nanoma yingayiphi indlela alimaze kumbe aphule nanoma yiyiphi ingxenye yethuna noma yini enye esemathuneni.

24. Isimo sezulu esingesihle

Akekho umuntu oyogxumeka kumbe abeke nanoma yimuphi umsebenzi wesikhumbuzo uma isimo sezulu sisibi noma uma inhlabathi ingekho esimweni esihle, ngokubona koMkhandlu.

25. Ukuphazamiseka kwezinsalela zomuntu

Kuncike ezihlinzekweni zomyalo wokumbiwa kwesidumbu ezikhishwe ngokoMthetho Wokuhlola izidumbu we-1959, kumbe isigaba sama-20 soMthetho Wasemathuneni Nezindawo Zokushiswa Kwezidumbu WaKwaZulu-Natali we -1996 (uMthetho No.12 we-1996); kumbe ngokwenye inhlinzeko yanoma yimuphi omunye umthetho oqondene nokumbiwa kwezidumbu, akekho umuntu ovumelekile ukuphazamisa izinsalela zomuntu kumbe indawo ezungeze zona kunoma yimaphi amathuna.

ISAHLUKO 4

IMINGCWABO

26. Ukufakwa kwesicelo sokusebenzisa ithuna

(1) Nanoma yimuphi umuntu ofisa ukungcwaba isidumbu kumbe izinsalela emathuneni kufanele ahambise ifomu efanele kumgcinimathuna ngaphambi kwesikhathi somngcwabo. Isihlobo noma umuntu osondelene kakhulu nalowo ozofihlwa kufanele asayine ifomu lesicelo sokungcwaba.

(2) Uma imali yesicelo sokufihla isikhishiwe, uMkhandlu unganikeza lowo muntu ofake isicelo indawo yokungcwaba elungile ngokwesigatshana soku-(1).

(3) Asikho isidumbu kumbe izinsalela zomuntu eziyongcwatshwa emathuneni ngaphandle kwemvume yomgcinimathuna. Le mvume iyonikezwa kuphela emva kokulethwa kwencwadi ebhaliwe equkethe umyalelo wokungcwaba, yasayinwa nguMbhali Wabashonile ogunyaza ukungcwaba, futhi kwalethwa izethulo kanye neziphakamiso ngesaziso sokungcwaba. Ezimweni zonke lapho khona kuba nomcimbi ngemuva komngcwabo, umyalelo wemantshi uzokwethulwa kumgcinimathuna.

(4) UMkhandlu ungangcwaba nanoma yisiphi isidumbu mahhala uma uceliwe, kumbe ngokwezihlinzeko zanoma yimuphi umthetho osebenzayo.

27. Ukuguqulwa kosuku lokungcwaba

Uma kwenzeka kuba nezinguquko mayelana nosuku lokungcwaba kumbe isikhathi sokungcwaba ebesibekiwe, kufanele umgcinimathuna aziswe ngalolo shintsho okungenani emahoreni angama-24 ngaphambi kwesikhathi ebesinqunyelwe ukungcwaba. Ngenhloso yalesi sigaba, kufanele kunikizwe isaziso samahora

angama- 48 uma ngabe amahora angama-24 ashiwo ngenhla ebandakanya iSonto kumbe ingxenye yalo.

28. Izilinganiso zamangcwaba nemigodi yamangcwaba

(1) Ubude nobubanzi obamukelekile bengcwaba lomuntu omdala kufanele kube yizi - 2 500mm x 1 500mm kanti elengane kufanele libe ngu-1 500mm x 1 000mm.

(2) Ubude nobubanzi obamukelekile bomgodi wengcwaba lomuntu omdala kufanele kube yizi- 2 200 mm ubude kanye ne-900 mm ububanzi kanti okwengcwaba lengane lengane kufanele kube yi- 1 200 mm ubude kanye ne- 700mm ububanzi.

(3) Nanoma yimuphi umuntu dinga ingcaba ngenhloso yokungcwaba umuntu omdala, elinomgodi omkhulu kunowamukelekile, lapho efaka isicelo sokufihla, kuyofanele asho ubungako bebhokisi. Imali efanele yokunweba umgodi iyokho khwa eMkhandlwini njengoba kuchazwe emalini yokutheliswa.

29. Uma ibhokisi lengane lilikhulu kakhulu

Uma ibhokisi lengane likhulu kakhulu lingakwazi ukungena emgodini owabelwe ingane, kufanele lifakwe emgodini womuntu omdala bese kukhokhwa imali ekhokhelwa umgodi womuntu omdala.

30. Ukujula kwethuna

Alikho ithuna lomuntu omdala okufanele ukujula kwalo kube ngaphansi kwe-1 800 mm kanti elengane lona akufanele libe ngaphansi kwe-1 500mm.

31. Ukuvalwa komhlaba

Okungenani kufanele kube nemitha elilodwa lomhlaba phakathi kwebhokisi nenhlabathi ephezulu evale ithuna. Esimeni lapho khona amabhokisi efakwa emgodini owodwa ngokulandelana, okungenani kufanele kube nama- 300 mm omhlaba phakathi namabhokisi.

32. Amabhokisi ethuneni

Akekho muntu ongabeka noma yiliphi ibhokisi elakhiwe ngenye impahla ngaphandle kwalelo elakhiwe ngokhuni kumbe ezinye izimpahla ezibolayo ezivunywe nguMkhandlu ngaphandle uma lokho kubalulwe kweminye imithetho.

33. Isibalo sezidumbu ethuneni elilodwa

Akuvumelekile ukuba izidumbu ezimbili zingcwatshwe ethuneni elilodwa ngesikhathi esisodwa.

34. Ukugodlwa kwamathuna

Nanoma yimuphi umuntu ofisa ukugodla ithuna noma, ekushoneni komuntu, ofisa ukugodla ithuna elakhelene nalo, uma likhona, uyothola ilungelo, emva kokulikhokhela imali enqunyiwe emalini yokutheliswa, lokulisebenzisa lelo thuna ngenhloso yokungcwaba okuzayo.

35. Ukungcwaba kwesibili

(1) Nanoma yimuphi umuntu ofisa ukufaka isicelo sokungcwaba okwesibili ethuneni elilodwa, angakwenza lokho kuphela uma sekuphele iminyaka emibili kusukela ngosuku afihla ngaso isidumbu sokuqala kodwa uma kungukuthi ithuna lambiwe lashona ngaphambili noma ngesikhathi kulungiselelwa umngcwabo wokuqala.

(2) Umfakisicelo ofisa ukuthi isidumbu singcwatshwe ngenhloso yokungcwaba okwesibili emgodini–

(a) uyofaka isicelo kwifomu elifanele okungenani emahoreni angama-24 ngaphambi kokungcwatshwa; futhi

(b) asuse nanoma yimuphi umsebenzi oyisikhumbuzo kulelo thuna ngezindleko zakhe futhi ahambisane nazo zonke izidingo ezibekwe ngumgcinimathuna mayelana nalokhu.

ISAHLUKO 5

UMLOTHA

36. Ukuthola izingosi

Umuntu angathola ingosi emathuneni, uma ikhona, kuncike ezihlinzekweni zale mithetho KaMasipala kanye nasekukhokheni imali enqunyiwe.

37. Ukungcwatshwa komlotha

(1) Kuncike ezihlinzekweni zale mithetho kaMasipala, umlotha ungangcwatshwa ethuneni kodwa kuyosebenza yonke imiyalelo, izihlinzeko kanye nemali efanele ngokwale Mithetho kaMasipala eqondene nokufihlwa kwesidumbu ethuneni kanye nezinguquko ezifanele kulokhu. Umgodi wethuna ungaba mncane kunomgodi okalelwe ukungcwaba isidumbu.

(2) Awukho umlotha oyongcwatshwa ethuneni ngaphambi kokugculisa uMkhandlu ukuthi lowo mlotha ungowesidumbu somuntu futhi nezincwadi ezifanele ezidingekayo zilethiwe.

(3) Umlotha ongcwatshwe ethuneni kumele ubekwe endaweni yokungcwaba.

(4) Kumele okungenani kube nomhlaba oyi -100mm phakathi kwesitsha esinomlotha kanye nenhlabathi ephezulu evale ithuna.

(5) Kuyoncika ezihlinzekweni zale mithetho kaMasipala, ukungcwatshwa komlotha ethuneni eselike lasetshenziselwa ukungcwaba kungenziwa mahhala.

38. Ukubekwa komlotha oDongeni leSikhumbuzo, Ensimini yeSikhumbuzo kumbe eNsimini yoKukhumbula

(1) Nanoma yimuphi umuntu ofisa ukubeka isitsha esinomlotha wesidumbu engosini esoDongeni LeSikhumbuzo, Ensimini yeSikhumbuzo, kumbe eNsimini yoKukhumbula kumele alethe isicelo esiphelekezelwa yiSitifiketi Sokushiswa kwesidumbu ngokubhaliwe kumbe efomini elibekiwe kumgcinimathuna. Uma umgcinimathuna eneliswa ukuthi isiginesha yomuntu osondelene noma ophilayo oyisihlobo angeke itholwe ngesikhathi, ngokubona kwakhe angagunyuza ukuba isicelo sisayinwe ngomunye umuntu.

(2) Nanoma yimuphi umuntu ofaka isicelo ngokwesigatshana soku- (1) uzokhokha inkokhelo ebekiwe njengokunquma koMkhandlu.

39. Ukumbiwa komlotha

(1) Akekho umuntu oyomba umlotha kunoma yiliphi ithuna ngaphandle kwemvume yoMkhandlu kuqala noma ngaphandle kokuhambisana nayinoma yimiphi imibandela enqunywe nguMkhandlu.

(2) Izicelo zokumbiwa komlotha kumele zilethwe eMkhandlwini ekungenani emahoreni ayi-8 okusebenza ngaphambi kokumbiwa.

40. Ukusakazwa komlotha

Ukusakazwa komlotha endaweni ebekiwe kumbe eNsimini Yesikhumbuzo kuvunyiwe uma kutholakale imvume ebhaliwe kuMkhandlu.

ISAHLUKO 6

UKUMBULULWA KWEZIDUMBU NOKUVULWA KABUSHA KWAMATHUNA

41. Ukumbululwa

(1) Kuncike ezihlinzekweni zale Mithetho kaMasipala, kanye neminye imithetho, alikho ithuna eliyophinda livulwe ngaphandle kwemvume ebhalwe phansi nguMkhandlu.

(2) Kuncike ezihlinzekweni zale Mithetho kaMasipala, akekho umuntu oyombulula kumbe abangele ukumbululwa kwesidumbu ngaphandle kokuthola imvume ebhaliwe yesisebenzi esigunyaziwe futhi kumele kukhokhwe imali yokumbulula isidumbu njengoba ikalwe nguMkhandlu ngaphambi kokuthi isidumbu simbululwe. Leyo mvume kumele ilethwe kumgcinimathuna okungenani izinsuku ezimbili ngaphambi kokumbululwa kumbe ukususwa kwesidumbu.

42. Ukuvalwa kwasemathuneni ngenxa yokumbiwa

Ngesikhathi kumbululwa isidumbu engcwabeni, amathuna ayovalwa futhi umphakathi angeke wavumeleka ukuba ungene uwasebenzise.

43 Ukuvikelwa kwemisebenzi

Ithuna okuzokhishwa kulo isidumbu kumele livikelwe kahle ukuthi lingabonakali ngenkathi limbiwa futhi kumele kuhlinzekwe isitsha esifanele okuyofakwa kuso izinsalela.

44. Isisebenzi esigunyaziwe kumele sibekhona

Angeke kumbiwe uma isisebenzi esigunyaziwe singekho.

45. Ukususwa kwesidumbu kwelinye ithuna siyiswa kwelinye nguMkhandlu

Kuncike ezihlinzekweni zale Mithetho kaMasipala kanye neminye imithetho, uMkhandlu ungasusa isidumbu kwelinye ithuna usiyise kwelinye.

I SAHLUKO 7

UKUNAKEKELWA KWAMATHUNA

46. Okuvamile

(1) Asikho isitshalo, isihlahla kumbe nanoma yini enye etshalekayo esingatshalwa emathuneni ngaphandle kwegunya loMkhandlu kanti uMkhandlu ungasebenzisa ukubona kwawo ukulungisa, ukugenca, usigubha kumbe ukusisusa isitshalo, isihlahla kumbe imbali nganoma yisiphi isikhathi

(2) Akekho umuntu ongaletha emathuneni, amise, ashintshe, apende, ahlanze, avuselele, ahlobise, asuse kumbe enze nanoma yini ngaphandle uma kuhlinzekwe kule Mithetho kaMasipala.

47. Indawo yomsebenzi wesikhumbuzo

Akekho umuntu oyokwakha nayinoma imiphi imisebenzi yesikhumbuzo kunoma yiliphi ithuna ngaphandle kwendawo ebalulwe gumgcinimathuna noma lokho kuhlinzekwe yile Mithetho kaMasipala.

48. Ukulungiswa komsebenzi wesikhumbuzo

Uma usonkontileka evumela umsebenzi wesikhumbuzo ukuba udilike noma ubeka amathuna engozini nangayiphi indlela, uMkhandlu ungamyala ukuba alungise lowo monakalo. Uma ngabe ukulungiswa obekudingeka kungenziwanga kuze kube kuphela inyanga emva kokuthi isaziso sesitholakele, uMkhandlu ungawulungisa ngokwawo umonakalo noma uwususe lowo msebenzi wesikhumbuzo ngaphandle kokukhokhela usokontileka imali yesinxephezelo.

49. Ukwengayelwa komsebenzi

Noma yimuphi umuntu obamba iqhaza kunoma yimuphi umsebenzi wakunoma yimaphi amathuna kumerle enze lowo msebenzi ngaphansi kweso nangokwanelisa umgcinimathuna.

50. Ukulinyazwa kwemisebenzi yesikhumbuzo

UMkhandlu angeke wamukele isibopho sanoma yikuphi ukulimala okwenzekile kumbe okungenzeka okungenziwanga ubudedengu bezisebenzi zoMkhandlu.

51. Ukugudluzwa komsebenzi wesikhumbuzo

Nanoma yingasiphi isikhathi ngemuva kwesaziso, uMkhandlu ungaguqula isimo somsebenzi, kumbe ushintshe indawo yanoma yimuphi umsebenzi wesikhumbuzo kunoma yimaphi amathuna.

52. Ukulethwa kwempahla yokusebenza emathuneni

(1) Akekho umuntu oyoletha nanoma iyiphi impahla yokusebenza emathuneni ngenhloso yokwakha nanoma yimuphi umsebenzi wesikhumbuzo kunoma yiliphi ithuna ngaphandle-

(a) uma uhlelo lomdwebo olutshengisa ubukhulu bezingxenye zomsebenzi wesikhumbuzo, umbhalo nendawo ozobekwa kuwo sekulethwiwe futhi kwavunywa ngumgcinimathuna.

(b) uma zonke izindleko eziqondene nethuna sezikhokhiwe; futhi

(c) uma uMkhandlu unikeze imvume ebhaliwe mayelana nalokhu.

53. Ukukhishwa kwemisebenzi yesikhumbuzo nguMkhandlu

Nanoma yimuphi umsebenzi wesikhumbuzo obekiwe, owakhiwe, oguquliwe, ohlotshisiwe, opendiwe ngokungahambisani nale Mithetho kaMasipala kumbe ngokoMkhandlu, ushayisana nemithetho nosikompilo lomphakathi,

ungakhishwa nguMkhandlu ngemuva kokwazisa umnikazi walowo , nangaphandle kokukhokha nanoma yisiphi isinxephezelo.

54. Izidingo zokwakhiwa komsebenzi wesikhumbuzo

(1) Nanoma yimuphi umuntu owakha umsebenzi wesikhumbuzo kumele ahambisane nezidingo ezilandelayo:

(a) Lapho nanoma yiyiphi ingxenye yanoma yimuphi umsebenzi wesikhumbuzo izoxhunywa kwenye ingxenye, kufanele kusetshenziswe insimbi, ophini noma ukhuni oluvunyiwe ukufeza le nhloso. Ophini noma ingxenye yokhuni kufanele kunele kulezi zimbobo futhi akufanele izimbobo zibe ngaphansi kwama-50mm ukushona kwazo.

(b) Nanoma yiyiphi ingxenye yomsebenzi esenhlabathini noma etsheni kumbe kwesinye isisekelo somsebenzi siyolinganiswa kahle sibe yisikwele.

(c) amatshe okukhulunywa ngawo esigatshaneni soku- (1) akumele angalingani ngobukhulu kumbe abe namakhona angalingani.

(d) Ingxenye engaphansi yomsebenzi wesikhumbuzo iyoba okungenani ngama-50mm ngaphansi kwezinga lwenhlabathi yemvelo.

(e) Alikho itshe eliwunqenqema eyosetshenziswa engu-230mm ngaphezu komhlaba noma ngaphezu kuka-230mm ubukhulu.

(f) Wonke amatshe angasekhanda kumbe awunqenqema kumele afakwe kahle aqiniswe ngezipikili zensimbi.

(g) Wonke amatshe afakwa ngasekhanda anobukhulu kuze kufinyelele ku-15mm kufanele axhunywe esisekelweni ngendlela evunyiwe

(h) Kufanele amatshe esikhumbuzo aqedwe ngaphambi kokuba azobekwa emathuneni.

(i) umsebenzi wesikhumbuzo kufanele wakhiwe ngemabuli noma nanganoma iliphi ilitshe eliqinile elivunyiwe. Amatshe athambile awavumelekile ukuthi akhe imisebenzi yezikhumbuzo.

(j) Esimweni lapho kukhona ithuna elilodwa, isigaba esiwunqenqema kumele sibe nengxenye yodwa eqinile.

(k) Akekho umuntu ongenza umsebenzi ohlangene netshe , ukubaza njll emathuneni ongaxhumene nokwenziwa komsebenzi oyisikhumbuzo ngaphandle uma lowo msebenzi uvunyiwe eMithethweni kaMasipala.

(l) yonke imisebenzi yesikhumbuzo kufanele ibe nesisekelo sikasimende esifanele esinetshe langasekhanda, bese kuthi lapho okuhlangana khona etsheni elinonqenqema, kufanele kuhlanganiswe kahle ngosimende futhi kulingane.

(m) uma umsebenzi wesikhumbuzo unesisekelo esiphansi, leso sisekelo akufanele sibe ngaphansi kwama- 900mm ubude kodwa futhi singabi ngaphansi kwama- 300mm x 300mm

(n) zonke izinhlanvu zamagama ezisemsebenzini wesikhumbuzo kumele zidwetshwe kuwona futhi akumele zibe ziphumele ngaphandle konqenqema lo msebenzi wezikhumbuzo.

(o) Ngemvume kaSonkontileka, igama lomakhi linganamathiselwe kunoma yimuphi umsebenzi wesikhumbuzo; inqobo nje uma kungeke kufakwe ikheli kanye neminye imininingwane.

55. Izimoto namathuluzi

Nanoma yimuphi umuntu obambe iqhaza kunoma yimuphi umsebenzi wakunoma yiliphi ithuna uyohlinzeka lezo zimoto, amathuluzi kanye nezinye izinto zakhw njengalokhu engazidinga.

ISAHLUKO 8

AMACALA NEZINHLAWULO

56. Izinhlawulo

Nanoma yimuphi umuntu owaphula enye yezihlinzeko zale Mithetho kaMasipala kumbe owehluleka ukuhambisana nayo noma owehluleka ukuhambisana nemibandela yanoma yisiphi isaziso anikwe sona nguMkhandlu ngokwale Mithetho kaMasipala uyotholakala enecala futhi okungenzeka , uma eboshwa, ukuthi akhokhe inhlawulo engeqile ezi- R2000 kumbe agqunywe ejele isikhathi esingeqile ezinyangeni eziyishumi nambili, kumbe kokubili inhlawulo kanye nokugqunywa ejele.

ISAHLUKO 9

UKUSHAYISANA KWEMITHETHO

57. Ukushayisana kwemithetho

Uma kukhona nanoma yikuphi ukushayisana okuthile phakathi kweMithetho kaMasipala kanye nanoma yimiphi eminye imithetho yoMkhandlu ehlobene namathuna, kuyosebenza le Mithetho kaMasipala.

UMkhandlu kaMasipala waseRichond, usebenza ngaphansi kwegunya lesigaba 11, futhi ufundwa ngokuhambisana nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo zikaMasipala, wezi- 2000 (UMthetho No.32 wezi-2000), lapha ushicilela iMithetho yawo kaMasipala yeMigwaqo Yomphakathi kanye neMithetho kaMasipala eNgxube.

IMITHETHO KAMASIPALA YEMIGWAQO YOMPHAKATHI KANYE NEMITHETHO KAMASIPALA ENGXUBE

1. Izincazelo

Kule Mithetho kaMasipala, nanoma yiliphi igama noma isisho esichazwe eMthethweni Wezemigwaqo kaZwelonke, we- 1996 (UMthetho No. 93 we-1996) linaleyo ncazelo futhi, ngaphandle uma ingqikithi ibalula okunye-

" Isisebenzi esigunyaziwe" kuchaza nanoma yimuphi umuntu noma isisebenzi esigunyazwe ngokubhalelwa lokho nguMkhandlu.

" UMkhandlu" kuchaza uMasipala wase-Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo Masipala noma iKomidi lawo eliPhethe kumbe nanoma yiluphi olunye uhlaka olusebenza ngokwamandla eluiwanikwe ngokomthetho, kumbe nayinoma yisiphi isikhulu esigunyaziwe nguMkhandlu sanikwa amandla nemisebenzi maqondana nale mithetho kaMasipala;

" inqodlana ephushwayo" kuchaza inqola ephushwayo, ikalishi eliphushwayo noma yinoma yini esatafula, esasitendi noma esabhasikidi enamasondo.

" isitolo sikamasipala" kuchaza isitolo sikamasipala soMkhandlu;

"inhlawulo enqunyiwe" kuchaza imali enqunywa izikhathi ngezikhathi nguMkhandlu ngokwenkokhelo emisiwe yoMkhandlu.

"umgcinisitolo" kuchaza umuntu osebenzela uMkhandlu onesikhundla sokuba umgcinisitolo noma umuntu osebenza kuleso sikhundla;

" umgwaqo womphakathi" kuchaza indawo evulekile, umgwaqo, uphevumente, indawo ephakathi komgwaqo enotshani, umhubhe, umgwaqo obanzi, ibhuloho, umhubhe womphakathi kanye nanoma iyiphi indlela yabantu bonke etshengiswe ohlelweni olwejwayelekile lwelokishi kumbe esimweni lapho umphakathi uthole imvume kumbe ilungelo ngenye indlela egunyazwe nguMkhandlu;

"uphawu" ngesimo senqodlana, kuchaza uphawu lapho igama noma igama lebhizinisi kanye nekheli lomnikazi libonakala khona;

"umsele wamanzi" kuchaza umsele wamanzi njengoba kuchaziwe esigabeni 1 soMthetho Wezamanzi kaZwelonke, we- 1998 (UMthetho No. 36 we- 1998);

ISAHLUKO 1

IMIGWAQO YOMPHAKATHI KANYE NENGXUBE

2. Izintambo, izingcingo noma izigxobo ezivundle emgwaqweni womphakathi

Akekho umuntu okumele abeke nanoma yiyiphi intambo, ucingo noma isigxobo phezu, ngaphansi noma kuvundle kunoma yimuphi umgwaqo womphakathi, kumbe agaxe noma abeke nanoma yini lapho ngaphandle kokuqala athole imvume ebhaliwe yoMkhandlu.

3. Ukucekelwa phansi kwezihlahla

Akekho umuntu okumele agibele noma aphule kumbe alimaze nanoma ngayiphi indlela adwebe noma apende kunoma yisiphi isihlahla esisemgwaqweni womphakathi osendaweni kaMasipala yoMkhandlu, futhi akekho umuntu okumele, ngaphandle kokuqala athole imvume yoMkhandlu anqume, asikasike, agence noma asuse yinoma yisiphi isihlahla esithile ngaphandle uma umuntu egunyazwe ukwenze njalo njengokusho kwale Mithetho kaMasipala noma yinoma yimiphi eminye imithetho.

4. Ucingo oluhlabayo, uthango oluyingozi nolukagesi

(1) Akekho umnikazi noma osebenzisa umhlaba-

(a) ngale komnikazi noma kosebenzisa insimu noma ipulazi, ongagxumeka kumbe abangele, noma avumele ukuba kugxunyekwe eceleni kwanoma yimuphi umgwaqo womphakathi nanoma yiluphi ucingo lokubiya oluhlabayo kumbe uthango lwezinti, udonga noma eminye imigoqo enezipikili noma ezinye izinto ezicijile kumbe ngokwesimo sokwakhiwa noma kohlobo lwazo, ezingaba yingozi kunoma yiliphi ilungu

lomphakathi elisebenzisa lowo mgwaqo womphakathi noma indawo yomphakathi;

(b) kubalwa nomnikazi noma osebenzisa insimu noma ipulazi, ongagxumeka, abangele noma avumele ukuba kugxunyekwe eceleni komgwaqo womphakathi, noma emva konyaka owodwa kusuka osukwini lokuqalisa kokusebenza kwale Mithetho kaMasipala, nanoma yiluphi uthango lukagesi, uthango lwzinti zikagesi kumbe eminye imigoqo kagesi ngaphandle uma -

(i) uthango lwezinti noma omunye umgoqo ogxunyekwe phezu kodonga olwakhiwe ngezitini, usemende, ukhonkolo noma into efana nako, lolo donga lungekho ngaphansi kwamamitha amabili ubude, futhi

(ii) uthango; uthango lwezinti noma omunye umgoqo lwakhiwe futhi lufakwe ngokuhambisana nanencasiselo eneminingilizo efanele enqunywe nguMkhandlu kanye nanoma yimaphi amazinga akhishwe ngokoMthetho Wamazinga we- 1993 (UMthetho No. 29 we-1993);

(c) ongagxumeka, abangele noma avumele ukugxunyekwa kwanoma yiluphi uthango lukagesi, uthango lwezinti, udonga noma omunye umgoqo kagesi obalulwe endimeni (b) ngaphandle kokuqala athole imvume ebhalwe nguMkhandlu, leyo mvume inikezwa ngokoMthetho WeZakhiwo kaZwelonke kanye noMthetho Wamazinga eZakhiwo (UMthetho No. 103 we- 1977)

(2) Imininingwane ephelele yobuchwepheshe yothango lukagesi, uthango lwezinti kumbe eminye imigoqo kagesi kumele ihambisane nesicelo sokunikwa imvume esihanjiswa eMkhandlwini.

5. Ukuvikelwa komgwaqo womphakathi

Akekho umuntu okumele abeke noma athululele emgwaqweni womphakathi nanoma yiziphi izimpahla ezingadala ukulimala komgwaqo womphakathi ngaphandle uma umuntu enze izaba zokuvimbela ezifanele zokuvikela ingaphezulu lomgwaqo womphakathi ekulimaleni.

6. Ukuhlanzeka kwemigwaqo yomphakathi

Akekho umuntu okumele achithe, aconsise noma abeke kumbe avumele ukuba kuchithwe, kuconsiswe noma kubekwe kunoma yimuphi umgwaqo womphakathi nainoma yini kumbe okusaketshezi okungathikameza ukuhlanzeka komgwaqo womphakathi, noma kudale noma okungadala ukunyanyeka, ingozi kubantu, ezilwaneni, ezimotweni noma kwezinye izithuthi ezisebenzisa lowo mgwaqo womphakathi, ngaphandle kokuba akususe noma azame ukuba kususwe kulowo mgwaqo womphakathi ngokushesha.

7. Umbhalo obekwe esakhiweni esibheke emgwaqweni womphakathi

Akekho umuntu okumele abeke nanoma yimuphi umbhalo ongadala ukulimala noma ingozi kunoma yimuphi umuntu noma empahleni uma ungawa, kunoma yisiphi isakhiwo noma kwenye ingxenye yesakhiwo esiseduze kwanoma yimuphi umgwaqo womphakathi ngaphandle kokuthatha izinyathelo ezifanele zokuthi ungaweli engwaqweni womphakathi.

8. Ukucekelwa phansi kwempahla yoMkhandlu

Kuncike ezihlinzekweni zesigaba 10, akekho umuntu okumele adwebe ngemidwa, athikameze, alimaze, asuse noma aphazamise nanoma yingayiphi

indlela impahla noma umsebenzi woMkhandlu osemgwaqeni womphakathi noam eceleni kwawo.

9. Ukuhlanza nokukhanda emigwaqweni yomphakathi

Akekho umuntu okumele ahlanze noma akhande nanoma yiyiphi ingxenye yemoto kumbe awashe, omise noma apende nanoma yini kunoma yimuphi umgwaqo womphakathi ngaphandle uma kungukukhandwa kwemoto ephukile okuphuthumayo.

10. Izindawo ezimbiwe emigwaqweni yomphakathi

(1) Akekho umuntu okumele enze noma adale ukuba kwenziwe yinoma omuphi umgodi, umsele noma uhoho emgwaqweni womphakathi noma ngaphansi kwawo noma asuse nanoma yiyiphi inhlabathi, amatshana okuqinisa umgwaqo noma amatshe awuhlwayi ngaphambi kokuqala athole imvume ebhalwe nguMkhandlu, ngaphandle uma lowo muntu egunyazwe ukwenze njalo ngokwale Mithetho kamasipala noma yinoma yimuphi omunye umthetho.

(2) Umuntu odinga imvume ebalulwe esigatshananeni (1) kumele ahambisane nezidingo ezinqunywa nguMkhandlu izikhathi ngezikhathi.

(3) UMkhandlu ungadinga ukuthi umuntu obalulwe esigatshaneni (2) ukuba akhokhe imali enqunyiwe noma abhaliswe eMkhandlwini.

11. Ukudweba ngemidwa, ukumakwa noma ukupendwa kwemigwaqo yomphakathi

Akekho umuntu okumele nanoma ngayiphi indlela adwebe ngemidwa, amake noma apende nanoma yimuphi umgwaqo womphakathi noma ingxenye yawo ngaphandle kokuqale athole imvume ebhalwe nguMkhandlu.

12. Imicimbi yemijaho neyemidlalo

(1) Isicelo semvume yokuba nemicimbi yemijaho noma yemidlalo kunoma yimuphi umgwaqo womphakathi ngokoMthetho Wezemigwaqo kaZwelonke, we- 1996 (UMthetho No.93 we-1996), kumele sihanjiswe ngokubhalela uMkhandlu efomini elinqunyelwe lokho okungenani ezinsukwini ezingama- 60 ngaphambi komcimbi ohlongozwayo.

(2) Ofake isicelo kumele akhokhe idiphozithi enqunyiwe yezindleko ezingadaleka ngesikhathi somjaho noma semidlalo, eMkhandlwini ngaphambili kokuqalisa komjaho noma imidlalo, futhi nanoma yikuphi ukulungiswa kokuvumelana komunye nomunye kumele kwenziwe emva kokuqedwa komjaho noma kwemidlalo emva nje kokuba uMkhandlu usunqume izindleko zangempela ezidalekile eMkhandlwini.

13. Ukuzulazula emigwaqweni yomphakathi

(1) Akekho umuntu okumele -

(a) alale noma ahlale ngendlela ephazamisa ukuhamba kwezimoto kunoma yimuphi umgwaqo womphakathi;

(b) ame, abuthane, alwayize, ahambe, noma- ke enze nanoma yini nganoma eyiphi indlela emgwaqeni womphakathi engaphazamisa ukuhamba kwezimoto, kumbe

(c) agudlumeze noma alwayize emamitheni angama- 20 esango lokungena lanoma iyiphi indawo yokukhonzela umphakathi ngesikhathi senkonzo noma ngesikhathi sokuhlangana endaweni yokukhonzela, noma endaweni yokuphuma yaleyo ndawo yokukhonzela ngendlea ezophazamisa noma icike nanoma yibaphi abantu abazokwethamela noma abaphuma kuleyo ndawo yokukhonza.

(2) Nanoma yimuphi umuntu owenza nanoma yiziphi izenzo ezingavunyelwe ezibalwe esigatshananeni (1) kumele, lapho eucelwa yisisebenzi esigunyaziwe ukuba ayeke ukwenze njalo, uma ehluleka ayilokho, lowo muntu uyobekwa icala lokwaphula umthetho.

14. Ukulwayiza nokuhamba ucela kubantu ezindaweni zokuzithokozisa zomphakathi

(1) Akekho umuntu okumele alwayize noma abuthane kunoma yimuphi umgwaqo womphakathi emamitheni angama- 20 eduze nendawo yokungena yanoma yiyiphi indawo yokuzithokozisa yomphakathi ngendlela ezothikameza ukuhamba kwezimoto noma kwabantu abeze lapho, noma abaphuma kuleyo ndawo yokuzithokozisa, ngaphandle uma lowo muntu eyingxenye yabantu ababambe umugqa.

(2) Akekho umuntu okumele ahambe ecela kubantu noma ezicelela kubashayeli bezimoto abapake izimoto zabo ezindaweni zokuzithokozisa ngenhloso noma ngezaba zokuqapha izimoto ngesikhathi besekuleyo ndawo noma sebehamba lapho, ngaphandle kokuqala athole imvume yoMkhandlu.

15. Ukuhlonipha umphakathi

(1) Akekho umuntu okumele abonakale engagqokile kunoma yimuphi umgwaqo womphakathi.

(2) Akekho umuntu okumele achame noma azikhulule noma aziphathe nganoma yiyiphi indlela engahloniphekile kunoma yimuphi umgwaqo womphakathi, ngokuthi asebenzise nanoma yikuphi ukuma komzimba okungahloniphekile noma enze, acule noma abangele nanoma yimuphi umuntu ukuba enze nanoma yisiphi isenzo esinodlame, sokuchwensa noma sokungahloniphi.

(3) Akekho umuntu okumele acule yinoma yiphi iculo elinenhlamba kunoma yimuphi umgwaqo womphakathi noma asebenzise yinoma yiluphi ulimi olunenhlamba, olungahloniphekile noma oluhlambalazayo.

(4) Akekho umuntu okumele nganoma yiyiphi indlela alwayize noma azicelele noma afundekele yinoma yimuphi omunye umuntu ngenhloso yokucela kunoma yimuphi umgwaqo womphakathi.

(5) Akekho umuntu okumele asebenzise amagama aziswana, ahlukumezayo noma thukayo ngenjongo yokususa uthuthuva noma lapho kungathi luyadingeka khona kunoma yimuphi umgwaqo womphakathi.

16. Izinqodlana eziphushwayo

(1) Umnikazi wenqodlana ephushwayo kumele anamathisele uphawu olunqunyelwe ukusetshenziswa endaweni esobala yenqodlana ephushwayo.

(2) Umnikazi noma umuntu olawula noma ogada inqodlana ephushwayo noma onikela ngayo ukuba isetshenziswe yinoma yimuphi umuntu, kumbe

oyisebenzisela nanoma yiyiphi enye inhloso, akumele ayishiye yodwa noma avumele ukuba imane ishiywe nje kunoma yimuphi umgwaqo womphakathi.

(3) Nanoma yiyiphi inqodlana eshiyiwe nje kunoma yimuphi umgwaqo womphakathi kumele isuswe, noma kwenziwe ukuba isuswe, yinoma yisiphi isisebenzi esigunyaziwe bese ibekwe ngaphansi konakekelo lomgcinisitolo.

(4) Umgcinisitolo kumele agcine nanoma yiyiphi inqodlana ephushwayo ebekwe ngaphansi konakekelo lwakhe ngokwesigatshana (3), esitolo sikamasipala futhi uMkhandlu kumele ashicilele isaziso emaphephandabeni amabili azungeza kuleyo ndawo kamasipala kanye ngenyanga ezinyangeni eziyishumi nanye onyakeni kubalwa kusuka ngosuku lokuqala likaMasingana, esibalula-

(a) igama lomnikazi wenqola ephushwayo, uma laziwa;
(b) inani lezinqodlana eziphushwayo ezigciniwe;
(c) ukuthi inqodlana ephushwayo ingazolandwa ngumnikazi eMkhandlwini ngokukhokha inhlawulo yokubekwa enqunyiwe;
(d) ukuthi nanoma yiyiphi inqodlana ephushwayo engalandwanga emva kwesikhathi esiyizinyanga ezintathu kusuka ekushicilelweni kwesaziso leso, ingadayiswa nguMkhandlu endalini yomphakathi yokubhida; futhi
(e) ukuthi imali etholakele endalini yomphakathi kuyoba ngeyoMkhandlu.

(5) UMkhandlu angeke ubekwe icala ngokuntshontshwa, ngokulimala noma ngokulahleka kwanoma yiyiphi inqodlana ephushwayo ngesikhathi igcinwe esitolo sikamasipala noma ngokudayiswa kwayo endalini yomphakathi.

17. Iminikelo emigwaqweni yomphakathi

(1) Ayikho iminikelo okumele ihlelwe kumbe yenziwe emgwaqeni womphakathi ngaphambi kokuthi kutholakale imvume ebhaliwe yoMkhandla kuqala.

(2) Izicelo zalezi zimvume kumele zenziwe efomini elihlinzekelwe le Nhloso nguMkhandlu.

(3) UMkhandlu unganikeza imvume okukhulunywe ngayo esigatshananeni (1) enhlanganweni noma kumuntu ukuba aqoqe umnikelo emgwaqweni womphakathi obaluliwe, osukwini nangesikhathi esibaluliwe futhi yiwo onelungelo lokunquma inani lemicimbi yeminikelo engenziwa osukwini olulodwa emgwaqeni womphakathi lowo obaluliwe.

(4) Ileyo naleyo nhlangano kumbe umuntu ozoqoqa umnikelo emgwaqeni womphakathi unelungelo lokusebenzisa amabhokisi akhe omnikelo ahlonzekayo futhi uma nanoma yiyiphi inhlangano kumbe umuntu engenawo amabhokisi, kungasetshenziswa amabhokisi omnikelo oMkhandlu emva kokukhokha inkokhelo enqunyiwe.

18. Ukulawulwa kwamanzi ezikhukhula nemisele yamanzi emgwaqweni womphakathi

(1) Akekho umuntu okumele, ngaphandle kokuqala athole imvume yoMkhandlu, lapho imvume ingaba nemibandela noma ingabi nambandela-

(a) adonsele noma akhiphele yinoma yimaphi amanzi emgwaqweni womphakathi noma ngaphezu kwawo; noma
(b) nganoma yiziphi ezinye izindlela, aphakamise izinga lamanzi kunoma yimuphi umfula, idamu noma emseleni wamanzi okungadala

ukuphazamisa noma okungalimaza nanoma yimuphi umgwaqo womphakathi.

(2) Kuncike kunoma yimiphi imithehto esebenzayo nangemva kokuthola imvume yomnikazi nosebenzisa leyo ndawo, uma ikhona uMkhandlu -

(a) ungaphambukisa yinoma yimuphi umsele wamanzi, umfudlana noma umfula uma ukuphambukisa kudingeka ukuba kuvikelwe umgwaqo womphakathi noma isakhiwo esihlangene nomgwaqo kumbe ukwakhiwa kwesakhiwo esixhumene noma okungesomgwaqo womphakathi;

(b) ungaphambukisa amanzi ezikhukhula asuka noma angaphansi kwanoma yimuphi umgwaqo womphakathi aye ayongena endaweni yomuntu ngaphandle kwendawo enezakhiwo, ezinye izakhiwo noma okulungiswayo; futhi

(c) ungakhokha isinxephezelo esifanele njengoba kuvunyelwene phakathi komnikazi noma osebenzisa leyo ndawo noMkhandlu, sanoma yimuphi umonakalo odalekile ngenxa yanoma yisiphi isinyathelo esithathwe ngaphansi kwesigaba (a) noma (b).

19. Ukuphazamisa emigwaqweni yomphakathi

Akekho umuntu ongalahla noma enze ukuba kulahlwe noma ashiye noma enze ukuba kushiywe isihlabathi, itshe, inhlabathi, izitini, amapulangwe, umcako, usemende noma enye impahla yokwakha yanoma yiluphi uhlobo kunoma yiyiphi ingxenye yanoma yimuphi umgwaqo womphakathi, onqenqemeni noma endleleni yabahamba ngezinyawo ngaphandle uma ilahlwe endaweni ebiyelwe ngokuqala kutholwe imvume ebhaliwe yoMkhandlu.

20. Imvume yokufaka isaziso ezigxotsheni ezisendleleni yabahamba ngezinyawo

(1) Nanoma yimuphi umuntu omisa, osusa, oguqula, okhanda noma openda yinoma yisiphi isakhiwo noma owenza yinoma yikuphi ukumba kunoma yiyiphi ingxenye esemgwaqweni womphakathi ngamamitha amabili, ngaphambi kokuba aqalise lowo msebenzi, kumele abiyele noma enze ukuba kubiyelwe isikhala esingaphambili kwaleyo ngxenye yesakhiwo.

(2) Uma ukubiyela kuthatha noma kuklapakela kunoma yiyiphi ingxenye yomgwaqo womphakathi, umuntu kumele afake isicelo semvume ebhalwe eMkhandlwini futhi uma umuntu ofake isicelo engeyena umnikazi wesakhiwo noma womhlaba lapho umsebenzi wenziwa khona noma uzokwenziwa khona, umnikazi kumele asayine naye isicelo leso.

(3) UMkhandlu kumele unqume ukuthi yiyiphi ingxenye yomgwaqo womphakathi edingekayo ngenhloso yokwenza nanoma yimuphi umsebenzi wesakhiwo futhi nakuzo zonke izehlo lapho kunqunywe kanjalo ukuthi umgwaqo womphakathi ungasetshenziselwaa lezo zinhloso,uMkhandlu unikeza imvume ngokubhala ubeka ngaphandle ingxenye engasetshenziselwa leyo nhloso kanye nemibandela leyo mvume ekhishwe ngaphansi kwayo.

(4) UMkhandlu yiwo onelungelo lokugodla ukukhishwa kwezimvume ezidingeka ngokwalesi sigaba kuze kube yonke imali enqunyiwe seyikhokhiwe futhi ukwamukelwa kwanoma yiyiphi imvume ngofake isicelo ngaphandle kwsiphikiso, kwenziwelwa ukukhomba ukuthi zonke izinqenqema zemigwaqo, imisele kanye neminye imisebenzi yayisesimweni esifanele osukwini okwakhishwa ngayo leyo mvume.

(5) Ileyo naleyo mvume ekhishwe nguMkhandlu yokumisa isigxobo lokufaka isaziso, uthango, isikhafula noma ukubiyela noma indlwana yamapulangwe kumele ibalule indawo kanye nesikhundla saleyo ngxenye yomgwaqo womphakathi lapho

ukubiyela, ukulenga noma ukwemboza kuvunyeliwe kanye nesikhathi imvume eyanikezwa ngaso.

ISAHLUKO 2

IZINDABA ZOKUHAMBA KWEZIMOTO

21. Ukulawula ukuhamba kwezimoto

(1) Isikhulu esigunyaziwe singalayela zonke izimoto ngezinhlabamkhosi ezigqamile nezizwakalayo futhi wonke umuntu kumele athobele leyo nhlabamkhosi.

(2) Akekho umuntu okumele aphazamise, avimbele, ahlukumeze noma aphazamise nanoma yisiphi isikhulu esigunyaziwe ekusebenziseni amandla ngokwale Mithetho kaMasipala.

22. Ukukotela ezimotweni ezihambayo

Akekho umuntu ohamba nganoma yikuphi okushovwayo, isithuthuthu, umkhunjana ogudla ulwandle, isihlibhi, isikeyiti esihamba ngamasonjwana noma enye into ethi mayifane nawo, okumele akotele kuyo noma anombele yena kumbe ibhayisikili lakhe kunoma yiyiphi enye imoto ehambayo, kunoma yimuphi umgwaqo womphakathi.

23. Ukuvinjelwa kwezimoto ezidonswa yizilwane

Akekho umuntu okumele ashayele kumbe abangele ukuthi kushayelwe ikalishi elidonswa yizilwane emigwaqweni yomphakathi endaweni enqunyelwe

ukusetshenziswa nguMkhandlu izikhathi ngezikhathi, eceleni noma adlule kulezo zingxenye zaleyo migwaqo yomphakathi enqunywe nguMkhandlu.

24. Ukususwa kwezithiyo

(1) Uma nanoma yimuphi umuntu edala ukuthikamezeka kunoma yimuphi umgwaqo womphakathi noma endaweni yomphakathi, isikhulu esigunyaziwe singatshela lowo muntu ukuba ayeke ukwenza lokho noma ukuba asuse isithiyo esishiwoyo.

(2) Lapho umuntu othikamezayo engatholakali, ehluleka noma eziba ukususa, kumbe ukuba ayeke loko kuthikameza, isikhulu esigunyaziwe singathatha izinyathelo ezifanele ukuba kususwe isithiyo noma ukuvimbela ukuqhubeka kwaso futhi uMkhandlu ungamkhokhisa lowo muntu izindleko zokususwa kwesithiyo, esimweni lapho umuntu ehluleka noma eziba ukususa noma ukunqamula ukuthikameza.

25. Imidlalo, ukujikijelwa kwamatshe emigwaqweni yomphakathi

(1) Akekho umuntu okumele aginqe yinoma yiliphi isondo noma andizise yinoma yiliphi ikhayithi noma ajikijele amatshe noma asebenzise yinoma yimuphi umtsalo nomcibisholo, noma nganoma yiyiphi indlela adedele yinoma yini ejikijelwayo ngaphezu noma inqamule kunoma yimuphi umgwaqo womphakathi, noma adlale ikhilikithi, ibhola lezinyawo noma yinoma yimuphi omunye umdlalo kunoma yimuphi umgwaqo womphakathi.

(2) Akekho umuntu okumele amise itende noma abeke izihlalo kumbe nanoma yiyiphi impahla emgwaqweni womphakathi ngenhloso yomngcwabo, yephathi kumbe nanoma yimuphi omunye umcimbi ngaphandle kokuqala athole imvume ebhaliwe yoMkhandlu.

26. Ukufaka izinsimbi ezinyaweni nokugeza izilwane emigwaqweni yomphakathi

Akekho umuntu okumele afake izinsimbi ezinyaweni zanoma yisiphi isilwane, kumbe ageze, agqokise, afundise, akhaphele noma athukulele izinkomo emgwaqweni womphakathi.

27. Izilwane emigwaqweni yomphakathi

(1) Akekho umuntu okumele ashiye yinoma yisiphi isilwane esilimele kakhulu, esingenamandla, esondile, esigulayo noma esifayo kunoma yimuphi umgwaqo womphakathi ngaphandle uma kungokwenhloso yokufuna usizo lokususwa kwaleso silwane.

(2) Nanoma yiyiphi imfuyo ewumhlambi emgwaqweni womphakathi osendaweni kamasipala woMkhandlu ingathathwa yinoma yisiphi isikhulu esigunyaziwe siyiyise endaweni eqokwe nguMkhandlu.

(3) Nanoma yimuphi umuntu owephula isigatshana (1) uyobekwa icala, ngaphezu kokukhokha inhlawulo enqunywe nguMkhandlu, uyokhokhela uMkhandlu izindleko ongene kuzo ngokusebenza ngokuvumelana nesigatshana (2).

28. Amacala nezinhlawulo

Nanoma yimuphi umuntu-

(a) ophikisana noma ohluleka ukuhambisana nanoam yiziphi izihlinzeko zale Mithetho kaMasipala

(b) ohluleka ukuhambisana nanoma yisiphi isaziso esikhishwe ngokwale Mithetho kaMasipala; noma

(c) ohluleka ukuhambisana nanoma yimuphi umyalelo osemthethweni onikezwe ngokwale Mithetho kaMasipala; kumbe

(d) othikameza noma ovimbela nanoma yimuphi umuntu omele uMkhandlu kumbe isisebenzi sawo esigunyaziwe ekwenzeni imisebenzi sawo ngaphansi kwale Mithetho kaMasipala,

Uyotholakala enecala futhi uyobhekana nokuthi akhokhe inhlawulo engeqile ezi-R2000 noma uma ehluleka ukukhokha abhadle ejele isikhathi esingeqile ezinyangeni eziyi- 12.

29. Ukuphikisana kweMithetho kaMasipala

Uma kukhona ukuphikisana phakathi kwale Mithetho kaMasipala neminye iMithetho yoMkhandlu, le Mithetho kaMasipala yiyona eyosetshenziswa.

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UMkhandlu kaMasipala waseRichond usebenza ngaphansi kwegunya lesigaba 11, ufundwa ngokuhlanganyelwa nesigaba 98 soHulumeni Basekhaya:uMthetho Wezinhlelo zikaMasipala, wezi-2000 (uMthetho No.32 wezi-2000), lapha ushicilela iMithetho yawo kaMasipala Yokwakha Ngokungemthetho.

IMITHETHO KAMASIPALA YOKWAKHA NGOKUNGEMTHETHO

1. Izincazelo

Kule Mithetho Kamasipala, noma iliphi igama kumbe isisho esichaziwe kuMthethonqubo kaZwelonke wokwakha namazinga okwakha oMthetho, we-1977 (UMthetho No.103 we-1977), inaleyo ncazelo futhi, ngaphandle uma ingqikithi ikhomba okunye-

"isisebenzi esigunyaziwe" kuchaza noma yisiphi isisebenzi soMkhandlu esigunyazwe nguMkhandlu ukuphatha, ukwenza,kanye/noma nokuphoqelela izihlinzeko zale mithetho kaMasipala.

"UMkhandlu" kuchaza uMasipala waseRichmond kanye kanye nabalandela emva kwawo ngokomthetho, futhi ubandakanya uMkhandlu walowo Masipala noma iKomidi Eliphethe kumbe nanoma yiluphi uhlaka olusebenza ngokwamandla oluwanikwe ngokomthetho kanjalo nayinoma yisiphi isikhulu esigunyazwe yiKomidi Eliphethe sanikwa amandla nemisebenzi maqondana nale Mithetho Kamasipala ;

"ukwakha ngokungemthetho" kuchaza noma iyiphi impahla ebonakalayo evimbile esakhiweni zikaMasipala, noma isiphi isakhiwo esiphethwe nguwo uMasipala noma isiphi isakhiwo okunegunya nesivumelwano sokuba sisetshenziswe noma isakhiwo olungelo laso lirejistiwe ngaphansi koMasipala.

"m" uchaza imitha ;

"mm" uchaza imilimitha ;

"Imali enqunyiwe" kuchaza imali enqunywa nguMkhandlu ngokuhamba kwesikhathi ngokohlelo olubekiwe lokutheliswa kwezimali

"umgwaqo womphakathi" kuchaza noma yimuphi umgwaqo, isitaladi noma indlela yokuhamba yezinyawo noma iyiphi indawo (okungeyona eyokuhamba abantu)

ejwayele ukusetshenziswa umphakathi nanoma iyiphi enye ingxenye noma ingxenye lapho umphakathi unegunya lokuyisebenzisa, futhi ifaka-

(a) Umkhawulo wanoma yimuphi umgwaqo, isitaladi noma indlela yezinyawo ;

(b) noma yiliphi ibhuloho, nanoma isiphi isikebhe sokuwelisa noma izibuko eliyindlela yokuwela umigwaqo,isitaladi noma indlela yezinyawo kanye

(c) Nanoma yimuphi omunye umsebenzi noma impahla eyingxenye noma ephathelene nomgwaqo, isitaladi noma indlela yezinyawo.

2. Imvume edingekile yoMkhandlu maqondana no 4(a) no (b)

(1) Akekho umuntu ongakha noma enze nanoma yimuphi umhubhe onophahla, uvulandi, umpheme, amafasitela akhiwe aphumela ngaphandle, izibani zesitubhi umbukiso noma yini ephume yalengela kunoma yimuphi umgwaqo womphakathi ngaphandle kwemvume ebhaliwe.

(2) UMkhandlu unganqaba ukukhipha imvume edingekile ngokwesigatshana (1) noma ungayinika leyo mvume kungaba ngaphandle kwemibandela noma ngaphansi kwemibandela kuye ngokukhokhwa kwemali enqunyiwe yaminyaka yonke noma ukwenziwa kwemisebenzi nnjengokunquma koMkhandlu esimweni ngasinye futhi kuye ngokukhokhwa kwemali enqunyiwe.

(3) Izimali ezinqunyiwe esichazwe esigatshaneni (2) zikhokhwa ngaphambi kwesikhathi njalo ekuqaleni konyaka, zibalwa kusukela ngosuku okutholakale ngalo imvume noma ngesikhathi esinqunywa nguMkhandlu, futhi umnikazi kumele akhokhe imali enqunyiwe ngokwale Mithetho Kamasipala ngesakhiwo ngasinye esakhiwe ngokungemthetho.

(4) Umnikazi wesakhiwo esakhiwe ngokungemthetho kumele esikhathini esiyizinyanga ezintathu emva kokuqalisa kokusebenza kwale Mithetho Kamasipala afake isicelo esibhaliwe eMkhandlwini sokuxolelwa mayelana -

(a) nobukhona besakhiwo esakhiwe ngokungemthetho ;

(b) nesilinganiso sobukhulu bokuvundla kwaleso naleso sakhiwo esakhiwe ngokungemthetho- kuhambisana nomngcele womgwaqo okulengele kuwo lesi sakhiwo esakhiwe ngokungemthetho; kanye

(c) nokukhokhwa kwemali efanele.

(5) Zonke izakhiwo ezakhiwe ngokungemthetho maqondana nezakhiwo kumele zibe nesilinganiso sobukhulu bokuvundla obulingana nohlanganothi olungaphambi komgwaqo ezikuwo kumbe ezilengela kuwo lapho kunesakhiwo okukhulunywa ngaso, kuze kube uMkhandlu uyaziswa ngesilinganiso sobukhulu bokuvundla kwesakhiwo esakhiwe ngokungemthetho ngokwesigatshana(4)(b).

3. Imithetho yokwakhiwa kwezakhiwo ezakhiwe ngokungemthetho

(1) Umumo, ukuhleleka kanye nokwakhiwa kovulande, imipheme, amafasitela aphumele ngaphandle kanye nezakhiwo ezakhiwe ngokungemthetho zalengela emgwaqeni womphakathi, kanjalo nezitubhi, unqenqema lomgwaqo kanye nomsele wamanzi kumele kugculise futhi kube sezingeni elivunywe nguMkhandlu.

(2) Uma uthayela usetshenziselwe ukwemboza uvulande, ingxenye engaphezulu kumele ipendwe.

(3) Uvulandi olengele emgwaqeni womphakathi mawuhambisane, nokuphakama kanye nemininingwane yovelanda oxhunywe kubo abavele bekhona.

4. Izinsika

(1) UMkhandlu unganquma izindawo ezingaphakathi komngcele kamasipala lapho kungekho muntu ovunyelwe ukumisa izinsika zovulande ezilengele kunoma imuphi umgwaqo womphakathi noma isitubhi.

(2) Akekho umuntu onemvume yokumisa noma iyiphi insika kavulande ngaphezu kwanoma yiluphi unqenqemeni lapho lolo nqenqema lungaphansi kuka 2,6 m ububanzi.

(3) Akekho umuntu onemvume yokumisa noma iyiphi insika kavulande ngaphezu kwama-3 m ukusukela emgqeni wesakhiwo okalwe ngaphandle kwensika noma ngaphansi kwama- 3 m endaweni emaphakathi nendawo ngayinye.

(4) Akekho umuntu onemvume yokumisa insika kavulande elengela onqenqemeni olusekhoneni lomgwaqo womphakathi eyeqe isilinganiso semigqa yesakhiwo.

(5) Akekho umuntu onemvume yokumisa ingxenye yanoma iyiphi insika kavulande ebangeni elingaphansi kwama-600mm kusukela ngaphambili kuya emuva kwanoma yiluphi unqenqema lomgwaqo.

(6) Akekho umuntu onemvume yokumisa izinsika zikavulande eziphindekile zilengele kunoma yimuphi umgwaqo womphakathi noma unqenqema.

(7) Esimweni lapho ovulande besekelwe ezinsikeni, izinsika mazingabi nesikwele esicijile, isisekelo masingaphumeli ngaphandle ngokungaphezu kwama-50mm ukweqa idayamitha engaphansi kwensika futhi isikalo somugqa ovundlile sewuphelele masingadluli kuma- 350 mm.

(8) Lapho uhlobo lwensika lusezingeni eliphezulu, umphini mawube nokugoba okufanelekile futhi isisibekelo nesisekelo masibe sesilinganisweni esifanelekile.

(9) Izinsika, kuhlanganisa isisibekelo nesisekelo makungabi ngaphansi kwama- 3 m noma ngaphezulu kwama- 3,6 m ukuphakama futhi kungabi ngaphezu kwama- 4,5 m kuhlanganisa nesinqe setshe eliyisisekelo.

(10) Akekho umuntu okumele abeke insika emgwaqeni womphakathi lapho kuhanjwa khona ngezinyawo noma endleleni eseceleni komgwaqo noma lapho kungenzeka kube nezintambo zikagesi, amapayipi kanye neminye imisebenzi kamasipala, ngaphandle kwemvume yoMkhandlu.

(11) isilinganiso sokuphakama kusukela endleleni yezinyawo noma onqenqemeni kuye kufike ngaphansi kwamacele omgqomo omkhulu wensimbi noma ipulangwe eliphase isakhiwo ngasekugcineni kophahla lwensika singama- 3 m.

(12) Izindleko zokulungisa isivumelwano sokusebenzisa umhlaba womuntu ngesivumelwno ezichazwe esigatshaneni (11) zikhokhwa ngumnikazi wendawo leyo encikile.

(13) Ukufakwa kwamapayipi okusobala noma ukufakwa kwezintambo makungasetshenziswa ezinsikeni ezilengele noma ezikovulande bomgwaqo womphakathi kanye nemipheme, ngaphandle uma inhloso yokumiswa yenzelwa ubuhle besakhiwo.

(14) Okokubambelela, okokuvimbela noma isibambelelo, uma sikhona, masinganwebeki ngaphansi kwama- 750 mm noma ngaphezu kwe- 1,05 m ngaphezu kwephansi lompheme.

(15) Akukho kule mithetho kaMasipala okuvimbela-

(a) ukumiswa kanye nokusetshenziswa kwengxenye yensika exhunywe kovulande ababili abancikene uma insika ime yeqa umngcele womugqa wezakhiwo zombili noma kuhlanganiswe ngokufana; noma

(b) esimweni lapho kuxhunywe khona ovulande, ukumiswa kwanoma iyiphi insika esesinqeni setshe eliyisisekelo uma kunesidingo sokulinganisa kanye nezinye izihlinzekelo zale Mithetho Kamasipala ziyabhekelwa.

5. Imipheme kanye namafasitela akhiwe aphumela ngaphandle

(1) Imipheme, amafasitela akhiwe aphumela ngaphandle noma izakhiwo ezakhiwe ngokungemthetho akumele zilengele emgwaqeni womphakathi uma ukuphakama kwazo kungaphansi kwama- 3 m ngaphezu konqenqema.

(2) Imipheme akumele yeqe nge-1, 35m ngaphezu kwanoma yimuphi umgwaqo womphakathi.

(3) Amafasitela akhiwe aphumela ngaphandle akumele eqengaphezu kwama- 900 mm ngaphezu kwanoma yimuphi umgwaqo womphakathi.

(4) Isihlanganiso sobude bokuvundla kwamafasitela akhiwe aphumela ngaphandle kunoma ikuphi ukulingana ngaphezu komgwaqo womphakathi akumele kwedlule ngobude obuyingxenye eyodwa kokuthathu mangaphambili kwesakhiwo kulowo mgwaqo.

(5) Nanoma yimuphi umpheme owakhiwe ngaphezu kwanoma yimuphi uvulande kumele uhlehle okungenani nge-1, 2 m kusukela emgqeni walowo vulande.

(6) Ayikho ingxenye yanoma yimuphi umpheme enxhunye kunoma yimuphi uvulande, engaphakanyiswa ibe nobude obungaphezu kwezitezi ezimbili ngaphezu kwezinga lonqenqema, ngaphandle uma ingxenye ephezulu yompheme inophahla

lukakhonkolo owakhe iphansi eliqondile, isibambelelo akumele seqe nge-1m ukuphakama okuvumeleke ngaphezu kokulingana kwephansi.

(7) Noma yiluphi udonga olwehlukanisayo oluvundle emphemeni ongaphezu komgwaqo womphakathi akumele lweqe nge-1 m ubude noma ngama-225 mm ukuba wugqinsi.

(8) Umpheme olengele emgwaqeni womphakathi makungabi iwona wodwa osetshenziswa njengomnyango kunoma yiliphi igumbi noma ikamelo.

(9) Akekho umuntu ongabeka noma avumele noma abe yimbangela yokubekwa kwanoma iyiphi into kunoma yimuphi umpheme olengela emgwaqeni womphakathi, ngaphandle kwezihlahla zokuhlobisa, amatafula, izihlalo, izisitha langa (blinds) kanye noseyili abangasetshenziselwa izimpawu noma izikhangiso.

(10) Lapho iphansi lesakhiwo lisetshenziselwa ukupaka izimoto kuphela, amafasitela akhiwe aphumela ngaphandle alingana nengaphansi akumele axhomeke alengele kunoma yimuphi umgwaqo womphakathi ngobude obungaphezu kwe-1,35 m bengaphambili lesakhiwo kulowo mgwaqo .

6. Izinqe zamatshe ayizisekelo, izinsika ezingonxande kanye, nomhlobiso obunjwe waba yindilinga odongeni lwendlu.

(1) Akukho sinqe setshe eliyisisekelo, izinsika ezingonxande, nokunye okwakhiwe ngokungemthetho kweqa emgqeni wesakhiwo okususwa ezingeni eliphansi okuvumeleke ukuba kwakhiwe ngokungemthetho emgwaqeni womphakathi.

(2) Nanoma iyiphi insika engunxande, umhlobiso obunjwe waba yindilinga odongeni lwendlu, okuphumele ngaphandle kodonga ukwesekela ingaphezulu lesakhiwo noma isimo esidwethswe safana naso esakhiwe okungenani ngama-3 m ngaphezu komhlabathi akumele yeqe lezi zakhiwo ezakhiwe ngokungemthetho ezilengele emgwaqeni.

(a) Insika engunxande ; engama-450 mm ubungako bobude bengaphambili lensika engunxande akumele beqe okukodwa kokuhlanu kwengaphambili lesakhiwo kanye namafasitela akhiwe aphumela ngaphandle esitezi esisodwa kumele kuhlanganise izibalo zesilinganiso sobude bamafasitela akhiwe aphumela ngaphandle;

(b) Umgaxo ohlotshisiwe ovikela umlilo noma indawo eqhamile engunxantathu engaphambili kwesakhiwo elengele emnyango : 600 mm nakunoma iyiphi indawo kungabi ngaphansi kuka 2,75 m ubude ngenhla kwendlela yezinyawo noma onqenqemeni ;

(c) umhlobiso obunjwe waba yindilinga odongeni lwendlu: oyi-1,05 m lapho ungeqile ema-10,5m ngaphezu kwendlela yezinyawo noma onqenqemeni kanye nokukodwa eshumini kokuphakama kusukela endleleni yezinyawo noma onqenqemeni uma kweqile ema-10,5 ngesilinganiso se-1,8 m.

7. Ovulandi abakhiwe emakhoneni

Lapho ovulande bakhiwe emakhoneni emigwaqo omphakathi kumele bakhiwe balandele ukugwinciza kwendawo ehlukanisa umgwaqo nonqenqema.

8. Ukuvuleka kwesitubhi

(1) Akukho kuvuleka kwesitubhi okuyoba yiyona ntuba yokungena kunoma iyiphi indlwana eyakhelwe emgodini phansi kwesakhiwo noma ikamelwana phansi kwendlu.

(2) Akukho kuvuleka kwesitubhi esikunoma yimuphi umgwaqo womphakathi okumele kunwebeke kwedlule i-1,2 m ukweqa umugqa wesakhiwo.

(3) Lapho ama-flaps evumeleke khona ekuvulekeni kwesitubhi i-flap ngayinye akumele yeqe ama-square metre ayi-0,75 endawo futhi kumele ivulekele ngaphezulu uma ivulwa, kumele kuhlinzekelwe ngomshayo wensimbi oqatha kumbe izigxobo.

(4) Ukuvuleka kwama-flap kungavulwa futhi kusetshenziselwe kuphela ukwenyusa nokwehlisa izimpahla futhi kumele kuhlale kuvaliwe ngaphandle uma kusaqhubeka ukwehliswa nokwenyuswa kwezimpahla.

(5) Udonga lwangaphambili noma udonga olubhekene nonqenqema lomgwaqo kukho konke ukuvuleka kumele kwakhiwe ngendlela efanele ezoqinisa ukweneliseka koMkhandlu.

(6) Akukho kuvuleka kwesitubhi okumele kwembozwe ngesimbozo sensimbi noma icwecwe lensimbi noma ngokhuni.

9. Ukunakekelwa, ukukhishwa kanye nokuqashisa ngemixhantela

(1) Umnikazi wanoma yisiphi isakhiwo esakhiwe ngokungemthetho kumele asigcine sisesimweni esihle silungisiwe.

(2) Ukuvuleka kwezitubhi, izibani zezitubhi, izindonga kanye nezidonga zezindlu ezingaphansi kumele kwakhiwe futhi umnikazi akuvale kungangenwa manzi.

(3) Umnikazi wanoma yisiphi isakhiwo esakhiwe ngokungemthetho, ngaphansi noma ngaphezu kwanoma yimuphi umgwaqo womphakathi kumbe isitubhi noma uphawu noma nanoma yini exhunywe odongeni yalengela emgwaqeni womphakathi, uthathwa njengoqashile maqondana nesakhiwo esakhiwe ngokungemthetho, uphawu kumbe nanoma yini exhunywe odongeni, futhi uma ecelwa nguMasipala ukuba asuse okunye noma konke, kumele enze njalo ngesikhathi esifanenelekile.

10. Izakhiwo ezakhiwe ngokungemthetho phambi kwesakhiwo

Lapho kumiswe noma kwakhiwe khona isakhiwo ngokungemthetho phambi kwesakhiwo, umnikazi kuyomele ngokwezindleko zakhe -

(a) akhonke yonke indlela yezinyawo noma isitubhi ngaphansi kwesakhiwe esakhiwo ngokungemthetho noma ngaphambi kwesakhiwo lapho ukuvuleka kwesitubhi kwenziwe khona; futhi

(b) enze unqenqema lomgwaqo nomsele wamanzi futhi akhonke ngaphambi kwesakhiwo kuhambisane nobubanzi bendlela yezinyawo kumbe isitubhi.

11. Izakhiwo ezakhiwe ngokungemthetho

(1) (a) Nanoma yimuphi umuntu ngale komnikazi ofisa ukumisa noma ukwakha isakhiwo ngokungemthetho kumbe nanoma yini engakhiwa ngaphansi noma ngaphezu kwanoma yimuphi umgwaqo womphakathi, noma nanoma yiyiphi impahla engasuseki okungeya noma egunyazwe nguMkhandlu, kumele afake isicelo esisebenzini esigunyaziwe efomini elihlinzekwe nguMkhandlu ngaleyo nhloso.

(b) lapho ngokubona kwesisebenzi esigunyaziwe kudingeka imidwebo ukuze siqedele isivumelwano sokufohla, inkokhelo enqunyiwe ngaphezu kwaleyo ebikade inqunyiwe iyakhokhwa kuMkhandlu.

(2) Noma yimuphi umuntu omise, owakhe noma osohlelweni lokwakha ngokungemthetho ngaphansi noma ngaphezu kwanoma yimuphi umgwaqo womphakathi, uthathwa njengoqashile ngokwesakhiwo esakhiwe ngokungemthetho futhi , uma azisiwe nguMkhandlu ngokubhalwe phansi, ngaphansi kwesandla sesiKhulu Esilawula Izakhiwo ukuba asuse leso sakhiwo esakhiwe ngokungemthetho kumele akwenze lokho esikhathini esibekwe esazisweni.

(3) Umnikazi wesakhiwo esithintene nalapho kwakhiwe khona ngokungemthetho kumbe okuhlongozwa ukwakhiwa kuso -

(a) kumele akhokhe izindleko ezidalekile maqondana nezintambo kumbe impahla yoMkhandlu;

(c) Kumele avumele uMkhandlu ukuthi umise, noma ukuxhume esakhiweni esakhiwe ngokungemthetho noma yini edingekayo maqondana nezinto ezithinta ugesi kumbe eminye imisebenzi.

12. Imali enqunyiwe yemisebenzi ekhethekile.

Noma yimuphi umuntu odinga ukwenzelwa ngumkhandlu umsebenzi okhethekile, kuhlanganisa nokuba khona ngendlela efanele maqondana nesakhiwo esinobungozi, kule akhokhe imali enqunyiwe eqondene nomsebenzi okhethekile emkhandlwini kanjalo nemali enqunyiwe ekhokhwa kuqala ukuze uMkhandlu ukwazi ukubhekela isakhiwo njengokwesicelo noma ukuze uMkhandlu unikezele ngeseluleko ngokokusebenza kwale Mithetho Kamasipala ngokweziphakamiso esenziwe ngabadwebi bezakhiwo, abakhi noma abanikazi.

13. Amacala kanye nezinhlawulo

Noma ngubani -

(a) ophikisana noma ohluleka ukuhambisana nezihlinzekelo zale Mithetho Kamasipala; noma

(d) ohluleka ukuhambisana nanoma isiphi isaziso esikhishwe ngokwale Mithetho Kamasipala ; noma

(c) ohluleka ukuhambisana nanoma yimuphi umyalelo osemthethweni ngokwale Mithetho Kamasipala; noma;

(d) ovimbela noma othikazisa noma yimuphi umuntu ogunyaziwe omele kumbe oyisisebenzi soMkhandlu ekwenzeni imisebenzi yakhe ngaphansi kwale Mithetho Kamasipala;

unecala lokwephula umthetho futhi uyogwetshwa inhlawulo yenani elingevile ezi-R2 000 noma uma ehluleka ukukhokha avalelwe ejele isikhathi esingevile ezinyangeni eziyi-12.

14. Ukuphikisana kwemithetho

Uma kukhona ukuphikisana phakathi kwale mithetho kaMasipala neminye imithetho yoMkhandlu emaqondana nezakhiwo ezakhiwe ngokungemthetho, le mithetho kamasipala iyona eyosetshenziswa.

UMkhandlu Kamasipala wase- Richmond, osebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyelwa nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho yawo Kamasipala Yezokulawulwa Kwemfucuza.

IMITHETHO KAMASIPALA YOKULAWULWA KWEMFUCUZA

ISAHLUKO 1
UKUHUNYUSHWA, IMIGOMO NEZINHLOSO

1. Izincazelo

Kule Mithetho Kamasipala, ngaphandle uma indikimba ikhomba okunye-

"umuntu othintekile" kusho umuntu onikezwe noma onikezwa isaziso sokuqinisa;

"ukuvunywa" uma kukhulunywa ngemigqomo, iphepha lomgqomo,izitsha, kanye nokokusonga kusho okuvunywe nguMkhandlu noma ohlinzeka ngomsebenzi ukuze kuqoqwe futhi kugcina imfucuza;

"isikhulu esigunyaziwe" kusho isikhulu esigunyaziwe esigunyazwe nguMkhandlu ngezinhloso zale mithetho kamasipala ukuba senze futhi sisebenze nanoma yimiphi kumbe yonke imisebenzi ngokwale mithetho kamasipala noma izihlinzekelo zanoma yimuphi omunye umthetho;

"UMthethosivivinywa Wamalungelo" kusho Isahluko 2 soMthethosisekelo weRiphabhulikhi YaseNingizimu Afrika, we- 1996;

"umgqomo" kusho isitsha sokufaka esivunyiwe ukugcina imfucuza engaphansi kwama-cubic metre ayi- 1,5 ezinganikezelwa nguMkhandlu

noma ohlinzeka ngomsebenzi emagcekeni ngokwale Mithetho Kamasipala;

"iphepha lomgqomo" kusho upulastiki ovunyiwe noma enye into eyisendlalo esifanelekile ukuba sisetshenziswe ngaphakathi komgqomo;

"imfucuza yokwakha" kubandakanya yonke imfucuza ekhiqizeka ngesikhathi kwakhiwa, kuguqulwa, kulungiswa noma kubhidlizwa nanoma yisiphi isakhiwo futhi kuhlanganisa imvithimvithi yokwakha, umhlabathi, izimila kanye namatshe ahlakazeka ngesikhathi salokho kwakhiwa, kuguqula, kulungiswa noma ukubhidliza;

"imfucuza eyinqwaba" kusho imfucuza yamabhizinisi noma imfucuza yasemakhaya okuthi ngenxa lesisindo sayo, umumo, ubukhulu noma inani layo kungaba yinkinga ukuthi isuswe ngendlela elandelwa uma umkhandlu lokuqoqa imizi ngemizi okwenziwa ngumkhandlu noma ohlinzeka ngomsebenzi;

"imfucuza yamabhizinisi" kusho imfucuza ngale kwemfucuza eyingozi, imfucuza enobungozi yabezempilo, imfucuza yokwakha, imfucuza yezimboni, imfucuza yasengadini, imfucuza eyinqwaba kanye nemfucuza ekhethekile yezimboni eyakheka emagcekeni asetshenziselwa izinhloso okungesizoo zokuhlalisa abantu;

"imisebenzi yezohwebo" kusho nanoma yimuphi umsebenzi kukhipha ngaphandle imisebenzi yoMkhandlu, emaqondana noma exhumene nokunqwabelanisa, ukuqoqa, ukulawula, ukukhwa kabusha ngempahla esike yasebenza, ukuhlela, ukugcina, ukuphatha, ukuthutha, ukulahla, ukuthengwa noma ukudayiswa kwemfucuza kumbe nanoma iyiphi enye indlela yokuphatha imfucuza;

"isitsha" kusho isitsha esivunyiwe esinobukhulu obungaphezu kwama-cubic metre ayi-1,5 ukuze kugcinwe imfucuza okwesikhashana ngokwale Mithetho Kamasipala;

"UMkhandlu" kusho uMasipala wase-Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi

Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanoma yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala; stem

"Imisebenzi yoMkhandlu" kusho imisebenzi yoMkhandlu eqondene nokuqoqwa kwemfucuza kubandakanya imfucuza yasemakhaya, imfucuza yamabhizinisi neyansuku zonke, ehlinzekwa ngokukhethekile nguMkhandlu noma abahlinzek a ngemisebenzi ngokuhambisana nezihlinzekelo zoMthetho Wezinhlelo kanye neSahluko 6 sale Mithetho Kamasipala, futhi okuthi esimweni semfucuza yamabhizinisi kuqoqwa kuphela imfucuza efakwe emaphepheni omgqomo, emigqonyeni kanye nasemigqonyeni enamasondo engamalitha angama-240;

"uMthetho Wenqubo Yamacala Okwelelesa" kusho uMthetho Wenqubo Yamacala Okwelelesa we- 1977 (uMthetho No. 51 we- 1997);

"ukulinyazwa kwemvelo" kusho nanoma yikuphi ukungcoliseka, ukwehliswa amandla noma ukulinyazwa kwemvelo okungaba okubonakalayo noma okungabonakali;

"eyansuku zonke" kusho imfucuza ebolile enukayo edaleka emahhotela, ezindaweni zokudla, ezitolo zokudla, ezibhedlela kanye nasezinkantini okumele uqoqwe zikhathi zonke, ngokujwayelekile nsuku zonke ukugwema ukuthi imfucuza ingaboli bese iba wuhlupho, idale nobungozi emvelweni nakwezempilo;

"imfucuza yasemakhaya" kusho imfucuza eyakheka emagcekeni asetshenziselwa kuphela izinhloso zokuhlala kanye nezokuthi umphakathi udumise kuzo, kuhlanganisa amahholo noma ezinye izakhiwo ezisetshenziselwa ukukhonzela kodwa akubandakanyi imfucuza yamabhizinisi, yokwakha, yasengadini noma imfucuza eyinqwaba;

"ukuthulula" kusho ukubeka udoti nanoma yikuphi ngale kwasesitsheni esigunyaziwe noma indawo eqokwe njengendawo yokugcina udoti noma indawo yokuchitha udoti nguMkhandlu noma umhlinzekimsebenzi;

"DWAF"*(Department of Water and Forestry)* kusho uMnyango Kazwelonke Wezamanzi Namahlathi;

"isaziso sokuqinisa" kusho isaziso esikhishwa yisisebenzi esigunyaziwe ngaphansi kwesigaba 44 sale Mithetho Kamasipala;

"imvelo" kusho amaphethelo lapho kuphila khona abantu akhiwe:

(a) umhlaba, amanzi nomkhathi womhlaba,
(b) amagciwane aphilayo, izitshalo kanye nempilo yezilwane
(c) nanoma iyiphi ingxenye noma inhlanganisela ka (a) no (b) kanye nokuhlobana okuphakathi kwabo, kanye
(d) okomzimba, izinhlayiya zamakhemikhali ezobuciko namasiko kanye nemibandela yaphambilini enomthelela empilweni kanye nenhlalakahle yabantu;

"okuphuthumayo kwemvelo" kusho nanoma yisiphi isehlo esingalindelekile noma esisheshayo esingadala noma esesidale ukulimala okunzima empilweni yabantu noma ukulimala emvelweni, ngale kokuthi amathuba okwenzeka komonakalo kusheshile noma kuthathe isikhathi;

"ifemu" kubandakanya nanoma ngubani ngokomthetho noma inhlangano yabantu esungulwe noma esebenza eRiphabhulikhi yaseNingizimu- Afrika;

"imfucuza yasengadini" kusho imfucuza eyakheka ngenxa yemisebenzi ejwayelekile yezingadi zasemakhaya, kuhlanganisa ukusikwa kotshani, amahlamvu, izihlahla, izimbali kanye nezinye izinto ezilula zohlobo olufanayo kodwa akubandakanyi amagatsha ezihlahla anobubanzi obuwugqinsi obungaphezu

kwamamilimitha angama-40 kunoma iyiphi ingxenye yobude bawo, imfucuza eyinqwaba, imfucuza yokwakha noma nanoma yiyiphi imfucuza edaleka ngenxa yokwenziwa kwemisebenzi yasengadini;

"umsebenzi wasengadini" kusho ukuhlinzekwa kwemisebenzi yasengadini ngumuntu onelayisensi kuhlanganisa ukusikwa kotshani, ukuthenwa kwezihlahla kumbe nanoma yimuphi omunye umsebenzi wokutshalwa kwezihlahla kuhlanganisa umumo obukeka kahle wezintaba nomhlaba, kunoma yimaphi amagceke amakhaya, ebhizinisi, ezohwebo noma ezimboni;

"indawo yokugcina imfucuza yasengadini" kusho indawo yokugcina imfucuza eyamukela futhi igcine okwesikhashana imfucuza yasengadini noma enye imfucuza ekwazi ukubuye isetshenziswe;

" imfucuza enobungozi" kusho imfucuza enobuthi, ene-esidi, evutha kalula uma ivulwe endaweni enelangabi elingaphansi kuka- 90° C, isiqhumane, into ekhipha ilangabi elisheshayo, ikhemikhali kumbe nanoma yiyiphi enye imfucuza ekwazi ukuba nompthelela ongemuhle kwezempilo yomphakathi noma emvelweni ngisho ithinteke kancane ngenxa yokuthi inobuthi, amakhemikhali nangendlela eyakheke ngayo.

"imfucuza enobungozi yezokwelapha" kusho yonke imfucuza enobungozi eyakheka ezikhungweni zezokwelapha ezifana nezibhedlela, imitholampilo, izikhungo zokucwaninga (laboratories), izikhungo zocwaningo lwezokwelapha, odokotela bamazinyo nabezokwelapha kanye nabezilwane;

"imfucuza yasezimbonini" kusho imfucuza eyakhekha ngenxa yokukhiqizwa, ukunakekelwa, yokwakha, yokwenza noma yokuhlukanisa okuthile, kodwa akuyibandakanyi imfucuza yezokwakha, yamabhzinisi, yansuku zonke, imfucuza eyisipesheli yezimboni, imfucuza eyingozi kanye nenobungozi yezokwelapha noma eyasemakhaya;

"ukulungiswa komhlaba oyihlane ulungele ukulima" kusho ukuchithwa kwenjimbilili yokuthakiwe okungasenamandla noma omunye imfucuza efanele wokwakha nanoma yiphi isakhiwo noma sokushintsha umumo wendalo wanoma yisiphi isiqephu somhlaba;

"izinga lomsebenzi" kusho ukuvama komsebenzi womkhandlu kanye nezinhlobo zezikhungo zomsebenzi;

"onelayisensi" kusho nanoma ngubani othole ilayisensi ngokweSahluko 7 sale Mithetho Kamasipala;

"udoti" kusho nanoma yini elahlwe ngumuntu kunoma iyiphi indawo ngale komgqomo ovunyiwe ohlinzekelwe ukufeza leyo nhloso noma endaweni yokugcina noma yokulahla imfucuza;

"umphakathi wendawo" maqondana noMkhandlu kusho lowo mgwamanda wabantu owakhiwe-

(a) yizakhamizi zoMkhandlu,
(b) abakhokhi bentelo boMkhandlu,
(c) nanoma yiziphi izinhlangano zomphakathi kanye nalezo ezingekho ngaphansi kukahulumeni, abamabhizinisi azimele noma imigwamanda ebambe iqhaza ezindabeni zendawo emkhandlwini, kanye
(d) nezivakashi kanye nabanye abantu abahlala ngaphandle kwendawo yoMkhandlu okuthi ngenxa yokuba khona emkhandlwini bahlomule emisebenzini yomkhandlu kanye nezikhungo ezihlinzekwa nguMkhandlu;

"inkathazo" kusho nanoma yikuphi ukulimala, ukonakala, ukuphazamiseka noma ukucasula omunye umuntu okwenzeka nganoma iyiphi indlela ngokuphatha noma

ngokulawula ngokungeyikho udoti, kubandkanya ukugcinwa, ukubekwa, ukuqoqwa, ukuthuthwa noma ukulahlwa kwemfucuza noma ngokuwufuhluza;

"ohlalayo khona" kubandakanya nanoma ngubani osebenzisa okwangempela umhlaba noma indawo ngaphandle kokuba netayitela lalapho ehlala khona, futhi odabeni lwendawo eqashiswe kubaqashi abehlukene, kubandakanya nomuntu owamukela irenti ekhokhwa ngabaqashile okungaba eyakhe noma njengomphatheli wanoma yimuphi umuntu ogunyazelwe lokho noma oyikhathalele;

"umnikazi" kubandakanya nanoma ngubani onetayitela lanoma iyiphi indawo noma umhlaba noma nanoma ngubani omukela irenti noma inzuzo yanoma yimuphi umhlaba noma indawo kunoma yisiphi isiqashi noma ohlala khona lapho, noma owamukela leyo renti noma inzuzo uma lowo mhlaba noma indawo yayiqashisiwe okungaba kwakungokwakhe noma njengomphatheli wanoma yimuphi umuntu owanegunya lalokho noma owayeyikhathalele ngaphandle uma "umnikazi" oqondene nezindawo eRegisteni Yokusetshenziswa Kwezingxenye Zezakhiwo evulwe njengokusho kwesigaba 12 soMthetho Yokusetshenziswa Kwezingxenye Zezakhiwo we- 1986, (UMthetho uNo. 95 we-1986), kusho umgwamanda obumbene njengoba kuchaziwe kulowo Mthetho, maqondana naleyo ndawo;

"umuntu" kusho umuntu phaqa noma ifemu futhi kubandakanya abanamalayisensi;

"ukunukubezeka" kusho nanoma yiluphi uguquko emvelweni oludalwe-

(a) yizibi, noma

(b) umsindo, iphunga, uthuli noma ukushisa okuphafuzwa nanoma yini, kubandakanya ukugcinwa nokulawulwa kwemfucuza noma izibi, ukwakhiwa kanye nokuhlinzekwa kwemisebenzi okungaba kuphethwe nanoma ngubani noma uhlaka lombuso,

lapho lolo guquko lube nomphumela ophikisana nempilo nempilo yomuntu noma inhlalakahle noma ekuhlanganisweni, ukupeteka nokuthela kwendalo noma nokuphathwa kwezinhlelo zemvelo ezibumbene noma ezintweni eziwusizo kubantu noma ezizoba nalowo mphumela esikhathini esizayo;

"indawo" kusho isiza noma nanoma iyiphi enye ingxenye yomhlaba, kubandakanya nesakhiwo esilapho noma nanoma esiphi esinye isakhiwo esisetshenziselwa ezebhizinisi, imboni nom ukuhlala;

"imali enqunyiwe" kusho imali enqunywe nguMkhandlu ngesixazululo njengokusho kwesigaba 10G(7) (a) (ii) soMthetho Wenguquko Yohulumeni Basekhaya we- 1993 (UMthetho uNo. 209 we- 1993) noma nanoma omuphi omunye uMthetho okhishwayo oqondene;

"indawo yomphakathi" kubandakanya nanoma yisiphi isakhiwo somphakathi, umgwaqo womphakathi, ibhuloho elinqamula phezu komgwaqo, umhubhe, indlela yabezinyawo, indlela, unqenqema, umgwaqwana ongumhubhe, ishashalazi, ingadi, ipaki, indawo ebiyelwe egunyazwe eMkhandlwini, kanye nanoma yimuphi umgwaqo, indawo noma indlela yabantu bonke kepha ecatshiwe esetshenziswa ngumphakathi ngokungaphazamiseki noma umphakathi onelungelo lokuyisebenzisa ;

"umgwaqo womphakathi" kusho nanoma yimuphi umgwaqo, isitaladi noma indlela yabantu bonke noma nanoma iyiphi enye indawo (okungaba indlela yabantu bonke noma cha) ejwayele ukusetshenziswa ngumphakathi noma iyiphi ingxenye yawo noma lapho umphakathi noma nanoma iyiphi ingxenye inelungelo lokuyisebenzisa futhi kubandakanya –

(a) unqenqema lwanoma yimuphi umgwaqo othile noma indlela yabantu bonke,

(b) nanoma yiliphi ibhuloho, isikebhe sokuwelisa noma izibuko elinqume kabili kunoma yimuphi umgwaqo othile, isitaladi noma endleleni yabantu bonke;

(c) nanoma yimuphi umunye umsebenzi noma into eyakha ingxenye yako noma exhumene nako noma ekungeyalowo mgwaqo, sitaladi noma indlela yabantu bonke;

"into ekhipha ilangabi elisheshayo" kusho nanoma yini equkethwe noma equkethe nanoma ekhipha ilangabi elisheshayo, okungaba elendalo noma lento eyenziwe ngokufanisa;

"imfucuza ekhipha ilangabi elisheshayo" kusho nanoma iyiphi into ekhipha ilangabi elisheshayo okuhloswe ukuba ilahlwe njengodoti;

"imfucuza ekukwazekayo ukuba ubuye wakhe into ebuye isebenze" kusho imfucuza ehlukanisiwe emgudwini kadoti, futhi wabekwa eceleni ngezinhloso zokubuye usetshenziswe, ubuyiselwe noma ubuye wakhe into ezobuye isebenze;

"umhlali" kusho ngokuphathelene noMkhandlu umuntu ongumhlali ojwwayelekile eMkhandlwini;

"ukonga umgwaqo" kusho leyo ngxenye yomgwaqo, isitaladi noma indlela yabantu bonke eyenziwe ngcono, eyakhiwe noma ebekelwe ithilafikhi lezinto ezigijimayo ephakathi kosebe lomgwaqo noma leyo ngxenye yomgwaqo, isitaladi noma indlela yabantu bonke kubandakanya indlela yabahamba ngezinyawo okungeyona indlela;

" isivumelwano sokuletha umsebenzi" kusho isivumelwano esiphakathi koMkhandlu nomhlinzekimsebenzi njengoba kusho lapho umhlinzekimsebenzi edingeka ukuba ahlinzeke izidingongqangi;

" **umhlinzekimsebenzi**" kusho nanoma ngubani ongene esivumelwananeni sokuletha umsebenzi noMkhandlu njengokusho koMthetho Wezinhlelo;

" **imfucuza yasezimbonini oyisipesheli**" kusho imfucuza equkethe okusaketshezi, udaka, okuqinile, okuphuma ekwakheni okuthile, ukuhlanzwa kwemboni moma ukulungiselela ukuba kuchithwe nanoma yimuphi imfucuza yasezimbonini noma imfucuza esaketshezi wasezimayini, okunjengokusho kwemithetho kamasipala wokuthuthwa kwendle wokuthi akumele uchithwe esitamkokweni noma epayipini lokuhambisa indle;

" **UMthetho Wezakhiwo**" kusho uMthetho Wezakhiwo Zikamasipala Wohulumeni Basekhaya, we- 1998 (UMthetho uNo. 117 we- 1998);

"**intuthuko esimeme**" kusho ukudidiyelwa kwezinto zomphakathi, zomnotho, nezemvelo ekuhlelweni, ukuqaliseni ukusebenza nokuthatha izinqumo ukuze kutholakale leyo ntuthuko ezonikezwa izizukulwane zamanje nezekusasa;

"**uMthetho Wezinhlelo**" kusho uMthetho Wezinhlelo Zohulumeni Basekhaya, we- 2000 (UMthetho uNo. 32 we- 2000);

" **okuhlosiwe**" kusho nanoma yimuphi umoya, amanzi, ikhwalithi noma amaqophelo kadoti ahlosiwe aqukethwe kunoma yimuphi umthetho okhishiwe;

" **itherifi**" kusho inhlawulo yomsebenzisi yokuhlinzekwa ngezidingongqangi, enqunywe futhi yamenyezelwa nguMkhandlu noma yafaneliswa ngumhlinzekimsebenzi njengokusho kwenqubomgomoyemithetho kamasipala yethrifi eyamukelwa ngaphansi kwesigaba 75 soMthetho Wezinhlelo;

" **udoti**" kusho nanoma yini engasafiswa noma engasafunwa yanoma iyiphi inqubo noma umsebenzi elahliwe yanqwbelaniswa noma yagcinelw ukuba ilahlwe, ibuye isetshenziswe, ibuyiselwe, ibuye yakhe into ezobuye isetshenziswe. Umkhiqizo

ongenamsebenzi okungaba okusaluketshezi noma okuqinile futhi kungabandakanya imikhiqizo equkethe okusagesi futhi okungaphuma emisebenzini yasemakhaya, yezokuhweba noma yasezimbonini, kodwa kungabandakanyi-

(a) into eyenziwe njengenxenye yemisebenzi yokuthuthwa kwendle ngaphansi koMthetho Wemisebenzi Yazamanzi (uMthetho uNo. 107 we- 1997);

(b) nanoma yimuphi umkhiqizo onegesi ongalawulwa ngumthetho okhishwe kuZwelonke noma esiFundazweni; noma

(c) Nanoma iyiphi into ekhipha ilangabi elisheshayo eyongiwe lapho le Mithetho kamasipala ikuvumela ngokukhethekile ukuba igcinwe;

" indawo yokuchitha udoti" kusho nanoma iyiphi indawo eyamukela, inqwabelanise, igcine, esebenzisa imfucuza ikwakha enye into, ehlunga, egcina noma ephatha udoti ngaphambi kokuba udluliselwe ekushisweni noma ekushabalalisweni okokugcina;

" emsebenzini" kusho nanoma iyiphi indawo lapho umuntu enza khona imisebenzi yoMkhandlu noma imisebenzi yokuhweba, futhi

" okokusonga" kusho upulastiki noma enye into efanelekile noma egunyaziwe yokumboza, evalela phakathi imishuqulu noma imfucuza ekhandene.

2. Imigomo

(1) UMkhandlu unesibopho sokuqinisekisa ukuthi wonke udoti owenzeke eMkhandlwini –

(a) uqoqiwe wachithwa noma uguqulwe wenziwa into ebuye isebenze ngokuvumelana nale Mithetho kamasipala; futhi

(b) lokho kuqoqwa kuchithwe noma ukwenziwa kokubuye kusetshenziswe kubheka ukuphathwa kokuhleleka ngokulandela ukubaluleka okubekwe esigatshaneni 2 esingenzansi.

(2) Umgomongqangi wale Mithetho kamasipala kokuphathwa kwemfucuza ngendlela, ngale ndlela elandelayo yobumqoka:-

(a) Ukugwema, ukunciphiswa nokuphungulwa kwemfucuza;

(b) Ukubuye kusetshenziswe;

(c) Ukwenziwa kwenye into ebuye isetshenziswe;

(d) ukuphinde kwenziwe ngandlela thize nokuphathwa; kanye

(e) Nokuchithwa.

(3) nanoma yimuphi umsebenzi othintekayo ekusetshenzisweni kwale Mithetho kamasipala, ngokufanelekile kumele abheke ukuhlelwa ngokulandela ukubaluleka okubalulwe esigatshaneni 2.

3. Izinhlosongqangi

(1) Izinhlosongqangi zale Mithetho kamasipala yilezi-

(a) ukulawulwa kokuqoqwa, ukulahlwa nokuguqulwa kwenziwe into ezosebenza kwemfucuza;

(b) ukulawulwa kokuhlinzekwa kwezidingongqangi ngumhlinzekimsebenzi kanye nemisebenzi yokuhweba yilabo abanamalayisensi, kanye

(c) nokwengezela intuthuko esimeme.

(2) Ukuhambisa ngehlelo lezinhlosongqangi zale Mithetho kamasipala, kanye nangokukhethekile ebekwe esigatshaneni (1) (a), uMkhandlu kumele-

(a) uzame ukuqinisekisa ukuthi imiphakathi yendawo iyabandakanywa ekusungulweni kwezinhlelo zikadoti wendawo;

(b) uzame ukunciphisa ukusetshenziswa kwengcebo yemvelo;

(c) ukhuthaze ukuguqulwa kwenziwe enye into ebuye isetshenziswe nokubuye kusetshenziswe udoti;

(d) ugqugquzele ukuhlukaniswa kwemfucuza ukwelekelela ukubuye usetshenziswe nokubuye wènziwe okunye okusha okunokusetshenziswa;

(e) ukukhuthaza ukusabalalisa okuphumelelayo, ukuhlela nokuletha izidingongqangi neyezohwebo;

(f) uzame ukuzuza ukuhlelwa kwemfucuza okudidiyele endaweni;

(g) ukhuthaze futhi uqinisekise imisebenzi yezemvelo ebophezelayo neyezohwebo; futhi

(h) uzame ukuqinisekisa ukuhambisana nezimiselo zale Mithetho kamasipala.

4. Umsebenzi wonakekelo

(1) Wonke umuntu unomsebenzi wokulawula nanoma yimuphi udoti odalwe yimisebenzi yakhe noma yalabo bantu abasebenza ngaphansi komyalelo wakhe ngendlela ethize ukuthi awuyokudala ingozi empilweni yabantu noma ulimaze imvelo. Ikakhuluzi –

(a) akukho muntu okumele athole izidingongqangi nemisebenzi yokuhweba ngendlela egcina yenza ubungozi bokulimaza impilo yabantu noma yokunakalisa imvelo, ngaphandle uma nje ngemisebenzi yoMkhandlu nangokulawula imisebenzi kadoti futhi kube kugunyazwe nguMkhandlu, futhi

(b) Wonke umuntu odala udoti noma othola izidingongqangi noma imisebenzi yezohwebo kumele athathe izinyathelo ezifanelekile zokuvikela nanoma ngubani ukuba angeqi isigatshana (1) (a) esingaphezulu mayelana nodoti.

(2) Ngaphandle kokukhawulisa ubunjalo baso, isigatshana (1) sisebenza kumnikazi womhlaba, noma wempahla, umuntu olawula umhlaba noma

indawo noma impahla noma umuntu onelungelo lokusebenzisa umhlaba indawo elapho-

(a) umsebenzi noma uhlelo lwalwenziwa khona noma lwaluqhutshwa khona,

(b) noma nanoma yisiphi esinye isimo esikhona esidala noma esingadala ubungozi empilweni yabantu noma esinganakalisa imvelo.

(3) Nanoma ngubani ngokwenganyelwa ngumsebenzi obekwe esigatshaneni (1) angayalelwa nguMkhandlu noma yisikhulu esigunyaziwe ukuba athathe izinyathelo zokuqinisekisa ukuthi uyahambelana nomsebenzi.

(4) Izinyathelo okubhekiswe kuzo esigatshaneni 3 lowo muntu angayalelwa ukuba enze kubandakanya-

(a) uphenyo, ahlole kanye nokukala umthelela leyo misebenzi, lolo hlelo noma leso simo esingaba nawo emvelweni;

(b) kwaziswe futhi kufundiswe abasebenzi ngezingozi yesimo somsebenzi wabo namgendlela okumele benze ngayo imisebenzi yabo ukuze bagweme odala ukonakala kwemvelo;

(c) kunqanyulwe, kulungiswe noma kulawulwe nanoma yisiphi isenzo, uhlelo, isimo noma into edala umonakalo emvelweni;

(d) kubanjwe noma kuvinjelwe ukuhamba kokungcola noma ezinye izinto ezidala umonakalo emvelweni;

(e) kuncishiswe nanoma yimuphi umsuka womonakalo emvelweni; noma

(f) kulungiswe izinto ezingumonakalo emvelweni

ISAHLUKO 2

ISU LOKUHLELA NENQUBOMGOMO YOKULAWULA UDOTI

Ingxenye 1: Izinhlelo zikadoti wendawo

5. Ukusungulwa kwezinhlelo zikadoti wendawo-

(1) UMkhandlu kumele wenzeuhlelo lukadoti wendawo lomkhandlu onyakeni owodwa wokuqalisa kokusebenza kwale Mithetho kamasipala, okungukuthi uhlelo kumele luqalise ukusebenza iminyaka emine ekuqaliseni kokusebenza kwale Mithetho kamasipala. Izinhloso zohlelo lukadoti wendawo zibandakanya:

(2) Ukusungula indlela yokuqinisekisa ukuthi imfucuza iyaqoqwa, uphinde usetshenziswe wenziwe into ezobuye isebenze noma ulahlwe ngaphandle kokudala umonakalo empilweni yabantu noma umonakalo emvelweni futhi ikakhulukazi ngokungabi

(a) nangozi emanzini, emoyeni, enhlabathini, ezitshalweni noma ezilwaneni;
(b) udale inkathazo ngokuba nomsindo noma nephunga; noma
(c) yingozi enkulu ezindaweni zasemakhaya noma zasedolobheni noma ezindaweni ezikhethekile;

(3) ukusungula ukuxhumana okudidiyele kokulawula udoti nezindawo zokuchitha imfucuza ikuze kuqinisekiswe ukuthi-

(a) imisebenzi kamasipala neyezohwebo enxube neyanele iyasungulwa emkhandlwini;
(b) ukuchithwa kwemfucuza kuyenzeka ezindaweni okufinyeleleka kuzo zokuchitha udoti, kanye
(c) nezindlela ezifanelekile nobuchwepheshe buyasetshenziswa ukuze kuqinisekiswe izinga eliphezulu lokuvikela nokugwema umonakala emvelweni kanye nokulimala kwempilo yabantu;
(d) ukugqugquzela ukuncishiswa kwemfucuza;

(e) Ukukhuthaza ukubuyiswa kwemfucuza ngokuba kwenziwe ngawo izinto ezibuye zisebenze noma uphinde usetshenziswe ngokusebenzisa ubuchwepheshe obuvivinywe kokunye; futhi

(f) Nanoma iyiphi into engakhulisa intuthuko esimeme.

6. Ububanzi, ukuhlelwa nokuchitshiyelwa kohlelo lukadoti lwendawo-

(1) Uhlelo lukadoti lwendawo lubandakanya kodwa lungavimbeli izinto ezilandelayo-

izinhlobo zabantu nentuthuko okusemkhandlwini;

(a) ukuhlolwa kwazo zonke izimbangela ezigqamile kanye nezinto ezibanga udoti ezikhona emkhandlwini;

(b) ukuhlolwa kwamanani kanye nezinhlobo zikadoti odalekayo okwamanje futhi okubonakala ukuba uzodaleka emkhandlwini;

(c) ukuhlolwa kwezimakethe ezikhona, izidingongqangi, imisebenzi yokuhweba nokuphathwa kwemfucuza kanye nezindawo zokuchitha udoti ngohlobo lukadoti ngalunye;

(d) ukuhlolwa kwezinye izindlela ezikhona zokunciphisa, zokulawula nokuchitha udoti ezikhona emkhandlwini;

(e) ukuhlolwa kwenani labantu abasemkhandlwini abangazitholi izidingongqangi kanye namasu ohlongoziwe nokuhlosiwe ukuba kuhlinzekwe lezi zidingongqangi kulabo bantu;

(f) amasu ahlongoziwe nokuhlosiwe ukulawulla nokunciphisa udoti emkhandlwini kanye nokuchitha udoti okuyimpumelelo, lowo ongazokuphinde usetshenziswe noma ubuye wenziwe okuthile okuzobuye kusebenze;

(g) Amasu emfundiso ngodoti kanye nemizamo yokwahlukanisa udoti esizindeni sawo;

(h) Amasu okudlondlobalisa ulwazi ngezindaba zokuphatha udoti;

(i) Amasu okusungula uhlelo lolwazi njengoba ludingeka esigabeni 7;

(j) Uhlelo lokuqalisa ukusebenza oluhlonza izikhathi izinqunyiwe ezidingekayo, izinsizakusebenza nezibopho zokuzuza la masu nokuhlosiwe;

(k) Indlela yokulawula ukwenziwa komsebenzi kalula kwalezinto ezihlosiwe namasu okusebenza;

(l) Izindleko zamanje nezilindelwe zokuqoqa, zokuthutha, zokudlulisela nezokuchitha udoti

(m) Ukubheka ukuthi uhlelo lukadoti lwendawo luhambelana kanjani nezinye izinhlelo ezihambisana nalo zomkhandlu; futhi

(n) Lezo ezinye izindaba ezingayalelwa ngeminye imithetho ekhishwayo, umthetho noma izinkombandlela.

(2) Ekuhleleni uhlelo lukadoti lwendawo uMkhandlu kumele-

(a) ucabange nganoma oluphi uhlelo lwentuthuko edidiyele noma izinhloso zentuthuko yezemihlaba zoMkhandlu kanye nokudingwa nanoma yimuphi umthetho okhishwayo noma inqubomgomo kaZwelonke noma yesiFundazwe

(b) uxhumane nomphakathi wendawo, njengoba kuyalelwa eMthethweni Wezinhlelo;

(c) uthathe izinyathelo ezifanele ukwazisa ngohlelo lukadoti lwendawo olusaluhlaka umphakathi wendawo ngokuba umeme izincomo ngalo kumalunga omphakathi wendawo. Esikhathini esingangaphansi kwezinyanga ezimbili kumele uvunyelwe ukuba wemukise lezo zincomo futhi ukuqedelwa kohlelo lukadoti lwendawo kumele emva kokuba nanoma yisiphi isincomo esitholiwe esiphuma emphakathini wendawo sicutshunguliwe;

(d) uthumele amakhophi ohlelo lukadoti lwendawo olusaluhlaka kuNgqongqoshe Wezemvelo nakuNgqongqoshe Wezamanzi Namahlathi nakomasipala abangomakhelwane ukuze kutholakale uvo lwabo; futhi

(e) uthumele ikhophi yohlelo lukadoti lwendawo olusaluhlaka esiFundazweni saseMpumalanga Kapa ukuze uncome bese uqedela uhlelo lukadoti lwendawo emva kokuba ucubungule leso sincomo.

(3) UMkhandlu ungachibiyela uhlelo lukadoti lwendawo ngezikhathi ngezikhathi futhi kumele ubuyekeze uhlelo okungenani njalo eminyakeni emihlanu. Lezo zichibiyelo noma izibuyekezo kumele kuqhutshwe ngokuxhumana nomphakathi wendawo.

(4) UMkhandlu kumele umemezele umbiko kanye nyanyaka wokuqalisa kokusebenza kohlelo. Umbiko kumele ubandakanye-

(a) uhlobo lwemisebenzi nezinyathelo ezithathiwe ukuze kuzuzwe izinhloso zohlelo;

(b) inkomba yokuthi kungabe izinhloso zohlelo zizuziwe yini, futhi uma cha, incazelo yezinkinga ezenzele phansi ukuzuzwa kwezinhloso;

(c) imininingwane yokungahambisi kahle ngaphansi kwale Mithetho kamasipala;

(d) nohlobo lwezehlakalo ezibonakalayo zokufuhluza.

Ingxenye 11: Uhlelo Lokwazisa

7. Ukusungulwa kohlelo lokwazisa-

(1) UMkhandlu kumele usungule futhi ugcine uhlelo lokwazisa oluqopha ukuthi ulawulwa kanjani emkhandlwini.

(2) Uhlelo lokwazisa lungabandakanya nanoma yiluphi ulwazi olumayelana noma oluhambisana nokulawulwa kwemfucuza emkhandlwini.

(3) Imininingwane ephathelene nokuqaliswa kokusebenza kohlelo lokwazisa iyobekwa ohlelweni lukadoti lwendawo okubhekiswe kulo esigabeni 5.

(4) Umphakathi wendawo unelungelo lokukwazi ukufinyelela ngokulingene olwazini oluqukethwe ohlelweni lokwazisa ngokwenganyelwa nanoma yimiphi imikhawulo ebekwe ngumthetho. Ekugcineni leli lungelo uMkhandlu kumele-

(a) ngokucela ilunga lomphakathi wendawo, uhlinzeke ulwazi oluqukethwe ohlelweni lokwazisa;

(b) uthathe izinyathelo zokuqinisekisa ukuthi ulwazi oluhlinzekwe lusesimweni esifanele abafundi abangabantu-nje; futhi

(c) unqume imali yokuhlinzeka lolo lwazi ukuze ubuyise izindleko zokuhlinzeka ulwazi oluceliwe.

8. Inhloso yohlelo lokwazisa-

(1) Inhloso yohlelo lokwazisa ngeyoMkhandlu ukuba-

(a) uqophe ulwazi oluphathelene nokuqaliswa kokusebenza kohlelo lukadoti lwendawo kanye nokulawulwa kwemfucuza emkhandlwini;

(b) uqophe ulwazi olugodlwe nguMkhandlu olumayelana nanoma yiziphi izindaba okubhekiswe kuzo esigatshenaneni 6 (1) (a) –(j);

(c) unikeze ngolwazi oluceliwe noma njengoba kuyalelwe ngumthetho kuhulumeni wesiFundazwe nokaZwelonke;

(d) uqoqe ulwazi olumayelana nadala udoti kakhulu, abahlinzekimsebenzi nabanamalayisensi;

(e) uhlinzeke ngolwazi kwabadala udoti, kubahlinzekimsebenzi, kwabanamalayisensi nasemphakathini wendawo ukuze-

(i) balekele ukulawula ukusebenza koMkhandlu, abahlinzekimsebenzi, nabanamalayisensi, futhi lapho kufanelekile abadala udoti

(ii) baqhubezele ucwaningo, futhi

(iii) balekelele uMkhandlu ukuba uzuze izinhlosongqangi zale Mithetho kamasipala.

9. Ukuhlinzekwa kolwazi-

(1) UMkhandlu, ngaphansi kwezimiselo zanoma yimuphi omunye uMthetho kubandakanya umthetho wenqubo evamile oyalela noma yimuphi odala udoti, onelayisensi, umhlinzelimsebenzi noma umuntu obandekanyekayo noma ohlanganiswa nokuhlinzekwa kwezidingongqangi noma imisebenzi yezohwebo ekhona eMkhandlwini ukuba banikezele ngolwazi emkhandlwini olungadingeka ngokufanele lohlelo lokwazisa. Lolo lwazi lungaphathelana-

(a) nezizinda ezigqamile ezidala udoti nokuhlonzwa kwabadala udoti;

(b) namanani nezigaba zikadoti owenzekile;

(c) nokulawulwa kwemfucuza ngabadala udoti;

(d) nokugadwa kwemfucuza nezindawo zokuwulahla;

(e) izinhlobo zabantu nezentuthuko;

(f) nemibiko ngokuqhubeka ekuzuzeni nanoma yiziphi izinhloso zokulawulwa kwemfucuza;

(g) nokulawulwa kwemfucuza okhipha ilangabi;

(h) nanoma yiluphi ulwazi oluqongelelwe ngokuvumelana nesigatshana 8 (1) (e);

(i) nokudayiswa kwemfucuza ngezigaba noma ngezinhlobo zawo;

(j) nanoma oluphi olunye ulwazi oludingwa ngumthetho okhishiwe, umyalelo noma izinkombandlela.

(2) UMkhandlu ngokubona kwawo unganquma isikhathi nokuthi kumele kube kangaki ukuba ulwazi lunikezelwe.

10. Indlela yokubamba iqhaza emizamweni yokunciphisa udoti

Nokho isidingo sokukhuthaza ukuncishiswa kwemfucuza, ukwenza into ezobuye isebenze nokubuye usetshenziswe, akukho muntu ongaqhuba izizamo yokunciphisa udoti ngendlela ethile engacishe idale noma yandise ubungozi empilweni yabantu noma umonakalo emvelweni.

ISAHLUKO 3

IZIDINGONGQANGI

Ingxenye1: Ukuhlinzeka ngokukwazi ukufinyelela kuzidingongqangi

11. Umsebenzi wokuhlinzeka ngokukwazi ukufinyelela kuzidingongqangi

(1) UMkhandlu unesibopho emphakathini wendawo sokuqinisekisa ukukwazi ukufinyelela kuzidingongqangi ezilingene, ezikhonekayo ngokwenani, ezomnotho nezisimeme.

(2) Lo msebenzi ngokwenganyelwa-

(a) yisibopho somphakathi wendawo sokukhokha inhlawulo enqunyiwe yokuhlinzekwa kwezidingongqangi, okumele ilinganiswe ngokuhambelana nanoma yimaphi amazinga namaqophelo ezinhlawulo zezidingongqangi nehlelo lokuthela lukaZwelonke; kanye

(b) negunya loMkhandlu lokuhlukanisa phakathi kwezinhlobo zabasebenzisi nezindawo uma kubekwa amaqophelo namazinga omsebenzi okuhlinzeka ngezidingongqangi. Ekusebenziseni ilungelo kulesi gatshana, uMkhandlu kumele uhambelane nomthetho okhishwayo kuZwelonke futhi ubuke nezinto ezibekwe esigatshaneni3.

(3) UMkhandlu kumele ubheke lezi zinto ezilandelayo ukuqinisekisa ukukwazi ukufinyelela kwizidingongqangi:

(a) uhlelo lokulandelana ngokubaluleka lokuphathwa kwemfucuza olubekwe esigabeni 2;

(b) isidingo sokusebenzisa izinsizakusebenza ngokonga;

(c) isidingo sokuba namandla okuthenga;

(d) okudingekayo kokusebenza ngekhono;

(e) okudingekayo kwendinganiso; kanye

(f) nesidingo sokuvikela impilo yabantu nemvelo.

12. Ukuhlinzekwa kwezidingongqangi

(1) UMkhandlu kumele ngokushesha okukhulu nangokwenganyelwa yizihlinzekelo zale Mithetho kamasipala-

(a) uhlinzeke ngokuqoqwa kwemfucuza wasezindlini noma wasemabhizinisini njalo ngezikhathi ezifanayo, futhi

(b) uhlinzeke ngezikhungo ezisebenzisa imfucuza ikwakha okunye okubuye kusetshenziswe ngezindleko zokuqeda abazisebenzisayo abanqunywe ngokuvumelana nenhlawulo enqunyiwe emenyezelwe ngumkhandlu-

(2) Mayelana nezidingongqangi uMkhandlu unganquma-

(a) amanani kadoti ozokuqoqwa;

(b) ukuthi yiziphi izindawo zokuhlala nezebhizinisi ezidinga izidingongqangi ikakhulu ngaphezu kokuqoqwa kwanjalo kwezikhathi ezifanayo, ngezizathu zezempilo, zokuphepha nezokuvikela imvelo;

(c) Isilinganiso sokugcina sesamba sikadoti ongabekelwa ukuba uqoqwe ngaphandle kokuhlinzekwa komsebenzi owengeziwe noma ngokubela intelo eyengeziwe, kanye

(d) Nokukhomba okudingekayo kokuhlinzekwa kwezindawo zokugcina udoti kanye nokukwazi ukufinyelela kulezo zindawo ngezimo zezindawo ezintsha ezakhiwe emva kokuqalisa kokusebenza kwale Mithetho kamasipala.

(3) UMkhandlu ungahlinzeka noma uyalele odala imfucuza ikuba ahlinzeke isitsha sokufaka esigunyaziwe sokugcina imfucuza yasezindlini, wasemabhizinisini nowansukuzonke olindele ukuthathwa. Lapho leso sitsha sokufaka esihlinzekwe nguMkhandlu sihlala kuyimpahla yoMkhandlu.

(4) Ekuhlinzekeni izidingongqangi uMkhandlu noma umhlinzekimsebenzi anganquma noma ukhombe-

a. izinhlelo zokuthathwa;

b. izindawo zokubeka izitsha zokufaka ezigunyaziwe ukuze zithathwe;
c. ukuthi yiziphi izinhlobo zikadoti ezidalwa ngabasebenzisa nanoma yiziphi izindawo zikadoti obuye usetshenziswe ukwakha okunye futhi unqume izimo zokuwugcina noma zokuwuthatha; nokuthi
d. yiziphi izinto eziwudoti ezingakufanele ukuthathwa.

(5) UMkhandlu noma umhlinzekimsebenzi ungayalela odala imfucuza yansukuzonke nowamabhizinisi ukuba ahlanganise leyo ngxenye kadoti enokuhlanganiswa. Lowo myalelo ungabekwa lapho ubuningi bukadoti wansukuzonke nowamabhizinisi odaleka ezindaweni udinga ukuthuthwa zonke izinsuku okungaba olingana nemigqomo eyisishiyagalombili engamalitha angama- 240 futhi lapho ngokubona koMkhandlu noma umhlinzekimsebenzi ingxenye enkulu yalowo doti inokuhlanganiseka. Osebenzisa leyo ndawo angaqoka ukuhlanganisa nanoma yimuphi umthamo walowo doti bese ewufaka esitsheni sokufaka esigunyaziwe noma esembozweni esigunyaziwe nguMkhandlu noma umhlinzekimsebenzi. Ngaphandle uma-

(a) ubukhulu bento yokwemboza kungezokweqa emalitheni angama-85 futhi isisindo sento yokwemboza nokuphakathi kungezukweqa kumakhilogremu angama- 35;
(b) emva kokuba imfucuza ihlanganisiwe wase ufakwa entweni yokwemboza kumele ufakwe esitsheni sokufaka esigunyaziwe futhi kumele ugcine nganokuthi kugwenywe ukulimala kwesembozo noma nanomaiyiphi inkathazo engaqhamuka kuze kube uyathathwa, futhi

(6) Nanoma yisiphi isitsha sokufaka esigunyaziwe esisetshenziswa njengokusho kwesigatshana 3 singathathwa sithululwe bese siyabuyiselwa endaweni yaso nguMkhandlu noma umhlinzekimsebenzi ngezikhathi ezithile ezingabonwa zifanelekile.

(7) UMkhandlu noma umhlinzekimsebenzi ungabuyekeza nanoma yiziphi izinqumo ezithathiwe njengokusho kwesigatshana 4 nganoma yisiphi isikhathi.

(8) UMkhandlu noma umhlinzekimsebenzi kumele wazise bonke abadala udoti wasezindlini, wasemabhizinisini nowansukuzonke nganoma yiziphi izinqumo ezithathiwe njengokusho kwezigatshana (4) no (5) ngokubabhalela.

Ingxenye II: Ukusebenzisa imisebenzi yoMkhandlu

13. Izibopho zabadala imfucuza yasezindlini, wasemabhizinisini nowansukuzonke

(1) Nanoma ngubani odala imfucuza yasezindlini, wasemabhizinisini nowansukuzonke (ngale kwemfucuza okhonjwe nguMkhandlu njengalowo osebenziswa ukwakha enye into) kumele kufakwe imfucuza yasezindlini, wasemabhizinisini nowansukuzonke esitsheni sokufaka esigunyaziwe.

(2) Akukho muntu okumele avumele isilwane okungesakhe ukuba siphazamise, sigingqe noma silimaze isitsha sokufaka esibekelwe ukuthuthwa.

(3) Osebenzisa indawo kumele aqinisekise ukuthi-

(a) awukho umlotha oshisayo, ingilazi engagoqiwe noma omunye udoti wasezindlini, wasemabhizinisini nowansukuzonke ongadala ukulimala esitsheni sokufaka esigunyaziwe noma ongalimaza umsebenzi womkhandlu noma womhlinzekimsebenzi ngesikhathi benza imisebenzi yabo njengokusho kwale Mithetho kamasipala, okumele ufakwe esitsheni sokufaka esigunyaziwe ngaphambi kokuba izinyathelo ezifanelekile zithathiwe ukugwema lowo monakalo noma ukulimala.

(b) Ayikho into, kubandakanya nanoma yini esaketshezi, okungaba yimbangela yesisindo sayo noma esinye isimo okungenzeka ukuthi leso sitsha sokufaka esigunyaziwe ukuba kunikeze ubunzima

kubasebenzi boMkhandlu noma bomhlinzekimsebenzi ukuuba basibambe noma basiphathe, uma kufakwe kuso;

(c) Zonke izitsha zokufaka ezigunyaziwe ezisemagcekeki zigcinwa zivaliwe uma imfucuza ifakwe phakathi noma uthululelwa khona, futhi zonke kumele zigcinwe zisesimweni esihlanzekile;

(d) Isitsha sokufaka esigunyaziwe esilethwa nguMkhandlu esisetshenziselwa nanoma yiziphi izinhloso ngale kokugcinwa kwemfucuza wasezindlini, wasemabhizinisini nowansukuzonke futhi ikakhulukazi akumele kokhelwe umlilo emgqomeni nasesiqukathini;

(e) Isitsha sokufaka udoti esigunyaziwe sibekwa ngaohandle kwasekungeneni kwaleyo ndawo ngaphambi kwesikhathi nangosuku lwesonto olubalulwe nguMkhandlu noma umhlinzekimsebenzi ngesaziso kumnikazi noma kosebenzisa leyo ndawo, ngaphandle lapho, ngokwesicelo esibhalelwe uMkhandlu, uMkhandlu ukhombise ngokubhala ukuthi wenelisekile ngokuthi umuntu ubuthakathaka ngokomzimba noma ngokunye engakhoni uhambelana nesaziso; futhi

(f) Isitsha sokufaka esigunyaziwe esibekwe ngokuhambisana nesigatshana (3) (e) kumele singalinyazwa futhi sihlsle sivaliwe ngci ukuze sivikele ukuphephuka kokuqukethwe.

(4) Umnikazi noma osebenzisa indawo kumele ahlinzeke ngesikhala kanye nanoma yiziphi izindawo ezibonakala zifanelekile nguMkhandlu noma umhlinzekimsebenzi endaweni yokugcina isitsha sokufaka esigunyaziwe.

(5) Isikhala esihlinzekiwe njengokusho kwesigatshana (4) kumele-

(a) sibe sendaweni ethile egcekeni ezovumela ukubekwa kwezitsha zokufaka ezigunyaziwe ngaphandle kokuba zibonakale usemgwaqweni noma endaweni yomphakathi;

(b) lapho imfucuza yansukuzonke unqwabelana egcekeni;

(i) ezisesimweni lapho kuzovumela ukuthi ukuthathwa nokuthuthwa kwalowo doti ngabasebenzi boMkhandlu noma bomhlinzekimsebenzi ngaphandle kokuphazamiseka; futhi

(ii) ungabi kude ngamamitha angama- 20 kusuka ekungeneni kwasendaweni esetshenziselwa ukuthatha udoti nguMkhandlu noma ngumhlinzekimsebenzi;

(c) ubekwe lapho uzokuvumela ukufinyelela ngokukhululeka nokuphuma kuleyo ndawo kwezinto zokuthutha odoti zoMkhandlu noma zomhlinzekimsebenzi;

(d) ihambelane nanoma yimiphi imiyalelo eqondene engale ebekwe nguMkhandlu noma ngumhlinzekimsebenzi ngesaziso kumnikazi noma kosebenzisa indawo; futhi

(e) yakhiwe ngokuhambisana nokudingwa nanoma iyiphi imithetho ekhishiwe yezakhiwo eqondene.

(6) Osebenzisa indawo kumele abeke noma enze ukuba kubekwe isitsha sokufaka esigunyaziwe endaweni ehlinzekiwe njengokusho kwesigatshana (5) futhi ngazo zonke izikhathi kumele zihlale zibekwe lapho, ngaphandle

(a) kodaba lapho izakhiwo zigxunyekwa noma izakhiwo, amapulani ezakhiwo egunyaziwe ngaphambi kokuqala kokusebenza kwale Mithetho kamasipala; noma

(b) esikhathini soMkhandlu noma umhlinzekimsebenzi engakwazi ukuthatha nokuthuthela udoti endaweni ehlinzekiwe njengokusho kwesigatshana (5) (b) (ii),

uMkhandlu noma umhlinzekimsebenzi ngokubheka ukugwenywa kwenkathazo nokubalula ukuthathwa kwemfucuza, ungakhomba indawo engaphakathi noma ngaphandle kwegceke lapho isitsha sokufaka esigunyaziwe kumele sibekwe khona ngendlela yokuthi ezikhathini ezithile nangokwesikhathi esithile njengoba uMkhandlu noma umhlinzekimsebenzi engayalela.

14. Inhlawulo enqunyiwe yezidingongqangi

UMkhandlu ungabiza amareyithi ngesakhiwo noma unganquma intelo (noma kokubili) ngokuhlinzekwa kwezidingongqangi.

15. Isibopho sokukhokhela izidingongqangi

(1) Umnikazi wendawo unesibopho eMkhandlwini sokukhokha inhlawulo enqunyiwe ngokuhlinzekwa kwezidingongqangi, futhi akanalo igunya lokuxolelwa ekubeni necala lokukhokha inhlawulo enqunyiwe ngesizathu sakhe sokungasebenzi, noma sokusebebenzisa kancane izidingongqangi noma kungabe uMkhandlu uhlinzeke leyo misebenzi ngokwawo noma ngokomhlinzekimsebenzi.

(2) Inhlawulo enqunyiwe ifaneleka ukuba ikhokhwe ngosuku olufanayo nokuhlolwa kwentelo ebiziwe.

ISAHLUKO 4

IMISEBENZI YOKUHWEBA

Ingxenye 1: Ukuhlinzekwa kwemisebenzi yokuhweba ngabanamalayisensi kanye nokulawula ukuqhubeka kwezinto

16. Ukuhlinzekwa kwemisebenzi yezokuhweba ngabanamalayisensi-

(1) Ukonga uma kwenzeka imfucuza yasengadini, onelayisensi kuphela ongahlinzeka imisebenzi yekuhweba.

(2) Nanoma ngubani odinga imisebenzi yokuhweba kumele azigculise ukuthi usonkontileka onelayisensi lokuqoqa nokulahla uhlobo udoti oludalekele futhi kumele athathe izinyathelo ezifanelekile ukuqinisekisa ukuthi

imfucuza efanele uyaqoqwa futhi uchithwe njengokusho kwale Mithetho kamasipala.

17. Ukuhlinzekwa kolunganiso lokuchithwa kwemfucuza

UMkhandlu ungayalela, ngesaziso esishicilelwe kwiGazethi yesiFundazwe saseMpumalanga Kapa, ukuthi uhlobo lukadoti ozochithwa endaweni ethile noma ezaleni. Akukho muntu okumele achithe lowo doti ngale kokubalulwe esazisweni esishicilelwe kwiGazethi ngaphansi kwalesi sigaba noma njengoba kubaluliwe nguMkhandlu ngaphansi kweminye imithetho ekhishwayo enikeza amandla ngaphambi kokuba kuqalise ukusebenza kwale Mithetho kamasipala.

Ingxenye 11: Imfucuza yamabhizinisi, wezimboni nokukwazeka ukuba ubuye wenziwe enye into.

18. Ukugcinwa kwemfucuza wamabhizinisi, wezimboni nobuye usetshenziselwe ukwakha enye into ezosetshenziswa

(1) Umnikazi noma osebenzisa indawo lapho udoti webhizinisi, wezimboni noma obuye usetshenziselwe ukwakha enye into wenzeka khona kumele kuqinisekiswe ukuthi kuze kube yisikhathi esithile njengoba lowo doti uqoqwe ngonelayisensi usuke ezindaweni lapho wenzeke khona -

(a) imfucuza igcinwa esiqukathini esikhulu noma kwesinye isitsha sokufaka esigunyaziwe; futhi

(b) akukho nkathazo kubandakanya kodwa ngale kothuli, oludalwa ngudoti ngesikhathi sokwenza, sokuwugcina noma sokuwuqoqa.

19. Ukuqoqwa nokuchithwa kwemfucuza wezimboni, wamabhizinisi nokubuye usetshenziswe ukwakha enye into-

(1) Umnikazi noma osebenzisa leyo ndawo edala udoti webhizinisi, wemboni nobuye usetshenziswe ukwakha enye into ezosetshenziswa kumele aqinisekise ukuthi –

(a) isiqukathi lapho imfucuza igcinwe khona akumele sigcinwe endaweni yomphakathi ngaphandle uma kudingeka sithathwe;

(b) imfucuza iqoqwa ngonelayisensi ngesikhathi esifanekekile emva kokuba udalekile; futhi

(c) ukuthi umsebenzi owenziwe ngonelayisensi kumele kube ngawaleyo ngxenye kadoti webhizinisi, wezimboni noma obuye usetshenziselwe ukwakha enye into ogunyazwe elayisensini lawo.

(2) Onelayisensi kumele achithe udoti webhizinisi, wemboni noma obuye usetshenziswe ukwakha enye into endaweni yokuwugcina noma yokuchitha udoti eqokwe nguMkhandlu njengendawo yokuchitha udoti njengokuhambisana nesigaba 18 esingenhla futhi ngokuhambelana nezimiselo zesigaba 19.

Ingxenye 111: Imfucuza yasengadini noyimfucumfucu

20. Ukugcinwa, ukuqoqwa nokuchithwa kwemfucuza wasengadini noyimfucumfucu-

(1) Umnikazi noma osebenzisa indawo lapho imfucuza yasengadini wenzeka khona angawenza umquba imfucuza yasengadini egcekeni, ngaphandle uma lokho kwennza umquba kungazokudala inkathazo.

(2) Osebenzisa indawo lapho imfucuza yasengadini wenzeka khona futhi ungenziwa umquba noma lapho imfucuza eyimfucumfucu wenzeka khona

kumele aqinisekise ukuthi lowo doti uyaqoqwa futhi uyachithwa ngesikhathi esifanele emva kokuba wenzekile.

(3) Nanoma ngubani noma onelayisensi angasusa imfucuza yasengadini noyimfucumfucu, ngaphandle uma kuphela lowo doti sowuqoqiwe endaweni lapho wawenzeke khona, sowubekwe endaweni yokugcina imfucuza yasengadini ngokuhambelana nezimiselo zesigaba 28.

(4) Esicelweni esibhaliwe sosebenzisa indawo uMkhandlu noma umhlinzekimsebenzi ngokuzicabangela yedwa ungaletha isitsha sokufaka udoti esigunyaziwe ngenhloso yokugcina imfucuza yasengadini ngaphezulu kwanoma yisiphi isitsha sokufaka esasilethwe endaweni sokugcina udoti wasendlini. Izihlinzekelo eziqukethwe esigabeni 13 ezifundeka nezinguquko ezifanele, kumele zisebenze esitsheni sokufaka esigunyaziwe esalethwa ngokuhambisana nalesi sigaba kodwa okumele sisetshenziselwe ukugcina imfucuza yasengadini.

(5) Lapho esikhathini sokuhlinzekwa kwezidingongqangi, uMkhandlu noma umhlinzekimsebenzi ohlinzeka umsebenzi enombono wokuthi kuzokwenza kube lukhuni kumalunga omphakathi hhayi ngesikhathi esifanayo ukuba kuthuthwe imfucuza yasengadini noyimfucumfucu, uMkhandlu noma umhlinzekimsebenzi ungathuthwa lowo doti, uma ufakwe esitsheni sokufaka esigunyaziwe okubhekiswe kuso esigabeni 13 endaweni eqokelwe imfucuza yasendlini, lapho inhlawulo ehlawuliselwa imfucuza yasezindlini ifundeka neziguquko ezifanele, kumele isebenze.

Ingxenye IV: Udoti wokwakha

21. Ukwenzeka kwemfucuza wokwakha-

(1) Umnikazi noma osebenzisa indawo lapho udoti wokwakha uzokwenzeka khona kumele azise uMkhandlu ngokuwubhalela, ngenhloso yokwenza udoti wokwakha futhi nangendlela ehlosiwe yokuwususa nokuwuchitha

okungenani ezinsukwini eziyi-14 ngaphambi kokuqala kokwenziwa kwalowo doti okuhlosiwe.

(2) Umnikazi noma osebenzisa leyo ndawo kumele aqinisekise ukuthi –

(a) kuze kube uyachithwa, wonke udoti wokwakha kuhlanganisa neziqukathi ezisetshenziselwe ukuwugcina, ukuwuqoqa nokuwuchitha zigcinwa endaweni lapho udoti wenzeke khona;

(b) indawo lapho udoti wokwakha wenzeke khona ayizokuba ngengabukeki noma idale inkathazo ngenxa yokunqwabelana kwemfucuza wokwakha;

(c) Nanoma yimuphi udoti wokwakha ophephukile endaweni uzobuyiselwa ngokushesha; futhi

(d) njenganoma yimiphi imiyalelo yoMkhandlu, nanoma yisiphi isakhiwo esifanelekile sokuqukatha udoti wokwakha sizokwakhiwa.

22. Ukugcinwa kwemfucuza wokwakha –

(1) Umnikazi noma osebenzisa indawo angafaka isicelo eMkhandlwini semvume ebhaliwe sokubeka isitsha sokufaka esigunyaziwe sokugcina nokuqoqa udoti wokwakha emgwaqweni obekelwe isikhathi saleyo mvume.

(2) Nanoma iyiphi imvume enikeziwe njengokusho kwesigatshana (1) kungaba ngokwenganyelwa yileyo mibandela uMkhandlu ongayibona ifanelekile.

(3) Zonke izitsha zokufaka ezigunyaziwe njengokusho kwesigatshana (1) futhi ezisetshenziselwa ukuthuthwa kwemfucuza wokwakha, kumele-

(a) ziqoshwe ngokugqamile igama, ikheli nenombolo yocingo yomuntu olawula leso sitsha sokufaka esigunyaziwe;

(b) zifakwe izimpawu ezibonisayo noma izinto ezikhanyayo ezizofanekisa ngokugcwele ingaphambili nengemumva lwazo; futhi

(c) zimbozwe ngazo zonke izikhathi ngaphandle uma kufakwa noma kuthululwa lowo doti ukuze kungabibikho ukuhlakazeka kokuyiqukethe okungenzeka.

23. Ukuqoqwa nokuchithwa kwemfucuza wokwakha-

(1) Umnikazi noma osebenzisa indawo lapho udoti wokwakha wenzeka khona kumele aqinisekise ukuthi uchithwa ngonelayisensi.

(2) Wonke udoti wokwakha kumele uchithwe endaweni yokuchitha udoti ekhonjelwe leyo nhloso nguMkhandlu njengokusho kwesaziso ngaphansi kwesigaba 17, ngaphandle uma uMkhandlu unikeze imvume ebhaliwe yokuba udoti wokwakha usetshenziselwe inhloso yokubuyisela umhlaba noma yokuwusebenzisa ukwakha enye into ezobuye isetshenziswe.

Ingxenye V: Imfucuza eyisipesheli wezimboni, oyingozi noma onobungozi empilweni

24. Ukwenzeka kwemfucuza oyisipesheli wezimboni, oyingozi noma onobungozi empilweni

(1) Akukho muntu okumele aqhube umsebenzi ongadala ukuba kwenzeke imfucuza eyisipesheli wezimboni, oyingozi noma onobungozi empilweni, ngaphandle kokuba azise uMkhandlu ngaphambi kokwenza lowo doti, kokuhlanganisa lowo doti, ubuningi obulinganiselwe bokuzokwenzeka, indlela yokuwugcina, isikhathi esihlongoziwe sokuwugcina, indlela ozoqoqwa nozochithwa ngayo kanye nokuhlonzwa konelayisensi ozothutha lowo doti: Ngaphandle uma lowo doti wenzeke

ngenxa yemisebenzi eqalise ngaphambi kokuqalisa kokusebenza kwale Mithetho kamasipala, owenzile kumele azise uMkhandlu kungakapheli izinyanga eziyi- 6 zokuqalisa kokusebenza kwale Mithetho kamasipala.

(2) Uma kudingwa kanjalo nguMkhandl, isaziso okubhekiswe kuso esigatshaneni (1) singaqiniswa ngokuhlaziywa kokwenziwe umquba kwalowo doti okufungelwe ngusokhemisi wasembonini okufundele.

(3) Umuntu okubhekiswe kuye esigatshaneni (1) kumele azise uMkhandlu ngokuwubhalela nganoma yiziphi izinguquko ezenzekayo ezimayelana nokwenzeka nokwenziwa komquba nesamba nendlela nendawo lapho kuchithwe khona imfucuza eyisipesheli wasembonini, oyingozi nonoobungozi empilweni.

25. Ukugcinwa kwemfucuza oyisipesheli wezimboni, oyingozi noma onobungozi empilweni

(1) Nanoma ngubani oqhuba umsebenzi ongadala udoti oyisipesheli wasezimbonini, oyingozi noma onobungozi empilweni kumele aqinisekise ukuthi imfucuza ewenzeke endaweni ubekwa futhi ugcinwa lapho kuze kube uyaqoqwa, ususwe endaweni.

(2) Imfucuza eyisipesheli wasezimbonini, oyingozi nonobungozi empilweni ogcinwe egcekeni kumele ugcinwe ngendlela yokuthi awubi inkathazo noma udale ubungozi empilweni yomuntu noma umonakalo emvelweni, futhi ngokuhambelana nokudingekayo kwanoma yimiphi imithethonqubo yezakhiwo eqondene noma imithetho kamasipala eyengeziwe.

(3) Imfucuza eyisipesheli, oyingozi noma onobungozi empilweni kumele ugcinwe esitsheni sokufaka esigunyaziwe isikhathi esingeqi nanoma

yisiphi isikhathi esiphelele esinqunyiwe esilayezelwe nguMkhandlu ngaphambi kokuqoqwa.

(4) UMkhandlu ungamisa imithetho kamasipala eyengeziwe ehlinzeka ngezinkombandlela zokulawulwa kwemfucuza onobungozi empilweni.

26. Ukuqoqwa nokuchithwa kwemfucuza oyisipesheli wezimboni, oyingozi noma onobungozi empilweni -

(1) Abanamalayisensi kuphela abangathutha imfucuza eyisipesheli wezimboni, oyingozi noma onobungozi empilweni futhi kumele benze njalo ngokuhambelana nokudingwa nguMkhandlu, okumiswe emibandeleni yelayisensi noma emithethweni kamasipala eyengeziwe, ngokohlobo lwemoto, izimpawu nangendlela yokwakhiwa kwaleyo moto, izimo zokuphepha nezenhlanzeko kanye nencwadi ephathelene nomsuka, ukuthuthwa nokuchithwa kwalowo doti, anye nokudingwa nanoma yimiphi eminye imithetho ekhishwayo.

(2) Onelayisensi ogunyazelwe ukuqoqa nokuchitha udoti oyisipesheli wezimboni, oyingozi noma onobungozi empilweni kumele azise uMkhandlu kulezo zikhawu, uMkhandlu ungamisa kwilayisensi noma kokunye, mayelana nokuthuthwa kwemfucuza oyisipesheli wasembinini, onobungozi noma oyingozi empilweni usuku lwalokho kuthuthwa, isamba, inhlanganisela kadoti othuthwayo kanye nendawo lapho udoti uchithwe khona.

(3) Onelayisensi kumele achithe imfucuza eyisipesheli wasembonini, onobungozi noma oyingozi empilweni endaweni yokuchitha udoti eqokwe nguMkhandlu njengendawo yokuchitha udoti.

ISAHLUKO 5

UKUTHWALWA NOKUCHITHA KWEMFUCUZA

27. Ukuthwalwa kwemfucuza

(1) Yize noma izihlinzekelo zanoma yimiphi eminye imithetho ekhishwayo, akekho umuntu okumele -

(a) asebenzise imoto ukuthwala udoti emgwaqweni ngaphandle uma imoto leyo unomzimba onobukhulu abanele nesakhiwo sohlobo lokuthwala udoti..

(b) ahluleke ukugcina izimoto ezisetshenziswa ukuthwala udoti zisesimweni esihlanzekile nesilungele ukuhamba emgwaqweni ngazo zonke izikhathi;

(c) adale noma avumele nanoma yimuphi imfucuza ikuba uthuthelwe, noma phakathi emkhandlwini ukuze uthukululwe, uvuze noma uwe emotweni ewuthwele ngaphandle kwasendaweni yokuchitha udoti;

(d) achithe ngamabomu udoti endaweni yokuchitha udoti engavunyelwe ukwamukela lowo doti.

28. Ukuchithwa kwemfucuza-

(1) Imfucuza ewenzeke phakathi eMkhandlwini kumele uchithwe endaweni yokuchitha udoti evunyelwe ukwamukela nokuchitha udoti njengokusho kwesigaba 17 futhi ngokuhambelana nezimiselo zanoma yimuphi omunye umthetho olawula ukuchithwa kwemfucuza.

(2) Akukho muntu okumele ashise udoti noma endaweni yomphakathi noma yomuntu ngaphandle kwaseziko lokushisa eligunyaziwe elisetshenziswa ngonelayisensi, noma ngale kwasendaweni eqokelwe leyo nhloso nguMkhandlu.

(3) Ngale kwezimiselo zesigatshana (1), nanoma ngubani angachitha lezo

(4) zinhlobo zikadoti obuye usetshenziswe ukwakha into ebuye isebenze obalulwe nguMkhandlu esazisweni njengokusho kwesigaba 17 noma kwenye indawo esezindaweni zokugcina imfucuza yasezingadini eqokiwe, kodwa angenza njalo kuphela uma wonke lowo doti ulethwe esikhungweni yizimoto ezikwaziyo ukuthwala umthwalo olingene ngokugcwele wethani elilodwa noma ngaphansi.

(5) Ukuchithwa kwemfucuza kunoma yisiphi isikhungo sokuchitha udoti, ngaphezu kwanoma yimiphi imibandela ebekwe yisiphathimandla esifanele, angaba ngokwenganyelwa yimibandela ethile njengoba uMkhandlu ngezikhathi ngezikhathi ungabalula, kubandakanya izikhathi zokuvula nokuvala, uhlobo lukadoti okumele uchithwe, indawo lapho nanoma yimuphi lowo doti esikhungweni sokuchitha imfucuza ekumele ubekwe kuyo kanye nanoma yiziphi ezinye izindaba uMkhandlu ongazibona zifanelekile ukuqinisekisa ukulawulwa okuyikho kwendawo kadoti.

(6) Wonke umuntu ongena esikhungweni sokuchitha udoti kumele-

(a) angene esikhungweni sokuchitha udoti entubeni yokungena enqunywe ngolawula isikhungo sokuchitha udoti;

(b) ngokucela, ahlinzeke uMkhandlu noma umlawili wesikhungo sokuchitha udoti nganoma yiluphi ulwazi oluphathelene nokuhlanganiswa kwemfucuza; futhi

(c) alandele yonke imiyalelo ekhishwe ngumlawuli wesikhungo sokuchitha udoti maqondana nokufinyelela endaweni eyiyo, kanye nendlela imfucuza ekumele ufakwe ngayo.

(7) Akukho muntu okumele-

(a) alethe nanoma iyiphi into esatshwala noma edakayo noma elalisayo esikhungweni sokuchitha udoti noma angene kuleso sikhungo edakiwe;

(b) angene esikhungweni sokuchitha udoti nganoma iyiphi inhloso ngale kokuchitha udoti njengokusho kwale Mithetho kamasipala, ngaphandle uma egunyazwe ukwenza njalo ngumlawuli wesikhungo sokuchitha udoti

noma nguMkhandlu bese kube ngokwezikhathi nangezimo ezithile njengoba uMkhandlu noma umlawuli engazinquma ngezikhathi ngezikhathi;

(c) achithe udoti esikhungweni sokuchitha udoti esingavunyelwe lowo doti; noma

(d) aphembe nanoma yimuphi umlilo kunoma iyiphi indawo yokuchitha noma eduze kwayo ngaphandle kokugunyazwa.

(8) Nanoma ngubani owephula isigatshana 28 (6) uyokubekwa icala lazo zonke izindleko ezidalekele uMkhandlu ngokususa noma ngokunye kulungiswa ukuchithwa ngokungeyikho kwemfucuza esikhungweni sokuchitha udoti.

(9) UMlawuli wesikhungo sokuchitha imfucuza ingayalela nganoma yisiphi isikhathi imoto noma isiqukathi esisemotweni engena esikhungweni sokuchitha udoti ngenhloso yokuzochitha imfucuza ikuba ikalwe emshinini wokukala izimoto.

(10) UMkhandlu, umlawuli wesikhungo sokuchitha udoti, umsebenzi ogunyaziwe noma nanoma ngubani ngokufaneleyo ogunyazwe nguMkhandlu okumele ahlole okuqukethwe nanohlobo lukadoti ozochithwa noma ozosetshenziswa ngandlela thize futhi angathatha amasampula bese ehlola nanoma yimuphi imfucuza etholakele kunoma iyiphi imoto ukuze zisise inhlanganisela yawo.

(11)Nanoma ngubani owephula nanoma yiziphi izihlinzekelo zalesi sigaba anganqatshelwa ukungena noma asuswe esikhungweni sokuchitha udoti.

ISAHLUKO 6

ABAHLINZEKA NGEMISEBENZI

29. Isivumelwano, ukunikezwa kwamandla nencwadi enikeza imvume kahulumeni yabathengi

(1) UMkhandlu ungafeza nanoma yiziphi zezibopho zawo ngaphansi kwesigaba 12 sale Mithetho kamasipala ngokungena esivumelwananeni sokuletha umsebenzi nomhlinzekimsebenzi noma abahlinzekimsebenzi njengokusho koMthetho Wezinhlelo.

(2) Ngokwenganyelwa yizihlinzekelo zoMthetho Wezinhlelo noma nanoma yimuphi omunye umthetho okhishwayo, uMkhandlu ungabela umhlinzekimsebenzi nanoma yimaphi amandla okungawoMkhandlu ngaphansi kwale Mithetho kamasipala: Ngaphandle uma umsebenzi udinga ukuba umhlimzekimsebenzi afeze isibopho ngaphansi kwesivumelwano sokuletha umsebenzi.

(3) Nanoma yikuphi okubhekiswe kuko kule Mithetho kamasipala " uMkhandlu noma umhlinzekimsebenzi" kumele kufundwe njengokuthi "uMkhandlu" uma uMkhandlu engangenanga esivumelwaneni sokuletha umsebenzi, futhi kumele kufundwe njengokuthi " umhlinzekimsebenzi" uma uMkhandlu ungenile esivumelwaneni sokuletha umsebenzi.

(4) Abahlinzekimsebenzi kumele bahlinzeke imisebenzi ngokuhambelana nencwadi enikeza imvume kahulumeni yabathengi okumele ihlanganiswe ngokuxhumana noMkhandlu futhi okumele-

(a) ivumelane nezimiselo zale Mithetho kamasipala;

(b) ifinyelele emphakathini;

(c) kusungulwe imibandela yomsebenzi, kubandakanya izikhathi zokulanda; futhi

(d) kuhlinzekelwe izimo lapho izidingongqangi zingaba nomkhawulo.

ISAHLUKO 7

ABANAMALAYISENSI

Ingxenye 1: Ukubhaliswa

30. Okudingekayo ekubhaliseni-

(1) Nanoma ngubani ohlinzeka noma ohlose ukuhlinzeka ngemisebenzi yokuhweba emkhandlwini kumele abhalise emkhandlwini.

(2) Ukubhalisa kumele kube ngesaziso esibhalelwe uMkhandlu, futhi kumele sibalule-

(a) igama nekheli lalapho ehlala khona neleposi lomuntu ohlinzeka ngemisebenzi yekuhweba, futhi uma kuyinkampani enamalunga angeqile kwayi-10, inombolo yayo yokurejista, amagama abaqondisi bayo noma amalunga kanye nekheli lenhlokohhovisi elirejistiwe;

(b) uhlobo lomsebenzi wokulawula imfucuza eluhlinzekiwe noma oluhlongoziwe ukuhlinzekwa ngumuntu;

(c) uhlaka lomsebenzi oluzobalula inani lamakilayente azonikezelwa noma okuhloswe ukunikezelwa ngesikhathi sokubhalisa, umumo wendawe yokusebenza kanye nemali okuhloswe ukuba isetshenziswe, noma ezosetshenziswa ekwenzeni umsebenzi; kanye

(d) nezindawo zokuchitha okungezakhe noma ahlose ukuzisebenzisa ukuchitha udoti awuqoqayo noma awenzayo.

(3) UMkhandlu kumele uhlinzeke ngobufakazi bokubhalisa obubalula igama nekheli lalapho ehlala khona neleposi lomuntu obhalisiwe, futhi oluchaza uhlobo lwemisebenzi yokuhweba ehlinzekwayo noma okuhloswe ukuba ihlinzekwe yilowo muntu.

(4) Lapho umuntu obhalisiwe njengokusho kwesigatshana (1), bese umuntu -

(a) ezuza ifemu ehlinzeka ngemisebenzi yekuhweba;

(b) ehlangana nabanye abantu abahlinzeka ngemisebenzi yokuhweba;

(c) eshintsha ubunikazi;

(d) eshintsha isimo sezwe;

(e) eshintsha uhlobo lwemisebenzi yezohwebo ayihlinzekayo;

(f) Ehlosa ukunqamula ukuhlinzeka leyo misebenzi;

(g) Ebandakanyeka ekuqedeleni osekwenziwa; noma

(h) Ekhuphula intela yakho konke osekuthengisiwe kodwa sekususwe zonke izindleko;

futhi- ke lowo muntu kumele azise uMkhandlu ngaleso senzeko kanye nokonga ezimweni ezibekiwe ezigatshananeni (4) (f) noma (g), ophinde abhalise ngokuvumelana nezimiselo zesigatshana (1).

Ingxenye 11: Ilayisensi Yokuhlinzeka imisebenzi yokuhweba

31. Okudingekayo kwelayisensi –

(1) Ngokwenganyelwa yisigaba 35, akukho muntu okumele ahlinzeke imisebenzi yekuhweba ngaphandle kokuqala athole ilayisensi.

(2) Amalayisensi akhishwa ngaphansi kwemithetho kamasipala-

(a) aqondene nomuntu onelayisensi futhi angakwazi ukunikela noma ukwabela ngaphandle kokuqala athole imvume ebhaliwe yoMkhandlu;

(b) angaba semthethweni isikhathi esikhonjwe elayisensini, okuyisikhathi okungamele seqe eminyakeni emihlanu; futhi ngokufaka isicelo njengokusho kwale Mithetho kamasipala singavuselelwa siqhutshezelwe phambili nguMkhandlu; futhi

(c) angamiswa noma angachithwa nguMkhandlu, uma onelayisensi ephule nanoma yiziphi izihlinzekelo zale Mithetho noma nanoma yisiphi isikhathi esikhonjwe elayisensini.

32. Ukufakwa kwesicelo selayisensi

(1) Izicelo zelayisensi zokuhlinzeka ngemisebenzi yokuhweba kumele kube ngezibhaliwe efomini elinqunywe nguMkhandlu. Ifomu kumele lubalule ulwazi okumele lufakwe esicelweni nesikhathi esikhona sokwenza isicelo, leso sikhathi akumele sibe ngaphansi kwezinyanga ezimbili ubude.

(2) UMkhandlu kumele ubheke isicelo ngasinye, ngokubuka lokhu okulandelayo:

(a) ikhono lezimali, lobuchwepheshe, lokuphatha kanye nesipiliyoni sofake isicelo;

(b) amarekhodi endawo yokuhlala, empilo nokuphepha kofake isicelo;

(c) uhlobo lomsebenzi wokulawula imfucuza ekumele luhlinzekwe; kanye

(d) nanoma yiziphi ezinye izinto uMkhandlu ungazicabanga ziqondene.

(3) Emva kokubheka isicelo njengokusho kwesigatshana (2), uMkhandlu kumele –

(a) ugunyaze isicelo ngokukhipha ilayisensi ngaphansi kwemibandela nezimo zokwenza umsebenzi, noma

(b) uchithe isicelo, lokho kuchithwa kumele kuhambisane nezizathu.

33. Imibandela nezimo zelayisensi

(1) Uma kunikezelwa ilayisensi njengokusho kwesigaba 32, uMkhandlu ngaphansi kwezimiselo zesigatshana (2) ungabeka nanoma yimiphi imibandela yelayisensi ongayibona ifanelekile.

(2) Amalayisensi anikezelwa nguMkhandlu kumele-

(a) achaze umumo wendawo yokusebenzela yonelayisensi;

(b) abalule isikhathi selayisensi kanye nendlela yokuvuselelwa kwanoma iyiphi ilayisensi;

(c) abalule uhlobo noma izinhlobo zokadoti onelayisensi okumele a azilawule;

(d) aqukathe umyalelo wokuthi onelayisensi okumele ahambelane nale Mithetho kamasipala, kanye nemithetho ekhishwayo esetshenziswa esiFundazweni nakuZwelonke;

(e) ayalele onelayisensi ukuba agcine amarekhodi anyanga zonke amayelana –

(i) namanani kadoti awemukelile, izindawo zezizinda ezidala udoti, igama lodala udoti kanye nalapho onelayisensi elawula izinhlobo ezihlukene zikadoti, inano lohlobo ngalunye olulawulwayo;

(ii) amaleveli okuphuma lapho onelayisensi elawulwa iziko lokushisa izinto elinelayisensi;

(iii) umsebenzi ophathelene nokuzuzwaa kwezinhloso zendawo zesiFundazwe noma zikaZwelonke lapho lezo zinhloso zisophiwe, futhi kumele zibandakanye imiphumela yokuqapha lowo msebenzi;

(iv) imisebenzi yanoma yikuphi ukuncishiswa kwemfucuza noma yokubuye usetshenziselwe ukwakha enye into lapho onelayisensi ebandakanyeka khona;

(v) izibalo zokuphakelwa kwabathengi; kanye

(vi) nezikahlo ezitholwa ngumphakathi;

(f) ayalele onelayisensi ukuba abe nendawo efanelekile futhi enomshuwalense enokubekwa icala nganoma yikuphi ukuchithwa kwemfucuza noma ngokuphatha izikhungo okungezakhe ngokuvumelana nohlelo lomshuwalense olugunyazwe nguMkhandlu ngaphansi kwelayisensi, lapho ukuguvunyazwa kungeke kube ngokoMkhandlu, nanoma yikuphi ukubekwa icala uma uhlelo lomshuwalense lubonakalisa ngokunganele;

(g) uvumele onelayisensi ukuba aqhube nanoma yiliphi elinye ibhizinisi elingahambisani ngokomthetho oselayisensini ngaphandle uma lelo bhinisi lingaphazamisi noma lingaphambani nezibopho zonelayisensi ezingaphansi kwelayisensi, le Mithetho kamasipala noma nanoma yimiphi eminye imithetho futhi ngaphandle uma leyo misebenzi ingaqondene naye ngqo;

(h) ulayezele ngezindlela zokuchibiyela ilayisensi;

(i) ulayezele izimo lapho ilayisensi ingachithwa noma ihoxiswe nguMkhandlu futhi ubeke uhlelo lokuzikhalela;

(j) unqume ukukhokhwa kwemali yelayisensi;

(k) uyalele onelayisensi ukuba athathe izinyathelo ezifanele zokuvikela abasebenzi bakhe ekwenzeni nanoma yisiphi isenzo noma iphutha ngesikhathi sokuqashwa kwabo, okungadala ubungozi kubantu noma umonakalo emvelweni;

(l) uyalele onelayisensi ukuba aqinisekise ukuhambisana nale Mithetho kamasipala kanye nemibandela ngabasebenzi bakhe, umphatheli kanye nezinkontileka ezingaphansi kwakhe futhi aqinisekise ukuthi izinkontilaki ezingaphansi kwakhe zinamalayisensi okugcina, ukuqoqa,

okuthutha nokuchithwa kwanoma yimuphi udoti abanikezwe inkontilaki ukuba bawulawule; futhi

(m) uqukathe nanoma yisiphi isimiselo noma umbandela uMkhandlu ongazibona ziqondene.

34. Ukuziphatha okungavunyelwe-

(1) Abanamalayisensi akumele:

(a) banqamule ukusebenza esikhungweni sokuchitha udotingaphandle kohlelo lokuvala olugunyazwe nguMnyango Wezamanzi Namahlathi noMnyango Wezemvelo Nezokuvakasha noma nanoma yisiphi esinye isiphathimandla esifanele;

(b) bashiye isikhungo sokuchitha udoti noma isikhungo sokugcina udoti;

(c) basebenze ngokuphambana nezimiselo nemibandela yamalayisensi abo;

(d) bahluleke noma banqabe ukunikeza ngolwazi, noma banikeze ulwazi olungamanga noma oludukisayo lapho beyalelwa ukwenza njalo njengokusho kwale Mithetho kamasipala;

(e) bahluleke ukuthatha zonke izinyathelo ezifanele zokugwema isenzeko noma iphutha lomsebenzi lapho umsebenzi ekhona noma ayebambele onelayisensi ngesikhathi leso senzeko noma iphutha lingenza icala uma kwakuyisenzeko noma iphutha lonelayisensi;

(f) balahle imfucuza yasezimbonini oyisipesheli onobungozi nanoma kanjani ngale kokuwulahla esikhungweni sokuchitha udoti esivumyelwe ukuchitha lolu hlobo lukadoti.

35. Izimiso zenguquko nokuxolelwa

(1) Nanoma ngubani ohlinzeka ngokusemthethweni imisebenzi yokuhweba emkhandlwini ngesikhathi isicelo selayisensi senziwa,

angaqhubeka nokuhlinzeka imisebenzi yokuhweba ngesikhathi isicelo selayisensi sisacutshungulwa nguMkhandlu.

(2) UMkhandlu ngokubona kwawo wodwa futhi nangokubheka inhlosongqangi yale Mithetho kamasipala kanye nohlelo lwawo lukadoti lwendawo, ungakhipha izimiso zeSahluko 7 zale Mithetho kamasipala futhi kumele ukhombise izihlinzekelo nendawo yokusebenza yanoma yikuphi ukuxolelwa eszisweni esishicilelwe kwiGazethi yesiFundazwe saseMpumalanga Kapa.

ISAHLUKO 8

IZINTO EZILAHLIWE, EZICHITHIWE KANYE NEZISHIYIWE

36. Umsebenzi wokuhlinzeka ngezindawo zokulahla-

(1) UMkhandlu noma umnikazi odabeni lomhlaba okungowomnikazi, kumele uthathe izinyathelo eziphathekayo ukuqinisekisa ukuthi izitsha ezanele zokufaka ezivunyiwe ziyahlinzekwa ukuze kulahlwe udoti olahlwe ngumphakathi, kunoma iyiphi indawo lapho umphakathi ukwazi ukufinyelela kuyo.

(2) UMkhandlu, noma umnikazi womhlaba okungowomnikazi, kumele uqinisekise ukuthi zonke izitsha ezivunyiwe ezibekwe emagcekeni ukuze ziqoqele udoti -

(a) zigcinwa zisesimweni esihle;
(b) zikalwa futhi zigxunyekwe ngokufanele ukuze zingaginqeki ngokungenhloso;
(c) zakhiwe ngendlela ezoqinisekisa ukuthi aziphazanyiswa yisimo sezulu futhi azingenwa yizilwanyana;

(d) zinobukhulu obulingene ukuqukatha wonke udoti okungenzeka ukuthi wakheke emagcekeni kanye nangabantu abawasebenzisayo;

(e) zibekwa ezindaweni ezizosebenziseka kalula kuzo yilabo abazisebenzisayo noma abahlala emagcekeni ukunqanda ukulahlwa kukadoti noma yikuphi noma ukwanda kwemfucuza engenampilo; futhi

(f) zithululwe, zihlanzwe zikhathi zonke noma uma sezigcwele. Ukuthululwa nokuhlanzwa kwezitsha ezivunyiwe kumele kwenziwe njalonjalo futhi kwanele ukuze kuqinisekiswe ukuthi asikho isitsha noma okuphakathi okuyoba wuhlupho noma kuholele ekutheni kube nezizathu ezifanele zokuba nezikhalo.

(3) Kunoma iyiphi indawo yomphakathi lapho kubekwe khona isitsha esivunyiwe ukuze sifake udoti, umkhandlu ungabeka izaziso mayelana nokulahla udoti.

37. Ukulahla okungavunyelwe –

(1) Akukho muntu okumele-

(a) adale ukungcola;

(b) ashanelele nanoma yiyiphi imfucuza emseleni wamanzi, eceleni komgwaqo noma kunoma iyiphi enye indawo yomphakathi;

(c) athikameze nanoma yini kumbe asuse nanoma yini ephakathi noma ekunoma yisiphi esibekwe ngenhloso yokuqoqa udoti ngendlela ethile engadala ukuthi okuphakathi esitsheni kusaphazeke noma kuwele phansi eduze naso; futhi

(d) avumele nanoma ngubani ongaphansi kolawulo lwakhe ukuba enze nannoma yisiphi sezenzo eziningwe ezindimeni (a), (b) noma (c) ngenhla.

(2) Ngale kwezihlinzekelo zesigatshana (1), uMkhandlu noma umnikazi uma kungumhlaba womnikazi umphakathi okwazi ukufinyelela kuwo,

kumele esikhathini esithile esifanele emva kwanoma yikuphi ukulahlwa kukadoti, ukuchithwa noma ukushiywa, asuse lowo doti noma enze ukuba ususwe. Ngokwenhloso yalesi sigaba, isikhathi esifanele singachaza leso sikhathi esingaphambi kokuthi udoti ube yinkathazo noma udale ukukhonona.

38. Ukuchithwa nokushiywa kwezinto okungavunyelwe-

(1) Akukho muntu, ngaphandle kokugunyazwa, oyobeka noma avumele ukubekwa kwanoma iyiphi imfucuza kungaba uzothola inzuzo noma umklomelo noma okunye, kunoma yimuphi umhlaba noma kunoma yisiphi isakhiwo okungesakhe noma ahlalayo kuso ngaphandle uma lokho kubeka kwenziwe ngokuhambisana nezihlinzekelo zale Mithetho Kamasipala.

(2) Ngokwanoma yiziphi izihlinzekelo eziphambene nokuqukethwe yile Mithetho Kamasipala, akukho muntu oyoshiya nanoma yini kumbe avumele nanoma yini okungeyakhe ukuba ishiywe endaweni ngenhloso yokuyilahla.

(3) Akukho muntu oyochitha imfucuza.

(4) Nanoma yini, ngale kwemoto ebonakala ishiyiwe njengokusho kwesigaba 114 soMthetho Wezomgwaqo, we- 1989 (uMthetho No. 29 we-1989), isobala kuleyo ndawo etholakale kuyo, isikahthi esisihlalile kuleyo ndawo nangesimo saleyo nto, uMkhandlu uyithatha njengokuthi ilahliwe, ingasuswa futhi ichithwe nguMkhandlu uma ubona kufanelekile.

(5) UMkhandlu ungasusa futhi uchithe nanoma iyiphi into ekinatelwe noma eboshelwe kunoma yisiphi isigxobo, emitheni lokupaka noma kunoma iyiphi indawo okungeyoMkhandlu ngaphandle kwemvume njengoba ungabona kufanelekile.

ISAHLUKO 9

IZIHLINZEKELO ZOKUQINISWA KWEZOKUPHATHA

Ingxenye 1: Ukuqokwa kwezikhulu ezigunyaziwe

39. Ukuqokwa kwezikhulu ezigunyaziwe

(1) UMkhandlu ungaqoka izikhulu ezigunyaziwe ezizonikezwa amandla -

(a) okufeza ilungelo lomkhandlu lokukwazi ukungena emagcekeni ngokwesigaba 101 soMthetho Wezinhlelo;

(b) okukhipha isaziso sokuqinisa ngaphansi kwesigaba 44;

(c) okuphoqelela isaziso sokwaphulwa komthetho ngokwesigaba 45; kanye

(d) nawokusebenzisa amandla esikhulu esigunyaziwe ngokwezihlinzekelo zanoma yimuphi omunye umthetho osebenzayo.

(2) Isikhulu esigunyaziwe assona isikhulu sokuthula ngokwezihlinzekelo zoMthetho Wenqubo Yamacala Okwelelesa futhi asinawo amandla okubopha maqondana necala elenziwe kule Mithetho kamasipala.

(3) Ekuqokeni isikhulu esigunyaziwe uMkhandlu kumele ubuke:

(a) ukuqonda komuntu ubuchwepheshe nesipiliyoni sezinto eziphathelene nokuphathwa kwemfucuza; kanye

(b) nanoma iyiphi enye into emaqondana nokuphatha nokuqiniswa kwale mithetho kamasipala, okungaba okobuchwepheshe noma okokuphatha.

(4) Isikhulu esigunyaziwe kungaba yisisebenzi somkhandlu kumbe nanoma yimuphi umhlinzekimsebenzi woMkhandlu: Inqobo nje uma esimeni somhlinzekimsebenzi kungeke kube nokushayisana kwezintshisekelo phakathi komsebenzi womuntu njengesikhulu esigunyaziwe kanye nokuba yisisebenzi somhlinzekimsebenzi.

(5) Ngesikhathi sokuqokwa, izikhulu ezigunyaziwe kumele zinikezwe nguMkhandlu into yokuzichaza (lapha ebizwa ngokuthi "umazisi") ezobalula igama nomsebenzi wesikhulu esigunyaziwe, futhi kumele ifake isithombe sesikhulu. Isikhulu esigunyaziwe, esisebenza ngokwamandla esinikwe wona yile mithetho kamasipala sidingeka ukuba siveze umazisi uma ufunwa yilungu lomphakathi wendawo.

Ingxenye 11: Amandla Ezikhulu Ezigunyaziwe

40. Amandla okwenza umsebenzi kanye nokuhlola izimoto namagceke

(1) Ngaphezu kwamandla esinawo isikhulu esigunyaziwe njengesithunywa esigunyaziwe soMkhandlu ngaphansi kwesigaba 101 soMthetho Wezinhlelo kumbe nanoma yimuphi omunye umthetho, isikhulu esigunyaziwe-

(a) singangena kunoma yimuphi umhlaba noma igceke ukuze senze umsebenzi noma ukuhlola; futhi

(b) singasesha nanoma iyiphi imoto kumbe enye into yokuthutha ngemvume yomnikazi noma yomuntu osebenzisa leyo imoto.

(2) Ukusesha okwenziwe ngokwale Mithetho Kamasipala kumele kwenziwe ngendlela evumelana nezidingo zoMthethosivivinywa Wamalungelo kanye nanoma yimuphi omunye umthetho, ikakhulu, kumele kwenziwe kuqashelwa ukuhlonipheka nokuhleleka, ukuhlonishwa kwesithunzi somuntu, inkululeko nokuphepha kanye nokuba nobumfihlo.

(3) Kuze kube sezingeni lapho ukufinyelela emagcekeni kungasangeni ngaphansi kwendawo elawulwa yisigaba 101 soMthetho Wezinhlelo kumbe nanoma yimuphi omunye umthetho, isikhulu esigunyaziwe esinezizathu eziphathekayo ukusola ukuthi kukhona isimo esiphuthumayo kwezendawo kanye nokuthi nanoma yikuphi

ukubambezeleka ekutholeni imvume yokusesha kungadala umonakalo omkhulu empilweni yobantu noma umonakalo emvelweni, singangena siseshe ngaphandle kwemvume nanoma yimaphi amagceke okunesimo esiphuthumayo kuwo: Ngaphandle uma ukungena kanye nokusesha kwenziwe ngokuvumelana nezidingo zoMthethosivivinywa Wamalungelo kanye nanoma yimuphi omunye umthetho futhi ikakhulu, kuqashelwe ukuhlonipheka nokuhleleka, ukuhlonishwa kwesithunzi somuntu, inkululeko nokuphepha kanye nokuba nobumfihlo.

(4) Lapho ngokubona kwesikhulu esigunyaziwe, nanoma yikuphi ukuseshwa kwemoto njengoba kuningwe kule Mithetho Kamasipala, kwenza kuqondakale ukuthi ukuba khona kwemfucuza kuleyo moto kuyingozi enkulu nengenzeka ngaleso sikhathi empilweni yabantu noma emvelweni, isikhulu esigunyaziwe singayivimba leyo moto ukuze kugwenywe noma uma lokho kungenzeke, ukuze kuncishiswe ubungozi empilweni yabantu noma umonakalo emvelweni.

(5) Esimweni lapho imoto ivinjwa khona ngaphansi kwesigatshana (4) umkhandlu kumele-

(a) khona lapho uthatha izinyathelo zokulahla leyo mfucuza ukuze kugwenywe, futhi lapho lokho kungelula, kuncishiswe ubungozi empilweni yabantu noma umonakalo emvelweni; futhi

(b) uphindisele emuva leyo moto okukhulunywa ngayo esikhathini esingamahora angama- 48 emva kokulahlwa kwaleyo mfucuza, ukulawula onelayisensi noma umuntu ethathwe ikuye kumbe ibhekwe nguye.

41. Amandla angaqondakali-

(1) Ukuze kuqashwe noma kuqiniswe ukuhambisana nale Mithetho Kamasipala, kuya ngokwezidingo isikhulu esigunyaziwe ngokwenganyelwa yimiyalelo yoMthethosivivinywa Wamalungelo kanye nanoma yimuphi omunye umthetho kubandakanya nomthetho wabo bonke abantu, singayalela onelayisensi kumbe nanoma ngubani ukuba adalule ulwazi, okungaba ngokomlomo noma ngokubhaliwe, eyedwa noma kukhona ufakazi, nganoma yiluphi udaba le Mithetho Kamasipala eqondene nalo, oludinga ukuba ludalulwe ngokwenza isifungo noma ukuqinisekisa.

(2) Isikhulu esigunyaziwe singaphelezelwa ngutolika kanye nanoma yimuphi omunye umuntu okungaba nesidingo sokuthi asize isikhulu esigunyaziwe ekwenzeni ukuhlola.

(3) Isikhulu esigunyaziwe kumele, uma sicelwa, siveze umazisi waso njengesikhulu esigunyaziwe.

42. Ukulawulwa kwabanamalayisensi-

(1) Izikhulu ezigunyaziwe kumele zihlole indawo yokusebenzela yomuntu onelayisensi izikhathi ezingengaphansi kwezimbili ngonyaka futhi isikhulu esigunyaziwe sinegunya lokungena endaweni yokusebenzela yomuntu onelayisensi ngokwale nhloso.

(2) Ukuseshwa okunjalo kumeke kwenziwe kuhambisane nezidingo zoMthethosivivinywa Wamalungelo kanye nanoma yimuphi omunye umthetho, ikakhulu, uma isikhulu esiginyaziwe sisesha ngaphansi kwesigatshana (1) kumele senze kanjalo siqaphela ukuhlonipheka nokuhleleka, ukuhlonishwa kwesithunzi somuntu, inkululeko nokuphepha kanye nokuba nobumfihlo.

(3) Uma isikhulu esigunyaziwe sinombono, emva kwalokho kuhlola, wokuthi onelayisensi uyahambisana nalė Mithetho Kamasipala kuya ngokwezihlinzekelo sesigatshana (2), singanikeza onelayisensi isitifiketi esiqinisekisa ukuhambisana, okumele sibalule -

(a) igama nekheli lendawo kanye neleposi lomuntu onelayisensi;
(b) isikhathi, usuku kanye nendawo ehloliwe; kanye
(c) nanoma yimaphi amazwi okuphawula, ngokubona kwesikhulu esigunyaziwe angahambisana.

(4) Uma onelayisensi ehluleka ukuthola isitifiketi esiqinisekisa ukuhambisana ekuhlolweni okuthathu esikhathini esiyiminyaka emibili, isikhulu esigunyaziwe singaphakamisa ukuthi umkhandlu ubuyekeze ilayisensi, futhi uma kuba nezizathu eziphathekayo, umkhandlu ungayichitha ilayisensi ngokwesigatshana 31(2) (c): Ngaphandle uma ukuhlolwa okulandelanayo kwenzeke ngezigamu ezingekho ngaphansi kwezinyanga ezine (4).

(5) Izikhulu ezigunyaziwe kumele zigcine irejista ebhala ukuhlolwa ngakunye okwenziwe.

43. Ukulawulwa kwabanikazi kanye nabahlalayo-

Abanikazi kanye nabahlalayo kumele bagcine izindawo zabo zihlanzekile futhi zingenayo imfucuza okuthi ngokombono wesikhulu esigunyaziwe ungadala inkathazo, ubungozi empilweni yomuntu noma umonakalo emvelweni, futhi kumele bathathe izinyathelo ezifanele ukugwema isisebenzi esibasebenzelayo ekwenzeni izenzo ezingadala inkathazo, ubungozi empilweni yomuntu noma umonakalo emvelweni.

Ingxenye 111: Izaziso zokuqinisa kanye Nezokwaphula imithetho

44. Izaziso zokuqinisa

(1) Uma, ngokombono wesikhulu esigunyaziwe, umuntu-

(a) edala inkathazo, ubungozi empilweni yomuntu noma umonakalo emvelweni; noma

(b) enelayisensi, ehluleka ukuhambisana nezimiso zelayisensi ayinikezwe ngokwale Mithetho Kamasipala; noma

(c) engumnikazi noma engohlalayo, ehlulekile ukwenelisa isibopho ngokwesigaba 43 sale mithetho kamasipala; noma

(d) isikhulu esigunyaziwe singanikezela noma senze ukuba kunikezelwe kulowo muntu isaziso sokuqinisa ngokwalesi sigaba.

(2) Isaziso sokuqinisa esinikezelwe ngaphansi kwalesi sigaba kumele sibalule-

(a) igama nekheli lendawo kanye neleposi, uma aziwa womabili, lomuntu othintekayo;

(b) uhlobo lwenkathazo, ubungozi empilweni yomuntu noma umonakalo emvelweni, oludalwa yilowo muntu othintekayo noma okungenzeka ukuthi ayidale;

(c) izinyathelo ezidingekayo ukugwema noma ukwenza ngcono inkathazo, ubungozi empilweni noma umonakalo emvelweni ngemininingwane eyanele ukuze kulandelwe isaziso sokuqinisa;

(d) ukuthi umuntu othintekayo kumele zingapheli izinsuku ezingama-21 kusukela osukwini isaziso sokuqinisa esinikezelwa ngalo athathe izinyathelo zokuhambisana nesaziso;

(e) ukuthi ukwahluleka ukuhambisana nezidingo zesaziso sokuqinisa esikhathini esiningwe esigabeni (d) kungaholela ekutheni izindleko zikhokhwe nguye; futhi

(f) ukuthi isethulo esibhaliwe singaqondiswa emkhandlwini ngokwesigaba 47, noma ekomidini eliqokiwe noma esisebenzini sangaphakathi esenza umsebenzi onganakekile esinikezwe amandla ngaphansi kwale Mithetho Kamasipala, endaweni ethile, esikhathini esiyizinsuku ezingama- 21 isaziso samukelwe.

(3) Uma umuntu othintekayo ehluleka ukuhambisana nesaziso sokuqinisa, umkhandlu kumbe nanoma ngubani ogunyazwe nguMkhandlu, angathatha izinyathelo ezidingeka esazisweni sokuqinisa, ngaphandle uma umkhandlu wenza kanjalo ngokuvumelana nezidingo zoMthethosivivinywa Wamalungelo kanye nanoma yimuphi omunye umthetho, ikakhulu, isikhulu esigunyaziwe kumele senze ngendlela enomthetho oqinile nehlelekile, ukuhlonipha isithunzi, inkululeko nokuphepha kanye nelungelo lomuntu lobumfihlo.

(4) Lapho umkhandlu ungena kunoma yiziphi izindleko ngenxa yokuthatha lezo zinyathelo, umkhandlu ungazifuna lezo zindleko kumuntu owehlulekile ukwenza njengoba eyalelwe noma, lapho izenzo zobugebengu zingenziwanga, ngokwezinhlelo zomphakathi.

(5) Nanoma yimuphi onelayisensi owenza icala ngokwesigatshana 1(1) (b) futhi eminyakeni eyisihlanu edlule ebekade enze icala elifanayo, uyomenyezelwa njengesaphulamthetho ngaphansi kwale Mithetho Kamasipala futhi ilayisensi lakhe liyochithwa ngokushesha.

45. Izaziso zokwaphula umthetho

(1) Uma, ngokombono wesikhulu esigunyaziwe, umuntu -

(a) ephula izigatshana 34(1)(a) kuya ku-(g), 37 (1) (a) kuya ku- (d), 38 (1) kuya ku- (5), noma (44) (1) (a) kuya ku-(c) zale Mithetho Kamasipala

(b) evumela imfucuza engesiyo imfucuza yasemakhaya noma yansukuzonke ukuba isale ingaqoqiwe,

isikhulu esugigunyaziwe singanikezela noma senze ukuba kunikezelwe kulowo muntu isaziso sokwaphula umthetho ngokwalesi sigaba esikhundleni sesaziso okuningwe ngaso esigabeni 56 soMthetho Wenqubo Yamacala Okwelelesa.

(2) Isaziso sokwaphula umthetho kumele-

(a) sibalule isikhathi esinikezelwe ngaso isaziso, igama kanye nekheli lendawo kanjalo nekheli leposi, uma aziwa womabili, alowo muntu onikezwa isaziso sokwaphula umthetho;

(b) sisho imininingwane yokwaphula umthetho;

(c) sibalule inani lenhlawulo ekhokhwayo maqondana nalokho kwaphula umthetho kanye nendawo lapho izokhokhwa khona inhlawulo futhi leyo nhlawulo engeke yeqe ezi-R5000 (izinkulungwane ezinhlanu zamarandi); futhi

(d) sazise umuntu onikezwe isaziso sokwaphula umthetho ukuthi zingakapheli izinsuku ezingama- 28 emva kosuku lokunikezelwa kwesaziso sokuphula umthetho,

(i) angakhokha inhlawulo; noma

(ii) azise umkhandlu ngokubhaliwe ukuthi ukhetha ukuthi icala lakhe lithethwe enkantolo ngokuthweswa icala ngaphansi kwesigaba 51.

(3) Lapho umuntu eekhetha ngaphansi kwesigatshana (2)(d)(ii), kuyosebenza inqubo ebekwe esigabeni 46.

46. Izikhalo-

Nanoma ngubani angafaka isikhalo esikhulwini esigunyaziwe, kumbe nganoma yimuphi omunye umgudu osungulwe ngumkhandlu, ukuthi nanoma ngubani omunye odala ubungozi empilweni yomuntu noma umonakalo emvelweni ngokwenza imisebenzi yomkhandlu noma yezokuhwebelana, okuthi lapho isikhulu esigunyaziwe, ngaphandle uma sinezizathu eziqinile zokukholwa ukuthi isikhalo asinasisindo noma ukusetshenziswa budedengu kwezinto ezinqala zale Mithetho Kamasipala ezibekwe esigabeni 3, kumele siphenye ngesikhalo, futhi kumele uma sigculiseka ukuthi lobo bungozi budalekile noma bungacishe budaleke, singanikeza isaziso sokuqinisa noma sokwaphula isaziso, kuya ngokuthi yikuphi okungafaneleka.

47. Ukumeleleka

(1) Nanoma ngubani othintekayo angafuna ukumeleleka emkhandlwini, noma ekomidini eliqokiwe noma esisebenzini sangaphakathi esenza umsebenzi onganakekile emkhandlwini umkhandlu onikezele kuwo amandla, ngendlela ebalulwe esazisweni sokuqinisa

(2) Ukumeleleka kumele kwenziwe ngokuthumela isitatimende esifungelwe noma isiqinisekiso emkhandlwini, ekomidini eliqokiwe noma esisebenzini sangaphakathi esenza umsebenzi onganakekile esikhathini esiyizinsuku ezingama-21 kulethwe isaziso.

(3) Nanoma yikuphi ukumeleleka okungafakiwe esikhathini esiyizinsuku ezingama-21 akumele samukelwe, ngaphandle uma umuntu othintekile

etshengise ubuqotho futhi umkhandlu, ikomidi eliqokiwe noma isisebenzi esenza isisebenzi sangaphakathi esenza umsebenzi onganakekile sikuvumela ukufakwa kokumeleleka sekwedlule isikhathi.

(4) UMkhandlu noma ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile kumele ubhekelele ukumeleleka kanye nanoma yiyiphi impendulo yesikhulu esigunyaziwe kumbe nanoma ngubani, futhi ngokuzikhethela kwawo, wenze nanoma yiluphi olunye uphenyo ukufakazela amaqiniso uma ungukuthi ngokubona kwawo kuyadingeka. Uma uMkhandlu noma ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile singenza nanoma yiluphi olunye uphenyo, imiphumela yalolo phenyo kumele yenziwe akwazi ukuyithola umuntu othintekayo, okumele anikezwe ithuba lokuziphendulela uma efisa, futhi uMkhandlu noma ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile kumele sikubhekelele lokho kuziphendulela.

(5) Emva kokuba uMkhandlu, ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile sigculiseka ukuthi okudingwa yisigatshana (4) kuyenelisa, uMkhandlu noma ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile kumele sikhiphe umyalelo ngokubhala futhi sinikeze umuntu othintekayo ikhophi ecacisa ngesikutholile. Lowo myalelo kumele-

(a) uqinisekise, uguqule noma ubeke eceleni konke noma ingxenye, isaziso sokuqinisa; futhi

(b) kumele ubalule isikhathi umuntu othintekayo okumele ngaso ahambisane nanoma yimuphi umyalelo

(c) uma isaziso sokuqinisa siqinisekisiwe, ngokugcwele noma ingxenye, noma siguquliwe kodwa singabekiwe eceleni, umkhandlu , noma ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile kumele sazise umuntu othintekile ukuthi angaqoka ukuthi icala lakhe lithethwe

enkantolo, noma kumele achithe izibopho ezibekwe esazisweni sokuqinisa.

(6) Uma umuntu othintekile ekhetha ukuba icala lakhe lithethwe enkantolo kumele azise umkhandlu, noma ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile ngokukhetha kwakhe ezinsukwini eziyisikhombisa, futhi ngesikhathi umkhandlu noma ikomidi eliqokiwe noma isisebenzi sangaphakathi esenza umsebenzi onganakekile samukela leso saziso, izihlinzekelo zesigaba 48 ziyosebenza.

(7) Uma umuntu othintekayo engakhethi ukuthi icala lakhe lithethwe enkantolo, kumele achithe izibopho ezibekwe esazisweni sokuqinisa ngendlela emisiwe nangesikhathi esinqunyiwe.

(8) Uma umuntu othintekayo ecela ukumeleleka noma ekhetha ukuthi icala lakhe lithethwe enkantolo, nanoma yikuphi okudingekayo ngokwesigaba 44 sale Mithetho Kamasipala okudinga ukuthi kuhambisane nesaziso sokuqinisa, kungamiswa, ngaphandle uma ngokubona komkhandlu, umuntu othintekayo edale isimo esiphuthumayo emvelweni ngalolku daba ngaphandle kokujivazwa kwanoma yiliphi ilungelo umuntu othintekayo angaba nalo, noma angaba nalo esikhathini esizayo, ngokomthetho ovamile noma ngaphansi kwanoma yimuphi omunye umthetho, kunoma yiluphi uhlobo lokukhululeka, umuntu othintekayo kumele ngokushesha ahambisane nanoma yikuphi okudingekayo kulokho ayalelwe khona , ngomlomo noma ngokubhaliwe nguMkhandlu ukuba akwenze.

(9) Uma kunesimo esiphuthumayo emvelweni futhi uma umuntu othintekayo, ngale kokuthi uthola umyalelo osemthethweni ngokwesigatshana (8), ehluleka ukuhambisana nalowo myalelo, umkhandlu ungazenzela ngokwawo ukuba leso simo esiphuthumayo simiswe, sihlehliswe noma sincishiswe, kulokho umkhandlu ungamangalela ukubuyiswa kwanoma yiziphi izindleko ezifanele ezidalekile noma ezingadaleka ngokwenza lokho kunqandwa, ukuhlehlisa noma ukuncishiswa.

ISAHLUKO 10

IZIHLINZEKELO ZOKUQINISWA KOKWAHLULELWA

48. Ukunikezelwa kwemibhalo kanye nezinhlelo

Ngokwezinhloso zokunikezelwa kwanoma yisiphi isaziso, umyalelo noma omunye umbhalo maqondana nokungakhokhelwa kokuhlinzekwa kwemisebenzi yomkhandlu, ikheli lomnikazi Wamagceke okwakheka kuwo imfucuza yasemakhaya kanye neyansuku zonke lithathjwa njengendawo okunganikezelwa kuyo imibhalo nohlelo lwalowo mnikazi.

49. Ukunikezwa kwezaziso

(1) Lapho nanoma yisiphi isaziso noma omunye umbhalo kudingeka ngokwale Mithetho Kamasipala ukuba sinikezelwe kunoma ngubani ngale kwezinhloso zokuqhutshwa kwamacala obugebengu-

(a) kumele sinikezelwe kuye mathupha, uma kwehlulekeka singanikezelwa kunoma yiliphi ilungu lomndeni wakhe elineminyaka eyi-16 noma ngaphezulu, lisayinele ukwamukela leso saziso endaweni elihlala kuyo noma elisebenzela kuyo, futhi

(b) uma sithunyelwa ngeposi elirejistiwe ekhelini lalowo muntu njengoba kuningwe esigabeni 48, Sihambisana nokunikezela ngokwesigaba 7 soMthetho Wezokutolika, we-1957 (uMthetho No. 33 we-1957).

50. Ukuthethwa kwecala

Uma umuntu ekhetha ukuthi icala lakhe liye enkantolo ngokwesigatshana 47 (6) noma 47(8), wazisa umkhandlu ngokukhetha kwakhe, isikhulu esigunyaziwe kumele

ezinsukwini eziyi- 10 sithathe zonke izinyathelo ezifanele njengoba kuveziwe eMthethweni Wenqubo Yamacala Okwelelesa, ukuze siqinisekise ukuba khona kanye nokushushiswa kommangalelwa, okungenzeka ukuthi esimweni esinjalo isaziso sokuqinisa noma sokwaphula umthetho kumele sihoxiswa.

51. Amacala kanye nezinhlawulo

Nanoma ngubani, kuhlanganisa nomuntu othintekayo noma onelayisensi,-

(a) owephula noma owehluleka ukuhambisana nanoma yiziphi izihlinzekelo zale Mithetho Kamasipala;

(b) owehluleka ukuhambisana nanoma yisiphi isaziso esikhishwe ngokwale Mithetho Kamasipala; noma

(c) owehluleka ukuhambisana nanoma yimuphi umyalelo osemthethweni okhishwe ngokwale Mithetho Kamasipala; noma

(d) ophazamisa noma ovimbela nanoma yisiphi isithunywa noma isisebenzi somkhandlu ekwenzeni imisebenzi yaso ngaphansi kwale Mithetho Kamasipala, uyotholakala enecala futhi abhekane nenhlawulo noma uma ehluleka ukuyikhokha agqunywe ejele isikhathi esingeqile ezinyangeni eziyisi-6.

ISAHLUKO 11

IZIHLINZEKELO EZIJWAYELEKILE

52. Ubunikazi-

(1) Umuntu onemvume yokusebenzisa isikhungo sokulahla imfucuza uthathwa njengomnikazi wemfucuza elahlwe kuleso sikhungo sokulahla imfucuza.

(2) Lowo osisebenzisayo unelungelo lokuphunyuka-

(i) kunoma ngubani obangela ukuthi kulahlwe imfucuza esikhungweni sokulahla imfucuza lapho lowo muntu ebe nolwazi kwathi ngale kolwazi losisebenzisayo alahle

imfucuza ukuthi azi kahle ukuthi leso sikhungo asivunyelwe ukuwamukela lowo doti, futhi engamazi osilawulayo;

(ii) Nanoma ngubani odala udoti ebeka ngamabomu udoti ngaphandle ukuze uqoqwe ongekho esigabeni sokuba uqoqwe

54. Ukushayisana kwemithetho

Uma kunokushayisana phakathi kwale mithetho kamasipala kanye nanoma yimiphi eminye imithetho kamasipala yomkhandlu ephathelene nodoti, le mithetho kamasipala iyona eyosetshenziswa.

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UMkhandlu kaMasipala waseRichmond, usebenza ngaphansi kwegunya lesigaba se-11, ofundwa ngokuhambisana nesigaba sama-98 soHulumeni Basekhaya, uMthetho woHlelo loMasipala,2000 (Umthetho No.32 wezi-2000), lapha ushicilela iMithetho KaMasipala Yezimpawu Zokukhangisa.

IMITHETHO KAMASIPALA YEZIMPAWU ZOKUKHANGISA

1. Izincazelo

Kule Mithetho kaMasipala, ngaphandle uma umongo wendaba ukhomba okunye okwehlukile.

"isikhangiso" sichaza noma yikuphi okubonakalayo okumele uhlamvu, igama, into kumbe ukufingqwa kohlamvu kumbe igama, kumbe noma yiluphi uphawu okungahlosiwe ngalo kuphela ukukhanyisa kumbe isexwayiso ngengozi;

"isikhulu esigunyaziwe" kuchaza noma yisiphi isikhulu soMkhandlu esigunyazwe nguMkhandlu ukusebenzisa, ukwenza njengoba kunqunyiwe kumbe aphoqelele izihlinzeko zale Mithetho ;

"isikhulu esiphethe ibhilidi" kuchaza noma yimuphi umuntu oqashiwe kumbe ozoqashelwa ukuba isikhulu esiphethe ibhilidi nguMkhandlu ngokwesigaba sesi-5 soMthetho kaZwelonke Wokulawula ezoKwakha kanye neMigomo yokwakha,we-1997(Umthetho we-103 we-1997);

"uMkhandlu" uchaza uMasipala waseRichmond kanye nabalandelayo ngokomthetho , futhi kufaka noMkhandlu kaMasipala noma iKomidi Lesigungu Esiphethe nanoma yiyiphi enye inhlangano esebenza ngamandla ewanikezwe ngokomthetho, kanye nanoma yisiphi isikhulu lapho uMkhandlu unikeze khona amandla kanye nemisebenzi maqondana nale Mithetho kaMasipala;

"Ikhathileji" kuchaza yonke indawo engaphansi ngaphakathi komngcele wesigaba kumbe izahlukaniso ezakha isiza sanoma yisiphi isakhiwo kumbe ibhilidi eliphakanyisiwe;

"ukubonisa maqondana nesikhangiso", kuchaza ukubonisa isikhangiso ngaphakathi emphakathini;

"uphawu oluyisicaba" kuchaza nanoma ngabe yiluphi uphawu lwasodongeni futhi olungenayo indawo ephume ngaphezu kwamamilimitha angama-230 ukusuka odongeni;

"uphawu olusemhlabathini " kuchaza noma yiluphi uphawu olususiwe ebhilidini lwagxunyekwa emhlabathini;

"uphawu lwebhodi oluphumile" kuchaza noma yiluphi uphawu lwebhodi olunamathiselwe odongeni futhi kunoma yiyiphi indawo luphume ngaphezu kwamamilimitha angama-230 ukusuka odongeni;

"uphahla" kuchaza noma yiluphi uphahla lwebhilidi kodwa okungafaki ingxenye yophahla okunguvulandi kumbe ibhalikhoni;

"ibhodi lophawu" kuchaza ibhodi lophawu,isakhiwo kumbe okuthize, okusetshenziswa kumbe okuhloswe noma okwenzelwe ukubonisa kukho isikhangiso;

"uphawu lwebhodi olusesibhakabhakeni" kuchaza noma yiluphi uphawu lwebhodi olubekwe phezu kophahla noma phezu kwepalaphethi yophahla;

"inani lentela" kuchaza inani lentela elinqunywe uMkhandlu izikhathi ngezikhathi;futhi

"udonga" kuchaza udonga olungaphandle kwebhilidi, kodwa olungafaki isibambelelo sephalaphethi kumbe uthango lukavulandi noma ibhalikhoni.

2. Ukusebenza kwemithethonqubo

(1) Kuncike ezinhlinzekweni zesigatshana sesi-(2),le Mithetho kaMasipala iyakusebenza ngokuhambisana nazo zonke izikhangiso ezikhonjiswayo kumbe eziyakukhonjiswa ngaphakathi endaweni yoMkhandlu.

(2) Lezi nhlobo zezikhangiso ezilandelayo kuyomele, kuncike esigatshananeni sesi-3(3), ziyakukhululwa ezinhlinzekweni zale Mithetho kaMasipala:

(a) Isikhangiso esikhonjiswe ngaphakathi kwendawo ngesikhathi kuqhubeka ukwakha (kubandakanya ukuxhunywa kwamapayipi,,ukuxhunywa kukagesi,ukupenda kanye nokulungisa kabusha) kuleyo ndawo ebizwa ngokujwayelekile ngoukuthi"amabhodi abakhi" kumbe "amabhodi osonkontileka".

(b) Isikhangiso esihambisana nokudayiswa kwephepha emgaqweni womphakathi; ngaphandle uma isikhangiso singaphazamisi ukuhamba kwezimoto kumbe ukuhamba kwabantu kumbe imigqa lapho bebona khona abashayeli kumbe abahamba ngezinyawo abasebenzisa umgwaqo lapho isikhangiso sigxunyekwe khona kumbe abasebenzisa umgwaqo oseduze kumbe umgwaqo oxhumayo .

(c) Isikhangiso esivumelekile ukuthi sikhonjiswe ngokomthetho.

(d) Isikhangiso esikhonjiswe emotweni esetshenziswa emgwaqweni womphakath;ngaphandle uma inhloso enkulu yokuthi kusetshenziswe imoto kungekhona ukukhombisa isikhangiso..

(e) Isikhangiso esifakwe saba yisicaba kumbe sapendwa kunoma yiyiphi ingxenye yebhilidi ngaphandle kwendlu yokuhlala eveza kuphela igama kumbe ikheli lebhilidi lelo kumbe umhlali noma umnikazi wayo, enayo kumbe engenayo incazelo esabalele ngohlobo lwebhizinisi oluqhubekayo ngokusemthethweni ebhilidini elinjalo, izikhathi zokusebenza kumbe zebhizinisi kanye nenombolo yocingo yebhizinisi, ngaphandle uma isikhangiso sinjalo, kubandakanya noma yiliphi ibhodi lophawu lapho lukhonjiswe khona, lungabi ngaphezu kwe-0,8m endaweni ,futhi ingaphumi ngaphezu kwamamilimitha ayi-100 kusuka lapho linamatheliswe khona.

(f) Isikhangiso esikhonjiswe ngaphakathi endlini yokuhlala esikhomba kuphela igama kumbe ikheli lendlu yokuhlala noma umhlali kuyo; ngaphandle uma isikhangiso esinjalo, kubandakanya noma yiliphi ibhodi lophawu olukhonjisiwe, malungabi ngaphezu kwe- 0,8 m^{2} ubungako bendawo.

(g) Isikhangiso esikhonjiswe ngaphakathi endaweni (eyenzelwe kuphela indlela ye, kumbe eyesicelo noma isexwayiso, kunoma yimuphi umuntu ongenayo endaweni) ngaphandle uma isikhangiso esinjalo, kubandakanya noma yiliphi ibhodi lophawu olukhonjisiwe, lungabi ngaphezu kwe- 0,8 m^{2} ubungako bendawo.

(h) Isikhangiso esikhonjisiwe ngaphakathi kwempahla engasuseki olukhangisa indali kumbe ukuqasha kwempahla, kumbe impahla enjalo seyidayisiwe; ngaphandle uma isikhangiso, kubandakanya ibhodi lophawu lapho lukhonjiswe khona , lungabi ngaphezu kwe- 0,8 m^{2} ubungako bendawo.

(i) Isikhangiso esikhonjiswe ngaphakathi kwanoma yiliphi ibhilidini elizunguzwe izindonga, amafasitela kanye neminyango.

(3) Izihlinzeko zale Mithetho kaMasipala kumele zengeze kwi- futhi azingeni endaweni yanoma yisiphi isihlinzeko soMthetho

Wokukhangisa Emgaqweni kanye NokuThuthukiswa kweWibhini we-1940 (Umthetho wama-21 we-1940).

3. Izikhangiso zesikhashana kanye neziphathekayo

(1) Noma yisiphi isikhangiso -

(a) okuhloswe ngaso ukukhombisa kuphela kumbe mayelana nomkhosi othize, umsebenzi, indali,kumbe umcimbi, okubandakanya ukhetho kumbe inhlolovo;

kumbe

(b) esikhonjiswe kunoma yiliphi ibhodi lophawu okuhloswe kumbe olwenzelwe ukuba luthatheke kumbe luthuthuke,

Luyokhonjiswa kuphela ngemvume ebhalwe phansi isikhulu esigunyaziwe futhi kuncike emigomeni ethize angayibeka.

(2) Isikhangiso esinjalo, kubandakanya noma yiliphi ibhodi lophawu olukhonjisiwe kulo, lungabi ngaphezu kwe- 0,8 m^2 ubungako bendawo.

(3) Asikho isikhangiso esikhangisa umkhosi othize, umsebenzi, indali kumbe umcimbi ngaphandle kokhetho kumbe inhlolovo,ngaphandle kokuthi isikhangiso esinjalo sikhishwe ngaphansi kwesigaba sesi-2(2)kumbe qha, ingakhonjiswa ngaphezu kwezinsuku eziyi-14 ngaphambi kosuku eqala ngalo kumbe ngaphezu kwezinsuku ezi-3 emva kosuku lokugcina;ngaphandle uma isikhangiso esikhangisa impahla engasuseki seyidayisiwe ingakhonjiswa isikhathi esingangezinsuku eziyi-14.

(4) Akukho zikhangiso zokhetho kumbe inhlolovo eyokhonjiswa isikhathi esingaphezu kwezinsuku ezeluliwe kusukela ekuqaleni kosuku lokuphakanyiswa/inhlolovo kuze kube usuku lwesithathu emva kokhetho kumbe osukwini lokuphela kwenhlolovo.

Mayelana nalowo muntu oqokiwe izikhangiso mazingabi ngaphezu kwama-200 kumbe amaphepha esikhangiso sokhetho akhonjiswe ngokwezindawo kanye nemibandela enqunywe isikhulu esinegunya.

(5) *Noma yiyiphi indwangu,*amaphepha,amaphepha axovwe namanzi ukuze kubunjwe ngawo kumbe enye impahla efana nayo engasetshenziswa

ukukhombisa isikhangiso kumele iboshelwe kahle ngokuvikelekile ebhodini eliphathekayo.

(6) Noma yisiphi isicelo semvume ngokwesigatshana soku-1 kumele siphelezelwe idiphozithi eshiwo kwinani lentela.

(7) Idiphozithi ekhokhwe ngokwesigatshana sesi-(6) kumele, kuncike ezihlinzekweni zesigatshana sesi-(8), imali iyakubuyiswa uma zonke izikhangiso ezixhumene nazo sezisusiwe ngokwaneleseka kwesikhulu esigunyaziwe.

(8) Noma yimuphi umuntu okhombise kumbe owenza ukuthi kukhonjiswe isikhangiso mayelana nalapho imvume isinikeziwe ngaphansi kwesigatshana soku-(1),ehluleka ukususa kumbe enze ukuthi zisuswe ngaphakathi kwesikhathi esifanele esishiwo esigatshananeni sesi-(3) kumbe se-(4), uyotholakala enecala futhi nesikhulu esigunyaziwe siyakuba namandla okususa isikhangiso esinjalo futhi angahlephula imali kwidiphozithi ekhokhiwe ngokwesigatshana sesi-(6) inani elishiwo kwisithelelo sentela mayelana naleso naleso sikhangiso esisusiwe uma isamba esishiwo, uMkhandlu uyakunikezwa amandla ukuqoqa isamba esingaphezulu kumuntu onjalo futhi isamba esinjalo siyakuba isikweletu somphakathi esifanele ukukhokhelwa uMkhandlu, ngaphandle uma noma siphi isikhangiso sisuswa ngokwale mithethonqubo uMkhandlu uyakuba namandla okucekela phansi isikhangiso esinjalo ngale kokunikeza isexwayiso kunoma ubani, emva kwesikhathi esiyizinsuku eziyi-14 kusukela osukwini lokususa.

(9) Noma yimuphi umuntu okhombisa kumbe owenza,ovumela kumbe ovumela ukukhonjiswa kwanoma yisiphi isikhangiso esishiwo esigatshaneni soku-(1) futhi noma yimuphi umuntu, ngaphandle kwephoyisa kumbe umuntu onikwe amandla okuphoqelela le mithethonqubo, ogunyazwe ngumuntu obhekelele ukukhonjiswa kwesikhangiso ukusisusa okumele abe ngumkhangisi ngalokhu uma nje sisakhonjisiwe.

(10) Kunoma yikuphi ukumangalelwa okumayelana nesikhangiso esikhonjisiwe kungaba ngokuhambisana kumbe ngokwephula izihlinzeko zalo mthethonqubo, kuyomele kuthathwe ngokuthi isikhangiso esinjalo sakhonjiswa umuntu kumbe abantu,ikilabhu kumbe umzimba wabantu abaxhasile,abaphakamisa kumbe abagqugquzela kumbe abaphethe umhlangano,umsebenzi kumbe umcimbi omaqondana kumbe okhethiwe isikhangiso sokhetho esimaqondana naye kumbe umuntu onjalo, ikilabhu kumbe umzimba owenza kumbe ovumela isikhangiso esinjalo ukuthi sikhonjiswe, njengoba kungaba njalo, ngaphandle

uma kungafakazelwa okuphikisayo .

(11) Isikhulu esigunyaziwe siyakuba namandla, ngaphandle kokunikeza isaziso kunoma ubani, okususa kumbe enze ukususwa kwesikhangiso esikhonjisiwe ngaphandle kwemvume yakhe ngokwesigatshana soku (1) kumbe ngokwephula izihlinzeko zale mithethonqubo kumbe okwakha nganoma yiyiphi indlela ukuphulwa kwale mithethonqubo futhi nomuntu okhombisa isikhangiso esinjalo kumbe enze kumbe avumele ukuthi sikhonjiswe kumbe obukeka ngokwesigatshana sesi-(9) kumbe se-(10) ukuthi wenje njalo kuyofanele akhokhele uMkhandlu isamba njengoba sishiwo ezinhlawulweni zentela ngokwesikhangiso ngasinye esisusiwe isikhulu esigunyaziwe.

(12) Akekho umuntu okumele abeke kumbe abeke kunoma yimuphi umgwaqo womphakathi isikhangiso esikhangisa indali kumbe ukuqashwa kwempahla engahambi kumbe ukuthi impahla enjalo isidayisile; ngaphandle uma lesivimbelo singeke sisebenze mayelana nesikhangiso esinjalo.

(a) esigxunyekwe ngoMgqibelo,ngeSonto kumbe ngeholidi lomphakathi ngokwesikhashana soMgqibelo, seSonto kumbe iholidi lomphakathi, kumbe izinsuku ezimbili kumbe ezingaphezulu zilandelana:

(b) kubandakanya noma yiliphi ibhodi lophawu olukhonjisiwe olungekho ngaphezu kwe- 0,8 m^2 ngokwendawo;

(c) okunikeza indlela futhi nokukhangisa okwaziwa njengokuthi indlu yombukiso;

(d) engavimbeli ukuhamba kwezimoto kumbe kwabahamba ngezinyawo kumbe ukubonakala kwemigqa kubashayeli kumbe kwabahamba ngezinyawo abasebenzisa umgwaqo lapho isikhangiso sigxunyekwe khona kumbe emgwaqeni oseduze kumbe oxhumayo;futhi

(e) engakhonjisiwe ebhodini lophawu efakiwe kumbe egqitshwe emhlabathini.

4. Ukungavumeleki ukukhonjiswa kwezikhangiso zesikhathi eside

Akekho umuntu ongakhombisa kumbe owenza ukukhombisa kwesikhangiso sesikhathi eside,endaweni engaphansi koMkhandlu ngaphandle uma isikhangiso esinjalo sivunyelwe ngokubhalwe phansi nguMkhandlu futhi sikhonjiswe ngokwale Mithetho kaMasipala.

5. Ukusebenza kwezikhangiso zesikhathi eside

(1) Noma yimuphi umuntu ohlose ukwakha, ashintshe kumbe akhombise isikhangiso sesikhathi eside lapho imvume ebhalwe phansi idingeka eMkhandlwini, kumele ayicele imvume enjalo esikhulwini esigunyaziwe efomini lesicelo elinqunyiwe (Uhlelo loku-1). Ifomu elinjalo kumele lisayinwe umfakisicelo kanye nomnikazi (uma engesiyena umfakisicelo) wendawo lapho isikhangiso esinjalo sizobekwa khona.

(2) Isicelo esinjalo esishiwo esigatshaneni soku-(1) kumele sihambisane-

(a) Isicaciso esiphelele esikhombisa isilinganiso sobukhulu bophawu olunjalo, indawo kumbe indawo ephakamiswayo ebhilidini kumbe esinye isakhiwo esilekelelayo, impahla yokwakha, igama kanye nekheli lomkhiqizi, uma kudingeka, inombolo yamalambu kagesi kanye neminingwane kagesi mayelana nalakho.

(b) Umdwebo ephepheni eliqinile elikhomba indawo yophawu olunjalo endaweni esikhaleni esingekho ngaphansi kuka- 1: 50, ekhombisa wonke umbhalo,umbala wempahla,indawo eyakhiwayo, ubungako obuphelele kanye nendlela yokunamathelisa ukumisa kwesikhashana kumbe ukulekelela futhi, uma kudingwa isikhulu esigunyaziwe, umfakisicelo kumele anikeze ngeminingwane engeziwe mayelana nesicelo njengoba kungadingeka;

(c) esimweni sezimpawu zasemhlabathini,ulwazi mayelana nazo zonke izibalo lapho ubukhulu buncike khona;

(d) Imali yesicelo engama-30.00 amarandi.

(3) UMkhandlu unganqaba kumbe unikeze isicelo ngaphansi kwemibandela(ngokungahambisani nemithethonqubo) njengoba ungacabanga ukuthi kufanele, kubandakanya inkokhelo yokuqasha lapho uphawu oluphakanyisiwe lufakiwe ohlakeni olunikezwe uMkhandlu.

6. Ukubhekelelwa kwesicelo sokukhombisa ngezikhangiso zesikhathi eside

(1) UMkhandlu unganikeza kuleyomibandela njengoba inganqunywa, kumbe enqabe isicelo njengoba kushiwo esigabeni sesi-5, kodwa uMkhandlu ngeke unikeze isicelo uma ngokubona , ngokubheka isimo somfanekiso, umbala

kumbe obunye ubunjalo besikhangisi ekukhulunywa ngaso, indawo ephakanyiswayo ngokwebhilidi kumbe isakhiwo lapho kumbe lapho ikhonjiswe khona futhi nasempahleni eseduze,isikhangiso esinjalo sihoxisa kumbe singaveza kabi ukubukeka kwebhilidi kumbe indawo leyo noma impahla eseduze,kumbe ingabonakali.

7. Amabhodi ezimpawu ezinamathelisiwe emabhilidini

(1) Lamabhodi alandelayo ezimpawu futhi azikho ezinye ezinga, kuncike ezihlinzekweni zale Mithetho kaMasipala, ezinganamatheliswa emabhilidini:

1. Amabhodi ophawu oluyisicaba,

2. Amabhodi aphawu oluphumile, kanye

3. Namabhodi ophawu olusesibhakabhakeni

(2) Alikho ibhodi lophawu oluyisicaba okumele -

(a) lululeke ngaphezu kumbe ngale kwecala lodonga lapho lunamatheliswe khona;

(b) luphume kunoma yiyiphi ingxenye ngaphezu kwamamilimitha ayi-100 kusuka odongeni lapho lunamatheliswe khona ;

(c) lube ngaphezulu ngamaphesenti ayi-15 ngobude bebhilidi ophahleni kumbe amaphesenti ayi-15 endawo yodonga lapho inamatheliswe khona.

(3) Alikho ibhodi lophawu okumele -

(a) lunamatheliswe ngaphandle kwe-engele engama-90 emigqeni womgwaqo;

(b) lunamatheliswe ebudeni obusobala obungekho ngaphansi kwamamitha ama-2,5;

(c) lube ngaphezu kwamamilimitha angama-225 uhlonze;

(d) lululeke ngaphezu kodonga lapho lunamatheliswe khona;

(e) luphume ngengxenye ngaphezu kwemitha eli-1,5 ukusuka odongeni lapho lunamatheliswe khona;

(f) lululeke ngaphezu kumbe lube seduzane ngemitha eli-1,2 kunoma yiziphi izintambo zikagesi ezihamba phezulu kumbe amakhebuli;

(g) lunamatheliswe ngaphandle kwendawo ebheke phezulu.

8. Isikhangiso esipendwe emabhilidini

(1) Lezi zikhangiso ezilandelayo futhi azikho ezinye okumele, kuncike ezihlinzekweni zale Mithetho kaMasipala, ezipendwe emabhilidini;

(a) Izikhangiso ezipendwe ezindongeni zamabhilidi.

(b) Izikhangiso ezipendwe ophahleni lwebhilidi olusetshenziswa mayelana nemboni kumbe umshikashika wokukhiqiza..

(2) Asikho isikhangiso esipendwe odongeni lwebhilidi okumele sibe ngaphezu kwamaphesenti ayi-15 ebudeni bebhilidi ophahleni kumbe amaphesenti ayi-15 endaweni yodonga lapho lupendwe khona.

(3) Isikhangiso esipendwe ophahleni lwebhilidi luyoquketha kuphela igama (kumbe izinciphiso lapho) zomuntu ,ifemu, inkampani, ibandla kumbe inhlangano esebenzisa ibhilidi elinjalo.

9. Amabhodi aphansi ophawu

(1) Amabhodi aphansi ophawu ezinsimbini ezingamapali, kojantshi kumbe ezigxotsheni futhi azikho ezinye, kuncike ezihlinzekweni zalo Mthetho kaMasipala, eziyokwakhiwa kunoma yiziphi izindawo.

(2) Yilelo bhodi lophawu lwaphansi -

(a) kumele lilekelelwe izinsimbi ezingamapali kumbe ojantshi kumbe izigxobo, umsuka wazo kumele ugxile futhi unamathele emhlabathini futhi lizimele, liqonde futhi linganyakazi kalula;

(b) lingabi ngaphezu kwamamitha ama-2 ephindaphindwe ngemitha -0,3 ngaphandle njengoba kuhlinzekwe esigatshaneni sesi-3 ngezansi;

(c) uma ingekho ingxenye kumbe ephumela ngaphandle komugqa womgwaqo;

(d) lingekho ngaphezu kwamamitha ayi-6,5 ubude futhi ingavumeleka

emhlabathini,

(3) Izimpawu zasemhlabathini zingavumeleka ebudeni obukhulu obungamamitha ayi-6 futhi nobude obungamamitha ama-3 ngaphandle uma uphawu lungezobanga ingozi ezindaweni eziseduze futhi nemvume yeBhodi isitholakele.

(4) Noma yimuphi umuntu ohlose ukwakha uphawu ngaphandle kwemingcele yendawo lapho uyodinga imvume kaNjiniyela oMkhulu futhi kumele akhokhe imali yonyaka njengoba ibekiwe kwiSheduli yeZimali.

10. Izikhangiso eziphayizayo

UMkhandlu uyakuvumela kuphela izikhangiso eziphayizayo kumbe ezisazilwane uma ubona ukuthi, sewubhekile indawo ephakanyisiwe kanye nobunjalo besikhangiso,ukukhonjiswa kwesikhangiso kungeke kuphazamise abantu abasebenzisa umgwaqo womphakathi kumbe udale izimo eziningwe esigabeni se-11(2).

11. Izivimbelo ezivamile ezihambisana nezikhangiso

(1) Akekho umuntu okumele akhombise noma yisiphi isikhangiso ukuze asithe intuba yomlilo kumbe aphazamise noma agxambukele kunoma yiliphi ifasitela kumbe imbobo edingeka ngezinhloso zokungenisa umoya.

(2) Akekho umuntu okumele akhombise noma yisiphi isikhangiso –

(a) endaweni evimba, ephazamisa kumbe igxambukele kunoma yiluphi uphawu lomgwaqo kumbe olungavimba,luphazamise noma lugxambukele ngenye indlela;

(b) esikhanyayo futhi esinemibala,ebomvu,eluhlaza kumbe owodwa noma eminingi imibala enjalo, ngaphandle uma uphawu olunjalo lunobude obusobala bamamitha ayi-6 kumbe uma uphawu olunjalo lungaphezu kwamamitha ayi-15 (olulinganiswe ngokuqondile) emigqeni oqondile womgwaqo ekhoneni lomgwaqo womphakathi;

(b) Uma ukukhanya okuqine kanjalo kungaphazamisa izakhamuzi kumbe abahlali abaseduze kumbe ebhilidini lokuhlala eliseduze.

11. (a) Izimpawu ezikhomba indlela akumele zakhiwe ezakhiweni zokugodlwa komgwaqo ngaphandle kwamabhodi akhomba indlela angakhiwa iziphathi mandla zasekhaya,ekukhokhweni kwemali eshiwo enkokhelweni yentela,

izimpawu ezinjalo ezikhomba indlela kumele zibe ngamamitha ama-2 ubude futhi zibe ngamamilimitha awu-0,3 (300) ukuphakama futhi zakhiwe kweneliseke uNjiniyela oMkhulu.

(b) Ibhodi lophawu olukhomba indlela akumele libe ngaphezulu kwamamitha ama-4 ubude kusuka emhlabathini kugcineke njengoba kusho imvume yoMkhandlu ngokubhalwe phansi.

12. Izidingo zokwakha amabhodi ophawu

(1) Noma yiliphi ibhodi lophawu kumele lakhiwe ngobunono futhi lakhiwe kahle futhi liphothulwe ngendlela enhle yokusebenza kube khona ukweneliseka kwesikhulu esilawula ibhilidi.

(2) (a) Noma yiliphi ibhodi lophawu elinamatheliswe ebhilidini (kumbe odongeni)kumele liqine futhi linamatheliswe ngendlela ephephile ukuze kuphephe futhi ukuhamba kwanoma yiyiphi indlela kumiswe.

(b) Indlela yokunamatheliswa kumele ibe nakho ukuvikela. Ukusiza kanye nokugcina kungabi ngaphansi kwesisindo sebhodi lophawu lolo ngokwengeza noma yimaphi amandla uphawu olungazithola lukuwo.

(c) Ukusetshenziswa kwezipikili kumbe izinsimbi ezihlanganisayo ngenhloso yokuhlanganisa kanye nokwelekela ibhodi lophawu akuvumelekile.

(3) Noma yiliphi ibhodi lophawu oluphumile kumele, ngaphandle uma isikhulu esiphethe ibhilidi sivuma, akufanele sibe nokungaphansi kokune kokwelekelela-

(a) kube ngokwensimbi;

(b) noma yikuphi okubili okungakwazi ukwelekelela isisindo sebhodi lophawu;

(c) isilinganiso sokuqina uma sihlanganiswe ndawonye siyakubalwa ngesisindo silinganiswa kokubili esisindweni sebhodi lophawu olubekiwe ngokwendlalekile ngengcindezi yomoya yoku-1,5 kPa;

(d) lwakhiwa kahle njengenxenye ebalulekile yesilinganiso sebhodi lophawu kumbe ngaphandle kwalolo olusithiwe ukuthi lubonakale.

(4) (a) Wonke amabhodi ezimpawu anamatheliswe emsebenzini wesitini,isakhiwo samatshe abaziwe kumbe ukhonkolo kumele kuphephe futhi kunamatheliswe kahle lapho ngokusebenzisa amabhawodi afakwe ngokuphephile esitinini, ematsheni abaziwe kumbe kukhonkolo kumbe ihambe entweni efanayo futhi evikelekile ecaleni elingaphesheya.

(b) Amabhawodi anjalo kumele abe nobukhulu kanye nokuqina okuzoqiniseka ukuthi kuyahambisa kahle nesigatshana sesi-(2) kumbe sesi-(3).

(5) Noma yiliphi ibhodi lophawu elikhanyayo futhi noma yiliphi ibhodi lophawu lapho ugesi usetshenziswa khona kumele-

(a) lakhiwe ngempahla engashi ;

(b) kube nenkinibho yangaphandle yokulawula ugesi endaweni ekufinyeleleka kalula kuyo evunyiwe isikhulu esiphethe ibhilidi lapho ukuhamba kukagesi kuya ebhodini lophawu kungafike kucishwe;

(c) kufakwe ugesi futhi kwakhiwe njengoba kweneleseka isikhulu esiphethe ibhilidi.

(6) Zonke izinto ezakhiwe ngensimbi ezisobala zebhodi lophawu kumele zipendwe kumbe ngaphandle uma ziphekwe ukuvimbela ukubola kanye nokuhlaselwa izinambuzane futhi emva kwalokho zipendwe.

(7) Akukho bhodi lophawu lwesikhathi eside okumele lakhiwe ngokuphelele kumbe lube ingxenye yendwangu,ingilazi,useyili,ikhadibhodi,iphepha,kumbe impahla enjalo.

13. Ukunakekelwa kwezikhangisi zesikhathi eside

Umuntu onako kumbe olawula isikhangiso sesikhathi eside kumele,uma isikhangiso esinjalo sisakhonjiswa,ngaso sonke isikhathi anakekele isikhangiso, kubandakanya noma yiliphi ibhodi lophawu lapho likhonjiswe khona, lilungiswe kahle futhi libe sendaweni evikelekile.

14. Izinguquko kanye nokwengezwa okungenziwa ezikhangisweni zesikhathi eside

(1) Akukho muntu ongaguqula kumbe engeze kunoma yisiphi isikhangiso sesikhathi eside, kubandakanya noma yiliphi ibhodi lophawu lapho lukhonjiswe

khona, ngaphandle kwemvume ebhaliwe yoMkhandlu.

(2) Noma yimuphi umuntu one kumbe olawula isikhangiso sesikhathi eside futhi ofisa ukuguqula kumbe engeze kuso kumele acele eMkhandlwini ngokubhala ukuthi athole imvume.

(3) Isicelo esishiwo esigatshaneni sesi-(2) kumele sicacise ubunjalo futhi nezinguquko kanye nokwengezwa okuhlongozwayo.

(4) Umuntu ofake isicelo ngokwesigatshana sesi-(2) ukuthola imvume yoMkhandlu kumele anikeze imininingwane engeziwe ngokuhambisana nesicelo njengoba uMkhandlu udinga.

15. Ukususwa kwezikhangiso zesikhathi eside

(1) Uma kukhonjiswe isikhangiso sesikhathi eside -

(a) lapho imvume ingazange inikezwe ngaphansi kwesigaba sesi -4; kumbe

(b) futhi kungahambisani nezilinganiso kumbe izimo ezinqunyiwe kunoma yiyiphi imvume enikeziwe lapho kumbe kunoma yiyiphi ingxenye eqondene nayo kumbe ikhonjiswe ngendlela kumbe endaweni noma ezimweni ngaphandle kwalezo ezinqunyiwe kunoma yiyiphi into yokuphatha kumbe umthethonqubo, uMkhandlu ngokunikeza isaziso esibhalwe phansi,ungaqondisa umuntu ngokuba ne kumbe ukulawula isikhangiso ukusisusa kumbe enza kube khona ukususwa kumbe ukuguqulwa esikhathini esinjalo (okungamele kube ngaphansi kwezinsuku eziyishumi nanye kusukela osukwini lapho isaziso sinikeziwe) njengoba kungacaciswa esazisweni: Ngaphandle uma uMkhandlu ungeke,esikhathini esiyizinyanga ezintathu kusukela osukwini lokushicilelwa kwalo Mthetho, unikeze indlela mayelana nesikhangiso ebesikade sikhonjisiwe osukwini lokugcina futhi lukhonjiswe ngokuqhubeka endaweni efanayo.

(2) Uma umuntu isaziso esinikezwe kuye ngokwesigatshana soku-(1) ehluleka ukuhambisana nesiyalo esiqukethwe kuleso saziso esikhathini esicacisiwe lapha, uMkhandlu unga, kunoma yisiphi isikhathi emva kokuphela kwesikhathi, ngokusebenzisa igatsha eligunyazwe nguMkhandlu, angene endaweni lapho isikhangiso esihambisana nesaziso, sikhonjiswe khona futhi asuse isikhangiso kumbe enze izinguquko ezinqunyiwe esazisweni.

(3) UMkhandlu ungalanda zonke izindleko ezibekhona ngenxa yesinyathelo esithathiwe ngaphansi kwesigatshana sesi-(2) kunoma yimuphi umuntu isaziso esinikezwe yena, ngaphandle uma eveza ubufakazi-

(a) ukuthi akazange, ngesikhathi ethola isaziso,noma ngesinye isikhathi emva kwalokho, akhombise isikhangiso, kumbe;

(b) ukuthi akazange athathe indawo ebalulekile ekukhonjisweni kwesikhangiso futhi anganikezi imvume kunoma yimuphi umuntu ukukhombisa futhi akazange athole ukucutshungulwa okubalulekile mayelana nokukhonjiswa kwesikhangiso, futhi akakwazi ukukhiqiza indaba kumbe aphathe, alawule kumbe aphathe ibhizinisi kumbe umsebenzi oxhumene nesikhangiso.

16. Ukudluliselwa kwamandla okuphatha oMkhandlu

(1) UMkhandlu ngesiphakamiso unganikeza amandla esikhulwini esiphethe ibhilidi, noma yimaphi amandla anikezwe yile Mithetho kaMasipala ngokwemibandela enganqunywa nguMkhandlu.

(2) Noma yikuphi ukudluliswa kwamandla ngaphansi kwesigatshana soku-(1) akumele kuvimbe ukusetshenziswa kwamandla afanele nguMkhandlu uqobo.

17. Ukushayisana kwemithetho

Uma kunokushayisana phakathi kwale Mithetho kaMasipala kanye nanoma yimiphi eminye iMithetho kaMasipala yoMkhandlu ehlobene nezimpawu zokukhangisa, le Mithetho kaMasipala yiyona eyosebenza

ISHEDULI YOKU-1

Mina, ozosayina ngezansi.....ngicela imvume yokwakha noma yokufaka uphawu e /eduze nase..... ngokuhambisana ngokugcwele nesichasiso esingezansi futhi nemidwebo ifakiwe,kanye nezihlinzeko zemithethonqubo ehlobene nokukhangisa kanye nokukhokha imali yokufaka isicelo ka .....

1. **Imininingwane yophawu**

1. Uphawu lwakhiwe nge .....

2. Loluphawu linobuso OBUBODWA/OBUBILI (susa okungalungile)

3. Uhlobo lophawu OLWASEMHLABATHINI/OLWASODONGENI/OLUPHUMILE/UVULANDA/OLWASESIBHAKABHAKENI

4. Izilinganiso (a) Ubude obuphelele ngaphezu komhlabathi .....

(b) izinga elicacile ngaphezu komhlabathi .....

(c) ubude ..... imitha

(d) Ububanzi .... imitha

5. Okuphumile ebhilidini ..... imilimitha

6. Umbala (a) Isendlalelo .....

(b) Okubhaliwe .....

7. Indawo ezakhiweni (chaza).....

.....

8. Izimpawu zasesiBhakabhakeni (a) Isibalo yezitezi .....

(b) Ubude bebhilidi bonke .....

9. Shono ukuthi uphawu lungavikeleka, lulekelelwe, lusekelwe, lufakwe amabhawodi, nokunye.

.....

10. Uyacelwa ukuthi unamathelise umfanekiso wophawu oluhlongozwayo kanye nesithombe esiveza ngokumnyama indawo yophawu oluhlongozwayo.

Ngiyazibophezela ukunakekela uphawu, ukulifaka futhi nokulekelela ukuthi lube sendaweni nasesimweni esigculisayo kanye nokungafaki uMkhandlu ecaleni nganoma ngakuphi futhi nangazo zonke izibizo ezingaqhamuka ngomphumela, kumbe mayelana, nokwakhiwa futhi/kumbe ukukhonjiswa kophawu.

Ibhalwe ..... ngalolu .....suku lonyaka wezi-
..... 20.....

.....
Isiginesha yomfakisicelo

Ofakazi Ikheli .....

1 .....

2. ....

Mina ozosayina..... mnikazi wophawu okukhulunywa ngalo ngenhla,ngiyavuma ukuthi ngiyifundile imibandela ebekiwe futhi ngiyavuma ukuyilandela noma ngabe izothikameza mina nenkampani yami.

Ibhalwe..... ngalolusuku .....enyangeni ka.....onyakeni wezi-20.....

..... Umnikazi wophawu olushiwo ngasenhla, ngiyavuma ukuthi ngiyifundile imibandela futhi ngiyavuma ukuhambisa uma nje .....unyaka wezi-20.....

.....
Isiginesha yomnikazi wophawu

No. 118 **1 kuLwezi 2010**

UMkhandlu kaMasipala waseRichmond, usebenza ngaphansi kwegunya lesigaba 11, futhi ufundwa ngokuhlanganyela nesigaba 98 soHulumeni Basekhaya: UMthetho Wezinhlelo zikaMasipala, 2000 (UMthetho No. 32 wezi- 2000) lapha ushicilela iMithetho kaMasipala Yabangcwabi yawo.

IMITHETHO KAMASIPALA YABANGCWABI

1. Izincazelo

Ngaphandle uma ingqikithi ibalula ngokunye

"ukungena komoya nokukhanya okwanele" kuchaza ukungena komoya nokukhanya okwanele njengokuningwa eMthethweni Kazwelonke weMithethonqubo Yezokwakha kanye Namazinga, we-1997 (uMthetho No. 103 we-1977), njengoba kuchitshiyelwe noma njengokokusebenza kweMithetho Kamasipala Yezempilo endaweni yokusebenza eyenganyelwe nguMkhandlu;

"isikhulu esigunyaziwe" kuchaza isisebenzi soMkhandlu ogunyazwe nguMkhandlu ukuphatha, ukwenza isebenze kumbe ukuqinisa nanoma yiziphi izihlinzeko zale mithetho kaMasipala;

"uMkhandlu" uchaza uMasipala wase- Richmond kanye nabalandela emva kwawo ngokomthetho, futhi ubandakanya uMkhandlu walowo Masipala noma iKomidi Eliphethe kumbe nanoma yiluphi uhlaka olusebenza ngokwamandla oluwanikwe ngokomthetho kanjalo nayinoma yisiphi isikhulu esigunyazwe yiKomidi Eliphethe sanikwa amandla nemisebenzi maqondana nale Mithetho Kamasipala ;

"isitifiketi sekhono lokusebenza" kuchaza umbhalo oningwe esigabeni 5;

"isikhulu esibhekele ukuhlanzeka kwendawo" kuchaza umuntu oyisisebenzi / oqashwe uMkhandlu futhi obhalise eMkhandlwini Wochwepheshe Kwezempilo waseNingizimu Afrika futhi onikezwe amandla ngokwesigaba 31 (1) soMthetho Wezempilo, 1997 (uMthetho No. 63 we-1977);

"amagceke abangcwabi akhona" kuchaza izindawo ezikhona zabangcwabi ezisetshenziselwa lokho kusukela ngosuku lokuqala kokusebenza kwale Mithetho Kamasipala;

"amagceke abangcwabi" kuchaza lezo zindawo ezisetshenziselwa kumbe ezizosetshenziselwa ukulungisa kanye/ kumbe ukugcina isidumbu;

"umnikazi" kuchaza umuntu isitifiketi sekhono lokusebenza esikhishwe ngegama lakhe ;

"amagceke abangcwabi amasha" kuchaza izindawo zabangcwabi eziqala ukusebenza lo msebenzi ngemuva kosuku lokuqala kokusebenza kwale Mithetho Kamasipala;

"isicefe" kuchaza nayinoma isiphi isimo, into, isenzo noma ukweqiwa okuthukayo noma okungadala ingozi empilweni noma okuhlose ukucekela phansi ukuphepha, ukuhleleka noma impilo yendawo;

" ukulungiselela" kuchaza nayinoma isiphi isenzo esihlose ukulungiselela isidumbu ukuba singcwatshwe noma sishiswe futhi kubandakanya nokufakwa komaka okhomba ukuthi isidumbu sizokwenziwa kuphi kokubalwe ngenhla ,kanti

"ukulungisa" kuchaza nayinoma iliphi igama elisukela egameni elithi ukuhlela elinencazelo ehambisanayo naleli gama;

"isitifiketi sekhono lokusebenza sesikhashana " kuchaza umbhalo okukhulunywa ngawo esigabeni 7

"amanzi angathakwe nalutho " kuchaza amanzi ahlanzekile futhi angathakwe nalutho angenayo i-Escherichia coil organisms futhi angenawo umthamo wamakhemikhalu anobungozi empilweni yomuntu.

"ukuvinjelwa komhlambi wezinambuzane" kuchaza ukuvinjelwa komhlambi wezinambuzane njengoba kubekiwe emithethweninqubo eqondene nokuVinjelwa Kwemihlambi Yezinambuzane kanye Nokugcinwa Kokusanhlamvu, iFolishi, njll, ezindaweni zasemakhaya nasemadolobheni eRiphabhlikhi yaseNingizimu Afrika emenyezelwe yiSaziso sikaHulumeni R. 1411 sangomhla zingama- 23 kuMandulo we- 1966;

"uMthetho" uchaza uMthetho Wezempilo we-1977 (uMthetho No. 63 we-1977) kanye nayinoma iliphi igama elinikezwe incazelo yayo eMthethweni lizoba naleyo ncazelo, ngaphandle uma ingqikithi ikhomba okunye ;kanti

"i-themometha" ichaza ithuluzi elikwazi ukunikeza ukufundwa kwezinga lokushisa nokubanda okukhulunywe ngakho eMithethweni Kamasipala, ukuhlanganisa ubuqiniso baleyo themometha kanye namazinga ayo okushisa nokubanda – ukuzwela izinga lokushisa nokubanda kulinganiselwa ku-0.5° C.

2. Izidumbu kumele zilungiselwe ezindaweni zabangcwabi kuphela lezo ezikhishelwe isitifiketi sekhono lokusebenza.

Ngaphandle uma kuhlinzekelwe ngokunye kule Mithetho kaMasipala, akukho muntu oyolungisa futhi/noma alondoloze nayinoma isiphi isidumbu kwenye indawo ngaphandle kwasezindaweni zabangcwabi lezo ezikhishelwe isitifiketi sekhono lokusebenza futhi ezisebenzayo.

3. Ukukhululwa

(1) UMkhandlu ungakhulula ngokubhalwe phansi nanoma ngubani ekuhambisaneni nayo yonke noma eminye yale Mithetho kaMasipala, lapho ngokubona koMkhandlu ukungahambisani neMithetho kaMasipala akunasicefe noma angeke kubange isicefe.

(2) Lokho kukhululwa kuzohambisana nemibandela enjalo , futhi kuzoba semthethweni isikhathi esiyomiswa nguMkhandlu esitifiketini sokukhululwa.

4. Isicelo sokukhishwa nokwedluliswa kwesitifiketi sekhono lokusebenza

(a) Nanoma ngubani ofisa ukufaka isicelo sesitifiketi sekhono lokusebenza maqondana nendawo entsha yabangcwabi, kumele esikhathini esingaba yizinsuku ezingama-21 athumele isicelo sakhe eMkhandlwini kwenzele ukuthi isaziso senhloso yakhe sikhishwe ngolimi lwesiZulu, isiNgisi nesiBhunu ephephandabeni elitholakala endaweni lapho kuzokwakhiwa khona lezi zindawo kumbe lapho zakhiwe khona.

(b) Leso sicelo kumele sibe nolwazi olumayelana nokuthi isicelo sokukhishwa kwesitifiketi sekhono lokusebenza ngokwale Mithetho kaMasipala kumele sithunyelwe eMkhandlwini nokuthi nanoma ngubani ofisa ukuphikisa ukusetshenziswa okunjalo afake ukuphikisa kwakhe, kuhambisana nokumeleleka okucacile, kuMkhandlu ngokubhalwe phansi ezinsukwini ezingama-21 kusukela osukwini lokushicilelwa kwaleso saziso.

(2) (a) Isicelo sokukhishwa kwesitifiketi sekhono lokusebenza kumele senziwekuMkhandlu ngokubhaliwe efomini elisemthethweni bese siphezelwe yilokhu okulandelayo-

(i) incazelo ngamagceke kanye nendawo azoba kuyo, kubalwa impahla yokusebenza, izindawo zokulondoloza, izindawo zokulungiselela kanye nezindlu zangasese.

(ii) ipulani ephelele yokwakhiwa okuhlongozwayo noma yezakhiwo esezivele zikhona ngokwesikalo sika: 1:100 kuhlanganisa nohlelo lokuthuthwa kwemfucuza esaketshezi.

(iii) ipulani yamagceke lapho ingxenye yangasenyakatho ikhonjiswa isondelene nemanye amagceke asevele esetshenziswa ngumfakisicelo kumbe abanye abantu kanye nenhloso lawo magceke asetshenziselwa yona noma azosetshenziselwa yona;

(iv) imininingwane yanoma ngubani ngaphandle komfakisicelo kumbe izisebenzi zakhe ezilungisa noma ezizolungisa izidumbu kulawo magceke; kanye

(v) nohlelo lokuqapha ingozi engahle ivele maqondana nokulondolozwa kwezidumbu esimweni sokungasebenzi kweziqandisi kumbe kwendlu yamakhaza.

(vi) uhlelo lokuhlanza nokulwa namagciwane

(3) UMkhandlu, uma ubheka udaba lokukhishwa kwesitifiketi sekhono lokusebenza, ungacela olunye ulwazi oluthe xaxa oludingekayo kumfakisicelo kumbe kunoma yimuphi omunye umuntu.

(4) UMkhandlu angeke ukhiphe kumbe wedlulise isitifiketi sekhono lokusebenza ngaphandle uma sekwenziwe ukuhlolwa okuphelele kwamagceke athintekayo yisikhulu esiqokwe nguMkhandlu futhi nombiko waso mayelana nokuhlolwa, kuhlanganisa neziphakamiso zaso mayelana nokukhishwa noma ukwedluliswa, ususezandleni zoMkhandlu .

5. Ukukhishwa noma ukudluliswa kwesitifiketi sekhono lokusebenza

Uma uMkhandlu wenelisekile ukuthi lawo magceke athintekayo-

(1) ayahambisana nazo zonke izidingo ezibekwe kule Mithetho kaMasipala kanye neminye imithetho esebenzayo;

(2) akulungele ngayo yonke indlela ukulungiselelwa kwezidumbu; Futhi

(3) angeke alulaze nanoma ngubani ohlala emagcekeni akhelene nalawo magceke,

ezimweni lapho ngokokubona kwawo maqondana namagceke abangcwabi, uyokhipha isitifiketi sekhono lokusebenza egameni lomfakisicelo ngefomu elibekiwe noma, ngokufaka isigxivizo sokugunyaza, uyokwedlulisela isitifiketi sekhono lokusebenza esivele sikhona kumnikazi omusha, kuye ngesimo.

6. Ukuba semthethweni kanye nokwedluliselwa kwesitifiketi sekhono lokusebenza

Isitifiketi sekhono lokusebenza, ngaphandle kwesitifiketi sekhono lokusebenza sesikhashana , uma sesigxivizwe nguMkhandlu, siyodluliselwa sisuswa kumnikazi sinikezwa umnikazi omusha futhi leso sitifiketi uma sigxiviziwe kanjalo, siyoba semthethweni kusukela ngosuku esiyokhishwa ngalo kuze kube siyachithwa noma siyamiswa ngokwale Mithetho Kamasipala .

7. Ukukhishwa kwesitifiketi sekhono lokusebenza sesikhashana

(1) Uma kungukuthi uMkhandlu awunelisekile njengalokhiu kuningwe esigabeni 4 mayelana namagceke abangcwabi afakelwe isicelo sesitifiketi sekhono lokusebenza, uMkhandlu, esimweni samagceke abangcwabi futhi kuncike kuleyo mibandela enqunywe nguMkhandlu, ungakhipha isitifiketi sekhono lokusebenza sesikhashana maqondana nalawo magceke.

(2) Isitifiketi okukhulunywe ngaso esigatshaneni (1) siyokhishwa kuphela uma uMkhandlu ugculiseka ukuthi ukusetshenziswa kwalawo magceke abangcwabi akubangi sicefe futhi angeke kubange sicefe, futhi sizokhishelwa isikhathi eslinganiselwa ezinyangeni eziyisithupha ukuze umfakisicelo akwazi ukuguqula lawo magceke ukuze ahambisane nezihlinzeko zale Mithetho kaMasipala.

(3) Uma emva kwesikhathi okukhulunywe ngaso esigatshaneni (2), amagceke awahambisani nezihlinzeko zale Mithetho kaMasipala, uMkhandlu ungasichitha isitifiketi sekhono lokusebenza sesikhashana.

8. Imisebenzi yomnikazi

(1) Umnikazi kuyomele azise uMkhandlu ngokubhalwe phansi ngokushesha uma kunezinguquko emininingwaneni kumbe ezimweni ezazaziswe uMkhandlu ngesikhathi kwenziwa isicelo sesitifiketi sekhono lokusebenza .

(2) Umngcwabi angeke alahle isidumbu noma kuphi nje ngaphandle kwasemathuneni noma endaweni yokushisa izidumbu ngokoMthetho waKwaZulu-Natli Wezamathuna Nezindawo Zokushisa Izidumbu,we-1996 (uMthetho No.12 we-199).

(3) Umnikazi uyohambisana nezihlinzeko zale Mithetho kaMasipala, imithetho esebenzayo kanye neminye imibandela ebekwe nguMkhandlu.

9. Ukumiswa noma ukuchithwa kwesitifiketi sekhono lokusebenza noma isitifiketi sekhono lokusebenza sesikhashana

(1) Uma uMkhandlu unombono, ngokwesisindo sombiko wokuhlola kanye/noma isiphakamiso esenziwe yisikhulu sezokwelapha ngokwezempilo noma isikhulu esibhekele ukuhlanzeka kwendawo, wokuthi kunezizathu eziqinile zokusola ukuthi -

(a) amagceke abangcwabi athintekayo asetshenziswa ngendlela edala ubungozi noma izimo ezinobungozi ezakhiweni zomngcwabi noma;

(b) amagceke athintekayo asetshenziswa ngokungqubuzana nezihlinzeko zoMthetho Wezempilo,1977 (uMthetho No. 63 ka-1977), le Mithetho kaMasipala noma eminye imithetho esebenzayo noma eminye imibandela ephoqwa yisitifiketi sekhono lokusebenza noma isitifiketi sesikhashana sekhono lokusebenza, uMkhandlu ngokubona kwawo –

(i) maqondana nemibandela ebekwe esigabeni 9 (1)(a) lapho khona ubona ukuthi ubungozi bempilo obubonakalayo bungadala ingozi yangempela uMkhandlu ungasihoxisa isitifiketi.

(ii) maqondana nanoma yikuphi ukungqubuzana nezimiso okukhulunywe ngakho esigabeni 9(1)(b) ukumiswa kwesitifiketi sekhono lokusebenza noma kwesitifiketi sekhono lokusebenza sesikhashana esithintekayo ngaleso sikhathi njengokunquma koMkhandlu, kusiza umnikazi ukuze akwazi ukuhambisana nemithetho evele isebenza kanye/noma nemibandela efakiwe, uma umnikazi ehluleka ukuhambisana nemigomo esikhathini sibekwe esazisweni sokumiswa, uMkhandlu ungachitha leso sitifiketi sekhono lokusebenza kumbe isitifiketi sesikhashana sekhono lokusebenza;

(iii) ungamisa isitifiketi sekhono lokusebenza kumbe isitifiketi sesikhashana sekhono lokusebenza isikhathi esiyonqunywa nguMkhandlu, ukunika umnikazi isikhathi sokuthi ahambisane nemithetho esebenzayo kanye/ kumbe imibandela ebekiwe, inqobo nje uma umnikazi ehluleka ukuhambisana esikhathini

esibekiwe esazisweni sokumiswa, uMkhandlu ungachitha isitifiketi leso ngaphandle kokukhipha esinye isaziso.

(2) Isaziso esikhishwe nguMkhandlu ngokwesigaba 9(1) kumele sikhishwe ngokubhaliwe, bese sinikezwa umnikazi.

(3) Ukumiswa noma ukuchithwa kwesitifiketi sekhono lokusebenza noma kwesisitifiketi sekhono lokusebenza sesikhashana ngokwalo Mithetho kaMasipala kuyoqala kusukela ngosuku lwesaziso sokumisa noma sokuchitha -

(a) akukho kulungiselelwa kwesidumbu okuzokwenziwa emagcekeni athintekayo ;

(b) akukho sidumbu esizokwamukelwa emagcekeni athintekayo ; futhi

(c) akukho sidumbu esizogcinwa emagcekeni athintekayo futhi zonke izidumbu ziyosheshe zikhishwe emakhazeni alawulwa nguHulumeni, ukuphathwa kwesifundazwe noma uMkhandlu kumbe ezinye izindawo zabangcwabi ngaphandle uma lo Mthetho Kamasipala ungeke usebenze futhi nesaziso okukhulunywe ngaso singeke saziwe njengesithibelo kunoma yimuphi umsebenzi webhizinisi maqondana nomsebenzi wobungcwabi kuhlanganisa ukudayiswa kwamabhokisi emingcwabo kanye nemishwalense.

(4) Uma uMkhandlu unombono wokuthi umbandela okuyiwo obangele ukuthi kuchithwe isitifiketi njengoba kuningwe kulo Mthetho kaMasipala walungiswa emva kwalokho kuchithwa, ngokwesicelo esibhalwe phansi ngumnikazi noma egameni lakhe, uyoqeda ukuchithwa okunjalo bese kuthi ngesicelo esibhalwe phansi ngumnikazi noma egameni lakhe kuqedwe lokho kuchithwa ngokuthi kugxivizwe leso sitifiketi esithintekayo.

10. Izidingo ezihlobene namagceke abangcwabi

(1) Ukuhlinzekelwa kokulandelayo kuyokwenziwa emagcekeni abangcwabi :

(a) igumbi lokulungiselelwa kwezidumbu

(b) amagumbi okushintshela, ahlukaniswe ngokobulili, asetshenziswa yizisebenzi eziqashwe kula magceke;

(c) izindawo zamakhaza ukuze kugcinwe izidumbu

(d) izindawo zokugeza nokuhlanza amathuluzi nezinto zokusebenza ngaphakathi esakhiweni.

(e) izindawo zokuhlanza izimoto emagcekeni .

(f) izindawo zokulayisha nokwehlisa izidumbu njengoba kuningwa endinyaneni 10(6).

(2) Alikho igumbi ezakhiweni zomngcwabi elizosetshenziselwa enye inhloso ngaphandle kwenhloso elihlelelwe yona.

(3) Igumbi lokulungisela-

(a) kumele lakhiwe ngendlela yokuthi -

(i) lehlukaniswe kuwo wonke amanye amagumbi asemagcekeni omngcwabi futhi ingakwazi ukuxhumana ngqo nayinoma iliphi ihhovisi noma igumbilokudayisa : Ngaphandle uma igumbi lokulungisela elisemagcekeni omngcwabi avele esebenza likwazi ukuxhumana, indawo yokungena kufanele ingabi sobala ngendlela yokuthi ingxenye engaphakathi ingabonakali nhlobo kubantu abasehhovisi elxhumene nayo kumbe abasegumbini lokudayisa;

(ii) livumele ukuthi iphunga eligqabula ukhakhayi kanye nomhwamuko lilawuleke kahle futhi likwazi ukungenisa umoya nokukhanya okwanele.

(b) kumele libe nephansi-

(i) elimboza indawo engekho ngaphansi kwamaskwemitha ayi-6 ethebula lokuqala elifana nelisesigabeni 10(3)(e) kanye amaskwemitha ayisi-8 ethebula ngalinye elengeziwe;

(ii) elakhiwe ngosimende noma ngempahla engangenwa manzi enengaphezulu elibushelelezi, elingasheleli, okulula nokulihlanza futhi lithi ukwehlela kancane ukuqininisekisa ukuthi nanoma yikuphi ukugeleza kuyochithekela ohlelweni lokulahla okusaketshezi oluvunywe nguMkhandlu; futhi

(iii) uma lakhiwe noma lifakwe ngemuva kosuku lokuqalisa kwale Mithetho Kamasipala, lizohlinzekwa ngodaka lokugcwalisa oluyingxenye yendilinga (half round filling) lapho lihlangana khona nodonga;

(c) kumele libe nezindonga, ingaphezulu lengaphakathi lazo libe bushelelezi futhi lipendwe ngopende onombala okhanyayo futhi owasheka kalula kumbe nanoma iyiphi impahla efannele, ebushelelezi, engangenwa manzi, enombala okhanyayo futhi ewasheka kalula;

(d) lizohlinzekwa ngosilingibhodi ongekho ngaphansi kwamamitha ama-2,4 ngaphezu kwephansi, lowo silingi kumele ungangenwa thuli futhi upendwe ngopende onombala futhi owasheka kalula.

(e) kumele libe namatafula angaphezu kwelilodwa ensimbi kumbe nanoma yiyiphi impahla efanele, afakwe umphetho ngaphandle, umpompi onamanzi abandayo lapho kungaxhunywa khona ipayipi elibuye likhishwe kanye nesitamkoko esixhumene nohlelo lokulahla oluvunyiwe;

(f) kumele lingabi nosinki owodwa itafula ngalinye, owakhiwe ngensimbi noma enye impahla efanele enendawo yokusebenzela engaphezulu layo lenziwe ngempahla efanayo, ompompi abanamanzi ashisayo nabandayo kanye nesitamkoko esixhunywe ngokuphelele ohlelweni lokulahla oluvunyiwe, futhi lihlinzekwe ngamathawula asetshenziswa kanye alahlwe, ibhulashi lezinzipho kanye nensipho;

(g) kumele lingabi nompompi owodwa okuzoxhunywa kuwo ipayipi elibuye likhishwe, elide ngokwanele ukufinyelela kuwo wonke amakhona alelo gumbi, kumele lixhunywe ukuze kuhlanzwe ingaphakathi; futhi

(h) kumele libe neminyango ekuvuleka kwawo kungekho ngaphansi kwamamitha angu-0, 82 ububanzi kanye namamitha ama-2 ubude ukuze kube lula ukufaka nokukhipha izidumbu kulelo gumbi .

4. Igumbi ngalinye lokushintshela kumele okungenani libe nalokhu okulandelayo:

(a) usinki owodwa onompompi onamanzi ashisayo nabandayo, ozosetshenziswa yizisebenzi eziyisithupha noma ingxenye yazo.

(b) amathawulwa alahlwayo ngemuva kokusetshenziswa, insipho,amabhulashi ezinzipho kanye nezibulali magciwane

(c) izindlu zangasese ezingaphezu kweyodwa zezisebenzi zesilisa eziyi-15 kumbe ingxenye yazo kanye neyezesebenzi zesifazane eziyi-15 noma ingxenye yazo eziqashwe endaweni yomngcwabi othintekayo, ngaphandle uma kunendawo yokuchama yabesilisa eseceleni , kufanele kube nendlu yangasese eyodwa yabesilisa kanye nendawo yokuchama engasetshenziswa ngabesilisa abangama-30 noma ingxenye yabo

(5) Izindawo zamakhaza njengeziqandisi kumbe amagumbi amakhaza okugcina izidumbu, kumele zakhiwe phakathi noma eduze kakhulu kwegumbi lokulungiselela futhi-

(a) Lapho kusetshenziswa khona iziqandisi, kumele zakhiwe ngempahla engangenwa umswakama, ihlinzekwe ngamathileyi akhiphekayo futhi yakhiwe ngendlela yokuthi akwazi ukugelezisela amanzi esitamkokweni esivunyiwe futhi kube lula ukuwahlanza futhi -

(b) yakhiwe ngendlela yokuthi izinga lokubanda kwanoma yisiphi isidumbu lingabi ngaphezu kuka-5° C emahoreni ama-3 samukelwe futhi lingabi ngaphezu kaka-15° C ngesikhathi silungiselelwa. Kumele kuhlinzekwe i-themomitha eshaya emhloleni esiqandisini noma igumbi lamakhaza futhi ihlale isebenza isebenza zikhathi zonke;

(c) ezimeni lapho kusetshenziswa amagumbi amakhaza kufanele lihambisane nezigaba 10(3)(a)(ii), (b)(ii), (c), (d) no- (h) futhi kumele lihlinzekelwe ngamashalofu akhiqizwe ngempahla engangenwa umswakama futhi okulula ukuyihlanza ; futhi

(d) izidumbu akufanele zibekwe phezu kwezinye futhi kufanele zigcinwe ngazinye emathileyini noma emashalofeni.

6. Izindawo zokuhlanza, zokwehlisa nezokwethulwa kwezidumbu kumele zibe nendawo enonqenqema, esithekile emphakathini, enesitamkoko esiya odongeni oluxhumeke ohlelweni lokuthutha ukungcola eligunyazwe nguMkhandlu.

7. Ukulayishwa nokwethulwa kwezidumbu kanye nokugezwa kwezimonto angeke kwenzeke nanoma yikuphi ngaphandle kwendawo ebalulwe esigabeni 10 (6).

8. Amagceke abangcwabi kumele avikeleke emagundaneni nezinambuzane.

11. Ukuhlanzeka

(1) Udoti oqinile emagcekeni omngcwabi uzogcinwa emiqgonyeni evalwayo futhi kuzobhekwana nawo ngokuhambisana nezidingo zoMkhandlu.

(2) Bonke abanikazi bezitifiketi zolwazi oluqondene nezakhiwo zomngcwabi bazokwenza okulandelayo –

(a) bazohlinzeka izingubo ezihlanzekile zokuvikela ezihambisana namagilavu, amabhutsi, amaphinifa eplastiki, ama-maski asebusweni nama-ovaroli kubo bonke abasebenzi kanye nakubo bonke abantu ababamba iqhaza ekuhlelweni kwezidumbu kanti bonke ababamba iqhaza uma benza umsebenzi wokuhlela izidumbu kufanele bazigqoke lezi zimpahla ezihlinzekiwe;

(b) bazogcina amagceke enganawo amaphela nezinambuzana ngaso sonke isikhathi.

(c) ngemuva kokuhlela nayinoma isiphi isidumbu, kufanele bahlanze indawo abebekade besebenzela kuyo kungakapholi maseko;

(d) kufanele bahlanze zonke izinto abebezisebenzisa futhi baqinisekise ukuthi bayawabulula amagciwane ezintweni abebesebenza ngazo ngenkathi behlela isidumbu;

(e) kufanele bahlanze izimpahla zokuvikela ebekade zisetshenziswa ezakhiweni nsukuzonke;

(f) kufanele bagcine amagceke ehlanzekile futhi eqoqokile zikhathi zonke; futhi

(g) uma ngabe isidumbu sithuthwe ngaphandle kokuvalwa kufanele ukuthi imoto ebithwele isidumbi igezwe ngemuva kokuba isidumbu sesehlisiwe.

12. Izinhlawulo

Nanoma yimuphi umuntu –

(1) owephula kumbe ohluleka ukuhambisana nanoma yiziphi izinhlinzeke zale mithetho kaMasipala;
(2) owephula kumbe ohluleka ukuhambisana nanoma yisiphi isaziso esikhishiwe noma umbandela obekiwe ngokwale mithetho kaMasipala;
(3) ngenhloso yale mithetho kaMasipala, okhipha isitatimende esingesilo iqiniso ebe azi ukuthi asisilo iqiniso kumbe anike ulwazi olungasilo iqiniso kumbe oluholela ophathe ngabomu isisebenzi noma isikhulu esigunyaziwe;
(4) osabisa, anqabe, aphazamise kumbe avimbele isikhulu esigunyaziwe kumbe isisebenzi soMkhandlu ekusebenziseni amandla aso kumbe ekwenzeni umsebenzi waso ngaphansi kwale mithetho kaMasipala, uyotholakala enecala bese kuthi lapho egwetshwa kuyomele akhokhe inhlawulo ye- R10 000.00 kumbe agqunywe ejele isikhathi esingeqile ezinyangeni ezingamashumi aambili kumbe kokubili inhlawulo kanye nokugqunywa ejele.

13. Ukushayisana kwemithetho

Uma kukhona nanoma yikuphi ukushayisana phakathi kwale mithetho kaMasipala kanye nanoma yiyiphi eminye imithetho kaMasipala yoMkhandlu emayelana nabangcwabi, kuyomele kusebenze le mithetho kaMasipala.

UMkhandlu kaMasipala waseRichond, usebenza ngaphansi kwegunya lesigaba 11, futhi ufundwa ngokuhambisana nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo zikaMasipala, wezi-2000 (UMthetho No.32 wezi-2000), lapha ushicilela iMithetho yawo kaMasipala Yesikidi.

IMITHETHO KAMASIPALA YESIKIDI

1. Izincazelo

Kule Mithetho kamasipala, ngaphandle uma kuphambene nengqikithi-

"isilwane" kuchaza nanoma yisiphi isilwane esisahhashi noma esisankomo, noma yinoma yiyiphi imbongolo, imvu, imbuzi, ingulube noma intshe efuyiwe, noma yini ezalwa yingxubevange yalezo zilwane, noma yiziphi izinkukhu nezinyoni zasekhaya;

" UMkhandlu" kuchaza uMasipala wase-Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo Masipala noma iKomidi lawo eliPhethe kumbe nanoma yiluphi olunye uhlaka olusebenza ngokwamandla eluiwanikwe ngokomthetho, kumbe nayinoma yisiphi isikhulu esigunyaziwe nguMkhandlu sanikwa amandla nemisebenzi maqondana nale mithetho kaMasipala;

" isilwane esiboshiwe" kuchaza nanoma yisiphi isilwane esifakwe esikidi njengalokhu kushiwo esigabeni 5;

" umnikazi" maqondana nanoma yisiphi isilwane kubandakanya nomphatheli womnikazi noma yinoma yimuphi umuntu onelungelo ngokomthetho lokugcina isilwane;

" umnikazi" maqondana nanoma yimuphi umhlaba kubandakanya umnikazi obhalisiwe, umqashi kanye nanoma yimuphi osebenzisa leyo ndawo ngokusemthethweni leso silwane;

" isikidi" kuchaza nanoma yiyiphi indawo lapho kusungulwe khona isikidi nguMkhandlu noma uMkhandlu usisungulelwe khona ukuze kuboshwe khona izilwane ngokwale Mithetho kaMasipala ;lisungulwe khona ngokoMkhandlu lokubophela izilwane ngaphansi kwale Mithetho kamasipala, futhi

" imenenja yesikidi" kuchaza umuntu oqokwa izikhathi ngezikhathi nguMkhandlu ukuba alawule isikidi esisungulwe nguMkhandlu kanye nonoma yimuphi omunye umuntu oqokwe yilo muntu ukuba abambe esikhundleni sakhe ngesikhathi engekho esikidini.

" imali enqunyiwe" kuchaza imali enqunywa nguMkhandlu izikhathi ngezikhathi ezinhlawulweni zentelo yoMkhandlu

" indawo yomphakathi" nanoma yiyiphi indawo lapho umphakathi ukwazi ukungena khona ngokukhululeka, kubandakanya nanoma yiyiphi indawo evulekile, ipaki, inkundla yokungcebeleka, inkundla yezemidlalo, ibhishi, inxanxathela yezitolo esemhlabeni kamasipala, umhlaba ongasetshenzisiwe / umhlaba kamasipala ongenalutho noma amathuna, kanye

" umgwaqo womphakathi" kuyochaza umgwaqo womphakathi njengoba kuchaziwe ngaphansi kwesigaba 1 soMthetho Wezemigwaqo, we- 1996 (UMthetho No. 93 we-1996).

2. Ukusetshenziswa

Akukho okuvimbela nanoma yisiphi isilwane esiboshiwe ngokwale Mithetho kaMasipala ukuba sifakwe esikidi noma endaweni ethi mayifane naso esungulwe yinoma yimuphi omunye umasipala, uhulumeni wesiFundazwe noma omunye umaziphathe osemthethweni.

3. Ukusungulwa kwesikidi

(1) UMkhandlu ungasungula isikidi kunoma yiyiphi indawo engaphansi kwawo, futhi uMkhandlu ungaphelisa isikidi nanoma yinini lapho uMkhandlu ubona kufanele.

(2) UMkhandlu uyonikeza isaziso sokusungulwa kwesikidi, noma sokupheliswa kwaso, ngokushicilela isaziso okungenani emaphephandabeni amabili aphuma endaweni elawulwa nguMkhandlu.

4. Ukubanjwa nokuthuthwa kwezilwane

(1) Yinoma yisiphi isilwane –

(a) esitholakale singene ngokungemthetho endaweni, noma

(b) esihlanhlathayo noma esizulazula singabhekiwe emgwaqweni womphakathi noma kwenye indawo yomphakathi, singabanjwa futhi sithuthelwe esikidi ngumnikazi waleyo ndawo, yisisebenzi soMkhandlu, yilungu lombutho wezaMaphoyisa aseNingizimu Afrika noma imenenja yesikidi.

(2) Nanoma yimuphi umuntu obambe isilwane ngenhloso yokusibopha asifake esikidi kumele-

(a) athuthele leso silwane esikidi kungakapheli amahora angama- 24 emva kokusibamba; futhi

(b) aqinisekise ukuthi uyasinakekela ngokuyikho isilwane esibanjiwe kuze kube isilwane siyamukelwa ephawundi

5. Ukwamukelwa kwezilwane

(1) Nanoma yimuphi umuntu othuthela isilwane esikidi kumele ahlinzeke imenenja yesikidi -

(a) ngegama lakhe kanye nekheli lalapho ehlala khona ngokugcwele;

(b) isikhathi nendawo lapho ebambe khona isilwane, kanye

(c) nembangela asibophele yona isilwane.

(2) Imenenja yesikidi kumele, ngesikhathi yamukela isilwane esiboshiwe –

(a) ibhale phansi imininingwane enikeziwe ngokwesigaba 5 (1) futhi enze okufanayo nasebhukwini eligcinelwe leyo nhloso;

(b) inikeze umuntu olethe isilwane irisidi elikhombisa-

(i) igama lakhe;

(ii) uhlobo lwesilwane; kanye

(iii) nosuku nesikhathi sokwamukelwa kwesilwane esikidi, futhi

(c) agcine ikhophi lerisidi ngalinye elikhishwe ngokwesigaba 5(2)(b).

(3) Akekho umuntu okumele adedele noma azame ukudedela, ngale kokuhambisana nale Mithetho kaMasipala, nanoma yisiphi isilwane ebesamukelwe esikidini.

6. Ukunakekelwa kwezilwane

(1) Imenenja yesikidi kumele inakekele yinoma yisiphi isilwane esiboshwe ngokwale Mithetho kaMasipala.

(2) Imenenja yesikidi akumele isebenzise noma idale noma ivumele ukuba kusetshenziswe yinoma yisiphi isilwane esiboshiwe ngokwale Mithetho kaMasipala.

(3) Esehlakalweni sokulimala noma sokufa kwanoma yisiphi isilwane esiboshiwe, imenenja yesikidi kumele ibhale phansi imbangela yalokho kulimala noma ukufa futhi kumele igcine nanoma yisiphi isitifiketi sikadokotela wezilwane esikhishiwe.

(4) Imenenja yesikidi kumele igcine amarekhodi anoma yiziphi izindleko ezidaleke maqondana nesilwane esiboshiwe kubandakanya kodwa kungagcini, ekunakekelweni ngokudla nangodokotela kwezilwane.

7. Ukudedelwa kwezilwane

Imenenja yesikidi kumele inikezele isilwane esiboshiwe kunoma yimuphi umuntu-

(1) oyigculisile ukuba ungumnikazi wesilwane esiboshiwe;
(2) okhokhe izindleko zokusithwala nezasesikidi ezinqunyiwe, futhi
(3) okhokhe izindleko zanoma yimuphi udokotela wezilwane noma ezinye ezidaleke ekuboshweni kwesilwane.

8. Ukuchithwa kwezilwane

(1) Imenenja yesikidi ingadayisa endalini yomphakathi futhi nangokuthola imali nanoma yisiphi isilwane esiboshiwe esingalandwanga ezinsukwini ezingama-30 siboshiwe, futhi uma kungukuthi-

(a) uMkhandlu uthathe zonke izinyathelo ezifanelekile zokuthola nokwazisa umnikazi;
(b) umnikazi akatholakalanga noma, nakuba kade esenikezwe isaziso sezinsuku eziyi- 10, ehlulekile ukulanda isilwane esiboshiwe, futhi
(c) izinsuku eziyi-10 ngaphambi kwesaziso sendali ehlongoziwe sinikeziwe ngokwesigaba 8(2).

(2) Indali yesilwane esiboshiwe kumele ikhangiswe ngokubeka isaziso ebhodini lezaziso zomphakathi endaweni eqokwe nguMkhandlu ngaleyo nhloso-

(a) esichaza isilwane, ubulili baso, ubudala baso obuhlawumbiselwayo kanye nanoma yiluphi uphawu noma umaka esinawo; futhi
(b) esibalula ukuthi isilwane sizodayiswa endalini yomphakathi uma singalandwa ezinsukwini eziyi- 10.

(3) Imali etholakele endalini iyosetshenziselwa ukukhokha izinhlawulo nezindleko ezibalulwe esigabeni 7 bese kuthi eyosala, uma ikhona, iyodliwa nguMkhandlu uma ingalandwanga ezinyangeni ezintathu ngumuntu oyogculisa imenenja yesikidi ukuthi ungumnikazi wesilwane esiboshiwe.

(4) Uma imenenja yesikidi, nganoma yisiphi isizathu, ingakwazi ukudayisa yinoma yisiphi isilwane esiboshiwe noma uma, ngokubona kwemenenja yesikidi, isilwane siyingozi kakhulu, sinesifo noma sigula kakhulu noma sisesimweni esidinga ukuba sibulawe, imenenja yesikidi ingenza ukuba isilwane sibulawe noma uma kungenjalo kube ukushabalaliswa kwesilwane ngendlela egunyazwe nguMkhandlu.

(5) Nanoma yiyiphi imali eshodayo phakathi kokuqhutshwa kwendali, uma kubekhona, kanye nezinhlawulo nezindleko okukhulunywe ngakho esigabeni 7, noma izindleko zokuphazamiseka njengoba zishiwo emshwaneni 8(4) kungafunwa nguMkhandlu kumnikazi.

9. Isivikelo

UMkhandlu, imenenja yesikidi kanye nanoma yisiphi isikhulu, isisebenzi, umphatheli noma ikhansela loMkhandlu akuyokubekwa cala lokufa noma lokulimala kwanoma yisiphi isilwane okwenzeke ngenxa yokubanjwa,

ukuboshwa noma ukudedelwa, kumbe okwenzeka ngesikhathi sokuboshwa kwaso.

10. Amacala nezinhlawulo

Nanoma yimuphi umuntu owephula noma ohluleka ukuhambisana nanoma yiyiphi nhlizeko yale Mithetho kaMasipala uyobekwa icala lokwaphula umthetho futhi uyohlawuliswa inhlawulo engeqile ezi- R2000 noma abhadle ejele isikhathi esingeqile ezinyangeni eziyisithupha kumbe kokubili, inhlawulo kanye nokubhadla ejele.

11. Ukuphikisana kwemithetho

Uma kukhona ukuphikisana phakathi kwale Mithetho kaMasipala neminye Mithetho yoMkhandlu, le Mithetho kaMasipala yiyona eyosetshenziswa.

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UMkhandlu kaMasipala waseRichmond, usebenza ngaphansi kwegunya lesigaba 11 sifundwa ngokuhlanganyela nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo zikaMasipala, wezi-2000, (UMthetho No.32 wezi- 2000) lapha ushicilela iMithetho yawo kaMasipala yokusetshenziswa kwezinsiza zomphakathi, zobuciko kanye namasiko.

IMITHETHO KAMASIPALA YOKUQASHA KANYE NOKUSETSHENZISWA KWEZINSIZA ZOMPHAKATHI, ZOBUCIKO KANYE NAMASIKO

1. Izincazelo

Kule Mithetho kaMasipala, ngaphandle uma ingqikithi ichaza okunye-

"ubuciko" kuchaza zonke izinhlobo kanye nemidanso yesintu, imidlalo yeshashalazi ,umculo, inkundla yomculo, ubuciko obubonwayo, imisebenzi yezandla, imidwebo, ubucikomazwi obubhalwayo nobukhulunywayo, ifilimu yamabhayisikobho, ubuciko bomphakathi namasiko, konke okusebenza njengendlela yokuveza ikhono lomuntu ngamunye noma ikhono leqoqo labantu futhi livezwa indlela abasebenza ngayo, izethulo, imibukiso, ukudlulisela kwabanye kanye nokufunda;

"iciko" kuchaza nanoma ngubani ozibandakanya ekwakhiweni noma ekukhiqizweni komculo, umdanso, ithiyetha, imisebenzi yezandla, amafilimu, amabhayisikobho, ubuciko bomphakathi kanye namasiko, ithiyetha yomculo kanye nobucikomazwi;

"izinto ezisetshenziswa ukwelekelela emisebenzini ethile" kuchaza nanoma yikuphi ukufakwa noma izimpahla ezisebenza ngogesi ezakhiweni futhi kuhlanganisa ngaphandle kokujivazayo okuyimvama okuhamba phambili, okuyinoma iziphi izikhiye izingidi, amafasitela, amapani enkuncunkuncu, izitsha, ompompi bamanzi kanye nemifakelo futhi "izinto ezisetshenziswa ukwelekelela emisebenzini ethile"unenye incazelo efanayo;

"isisebenzi esinegunya" kuchaza isisebenzi soMkhandlu esinikezwe amandla kanye/ kumbe imisebenzi okumele siyenze;

"isikhungo" kuchaza ibhilidi eliphethwe noma elisetshenziswa nguMkhandlu, noma ngabe lifaka ihholo lomphakathi noma cha, lapho imisebenzi yamaqembu emidlalo yangaphakathi, engeyamasiko noma engekaqedisizungu iqhutshelwa khona.

"UMkhandlu" kusho uMasipala waseRichmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanom a yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

"Isiko" kuchaza izinto ezibonakalayo ezihlukanisayo, ngokomoya, ngokwezinto eziphathekayo, ngokwengqondo kanye nangokwemizwa ngokuhlangane ezibonakalisa umphakathi kumbe iqembu lomphakathi futhi kufaka ukugcinwa kolimi kanye namagugu (okungabalwa imyuziyemu, indlu yokulondoloza imilando yesizwe, imitapo yolwazi , izindawo ezinomlando wezwe kanye namatshe ezikhumbuzo);

"imisebenzi yamasiko" kuchaza nanoma yimiphi imisebenzi yamasiko, imihlangano yamasiko, imigubho, ukudayiswa kwezimpahla esezisebenzile, umbukiso kanye nanoma imiphi eminye imisebenzi yamasiko;

"izinsiza" kuchazwa izinsiza zezobuciko namasiko ezingaphansi kokuphathwa nokulawulwa kuMkhandlu futhi kubalwa konke okusetshenziswa ekwelekeleleni emisebenzini ethile;

"umsebenzi weqembu" kuchaza umsebnzi owenzeka ngobuciko, ngokwesiko kumbe ngokwemidlalo edlalelwa ngaphakathi, lapho idlanzana lamalungu eqembu abanentshisekelo kulolo hlobo lomsebenzi bazibandakanya kungaba ndawo kumbe ngamaqenjana, noma ngokulandelana, okungaba ngozimela ngabodwana kumbe ngamathimu:

"Isiqashi" kuchaza umuntu ofaka isicelo, akhokhe bese ethola imvume yokusebenzisa izinsiza;

"umuntu" kuchaza umuntu qobo lwakhe noma umuntu ngokubuka komthetho nangokuguquka futhi kufaka nenhlangano yokuzithandela yabantu qobo lwabo kumbe yabantu ngokubuka komthetho;

"amagceke" kuchaza nanoma yimuphi umhlaba, amabhilidi noma isakhiwo kumbe ingxenye yomhlaba , yebhilidi kumbe yesakhiwo okwenzelwa kuyo imisebenzi yobuciko kanye namasiko ehanjiswa ngokwale Mithetho yaMasipala noma lapho kwakhiwe khona isikhungo;

"imali enqunyelwe umsebenzi" kuchazwa inkokhelo enqunywa nguMkhandlu izikhathi ngesikhathi kuzinhlelo zawo zezinkokhelo ezimisiwe;

"indawo" kuchazwa indawo lapho amagceke noma amabhilidi oMkhandlu akhiwe khona.

2. Amalungelo kanye nomumo wamaciko

UMkhandlu kumele uwazise amalungelo awo wonke amaciko okwenza uhlobo lobuciko eliwakhethile kanye nelungelo lawo lokukhululek lokubeka imibono ngokukhululeka ngezindlela ezivumelana nokusebenza kwanoma yimiphi eminye imithetho efaneleyo.

3. Ukubambisana phakathi kweMinyango yoMkhandlu

Yonke iMinyango yoMkhandlu enamandla phezu noma enesibopho sanoma insiza yomphakathi yokwenza izinto ezinhlobonhlobo kumele ibambisane neminye iMinyango ekuqinisekiseni ukuthi

(a) leso sikhungo sinakekelwa ngendlela elungele izinhloso esasakhelwe sona noma esisetshenziselwa sona yini; kanye nokuthi

(b) ayikho ingxenye yaleso sikhungo eqashiselwa abantu abangaphezu koyedwa ngesikhathi esisodwa.

4. Ukufaka isicelo sokuqasha izinsiza

(1) Nanoma ngubani ofisa ukufaka isicelo sokuqasha izinsiza kumele–

(a) alethe isicelo sikwifomu elibekelwe lokhu nguMkhandlu,

(b) alethe leso sicelo eMkhandlwini futhi acacise ukuthi ufuna ziphi izinsiza, izihlalo, izindawo zokuhlala, kanye nempahla yokusebenza edingakalayo kanye nesikhathi lapho izakhiwo kanye nezinsiza njengalokhu kushiwo kule ndima zidingeka ngaso;

(c) aqiniseke ukuthi lelo fomu lokufaka isicelo litholwa nguMkhandlu esikhathini esingekho ngaphansi kwamasonto amabili ngaphambi kosuku amagceke kanye nezinsiza kudingwa ngakho okokuqala ngumfakisicelo.

(2) uMkhandlu unganqaba ukuqashisa ngamagceke noma ngezinsiza ngokwesigatshana (1) noma wesule nanoma yikuphi ukubekisa ngendawo okukhona uma-

(a) amagceke noma izinsiza zizosetshenziselwa izinhloso ezingekho emthethweni; kumbe

(b) amagceke noma izinsiza lezo zicelwayo zidingwa nguMkhandlu ngokwemisebenzi kaMasipala ngaikhathi esifanayo.

(3) Asikho isinxephezelo esikhokhwa nguMkhandlu kulowo oqashile ngokulahlekelwa okungenzeka ngokwesizathu soMkhandlu ngokusebenza ngokwesigatshana (2): Ngaphandle uma uMkhandlu ungazithathela isinqumo sokubuyisela yonke inkokhelo ebisikhokhelwe wona maqondana nesicelo.

(4) Isiqashi sinqunyelwe ukusebenzisa izinsiza ezicaciswe encwadini yesicelo futhi akumele sisebenzise ezinye izinsiza singazange sifake isicelo.

(5) Izinsiza kanye nendawo yokuhlala eqashiwe angeke ikwazi ukusetshenziselwa ezinye izinjongo ngaphandle kwalezo ezicaciswe encwadini yesicelo ngaphandle kokutholakala kwemvume ebhaliwe nguMkhandlu kuqala,

(6) Awekho amagceke noma izinsiza eziqashiswe nguMkhandlu ezingasetshenziselwa nanoma yiyiphi inhlobo yokudumisa ngokwenkolo, ngaphandle uma kuqale kwatholakala imvume ebhaliwe yoMkhandlu; inqobo nje uma kungukuthi-

(a) lokhu kusetshenziswa kungenziwa emagcekeni kuphela ngezikhathi ezibalulwe kwinkontileka yokuqasha kumbe encwadini yokugunyaza; futhi

(b)uMkhandlu unelungelo lokungavumi ngphandle uma ugculiseka ukuthi lokho kusetshenziswa angeke, ngesizathu sokucula, ukuhuba, ukuhalalisa, noma ezinye izinhlobo zokudumisa ezibanga umsindo, kube isiphazamiso esingafanele esingaguqula ukuthokoza okujwayelwe ngabanye abahlali basebhilidini noma abahlali bamabhilidi angomakhelwane.

5. Imali Yenkokhelo emisiwe

UMkhandlu unganquma inani elifanele lentela yemisebenzi kanye nezinsiza ezihlinzekwe uMkhandlu ngokwale Mithetho kaMasipala isikhathi ngesikhathi.

6. Ukukhokhwa kwenkokhelo

Akukho muntu ovumelekile ukusebenzisa amagceke noma izinsiza ngaphandle uma imali enqunyiwe isikhokhwe ngokugcwele. UMkhandlu ungakhulula nanoma ubani kumbe inhlangano, ngesihle, ekukhokheni ingxenye noma yonke imali enqunyiwe

7. Isikhathi sokuqasha

Ngaphandle kokumisa nanoma yikuphi okunqunywe nguMkhandlu maqondana nezinsuku kanye nesikhathi amagceke kanye/ noma izinsiza ezingaqashwa ngazo, uMkhandlu ungavumela umqashi ukuba aangene ezinsizeni ngokufanele ngaphambi kosuku lokuqala kwesikhathi sokuqashisa, ukuze umqashi akwazi ukwenza amalungiselelo kanye nohlelo oludingekayo emagcekeni.

8. Ukulungiswa kwesikhathi sokuqasha

(1) Nanoma ubani ofaka isicelo sokusebenzisa amagceke kanye/ noma izinsiza ngokwezihlinzeko zesigaba 4 angafaka isicelo sokuhlehlisa ukubekiswa

kwendawo kuye kolunye usuku, emva kokuvunywa kwesicelo leso kanye nokubekiswa kwalawo magceke, ngaphandle kwenhlawulo noma kokulahlekelwa ilungelo. UMkhandlu ungenqaba ukuhlehlisa uma amagceke kanye/ kumbe izinsiza sezibekelwe ukusetshenziswa omunye umuntu noma abanye ngosuku okuhlehliselwe kulo.

(2) Nanoma yimuphi umuntu osesifakile isicelo sokubekisa amagceke noma izinsiza angahoxisa lokho kubekisa . Kepha- ke, uma -

(a) ukubekiswa kusulwe kusasele inyanga eyodwa noma ngaphezulu ngaphambi kokuqalisa kosuku lokubekisa lokho, umqashi kumele abuyiselwe ngokugcwele imali enqunyiwe ebisikade ikhokhiwe;

(b) ukubekiswa kuhoxiswa ngaphezu kwezinsuku eziyi- 15 kepha ngaphansi kwenyanga eyodwa ngaphambi kosuku lokuqalisa kwalokho kuqasha, umqashi kumele abuyiselwe ama __% email enqunyiwe.

(c) ukubekisa kuhoxiswa eziinsukwini eziyi-15 noma ngaphansi ngaphambi kosuku lokuqalisa ukubekisa lokho, umqashi asinalungelo sobuyiselwa nanoma yiyiphi imali enqunyiwe.

(3) Nanoma ngubani anganezela isikhathi sokuqasha amagceke kanye/ noma izinsiza ngokufaka isicelo esibhalwe phansi kuMkhandlu, inqobo nje uma kungukuthi amagceke lawo kanye / noma izinsiza ezithintekayo ngaleso sikhathi azikabekelwa ukusetshenziswa omunye umuntu noma abantu.

9. Ukuqasha ngokuhlanganyela

(1) UMkhandlu ungaqashisa nanoma yimaphi amagceke kumbe ingxenye yawo kubaqashi abehlukene ukuba bawasebenzise ngezikhathi esifanayo futhi esimweni esinjalo umqashi ngamunye kumele asebenzise zonke izinsiza ezisekelayo ezisetshenziswa yizingxenye ezahlukene zamagceke ngokuhlanganyela nabanye abasebenzisi futhi ngendlela evumela nabanye abaqashi, izivakashi zabo, amakhasimende kanye nabaqaphi abehlukene ukuba bathokozele okusebnzisa izinsiza bngaphandle kokwephula amalungelo okusebenzisa abanye abasebenzisi.

(2) Izihlinzeko zale Mithetho kaMasipala, zifundwa kanye nezinguquko ezidingekayo, zisebenza kubasebenzisi abahlanganyele bamagceke eqashiwe.

10. Ukuqashisa isibili

Umqashi akanakuqashisa nanoma yimuphi amagceke kumbe izinsiza kunoma yimuphi omunye umuntu noma inhlangano kumbe futhi umqashi akanakunikela, athembise noma ayekele nje ngokusiza omunye umuntu nanoma yimaphi amalungelo noma izibopho zakhe ngaphansi kwale Mithetho kaMasipala kumbe avumele nanoma yimuphi omunye umuntu ukuba asebenzise amagceke ngaphandle kokuqala athole imvume ebhaliwe yoMkhandlu.

11. Isimo samagceke

(1) Umqashi kumele ahlole izinsiza eziqashiwe , kubalwa konke okufakiwe, izinto ezisebenza ngogesi, okwengeziwe, imihlobiso kanye nefenisha ngaphambi kokuba aqale asebenzise lokhu okufakiwe, izinto ezisebenza ngogesi, okwengeziwe, imihlobiso kanye nefenisha, futhi uma umqashi ethola ukuthi kukhona okwalezi zinto ezibaliwe okungekho esimweni esilungile, umqashi kumele abikele uMkhandlu.

(2) Uma iumqashi ehluleka ukuhlola izinsiza ngokwesigatshana (1), noma ehlukeka ukubika nanoma yimuphi umonakalo otholakele, kuyothathwa ngokuthi ngesikhathi umqashi eqala ukusebenzisa izinsiza yonke into emagcekeni ibisesimweni esifanele.

12. Imisebenzi yomqashi

Wonke umuntu oqasha amagceke eMkhandlwini kumele-

(a) athathe zonke izinyathelo ezifanele ukugcina wonke amapayipi okuthutha indle, ompompi bamanzi kanye nemisele engaphakathi kumbe eseva amagceke engenazithiyo ukuvaleka okubangelwa imisebenzi yokuqasha kwakhe;

(b) ngazo zonke izikhathi agcine amagceke ehlanzekile, ecocekile futhi esesimeni esinempilo;

(c) angafaki kumbe anamathisele nanoma yiziphi izaziso kumbe ezinye izinto emagcekeni ngaphambi kokuthola imvume yoMkhandlu: Inqobo nje uma umqashi ezozikhipha zonke izinto ebezinanyathelisiwe ngesikharthi sekuphela ukuqasha kwakhe;

(d)angafiphazi nanoma iluphi ucwecwe lwamawindi engilazi ngokupenda kumbe ngokunye;

(e) angashayisi izindonga kumbe isahlukaniso sezakhiwo noma izicabha zezakhiwo kanye nazo izikafulo kumbe izipikili;

(f) bangashintshi kumbe bagxambukele noma baxhume ngokweqile noma yiziphi izintambo zika gesi ezakhiweni;

(g) bangasusi kumbe bakhiphe ezakhikhiweni nanoma yiyiphi ifenisha kumbe impahla noma eyahlobo luni okungeyoMkhandlu,

(h) bangavimbeli kumbe bagxambukele noma baqgashule imishini ekala izinga lokushisa kumbe imishini yokuletha umoya ezakhiweni kumbe kunoma yiliphi ibhilidi lapho lezi zakhiwo zitholakala khona;

(i) bangasunguli kumbe bafake noma ini engaphephanga noma impahla esindayo,ifenisha,impahla efakelwayo, kumbe impahla ngokombono wesisebenzi esinegunya kungalimaza izakhiwo nanoma yiyiyiphi ingxenye: Uma isisebenzi esinegunya singasungula enye impahla,lezo zimo zifanele ukuqikelela ukuphepha kwezakhiwo kanye nabantu abazisebenzisayo;

(j) bangafaki imishini eletha umoya kumbe izilinganiso zomoya kumbe izinto zokusebenza ezakhiweni ngaphandle kwemvume yoMkhandlu;

(k) bangavumeli ukugcinwa kwezimoto kumbe noma yini esusekayo yanoma yiluphi uhlobo onqenqemeni ngaphandle kumbe ezindaweni zokungena, ehholo ,ezitebhisweni kumbe emaphaseji ezakhiwo;

(l) bangenzi noma yini kwizakhiwo, kumbe bavumele kwenziwe noma yini engahambisani nanoma yimuphi umyalelo ofanele kumbe isivimbelo esikhishwe yisisebenzi ;

(j) bangapaki izimoto kumbe bavumele ukupakwa kwezimoto zezisebenzi zeziqashi, izimenywa, abasebenzeli, abaqondisi kumbe noma abanye abakhulumeli noma yikuphi kwizakhiwo ngaphandle kwezindawo eziklanyelwe ukupaka okufanele kwizakhiwo ezikhonjwe yisisebenzi esinegunya

13. Ukulimala kwesakhiwo

Isiqashi esihluleka ukugcina futhi sinakekele izakhiwo kanye nezinsiza aziqashile kanye nokuzibuyisela kumkhandlu ngendlela ebeziyiyo kanye nesimo ebeziyiso ngesikhathi eziqasha, ngokwengeza kunama yiziphi izixazululo ezikhona kuMkhandlu emthethweni ovamile, ulahlwa yicala futhi uyokhokha nenhlawulo ebalulwe kule Mithetho kaMasipala.

14. Izikhangiso kanye nemihlobiso

(1) Akukho muntu ofake isicelo sokuqasha izakhiwo futhi/kumbe izinsiza bangamemezela emphakathini kumbe bakhangise noma yimuphi umsebenzi kumbe umcimbi oqondene nesicelo sokuqasha izakhiwo futhi/kumbe izinsiza ngokwale Mithetho kaMasipala sezenziwe ngaphambi kokuba uMkhandlu wazise abantu ngokubhalwe phansi ukuthi isicelo sivunyiwe.

(2)Zonke iziqashi kumele, ngaphambi kokuphuma kwizakhiwo ebeziziqashile ekupheleni kwesikhathi sokuqasha kwanoma yisiphi isizathu, zisuse wonke amaphepha ezaziso,izimemezelo, imihlobiso,amafulegi,izibonakaliso,izimpawu nanoma ini enye yokukhangisa kumbe ukukhombisa okwakhiwe kumbe okufakwe uye, futhi alungise noma yimuphi umonakalo owenziwe ilokhu kususa

15. Ukwamukelwa kanye nokudayiswa kwamathikithi

Isiqashi sinomsebenzi wawo wonke amalungiselelo amayelana nokwamukelwa kwamalunga omphakathi kunoma yimiphi imicimbi yamasiko noma eminye kwizakhiwo; kanye nokuhlinzekwa kwabasizi kanye nabanye abantu abadingekayo ukulawula ukwamukelwa kwabantu kwizakhiwo, kanye nokudayiswa kwamathikithi.

16. Ukuminyanisa

(1) Akukho ukuminyaniswa kwezakhiwo kumbe izinsiza eziyovumeleka noma yingasiphi isikhathi ngesikhathi sokenzeka komcimbi wamasiko wesiqashi futhi isiqashi kumele silandele izidingo zoMkhandlu ezinquma inombolo yabantu abavumelekile kwizakhiwo ngesikhathi somcimbi wamasiko.

(2) Ngaphandle kokuhoxiswa kwezidingo ezivamile ezishiwo kwisigatshana soku-(1), isiqashi akumele samukele abanye abantu kwizakhiwo abangaphezu kwenani lezihlalo ezikhona kumbe, lapho indawo yokuhlala ingahlinzekwanga, inani elipheleleyo labantu elinqunywe yisaziso kwizakhiwo kumbe njengoba kubalulwe kwisivumelwano sokuqasha.

17. Ukudayiswa kokudla okubandayo

(1) Akukho muntu ongadayisa ukudla noma iziphuzo ezithambile kunoma yiziphi izakhiwo eziqashiwe ngesikhathi sanoma yimiphi imisebenzi eqashelwe

yona ngaphandle kwemvume ebhalwe phansi nguMkhandlu.

(2) UMkhandlu ungavumela ukudayiswa kwezidlo ezibandayo noma ukudla yilowo muntu okungenzeka avunyelwe emva kokuthi usuthole isicelo esibhalwe phansi okudasisa lezo zinto, fuithi uMkhandlu kumele unikeze indawo eyanele kulowo muntu osevunyelwe ukudayisa impahla, ifenisha, izinsizakusebenza, okufakiwe kanye nezincwadi ezifanele ezidingekayo kulowo mcimbi kumele zibhekelelwe.

(3) Izihlinzeko zesigatshana soku-(1) kanye (2) azisebenzi lapho ukusatshalaliswa kanye nokudayiswa kwezidlo ezibandayo kumbe ukudla kuyingxenye ebalulekile yemicimbi yamasiko yesiqashi.

(4) Izihlinzeko zesigatshana se-19 (1) kanye (2), ezifundeka noshintsho olufanele, zisebenzamayelana nanoma yikuphi ukulahleka, ukuntshontshwa noma ukulimala okutholwe yisiqashi noma omunye umuntu mayelana nephuzu elishiwo kwisigatshana sesi-(2).

18. Imisebenzi

(1) Ubunjalo bemisebenzi kaMasipala okumele ihlinzekwe kwizinsiza nguMkhandlu, izisebenzi zawo, abakhulumeli abanegunya boMkhandlu kumbe abahlinzeki bemisebenzi ngokubona koMkhandlu

(2) Noma ngabe uMkhandlu kumbe izisebenzi zawo noma abakhulumeli abanegunya kumbe abahlinzeki bemisebenzi yibona ababhekene nokungalethwa kumbe ukungathunyelwa kwezimpahla, izinto ezithunyelwe ngeposi kumbe izinto zesiqashi, futhi yibona ababhekene nanoma yini yesiqashi, izisebenzi zaso, izimenywa, umsebenzeli, iziphathimandla noma abakhulumeli okungenzeka babambise noma bazishiye ezakhiweni noma kunoma iyiphi ingxenye.

(3) UMkhandlu ungazithatha izinyathelo angazibona zinesidingo ngokubona kwawo ukuze kunakekelwe ngendlela futhi kusebenze noma yiziphi izindawo ezijwayelekile ezakhiweni.

(4) Umkhulumeli onegunya woMkhandlu angawuthamela umcimbi wesiqashi ukuqinisekisa ukuthi noma yiziphi izihlinzeko zeMithetho-kaMasipala ziyalandelwa.

(5) Isiqashi asinalo ilingelo lemisebenzi esemthethweni yanoma yisiphi isisebenzi esinegunya kumbe abkhulumeli boMkhandlu abathamela umcimbi

wesiqashi ngokwesigatshana sesi-4.

(6) Isiqashi asinalo ilungelo lokuthola ukuhlanzelwa mahhala noma eminye imisebenzi yoMkhandlu mayelana nemicimbi yesiqashi kusukela ngesikhathi kusalungiselelwa umcimbi noma ngesikhathi umcimbi sewenziwa.

19. Ukusilela amacala lokukhokha

(1) UMkhandlu, izisebenzi zawo kanye nabahlinzeki bemisebenzi abanamacala oku-

(a) ukulimala noma ukulahleka okwenziwe yinoma yimuphi umuntu ngenxa yokwentuleka kumbe ukuphazamiseka kwemisebenzi kaMasipla ezakhiweni noma ngenxa yanoma yisiphi isenzo noma ukusalela engxenyeni yoMkhandlu, izisebenzi zawo, izisebenzi ezinegunya noma abakhulumeli noma abahlinzeki bemisebenzi uma uMkhandlu ubona isidingo sokuphazamisa ukuze ukwazi ukusebenzisa noma yimaphi amalungelo awo kumbe ukuqhuba izibopho zawo *ngaphansi kwale Mithetho kaMasipala kumbe ngaphansi kweminye imithetho* yobuciko;

(b) noma ikuphi ukulahleka, ukuntshontshwa noma ukulimala okwenzeke empahleni edayiswayo, ifenisha, izinsizakusebenza, okufakiwe, izincwadi, amaphepha, izingubo noma ezinye izimpahla zanoma yikuphi ukubaluleka ezigcinwe ezakhiweni eziqashiwe yisiqashi kumbe omunye umuntunoma ngabe kumayelana nebhizinisi esiqashi noma cha;

(c) noma yikuphi ukulahlekelwa okwenzeke kwisiqashi noma omunye umuntu ngokusebenzisa izinsiza ezakhiweni eziqashile kumbe ngenxa yemvula, isichotho,ukubanika,umoya,umlilo,isiphepho, isidumo noma okuphathelene nesiphithiphithi kumbe ukulahleka kwezimpilo kumbe ukulimala kwesiqashi kumbe omunye umuntu ongaphakathi ezakhiweni;

(d) ukulahlekelwa okutholwe yisiqashi noma omunye umuntu ngenxa yanoma yikuphi ukuhluleka noma ukulimala kwanoma yiziphi izinsiza ezakhiweni eziqashiwe: Uma lokho kwahluleka kumbe ukulimala kungenziwanga ngamabomu kumbe iphutha engxenyeni yoMkhandlu,

(2) Zonke iziqashi kumele, ngaso sonke isikhathi sokuphetha isivumelwano sokuqashwa kwezakhiwo kanye/noma izinsiza eziceliwe, zigcwalise bese zisayina

ifomu lokuzazisa elidingwa uMkhandlu ngokusiza uMkhandlu, izisebenzi zawo, kanye nabahlinzeki bemisebenzi.

20. Ukubhidlizwa kwezakhiwo

(1) UMkhandlu ungachitha ukuqashiwa kwezinsiza uma -

(a) izinsiza ziyalinyazwa noma zonakele ngendlela yokuthi ngeke zisakwazi ukusetshenziswa; noma

(b) kunokulimala kwizinsiza ngendlela yokuthi yize isigatshana soku- (1) (a) singasebenzi, izakhiwo esekuthiwe angeke zisasetshenziswa ngenxa yokungatholakali kumbe ukulethwa kwezidingo zemisebenzi kaMasipala noma izinto ezenza kubelula ukuhlala khona; kumbe

(c) kunokubhidlizwa kwezakhiwo ezilimele noma ingxenye yalapho noma kumabhilidi angomakhelwane, noma ngabe izakhiwo eziqashiwe ziyathinteka noma cha futhi uMkhandlu unquma ukungaqhubeki nokuqashisa izakhiwo ukuze baqale ukwakhiwa kabusha , ukulungisa noma ukwakha kabusha kumbe ngezizathu zokuphepha.

(2) Noma yisiphi isinqumo esenziwe ngokwesigatshana soku-(1) kumele saziswe ngokubhalwe phansi nguMkhandlu siya kwisiqashi ngesikhathi esifaneleyo sokwenziwa komcimbi oshiwo esigatshaneni soku-(1) (a) esenza ukuhoxiswa; uma indaba yesaziso sinikeziwe ngokwale sigatshana soku- (1) (b) kanye (c) , leso saziso siyothathwa njengesisebenzayo kusukela kulolo suku ukulimala noma ukubhidlizwa okwenzeke ngalo.

(3) Akukho siqashi esingamangalela uMkhandlu, izisebenzi zawo noma abakhulumeli abanegunya noma abahlinzeki bemisebenzi okuvela

(4) ekulimaleni kumbe ekudilizweni kwezakhiwo kumbe noma yiyiphi ingxenye ngokulahlekelwa kumbe ngokuhlomula kwesiqashi ngezakhiwo.

21. Ukuhoxiswa kwesivumelwano ngenxa yokungalandeli imigomo yaso

UMkhandlu ungachitha ukuqashisa ngezinto zokusiza noma yingasiphi isikhathi uma umqashi ehluleka ukuhambisana nezihlinzeko ngokwale Mithetho -

kaMasipala futhi uMkhandlu awunacala lokulimala noma lokulahleka okwenziwe yinoma yimuphi umuntu ngenxa yokuhoxiswa kwesivumelwano. Esimeni salokho kuhoxiswa, uMkhandlu awuvimbekile ukusebenzisa amalungelo awo kanye nezikhalo uMkhandlu ongaba unazo esiqashini ngaphansi kwanoma yisiphi isihlinzeko ngokwale Mithetho kaMasipala kumbe ngokomthetho ojwayelekile.

22. Ukuvalwa kokuqasha

(1) Phezu kokuvalwa kwesikhathi sokuqasha nganoma yisiphi isizathu. Isiqashi kumele siphindise izakhiwo kanye nezinsiza zisesimeni esihle nesifanele eMkhandlwini futhi uma kukhona ezilimele noma eziphukile kumele sizenze sibe zinhle futhi sizikhande ngezindleko zaso noma okunye esingakwenza ukuhlawula kuMkhandlu ngesamba esithile sokuzibuyisela, nokukhanda kumbe ukubuyisela izimpahla eziphukile, ezilimele kumbe ezilahlekile

(2) Zonke iziqashi kumele zaphume kwizakhiwo eziziqashile uma kuphela isikhathi sokuqasha njengoba kubhaliwe kwifomu lesicelo kumbe kwinkontileka yokuqasha. Uma umqashi ehluleka ukulandela izihlinzeko zalesigatshana, uMkhandlu uyoba nelungelo lentela ephinde yanqunywa yesikhathi esingeziwe ngesikhathi umqashi eqhubeka ehlala kwisakhiwo emuva kokuphela kwesikhathi sokuqasha. Izihlinzeko zale sigatshana azivimbeli uMkhandlu ukuba uthathe izinyathelo zomthetho ukuthola incwadi ekhipha noma yisiphi isiqashi kwizakhiwo

(3) Zonke iziqashi kumele zilandele yonke imiyalelo efanele nesemthethweni mayelana nokuhlanzwa kwezinsiza kusebenza uma kuphuma iziqashi kwizakhiwo.

(4) Zonke iziqashi kumele zilandele yonke imiyalelo efanele nesemthethweni yoMkhandlu mayelana nokuphuma kwizakhiwo kanye nokuphindisa izinsiza kusebenza

23. Izingozi zomlilo kanye nomshwalense

(1) Iziqashi kunoma yisiphi isikhathi akumele alethe kumbe avumele ukulethwa kumbe ukugcinwa kwezinto kwizakhiwo, noma enze kumbe avumele ukuba kwenziwe kwizakhiwo, noma yini, into kumbe umsebenzi lapho umlilo

kumbe umshwalense webhilidi elithintekayo ungasasebenzi lapho inkokhelo yalowo mshwalensi isikhushuliwe.

(2) Uma inkokhelo yomshwalense ikhushulwa ngenxa yanoma yimuphi umthetho kumbe ukushiya okuningwe kwisigatshana soku-(1), uMkhandlu, ngokubona kwawo, ungavumela lomsebenzi futhi umqashi angabuyisela inani elifanele mayelana nanoma yiyiphi inkokhelo eyengeziwe kumshwalense futhi umqashi kumele alikhokhe leli nani ngokuphuthuma ngokwaziswa uMkhandlu kumbe inkampani yomshwalense kusukela inkokhelo seyengeziwe .

(3) UlMkhandlu kunoma esiphi isikhathi ngokubona kwawo ungadinga umqashi ukuba athathe umshwalense wezakhiwo eziqashiwe enkampanni yomshwalense egunyazwe uMkhandlu, ukuzivikela ekulahlekeni kumbe ekulimaleni okungenziwa umlilo kumbe ongadalwa yinoma yini ngesikhathi somcimbi lapho izimpahla ziqashiwe

24. Izinto zokugcina

UMkhandlu awubhekene nokuhlinzeka ngezinsiza zokugcina impahla yomqashi, kumbe izisebenzi zomqashi, izivakashi, abasekeli kumbe abasebenzeli nganoma yisiphi isikhathi ngaphambi, ngesikhathi kumbe emuva komcimbi yamasiko

25. Izinsiza kusebenza

Umqashi odinga uMkhandlu umnikeze noma yiziphi izinsiza kusebenza azozisebenzisa ngesikhathi somcimbi, angazisebenzisa lezo zinsiza kuphela ngemvume yoMkhandlu futhi ngokuqashwa yisisebenzi esinegunya. Uma umqashi enza umonakalo kwizinsiza kumbe esuse kumbe edala ukuba impahla isuswe kwizakhiwo ngaphandle kwemvume kumbe, isuswe ngemvume, ahluleke ukuyibuyisela, umqashi kumele azilungise kumbe akhokhe imali yokuzibuyisela.

26. Ilungelo lokungena

(1) Kuncike kwizihlinzeko ezisebenza kumthetho kazwelonke kanye nakwiSifundazwe, uMkhandlu noma umkhulumeli onegunya woMkhandlu kumbe umhlinzeki womsebenzi angangena ezakhiweni ngazo zonke izikhathi ezifanele-

(a) ukuzohlola izakhiwo nokuzoqhuba ukulungisa noma ukushintsha noma ukungeza noma ukuguqula kumbe ukuthuthukisa ezintweni zokusiza noma ezakhiweni.

(b) ukuze kuqinisekiseke ukuthi izimo zokuqasha izakhiwo kanye nezihlinzeko zale Mithetho - kaMasipala ziyalandelwa.

(2) Umqashi akanakumangalela ukuncipha kwenkokhelo ekhokhelwa ukuqasha izinto zokusiza, isinxephezelo, umonakalo, kanye nokunye okumayelana nokusetshenziswa kwamalungelo oMkhandlu ngaphansi kwalesi gatshana (1).

(3) UMkhandlu, umkhulumeli onegunya woMkhandlu noma umhlinzeki womsebenzi unelungelo lokumisa isibhaxa sokukhwela, ukuqongelela kanye nezinto zokusebenza ebhilidini ngaphakathi, eduze,noma ngaphambi kwezakhiwo kanye nakwezinye iziceba ezidingwa umthetho kumbe ezingalungiswa abaklami bokwakhiwa kwezindlu boMkhandlu uma kunesidingo sokuqhuba lokho kulungiswa okuningwe kwisigatshana soku-(1)(a)

27. Ukuhlola

Ngasekugcineni kwemisebenzi yomqashi nangasekupheleni kwesikhathi sokuqasha kumbe ekupheleni kokuqasha ngaphansi kobuciko bezihlinzeko zale Mithetho kaMasipala, umkhulumeli onegunya woMkhandlu kanye nomqashi kumbe lowo amkhethile kumele bahlole izakhiwo kanye nezinto zokusiza eziqashiwe , ngenhloso yokuhlola noma yimuphi umonakalo noma ukulahlekelwa.

28. Imithethonqubo

Umqashi kumele alandele imithethonqubo yoMkhandlu elawula ezokuvikela umlilo okungenziwa isikhathi ngesikhathi mayelana nezakhiwo.

29. Inkathazo

(1) Akukho muntu ozothamela umcimbi wamasiko ezakhiweni eziqashiwe ongaziphatha ngendlela engenanhlonipho, nenyanyisayo kumbe abange inkathazo kumbe ukucanuka kwabanye abantu abangaphakathi noma abasebenzisa izakhiwo kumbe kubahlali bezinye izingxenye zebhilidi kumbe

amabhilidi angomakhelwane.

(2) Isisebenzi esinegunya soMkhandlu nganoma yisiphi isikhathi somcimbi wamasiko omqashi, singalayela umqashi ukuthi akasuse noma ubani emagcekeni obonakalayo ukuthi udakiwe futhi oziphethe ngendlela engafanele nenyanyekayo kwabanye abantu abangaphakathi noma abasebenzisa izakhiwo kumbe kubahlali bezinye izingxenye zebhilidi kumbe amabhilidi angomakhelwane-

(3) Isisebenzi esinegunya soMkhandlu, nganoma isiphi isikhathi somcimbi wamasiko omqashi, singalayela umqashi ukuvikela ukungena kwezimpahla eziqashwe yinoma yimuphi umuntu odakiwe futhi oziphatha ngendlela engamukelekile kumbe ngendlela enyanyisayo kumbe owenza inkathazo kumbe ocasula abanye abantu ngaphakathi kumbe abasebenzisa izakhiwo, kumbe abahlali bezinye izindawo zebhilidi kumbe amabhilidi angomakhelwane.

30. Amacala kanye Nezinhlawulo

Noma yimuphi umuntu-

(a) owaphula kumbe ohluleka ukulandela noma yiziphi izihlinzeko zale Mithetho kaMasipala;

(b) ohluleka ukulandela noma yisiphi isaziso esikhishwe ngokwale Mithetho kaMasipala;

(c) ohluleka ukulnandela noma yimuphi umyalelo opsemthethweni onikezelwe ngokwale Mithetho kaMasipala, kumbe

(d) othiya kumbe ovimbela noma yimuphi umkhulumeli onegunya kumbe isisebenzi soMkhandlu ekwenzeni imisebenzi yaso ngaphansi kwale Mithetho kaMasipala- ulahlwa yicala futhi uyokhokha inhlawulo engeqile kwizi -R2000.00 kumbe ngephutha lokungakhokhi angavalelwa etilongweni isikhathi esingeqile ezinyangeni eziyishumi nambili.

31. Ukushayisana kweMithetho

Uma kukhona ukushayisana phakathi kwale Mithetho kaMasipala kanye nanoma yimiphi eminye imithetho kamasipala woMkhandlu emayelana nokuqasha kanye nokusetshenziswa kwezinsiza zomphakathi, ubuciko kanye nobuciko, le Mithetho kaMasipala yiyona eyosebenza.

UMkhandlu Kamasipala wase-Richmond, osebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyelwa nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho Kamasipala ebhekele ukuLawulwa Nokuqoqwa Kwezikweletu.

IMITHETHO KAMASIPALA YOKULAWULWA NOKUQOQWA KWEZIKWELETU

ISAHLUKO 1

1. Izincazelo

Ngokwenhloso yale Mithetho Kamasipala, nanoma yiliphi igama noma isisho esinikezwe incazelo eMthethweni kumele sibe nencazelo efanayo kule mithetho kamasipala ngaphandle uma ingqikithi ikhomba okunye-

"i-akhawunti" kusho nanoma yiyiphi i-akhawunti ekhishwa ngemisebenzi esuke ihllinzekelwe umasipala:

"uMthetho" kusho oHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala wezi- 2000 (uMthetho No. 32 wezi- 2000), njengokokuchitshiyelwa kwawo izikhathi ngezikhathi;

"okuyikhona okusetshenzisiwe" kusho isikalo sokusetshenziswe sanoma yiliphi ikhasimende;

"izinhlawulo ezifanele" kusho inani, inhlawulo, intela, inani elilingene kumbe imali yokwelekelela enqunywa ngumkhandlu kamasipala;

" isilinganiso sokusetshenzisiwe" kusho isilinganiso sokusetshenzisiwe sekhasimende ngemisebenzi kamasipala ngesikhathi esithile, lokhi okusetshenzisiwe kubalwa ngokwahlukanisa ngokuthathu isamba sesikalo sokusetshenzisiwe saleyo misebenzi kamasipala esikhathini esiyizinyanga ezintathu ezandulele;

" **isivumelwano"** kusho ubudlelwano ngokwesivumelwano phakathi kukamasipala noma isithunywa sawo esigunyaziwe kanye nekhasimende, singaba ngesibhaliwe noma esicatshangwayo

" **indawo yokusabalalisa"** kusho nanoma yiyiphi indawo eyenganyelwe ngumasipala lapho kuhlinzekwa khona umsebenzi noma imisebenzi kamasipala;

" **ukwedlulelwa yisikhathi**" kusho nanoma yisiphi isamba semali engakakhokhwa, ekweletwayo noma okumele ikhokhwe yikhasimende maqondana nemisebenzi kamasipala engakhokhiwe ngosuku olungumnqamulajuqu;

" **isithunywa esigunyaziwe"** kusho –

(a) nanoma yimuphi umuntu ogunyazwe nguMkhandlu ukwenza nanoma yisiphi isenzo noma umsebenzi ngokokusetshenziswa kwamandla ngaphansi noma ngokwale mithetho kamasipala; kanye / noma

(b) nanoma yimuphi umuntu onikezwe nguMkhandlu amandla okusebenzisa amalungelo athile, imisebenzi kanye nezibopho ezithile maqondana nokuhlinzeka ngemisebenzi yemali eyinzuzo; kanye/ noma

(c) nanoma yimuphi umuntu oqokwe nguMkhandlu ngokwesivumelwano esibhaliwe njengohlinzeka ngomsebenzi ukuba ahlinzeke ngemisebenzi yemali eyinzuzo kumakhasimende egameni lawo kuye ngokwegunya;

"ikhasimende lezohwebo" kusho ikhasimende ngaphandle kwekhaya kanye nabathengi abahlwempu, kubandakanya ngale kwemikhawulo, ibhizinisi, uhulumeni kanye namakhasimende ezezinhlangano;

"ukuxhumana" kusho indawo lapho ikhasimende likwazi ukufinyelela khona emisebenzini kamasipala;

" **uMkhandlu"** kusho uMasipala wase-Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma

iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanom a yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

" ikhasimende" kusho umuntu ongene esivumelwaneni nomasipala kumbe isithunywa esigunyaziwe maqondana nokuhlinzekwa kwemisebenzi kamasipala.

" ongakhokhile" kusho ikhasimende elikweleta imali esidlulelwe yisikhathi;

"usuku olungujuqu" kusho usuku lapho imali okumele ikhokhelwe ama-akhawunti iqala khona ukuba yisikweletu futhi kumele ikhokhwe yikhasimende, lolo suku akumele yisikhathi esiyizinsuku eziyi- 14 emva kosuku lokukhokhwa kwe-akhawunti;

" isimo esiphuthumayo" kusho nanoma yisiphi isimo okuthi uma sivunyelwa ukuthi siqhubeke sidale ubucayi kumbe okungenzeka kube bucayi kwezezimali zikamasipala kumbe emisebenzini ethile kamasipala;

" isilinganiso sokusetshenzisiwe" kusho okucatshangwa ukuthi kusetshenziswe yikhasimende elingazange likalelwe elikusebenzisile ngesikhathi esithile, leso silinganiso sokusetshenzisiwe kuvamise ukunqunywa ngokubhekelela okungenani ukusetshenziswa kwemisebenzi kamasipala ezingeni elithile lomsebenzi ngesikhathi esithile endawe yokusabalalisa kamasipala noma isithunywa sawo esigunyaziwe;

" ikhasimende lendlu" kusho ikhasimende elihlala endlini esakhiweni sokuhlalisa abantu;

" ukuxhuma ngokungemthetho" kusho ukuxhumana kunoma yiluphi uhlelo okuhlinzekwa ngalo imisebenzi ngokungemthetho kumbe okungavunywanga ngumasipala noma isithunywa sawo esigunyaziwe;

" ikhasimende elihlwempu" kusho ikhasimende lendlu elivumelekile futhi elibhalisile kumasipala ngokuthi liyahlupheka ngokokuhambisana nale mithetho kamasipala;

" izindleko zezomthetho" kusho izindleko zezomthetho ngokwesikalo samakhasimende abameli;

" imenenja kamasipala" kusho umuntu oqokwe ngumkhandlu kamasipala njengemenenja kamasipala ngokwesigaba 82 soHulumeni Basekhaya: uMthetho Wezinhlaka zikaMasipala we- 1998 (uMthetho No. 117 we- 1998) futhi kubandakanya nanoma ngubani-

(a) obambe kuleso sikhundla; futhi

(b) onikezwe yimenenja kamasipala amandla noma umsebenzi maqondana nalawo mandla noma umsebenzi onikezelwe;

"imisebenzi kamasipala" ngokwezinhloso zale mithetho kamasipala kusho nanoma yimiphi imisebenzi ehlinzekwa ngumasipala noma isithunywa sawo esigunyaziwe, kubandakanya imisebenzi yokuthuthwa kukadoti, yokufakelwa kwamanzi, yokuthuthwa kwendle, kanye nekagesi;

"ohlala khona" kubandakanya nanoma yimuphi umuntu okunguyena ohlala okwangempela kuleyo ndawo ngale kokuthi aze abe netayitela lalapho ehlala khona, futhi esimweni lapho igceke lihlukanisiwe lavulelwa ukuqashisa, kuhlanganisa nomuntu owamukela imali yerenti ekhokhwa ngabaqashile kungaba kweyakhe i-akhawunti noma eyesithunywa somuntu onelungelo lendawo;

" umnikazi" kusho

(a) umuntu onikezwe itayitela lendawo ngokomthetho;

(b) esimweni lapho umuntu onikezwe itayitela lendawo ngokomthetho esenenkinga yokukhokha izikweletu noma eshonile, kumbe ephila nanoma yisiphi isimo sokukhubazeka ngokomthetho, lowo muntu onikezwe ukuphathwa kanye nokulawulwa kwalawo magceke egunyazwe njengomgcini, olawula izimali

ezisesikhwameni esithile egameni lomunye, obhekele, umphathi, imenenja yezomthetho, umqoqi wezikweletu kumbe omunye ummeli ngokomthetho;

(c) kunoma yisiphi isimo lapho umasipala noma isithunywa sawo esigunyaziwe singakwazi ukuhlonza lowo muntu, umuntu onelungelo lokuhlomula ekusebenziseni leyo ndawo noma isakhiwo noma izakhiwo lezo;

(d) emagcekeni okunesivumelwano sokuqashiselana seminyaka engama- 30 noma ngaphezulu okungenwe kuso, nalowo oqashile;

(e) maqondana -

(i) nesiqephu somhlaba esicaciswe ngomdwebo epulanini yesakhiwo erejistwe ngokoMthetho Wamatayitela Ezingxenye Zezindawo, we-1986 (uMthetho No. 95 we- 1986), umthuthukisi noma inhlangano ebhekele inhlalakahle maqondana nesakhiwo; noma

(ii) ingxenye njengoba kuchaziwe eMthethweni Wamatayitela Ezingxenye Zezindawo, we- 1986 (uMthetho No. 95 we- 1986), umuntu okubhaliswe ngegama lakhe itayitela laleyo ngxenye futhi kubandakanya nesithunywa salowo muntu esiqokwe ngokomthetho; noma

(f) umuntu ohlala kulowo mhlaba ongaphansi kwerejista eyenganyelwe ubukhosi;

" umuntu" kusho nanoma yimuphi umuntu, umkhandlu noma isigungu sohulumeni basekhaya, inkampani noma umfelandawonye ovunywe ngaphansi kwanoma yimuphi umthetho, isigungu sabantu esivunyiwe noma esingavunyiwe, isigungu sezomthetho, isigungu sokusebenza komphakathi, inhlangano ezinikele kumbe isikhwama;

" isaziso somphakathi" kusho umbhalo odluliswe ngendlela efanele ongahlanganisa okunye kwalokhu okulandelayo(okukodwa noma nangaphezulu):-

(a) umbhalo wesaziso, ngezilimi ezisemthethweni ezinqunywe ngumkhandlu kamasipala,

(i) ephephandabeni lendawo noma emaphephandabeni asendaweni kamasipala; noma

(ii) ephephandabeni noma emaphephandabeni azungeza endaweni kamasipala anqunywe ngumkhandlu kamasipala njengamaphephandaba erekhodi; noma

(iii) ngokukhishwa emsakazweni olalelwa endaweni kamasipala; noma

(iv) ngokukhangisa isaziso emahhovisi afanele nasezindaweni zikamasipala noma zezithunywa zawo ezigunyaziwe okuholwa kuzo; noma

(b) ukuxhumana namakhasimende ngokubamba imihlangano yomphakathi kanye neyekomidi lesigceme;

"okusetshenziswe ngokuhlanganyela" kusho ukusetshenziswa okwenziwa yikhasimende lezidingo zikamasipala ngesikhathi esithile, lokho kusetshenziswa kubalwa ngokuhlukanisa isamba samamitha asebenzile alowo msebenzi kamasipala kuleyo ndawo yokusabalalisa lapho kwakhe khona ikhasimende ngaleso sikhathi ngenani lamakhasimende akhele leyo ndawo yokusabalalisa ngaleso sikhathi;

"**umsebenzi oxhaswe ngemali**" kushoumsebenzi kamasipala ohlinzekelwa ikhasimende njengezinga elifanele elingaphansi kwezindleko zokuhlinzekwa kwangempela komsebenzi kuhlanganisa imisebenzi ehlinzekelwa amakhasimende mahhala;

"**indawo yokusabalalisa** " kusho indawo, enqunywa ngumasipala noma isithunywa sawo esigunyaziwe, lapho kuhlinzekelwa khona wonke amakhasimende ngemisebenzi kusukela emthamweni ofanayo wokusabalalisa, kanti

" **imisebenzi engagunyaziwe**" kusho ukwamukela noma ukusebenzisa nanoma yimiphi imisebenzi engahambisani nesivumelwano noma engagunyaiwe kumbe engavunywanga ngumasipala noma isithunywa sawo esigunyaziwe.

ISAHLUKO 2
UKUHLINZEKWA KWEMISEBENZI KAMASIPALA KUMAKHASIMENDE NGAPHANDLE KWALAWO AHLWEMPU

Ingxenye 1: Ukufakwa kwesicelo seMisebenzi Kamasipala

2. Ukufaka isicelo semisebenzi

(1) Ikhasimende elikulungele ukubizwa ngekhasimende elihlwempu kumele lifake isicelo semisebenzi njengoba ibekiwe eSahlukweni se-4 ngenzansi.

(2) Akekho umuntu oyoba nelungelo lokufinyelela emisebenzini kamasipala ngaphandle kokuthumela isicelo futhi sivunywe ngumasipala noma isithunywa sawo esigunyaziwe;

(3) Uma, ekuqaliseni kokusebenza kwale mithetho kamasipala noma nganoma yisiphi esinye isikhathi, imisebenzi kamasipala ehlinzekwa iphinde yamukelwe ngaso futhi kungekho sivumelwano esibhaliwe esikhona maqondana naleyo misebenzi, kuyocatshangwa ukuthi-

(a) isivumelwano ngokwesigatshana (7) sikhona; futhi
(b) izinga lomsebenzi ohlinzekiwe kulawo makhsimende yizinga lemisebenzi eqokiwe,

kuze kufike isikhathi lapho ikhasimende lingena khona esivumelwananeni ngokwesigatshana (2).

(4) Umasipala noma isithunywa sawo esigunyaziwe kumele lapho kunesicelo sokuhlinzekwa kwemisebenzi kamasipala azise umfakisicelo ngamazinga emisebenzi abevele ekhona kanye nentela kanye/noma inhlawulo ehambelana nezinga ngalinye lomsebenzi.

(5) Umasipala noma isithunywa sawo esigunyaziweuphoqeleke kuphela ukuhlinzeka izinga elithile lomsebenzi eliceliwe uma umsebenzi usaqhubeka nokuhlinzekwa futhi uma umasipala noma isithunywa sawo esigunyaziwe unezinsizakusebenza kanye nekhono lokuhlinzeka lelo zinga lomsebenzi.

(6) Ikhasimende lingafaka isicelo nganoma yisiphi isikhathi ukuguqula izinga lomsebenzi oqokiwe ngokwesivumelwano elingene kuso, inqobo uma lelo zinga lomsebenzi elicelwayo likhona nokuthi nanoma yiziphi izindleko ezihambisana nokuguqulwa kwezinga lemisebenzi zikhokhwwa yikhasimende.

(7) Isicelo semisebenzi esithunyelwe yikhasimende esivunywe ngumasipala noma isithunywa sawo esigunyaziwe kumele sibe nesivumelwano phakathi kukamasipala noma isithunywa sawo esigunyaziwe kanye nekhasimende futhi leso sivumelwano kumele siqale ukusebenza ngosuku okukhulunywe ngaso kumbe esichazwe kuleso sivumelwano.

(8) Uma kugcwaliswa ifomu lokufaka isicelo semisebenzi kamasipala, umasipala noma isithunywa sawo esigunyaziwe kumele aqinisekise ukuthi umbhalo kanye nohlelo lokuxhumana nomnikazi, ikhasimende kumbe nanoma yimuphi omunye umuntu owenza leso sicelo uqondwa kahle ngumnikazi, ikhasimende kanye nanoma yimuphi omunye umuntu bese umeluleka ngezinto angakhetha kuzo ukubhalisa njengekhasimende elihlwempu.

(9) Esimweni lapho kunabantu abangakwazi ukufunda nokubhala noma ababencishwe amathuba, umasipala noma isithunywa sawo esigunyaziwe kumele uthathe izinyathelo ezifanele ukuqinisekisa ukuthi lowo muntu uyazi futhi uyakuqonda okuqukethwe yifomu lokufaka isicelo futhi kumele amlekelele ekugcwaliseni lelo fomu.

(10) Imisebenzi kamasipala enikezelwa kumakhasimende iya ngokwezihlinzekelo zale mithetho kamasipala, nanoma yimiphi imithetho kamasipala esebenzayo kanye nemibandela equkethwe esivumelwaneni.

(11) Uma umasipala noma isithunywa sawo esigunyaziwe-

(a) usinqaba isicelo sokuhlinzeka ngemisebenzi kamasipala noma umsebenzi othile kumbe izinga lomsebenzi;

(b) ungakwazi ukwenza leyo misebenzi noma umsebenzi othile kumbe izinga lomsebenzi ngosuku olucelelwe ukuthi kuqale ukuhlinzekwa; noma

(c) ungakwazi ukunikezela ngemisebenzi kamasipala noma umsebenzi othile kumbe izinga lomsebenzi,

umasipala noma isithunywa sawo esigunyaziwe kumele, ngesikhathi esifanele, wazise ikhasimende ngalokho kwenqaba kanye/noma ukungabi namandla okwenza, isizathu salokho futhi, uma sikhona, uma umasipala noma isithunywa sawo esigunyaziwe uzokwazi ukuhlinzeka ngaleyo misebenzi kamasipala noma umsebenzi othile kumbe izinga lomsebenzi.

3. Izivumelwano eziyisipesheli zemisebenzi kamasipala

Umasipala noma isithunywa sawo esigunyaziwe ungangena esivumelwaneni esiyisipesheli sokuhlinzekwa kwemisebenzi kamasipala nalowo ofake isicelo-

(a) endaweni yokusabalalisa, uma imisebenzi kamasipala efakelwe isicelo ukuze ivulele ukubekwa kwemibandela engekho efomini elisetshenziswayo noma kule mithetho kamasipala;

(b) othola imisebenzi exhaswe ngezimali; futhi

(c) uma amagceke okumele athole lowo msebenzi akhiwe ngaphandle kwendawo yokusabalalisa, inqobo nje uma umasipala owengamele lawo magceke engaphikisani naleso sivumelwano esiyisipesheli. Isibopho siba ekhasimendeni ukuba lazise umasipala oqondene ngaleso sivumelwano esiyisipesheli.

4. Ushintsho enhlosweni yokusetshenziswa kwemisebenzi kamasipala

Lapho inhloso noma izinga lokusetshenziswa kwemisebenzi kamasipala lishintshile, kuba ngumthwalo nesibopho sekhasimende ukwazisa umasipala noma isithunywa sawo esigunyaziwe ngalolo shintsho kanye nokungena esivumelwaneni esisha nomasipala kumbe isithunywa sawo esigunyaziwe.

Ingxenye 2: Izinhlawulo ezisebenzayo

5. Izinhlawulo ezisebenzayo zemisebenzi kamasipala

(1) Zonke izinhlawulo ezisebenzayo ezikhokhelwa imisebenzi kamasipala, kubandakanya kodwa yize kungenamkhawulo wokukhokhwa kwezinhlawulo zokuxhuma, inhlawulo engaguquki noma inhlawulo eyengeziwe kumbe inzalo izobekwa ngumkhandlu ngokuhambisana -

(a) nenqubomgomo yentela kamasipala kanye nentela;

(b) nenqubomgomo yokulawula nokuqoqwa kwezikweletu;

(c) nanoma yimiphi imithetho kamasipala ngesimo sayo; kanye

(d) nanoma yimiphi imithethonqubo ngokwemthetho kazwelonke neyesifundazweni.

(2) Izinhlawulo ezisebenzayo zingahluka phakathi kwemikhakha yamakhasimende, abasebenzisi bemisebenzi, izinhlobo namazinga emisebenzi, ubuningi bemisebenzi, isidingo sengqalasizinda kanye nengezimo zezindawo.

(3) Imisebenzi iyomiswa ngenxa yokungakhokhwa ngokwemigomo nemibandela njengoba kubekiwe kwinqubomgomo yokulawulwa nokuqoqwa kwezikweletu.

(4) Ukuhlehliswa kokukhokhelwa kwama-akhawunti emisebenzi kunganikezwa amakhasimende ngokwamandla omkhandlu owanikiwe kanye nemibandela egunyaziwe kunqubomgomo yokulawula nokuqoqwa kwezikweletu.

(5) Umasipala angahlanganisa nanoma yiziphi izikweletu ezihlukene zababantu okumelwe bakhokhele umasipala futhi angaveza ukukhokhwa kwayo yonke imali eyamukelwe kulowo muntu yanoma yimuphi umsebenzi kanye nendlela yokwenza umsebenzi njengoba kunqunywe ngumkhandlu izikhathi ngezikhathi kwinqubomgomo yawo yokulawulwa nokuqoqwa kwezikweletu.

6. Izinhlawulo ezikhona zemisebenzi kaMasipala

UMkhandlu, ngaphezu kwentela noma inhlawulo ebekelwe imisebenzi kamasipala ehlinzekiwe ngempela, ungabeka inhlawulo engaguquki yanyanga zonke, inhlawulo engaguquki yaminyaka yonke noma inhlawulo eyisamba engaguquki ekhokhwa kanye lapho kunemisebenzi kamasipala khona, noma ngabe leyo misebenzi isetshenziswe noma cha.

7. Imisebenzi exhaswe ngezimali

(1) UMkhandlu ungaqalisa ukusebenza koxhaso lwezimali lwemisebenzi kamasipala izikhathi ngezikhathi futhi kuhambisane nenqubomgomo kazwelonke kodwa kuye ngemigomo yokuzinzisa kanye nokukwazi ukwenzeka ngokukhipha isaziso somphakathi.

(2) UMkhandlu ekuqaliseni ukusebenzisa uxhaso lwezimali, ungahlukanisa phakathi kwezinhlobo zamakhasimende ezindlu, izinhlobo kanye namazinga emisebenzi, ubuningi bemisebenzi, izimo zezindawo kanye nezimo zezommnotho womphakathi.

(3) Isaziso somphakathi ngokwesigatshana (1) kumele sibe okungenani nale minininingwane elandelayo maqondana noxhaso lwemali oluthile:

(a) Amakhasimende ezindlu azohlomula oxhasweni lwemali;

(b) uhlobo, izinga nobuningi bomsebenzi kamasipala ezoxhaswa ngemali;

(c) indawo lapho uxhaso lwemali luzosebenza kuyo;

(d) intela kamasipala (ekhomba izinga loxhaso lwemali);

(e) indlela yokuqalisa kokusebenza koxhaso lwemali; kanye

(f) nanoma yimiphi eminye imigomo nemibandela eyisipesheli ezosebenza oxhasweni lwemali.

(4) uma ukusetshenziswa kwemisebenzi kamasipala yikhasimende lendlu-

(a) kungaphansi komsebenzi oxhaswe ngemali, ingxenye engasetshenzisiwe angeke iqongelelwe yikhasimende futhi angeke inike ikhasimende ilungelo lokuthola imali ewukheshi noma ukubuyiselwa imali maqondana nengxenye engasetshenzisiwe; futhi

(b) imisebenzi exhaswe ngemali yeqile, ikhasimende liyona nesibopho sokukhokhela lokho kusetshenziswa okweqile ngenani elifanele.

(5) ukuqalisa kokusebenza koxhaso lwemali ngokwesigatshana (1) kungahoxiswa kumbe kuguqulwe nganoma yisiphi isikhathi ngokokubona koMkhandlu kuphela, emva-

(a) kokunikezelwa kwesaziso njengoba kuningwe esigabeni 115 soMthetho kumuntu othintekayo ngokuhloswe ngumkhandlu ukubhekela lokho kuhoxiswa noma ukuguqulwa; kanye

(b) nokubhekela koMkhandlu kwanoma yimiphi imibono noma izicelo ezamukelwa kumuntu othintekayo.

(6) Amakhasimende ezindlu angeke avumeleke ukuthola imisebenzi exhaswe ngemali.

(7) Imisebenzi kamasipala exhaswe ngemali kumele iyonikwa imali ethathwe engxenyeni yemali engenile eqongelelwe kuzwelonke eyabelwe umasipala futhi uma lokho kulekelewa ngemali kungenele, imisebenzi ingalekelelwa ngemali ephuma emalini engenile etholakale ngentela kamasipala, izimali kanye nezinhlawulo maqondana nemisebenzi kamasipala.

8. Igunya lokubuyisa izindleko nezinhlawulo ezengeziwe

(1) Umasipala noma isithunywa sawo esigunyaziwe, ngale kwezihlinzekelo zanoma yisiphi isigaba esiqukethwe kule mithetho kamasipala, unegunya lokubuyisa nanoma yiziphi izindleko ezengeziwe okungenwe kuzo maqondana nokuqalisa kokusebenza kwale mithetho kamasipala kwi-akhawunti yekhasimende, kuhlanganisa nalokhu okulandelayo yize kungenamkhawulo –

(a) zonke izindleko zezomthetho, kubandakanya abameli kanye nezindleko zamakhasimende (clients) ezidaleke ngokubuyiswa kwezimali esezidlulelwe yisikhathi zizothathwa kwi-akhawunti yekhasimende ezidlulelwe yisikhathi; kanye/noma

(b) izindleko ezisemqoka ezidaleke maqondana nanoma yisiphi isinyathelo esithathwe kufunwa inkokhelo ekhasimendeni noma kukhunjuzwa ikhasimende, ngocingo, ngefeksi, nge-imeyili, ngencwadi noma ngenye indlela.

INGXENYE 3: UKUKHOKHA

9. Ukukhokhwa kwemali eyisibambiso (deposit)

(1) UMkhandlu unganquma ngezikhathi ngezikhathi, imali eyisibambiso ehlukene ngemikhakha ehlukene yamakhasimende, abasebenzisi bemisebenzi, abakweletayo, imisebenzi kanye namazinga omsebenzi, ngaphandle uma imali eyisibambiso ingeke ibe ngaphezu kokubili enanini lemali yalokho

kusetshenziswa kwenyanga okusanda kukalwa emagcekeni lawo afakelwe isicelo.

(2) Ikhasimende kumele esicelweni sokuhlinzekwa ngemisebenzi kamasipala futhi nangaphambi kokuba umasipala noma isithunywa sawo esigunyaziwe uhlinzeke ngaleyo misebenzi, likhokhe imali eyisibambiso, uma umkhandlu kamasipala sewuyinqumile imali eyisibambiso.

(3) Umasipala noma isithunywa sawo esigunyaziwe ungabuyekeza minyaka yonke imali eyisibambiso ekhokhwa ngokwesigatshana (2) futhi ngokuhambisana nalokho kubuyekezwa kudingeka ukuthi isamba esengeziwe sifakwe ebhange yikhasimende uma imali eyisibambiso ingaphansi kwaleyo esanda kunqunywa nguMkhandlu.

(4) Uma ikhasimende lisilele emuva ngokukhokha, umasipala noma isithunywa sawo esigunyaziwe ungafuna ukuthi ikhasimende -

(a) likhokhe imali eyisibambiso uma lelo khasimende lalingazane licelwe ukuba likhokhe imali eyisibambiso phambilini; futhi

(b) likhokhe imali eyisibambiso eyengeziwe lapho imali eyisibambiso ekhokhwe yikhasimende ingaphansi kwaleyo esanda kunqunywa nguMkhandlu.

(5) Kuya ngokwesigatshana (7), imali eyisibambiso ngeke ithathwe njengekhokhela i-akhawunti.

(6) Ayikho inzalo okumele ikhokhwe ngumasipala noma isithunywa sawo esigunyaziwe kunoma iyiphi imali eyisibambiso ebanjiwe.

(7) Imali eyisibambiso, uma ikhona, iyabuyiselwa kwikhasimende lapho sekumiswa isivumelwano. Imali eyisibambiso iyacwila kumasipala uma ingazange ibizwe yikhasimende ezinyangeni eziyi-12 kumiswe isivumelwano

10. Izindlela zokunquma izamba zemali ekweletwayo nekhokhwayo

(1) Umasipala noma isithunywa sawo esigunyaziwe kumele maqondana nemisebenzi kamasipala engakalwa ngamamitha, uzame kanzima ukukala ngamamitha usebenzisa imali nezisebenzi ezikhona konke ukuxhunywa okwenzelwe amakhasimende kanye/noma ufunde wonke amamitha zikhathi zonke kuye ngokwesigatshana (2)

(2) Uma umsebenzi ungakalwanga, umasipala noma isithunywa sawo esigunyaziwe ngale kwesigatshana (1), unganquma isamba esikweletwayo nokumele sikhokhwe yikhasimende ngemisebenzi kamasipala enikezelwe kulo, ngokubala-

(a) ukusetshenziswa ngokwabelana, uma kwenzekile; noma

(b) ukusetshenziswa okucatshangelwe.

(3) Uma umsebenzi ukalwa ngamamitha, kodwa ungeke ufundwe ngenxa yezingqinamba zezinsizakusebenza zezimali nezezisebenzi noma ngezimo ezingaphezu kwamandla kamasipala kumbe isithunywa sawo esigunyaziwe, kanti ikhasimende likhokhiswe ngokwesilinganiso sokusetshenziswa kulandelwa ukufundwa kwemitha ngokusetshenzisiwe, kumele kuvezwe umehluko phakathi kokusetshenziswe ngempela kanye nesilinganiso sokusetshenzisiwe, kanye nesikweletu esiphumayo noma ukulinganisela isikweletu.

(4) Lapho imisebenzi yokusatshalaliswa kwamanzi ihlinzekwa ngohlelo lokuhlanganyela komphakathi (umpompi womphakathi), isamba esikweletwayo nokumele sikhokhwe ngamakhasimende akwazi ukufinyelela emisebenzini yokusatshalaliswa kwamanzi ngokusebenzisa lolo hlelo lwemisebenzi yokuhlanganyela komphakathi, kumele isuselwe ekusetshenzisweni kwamanzi

ngokwabelana kumbe ngokucabangela okusatshalaliswa ngalolo hlelo lwamanzi.

(5) Lapho ngokombono kamasipala noma isithunywa sawo esigunyaziwe kungenasizathu kumbe kudla imali ukufaka amamitha kuzo zonke izindawo okuxhunyelwe kuzo amakhasimende kanye/noma nokufunda kwawo wonke amamitha endaweni enqunyiwe, uMkhandlu ngokweziphakamiso zikamasipala noma isithunywa sawo esigunyaziwe, unganquma intela eqondile okumele ikhokhwe ngamakhasimende kuleyo ndawo, ngale kwalokho okusetshenziswe ngempela.

(6) Umasipala noma isithunywa sawo esigunyaziwe kumele wazise amakhasimende ngendlela yokunquma izamba ezikweletwayo nokumele zikhokhwe maqondana nemisebenzi kamasipala ehlinzekiwe ezizosebenza maqondana nokusebenzisa kwawo noma izindawo zokusabalalisa.

11. Ukukhokhelwa kwemisebenzi kamasipala ezihlinzekiwe

(1) Ikhasimende liyoba nesibopho sokukhokhela yonke imisebenzi kamasipala esetshenziswe yilo kusukela ngokusuku lokuqalisa kokusebenza kwesivumelwano kuze kube ikhokhelwa ngokugcwele i-akhawunti yalo futhi umasipala noma isithunywa sawo esigunyaziwe kumele babuyise yonke inhlawulo efanele okumele ikhokhelwe umasipala.

(2) Uma ikhasimende lisebenzisa imisebenzi kamasipala lizisebenzisela okunye kunalokhu umasipala noma isithunywa sawo esigunyaziwe azihlinzekele khona ngokwesivumelwano nangokwemiphumela likhokhiswa kancane kunokufanele kukhokhwe, umasipala noma isithunywa sawo esigunyaziwe angalungisa isamba senhlawulo bese ebuyisa umehluko ngokuwuthatha kwikhasimende.

(3) Uma izichibiyelo zenhlawulo efanele ziba ngezisebenzayo osukwini oluphakathi kwezikalo ngenhloso yokwenza i-akhawunti maqondana nezinhlawulo ezifanele kanye nosuku lokukhokha,-

(a) Kuyothathwa ngokuthi ubungako obufanayo bemisebenzi kamasipala bahlinzekwa ngesikhathi esisodwa samahora angamashumi amabili nane ngezikhawu phakathi kwezikalo; futhi

(b) nanoma iyiphi inhlawulo engaguquki iyobalwa ngokulinganisela ngokuhambisana nenhlawulo esetshenziswa ngokushesha ngaphambi kokuchibiyela okunjalo kanye naleyo nhlawulo efanele echitshiyelwe.

12. Ukukhokwa okuphelele nangokugcwele kwe-akhawunti

(1) Lapho i-akhawunti ingakhokhiwe ngokugcwele, nanoma yisiphi isamba esingaphansi esibekiwe nesamukelwe angeke sathathwa njengesikhokhwe ngokuphelele kuleyo akhawunti.

(2) Isigatshana (1) siyolokhu sikhona ngale kokuthi leyo nkokhelo engaphansi kwebekiwe noma eyamukelwe ngokuphelele nangokugcwele, ngaphandle uma imenenja kamasipala noma isithunywa semenenja kamasipala esigunyaziwe senze lokho kwamukelwa ngokubhaliwe.

13. Isibopho ngemali ekweletwayo kanye nekhokhwayo

Ngale kwezihlinzekelo zanoma yisiphi isigaba sale mithetho, umnikazi wegceke uyoba nesibopho sokukhokha nanoma yisiphi isamba esikweletwayo nokumele sikhokhwe kumasipala noma isithunywa sawo esigunyaziwe maqondana neminyaka emibili eyandulelayo, lapho umnikazi engesilo ikhasimende futhi umasipala noma isithunywa sawo

esigunyaziwe emva kokuthatha izinyathelo ezifanele zokubuyisa nanoma yiziphi izimali ezikweletwayo nokumele zikhokhwe yikhasimende kusukela lapho kwakugcinwe khona, ngeke akwazi ukubuyisa lezo zimali.

14. Inkokhelo engavunywanga

Lapho nanoma yiyiphi inkokhelo ebhekiswe kumasipala noma isithunywa sawo esigunyaziwe eyenziwe ngesheke kamuva kutholakale ukuthi elivunywa yibhange, umasipala noma isithunywa sawo esigunyaziwe –

(1) ungabuyisa isilinganiso sezinhlawulo zebhange ezidaleke ngokwenqatshwa kwesheke kuleyo akhawunti yekhasimende; futhi

(2) Uyothatha leso sehlo njengokwahluleka ukukhokha.

15. Izinhlelo zokukhuthaza

UMkhandlu ungasungula izinhlelo zokukhuthaza ezizogqugquzela ukukhokha kanye nokuklomelisa amakhasimende akhokha ama-akhawunti ngendlela efanele nangesikhathi esiyiso.

16. Izikhungo zokukhokha kanye nezithunywa ezivunyiwe

(1) ikhasimende kumele likhokhele ama-akhawunti alo ezikhungweni zokukhokha, ezibalulwe ngumasipala noma isithunywa sawo esigunyaziwe izikhathi ngezikhathi, noma ezithunyweni ezivunyiwe zikamasipala noma isithunywa sawo esigunyaziwe

(2) umasipala noma isithunywa sawo esigunyaziwe kumele wazise ikhasimende ngezindawo zezikhungo zokukhokha ezibaluliwe kanye nezithunywa ezivunyiwe zokukhokhwa kwama-akhawunti.

INGXENYE 4: IZIKWELETU

17. Izikweletu

(1) Izikweletu ziyonikezelwa njalo ngenyanga kumakhasimende ekhelini elagcina lirekhodwe kumasipala noma isithunywa sawo esigunyaziwe. Ikhasimende lingathola ama-akhawunti angaphezu kweyodwa emisebenzi kamasipala uma enama-akhawunti ahlukene.

(2) Ukwehluleka ukuthola noma ukwamukela i-akhawunti akulikhululi ikhasimende esibophweni sokukhokha nanoma yiyiphi imali ekweletwayo nokumele ikhokhwe.

(3) Umasipala noma isithunywa sawo esigunyaziwe kumele, uma kungenzeka, unikeza ikhasimende ingxenye ye-akhawunti efana ncamashi ne-akhawunti uma liyicela ngesikhathi likokha imali njengoba kumisiwe ezinhlawulweni zentela yoMkhandlu

(4) Ama-akhawunti kumele akhokhwe lungakadluli usuku lokugcina lokukhokha olubalulwe kuleyo akhawunti.

18. Isikweletu esihlanganisiwe

(1) Uma i-akhawunti eyodwa ikhishelwe imisebenzi engaphezu kowodwa kamasipala ehlinzekiwe, imali ekweletwa yikhasimende iba yisikweletu esihlanganisiwe futhi uma inkokhelo eyenziwe yikhasimende ingaphansi kwemali ekweletwayo, izobalwa njengokubona kukamasipala ngokwesikweletu somsebenzi

(2) Uma i-akhawunti ikhishelwe umsebenzi owodwa kamasipala ohlinzekiwe, nanoma iyiphi inkokhelo eyenziwe yikhasimende ingaphansi kwemali ekweletwayo, izobalwa njengokubona kukamasipala.

(3) Ikhasimende angake likhethe ukuthi i-akhawunti kumele ikhokhelwe kanjani uma ingakhokhelwe ngokugcwele noma isidlulelwe yisikhathisikweletu angasikhokha kanjani uma singakhokhiwe ngokugcwele noma kukhona imali esilele.

INGXENYE 5: IMIBUZO, IZIKHALO KANYE NOKWEDLULISWA KWEZIKHALO

19. Imibuzo noma izikhalo mayelana nama-akhawunti

(1) Ikhasimende lingafaka umbuzo noma isikhalo mayela nobuqiniso bemali ekweletwayo nokumele ikhokhwe maqondana nemisebenzi ethile kamasipala njengoba kuveziwe kwi-akhawunti.

(2) Umbuzo noma isikhalo kumele kufakwe kumasipala noma isithunywa sawo esigunyaziwe ngaphambi kosuku lokukhokhwa kwe-akhawunti.

(3) Umbuzo noma isikhalo kumele kuphelezelwe yinkokhelo eyisilinganiso okungenani yezinyanga ezintathu ezedlule uma ukhona umlando nge-akhawunti noma isisilinganiso semali ehlinzekwe ngumasipala, ngaphambi kosuku lokukhokha kuze kube udaba aluxazululeki.

(4) Umasipala noma isithunywa sawo esigunyaziwe uyobhalisa umbuzo noma isikhalo bese uhlinzeka ikhasimende ngenombolo eyinkomba.

(5) UMkhandlu noma isithunywa sawo esigunyaziwe-

(a) kumele uphenye noma uholele ekutheni umbuzo noma isikhalo kuphenywe; futhi

(b) kumele wazise ikhasimende, ngokubhalwe phansi, ngalokho okutholile esikhathini esiyinyanga kusuka mhla umbuzo noma isikhalo kubhalisiwe.

(6) Ukwehluleka ukukhokha leyo mali okuvunyelwe ngayo yesikhashana kuzoholela ekutheni ikhasimende libhekane nokunqanyulelwa ewuhlinzekwa.

20. Ukwedluliswa kwezikhalo mayelana nokutholwe ngumasipala noma isithunywa sawo esigunyaziwe maqondana nemibuzo noma nezikhalo

(1) Ikhasimende lingadlulisa isikhalo esibhalwe phansi mayelana nokutholwe ngumasipala noma isithunywa sawo esigunyaziwe ngokwesigaba 19.

(2) Ukwedluliswa kwesikhalo kanye nesicelo ngokwesigatshana (1) kumele kubhalwe phansi futhi kufakwe kumasipala ezinsukwini ezingama- 21 emva kokuba ikhasimende lazile ngalokho okutholakele okukhulunywe ngakho esigabeni 19 futhi kumele-

(a) kubeke isizathu sokwedluliswa kwekhalo; futhi

(b) kuphelezelwe nanoma yisiphi isibambiso esinqunyelwe ukuhlola into yokukala, uma kufanele.

INGXENYE 6: IMALI ESIDLULELWE YISIKHATHI

21. Inzalo

(1) Inzalo iyobizwa emalini esidlulelwe yisikhathi ngesilinganiso sezinga lenzalo elikhona elimiswa nguMkhandlu izikhathi ngezikhathi.

(2) Izindleko eziqondene nemikhawulo kumbe ukunqanyulwa kwemisebenzi kamasipala iyoba yizindleko zekhasimende futhi iyofakwa kwi-akhawunti emva kokuxhunyelwa kabusha.

22. Izikweletu esedlulelwe yisikhathi ngezinsuku ezingama- 30

(1) Uma i-akhawunti enikezelwe ekhasimendeni ihlala ingakhokhiwe isikhathi esiyizinsuku ezingamashumi amathathu (30), uMkhandlu noma isithunywa sawo esigunyaziwe unga-

(a) thatha izinyathelo zomthetho maqondana nekhasimende ukuze kubuyiswe imali esidlulelwe yisikhathi; futhi
(b) ungadlulisela i-akhawunti yekhasimende kumqoqi wezikweletu noma ummeli ukuba aqoqe.

(2) Ikhasimende linesibopho sokukhokha nanoma yiziphi izindleko zehhovisi, izindleko ezidaleka ngokuthathwa kwezinyathelo zokubuyiswa kwemali esidlulelwe yisikhathi nezinhlawulo, kubandakanya nokukhokha imali eyisibambiso ephezulu, njengoba inganqunywa nguMkhandlu kamasipala izikhathi ngezikhathi.

INGXENYE 7: ISIVUMELWANO SOKUKHOKHWA KWEMALI ESIDLULELWE YISIKHATHI

23. Izivumelwano

(1) Isivumelwano esilandelayo sokukhokhwa kwemali esidlulelwe ukukhokhwa ngezigamu, kungangenwa kuso:

(a) Ngokuvuma isikweletu.
(b) Ngemvume yokwahlulelwa.
(c) Ngesinqumo sokukhokhwa kwesikweletu.

(2) Ikhasimende kumele livume ukuthi inzuzo izobizwa ngezinga elinqunyiwe.

(3) Umasipala noma isithunywa sawo esigunyaziwe kumele ufune ukuthi ikhasimende likhokhe okungenani leso sikweletu sangaleso sikhathi kungenwa esivumelwaneni sokukhokha imali esidlulelwe yisikhathi ngezigamu.

(4) Umasipala unelungelo lokwenyusa imali eyisibambisoeyisidingo kwabakweletayo abafuna izivumelwano.

24. Ikhophi yesivumelwano sekhasimende

Ikhophi yesivumelwano kumele yenziwe ikhasimende likwazi ukuyithola.

25. Ukwehluleka ukuhlonipha izivumelwano

Uma ikhasimende lehluleka ukuhambisana nesivumelwano sokukhokha ngezigamu imali esidlulelwe yisikhathi , inani lezimali ezingakhokhiwe, kubandakanya imali esidlulelwe yisikhathi, nanoma iyiphi inzalo, imali yezindleko zehhovisi, izindleko ezidalwe ukuthatha izinyathelo ezifanele, nezinhlawulo, kubandakanya ukukhokha kwemali eyisibambiso ephezulu, izosheshe ibe yisikweletu futhi kumele ikhokhwe, ngale kwesaziso noma incwadi futhi umasipala noma isithunywa sawo esigunyaziwe unga-

(a) nqamula imisebenzi yokufakelwa kwamanzi ehlinzekelwa ikhasimende;

(b) thatha izinyathelo zomthetho ukubuyisa imali esidlulelwe yisikhathi; futhi

(c) ungadlulisela i-akhawunti yekhasimende kumqoqi wezikweletu noma ummeli ukuba aqoqe.

26. Ukuxhunywa kabusha kwemisebenzi

(1) Isivumelwano sokukhokha ngezigamu isamba semali esidlulelwe yisikhathi, okungenwa kuso emva kokuba imisebenzi yezamanzi ibekelwe imikhwulo noma inqanyuliwe, angeke siphethe ngokuthi imisebenzi ibuyiselwe kuze kube-

1. imali esidluelwe yisikhathi, nanoma iyiphi inzalo engenile, imali yezindleko zehhovisi, izindleko ezidaleke ngokuthatha izinyathelo ezifanele kanye nezinhlawulo, kubandakanya nokukhokhwa kwemali eyisibambiso ephezulu, ikhokhwa ngokugcwele; noma
2. ngaphezu kokukhokhwa okubalulwe esigatshaneni (1) ikhasimende kumele likhokhe imali emisiwe yokuxhunyelwa kabusha njengoba inqunywa ngumasipala izikhathi ngezikhathi, ngaphambi kokuba imisebenzi kamasipala ixhunywe kabusha ngumasipala noma isithunywa sawo esigunyaziwe.

ISAHLUKO 3

INTELA KAMASIPALA YOKUHLOLA

27. Isamba okumele sikhokhelwe intela kamasipala yokuhlola

(1) Izihlinzekelo zeSahluko 3 zizosebenza maqondana nokubuyiswa kwentela kamasipala yokuhlola.

(2) Yonke intela kamasipala yokuhlola ekweletwa yikhasimende ikhokhwa ngosuku olungaguquki njengoba lunqunywe ngumasipala enqubwenimgomo yawo yokulawulwa nokuqoqwa kwezikweletu.

(3) Abangabanikazi besakhiwo ngokuhlanganyela banesibopho sokukhokha ngokuhlanganyela intela kamasipala yokuhlola

.

(4) Intela kamasipala yokuhlola ingabizwa ngezigamu ezilinganayo nyanga zonke, isamba esikhokhwayo siyohlanganiswa kwi-akhawunti kamasipala

(5) Umnikazi wesakhiwo uyohlala enesibopho sokukhokha intela kamasipala yokuhlola kuhlanganisa nama-akhawunti kamasipala, ngale kokuthi-

(a) Umnikazi akahlali esakhiweni leso; kanye/noma

(b) I-akhawunti kamasipala ibhaliswe egameni lomuntu ongeyena umnikazi wesakhiwo.

ISAHLUKO 4

UKUHLINZEKWA KWEMISEBENZI KAMASIPALA KUMAKHASIMENDE AHLWEMPU

28. Ukufaneleka ukubhaliswa njengekhasimende elihlwempu

Yonke imizi lapho kuhlanganiswa khona inzuzo engenayo yawo wonke amalungu omndeni aneminyaka eyi-18 yobudala ingaphansi ihlanganiswa yawo wonke amalungu ingaphansi kwesamba esiyonqunywa nguMkhandlu, ifanelekile ukubhalisa njengamakhasimende ahlwempu abampofu.

29. Ukufaka isicelo sokubhalisa

(1) Umndeni ofanelekile njengekhasimende elihlwempu kumele ugcwalise ifomu lokufaka isicelo elimiselwe.

(2) Nanoma yisiphi isicelo ngokwesigatshana kumele sihambisane -

(i) Nencwajana ewubufakazi bemali engenayo, njengencwadi evela kumqashi wekhasimende, incwadi yeholo, ikhadi lempesheni, ikhadi likapoyinandi, noma

(ii) incwadi efungelwe edalula ukungasebenzi noma imali engenayo, kanye

(iii) nencwadi yokugcina yesikweletu sikamasipala yekhasimende;

(iv) ikhophi eqinisekisiwe kamazisi wekhasimende; kanye

(v) namagama kanye nezinombolo zomazisi zabo bonke abantu abahlalayo abaneminyaka yobudala engaphezu kweyi-18 abangabahlala kuleso sakhiwo

(3) Ikhasimende elifaka isicelo sokubhaliswa njengekhasimende elihlwempu kuyodingeka ukuthi lifunge ukuthi lonke ulwazi oluhlinzekwe efomini lokufaka isicelo nakweminye imibhalo kanye nolwazi oluhlinzekwe maqondana nokufakwa kwesicelo luyiqiniso futhi luyilo.

(4) Umasipala noma isithunywa sawo esigunyaziwe kumele nawo usayine ifomu lokufaka isicelo futhi uqinisekise ukuthi imiphumela kanye nemibandela yaleso sicelo sekhasimende lichazelwe ngayo ikhasimende kanye nokuthi ikhasimende likuvezile ukuthi likuqonde kahle okuqukethwe yisifungo.

30. Ukuvunywa kwesicelo

(1) Umasipala noma isithunywa sawo esigunyaziwe ungathumela ummeli ogunyaziwe emagcekeni noma emzini ofake isicelo sokubhaliswa njengamakhasimende ahlwempu ukuba ayokwenza ucwaningo lwendawo ngolwazi oluhlinzekwe ngaphambi kokuvunywa kwesicelo.

(2) Isicelo siyovunywa isikhathi esiyizinyanga eziyi-12 kuphela.

Uxhaso lwemali luyophelelwa yisikhathi uma ofake isicelo ehluleka ukuletha ubufakazi bemali ayitholayo noma ukuphinde afake isicelo soxhaso.

31. Imibandela

Umasipala noma isithunywa sawo esigunyaziwe ngesikhathi uvuma isicelo noma nganoma yisiphi isikhathi emva kwalokho ungabeka umkhawulo emisebenzini yokusatshalaliswa kwamanzi kumakhasimende ahlwempu ibe ngeyokusabalalisa okujwayelekile okungekho ngaphansi kwamakhilolitha ayisithupha (6) ngenyanga.

32. Ukufaka isicelo njalo ezinyangeni eziyi-12

(1) Ikhasimende elihlwempu kumele lifake kabusha isicelo sokwesekwa kwabahlwempu njalo ezinyangeni eziyi- 12, ukwahluleka ukwenza lokhu kuyoholela ekutheni ukwesekwa kuvele kuzinqamukele.

(2) Izihlinzekelo zesigaba 33 no 34 ziyosebenza kunoma yisiphi isicelo ngokwesigatshana (1).

(3) Umasipala noma isithunywa sawo esigunyaziwe angeke uqinisekise ukuvuselelwa kokwesekwa kwabahlwempu.

33. Imisebenzi exhasiwe yamakhasimende ahlwempu

(1) Njengengxenye yohlelo lwawo lwesabelomali, uMkhandlu minyaka yonke unganquma imisebenzi kanye namazinga okuyiwona ezothola uxhaso maqondana namakhasimende ahlwempu ngokuhambisana nenqubomgomo kazwelonke, kodwa kuye ngemigomo yokusimamisa nokuzinzisa.

(2) UMkhandlu kumele ngesikhathi kunqunywa imisebenzi kamasipala yamakhasimende ahlwempu ezoxhaswa, ubhekelele kuqala ukuxhasa okungenani le misebenzi elandelayo :

(a) imisebenzi yokusatshalaliswa kwamanzi angamakhilolitha ayisi-6 umuzi ngamunye ngenyanga;

(b) imisebenzi yokuhlanza noma yokuthuthwa kwmfucuza kwansukuzonke kumbe ukukhulisa ukungena komoya ezindlini zangasese zomgodi umuzi ngamunye njalo ngenyanga nanoma yikuphi umasipala noma isithunywa sawo esigunyaziwe ongaba namandla okukwenza;

(c) imisebenzi yokuthuthwa kukadoti okungaba ukuthuthela umuzi ngamunye kanye ngeviki; kanye

(d) nayo yonke ientela kamasipala yezakhiwo nomhlaba okunenani elingaphansi kwezi-R20 000 ngokukamasipala: inqobo nje uma kunesimo sesakhiwo noma umkhakha wesakhiwo; kungeke kwenzeka ukukala isilinganisomali noma ukukala leso sakhiwo, okumele kususelwe kukho lapho kunqunywa intela kamasipala yezakhiwo, kuyoba njengoba kuchazwe nguMkhandlu.

(3) Umasipala kumele, lapho wenza isinqumo ngokwesigatshana (1) ukhiphe isaziso somphakathi ngaleso sinqumo.

(4) Isaziso somphakathi ngokwesigatshana (3) kumele siqukathe okungenani lokhu okulandelayo:

(a) izinga noma ubungako bomsebenzi kamasipala ozoxhaswa ngemali;

(b) izinga lemali yokuxhasa;

(c) indlela yokubala imali yokuxhasa; kanye

(d) nanoma yimiphi imigomo nemibandela ezizosebenza oxhasweni, engahlinzekelwanga kule mithetho kamasipala.

(5) Nanoma yimiphi eminye imisebenzi kamasipala eyenziwa ngumasipala noma imisebenzi kamasipala ezisetshenziswa ngokweqa amazinga noma amanani anqunywe esigatshananeni (1) kumele ihlawulelwe futhi ikhasimende ompofu kumele abophezeleke ukukhokha leyo nhlawulo ehlawuliselwa lokho kusebenzisa ngokweqile.

(6) Izimiselo zesahluko 3 zimele zisebenze ngokuguquguquka okudingekayo ezambeni ezimele ukuba zikhokhwe njengokusho kwesigatshana (5).

34. Ukwesekwa ngezimali kwemisebenzi exhaswe nguhulumeni

(1) Imisebenzi exhaswe ngemali okukhulunywe ngayo esigabeni 33 iyofakelwa imali ethathwe emalini engenayo eqoqwe kuzwelonke eyabelwe umasipala futhi uma lokho kufakwa kungenele imisebenzi ingafakelwa imali ethathwe emalini engenayo eqoqwe ngentela kamasipala, izimali kanye nezinhlawulo maqondana nemisebenzi kamasipala.

(2) Isamba semali yoxhaso lokumele ifakelwe ithathwe emalini engenayo eqoqwe kuzwelonke yabelwa umasipala iyobalwa nokuhlukanisa isamba esabelwe ngokulinganisa inani lamakhasimende akulungele ukubhalisa njengamakhasimende ahlwempu.

35. Imali esilele emuva evele ikhona

Izimali esilele emuva maqondana nama-akhawunti kamasipala amakhasimende ngaphambi kokubhaliswa njengamakhsimende ahlwempu kungenzeka –

(a) zicinywe; noma

(b) kuzanywe ukuthi zibuyiswe ngokulandela umgudu wezomthetho kanye/ noma kwenziwe izinhlelo zokwelula isikhathi.

36. Ukucwaningwa kwamabhuku

Umasipala ungacwaninga amabhuku njalo njalo okuyokwenziwa ngumasipala noma isithunywa sawo esigunyaziwe ukuze-

(a) uqinisekise ulwazi oluhlinzekwe ngamakhasimende ahlwempu;
(b) urekhode nanoma yiziphi izinguquko ezimweni zamakhasimende ahlwempu; futhi
(c) wenze izincomo ekwesulweni ekubhalisweni kwekhasimende elihlwempu.

37. Ukwesula ekubhalisweni

(1) Nanoma yiliphi ikhasimende elihlinzeka noma ohlinzeke ulwazi olungamanga efomini lokufaka isicelo kanye/ noma nanoma yimuphi umbhalo nolwazi mayelana nesicelo uyovele esulwe ekubhalisweni njengekhasimende elihlwempu ngale kwesaziso, kusukela ngosuku umasipala noma isithunywa sawo esigunyaziwe uthola ukuthi lolo lwazi lungamanga.

(2) Ikhasimende elihlwempu kumele lisheshe licele ukwesulwa ekubhalisweni ngumasipala noma isithunywa sawo esigunyaziwe uma isimo sakhe sesishintshile kwaba ngangokuthi angeke esakwazi ukuhlangabezana nokufaneleka okubekwe esigabeni 28.

(3) Ikhasimende elihlwempu liyovele lizesulekele ekubhalisweni uma isicelo ngokuhambisana nesigaba 29 singenziwanga noma uma leso sicelo singavunywanga.

(4) Ikhasimende elihlwempu liyovele lizesulekele ekubhalisweni uma ucwaningo mabhuku noma ubufakazi bukhomba ukuthi isimo sezimali sekhasimende elihlwempu sesishintshile ngangokuthi angeke esakwazi ukuhlangabezana nokufaneleka okubekwe esigabeni 28.

(5) Ikhasimende elihlwempu nganoma yinini lingacela ukwesulwa ekubhalisweni.

ISAHLUKO 5
AMABHIZINISI ANAMATHENDA KUMASIPALA

38. Inqubomgomo Yokuphathwa Kokusatshalaliswa Kwempahla kanye nemibandela yamathenda

Inqubomgomo Yophathwa Kokusatshalaliswa Kwempahla kanye nemibandela yamathenda ingahlinzeka ukuthi-

1. uma kumenywa amathenda okuhlinzeka ngemisebenzi noma ukulethwa kwezimpahla, osonkontilaki abafanelekile bangaletha amathenda kuye ngokombandela wokubhekela nokuhlolakungaveza isidingo sokuthi onikwe ithenda athole isitifiketi kumasipala esibalula ukuthi wonke ama-akhawunti kamasipala akweletwa ngothole ithenda kumbe abaqondisi benkampani yakhe, abanikazi noma abalingani asekhokhiwe noma kunezinhlelo ezifanele (ezibandakanya ilungelo lokuhoxa esimweni lapho kungalandelwanga imigomo) ezenziwe zokukhokhela nanoma iyiphi imali esidlulelwe yisikhathi.
2. i-akhawunti kamasipala isho nanoma iyiphi inhlawulo yomsebenzi kamasipala, intela noma nanmona iyiphi imali yenhlawulo noma yesigwebo ekweletwa

ngokwesivumelwano noma intela evunyiwe kumbe intela kamasipala, ekwelethwa emva kosuku lokugcina evamise ukuvela kwi-akhawunti edidiyele noma esidlulelwe yisikhathi ngokwesivumelwano kumbe nngokwanoma yiluphi usuku lokugcina oselwedlule, futhi

3. imibandela yamathenda inombandela ovumela umasipala ukuba uzithathele izimali ezikweletwa umasipal ezinkokhelweni zesivumelwano ngokwezinhlelo ezifanele ezenziwa nokweletayo.

ISAHLUKO 6
IMISEBENZI ENGAGUNYAZIWE

39. Imisebenzi engagunyaziwe

1. Akekho umuntu ongafinyelela emisebenzini kamasipala ngaphandle uma kungokwesivumelwano angene kuso nomasipala noma isithunywa sawo esigunyaziwe ngokwenziwa kwaleyo misebenzi.
2. Umasipala noma isithunywa sawo esigunyaziwe, ngale kwanoma yisiphi isinyathelo esithathelwe umuntu ngokwale mithetho kamasipala ngesaziso esibhaliwe ungayalelela lowo muntu osebenzisa imisebenzi engagunyaziwe -

(c) ukufake isicelo saleyo misebenzi ngokweSahluko 2 ingxenye 1;

(d) ukuqhuba lowo msebenzi njengoba kudingeka ukuqinisekisa ukuthi ukufakelwa kwekhasimende okutholakale ngakho ukufinyelela kuyahambisana

nezihlinzekelo zale mithetho kamasipala kumbe eminye imithetho kamasipala efanele.

40. Ukuphazamisa ingqalasizinda yokuhlinzekwa kwemisebenzi kamasipala

1. Akukho muntu ngale kukamasipala noma isithunywa sawo esigunyaziwe oyophatha, asebenzise noma agcine ingqalasizinda okuhlinzekwa ngayo imisebenzi kamasipala.

3. Akukho muntu ngale kukamasipala noma isithunywa sawo esigunyaziwe oyoqalisa ukuxhumana nengqalasizinda okuhlinzekwa ngayo imisebenzi kamasipala.

41. Ukuvinjwa kokufinyelela engqalasizindeni yokuhlinzeka imisebenzi kamasipala

(1) Akekho umuntu ongavimbele noma athibele ukufinyelela ngokomzimba engqalasizindeni okuhlinzekwa ngayo imisebenzi kamasipala.

(2) Uma umuntu ephikisana nesigatshana (1), umasipala noma isithunywa sawo esigunyaziwe-

(a) ngokukhipha isaziso esibhalwe phansi esifuna lowo muntu ukuthi akhokhele ukufinyelela ngezindleko zakhe esikhathini esithile; noma

(b) uma kubonakala ukuthi leso simo siyaphuthuma, ngale kokuphuma kwesaziso kuqala ungamisa ukufinyelela ubuyise izindleko kulowo muntu.

42. Ukuxhunywa kabusha ngokungemthetho

(1) Umuntu ozixhumela kabusha ngokungemthetho nangenhloso noma ngokunganaki imisebenzi noma othikameza ngokungemthetho nangenhloso noma ngokunganaki ingqalasizinda okuhlinzekwa ngayo imisebenzi kamasipala, emva kokuba lokho kukufinyelela kwamakhasimende emisebenzini kamasipala sekubekelwe umkhawulo kumbe kunqanyuliwe, kuyonqanyulwa ngokushesha.

(2) Umuntu ophinde azixhumele imisebenzi kamasipala ezimweni ezibalulwe esigatshaneni (1) uyobhekana nezindleko ezimaqondana nanoma yikuphi okusetshenzisiwe, yize zingayekiwe nanoma yiziphi ezinye izinyathelo ezingathathelwa lowo muntu.

43. Ukunqanyulwa ngokushesha

Ukuhlinzekwa kwemisebenzi kamasipala kunganqanyulwa ngokushesha uma nanoma yimuphi umuntu-

(a) ethikameza ngokungemthetho nangenhloso noma ngokunganaki ingqalasizinda lapho umasipala noma isithunywa sawo esigunyaziwe uhlinzekela khona imisebenzi kamasipala;

(b) ehluleka ukuhlinzeka ulwazi noma ehlinzeka ngolwazi olungamanga oludingwa ngumasipala noma isithunywa sawo esigunyaziwe.

ISAHLUKO 7

AMACALA

44. Amacala

Nanoma yimuphi umuntu -

(1) ohluleka ukunikezela ngokufinyelela okudingwa ngumasipala noma isithunywa sawo esigunyaziwe ngokwale mithetho kamasipala;

(2) olekelela nanoma ngubani ekuhlinzekeni ulwazi olungamanga kumbe olukhohlisayo noma olekelela ngokuthanda ukufihla ulwazi;

(3) osebenzisa, ongenelela noma ophazamisa impahla kamasipala, impahla yokusabalalisa umsebenzi, ubuxhakaxhaka bezintambo noma ukusetshenziswa kwemisebenzi enikezelwayo;

(4) ohluleka noma owenqaba ukunika umasipala noma isithunywa sawo esigunyaziwe lolo lwazi njengoba kungadingeka ngenhloso yokusebenzisa amandla noma umsebenzi ngaphansi kwale mithetho kamasipala noma onikeza lowo masipala noma isithunywa sawo esigunyaziwe ulwazi olungamanga noma oludukisayo, ebe azi ukuthi lungamanga noma luyadukisa;

(5) owephula noma ohluleka ukuhambisana nokuhlinzekelwe kule mithetho kamasipala;

(6) ohluleka ukuhambisana nezimiso zesaziso esinikezelwe kuye ngokwale mithetho kamasipala,

uyotholakala enecala lokwephula umthetho futhi uyobhekana nesigwebo sesikhathi esingekho ngaphezu kwezinyanga eziyisithupha esejele noma asebenzele umphakathi noma akhokhe inhlawulo, engeqile ezi- R 2000. 00, noma kube yinhlanganisela yalokhu osekubalwe phambilini.

ISAHLUKO 8

IMIBHALO

45. Ukusayinwa kwezaziso nemibhalo

Isaziso noma umbhalo okhishwe ngumasipala ngokwale mithetho kamasipala nosayiwe yisisebenzi sikamasipala noma isithunywa sawo esigunyaziwe uyothathwa njengokhishwe ngokufanele futhi kumele ekukhishweni kwawo wamukelwe njengobufakazi yinkantolo yomthetho.

46. Izaziso kanye nemibhalo

(1) isaziso noma umbhalo okhishwe ngumasipala noma isithunywa sawo esigunyaziwe ngokwale mithetho kamasipala uyothathwa njengogunyazwe ngokufanele uma usayinwe yisithunywa esigunyaziwe.

(2) nanoma yisiphi isaziso kumbe omunye umbhalo onikezwe umnikazi, ikhasimende noma omunye umuntu ngokwale mithetho kamasipala uthathwa njengenikezelwe-

(a) uma uhanjisiwe mathupha kulowo muntu;

(b) uma ushiywe endaweni lapho lowo muntu ehlala khona, enzela khona ibhizinisi noma eqashwe eRiphabhulikhi, kumuntu oneminyaka yobudala engaphezu kweyi- 16;

(c) uma ithunyelwe ngeposi elirejisitwe noma elifungelwe ekhelini lalowo muntu elagcina laziwa kwiRiphabhulikhi futhi kumele kutholakale ukuvunywa kokwamukelwa kwayo eposini;

(d) uma ikheli lalowo muntu laziwa kwiRiphabhulikhi, uma uhanjiswe esithunyweni salowo muntu noma ommele ngendlela ehlinzekwe esigatshaneni (a); (c); noma

(e) uma ikheli lalowo muntu noma isithunywa kumbe ommele laziwa, uma kusendaweni esobala isakhiwo kumbe amagceke, uma kukhona, okuhlobene nakho.

(3) uma nanoma yisiphi isaziso noma omunye umbhalo kumele ugunyazwe noma unikezelwe kumnikazi, ohlalayo noma umnikazi wanoma yisiphi isakhiwo kuyenela uma lowo muntu echaziwe esazisweni kumbe embhalweni njengomnikazi, ohlalayo noma umnikazi wesakhiwo noma ilungelo okukhulunywa ngalo, futhi akudingeki igama lomuntu.

(4) esimweni lapho kudingeka ukuthi kube nokuhambisana nesaziso esikhathini esiyizinsuku ezithile ezibaluliwe zokusebenza, leso sikhathi siyothathwa ngokuthi kumele siqale ngosuku okulethwe kumbe okuthunyelwe ngalo leso saziso.

47. Ukuveza ubuqiniso bemibhalo

Yonke imiyalelo, isaziso kumbe nanoma yimuphi umbhalo edinga ubufakazi bobuqiniso kumasipala kumele iveze ubufakazi obanele bobuqiniso, uma isayinwe yimenenja kamasipala noma isikhulu sikamasipala esigunyaziwe noma isithunywa sikamasipala esigunyaziwe, lelo gunya elinikeziwe ngokwesinqumo sikamasipala; ngesivumelwano esibhaliwe noma ngemithetho kamasipala.

48. Ubufakazi obungaba yiqiniso

Ekulalelweni kokuthethwa kwamacala kamasipala kumbe egameni likamasipala noma isithunywa sawo esigunyaziwe, isitifiketi esiveza isamba semali ekweletwayo nokumele ikhokhwe kumasipala noma isithunywa sawo esigunyaziwe, ngaphansi kwesandla semenenja kamasipala, noma isisebenzi esifanelekile sikamasipala esigunyazwe yimenenja kamasipala noma isithunywa semenenja kamasipala esigunyaziwe, kuyothi ngesikhathi

sokukhishwa kwaso samukelwe nanoma iyiphi inkantolo yomthetho njengobufakazi besikweletu obungaba yiqiniso.

ISAHLUKO 9
IZIHLINZEKO EZIVAMILE

49. Amandla okungena kanye nokuhlola

Umasipala kumbe isithunywa sawo esigunyaziwe angangena futhi ahlole nanoma yimaphi amagceke nganoma iyiphi inhloso exhumene nokuqaliswa kokusebenza noma ukuqiniswa kwale mithetho kamasipala, emva kunikezwa kohlalayo kulawo magceke isaziso esibhaliwe senhloso yokwenza njalo.

50. Ukuxolelwa

Umasipala, ngokubhalwe phansi ungaxolela umnikazi, ikhasimende, nanoma yimuphi omunye umuntu kumbe uhlangothi lomnikazi, amakhasimende, abakhokhi bentela kamasipala, abahlomula emisebenzini ekuhambisaneni nesihlinzekelo sale mithetho kamasipala, kuye ngokwemibandela engavela, uma kubonakala ukuthi isicelo noma ukusebenza kwaleso sihlinzekeloangeke kulunge, ngaphandle uma umasipala noma isithunywa sawo esigunyaziwe ungeke ukhiphe imvume yokumxolela kunoma yisiphi isigaba sale mithetho kamasipala okungagcina-

(a) ngokumosheka noma ukusetshenziswa ngokweqile kwemisebenzi kamasipala;
(b) ngokugwema noma ukuziba izithibelo zezamanzi;
(c) ngokuba nomthelela ongemuhle empilweni yomphakathi, ukuphepha kumbe isimo sendawo
(d) ngokungakhokhelwa kwemisebenzi;
(e) uMthetho noma eminye imithethonqubo eyakhelwe lokho, ingalandelwanga.

(2) Umasipala nganoma yisiphi isikhathi emva kokunikezwa kwesaziso esibhaliwe sezinsuku okungenani ezingama- 30, uhoxisa nanoma yikuphi ukuxolelwa okwakunikezwe ngokwesigatshana (1).

51. Ukutholakala kwemithetho kamasipala

(1) Ikhophi yale mithetho kamasipala izofakwa kwiNqubo kaMasipala yomasipala njengoba kudingeka ngokomthetho.

(2) Umasipala noma isithunywa sawo esigunyaziwe kumele athathe izinyathelo ezifanele ukwazisa amakhasimende ngokuqukethwe yimithetho kamasipala yokulawulwa nokuqoqwa kwezikweletu.

(3) Ikhophi yale mithetho kamasipala kumele itholakale ukuze ihlolwe emahhovisi kamasipala noma emahhovisi esithunywa sawo esigunyaziwe ngazo zonke izikhathi ezifanele.

(4) Ikhophi yemithetho kamasipala ingatholakala ngokuthi ikhokhelwe imali njengoba inqunyiwe ezimalini ezikhokhelwa uMkhandlu kumasipala noma isithunywa sawo esigunyaziwe.

52. Ukushayisana kwemithetho

Uma kukhona ukushayisana phakathi kwale mithetho kamasipala kanye neminye imithetho kamasipala yoMkhandlu ephathelene nokulawulwa kanye nokuqoqwa kwezikweletu, le mithetho kamasipala iyona ezosebenza.

UMkhandlu kaMasipala waseRichmond, usebenza ngaphansi kwegunya lesigaba 11, ufundwa ngokuhambisana nesigaba 98 soHulumeni Basekhaya: UMthetho Wezinhlelo zikaMasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho yawo kaMasipala Yokuphathwa Kwezikweletu.

IMITHETHO KAMASIPALA YOKUPHATHWA KWEZIKWELETU

Izincazelo

Ngaphandle uma ingqikithi ibalula ngokunye-

"igaranti yebhange" kuchaza ukuzibophezela okungenamibandela kwesikhungo sezimali lapho kunegaranti efinyelela enanini lokugcina elibaluliwe okumele likhokhwe uma umkweleti omkhulu (ikhasimende) lihluleka ukukhokha,

"imali ebaliwe" kuchaza imali ebalwe yiMenenja Yamasu Okusebenza: Yezezimali okumele umthengi ayikhokhele uMkhandlu mayelana nokunikezelwa kwemisebenzi kaMasipala efaneleyo nanoma yingasiphi isikhathi lapho inani eliyilo lomsebenzi onikezelwe lingekwazi ukuthi liqagulwe ngokuyikho nganoma yingasiphi isizathu, bese kuthi lithathelwe ezibalweni ezivamile ,uma zikhona, zomsebenzi onikezelwe kumthengi ezinyangeni ezintathu ngokushesha ngaphambi kwaleso sikhathi esiqalayo; kumbe- ke uma kuhlulekeka ukutholakala kwalolo lwazi, kube izibalo ezivamile zokunikezelwa komsebenzi osuwenziwe esakhiweni kumbe ezakhiweni ezithi azilingane futhi zifane endaweni lapho umthengi ehlala kumbe eqhuba khona ibhizinisi.

"Isikhulu Esiphezulu" kuchaza umuntu oqashwe njengeMenenja kaMasipala ngokwaHulumeni Wasekhaya: uMthetho Wezinhlelo ZikaMasipala, wezi- 2000, kumbe nanoma yimuphi umuntu osebenza njengebambela kuleso sikhundla;

"i- akhawunti ehlanganisiwe" kuchaza i- akhawunti eyodwa ehlanganisiwe yayo yonke imisebenzi kaMasipala, izinhlawulo ezingaphezulu, intela yendawo kanye namanani ayisisekelo akhokhwayo;

"ihkasimende" kuchaza nanoma yimuphi umuntu owenzelwa kumbe owenzelwe umsebenzi nguMkhandlu bese kuthi "imisebenzi yokhasimende" kunencazelo

ehambisanayo;

"amamita kagesi nawamanzi ajwayelekile" kuchaza amamita kagesi nawamanzi, lokhu okungenzeka, asetshenziswa ukubona ukuthi ugesi namanzi kusetshenziswe kanganani futhi afundwa njalo ngenyanga kumbe ngezikhathi ezithile ezibekiwe;

"uMkhandlu" kuchaza uMasipala waseRichmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo Masipala noma iKomidi Eliphethe kumbe nanoma yiluphi olunye uhlaka olusebenza ngokwamandla eliwanikwe ngokomthetho, kumbe nayinoma yisiphi isikhulu esigunyazwe nguMkhandlu sanikwa amandla nemisebenzi maqondana nale mithetho kaMasipala;

"usuku lokugcina" kuchaza usuku olubekwe e-akhawuntini futhi olunqunywe nguMkhandlu izikhathi ngezikhathi njengosuku lokugcina lokuthi kungakhokhelwa ngalo i- akhawunti, uma singekho isivumelwano eesashiwo phakathi koMkhandlu nomthengi;

"abathengi abavele bekhona" kuchaza abathengi asebevele bangene esivumelwaneni sokuthi banikezelwe ngemisebenzi kaMasipala;

"unyaka wezimali" kuchaza kusukela mhla lulu- 1 kuNtulikazi kuya mhla zingama- 30 kuNhlangulana wonyaka ozayo;

"izindleko zecala" kuchaza izindleko zecala njengokwesikali esibakhona phakathi kommeli nekhasimende lakhe;

"ucwaningo lwamamitha" kuchaza uphenyo olubakhona lokuqinisekisa ukunikezelwa kukagesi noma amanzi ngempela kunjengoba kushiwo yini;

"amahora asehhovisi ajwayelekile" kuchaza amahora lapho amahhovisi eMenenja Yamasu Okusebenza: Ezezimali esuke evuliwe ukuthi umphakthi ukwazi ukungena kuwo kusukela ngoMsombuluko kuya ngoLwesihlanu, ngaphandle uma kungamaholide omphakathi;

"umnikazi" kuchaza -

(a) umuntu okunguye onikezwe ilungelo ngokomthetho kulawo magceke, izikhathi ngezikhathi;

(b) esimweni lapho umuntu onelungelo elisemthethweni esehlwempu kumbe eshona, noma eba nanoma yikuphi ukukhubazeka ngokomthetho, umuntu okunguye onikwe amandla okuphatha nokulawula njengomphathi, umabi wamafa, imenenja eyahlulelayo, umkhokhisi wezikweletu zomuntu kumbe omunye ommele ngokusemthethweni;

(c) kunoma yisiphi isimo lapho uMkhandlu ungeke ukwazi ukuthola ukuthi ubani lowo muntu, umuntu onelungelo lokuthi azuze ekusebenziseni lawo magceke kumbe ibhilidi noma amabhilidi;

(d) esimweni lapho amagceke alapho kungenwe khona esivumelwaneni sokuqashisa seminyaka engama- 30 nangaphezulu, isiqashi; kanye

(e) maqondana no (1) isigaba somhlaba esichazwe ngoMthetho Wamatayitela, we-1986 (uMthetho No. 95 we- 1986), umakhi kumbe inhlangano eqondene nesakhiwo esijwayelekile; noma (2) isigaba njengalokhu sichazwe kulo Mthetho, umuntu isigaba esirejistwe egameni lakhe ngaphansi kwetayitela futhi kubandakanya nomele ukuqashwa okusemthethweni kwalowo muntu;

“intela yesakhiwo” kuchaza amareyithi kanye/ noma izintela ezimaqondana nesilinganiso-mali sesakhiwo engasuselwa emalini yokutheliswa kwisilinganiso-mali somhlaba noma sokulungiswa kabusha kumbe kokubili, futhi kunencazelo efanayo njengeyamareyithi okuhlola;

“ukuhleshulwa kwemali” kuchaza isaphulelo kunoma yiyiphi intela yesakhiwo kumbe

imali yomsebenzi enqunywa nguMkhandlu isikhathi ngesikhathi;

"Imali yokuxhuma kabusha" kuchaza imali ekhokhelwa ukuxhuma kabusha ukunikezelwa kukagesi/ amanzi lapho lokhu kunikezelwa kwakukade kunqanyuliwe ngenxa yokungakhokhi, leyo mali iyonqunywa ngezikhathi ezithile nguMkhandlu futhi iyoba ingxenye yemali yokutheliswa kamasipala;

"inani elidingekayo" kuchaza isamba senani lonke elibaliwe likagesi/amanzi asetshenzisiwe ngesikhathi sokuthikameza, kanye nemali yokuthikameza;

"ama-akhawunti omsebenzi" kuchaza ama-akhawunti amayelana nokusebenzisa ugesi kanye/ kumbe amanzi;

"isivumelwano somsebenzi" kuchaza isivumelwano sokusebenzisa ugesi kanye/ kumbe amanzi;

"Imenenja Yamasu Okusebenza Ezezimali: kuchaza iNhloko yoMnyango ebhekene nezindaba zamafa oMkhandlu, kanye nanoma yimuphi umuntu ogunyazwe nguye ukusebenza endaweni yakhe ngokwesikhundla esibaluliwe;

"Imali yokuthikameza" kuchaza imali ekhokhelwa ukunqanyulwa okungekho emthethweni, ukulungisa, kumbe ukunqanyulwa kokusetshenziswa kwemitha noma umbhobho wokufakela ugesi kumbe ukufakela amanzi endaweni engenamamitha lapho imali iyonqunywa njalo ngonyaka ngesikhathi sohlelo lwesabelomali futhi iyoba ingxenye yemali yokutheliswa kaMasipala;

"i-akhawunti evaliwe" kuchaza i-akhawunti yokugcina yemisebenzi emva kokuthi ikhasimende selihambile emagcekeni, noma ngabe ikhasimende lisilethile isaziso sokunqamula ukunikelwa kwemisebenzi noma cha;

"ithuluzi eliguqukayo elivimba ukuvuza kwamanzi" kuchaza into efakwa lapho kuxhunywa khona amanzi evumela ukuthi amanzi akhawulwe kumbe avalwe; kanye

"Ukukhishwa kwamaganishi ngokuthanda/ ukuphoqwa kwenkokhelo" kuchaza umyalelo

wenkantolo ukuthi kubanjwe isamba esithile semali emholweni kumbe kwenye imali engenayo yekhasimende.

2. **Isivumelwano semisebenzi**

(1) Ngaphambi kokuthi unikezwe ugesi, amanzi kanye/ kumbe ezinye izidingo zekhasimende nanoma yiliphi ikhasimende kumele lingene esivumelwaneni semisebenzi noMkhandlu lapho, phakathi kwezinye izinto, ikhasimende lizobe livuma ukuthi uhlelo oluthile lokukhokhela ugesi noma amanzi lungasetshenziswa ukuqoqa izikweletu esezidlulelwe isikhathi mayelana nenkokhelo yomsebenzi.

(2) Lapho ikhasimende lihlulekile ukungena esivumelwaneni semisebenzi noMkhandlu, amanzi kanye/ kumbe ugesi uyovalwa, unqanyulwe kumbe uncishiswe njengoba izimo zingaphoqa kuze kube isikhathi esithile lapho kuzobe sekungenwe esivumelwaneni futhi nediphosithi efanele isikhokhiwe. Ikhasimende liyobhekana nezindleko ezibaliwe.

3. **Ama-akhawunti**

(1) UMkhandlu uyokhokhisa abahlali kanye nabanikazi besakhiwo kanye nabantu abahlala kuleso sakhiwo esingaphansi kwendawo yawo intela yesakhiwo kanye nemisebenzi kamasipala abanikezwa yona nguMkhandlu ngezikhathi ezifanele noma ezinqunywe ngokomthetho.

(2) Umnikazi wesakhiwo nguye obhekene nezindleko zokukhokhela ukuthuthwa kukadoti kanye nendle.

(3) UMkhandlu ungathumela ngeposi kumbe uhambise ngesandla ama-akhawunti ahlanganisiwe kumakhasimende ahloniphekile ekhelini elaziswe yikhasimende ngalinye, ukuze lifinyelele kwikhasimende ngaphambi kosuku lokugcina olubhalwe kwi-akhawunti. Uma kukhona ushintsho ekhelini lolo shintsho luqala ukusebenza kuphela uma isaziso sesifikile futhi savunywa nguMkhandlu.

(4) Ikhasimende kumele likhokhe, ngokugcwele, inani lemali lemisebenzi enikezelwe ngosuku noma ngaphambi kosuku lokugcina. Uma lihluleka ukuhambisana nalesi sigaba kungenza ukuthi lithathelwe izinyathelo zokuqoqa izikweletu, bese kuthi ihlawulo eyonqunywa nguMkhandlu isikhathi ngesikhathi kumbe noma yikuphi ukunquma, njengoba kunqunywe emthethweni iyokhokhwa kusukela ngosuku i-akhawunti okwakumele ikhokhelwe ngalo.

4. Amadiphozithi

(1) Amadiphozithi kumele anqunywe yiMenenja Yamasu Okusebenza Ezezimali: lokho kunqunywa kuyoncika ekukhokheni inani lelo seliphindwe kabili kanye nohhafu ngaphezulu ngemisebenzi elethwe kuleyo ndawo noma ngabe inqunywe ngokuyikho noma njengenani elibaliwe.

(2) Ekunqumeni idiphozithi echazwe esigabeni sesi-4 (1),IMenenja Yamasu Okusebenza: Ezezimali: iyohlukanisa phakathi kwezindawo ukutshengisa ukuthi kukhona umehluko emazingeni omsebenzi kanye nokusetshenziswa.

(3) IMenenja Yamasu Okusebenza: Ezezimali: ingahlola kabusha amadiphozithi amakhasimende kumakhasimende amasha ohwebo kanye nawezimboni ezinyangeni ezintathu emva kosuku lwediphozithi yokuqala, futhi ,ngokomphumela wokuhlola kabusha, ingadinga ukuthi lelo khasimende lengeze idiphozithi.

(4) IMenenja Yamasu Okusebenza: Ezezimali kumele ibuyekeze onke amadiphozithi kabili ngonyaka kumbe uma izidingo zekhasimende sezinqanyuliwe noma zivaliwe ngenxa yokungakhokhi. Umphumela walokhu kubuyekeza uyokwaziswa ikhasimende esimweni lapho kukhona ushintsho olwenzekayo mayelana nendlela yokudiphositha edingekayo. Uma idiphozithi ebalulwe esigabeni sesi- 4(2) noma sesi- 4(3) kutholakala ukuthi ayanele, ikhasimende liyovunyelwa ukwenza izinhlelo zokukhokha imali eyengeziwe

neMenenja Yamasu Okusebenza: Ezezimali.

(5) Amadiphozithi amakhasimende kumele akhokhelwe yonke imisebenzi yamamitha ehlukene.

(6) Amadiphozithi amakhasimende kumele akhokhelwe amanzi kanye nogesi kuphela.

(7) Amadiphosithi kumele akhokhwe ngokheshi noma ngesheke. uMkhandlu uyoyivuma igaranti yasebhange esimweni lapho idiphosithi ingaphezu kwezi-R 2 000-00. Igaranti yasebhange kumele ihanjiswe ngesandla kwiMenenja Yamasu Okusebenza: Ezezimali ngesikhathi esijwayelekile sokusebenza.

(8) Yonke idiphozithi kumele ikhokhwe okungenani ezinsukwini ezimbili ngaphambi kokuthi kuqalwe kuhlalwe esakhiweni kuleyondawo kumbe usuku imisebenzi leyo eyodingeka ngalo,uma ingezodingeka ngosuku lomsebenzi.Ukwahluleka ukulandela lo mthetho kamasipala kungalibazisa ukuxhunywa kwemisebenzi,futhi uMkhandlu angeke ubhekane nezindleko zokulahleka kumbe ukulimala okungenzeka.

(9) Akukho diphosithi yomsebenzi edingekayo uma kufakwe imitha elikhokhelwa ngaphambili lomsebenzi othile.

(10) Lapho kufakwa ugesi omusha ojwayelekile kanye/ noma amamitha amanzi kumakhasimende avele asebenzisa uhlelo lokukhokhela ngaphambili, lawo makhasimende angangena esivumalwaneni esibhaliwe noMkhandlu ukuqedela isikweletu, ngesikhathi esingeqile ezinyangeni eziyi-6, kubalwa nediphozithi.

5. Ukunqanyulelwa ngenxa yokungakhokhi

(1) Okuvamile

Imali yokuxhuma kabusha iyokhokhwa esimweni lapho amakhasimende

athola eminye imisebenzi kamasipala yanoma yiluphi uhlobo futhi asilela emuva nokukhokhela leyo misebenzi futhi nokunikezelwa kwamanzi kanye/ kumbe nogesi, okukhokhelwa ngaphambili kumbe okujwayelekile, sekunqanyuliwe noma kuncishisiwe.

(2) Izaziso kumakhasimende

(a) UMkhandlu, ngokubona kwawo, ungakhipha isaziso sokugcina noma ezinye izikhumbuzo kumakhasimende anama-akhawunti asilele emuva, ngaphambi kokuthi unqanyulwe.

(b) UMkhandlu ungakhipha incwadi yokugcina ephoqelela ukukhokhwa kwemali esilele mayelana nama-akhawunti ezikweletu aveza ukuthi kunemali esilele engakhokhiwe kwaze kwaphela izinsuku ezingaphezu kwama- 30, emva kwalokho i-akhawunti iyodluliselwa kubaqoqizimali, ngokwesigaba se-10, ngaphezu kuokuthi kunqanyulwe ukunikezelwa kwezidingo.

(3) Amanzi.

(a) UMkhandlu uyokhipha isaziso esibhalwe phansi kumakhasimende anamamitha amanzi ajwayelekile mayelana na-akhawunti kamasipala asilele emuva, uchaza izinhloso zawo zokunciphisa ukunikezelwa kwamanzi izinsuku ezibekiwe njengoba kuningwe esigabeni sesi-4 soMthetho Wokunikezelwa Kwamanzi we-1997 (uMthetho No. 108 we-1997) kanye/ kumbe iMithetho kaMasipala Yamanzi

(b) Ukunikezelwa kwamanzi kumakhasimende anamamitha amanzi ajwayelekile avezwe esigabeni sesi-5 (4) azokhawulwa emva kwesikhathi sokukhishwa kwesexwayiso ngokwe sigaba sesi-5 esingasasebenzi. Lawo makhasimende ayokhokhiswa imali efanele yokuxhuma kabusha.

(c) Ezimweni lapho ukulethwa kwamanzi sekukhawuliwe noma kunqanyuliwe, uMkhandlu ungafaka uhlelo lokuvimba ukuconsa kwamanzi ukwelekelela

ukuxhuma kabusha kanye nokukhawula. Umsebenzi ogcwele angeke wenziwe kabusha ngaphambi kokuthi i-akhawunti yemisebenzi kamasipala ikhokhwe ngokugcwele kumbe kwenziwe izinhlelo neMenenja Yamasu Okusebenza: Ezezimali ngokweNqubomgomo Yokulawulwa Kwezikweletu kuphela uma lezo zinhlelo sezigunyaziwe.

(d) UMkhandlu akufanele uphoqeleke ukudayisela amakhasimende amanzi ngamamitha akhokhelwa ngaphambili uma ama-akhawunti abo nomasipala engakakhokhelwa ngokugcwele noma uma kunezinhlelo ezifanele ngokwesigaba sesi-7 zenziwe neMenenja Yamasu Okusebenza: Ezezimali: futhi lezo zinhlelo sezigunyaziwe.

(e) Uma kunesidingo, wonke amanzi anqanyuliwe nalawo avinjwe emamitheni ayobekwa umaka ngokucacile ukuvimbela ukuthi amamitha avaliwe nanqanyuliwe abikwe njenganesici.

(f) Izisebenzi ezixhuma amapayipi, abafundi bamamitha kanye nosonkontileka abahlale belinde umsebenzi abavunyelwe ukusiza amakhasimende ngaphandle kwegunya elibhalwe phansi elivela oPhikweni Lokuqoqa Izikweletu loMkhandlu.

(g) Ezimweni lapho kutholakala ukuthi amanzi ayavuza emitheni lekhasimende futhi akakusukumeli ngokushesha ukulungiswa kwenkinga, kuyosetshenziswa ithuluzi eliguqukayo elivimba ukuvuza kwamanzi ukuze angamosheki futhi kuvimbeke inani lamanzi azokhokhelwa yikhasimende.

6. **Ukuthikameza**

(1) Lapho ukunikezwa kwamanzi kutholakala ukuthi kuthikanyeziwe noma imitha kweqisiwe, uMkhandlu, kuncike kule mithetho kamasipala kanye nomthetho osebenzayo, unganqamula ukunikezelwa futhi ukhokhise ikhasimende imali efanele yokuthikameza, inani elibaliwe okumele likhokhwe kanye nemali yokuxhuma kabusha ezimweni lapho ukunikezelwa kuhlukanisiwe kanye

nemali yokuxhuma ezimweni lapho ukunikezelwa kukhishiwe.

(2) Ezimweni lapho ubufakazi bushayisana phakathi kokusetshenziswa kwamanzi kanye nomlando wokuthenga impahla ethile, izaphulamthetho ziyojeziswa ngale ndlela elandelayo:

(i) Kuncike endimeni yesi-(ii) ukunikezelwa kuyohlukaniswa ngesikhathi sokuwufaka uma kusayicala lokuqala futhi ukhishwe uma sekujwayelekile.

(ii) Isaziso esibhalwe phansi siyonikezwa ikhasimende silazisa ngokwahlukaniswa kumbe ukukhishwa kanye nemali okumele ikhokhwe mayelana nokunqamula/ ukuxhuma kabusha kanye nenani okumele likhokhwe.

(iii) UMkhandlu uyobuyisela kuphela izidingo uma inani okukhulunywa ngalo endimeni yesi-(ii) isikhokhiwe.

(3) Ezimweni lapho ukuthikanyezwa okubukhoma kokunikezelwa kwamanzi kubonakele, izaphulamthetho ziyojezizwa ngale ndlela elandelayo:

(i) Ukunikezelwa kuyomiswa ngokushesha uma kusayicala lokuqala bese kususwa uma sekuyicala lesibili kumbe elilandelayo.

(ii) Isaziso esibhalwe phansi siyonikezwa ikhasimende, silazisa ngokumiswa kumbe ukususwa, kanye nemali okumele ikhokhwe mayelana nokuthikameza, ukuxhuma kabusha/ ukuxhuma kanye nenani elibaliwe.

(iii) UMkhandlu uyobuyisela izidingo kuphela uma imali okukhulunywa ngayo endimeni yesi-(ii) isikhokhiwe.

(4) Ngaphezu kwezihlinzeko zalo mthetho kamasipala, uMkhandlu ungaphoqelela nanoma yimaphi amanye amalungelo kumbe usebenzise

amandla onikwe wona uMthetho Obhekele Ezempilo kanye Nezokuphepha we-1993 (uMthetho No.85 we-1993) uMthetho Wemisebenzi Yamanzi we-1997 (uMthetho No. 108 we-1997), iMithetho kaMasipala Yezamanzi, kanye nanoma yimuphi omunye umthetho osebenzayo.

7. Izivumelwano kanye nezinhlelo zamakhasimende asilele emuva ngokukhokha

(1) IMenenja Yamasu okusebenza: Ezezimali kumbe isithunywa sayo bavumelekile ukungena ezivumelwaneni namakhasimende asilele kuma-akhawunti awo ukuthi babasize ngokuthi kwengezwe isikhathi sokukhokha kulawo asalele.

(2) IMenenja Yamasu Okusebenza: Ezezimali inganquma, ngokubheeklela isisindo secala ngalinye, imali yokuqala okumele ikhokhwe njengengxenye yaleso sivumelwano kanye nesibalo senani elizokhokhwa njalo ngenyanga kuze kuphelele imali ebisilele kanye nesikhathi inkokhelo ezokwenziwa ngaso.

(3) IMenenja Yamasu okusebenza: Ezezimali ,kwamanye amacala futhi ngemvume yeMenenja kaMasipala, inganezela isikhathi sokukhokha ekukhulunywa ngaso esigabeni sesi-7 (2).

(4) Esikhathini lapho IMenenja Yamasu Okusebenza: Ezezimali yenelisekile, ngesikhathi sokwenza izinhlelo futhi emva kocwaningo, ukuthi ikhasimende elinobufakazi beqiniso angeke likwazi ukukhokhela izidingo elizisebenzisile, imininingwane yalelo khasimende kumele irikhodwe futhi izinyathelo zomthetho ezizobe zithathelwe lelo khasimende ziyohlehliswa kumbe zihoxiswe, njengoba iMenenja Yamasu Okusebenza: Ezezimali inganquma.

8. Ukuvuma isikweletu

(1) Yilabo bakweleti kuphela abakwazi ukuveza omazisi babo osemthethweni kumbe umsizi ogunyazwe ngamandla abameli abayovunyelwa ukugcwalisa isivumelwano sokuvuma isikweletu.

(2) Isivumelwano sokuvuma isikweletu kumele sibe nazo zonke izinhlelo zokukhokhela ama-akhawunti asalele. Ikhophi eyodwa yomqingo kumele ihanjiswe ekhasimendini futhi enye kumele ibekwe efayileni loPhiko Lokuqoqwa Kwezimali eMkhandlwini.

(3) Ikhasimende eselivele linikwe amasamanisi kumbe olunye uhlelo lomthetho ngabameli bomkhandlu lingafaka isicelo sezinsiza zikweletu. Kodwa-ke zonke izindleko zabameli esezenzekile ziyongena ngaphansi kwe-akhawunti yalo futhi yonke inkokhelo yokuqala okungenani uhhafu wemali yesikweletu esisele iyodingeka, kuhlanganisa nemali yabameli okumele ikhokhwe.

(4) Ukwahluleka ukugcina isivumelwano sokuvuma isikweletu kungenza ukuthi kumane kuvalwe ngokushesha, kunqanyulwe kumbe kumiswe ukulethwa kwezidingo ngaphandle kwesexwayiso, kanye nokuthathelwa izinyathelo zomthetho.

(5) Ezikhathini zonke lapho ikhasimende elisilele emuva nokukhokha lisebenza, uMkhandlu ungathola incwadi yokuzithandela yamaganishi noma incwadi yenzalo efakiwe.

9. Inzalo esilele emuva

(1) Inzalo iyokhokhwa uma i-akhawunti isidlulelwe yisikhathi ngenani lenzalo elinqunywe ngokwesisombululo soMkhandlu, kumbe uma singekho leso sinqumo, ebekwe ngokomthetho.

(2) Inzalo iyokhokhwa ngokwentela yempahla esidlulelwe yisikhathi njengoba inqunywe emthethweni osebenzayo.

10. Ukudlulisela

(1) UMkhandlu uyokhipha incwadi eyisibizo ephoqayo mayelana nama-akhawunti nawo wonke amakhasimende aveza ukuthi kunemali esisalele izinsuku ezingaphezu kwama-30 kanye, uma leyo-akhawunti isaqhubeka nokuveza imali esalele sekuphele izinsuku ezingama-60, leyo-akhawunti iyodluliselwa ophikweni loMkhandlu olufanele lokuqoqa izikweletu, kumbe kochwepheshe bangaphandle bokuqoqa izimali.

(2) Nakuba kungenasibopho, IMenenja Yamasu Okusebenza: Ezezimali, uma kungenzeka, kumele iphenye izindlela zokusiza amakhasimende ngaphambi kokuthi idle impahla esusekayo kumbe engasuseki.

11. Ikhasimende alizikhetheli ukuthi lizokhokhela ini

Ikhasimende alinalo ilungelo lokwaba nanoma yiyiphi inkokhelo ekhokhwe engxenyeni ethile yesamba semali ekweletwayo. Ukwabiwa kwenkokhelo kwenziwa ngokubona kweMenenja Yamasu Okusebenza: Ezezimali kuphela.

12. Igunya lokuqoka ochwepheshwe babaqoqi zimali

IMenenja Yamasu Okusebenza Ezezimali: inegunya lokuqoka ochwepheshe babaqoqizimali futhi kumele bangene ezivumelwaneni namagatsha athile ngokoMthetho Ophumelelayo Wokuqoqwa Kwezimali we -1997, uma kunesidingo.

13. Izinyathelo zokusiza abahola impesheni

(1) UMkhandlu unganikeza isaphulelo enteleni yesakhiwo kubantu abangabanikazi kanye nabahlala kuleyo ndawo uma beletha isicelo esibhalwe phansi njalo ngonyaka futhi bengakwazi ukuveza ubufakazi obugculisa iMenenja Yamasu Okusebenza: Ezezimali ehambisana nalezi dingo ezilandelayo:

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KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

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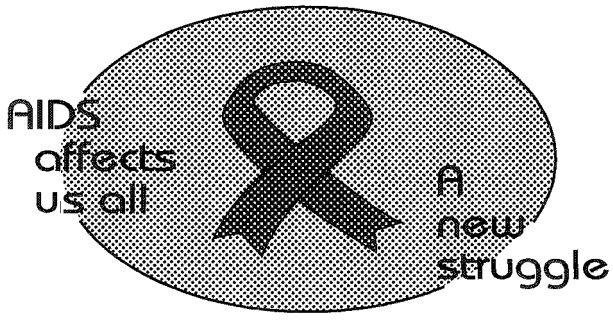
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PART 3 OF 3

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(a) Umfakisicelo kumele abengumkhokhi wentela futhi abe neminyaka engama-60 noma ngaphezulu kumbe ohola impesheni ohlala kuleyo ndawo; kumbe ngumkhokhi wentela othola isibonelelo sabakhubazekile kuhulumeni wasekhaya noma esikhwameni sempesheni esibhalisiwe.

(b) Umfakisicelo kumele abe ngumnikazi waleyo ndawo yokuhlala futhi leyo ndawo kumele ibhaliswe egameni lakhe (Izinhlangano ezididiyelwe azivumelekile).

(c) Isamba seholo lonyaka wonke somfakisicelo akufanele sibe ngaphezu kwenani elinqunywe nguMkhandlu ngaphambili.

(d) Umfakisicelo kumele alethe incwadi eyisiqinisekiso efungelwe eveza ukuthi-

(i) iholo eliveziwe yilona kuphela iholo aphila ngalo umholimpesheni.
(ii) iholo lakhe alidluli inani elisendimeni (c) futhi
(iii) uhlala ngokugcwele kuleyo ndawo yokuhlala.

(2) Zonke izicelo kumele zihanjiswe ngaphambi kosuku olunqunyiwe futhi azikho izicelo eziyokwamukelwa ezifike emva kwalolo suku.

(3) Isicelo esisha kumele senziwe njalo ngonyakazimali.

(4) Amaphesenti ayisaphulelo abalulwe endimeni (1)(a), nomkhawulo owubukhulu bokugcina beholo obalulwe endimeni (1)(c), kanye nosuku lokuvala lokufaka izicelo olubalulwe endimeni (2) kuyonqunywa njalo ngonyaka ngokuvuma kwesabelomali futhi kumele kukhangiswe zingakapheli izinsuku ezingama-30 emva kwalokho.

14. **Ukushayisana kwemithetho**

Uma kukhona ukuphikisana phakathi kwale Mithetho kaMasipala kanye neminye imithetho yoMkhandlu emaqondana nokulawulwa kwezikweletu, le mithetho kaMasipala yiyona eyosetshenziswa.

UMkhandlu kaMasipala wase-Richmond, usebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyela nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo zikaMasipala (UMthetho No. 32 wezi- 2000) lapha ushicilela iMithetho yawo kaMasipala Yempilo Yomphakathi.

IMITHETHO KAMASIPALA YEMPILO YOMPHAKATHI

ISAHLUKO 1:

UKUHUNYUSHWA KANYE NEMIGOMO EQAVILE

1. Izincazelo

Kule Mithetho Kamasipala, ngaphandle uma ingqikithi ichaza okunye –

"okulingene" uma kusetshenziselwe ukuchaza izinga noma indlela lapho nanoma yini edingwa yile Mithetho kaMasipala kumele yenziwe, kuchaza izinga noma indlela ngokubona kwesisebenzi esigunyaziwe elingene ukuqapha impilo yomphakathi nokuphumelelisa inhloso kanye nokusebenzisa imigomo yale Mithetho kaMasipala;

"ukuvunyelwa" uma kusetshenziselwe ukuchaza into ethile, isikali noma impahla kuchaza into, isikali noma impahla esivunyiwe ngokwesigaba 12 njengoba yanele ukuvikela izimo ezithile noma ukunciphisa ukuze kufinyelele ezingeni elamukelekile eMkhandlwini, ukuba sengcupheni kwempilo yomphakathi noma inkathazo empilweni yomphakathi yenzeka, iqhubeka kumbe iphinde yenzeka;

"isisebenzi esigunyaziwe" kuchaza isisebenzi esigunyazwe nguMkhandlu ngenhloso yale Mithetho kaMasipala ukwenza nokusebenzisa eminye noma yonke imisebenzi ngokwale Mithetho kaMasipala kumbe ngokwezihlinzeko zanoma yimuphi omunye umthetho;

"isaziso sokuhambisana" kuchaza isaziso esikhishwe ngokwesigaba 20 ukuhambisana nale Mithetho kaMasipala noma nemvumwe ekhishwe ngokwale Mithetho kaMasipala;

"uMkhandlu" kuchaza uMasipala wase-Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo Masipala noma IKomidi lawo

Eliphethe kumbe noma yiluphi olunye uhlaka olusebenza ngokwamandla eliwanikwe ngokomthetho, kumbe nanoma yisiphi iSikhulu esigunyazwe nguMkhandlu sanikwa amandla nemisebenzi maqondana nale Mithetho kaMasipala;

"indawo yase-Richmond" kuchaza indawo engaphansi koMkhandlu ngokomthetho;

"iMenenja kaMasipala" kuchaza umuntu oqokwe kanjalo nguMkhandlu ngokwesigaba 82 soHulumeni Basekhaya: UMthetho Wezinhlaka zikaMasipala, we-1998 (uMthetho No.117 we-1998);

"umhlali" mayelana nanoma yiliphi igceke, kuchaza noma yimuphi umuntu-

(a) ohlala kulelo gceke;

(b) oqashe kulelo gceke;

(c) ongahlali kulelo gceke kodwa onegunya lokwenza njalo; noma

(d) ophethe lesakhiwo kumbe ibhizinisi kuleso sakhiwo okunguye omele lo muntu oshiwo ku (a),(b) noma (c);

(e) "uhlaka lukahulumeni" kuchaza uhlaka lukahulumeni njengoba kuchazwe kwisigaba 239 soMthethosisekelo woMthetho waseRiphablikhi yaseNingizimu Afrika, we-(1996) (Umthetho No.108 we-1996)

"umnikazi" , mayelana nanoma yimuphi amagceke, kuchaza-

(a) umuntu ogama lakhe lirejistwe kwitayitela legceke futhi lihlanganisa umnikazi welayisensi yaleso siqinti; noma

(b) uma umuntu oshiwo ku (a) eshonile, ehluleka ukukhokha izikweletu, egula ngengqondo, esemncane noma engawazi umthetho, umshushisi, umgadi noma omunye umuntu onegunya ngokomthetho lokuphatha impahla yalowo muntu;

"imvume" kuchaza imvume yempilo yomphakathi enikezwe nguMkhandlu ngokwesigaba 11;

"umuntu" kuchaza umuntu qobo lwakhe kumbe umuntu ngokubuka komthethoisazi somthetho futhi kuhlanganisa nohlaka lukahulumeni;

"izinambuzane" kuchaza nanoma yisiphi isilwane ezingadala ingozi ezimpilweni zabantu noma inkathazo ezimpilweni zabantu uma zivela ngobuningi nangaphandle kokukhawulwa okuhlanganisa amagundane, izimpuku, izimpukane, omiyane kanye namaphela;

"amagceke" kuchaza-

(a) nanoma yiyiphi indawo engenamabhilidi kumbe ezinye izakhiwo kuyo;

(b) nanoma yiliphi ibhilidi kumbe esinye isakhiwo kanye nendawo esakhiwe kuyo; noma

(c) nanoma yiyiphi indawo encikene nendawo eshiwo ku (a) noma ku (b) noma yiliphi ibhilidi kumbe esinye isakhiwo kuleyo ndawo, uma indawo, ibhilidi noma isakhiwo sisetshenziswa mayelana nanoma yimuphi umsebenzi owenziwayo kwizakhiwo ezibalulwe ku (a) noma ku(b); kumbe;

(d) nanoma yimuphi umkhumbi, imoto noma yisiphi isakhiwo esisusekayo esisetshenziselwa ukusebenza okuhleliwe;

"Inani elinqunyiwe" kuchaza inani elinqunywe nguMkhandlu isikhathi ngesikhathi ngokwengokhelo yoMkhandlu emisiwe yabakhokhi ntela.

"isaziso sesivimbelo" kuchaza isaziso esikhishwe ngokwesigaba sama-21;

"impilo yophakathi" kuchaza ukuphila kwabantu ngokwengqondo nangokomzimba nangendlela abaphila ngayo abantu basendaweni yaseRichmond;

"ubungozi bempilo yomphakathi" kuchaza noma yibuphi ubungozi empilweni yomphakathi; futhi ngaphandle komkhawulo, okuhlanganisa-

(i)izimo ezibalulwe esigabeni 5 (3);

(j)izimo ezingenanhlanzeko;

(k) izimo ezenza kube lula ukwanda kwezifo ezithelelanayo;

(l) izimo ezenza ukudla neziphuzo (kuhlanganisa amanzi aphuzwa emakhaya) kungahlanzeki noma kungaphephi ukuthi kungadliwa kumbe kuphuzwe; kanye

(m) nezimo ezingavumela ukuhlupha kwezinambuzane ezindaweni lapho

zingahlukumeza impilo yomphakathi;

"inkathazo yempilo yomphakathi" kuchaza ukusetshenziswa kwanoma yimaphi amagceke kumbe indawo ngendlela ebeka impilo yomphakathi engcupheni kumbe okungavumelana nokubhekela impilo yomphakathi esezingeni eliyize noma okuncane, futhi okungenasilinganiso, kubalwa lezo zimo lapho inkathazo yempilo yomphakathi kubonakala ukuthi ikhona ngokwesigaba 7;

"indawo yomphakathi" kuchaza nanoma yimuphi umgwaqo, isitaladi, indlela, ibhuloho, ibhuloho elingaphezulu, umgwaqo oguduza ngaphansi, unqenqema lokuhamba ngezinyawo, indlela yezinyawo, indlela eseceleni, indlela engumhume, indawo evulelekile, ipaki, indlela, irenki yamabhasi kumbe yamatekisi, indawo evalekile engaphansi kuMkhandlu futhi kuhlanganisa nanoma yimuphi umgwaqo, indawo, kumbe indlela esetshenziswa ngumphakathi ngaphandle kokuthikamezeka kumbe umphakathi onelungelo lokuyisebenzisa;

"ukusetshenziswa ngokwesheduli" kuchaza uhlu olusetshenziswa kwiSheduli Yokuqala .

Ngaphandle uma ingqikithi ichaza ngokunye, nanoma yiliphi igama noma itemu elichaziwe kwisheduli linencazelo efanayo nalapho lisetshenziswe khona kule Mithetho kaMasipala.

2. **Inhloso**

Inhloso yale Mithetho kaMasipala ukuvumela uMkhandlu ukuba uvikele futhi uqhakambise impilo ende nokuphila kahle kwabantu basendaweni yaseRichmond-

(a) ngokubanhlinzeka, ngokuhlanganyela nomunye umthetho ofanele, uhlaka lomthetho nokuphathwa kwehhovisi olusebenzayo lapho uMkhandlu-

(i) ungaphatha bese ulawula imisebenzi engaba negalelo elihle empilweni yomphakathi ; bese

(ii) kudingeka ukuthi amagceke anakekelwe futhi aphathwe ngendlela efanele kanye

(c) nangokuchaza kahle amalungelo nezibopho zoMkhandlu kanye nomphakathi maqondana nale nhloso.

ISAHLUKO II:
IMIGOMO YEMPILO YOMPHAKATHI

3. **Imigomo**

(1) Wonke umuntu unelungelo ngokomthethosisekelo lokuba sendaweni engenabungozi empiweni yakhe kumbe ekuphileni kahle kanye nokuthola amanzi anele futhi uMkhandlu unomsebenzi ngokomthethosisekelo wokusebenza, ngokwamandla ezimali nokuphatha kwawo, wokuthuthukisa inhlalo ephephile nevikelekile.

(0) Into enobungozi empilweni yomphakathi eyenzekayo, eqhubekayo kumbe elokhu yenzeka kumele isuswe nanoma yingayiphi indlela, uma kungeke kwenzeke kanjalo, kumele incishiswe ngendlela ezokwamukeleka eMkhandlwini.

(0) Nanoma yimuphi umuntu ongumnikazi noma osebenzisa emagcekeni asendaweni yaseRichmond kumele aqikelele ukuthi asetshenziswa futhi anakekelwa ngendlela eqinisekisa ukuthi akwenzeki ubungozi kanye nenkathazo ezimpilweni zomphakathi kuwo la magceke.

(2) Nanoma yimuphi umuntu onesifiso sokwenza umsebenzi ongadala ingozi ezimpilweni zomphakathi okungaphezu kokungabaluleki noma obukeleka phansi kumele –

(a) athathe izinyathelo ezifanele zokwehlisa lobo bungozi, uma kungaphumeleleki ukwehlisa ubungozi bube sezingeni elamukelekile eMkhandlwini; futhi

(b) athwale izindleko zokuthatha lezo zinyathelo kanye nezindleko ezithwalwe nguMkhandlu ukuqinisekisa ukuthi ubungozi buyancishiswa kumbe buhliselwa ezingeni elamukelekayo.

(3) UMkhandlu kumele ulawule yonke imisebenzi bese uphatha zonke izindaba enesibopho sazo ngokusemthethweni ngendlela –

(a) egwema ukwenzeka kobungozi noma inkathazo empilweni yomphakathi;

(b) eyenza kungabilula ukwanda kwezifo zabantu kumbe izilwane;

(c) engandisi izimo ezinokungcola noma ukungahlanzeki;

(d) egwema ukudla noma uphuzo olungaphephile ukuba kudliwe noma luphuzwe;

(e) egwema izimo ezingabhebhethekisa izinambuzane; kumbe

(f) uma kungenzeka, ethuthukise impilo yomphakathi wasendaweni yaseRichmond.

(4) Ukubhekana nezindaba ezithinta impilo yomphakathi uMkhandlu kumele-

(a) usebenzise indlela yokuqaphela futhi engenabungozi;

(b) ubeke phambili izintshisekelo ezibumbene zabantu basendaweni yaseRichmond nabaseNingizimu Afrika, ngaphezu kwezintshisekelo zanoma yiliphi iqembu kumbe umkhakha womphakathi;

(c) ubhekele ukuphatha ngokungalingani kwaphambilini ekuphatheni kanye nokulawulwa kwemisebenzi engaba nomthelela empilweni yomphakathi bese ulungisa lokhu kungalingani ngendlela enokulingana futhi engacwasi;

(d) usebenzise indlela ebhekelela izintshisekelo zezizukulwane ezizayo; futhi

(e) ubhekelele, nanoma yingayiphi indlela ngaphandle kokubeka engcupheni impilo yomphakathi, ukunciphisa izinto ezingaba nomthelela omubi kwezinye izinto eziphilayo kanye nasezitshalweni.

4. **Ukusetshenziswa kwemigomo**

Imigomo yempilo yomphakathi ebekwe esigabeni 3 kumele ilandelwe futhi isetshenziswe yinoma yimuphi umuntu-

(a) osebenzisa amandla noma umsebenzi kumbe owenza umsebenzi ngaphansi kwale Mithetho kaMasipala;

(b) owakha kumbe oqalisa ukusebenza kwanoma yiyiphi inqubomgomo engaba nomthelela obalulekile kumbe omayelana nokuqhutshwa kwemisebenzi engaba nomthelela empilweni yomphakathi waseRichmond;noma

(c) osebenzisa amandla omphakathi noma umsebenzi kumbe owenza umsebenzi womphakathi endaweni yaseRichmondongaba nomthelela obalulekile empilweni yomphakathi wasendaweni yaseRichmond.

ISAHLUKO III:
UBUNGOZI EMPILWENI YOMPHAKATHI

5. **Isivimbelo ekudaleni ubungozi empilweni yomphakathi**

(1) Akukho muntu ongenza into enobungozi empilweni yomphakathi nanoma yikuphi endaweni yaseRichmond.

(0) Bonke abanikazi noma abahlali bamagceke kumele baqikelele ukuthi izinto ezinobungozi empilweni yomphakathi azenzeki emagcekeni.

(0) Umnikazi noma umhlali wamagceke wenza ubungozi empilweni yomphakathi uma-

( ) amagceke ezinambuzane noma izinambuzane zanda ngamandla emagcekeni;

( ) kunezimo emagcekeni ezenza kube lula ukubhebhetheka kwezifo ezithathelanayo;

( ) kunezimo ezingenayo inhlanzeko kunoma yiyiphi ingxenye yamagceke; kumbe

( ) nanoma yikuphi ukunikezelwa kwamanzi asetshenziswa ekhaya emagcekeni kungaphephile ukuthi angasetshenziswa ngabantu.

(0) Nanoma yimuphi umuntu owaphula kumbe ohluleka ukulandela isigatshana (1) noma (2) wenza icala.

6. **Isibopho sokubika**

(1) Umnikazi noma umhlali wamagceke owaziyo ngobungozi empilweni yomphakathi obusemagcekeni lawo kumele engakapheli amahora angama-24 ekubonile ubungozi-

(a) asuse lobo bungozi empilweni yomphakathi; noma

(b) uma umnikazi noma umhlali ehluleka ukulandela isigatshana(a), kumele athathe izinyathelo ezifanele ukunciphisa ubungozi empilweni yomphakathi bese ebika lobo bungozi eMkhandwini.

(2) Umnikazi noma umhlali ohluleka ukulandela isigatshana (1) wenza icala.

ISAHLUKO IV:
INKATHAZO EMPILWENI YOMPHAKATHI

1. Isivimbelo ekubangeni inkathazo empilweni yomphakathi

(1) Akukho muntu ongenza inkathazo empilweni yomphakathi nanoma yikuphi endaweni yaseRichmond.

(2) Bonke abanikazi noma abahlali bamagceke kumele baqikelele ukuthi inkathazo empilweni yomphakathi ayenzeki emagcekeni.

A **Izinkathazo ezivamile**

Umnikazi noma umhlali wamagceke udala inkathazo empilweni yomphakathi-

(1) nanoma yimuphi umfudlana, idamu lokubhukuda, ixhaphozi, udongana, umsele wamanzi, umzila wamanzi, ithangi lamanzi, indlu yangasese eshaywayo, indlu yangasese ewumgodi, umchamo, umgodi wokungcolile, umgodi wokuthuthela okungcolile, umsele, ipayipi lokuthutha indle, umgodi womquba, ithangi lokuchitha, inqwaba yomquba noma ingqumbi yomquba ovundile kumbe okukuleso simo okubekwe noma okwakhiwe ngendlela enokuhlukumeza noma enokulimaza kumbe enobungozi empilweni;

(1) nanoma yisiphi isitebela, isibaya, ishede, indlwana noma amagceke asetshenziselwa ukugcina izilwane noma izinyoni futhi akhiwe, abekwe, asetshenziswa noma agcinwa ngenhloso yokuhlukumeza noma yokulimaza noma eyingozi empilweni;

(2) nanoma yikuphi ukunqwabelana kwezibi, imfucumfucu, umanyolo noma okunye okuhlukumezayo kumbe okulimazayo kumbe okuyingozi empilweni;

(3) nanoma yiliphi ibhilidi lomphakathi elitholakala, elakhiwe, elisetshenziswa noma eligcinwe ngokungaphephile noma ngokulimazayo kumbe ngokuyingozi empilweni;

(5) nanoma yiliphi ibhilidi elakhiwe emagcekeni ngaphandle kokuqala ngokususa noma ngokuhlanza ngendlela evunyiwe, nanoma yiyiphi indle, isilwane noma udoti wezitshalo ochithwa ezakhiweni;

(1) nanoma yiyiphi indawo yokuhlala engenakho ukunikezelwa kwamanzi ahlanzekile futhi anele ebangeni elifanele;

(2) nanoma yimaphi amagceke amafemu noma amabhizinisi angagciniwe esimweni esihlanzekile futhi angenalo iphunga elihlukumezayo eliphuma emiseleni, ezindlini zangasese ezishaywayo, ezindlini zangasese eziwumgodi, ezindaweni zokuchama abesilisa kumbe kunoma yikuphi, kumbe angenazo izindawo ezingenisa umoya ukuze kuphele nanoma yiliphi iphunga legesi noma okunye ukungcola okwenzekile, kumbe agcwele kakhulu noma angenakho ukukhaya okufanele noma angenazo izindawo ezingenisa umoya ngendlela elimazayo noma eyingozi empilweni yalabo abaqashwe lapho;

(3) nanoma yimaphi amafemu noma amabhizinisi abangela noma aletha iphunga elihlukumezayo kumbe elilimazayo noma elinobungozi empilweni;

(4) nanoma yimuphi umhlaba ogcinelwe noma oevunyelwe ukuhlala ukuleso simo esihlukumezayo; kumbe

(10) nanoma yimuphi omunye umsebenzi, isimo noma into ebikwe njengenkathazo nguNgqongqoshe ngokwezihlinzeko zesigaba 39 (2) soMthetho wezeMpilo No. 63 we-1975.

B **Ukulawulwa kwezinambuzane**

Umnikazi noma umhlali wamagceke wenza inkathazo empilweni yomphakathi uma-

(1) udoti noma ukhula lushiywa noma lugcinwa ngendlela eheha amagundane noma ezinye izinambuzane emagcekeni;

(2) izimpukane ziheheka, kumbe zingazalana zikhule ngamandla ngoba-

(a) umquba obolile onganele noma izinsalela zisetshenziswa zigciniwe; noma

(b) nanoma yiyiphi enye into eheha izimpukane isetshenziswa kumbe igciniwe ngaphandle kwenhloso yokubamba noma yokubulala zona izimpukane;

(3) omiyane benganda ngamandla ngoba -

(a) okokuphatha lapho omiyane banganda khona, njengamabhodlela, izitsha zobumba, kanye namathini, ashiyiwe noma agciniwe emagcekeni;

(b) amathangi, imiphongolo kanye nokokuphatha lapho omiyane benganda khona akuvaliwe ngesembozo sokuvika omiyane kumbe ucingo oluwulwembu olwenziwe njengompheme wokuvikela omiyane ukuba bangatholi indlela yokungena emanzini aqukethwe yizona;

(c) umsele wamanzi kanye namapayipi ahamba phansi antekenteke noma avimbene ngokuma ndawonye okwenza ukuthi amanzi aqongoleleke khona; noma

(d) izinyathelo esezivunyiwe azikathathwa ukuvikela ukwanda komiyane emachibini, emigodini noma emithonjeni.

(4) Lezi zinyathelo ezilandelayo zithathwa njengezinyathelo ezivunywe ngenhloso yendima yesi-7B (3)(d)-

(a) ukumuncwa kwamanzi aqongelelekile okungenani kanye ezinsukwini eziyisikhombisa;

(b) ukwemboza amanzi aqongelelekile anamafutha okungenani kanye ezinsukwini eziyisikhombisa;

(c) esimweni semithombo, ukuhlinzeka ngesembozo sokuvika omiyane kanye nephampu yamanzi;

C **Ukungcoliswa komoya**

Umnikazi noma umhlali wagceke wenza inkathazo empilweni yomphakathi uma-

(1) nanoma yimuphi udoti ushiselwa ngaphandle ,ngaphandle kokusebenzisa izinsiza ezivumelekile;

(2) umlotha, ugedlana,umule kumbe intuthu ephuma kunoma yimuphi ushemula emagcekeni ngendlela noma ngenani elanele ukuba nomthelela omubi empilweni yomphakathi;

(3) ukwakhiwa kumbe ukubhidlizwa kwebhilidi kumbe isakhiwo kudala izintuli eziphumela ezakhiweni eziseduze ngendlela kumbe ngenani elanele ukuba nomthelela omubi empilweni yomphakathi;

ISAHLUKO V:
UKUSETSHENZISWA KWAMAGCEKE OKUNGABA NOBUNGOZI

8. **Umsebenzi wokwenza uhlu lokusetshenziswa okungaba yingozi**

Uma uMkhandlu ukholelwa ukuthi nanoma yimaphi amagceke endaweni yase-Richmond sezike zasetshenziswa kumbe kungenzeka zisetshenziswa izikhathi ngezikhathi ngenhloso kumbe ngendlela ebange kumbe engabanga, ingozi empilweni yomphakathi, noma yenze inkathazo empilweni yomphakathi ngaphandle uma kuthathwa izinyathelo ezifanele ukuvimba ukuba sengcupheni kumbe ukwehlisela ezingeni elamukelekile, uMkhandlu kumele wenze uhlu lwemisebenzi kwiSheduli kule Mithetho kaMasipala futhi unqume izinyathelo okumele zithathwe ukuvikela ukuba sengcupheni kumbe ukwehlisela ezingeni elamukelekile eMkhandlwini.

9. **Ukusetshenziswa kweSheduli**

(1)Nanoma yimuphi umuntu osebenzisa amagceke ngendlela kumbe ngenhloso ebhalwe kwiSheduli ebalulwe esigabeni 8 kumele ahambisane nazo zonke izihlinzeko ezibekwe kwiSheduli ezimayelana nalokho kusetshenziswa ngaphandle uma lowo muntu exoleliwe ngaphansi kwesigaba 10 ngokuhambisana nanoma yisiphi isihlinzeko.

(2) Nanoma yimuphi umuntu osebenzisa amagceke ngendlela kumbe ngenhloso ebhalwe kwiSheduli Yesibili kumele athole imvume ngaphansi kwesigaba 11 ngaphambi kokuqala ukuwasebenzisa futhi kumele ahambisane nemigomo nemibandela yemvume.

10. **Isitifiketi sokukhululwa**

(1)Nanoma yimuphi umuntu ofuna ukwenza umsebenzi ohleliwe kunoma yimaphi amagceke kepha ofisa ukukhululwa ngokuvumelana nezidingo zesheduli efanele,

angafaka isicelo eMkhandlwini ngokuhambisana nesigaba 13 mayelana nesitifiketi sokukhululwa.

(3) UMkhandlu ungakunika isitifiketi sokukhululwa ngaphansi noma ngaphandle kwemibandela uma isisebenzi esigunyaziwe saneliseka ukuthi-

(a) izinyathelo ezithathiwe ukuvikela noma ukunciphisa ukuba sengcupheni kwempilo yomphakathi okubangelwa ukusetshenziswa okuhleliwe okufana kumbe okungcono kunezinyathelo ezidingwa yisheduli efanele;kanye

(b) nokusetshenziswa okuhleliwe lapho ukuxolelwa okudingekayo kungajwayele ukudala ingozi kumbe inkathazo empilweni yomphakathi.

11. **Incwadi yemvume yempilo yomphakathi**

(1) Nanoma yimuphi umuntu ofuna ukwenza umsebenzi ohleliwe obhalwe kwiSheduli Yesibili kumele afake isicelo esibhaliwe eMkhandlwini ngokuhambisana nesigaba 13 esimayelana nemvume yempilo yomphakathi.

(2) UMkhandlu ungakhiphela umnikazi noma umhlali wanoma yimaphi amagceke angaphansi kwegunya lawo ngokomthetho incwadi yemvume yempilo yomphakathi uma isisebenzi esinegunya saneliseka ukuthi ukusetshenziswa okudinga imvume angeke kubeke engcupheni impilo yomphakathi noma kudale inkathazo empilweni yomphakathi.

(3) Incwadi yemvume yempilo yomphakathi-

(a)kumele ikhishwe ngokuncike kwimibandela ehlose ekunciphiseni ukuba sengcupheni kwempilo yomphakathi okwenziwe ukusebenza okuhleliwe, kube sezingeni elamukelekile eMkhandlwini;

(b)ingakhululula umnikazi wencwadi yemvume ngokuhambisana nesisodwa noma ngaphezulu isihlinzeko seshedule efanele, uma umuntu onegunya lokukhipha incwadi yemvume ekholwa ukuthi incwadi yemvume idinga umphathi wencwadi yemvume ukuba athathe izinyathelo ezingagwema noma ezinganciphisa ukuba sengcupheni kwempilo yomphakathi engadalwa imisebenzi efana noma engcono kunezinyathelo ezidingwa yisheduli efanele,

(c) ingavuma noma yiziphi izinyathelo kumbe impahla exhumene nomsebenzi

ogunyazwe yincwadi yemvume ekumele zivunywe ngokweMithetho kaMasipala

12. **Ukuvunyelwa kwezinyathelo kanye nezimpahla.**

(1) UMkhandlu ungavuma noma yiyiphi into kumbe impahla esetshenzisiwe, kumbe nanoma yiziphi izinyathelo ezithathiwe ngaphansi kwezimo ezibaluliwe ezanele ukunciphisa ukuba sengcupheni kwempilo yomphakathi kanye nenkathazo eyenzekayo, eqhubekayo noma esazophinde yenzeke, noma ukunciphisa ukuba sengcupheni kube sezingeni elamukelekile eMkhandlwini.

(2) Into, impahla kumbe izinyathelo ezibalulwe esigatshaneni soku-(1) zingavunywa uMkhandlu -

(a) encwadini yemvume yempilo yomphakathi ; noma

(b) ezinkombandleleni ezinqunywe nguMkhandlu ngokwesigatshana sesi-(3).

(3) UMkhandlu ungashicilela izinkombandlela kwiGazethi yesiFundazwe echaza-

(a) izinyathelo ezifanele okumele zithathwe kanye nezinto kanye nezimpahla ezingasetshenziswa, ukunciphisa ukuba sengcupheni kwempilo yomphakathi noma inkathazo eyenzekayo, eqhubekayo kumbe esazophinde yenzeke, noma ukunciphisa lokho kuba sengcupheni kube sezingeni elamukelekile eMkhandlwini; futhi

(b) izimo lapho ukuthatha lezi zinyathelo kumbe ukusebenzisa lezi zinto nalezi zimpahla kwamukelekile eMkhandlwini.

13. **Inqubo yokufaka izicelo**

(1) Nanoma yimuphi umuntu ofuna ukuthola incwadi yemvume noma isitifiketi sokukhululwa kumele afake isicelo esibhaliwe eMkhandlwini efomini elibalulwe nguMkhandlu, ngaphambi kokwenza umsebenzi ohleliwe.

(0) Uma UMkhandlu ususitholile isicelo sencwadi yemvume noma sesitifiketi sokukhululwa kumele uqikelele ukuthi amagceke afanele ahloliwe yisisebenzi esinegunya ngokukhulu ukushesha.

(0) Ngaphambi kokunquma ukuthi siyavunywa noma asivunywa isicelo esibalulwe esigatshaneni soku-(1) uMkhandlu-

( ) kumele uqikelele ukuthi nanoma yibaphi abantu abasendaweni eseduzane nezakhiwo impilo yabo noma ukuphila kwabo okungahlukumezeka uma amagceke esetshenziselwa umsebenzi ohleliwe, kuthintaniwe nabo futhi babe nalo ithuba lokwenza izethulo;futhi

( ) ungacela umfakisicelo ukuba ahlinzeke ngemininingwane eyengeziwe uMkhandlu oyithatha njengebalulekile ezowusiza ukuthi uthathe isinqumo esifanele.

(0) Ekuthatheni isinqumo sokunikwa noma sokunganikwa incwadi yemvume noma isitifiketi sokukhululwa kanye nokuthi yimiphi imigomo nemibandela, uma ikhona, okumele ifakwe kuyona, uMkhandlu kumele usebenzise imigomo yempilo yomphakathi ebekwe esigabeni 3 .

14. **Imigomo evamile esebenzayo ezincwadini zemvume kanye nasezitifiketini.**

(1) Incwadi yemvume noma isitifiketi sokukhululwa-

(c) asidluliselwa komunye umuntu; futhi

(d) sisebenza kulawo magceke kuphela esiqondene nencwadi yemvume noma isitifiketi.

(2) Zonke izincwadi zemvume noma isitifiketi sokukhululwa-

(a) kumele sicacise ikheli kanye neminye imininingwane emayelana nendawo eqondene namagceke;

(b) kumele sichaze amagceke athintekayo;

(c) kumele sichaze umsebenzi oqondene naso;

(d) kumele sichaze imigomo nemibandela ; futhi

(e) sicacise ukuthi siphela nini.

(3) UMkhandlu ungakhokhisa abafakisicelo imali enqunyiwe ukubhekisisa kanye nokunikeza incwadi yemvume noma isitifiketi sokukhululwa.

(4) UMkhandlu unganqaba ukubhekisisa isicelo kuze kube ukuthi uhlinzekwa ngayo

yonke imininingwane edingekayo ukwenza isinqumo esiphusile futhi kuze kube ukuthi imali enqunyiwe (uma ikhona) iyakhokhwa.

15. **Ukumiswa, ukuchithwa kanye nokuchibiyelwa kwezincwadi zemvume kanye nezitifiketi zokukhululwa**

(1)Isisebenzi esinegunya ngokubhala isaziso esiya kumphathi wencwadi yemvume noma isitifiketi sokukhululwa, singamisa, sichibiyele noma sichithe imvume noma isitifiketi.

(1) Isisebenzi esinegunya singamisa noma sichithe incwadi yemvume noma isitifiketi sokukhululwa ngalesosikhathi uma -

(a) Isisebenzi esinegunya sikholwa ukuthi kunesidingo esiphuthumayo sokuqeda noma sokunciphisa ubungozi obungenzeka empilweni yomphakathi okudalwa yinkathazo empilweni yomphakathi; futhi

(b) uma umphathi wemvume noma wesitifiketi ehluleka ukulandela isaziso esiveza ukuthi imvume noma isitifiketi singamiswa noma sichithwe ngaphandle kokuphinde waziswe uma umphathi wemvumve ehluleka ukulandela isaziso sokuzibophezela.

(2) Isisebenzi esinegunya singamisa noma sichithe incwadi yemvume noma isitifiketi sokukhululwa emva kokunika umphathi wemvume ithuba elenele lokwenza zethulo zokuthi kungani imvume noma isitifiketi kungafanele simiswe noma sichithwe uma-

(a) isisebenzi esinegunya sikholwa ukuthi kufanele siqede noma sinciphise okungabeka sengcupheni impilo yomphakathi okudalwa yingozi noma inkathazo empilweni yomphakathi;noma

(b) umphathi wemvume kumbe isitifiketi ehluleka ukulandela isaziso sokuzibophezela.

(4)Isisebenzi esinegunya singachibiyela incwadi yemvume noma isitifiketi sokukhululwa ngokusayina incwadi yemvume noma isitifiketi kumbe ngokubhalela umphathi wemvume isaziso, uma isisebenzi sezempilo sikholwa ukuthi kunesidingo sokuvikela impilo yomphakathi noma ukubhekisisa izinguquko ezenzekile kusukela kukhishwe incwadi yemvume kumbe isitifiketi sokukhululwa.

ISAHLUKO VI:

UKUQALISA KOKUSEBENZA KANYE NOKUPHOQELELA

16. **Ukuqokwa kanye nokuhlonzwa kwabasebenzi bezempilo**

(1) Umkhandlu kumele ukhiphe ikhadi lokuzazisa esisebenzini ngasinye esinegunya.

(1) Ikhadi lokuzazisa kumele-

(a) liqukathe isithombe esisha sesisebenzi esinegunya;

(b) lisayinwe yisisebenzi esinegunya; bese

(c) lihlonze umuntu oyisisebenzi esinegunya.

(2) Isisebenzi esinegunya kumele siveze ikhadi laso lokuzazisa ukuze kugqame noma alikhiphe uma ecelwa yinoma yimuphi umuntu mayelana namandla asetshenziswa yisisebenzi esinegunya ngaphansi kwale Mithetho kaMasipala.

(3) Uma noma yingasiphi isizathu, kungenzeki ukuthi uhambisane nesigatshana sesi-(4),isisebenzi esinegunya singakhipha ikhadi lokuzazisa ukuze lihlolwe umuntu onelungelo lokulibona ngethuba lokuqala.

17. **Amandla avamile esisebenzi esinegunya**

(1) Isisebenzi esinegunya ngokwenhloso yokuqalisa noma yokuphatha noma yimaphi amandla noma umsebenzi ngaphansi kwale Mithetho kaMasipala

(a) singa-sebenzisa noma yimaphi amandla anikezwe lesosibenzi ngokwale Mithetho kaMasipala kumbe omunye umthetho osebenzayo;

(b) singakhipha isaziso sokuzibophazela ngokwesigaba sama-20 esidinga noma yimuphi umuntu ukuba alandele izihlinzeko zale Mithetho kaMasipala;

(a) singakhipha isaziso sesivimbelo ngokwesigaba sama-21 esivimbela noma yimuphi umuntu ukwenza umsebenzi;

(b) singathatha izinyathelo ngokwesigaba sama-23 ukususa kanye/ noma ukunciphisa inkathazo empilweni yomphakathi;

(c) singafaka isicelo enkantolo yemantshi ngokwesigaba se-19 somyalelo wokubhidliza;

(d) singakhipha:

(i) incwadi yemvume yempilo yomphakathi ngokwesigaba se-11;

(ii) isitifiketi sokukhululwa ngokwesigaba se-10.

(e) singachitha, simise noma sichibiyele noma yiyiphi incwadi yemvume noma isitifiketi sokukhululwa ngokwesigaba se-15; noma

(f) singangena futhi sihlole izakhiwo ngokwesigaba se-18;

18. **Ukuhlola okusemthethweni**

(1) Isisebenzi esinegunya singa, kuncike esigatshaneni (3)-

(a) singene futhi sihlole noma yiziphi izakhiwo;

(b) sibuze imibuzo kunoma yimuphi umuntu esimfica kulezo zakhiwo;

(c) sihlole noma yiziphi izincwadi ezifanele;

(d) senze amakhophi anoma yiziphi izincwadi ezibalulwe esigatshaneni (c) noma uma kunesidingo sisuse lezo zincwadi ngenhloso sokwenza amakhophi azo;

(e) sithathe noma yimaphi amasampula isesebenzi esinegunya esiwabona enesidingo sokuwahlola noma sokuwahlaziya;

(f) siqaphe futhi sifunde noma sense izikalo;kanye

(g) sithathe izithombe noma siqophe noma yini noma yimuphi umuntu obonakalayo nozwakalayo, uhlelo,izenzo kumbe isimo esikhona kunoma yiziphi izakhiwo.

(2) Isikhulu sezempilo esisusa noma yini ngaphandle kwempahla eningwe esigatshaneni sesi-(2) ezakhiweni ezihloliwe kumele-

(a) sikhiphe iresidi yayo kumnikazi,umhlali kumbe kumuntu osekunguyena olawula leyo ndawo;kanye

(b) siliphindise ngokushesha uma kwenzeka emva kokuthi eseyiphumelelisile inhloso yokususwa kwayo.

(3)Isikhulu singahlola noma maphi amagceke-

(a) ngemvume ebhalwe phansi ekhishwe yiMantshi ngokwe sigaba sama-24; noma

(b) ngaphandle kwemvume ebhalwe phansi ezimweni ezibhalwe esigabeni sama-

19. **Umyalelo wokubhidliza**

(2) Uma uMkhandlu ukholelwa ukuthi ukuba sengozini kwempilo yomphakathi kungaqedwa kumbe *inkathazo empilweni yomphakathi ingancishiswa ngokushesha* ngokubhidliza ibhilidi noma udonga, kungenzeka ,kuncike ezihlinzekweni eziqukethwe yinoma yimuphi umthetho, zisebenza kunoma yiyiphi inkantolo enegunya lokukhipha umyalelo kunoma yimuphi umuntu ukuthi abhidlize ibhilidi noma udonga kumbe ugunyaze uMkhandlu ukwenza kanjalo bese kubuya izindleko zomnikazi noma zomhlali wakulawo magceke, noma kokubili.

(3) UMkhandlu angeke ufake isicelo enkantolo ngokwesigatshana soku (1) ngaphandle uma unikeze *umnikazi noma umhlali* isaziso esibhalwe phansi sezinsuku ezingengaphansi kweziyishumi nane senhloso yawo yokufaka isicelo.

20. **Isaziso sokuzibophezela**

(1) Uma isisebenzi esinegunya, emva kokuhlola amagceke, futhi sikholelwa ukuthi kukhona ubungozi empilweni yabantu kulawo magceke kumbe lawo magceke asetshenziselwe umsebenzi ohlelelwe ukuphikisana nale Mithetho kaMasipala,isisebenzi esinegunya kumele sinikeze la bantu abalandelayo isaziso sokuzibophezela:

(a) Umnikazi wamagceke;

(b) Umhlali wakulawo magceke;

(c) Nanoma yimuphi umuntu oselawula ukusetshenziswa okuhleliwe kwalawo magceke.

(2) Isaziso sokuzibophezela kumele siveze ukuthi-

(d) kungani isisebenzi esinegunya sikholwa ukuthi le Mithetho kaMasipala yephuliwe;

(e) izinyathelo okumele zithathwe-

(i) ukuqinisekisa ukuthi le Mithetho kaMasipala iyalandelwa;noma

(ii) ukunciphisa noma ukwehlisa ubungozi empilweni yomphakathi;

(f) isikhathi izinyathelo okumele zithathwe ngaphansi kwaso;

(g) imiphumela engalindeleka uma uhluleka ukulandela lesisaziso; kanye

(h) ungasifaka kanjani isicelo sokuphikisana nesaziso.

(1) Uma umuntu ehluleka ukulandela isaziso sokuzibophezela esidinga ukuthi kuthathwe izinyathelo ezithile, uMkhandlu unga-

(a) thatha izinyathelo ezidingekayo ezibalulwe kwisaziso sokuzibophezela;kanye

(b) buyisa, njenge sikweletu, kumuntu onikezwe isaziso,izindleko ezifanele ezenzeke ngesikhathi kuthathwa zinyathelo ezidingekayo.

21. **Isaziso sesivimbelo**

(1) Isisebenzi esinegunya emva kokuhlola izakhiwo singa nikela ngesaziso sesivimbelo esivimbela ukusetshenziswa kwalawo magceke ngezinhloso ezithile futhi kudingeka kuthathwe izinyathelo ezifanele ukuqinisekisa ukuthi lokhu kuyenzeka koyedwa noma ngaphezulu kwala bantu abalandelayo:

(c) Umnikazi noma umhlali wakulawo magceke uma isisebenzi esinegunya sikholwa ukuthi indawo isetshenziselwa inhloso enobungozi empilweni yomphakathi,noma ukuphazamisa impilo yomphakathi;

(d) noma yimuphi umuntu oqhuba umsebenzi esebenzisa amagcekeo ngenhloso kumbe ngendlela isisebenzi esinegunya esikholwa ukuthi ibanga ubungozi empilweni yomphakathi kumbe iyisiphazamiso empilweni yomphakathi; noma

(i) umuntu onikezwe isaziso sokuzibophezela uma isisebenzi esinegunya sikholwa ukuthi umuntu uhlulekile ukulandela isaziso.

(2) Isisebenzi esinegunya kumele sinikeze umuntu esifisa ukumnikeza isaziso sesivimbelo isikhathi esanele sokwenza izethulo ngaphambi kokumnikeza isaziso

ngaphandle uma isisebenzi esinegunya sikholwa ukuthi ukubambezeleka ukwenza kanjalo kuzobeka engcupheni impilo yomphakathi, esimeni lapho umuntu enikezwe isaziso sesivimbelo kumele anikezwe ithuba elanele lokwenza izethulo zokuthi kungani kumele sihoxiswe.

(3) Isaziso sesivimbelo kumele siveze-

(a) izizathu zokunikeza isaziso;

(b) nanoma ngabe uMkhandlu ungasihoxisa isaziso uma kukhona izinyathelo ezithathiwe, futhi uma kunjalo izinyathelo kumele zithathwe;

(c) izinkinga ezingenzeka uma uhluleka ukulandela lesisaziso;kanye

(d) ukuthi ungasifaka kanjani isicelo sokuphikisana nesaziso.

(4) Ngaphandle uma isaziso sihlinzeka ngokunye, siyaqala ukusebenza uma sikhishwe ngaphansi kwesigatshana soku (1) futhi siyaphoqelela kuze kube ukuthi siyahoxiswa.

(5) Isisebenzi esinegunya kumele ngokuphazima kweso sinamathisele isaziso endaweni eseduze nalawo magceke.

(6) Kungukuzivikela kwanoma ubani obekwe icala lokuhluleka ukulandela isaziso sesivimbelo ukufakazela ukuthi-

(a) akazi ngokusebenza komyalelo wesivimbelo futhi akalindelekile ukuthi kufanele ngabe uyazi ngokusebenza kwaso;kanye

(b) usilandelile isaziso sesivimbelo engakapheli amahora angama-48 kusukela ngesikhathi isaziso esinanyatheliswe ngaso ezakhiweni ngokwesigatshana sesi-(5).

22. **Ukuhoxiswa kwesaziso sesivimbelo**

(1) Isisebenzi esinegunya kumele senze uphenyo emagcekeni engakapheli amahora angama -48 sithole isicelo sokuhoxisa okuqukethwe yisaziso sesivimbelo.

(2) Emva kokuphothulwa kophenyo isisebenzi esinegunya kumele sazise umuntu onikezwe isaziso sesivimbelo kumbe i-agenti yalowo muntu ngokubhalwe phansi ukuthi isaziso sesivimbelo sisusiwe noma cha kumbe umyalelo wesivimbelo

uhoxisiwe.

(3) UMkhandlu ungakhokhisa umnikazi kumbe umhlali wanoma yiziphi izakhiwo lapho kunophenyo olwenziwayo ngokwesigatshana soku (1), intengo enqunyiwe yokwenza uphenyo.

23. **Umsebenzi kaMasipala wokulungisa**

(1) UMkhandlu ungangena kunoma iziphi izakhiwo enze noma yini emagcekeni obona kunesidingo-

(a) Ukuqinisekisa ukulandela le Mithetho kaMasipala noma yisiphi isaziso sokuzibophezela noma isaziso sesivimbelo;

(b) Ukunciphisa, ukususa noma ukwehlisa inkathazo empilweni yomphakathi; noma

(c) Ukunciphisa, ukususa noma ukwehlisa izingozi empilweni yomphakathi.

(0) UMkhandlu ungangena kuphela uma uzothatha izinyathelo ngaphansi kwalesi sigaba

( ) ngemvume ebhaliwe phansi ekhishwe yimantshi ngokwesigaba 24 ; noma

( ) ngaphandle kwemvume ebhalwe phansi ezimeni ezibhalwe esigabeni sama-25.

24. **Imigomo elandelwayo yokwenza ukuhlolwa okusemthethweni noma umsebenzi wokulungisa okungaphandle kwegunya elibhaliwe**

(1)Imantshi ingakhipha igunya elibhaliwe ukungena nokwenza umsebenzi noma ukuhlolwa kwanoma imaphi amagceke, uma, ngokolwazi olufungelwe, kunezizathu ezizwakalayo zokukholwa –

(a) ngokwezidingo zomphakathi, kudingekile ukwenza umsebenzi noma ukuthola ulwazi ongeke uluthole ngaphandle kokungena emagcekeni; noma

(b) ukukhona ukungalandelwa kwale Mithetho kaMasipala.

(2) Igunya elibhalwe phansi ngokwe sigatshana soku-(1) lingakhishwa noma yingasiphi

isikhathi futhi sicacise -

(a) lihlonze amagceke okumele kungenwe kuwo bese ayasetshenzwa noma ahlolwe; futhi

(b) lihlonze onegunya lokungena bese enza umsebenzi noma ukuhlolwa.

(3) Igunya elibhalwe phansi elikhishwe ngokwe sigatshana sesi-(2) lisebenza kuze kube -

(a) liyasetshenziswa;

(b) lichithiwe ngumuntu olikhiphile noma ,uma lowo muntu engekho kube ngomunye umuntu onegunya elifanayo;

(c) inhloso ebelikhishwelwe yona seyiphelelwe yisikhathi;noma

(d) Izinyanga ezintathu sezidlulile kusukela kwakhishwa usuku.

(4) Igunya elibhaliwe ngokwesigatshana soku-(1) lingasetshenziswa phakathi kuka 07h00 kanye no 19h00, ngaphandle uma imantshi elikhiphile ichaza ngokubhalwe phansi ukuthi lingasetshenziswa ngezikhathi ezihlukile ngezimo ezithile.

(5) Ngaphambi kokuqala kwanoma yimuphi umsebenzi noma ukuqhuba ukuhlola lowo ophethe incwadi yegunya kumele –

(a) uma umnikazi noma lowo muntu olawula amagceke ekhona –

(i) bawahlonze bona futhi bachaze ilungelo labo kulowo muntu noma banikeze ubufakazi belungelo labo;futhi

(ii) banikeze ikhophi yegunya elibhalwe phansi kulowo muntu.

(b) uma umnikazi noma umuntu olawula amagceke engekho noma enqaba ukwamukela ikhophi, ahlanganise ikhophi yegunya elibhalwe phansi emagcekeni endaweni efanelekile.

(6) Nanoma yikuphi ukuhlolwa okwenziwe noma umsebenzi owenziwe ngaphansi kwale sigaba kumele kwenziwe ngendlela eqondile nehlelekile, kuhlanganisa-

(a) ilungelo lomuntu okuhlonishwa kanye nokuvikelwa kwesithunzi sakhe;

(b) ilungelo lomuntu lenkululeko kanye nokuvikeleka;

(c) ilungelo lomuntu ezintweni eziyimfihlo yakhe,

25. **Imigomo elandelwayo yokwenziwa kohlolwa okusemthethweni nomaa umsebenzi wokulungisa ongenalo igunya elibhaliwe**

(1) Isisebenzi esinegunya singangena futhi senze umsebenzi noma siqhube ukuhlolwa kwamagceke ngaphandle kwemvume ebhalwe phansi -

(a) ngemvume yomnikazi, umhlali noma umuntu olawula amagceke;

(b) kube into eyenzeka njalo kungeqi esikhathini esiyi-6 (sithupha) ezinyangeni eziyi-12 (yishumi nambili) lapho isisebenzi esinegunya sikholwa ukuthi lawo magceke awasetshenziselwa umsebenzi ohleliwe futhi inhloso yokuhlolwa inquma ukuthi ukusetshenziswa okuhleliwe kuyazilandela yini izihlinzeko zale Mithetho kaMasipala noma cha;

(c) lapho isaziso sokuzibophezela esimayelana namagceke sikhishiwe ngokwesigaba sama – 20 , futhi nenhloso yokuhlola izonquma ukuthi isaziso silandeliwe noma cha;

(d) lapho umnikazi noma umhlali wamagceke ehluleka ukulandela isaziso sokuzibophezela, esikhishwe ngokwesigaba sama-20, noma isaziso sesivimbelo, esikhishwe ngokwesigaba sama-21, esikhombisa izinyathelo okumele zithathwe; noma

(e) isisebenzi esinegunya sinezizathu ezizwakalayo zokukholwa ukuthi impilo yomphakathi isebungozini noma kunezinkathazo ezikhona emagcekeni kanye nokubambezeleka kokutholakala kwemvume ebhalwe phansi-

(a) kuthikameza inhloso yokuhlolwa ;

ii) kuvame ukulimaza impilo yomphakathi.

(2) Ngaphambi kokuhlola amagceke noma ukuqala noma yimuphi umsebenzi ngokwale sigaba, abantu abenza ukuhlolwa noma abazoqala umsebenzi kumele bazihlonze bese bechaza igunya labo kulowo muntu olawula amagceke kumbe kulowo muntu obanike imvume yokungena.

(3) Noma yikuphi ukuhlolwa okwenziwe noma umsebenzi oqaliwe ngokwalesi sigaba kumele wenziwe ngesikhathi esifanele, kuphinde kubhekelwe izimo ezithile zaleyo ndawo.

(4)Noma yikuphi ukuhlolwa okwenziwe noma umsebenzi owenziwe ngokwale sigaba kumele wenziwe ngendlela nangenhlonipho, kuhlanganisa –

(a) ilungelo lomuntu lokuhlonishwa kanye nokuvikelwa kwesithunzi sakhe;

(b) ilungelo lomuntu lenkululeko nokuvikeleka;

(c) ilungelo lomuntu lokugcina izimfihlo zakhe.

26. **Imiyalelo yenkokhelo**

(1) UMkhandlu ungabuyisela noma yiziphi izindleko ozithwale ngesikhathi uthatha izinyathelo ngaphansi kwesigaba sama -23 kunoma yimuphi umuntu owayengaphansi kwezibopho ezisemthethweni ekuthatheni lezo zinyathelo, kuhlanganisa

(a) umuntu onikezwe isaziso sokuzibophezela noma isaziso sesivimbelo esidinga ukuthathelwa lezo zinyathelo;

(b) umnikazi noma umhlali wamagceke; noma

(c) nanoma yimuphi umuntu obhekene nokwenza ingozi noma inkathazo empilweni yomphakathi.

(2) Imenenja kaMasipala ingakhipha umyalelo wenkokhelo odinga umuntu obhekene nokukhokha izindleko ezenziwe nguMkhandlu ngokwe sigatshana soku-(1) ukukhokha lezo zindleko ngosuku olubalulwe kulowo myalelo.

(3) umuntu onikezwe umyalelo wenkokhelo ngaphansi kwezinsuku ezingama – 20 umyalelo ukhishiwe, angaphikisana nomyalelo ngokwesigaba sama- 27.

ISAHLUKO VII:
UKUDLULISWA KWAMACALA

27. **Ukudluliswa kwamacala**

(1) Ilungelo lomuntu elihlukunyezwe yisinqumo esithathwe yinoma yisiphi isisebenzi esinegunya ngaphansi kwale Mithetho kaMasipala, angaphikisana nesinqumo ngokuhambisa isaziso esibhalwe phansi kanye nezizathu zokudlulisa icala kwiMenenja kaMasipala zingakapheli izinsuku ezingama- 21 kusukela ngosuku aziswa ngalo ngesinqumo.

(2) IMenenja kaMasipala kumele ihambise ngokushesha isicelo sokudlulisa icala kumthethimacala ofanele obalulwe esigatshaneni sesi-4.

(3) Umthethi macala kumele abheke isicelo, bese aqinisekise, aguqule kumbe ahoxise isinqumo, kodwa alukho uguquko kumbe isihoxiso sesinqumo esingahoxiswa kunoma yimaphi amalungelo angathuthukiswa ngenxa yomphumela wesinqumo.

(4) Uma ukudluliswa kwecala kungahambisani nesinqumo esithathwe –

(a) yisisebenzi ngaphandle kweMenenja kaMasipala, iMenenja kaMasipala yiyona enegunya lothetha icala;noma

(b) iMenenja kaMasipala, iMeya, yiyona engumthethi wecala.

(5)Umthethi wecala kumele aqale ukuthetha icala engakapheli amasonto ayisithupha futhi akhiphe isinqumo ngesikhathi esifanele.

ISAHLUKO VIII :
IZIHLINZEKO EZIVAMILE

28. **Amacala nezinhlawulo**

(1) Nanoma yimuphi umuntu –

(a) owaphula kumbe ohluleka ukulandela noma yiziphi izihlinzeko zale Mithetho kaMasipala;

(b) ohluleka ukulandela noma yisiphi isaziso esikhishwe ngaphansi kwale Mithetho kaMasipala;

(c) ohluleka ukulandela noma yimuphi umyalelo osemthethweni onikezwe ngokwale Mithetho kaMasipala; kumbe

(d) phazamisa kumbe ovimbela noma yisiphi isisebenzi esinegunya ukwenza imisebenzi yaso ngaphansi kwale Mithetho kaMasipala –

uyolahlwa yicala futhi uyokhokha inhlawulo engeqile kwizi- R2000.00 kumbe uma engenayo imali aboshwe isikhathi esingeqile ezinyangeni eziyi-12.

29. **Ukulethwa kwezaziso**

(1)Isaziso, umyalelo kumbe omunye umbhalo uzothathwa njengohanjiswe ngokufanele uma -

(a) unikezwe lowo muntu ngqo;

(b) uthunyelwe ngeposi elirejistiwe kumuntu ebhaliswe ngekheli lakhe elaziwayo;

(c) unikezwe umuntu oneminyaka engengaphansi kweyi –16 futhi okunguyena olawula lawo magceke kumninikheli owaziwayo;

(d) ikheli lalowo muntu kwiRiphablikhi lingaziwa, noma lithunyelwe kommele noma kummeli wakhe eRiphablikhi ngendlela ehlinzekwe esigatshaneni (a),(b) noma (c);kumbe

(e) ikheli lalowo muntu kanye ne-ejenti kumbe ummeli kwiRiphablikhi aziwa,noma lithunyelwe endaweni eseduze namagceke ezihlobene nalo.

(0) Isaziso, umyalelo kumbe omunye umqingo onganikezwa umnikazi kumbe umhlali wamagceke ngokwale Mithetho kaMasipala –

( ) uyothulwa kumnikazi noma kumhlali wamagceke esibaluliwe futhi alizobhalwa igama lomnikazi noma lomhlali;

( ) uma uMkhandlu ungalazi ikheli lomnikazi kumbe lomhlali wamagceke futhi lingeke litholakale kalula, isaziso, umyalelo kumbe omunye umqingo uyothathwa ngokuthi uhanjiswe ngokufanele uma uthunyelwe kwenye yendawo eseduze namagceke.

30. **Ukushayisana kwemithetho**

Uma kukhona ukushayisana phakathi kwale Mithetho kaMasipala kanye nanoma yimiphi eminye iMithetho kaMasipala yoMkhandlu, le Mithetho kaMasipala yiyona eyosebenza.

ISHEDULI LOKUQALA

UKUSETSHENZISWA KWESHEDULI

Imisebenzi kanye nokusetshenziswa kwamagceke abhalwe kule sheduli ithathwa njengeveza ubungozi obungamukelekile empilweni yomphakathi ngaphandle uma izinyathelo ezibalulwe kwisheduli efanele nalapho kunesidingo, kwimvume, zithathiwe ukuvimbela ubungozi kumbe ukwehlisa kube sezingeni elamukelekile eMkhandlwini.

ISheduli	Umsebenzi
Okwesibili	imisebenzi ezimele yokuthuthwa kwendle
Okwesithathu	ukuhweba ngokunengayo
Okwesine	amadamu okubhukuda kanye nezindawo zokuhlamba
Okwesihlanu	ukugcinwa kwezilwane

ISHEDULI YESIBILI
IMISEBENZI EZIMELE YOKUTHUTHWA KWENDLE

1. Imvume yokuhlinzeka ngemisebenzi yokuthuthwa kwendle noma umchamo womuntu

Akukho muntu ongahlinzeka noma yimuphi umsebenzi wokususa noma wokulahla indle noma umchamo womuntu kunoma yiziphi izakhiwo ngaphandle kwemvume esebenzayo.

2. Imvume yokufakwa kwemisebenzi yokuchitha indle

Akukho muntu, kunoma yiziphi izakhiwo zomnikazi , ongafaka, ashintshe, aphinde akhe, asebenzise noma agcine ithangi lokubolisela indle, ukufaka isisefo kumbe okunye okusetshenziswayo ukuchithwa kwendle ngaphandle uma kungokwemvume.

3. Ukunakekelwa kwemisebenzi yokuchitha indle

Noma yimuphi umuntu owenza umsebenzi oqondene nendle kumele aqikelele ukuthi iyanakekelwa ngendlela ehlanzekile futhi igcinwa isesimeni esifanele ngaso sosonke isikhathi .

4. Ukuchithwa kwendle, indle egobhozayo kanye namanzi angcolile ngaphandle kokwenza inkathazo empilweni yomphakathi.

Akukho muntu ongachitha indle noma amanzi angcolile asuka ezindlini zokugezela, ubhavu bokuwasha izandla noma usinki wasekhishini noma ikanjani kumbe endaweni -

(a) engenza umswakama kunoma yimaphi amagceke;

(b) engabeka engozini inhlanzeko yanoma yimaphi amanzi alethwayo;noma

(c) engenza noma yiyiphi inkathazo empilweni yomphakathi.

5. Ukuphoqeleka kokusetshenziswa kwemisebenzi yoMkhandlu yokususwa kwendle

Bonke abahlali kumele basebenzise noma yimiphi yeminye imisebenzi yokulahla indle ehlinzekwe nguMkhandlu ezakhiweni.

ISHEDULI YESITHATHU

UKUHWEBA NGOKUNENGAYO

1 Izincazelo

Kule Sheduli, ngaphandle uma ingqikithi ichaza okunye -

"ukugobhoza" kuchaza noma ikuphi ukungcola kwamanzi okuphumayo njengomphumela wokusetshenziswa okuhleliwe noma ukwenza umsebenzi ongenza inkathazo empilweni yomphakathi;

"ukuhweba ngokunengayo" kuchaza noma yiliphi ibhizinisi elibhaliwe ngezansi kumbe elihlanganisa umsebenzi obhalwe ngezansi –

(g) Ukucangcathwa, ukuchela ngopende;

(h) Ukusebenzisa umshini okhuculula ukungcola;

(i) Igceke lengqobe;

(j) ukubilisa igazi, ukubilisa amathambo, ukuncibilikisa isinqumela, ukuncibilikisa amafutha noma ukususa amafutha, ukubilisa insipho, ukubilisa noma ukuhlanza amathumbu, ukugcina isikhumba, ukugcina amathambo, ukubilisa isikhumba, ukugcina isikhumba, ukomisa igazi, izingcucu zethumbu,ukwenziwa kwesikhumba, ukubekwa elangeni, isinamathiselo noma ukwenziwa kukasayizi;

(k) ukushiswa kwamalahle, ukushiswa kwezitini, ukushiswa komcako;

(l) ukwenziwa noma ukugcinwa kukamanyolo kumbe ukwenziwa kwesivundiso;

(m) ukwenziwa kwephepha lesikhumba okulotshwa kulo;

(n) ukukhiqizwa kwemithombo nembiliso;

(o) ukusetshenziswa kukasimende , uhhavini kakhokho, cement works, coke-ovens, salt glazing works;

(p) sintering of sulphurous materials;

(q) imisebenzi enamfukayo;

(r) ukushiswa kwetshensimbi kanye nokumbiwayo, ukuncibilikiswa, ukusindwa kanye nokugingqwa kwensimbi kanye nezinye izimbiwa, ukuguqulwa kwesigaxa sensimbi sibe imvuthuluka yensimbi, ukushisiswa, ukuqiniswa, ukuthanjiswa, ukuguqulwa kanye nokuxutshwa kwekhabhoni nensimbi kanye nezinye izinsimbi;

(s) imisebenzi yokukhiqiza i- carbon bisulpide, i- cellulose lacquer, i- cyan noma ingxube yakho, i- hot pitch noma i- bitumen, i-pulverized fuel, i-peridine, i- sulphur dioxide eluketshezi noma eyigesi, ama- sulphur chlorides;

(t) imisebenzi yokukhiqiza i- amyl acetate, i- aromatic ethers,i- butyric acid, i-caramel, i- enameled wire, i- glass,i- hexamine, i- lampblack, i- B-naphthol, mikhiqizo ye- resin , i- salicylic acid, ingxube ye- sulphated organic s, opende be- sulphur, i- ultramarine, i- zinc chloride kanye ne-zinc oxide; kumbe

(u) ukuhluzwa noma ukwenziwa kukaphethiroli , amafutha kumbe enye imfucuza yabo;

"ukuhweba ngokunengayo" kuchaza nanoma yimuphi umuntu ongumnikazi, owenza noma oqhuba ukuhweba okunengayo.

2 Isidingo semvume

Akekho umuntu ongenza uhwebo ngokunengayo kunoma yimaphi amagceke, ngaphandle kwemvume esemthethweni.

3 Izidingo zamagceke

Akekho umuntu ongaqhuba uhwebo ngokunengayo kunoma yimaphi amagceke ngaphandle uma -

(a) iphansi lamagceke lakheke ngokhonkolo kasimende noma ngempahla efanayo yase yaqedelwa ngokukhuhlwa ukuze ibe bushelelezi ;

(b) iphansi lamagceke lihlelwe ngokulingene futhi lamuncwa ukuze kulahlwe okugobhozayo ohlelweni oluvunyiwe lokulahla;

(c) ingaphakathi lezindonga, ngaphandle lapho ukucwebezela noma izitini zengilazi noma izitini zokufulela ezicwebezelayo zisetshenzisiwe, zaplastelwa zase zaqedelwa ngokuba bushelelezi zapendwa ngemibala ekhanyayo, ngopende owashekayo

(d) ingaphandle legceke elingemuva noma indawo evulekile ilungiswe ngokhonkolo noma ngempahla efanayo yaseyaqedelwa ngokukhuhlwa yaba bushelelezi;

(e) amagceke ehlinzekwe ngokokukhanyisa okulingene kanye nokokungenisa umoya njengoba kunqunywe kuMthethonqubo kaZwelonke weZakhiwo kanye noMthetho Wamazinga Ezakhiwo we-1977 (UMthetho we -103 we-1977) njengoba uchibiyelwe;

(f) ukunikezelwa okwanele kwamanzi ahambayo okuphuza kuhlinzekiwe;

(g) inani elanele lezitsha zokuthwala zakhiwe ngensimbi noma enye impahla engamunceki, ehlomiswe ngezivalo ezivaleka ngci, zihlinzekelwe ukususa konke ukungcola kanye namanzi angcolile ezakhiweni;

(h) izindlela ezifanele zihlinzekelwe ukulahla ukungcola okuphuma uma kwenziwa imikhiqizo emagcekeni;

(i) indawo eyanele ihlinzekelwe ukugcina imikhiqizo esiphelile noma izimpahla ezisetshenziselwa ukwenza imikhiqizo futhi -

(i) ezinga khipha uketshezi olunengayo futhi oluyingozi;noma

(ii) ezingabola ngesikhathi somsebenzi noma sokuhweba;

(j) izindlela ezanele zihlinzekiwe ukulawula ukuphuma komoya olimazayo, oyingozi noma igesi enesisi, intuthu, amaconsi kumbe uthuli oluqhamuka ngesikhathi sokuphatha, sokulungisa, sokomisa, sokuncibilikisa, sokwenza, sokubilisa kumbe sokugcinwa kwempahla;

(k) izinsiza zasendlini yangasese ezanele zihlinzekiwe njengoba kunqunywe kuMthethonqubo kaZwelonke weZakhiwo kanye noMthetho Wamazinga Ezakhiwo we-19977 (uMthetho we – 103 ka 1977) njengoba uchibiyelwe;

(l) ubude bodonga olwakhiwe ngezitini noma ngempahla efanayo elinobude obungamamitha ama- 2,lwakhiwe wazungeza izakhiwo;

(m) wonke amasango amagceke akheke aqina ngobude obungamamitha ama-2;

(n) zonke izindonga ezinde kanye namasango ziveza imisebenzi eyanele ezobonwa umphakathi, bese

(o) yonke impahla iyabekwa ibe inqwaba noma igcinwe emagcekeni angaphansi kobude bomngcele wokubhekisisa.

4 Imisebenzi yabahweba ngokunengayo

Bonke abahweba ngokunengayo kumele-

(a) bagcine amagceke ehlanzekile, enempilo futhi esesimeni esifanele ngaso sonke isikhathi;

(b) bagcine zonke izindonga kanye nephansi lamagceke ngendlela kanye nesimo esingavimbela ukumukela ukungcola noma amanzi angcolile;

(c) bagcine yonke imishini, ifenisha, izinto ezifakiwe, amathuluzi, izitsha, izikhongozelo,imigqomo kanye nezimoto zihlanzekile, zibe esimweni esihle ngaso sonke isikhathi;

(d) bagweme ukuqongeleleka kokungcola emagcekeni; futhi

(e) bagweme ukuphunyiswa kokulimazayo, igesi elimazayo noma ehlukumezayo, igesi eyingozi engahogelwa, isisi kumbe uthuli olwenzekayo ngesikhathi kuphethwe, kulungiswa, komiswa, kuncibilikiswa, kuqoqwa, kubiliswa, kugaywa ngendlela ethile noma kugcinwa impahla ezakhiweni.

5 Udoti oluketshezi ophuma kubhayela wamathambo nenyama yangaphakathi

(1) Bonke obhayela bamathambo kanye nalabo benyama yangaphakathi kumele baphole kahle ngaphambi kokuba amanzi angcolile akhishelwe kwisitamkoko noma isitsha sikadoti;

(2) Uhlelo lokupholisa olubalulwe endinyaneni yoku-(1) kumele lwenzeke ngendlela ezovikela ukwenzeka kwanoma yibuphi ubungozi kanye namakhemikhali ayingozi.

6 Uketshezi, amathange kanye namashubhu ekwenziweni kwesikhumba

Bonke abadayisi besikhumba, abathungi bezimpahla zesikhumba kumbe abashuki kumele-

(a) bavuselele futhi bachithe uketshezi kuwo wonke amathange noma kweminye imigqomo esetshenziswa emagcekeni ukuwasha noma ukucwilisa nanoma yisiphi isikhumba, ngaphandle komgodi ogqamile, ngezikhathi ezanele kanye nangendlela eyamukelekile;

(b) bahlanze lonke ithange noma yimiphi omunye umgqomo ngaso sonke isikhathi uma uthululwa;

(c) bahlanze wonke amashubhu noma yimuphi omunye umgqomo osetshenziselwa ukuphatha imvuthuluka kadoti ebizwa nge "puer"

7 Ukugcinwa kwezidwedwe, amathambo kanye nodoti

Akukho mdayisi wezidwedwe, amathambo, kanye nodoti ongabeka noma agcine, kumbe abange noma avumele ukubekwa kwezidwedwe noma amathambo kunoma yiyiphi ingxenye yamagceke akhe uma-

(a) kuhlala abantu; noma

(b) kungangeni umoya ngokwanele kuwo.

8 Izindlela zokuphepha

Bonke abahweba ngokunengayo kumele bathathe izindlela zokuphepha ezinqunywe eMthethweni Wezempilo noKuphepha we-1993, (uMthetho No.85 we-1993)

ISHEDULI YESINE

AMADANYANA OKUBHUKUDA KANYE NEZINDAWO ZOKUHLAMBA

1 Izincazelo

Kule sheduli, ngaphandle uma ingqikithi ikhomba okunye-

"indawo yokuhlamba" kuchaza isakhiwo esenziwe ngempahla yokwakha evumelekile, ehlinzekwe ngamanzi azungelezayo alawulekayo nasetshenziselwa ukuhlamba;

"umgcini wendawo yokuhlamba" kuchaza nanoma ngubani ongumnikazi noma olawula ukusebenza kwendawo yokuhlamba;

"idanyana lokubhukuda" kuchaza isakhiwo esinamanzi alawulekayo asetshenziselwa ukubhukuda noma ukuhlamba, kuhlanganisa namadanyana okubhukuda izingane nawokugwedla ngezinyawo, kodwa awangeni amadanyana okubhukuda aphathelene nokungenisa kanye nokubohla kolwandle noma amadanyana okubhukuda asemizini yabantu angasetshenziselwa izizathu zokuhweba;

"umgcini wedanyana lokubhukuda" kuchaza noma ngubani omgumnini wedanyana lokubhukuda noma olawula ukusebenza kwedanyana lokubhukuda.

2 Izidingo zezakhiwo

Akukho muntu oyosebenzisa idanyana lokubhukuda noma indawo yokuhlamba kunoma yimaphi amagceke angahambisani nalezi zidingo ezilandelayo -

(a) izindlu zokushintsha eziseceleni futhi okulula ukufinyelela kuzo, amashawa kanye nezindlu zangasese kumele juhlinzekelwe bonke ubulili ngokuhambisana noMthetho Wemithethonqubo Yezakhiwo Zikazwelonke kanye Namazinga Ezakhiwo, we-1977 (uMthetho No.103 we-1977);njengoba uchitshiyelwe;

(b) wonke amadanyana okubhukuda kumele azungezwe wudonga noma uthango njengoba kunqunywe nguMthetho Wemithethonqubo Yezakhiwo Zikazwelonke kanye Namazinga Ezakhiwo, we-1977 (uMthetho No.103 we-1977);njengoba uchitshiyelwe;

(c) ingaphezulu lephansi elizungeze indawo yokuhlamba noma idanyana lokubhukuda kumele lakhiwe ngempahla yokwakha engangenwa ngamanzi, engashibiliki;

(d) kumele kuhlinzekwe ngesivimbabuso (mask) samakhemikhali egesi esivumelekile uma kufakwa igesi yokugcina idanyana lokubhukuda lihlanzekile;

(e) uma kube nesaziso esibhalwe phansi esikhishwe yisikhulu esibhekele ezempilo zendawo, kumele kuhlinzekwe ngemishini yomoya noma yomoya wokuphefumula; futhi

(f) kumele kuhlinzekwe ngenani elanele lemigqomo kadoti esakhiweni.

3 Imisebenzi yomgcini wendawo yokuhlamba

Wonke umuntu ongumgcini wendawo yokuhlamba kumele-

(a) agcine amagceke esesimweni sokuphepha, sokuhlanzeka futhi elungiswe kahle zikhathi zonke;

(b) ahlinzeke ngebhokisi losizo lokuqala elivumelekile futhi elinakekeleke ngokufaneleyo libe sendaweni esobala, okulula ukufinyelela kuyo futhi evikelekile;

(c) ahlanze, aphathe futhi agcine izinga lamanzi endawo yokuhlamba liseqophelweni lezinga elilingene zikhathi zonke;

(d) ahlinzeke futhi agcine izinto ezisetshenziselwa ukuhlola iqophelo lamanzi endawo yokuhlamba zisesimweni esihle sokusebenza;

(e) abe nekhono lokulandela yonke imigudu yokuhlola iqophelo lamanzi endaweni yokuhlamba kanye nokuqonda imiphumela yokuhlolwa; futhi

(f) agcine amarekhodi ansuku zonke eqophelo lamanzi endawo yokuhlamba

4 Imisebenzi yomgcini wedanyana lokubhukuda

Wonke umuntu ongumgcini wedanyana lokubhukuda kumele-

(a) agcine amagceke esesimweni sokuphepha, sokuhlanzeka zikhathi zonke;

(b) ahlinzeke ngebhokisi losizo lokuqala elivumelekile futhi elinakekeleke ngokufaneleyo libe sendaweni esobala, okulula ukufinyelela kuyo futhi evikelekile;

(c) abe ngoqeqeshiwe nonguchwepheshe kwezokuhlenh\gwa kwempilo, ukunikezela ngosizo lokuqala, ukusebenzisa izinto ezelekelela ekuvuseni abaqulekile, ukusebenza kwedanyana lokubhukuda kanye nokuhlola nokugcina ukuphepha kwamanzi;

(d) aqinisekise ukuthi amanzi ahlanzekile, elashiwe futhi agcinwe eseqophelweni elilingene ngaso sonke isikhathi;

(e) ahlinzeke futhi agcine izinto ezisetshenziselwa ukuhlola iqophelo lamanzi endawo yokuhlamba zisesimweni esihle sokusebenza;

(f) abe nekhono lokulandela yonke imigudu yokuhlola iqophelo lamanzi endaweni yokuhlamba kanye nokuqonda imiphumela yokuhlolwa; futhi

(g) agcine amarekhodi ansuku zonke eqophelo lamanzi endawo yokuhlamba.

5 Ukusatshalaliswa kwamanzi

(1) Akukho muntu osebenzisa indawo yokuhlamba noma idanyana lokubhukuda ongasebenzisa amanzi asuswa kwenye indawo ngaphandle kwendawo kamasipala yokuhlanza, yokugcwalisa noma ukugcina izinga ledanyana lokubhukuda noma indawo yokuhlamba.

(2) Isikhulu sezempilo yendawo kumele-

(a) sithathe amasampula amanzi edanyana lokubhukuda kanye nawendawo yokuhlamba, ngezikhawu esicabanga ukuthi zifanele ngenhloso yokuhlaziya amakhemikhali noma yokuhlola okuphathelene nokufunda ngamagciwane angamabhakteriya;

(b) sihambise amasampule kumhlaziyi ogunyaziwe ngokwesigaba 12 soMthetho Wezokudla, Izimonyo kanye Nezibulalimagciwane we-1972 (uMthetho No. 54 we-1972) ukuba ahlaziye.

6 Ukuphepha kwamanzi

Wonke umuntu ongumgcini wendawo yokuhlamba kanye nedanyana lokubhukuda kumele aqinisekise ukuthi amanzi aphakathi endaweni yokuhlamba nasedanyini lokubhukuda ayahambisana nalezi zidingo ezilandelayo:

(a) kumele angabi nazinto ezintantayo, ezilahliwe noma ezilahliwe noma izinto zokubhukuda eziphilayo futhi izindonga, iphansi, amalata okugibela noma izitebhisi kanye nogadasi kumele kungabi nazihlahla ezimila emanzini kumbe injimbilika;

(b) izinga lamakhemikhali (pH - i-esidi ne-alkhalayini ibalwa phakathi kwe-0 ne-14) amanzi kumele lingabi ngaphansi kwesi-7 futhi lingaphi ngaphezulu kwesi– 8;

(c) lapho kusetshenziswe imithi yokubulala amagciwane ene-chlorine, kumele ubungako be-chlorine ekhona uma incane bugcinwe busele bungama – 0,5mg/l kuthi uma iningi bugcinwe busele bungama-3mg/l.

(d) lapho kusetshenziswe khona imithi yokubulala amagciwane engesiyona i-chlorine, izinga lokusele kumele lilingane nezilinganiso ngokwemiphumela yezidingo zendinyana (c);

(e) isibalo senani lamagciwane angamabhaktheriya elingaba kunoma yiliphi isampula elithunyelwe ukuyohlolwa akumele seqe emagciwaneni aphilayo ayi-100 nge-ml ngayinye yamanzi; kanye

(h) nohlobo lokuqala lwebhaktheriya i-Escherichia coil akumele lutholakale kunoma yimaphi amanzi angama-100ml .

7 Ukuhleleka kanye nendlela yokuziphatha

Akukho muntu-

(a) ongaphazamisa umgcini wendawo yokuhlamba, umgcini wedanyana lokubhukuda kumbe nanoma yisiphi isisebenzi soMkhandlu ekwenzeni imisebenzi yabo;

(b) ongavumela noma iyiphi inja yakhe noma esinye isilwane sakhe esifuywayo noma esinakekelwa nguye ukuba singene noma sihlale ngaphakathi kwamagceke;

(c) ongasebenzisa nanoma yimaphi amagceke lapho azi noma esola ukuthi kungenzeka athole khona isifo esithathelanayo; futhi

(d) ongachamela, azikhululele, aphimisele noma afinyele phakathi endaweni yokuhlamba noma edanyaneni lokubhukuda.

ISHEDULI YESIHLANU

UKUGCINWA KWEZILWANE

1. **Izincazelo**

Kulesheduli, ngaphandle uma ingqikithi kungenjalo ikhombisile-

"ipulazi lezolimo" kuchaza okufanayo nalokhu okuchazisiswa kuHlelo Lokuhlelwa

Kwedolobha;

"ihhoko elikhulu lezinyoni" kuchaza indawo evalekile esetshenziselwa ukugcina izinyoni, ngale kwezinkukhu kodwa akuhlanganisi ikheji eliphathekayo;

"uhlelo lokushintshisana" kuchaza indlela yokugcina izinkukhu noma onogwaja ekhejini kungaba ngabahamba ngabodwana noma ngababili ngaphakathi esakhiweni;

"indawo yokugcina amakati " kuchaza amagceke lapho –

(a) kuhlinzekwa khona ngendawo yokugcina amakati okwesikhashana; noma

(b) amakati ekhuliswa khona ngenhloso yokuwadayisa;

"indawo evalekile" maqondana nezilwane, kusho nanoma yisiphi isibaya, inkambu, isibaya, ikheji kumbe nanoma yiyiphi enye indawo evalekile eyakhelwe ukugcina izilwane ukuze zingeqi noma zihambe ngokukhululeka emagcekeni;

"umgcini" kuchaza –

(a) maqondana nanoma yisiphi isilwane, umnikazi wesilwane noma nanoma yimuphi omunye umuntu obhekele ukuphakela kanye nokunakekela isilwane;

(b) maqondana nohlelo lokushintshisana, indawo yokugcina amakati, izindlu zezinja, izindawo ezinakekela izilwane noma izitolo zezilwane ezifuywayo kusho umuntu ongumnikazi webhizinisi eliyingxenye noma umuntu obhekele lawo magceke okugcinwe kuwo izilwane;

"izindlu zezinja" kuchaza amagceke lapho –

(a) kuhlinzekwa khona ngendawo yokugcina izinja okwesikhashana;

(b) izinja zikhuliswa khona ngenhloso yokuthi zidayiswe;

(c) izinja zigcinwa khona ngenhloso yokuthi ziqeqeshwe noma kuqashiswe ngazo zinamabhande noma zingenawo; noma

(d) izinja zigcinwa khona ngenhloso yebhizinisi lokuvikela;

"imfuyo:" kuchaza amahhashi, izinkomo, izimvu, izimbuzi, izingulube, iminyuzi, izimbongolo kanye nezinkukhu;

"isilwane esifuywayo" kuchaza isilwane esifuywe ekhaya ngenhloso yokuphilisana kahle naso noma yokuzijabulisa;

"indawo yokunakekela izilwane ezifuywayo" kuchaza nanoma yimaphi amagceke lapho izilwane zinikezwa khona ukunakekelwa zibe zinhle ngokuthi zigezwe, zonyiswe, ziphululwe, zigundwe noma kubhekelwe izinzipho noma amazinyo azo;

"isitolo sezilwane ezifuywayo" kuchaza nanoma yimaphi amagceke lapho kuqhutshwa khona ibhizinisi lokugcina nokudayisa izilwane ezifuywayo;

"izinkukhu" kuchaza izinkukhu, amadada, amahansi, amagwinsi, amagalikuni, amajuba, amapigogo kanye nezimpangele ezifuywayo;

"ihhoko" kuchaza nanoma yisiphi isakhiwo esifulelwe lapho kugcinwa khona izinkukhu, ngale kwaleso okwenzelwa kuso uhlelo lokushintshisana;

"umhubhe wezinkukhu" kuchaza nanoma yiliphi ihhoko locingo olusafefe elingafulelwe kumbe nanoma iyiphi indawo evalekile lapho kugcinwa khona izinkukhu, ixhumene noma ingaxhumene nehhoko;

"ilokisi elimenyezelwe" kuchaza ilokishi elivunywe ngokwanoma yimuphi umthetho waphambilini maqondana namalokishi;

"ikheji lonogwaja" kuchaza nanoma yisiphi isakhiwo esifulelwe lapho kugcinwa khona onogwaja, ngale kwaleso esisetshenziselwa uhlelo lokushintshisana;

"umhubhe wonogwaja" kuchaza nanoma yiliphi ihhoko locingo olusafefe elingafulelwe kumbe nanoma iyiiphi indawo evalekile lapho kugcinwa khona onogwaja, ixhumene noma ingaxhumene nekheji lonogwaja;

"isibaya" kuchaza nanoma yisiphi isakhiwo esisetshenziselwa ukuhlalisa imfuyo ngaphandle kwezinkukhu;

"izilwane zasendle" kuchaza isilwane sohlobo olungafuywa futhi kungahlanganisa zonke izilwane zokudabuka eNingizimu Afrika ngale kwezimpangele ezifuywayo.

INGXENYE 1

IZIHLINZEKELO EZIJWAYELEKILE MAQONDANA NOKUGCINWA KWEZILWANE

2. Ukusebenza kwemithetho kamasipala

(1) Kuya ngokwendinyana (2), izihlinzekelo zale Sheduli azisebenzi-

(a) kunanoma yimuphi umbukiso wezolimo lapho izilwane zigcinwa khona okwesikhashana;

(b) kunanoma iyiphi indawo yobuchwepheshe bokuhlola (laboratory) lapho izilwane zigcinwa khona ngenhloso yokwenza ucwaningo;

(1) Indima yama - 28 yale Sheduli isebenza ekugcinweni kwezilwane emibukisweni yezolimo kanye nasezindaweni zobuchwepheshe bokuhlola zokwenza ucwaningo.

INGXENYE II:

UKUGCINWA KWEZINKOMO, AMAHHASHI, IMINYUZI NEZIMBONGOLO

3. Izidingo zamagceke

(1) Akukho muntu okumele agcine nanoma iyiphi inkomo, ihhashi, umnyuzi noma imbongolo esibayeni noma nayiphi enye indawo evalekile engahambisani nalezi zidingo ezilandelayo:

(a) Lonke udonga kanye nodonga olwahlukanise indawo evalekile kumele lwakhiwe ngezitini, amatshe, ukhonkolo kumbe nanoma iyiphi impahla yokwakha eqinile ;

(b) Ingaphezulu lengaphakathi lodonga lwendawo evalekile kumele lakhiwe ngezitini ezibushelelezi noma ingaphezulu eliqinile lenziwe bushelelezi;

(c) Ukuphakama kwezindonga ukuya kucwecwe lodonga lothango kumele:-

(I) Uma uphahla luphakeme, udonga kumele lube ngamamitha ama-2,4;

(II) Uma uphahla luphansi udonga kumele lube ngamamitha ama-2,7;

(III) Uma ngabe uphahla lutshekile udonga kumele luphakame ngamamitha ama-3 bese lungabi ngaphansi kwamamitha ama 2,4 ngakwicala elifishane;

(IV) Esibayeni esinendawo evulekil ngasohlangothini olude, udonga kumele lungabi ngaphansi kwamamitha ama-2;

(d) Isibaya kumele sibe nendawo yephansi okungenani elingama- square metre ayisi-9 somhlambi ngamunye wezinkomo, wamahhashi, weminyuzi noma wezimbongolo ohlala kuso;

(e) Ukungena komoya kanye nokukhanya kumele kuhlinzekwe yizikhala noma ngamafastela engilazi avulekile kumbe amafastela epulangwe okungenani amagama- square metre ayi-0,3m isilwanyana ngasinye esizohlala kuso ngaphandle kwesimo lapho isibaya sivuleka khona uhlangothi lonke eceleni lobude baso;

(f) Indawo ephansi kakhulu yohlangothi oluvulekile, ifastela noma ifasitela lamapulangwe kumele okungenani ibe ngamamitha ama-1,8 ngenhla kwephansi;

(g) Kumele kwakhiwe iphansi lesibaya ngokhonkolo noma ngayiphi impahla yokwakha eqinile kanye nempahla engangenwa imvula bese igandaywa yenziwa umsele obushelelezi ngokwendima 27;

(h) Nanoma yiyiphi indawo evalekile kumele ibe nendawo okungenani engama-square metre ayi-10 umhlambi ngamunye wezinkomo, wamahhashi, weminyuzi noma wezimbongolo ohlala kuso futhi ibiyelwe ngothango oluqine ngokwanele ukuvimbela izilwane zingafohli;

(i) Akukho sibaya okumele lakhiwe lapho kusele :-

(i) amamitha ayi-15 eduze komngcele, kwempahla, indawo yokuhlala noma yisiphi isakhiwo esihlala abantu noma lapho kusele; noma

(ii) amamitha angama-50 eduze komthombo wamanzi noma iyiphi indlela eletha amanzi noma asetshenziswa ngabantu;

(j) kumele kube namanzi anele okuphuza kanye nokuhlanza budebuduze nanoma yisiphi isibaya kumbe indawo evalekile.

4. Imisebenzi yomgcini wezinkomo, amahashi, iminyuzi kanye nezimbongolo

Noma ngubani ogcina nanoma yiyiphi inkomo, ihashi, umnyuzi noma imbongolo kumele-

(a) agcine amagceke, imishini, izinto zokusebenza, isitsha noma umgqomo osetshenziswa maqondana nokugcinwa kwezilwane kusesimweni esihlanzekile nesinempilo futhi kulungisiwe;

(b) ahlinzeke ngezitsha eziphathekayo zokugcina umquba ezakhiwe ngempahla yokwakha engangenwa ngamanzi futhi ezinezivalo ezivala ngci;

(c) agcine zonke izitsha zokufaka umquba emphemeni owakhiwe ngokhonkolo noma ngempahla yokwakha eqinile futhi engangenwa ngamanzi maduzane nesibaya noma indawo evalekile;

(d) uma kunomquba notshani obendlalelwa imfuyo obuningi kangangoba izitsha zokufaka ngeke zikwazi ukusebenza, ahlinzeke ngenqwaba yomquba ngokuhambisana nalezi zidingo ezilandelayo:

(i) inqwaba kumele ivalelwe ngezindonga ezintathu ezakhiwe ngezitini, ukhonkolo noma enye impahla yokwakha eqinile ziplastelwe zibe bushelelezi; futhi

(ii) iphansi kumele ligandaywe ngokhonkolo obushelelezi ngenhloso yokuchithela emseleni wamanzi malungana nobude obuphelele bengxenye evuleke eceleni, okungenani engamamilimitha ayi-150 ububanzi besiyingi futhi ihlale igcwaliswe ngamanzi;

(e) asuse wonke umquba esibayeni nasendaweni evalekile okungenani kanye emahoreni angamashumi amabili nane, awubeke ezitsheni zokugcina umquba noma ube yinqwaba uze ususwe emagcekeni;

(f) asuse okuphakathi ezitsheni zokufaka umquba kumbe inqwaba emagcekeni okungenani kanye njalo osukwini lwesibili futhi ukulahlwa komquba kumele kwenziwe ngendlela engezukuba wuhlupho empilweni yomphakathi;

(g) asuse bonke ubutshani obendlalelwa izilwane esibayeni okungenani kanye ngesonto bese ebubeka ezitsheni zokufaka umquba noma ube yinqwaba uze ususwe emagcekeni;

(h) agcine zonke izihlalo zamahashi, amatomu, amahhanisi kanye nezinye izinto zokusebenza noma izimpahla ezisetshenziselwa ukugcina izilwane, endlini yokugcina impahla noma enye indawo eyanele yokugcina impahla; futhi

(i) agcine konke ukudla endaweni yokugcina impahla engangenwa ngamagundane kanye nakho konke ukudla okuvuliwe ezitsheni ezingangenwa ngamagundane ezinezivalo ezivala ngci.

INGXENYE III:

UKUGCINWA KWEZIMBUZI NEZIKLABHU

5. Ukusebenza

Izihlinzeko zezindima yesi - 6 neyesi - 7 azisebenzi ekugcinweni kwezimbuzi kwesikhashana kunoma yimaphi amagceke ngezizathu zokuhlinzeka ngobisi noma ukwelapha.

6. Izidingo zamagceke

(1) Akukho muntu ongagcina iziklabhu noma izimbuzi-

(a) endaweni evalekile engahambisani nalezi zidingo ezilandelayo -

(i) indawo eyiphansi okungenani ingaba ngama-square metre angama-30; futhi

(ii) okungenani ama-square metre ayi-1,5 ephansi kumele ahlinzekelwe izimbuzi neziklabhu ezigcinwe kuyo; noma

(b) esibayeni esingahambisani nalezi zidingo ezilandelayo:

(aa) zonke izindonga kumele zakhiwe ngezitini, ngamatshe, ukhonkolo noma enye impahla yokwakha eqinile;

(ii) zonke izindonga kumele okungenani zibe ngamamitha ama-2 ukuphakama futhi zibe bushelelezi ngaphakathi;

(iii) iphansi kumele lakhiwe ngokhonkolo noma enye impahla yokwakha eqinile futhi engangenwa ngamanzi lenziwe libe bushelelezi bese igugulwa ichithele emseleni wamanzi ngokwendima yama - 27;

(iv) kuhlinzekwe ngephansi okungenani elingama-square metre ayi-1,5 ukuhlalisa imbuzi ngayinye noma isiklabhu, kuthi indawo yephansi seyiyonke ibe ngama-square mitre ayisi-6;

(v) kuhlinzekwe ngezindawo ezivulekile ezingenisa ukukhanya kanye nomoya sezihlangene okungenani zibe ngama-square metre ayi- 0,15 imbuzi ngayinye noma isiklabhu;

(2) Akukho muntu okumele agcine iziklabhu noma izimbuzi endaweni evalekile noma esibayeni -

(a) esingamamitha ayi- 15 kunoma yimuphi umngcele wanoma yimuphi umhlaba, indlu yokuhlala, ibhilidi noma esinye isakhiwo esisetshenziselwa ukuhlalisa abantu; noma

(b) esingamamitha angama- 50 kunoma yimuphi umsuka wamanzi noma lapho kusatshalaliswa khona amanzi noma lapho kuhloswe khona ukuthi kusatshalaliswe amanzi noma ezosetshenziswa ngabantu.

(3) Wonke umuntu kumele ahlinzeke ngokusatshalaliswa kwamanzi enelenukuthi angaphuzwa aphinde asetshenziselwe ukuhlanza kube seduzane noma kube phakathi esibayeni noma endaweni evalekile ngayinye esetshenziselwa ukugcina iziklabhu noma izimbuzi.

7. Imisebenzi yomgcini zimbuzi kanye neziklabhu

Wonke umuntu ogcine izimbuzi noma iziklabhu kumele-

(a) agcine amagceke kanye nanoma yimiphi imishini, izinto zokusebenza, izitsha, noma imigqomo ephathelene nokugcinwa kwesilwane kuhlanzekile kusesimweni esinempilo futhi kuhlale kukhandekile;

(b) ahlinzeke ngezitsha eziphathekayo zokugcina umquba ezakhiwe ngempahla yokwakha engangenwa ngamanzi futhi ezinezivalo ezivala ngci;

(c) agcine zonke izitsha zokufaka umquba emphemeni ovumela ukuthi ingaphezulu lengaphansi lesitsha lihlanzeke;

(d) asuse wonke umquba osendaweni evalekile, ebhilidini noma egushede okungenani kanye ezinsukwini eziyisikhombisa bese ewufaka ezitsheni zokugcina umquba.

(e) asuse okuphakathi ezitsheni zokufaka umquba ezisegcekeni okungenani kanye njalo ezinsukwini eziyisikhombisa futhi ukulahlwa komquba kumele kwenziwe ngendlela engezukuba wuhlupho empilweni yomphakathi;

(f) agcine konke ukudla endlini yokugcina impahla engenakungenwa ngamagundane kanye nakho konke ukudla okuvuliwe ezitsheni ezingangenwa ngamagundane futhi ezinezivalo ezivala ngci.

INGXENYE IV:
UKUGCINWA KWEZINKUKHU

8. Ukusebenza

Izihlinzekelo zezindima eye- 10 (d) kuya ku- (g) kuhlanganisa neye - 11 (e) azisebenzi kubantu abagcine izinkukhu ezilishumi noma ngaphansi.

9. Izidingo zemvume yezinkukhu

Akukho muntu ongagcina izinkukhu ezingaphezu kweshumi esizeni elokishini elimenyezelwe noma izinyoni ezifuywayo eziyi-100 emagcekeni aklanyelwe ezolimo kuphela ngokwemvume.

10. Izidingo zamagceke

Akukho muntu okumele agcine izinkukhu emagcekeni angahambisani nalezi zidingo ezilandelayo:

(a) Maqondana namahhoko –

(i) zonke izindonga kumele zakhiwe ngezitini, ngamatshe, ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi ingaphezulu lengaphakathi lenziwe libe bushelelezi

(ii) iphansi kumele lakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi lenziwe libe bushelelezi;

(iii) isitezi esiphezulu sesakhiwo esiyizitezi ezimbili nangaphezulu kumele sakhiwe ngempahla yokwakha engangenwa ngamanzi futhi egezeka kalula;

Isilinganiso esincane sephansi kumele -

(a) sibe ngama-square metre ayi-0,20 ngenkukhu eyodwa esikhulile, idada, ihansi noma impangela efuywa ekhaya;

(b) sibe ngama-square metre ayi-0,5 ngegwinsi elilodwa eselikhulile, igalikuni, ipigogo; futhi

(c) sibe ngama-square metre ayi- 0,14 ngejuba elilodwa eselikhulile;

(v) isilinganiso esincane sephansi kumele sibe ngama-square metre ama-4;

(b) umhubhe wezinkukhu, uma uhlinzekiwe, kumele ubiyelwe ngocingo olusafefe noma enye impahla yokwakha eqinile;

(c) maqondana nanoma yiliphi ibhilidi noma isakhiwo okwenziwa kuso uhlelo lokushintshisana -

(i) zonke izindonga, uma zihlinzekiwe, kumele okungenani zibe ngamamitha ama- 2,4 ukuphakama, kumele zakhiwe ngokhonkolo, ngamatshe, ngezitini noma ngenye impahla yokwakha engangenwa ngamanzi futhi kumele iphezulu lengaphakathi libe bushelelezi;

(ii) uma izindonga zihlinzekiwe, ibhilidi kumele lingenise umoya nokukhanya kungaba ngemishini nogesi noma umoya ungene ngezikhala zemvelo kuthi ukukhanya kungene ngezikhala noma ngamafasitela endaweni engekho ngaphansi kwamaphesenti ayi-15 ephansi lebhilidi;

(iii) iphansi kumele lakhiwe ngokhonkolo noma ngempahla yokwakha engangenwa ngamanzi lenziwe libe bushelelezi futhi uma isikhulu esibhekele ezempilo zendawo sidinga lokho, iphansi kumele ligandaywe libe nomsele wamanzi owenziwe ngokwendima yama - 27;

(iv) uma zingekho izindonga ezihlinzekiwe, noma uma zakhiwe ngokusathayela, iphansi kumele lihlinzekelwe ngesivikelo okungenani esingamamilimitha ayi- 150 ukuphakama kuzungeze unqenqema;

(v) amakheji ohlelo lokushintshisana kumele akhiwe ngempahla yokwakha engangenwa ngamanzi;

(vi) uma isikhulu esibhekele ezempilo zendawo sibona kufanele, uqgoko olwakhiwe ngempahla yokwakha engangenwa ngamanzi kumele lufakwe ngaphansi kwawo wonke amakheji ukuze luqoqe umquba;

(d) kumele kusatshalaliswe amanzi enele okuphuza kanye nokuhlanza ngaphakathi noma eduzane nomhubhe wezinkukhu noma isakhiwo esiyindlu sohlelo lokushintshisana;

(e) akukho hhoko, umhubhe wezinkukhu noma ibhilidi kumbe isakhiwo esiyindlu sohlelo lokushintshisana okuzokwakhiwa endaweni engamamitha ama-3 -

(i) ananoma iyiphi indawo yokuhlala, elinye ibhilidi noma isakhiwo esisetshenziselwa ukuhlalisa abantu;

(ii) ananoma iyiphi indawo yokugcina ukudla noma lapho kuphekelwa khona ukuze kudliwe ngabantu; noma

(iii) omngcele oseduzane nanoma yimuphi umhlaba;

(f) ukudla kwemfuyo kumele kugcinwe endlini yokugcina impahla eyanele futhi engangenwa ngamagundane;

(g) kumele kuhlinzekwe ngezindawo zokuhlanza amakheji;

(h) ngenxa yobuningi bomquba ogcinwe emagcekeni olindele ukususwa, uma isikhulu esibhekele ezempilo yezendawo sidinga lokho, kumele kuhlinzekwe ngendawo yokugcina umquba ehambisana nalezi zidingo ezilandelayo:

(i) umpheme ofulelwe ngophahla owakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi;

(ii) unqenqema lompheme kumele lube nesivikelo esinesilinganiso samamilimitha ayi-100 ukuphakama;

(iii) umpheme kumele ugandaywe ube nomsele wamanzi owenziwe ngokwendima yama - 27; futhi

(iv) uphahla lompheme kumele lweqe ngemitha elilodwa onqenqemeni lwesisekelo sompheme.

11. Imisebenzi yomgcini wezinkukhu

Noma ngubani ogcine izinkukhu kumele -

(a) aqinisekise ukuthi zonke izinkukhu zigcinwe phakathi ehhokweni, emhubheni wezinkukhu noma ebhilidini kumbe esakhiweni esiyindlu yohlelo lokushintshisana;

(b) agcine amagceke kanye nanoma yimiphi imishini, izinto zokusebenza, izitsha noma imigqomo ezisetshenziswa maqondana nokugcinwa kwezinkukhu kusesimweni esihlanzekile nesinempilo futhi kuhlale kulungisiwe;

(c) agcine amagceke engenalo iphunga elibi futhi wonke amahhoko, ezinkukhu, umhubhe wezinkukhu noma ibhilidi kumbe indlu yohlelo lokushintshisana kanye nawo wonke amakheji kuhlanzekile futhi kungenazinambuzane;

(d) aqiniseke ukuthi izinkukhu aziphazamisi noma azivimbeli inhlalakahle, azithikamezi ukuthula noxolo lomphakathi;

(e) ahlinzeke ngezitsha zokugcina umquba eziphathekayo ezakhiwe ngempahla yakwakha engangenwa ngamanzi futhi ezinezivalo ezivala ngci kanti izitsha zokugcina umquba kumele zigcinwe emphemeni;

(f) asuse wonke umquba kanye nenye imfucuza ehhokweni lezinkukhu nasemhubheni wezinkukhu okungenani kanye emahoreni angama-48 nakanye ezinsukwini ezine ebhilidini noma esakhiweni sohlelo lokushintshisana;

(g) afake umquba nenye imfucuza ezitsheni zokugcina umquba;

(h) akhiphe okuphakathi ezitsheni zokufaka umquba ezisemagcekeni okungenai kanye njalo ezinsukwini eziyisikhombisa futhi ukulahlwa komquba kumele kwenziwe ngendlela engezukuba wuhlupho empilweni yomphakathi; futhi

(i) athathe izinyathelo ezifanele ukugcina amagceke engenazimpukane, amaphela kanye namagundane kanye nokuvimbela iphunga elibi elidalwa ukugcinwa kwezinkukhu emagcekeni.

INGXENYE V:

UKUGCINWA KONOGWAJA

12. Ukusebenza

Izihlinzekelo zezindima ye -14 (1) kuya ku-(d) kanye neye- 15 (d) kuya ku-(f), azisebenzi kubantu abagcine onogwaja abalishumi nangaphansi.

13. Izidingo zemvume yonogwaja

Akukho muntu ongagcina onogwaja asebebadala abangaphezu kwesi-5 esizeni esiselokishini elimenyezelwe noma onogwaja asebebadala abangama-20 emagcekeni aklanyelwe ezolimo ngaphandle uma kunemvume.

14. Izidingo zamagceke

Akukho muntu ongagcina onogwaja emagcekeni angahambisani nalezi zidingo ezilandelayo:

(a) maqondana nekheji lonogwaja-

(i) zonke izidonga kumele zakhiwe ngezitini, amatshe, ukhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi futhi kumele zibe nengaphakathi lengaphezulu elibushelelezi;

(ii) ingaphezulu lephansi kumele-

(a) lakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi lenziwe libe bushelelezi;

(b) libe okungenani ngamamilimitha ayi- 150 ngaphezulu kweleveli yephansi; futhi

(c) ligandaywelichithele emseleni wamanzi ngokwesigaba 0, uma isikhulu esibhekele ezempilo yendawo sidinga lokho;

(iii) kumele kuhlinzekelwe ukungena komoya okwanele;

(b) nanoma yimuphi umhubhe wonogwaja kumele ubiyelwe ngocingo olusafefe kumbe ngenye impahla yokwakha eqinile futhi kumele wakhiwe ngendlela evimbela onogwaja ukuthi bangeqi emhubheni;

(c) maqondana nebhilidi noma isakhiwo sohlelo lokushintshisana -

(i) nanoma yiluphi udonga kumele-

(b) lube okungenani nesilinganiso esiphansi esingamamitha ama- 2,4 ukuphakama;

(c) lwakhiwe ngokhonkolo, ngamatshe, ngezitini noma ngenye impahla yokwakha eqinile;

(d) luyibe nengaphezulu lengaphakathi elibushelelezi;

(ii) uma izindonga zihlinzekiwe, ibhilidi kumele lingenise umoya nokukhanya ngezikhala zemvelo noma ngamafasitela endaweni engekho ngaphansi kwamaphesenti ayi-15 ephansi lebhilidi;

(iii) iphansi kumele lakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi lenziwe libe bushelelezi, futhi uma isikhulu esibhekele ezempilo yendawo, ingaphezulu lephansi kumele ligandaywe lichithele emseleni wamanzi ngokwendima yama - 27;

(iv) uma zingekho izindonga ezihlinzekiwe, noma uma zakhiwe ngokusansimbi, iphansi kumele lihlinzekelwe ngesivikelo okungenani esingamamilimitha ayi- 150 ukuphakama kuzungeze unqenqema; futhi

(v) wonke amakheji kumele akhiwe ngempahla yokwakha engangenwa ngamanzi futhi afakwe izingqoko ezakhiwe ngempahla yokwakha engangenwa ngamanzi ukuze kufakwe umquba;

(d) kumele kusatshalaliswe amanzi enele okuphuza kanye nokuhlanza ngaphakathi noma eduzane nomhubhe wonogwaja noma isakhiwo esiyindlu sohlelo lokushintshisana;

(e) akukho muntu ozomisa umhubhe wonogwaja noma ibhilidi kumbe isakhiwo esiyindlu sohlelo lokushintshisana endaweni engamamitha amahlanu -

(i) ananoma iyiphi indawo yokuhlala, elinye ibhilidi noma isakhiwo esisetshenziselwa ukuhlalisa abantu;

(ii) ananoma iyiphi indawo yokugcina ukudla noma lapho kuphekelwa khona ukuze kudliwe ngabantu; noma

(iii) omngcele oseduzane nanoma yimuphi umhlaba;

(f) kumele kuhlinzekwe ngendawo eyanele engangnewa ngamagundane yokugcina impahla lapho kuzogcinwa khona ukudla kwemfuyo; futhi

(g) kumele kuhlinzekwe ngezindawo zokuhlanza amakheji;

15. **Imisebenzi yomgcini wonogwaja**

Noma ngubani ogcine onogwaja kumele -

(a) agcine bonke onogwaja ngaphakathi ekhejini yonogwaja, emhubheni wonogwaja nona ebhilidini kumbe esakhiweni sohlelo lokushintshisana;

(b) agcine amagceke kanye nanoma yimiphi imishini, izinto zokusebenza, izitsha noma imigqomo esetshenziswa maqondana nokugcinwa konogwaja kuhlanzekile, kusesimweni sempilo futhi kuhlale kulungisiwe;

(c) agcine amagceke engenalo iphunga elibi futhi wonke amakheji onogwaja, imihubhe yonogwaja, ibhilidi noma isakhiwo sohlelo lokushintshisana kanye nawo wonke amakheji kulanzekile futhi kungangenwa yizinambuzane.

(d) ahlinzeke ngezitsha zokugcina umquba eziphathekayo ezakhiwe ngempahla yakwakha engangenwa ngamanzi futuhi ezinezivalo ezivala ngci futhi zonke izitsha zokugcina umquba kumele zigcinwe emphemeni;

(e) asuse wonke umquba kanye nanoma iyiphi imfucuza esekhejini lonogwaja, emhubheni wonogwaja noma ibhilidi kumbe isakhiwo sohlelo lokushintshisana, okungenani kanye emahoreni angama-48;

(f) agcine umquba kanye nemfucuza ezitsheni zokugcina umquba uze ususwe emagcekeni;

(g) asuse okuphakathi ezitsheni zokugcina umquba ezisemagcekeni okungenani kanye njalo ezinsukwini eziyisikhombisa futhi ukulahlwa komquba kumele kwenziwe ngendlela engeke ibe wuhlupho empilweni yomphakathi.

INGXENYE VI:
UKUGCINWA KWEZINYONI EZINGESIZO IZINKUKHU

16. **Izidingo zamagceke**

Akukho muntu ongagcina nanoma iyiphi inyoni kungesizo izinkukhu, ehhokweni elikhulu lezinyoni elingahambisani nalezi zidingo ezilandelayo:

(a) ihhoko elikhulu lezinyoni kumele lakhiwe ngempahla yokwakha eqinile engenakungenwa ngamagundane;

(b) kumele kuhlinzekwe ngentuba yokungena eyanele ngenhloso yokuhlanza;

(c) uma ihhoko elikhulu lezinyoni lakhiwe ngaphezu kweleveli yephansi, isisekelo kumele sakkhiwe ngempahla yokwakha engangenwa ngamanzi neqinile futhi kumele lakhiwe libe yisilinganiso esingamamilimitha angama-300 elevelini engaphezu kwephansi;

(d) ihhoko elikhulu lezinyoni kumele lakhiwe emamitheni amathathu anoma yiliphi ibhilidi kumbe isakhiwo, uthango olungumngcele noma udonga olungumngcele; futhi

(e) ukusatshalaliswa kwamanzi enele okuphuza nokuhlanza kumele kwenziwe ngaphakathi noma maduzane nehhoko elikhulu lezinyoni.

17. **Imisebenzi yomgcini wehhoko elikhulu lezinyoni**

Noma ngubani ogcine izinyoni ehhokweni elikhulu lezinyoni kumele-

(a) aqinisekise ukuthi ihhoko elikhulu lezinyoni kanye namagceke agcinwa esesimweni esihlanzekile futhi esingenazo izinambuzane;

(b) ahlinzeke futhi asebenzise izindawo ezingenakungenwa ngamagundane; futhi

(c) aqinisekise ukuthi izinyoni aziphazamisi inhlalakahle, azithikamezi ukuthula nxolo lomphakathi.

INGXENYE VII:
IZINDLU ZEZINJA KANYE NEZINDAWO ZOKUGCINA AMAKATI

18. **Izidingo zamagceke**

Akukho muntu ongasebenzisa amagceke njengezindlu zezinja noma indawo yokugcina amakati ngaphandle uma lawo magceke ehambisana nalezi zidingo ezilandelyo:

( ) zonke izinja noma amakati kumele kugcinwe endaweni evalekilenehambisana nalezi zidingo ezilandelayo:

(i) indawo evalekile kumele yakhiwe ngempahla yokwakha engangenwa ngamanzi futhi kumele ibe nentuba yokungena eyanele ngenhloso yokuhlanza;

(ii) iphansi kumele lakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi lenziwe libe bushelelezi futhi ligandaywe lichithele emseleni wamanzi obubanzi bawo bungamamilimitha ayi-100, ukwandisa ububanzi bephansi, libe nomsele wamanzi ogandayiwe wachithela esitamkokweni soMkhandlu ngokusebenzisa amapayipi anomthaamo ongamamilimitha ayi-100; futhi

(iii) kumele kuhlinzekwe ngesivikelo esingamamilimitha ayi -150 ukuphakama kuzungeza unqenqema lomsele okukhulunywe ngalo endinyaneni (ii), ukuvimbela ukugobhoza kwamanzi ezikhukhula angena emseleni;

(b) kuya ngokwendinyana (c), yonke indawo evalekile okukhulunywe ngayo endinyaneni (a), kumele ibe sesakhiweni esinophahla esihambisana nalezi zidingo ezilandelayo:

(i) zonke izindonga kumele zakhiwe ngezitini, ngamatshe, ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi;

(ii) ingaphezulu lengaphakathi lazo zonke izindonga kumele libe bushelelezi;

(iii) iphansi kumele lakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi futhi lenziwe libe bushelelezi; futhi

(iv) zonke izakhiwo kumele zibe nentuba yokungena eyanele ukuze kube lula ukuzihlanza nokunqanda izinambuzane;

(c) kumele kuhlinzekwe ngendlu yenja ehambisana nezidingo ezilandeyo esikhundleni sesakhiwo okukhulunywe ngaso endinyaneni (b):

(i) indlu yenja kumele yakhiwe ngo-asbestos obunjiweyo noma ngenye impahla yokwakha efana nawo;

(ii) indlu yenja kumele ikwazi ukugudluleka;

(iii) indlu yenja kumele ibekwe esisekelweni sikakhonkolo noma enye impahla yokwakha engangenwa ngamanzi ehlanzeka kalula; futhi

(iv) uqwembe lokulala, olukwazi ukugcina inja yomile kumele luhlinzekwe kunoma iyiphi indlu yenja engenaso isisekelo esingangenwa ngamanzi;

(d) kumele kuhlinzekwe ngesibhaxelo sikakhonkolo esengeza ububanzi ukuzungeza unqenqema lwendawo evalekile okungenani esingaba yimitha elilodwa;

(e) indawo encane encikene nenye indawo noma isakhiwo esikhulu mayibe ngehlelembiwe futhi idonse amanzi ngendlela yokuthi amanzi esichotho edonseleke kude nendawo evalekile;

(f) makuhlinzekwe ngento yokunikezela ngamanzi anokuphuzwa, anele ukuba aphuzwe futhi asetshenziswe ngenjongo yokuhlanza endaweni ebiyelwe noma encikene nendawo ebiyelwe;

(g) noma yiliphi ikheji eligcina amakati malakhiwe ngempahla yokwakha eqinile engangenwa ngamanzi engakwazi ukuhlanzwa kalula;

(h) noma yimuphi umpheme wokukhusela, indawo ebiyelwe kumbe indlu yenja mayakhiwe phakathi kwamamitha amahlanu -

(i) anoma iyiphi indlu yokuhlala noma elinye ibhilidi kumbe isakhiwo esisetshenziselwa ukuhlala abantu;

(ii) endawo lapho kugcinwa khona ukudla futhi kubuye kulungiswe ukudla okudliwa ngabantu; noma

(iii) omncele wesakhiwo.

19. **Indawo yokulungisa ukudla**

Noma yimuphi umgcini wezindlu zezinja noma wendawo okondliwa kuwo noma okusetshenziselwa kuyo ukuzalanisa amakati oyalelwe yisikhulu sezempilo esibhekele ubunjalo bendawo ukuba ahlinzeke ngendawo yokulungisa ukudla, makahlinzeke ngendlu eseceleni noma ngendawo enompheme yokulungisa ukudla ehambisana nalezizidingo ezilandelayo:

(a) indawo ephansi yendlu noma indawo enompheme mayakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi eyenziwe yaba bushelelezi;

(b) udonga lwangaphakathi endaweni yangaphezulu yendlu noma yendawo enompheme mayibe bushelelezi futhi ikwazi ukuhlanzwa kalula;

(c) makuhlinzekwe ngezimfanelo ezanele zokuhlanza izitsha zokudla kanye nezokuphatha; kanye

(d) nokuhlinzeka ngendawo yokugcina impahla engenakungenwa yizilwane eziququdayo ukuze kugcinwe kuyo ukudla.

20. **Imisebenzi yomgcini wezindlu zezinja noma wendawo okondliwa kuwo noma okusetshenziselwa kuyo ukuzalanisa amakati**

Noma ngubani osebenzisa indlu yenja noma indawo okondliwa kuwo noma esetshenziselwa ukuzalanisa amakati –

(a) makagcine isakhiwo, impahla yokusebenza kanye nazo zonke izitsha, noma ipulangwe lokulala elisetshenziselwa into ehlangene nezindlu zezinja noma indawo okondliwa kuwo noma esetshenziselwa ukuzalanisa amakati ihlanzekile, isesimweni esihle esiphathelene nemithetho yezempilo nokuba sesimweni esihle sokukhandeka;

(b) makahlinzeke ngezitsha eziphathekayo zokugcina indle yezinja neyamakati ezakhiwe ngempahla yokwakha engangenwa ngamanzi;

(c) makususwe yonke indle kanye nayo yonke into eyizibi endaweni ebiyelwe nakumpheme wokukhusela okungenani kanye njalo emahoreni angamashumi amabili nane bese efakwa ezitsheni ezichaziwe kwindinyana (b);

(d) makususwe okuphakathi ezitsheni esakhiweni okungenani kanye njalo ezinsukwini eziyisikhombisa bese kulahlwa ngendlela engezukudala uhlupho empilweni yomphakathi;

(e) makugcinwe konke ukudla okuvulekile kusezitsheni ezinezivalo ezivaleka ngci lapho kugcinwa khona.

(f) makuhlinzekwe isakhiwo ngezimfanelo zokuqandisa ezanele zokugcina ukudla okubolayo;

(g) isakhiwo masihlinzekwe ngezitsha ezahlukene ezanele zokufaka izibi, kungabi yindle, mazibe nezivalo ezivaleka ngci;

(h) makugcinwe inja noma ikati eligulayo ngokwehlukana kwezinye izilwane;

(i) isakhiwo masigcinwe singenaphunga elicunulayo kanye nayo yonke indawo ebiyelwe, umpheme wokukhusela, indlu yenja, ikheji, noma indawo egcina ukudla ihlanzekile futhi ingenazo izilokazane eziluhlupho.

INGXENYE VIII :

IZITOLO ZEZILWANE KANYE NEZINDAWO EZINAKEKELA IZILWANE EZIFUYWAYO

21. **Izidingo zezakhiwo**

Akukho muntu ongenza isitolo sezilwane kumbe ikamelo lokulala izilwane esakhiweni esingavumelani nezidingo ezilandelayo;

(a) Zonke izindonga, kanye nanoma iyiphi indawo ehlukanisiwe, kumele-

(i) Yenziwe ngezitini, ukhonkolo kumbe ngenye impahla yokwakha engenakungenwa ngamanzi;

(ii) Kube nengaphakathi elibushelelezi elihlanzeka kalula, futhi

(iii) Lipendwe ngopende ogezekayo futhi eqedelwe ngendlela efanele;

(b) Yonke indawo ephansi kumele yekhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi eyenziwe yaba bushelelezi;

(c) Lonke uphahla lwangaphakathi kumele luvikeleke ezintulini futhi luhlanzeke kalula;

(d) Okungenani ubheseni owodwa wokuwashela izandla, nokunikezelwa kwamanzi ahamba ngamapayipi ashisayo kanye nabandayo, kumele anikezelwe kwizisebenzi futhi inani lobheseni bokuwasha izandla ngangezisebenzi kuleso sakhiwo akumele zibe ngaphansi kuka-1:15

(e) Ubheseni wokuwashela izandla, buyekezela kwisigatshana (d) kumele zomisiwe ngokwendima yama -27;

(f) Makuhlinzekwe ngezindawo ezanele zokubeka; adequate storage facilities must be provided;

(g) Makuhlinzekwe ngezinto zokuwasha amakheji, amathileyi kanye nezinye izimpahla ngendlela engaba -

(i) ngethiyiweyo kanye nephahlekiwe ngaphezulu komganga onendawo engaphezulu eyanele engamaskwe amamitha angu - 1,5,

ephakanyiswe okungenani ngo -100 amamilimitha ngaphezulu kwendwo ephansi futhi yakhiwa ngokhonkolo noma ngeye impahla yokwakha engangenwa ngamanzi, okumele kuhlinzekwe ngayo umganga ngamanzi aphuzwayo ahamba ngamapayipi, noma

(ii) usinki owakhiwe ngensimbi engathombi kumbe isitsha esivuleke kakhulu sokuphatha ukudla esingusayizi olingene onebhodi lokudonsa amanzi futhi kuhlinzekelwe ngokunikezelwa kwamanzi ahamba aphuzwayo;

(h) umganga, usinki kumbe isitsha esivuleke kakhulu sokuphatha ukudla njengoba kushiwo kwindinyana (g) kumele zikhameke ngokwendima yama-27;

(i) nanoma yiluphi udonga lwendawo engaphezulu phakathi kwamamitha angu-0,50 omganga, usinki noma isitsha esivuleke kakhulu sokuphatha ukudla esishiwo kwindinyana (g), masihlale njalo semboziwe ngempahla yokwakha engangenwa ngamanzi ukuphakama okungubuncane bokugcina obungamamitha angu - 1,4 ngaphezulu kwendawo ephansi;

(j) makuhlinzekwe ngekamelo lokushintshela elikhonjiswe ngokucacile uma kuqashwe abantu abangaphezu kwesithupha esakhiweni futhi yonke indlu yokushintshela kumele-

(i) ihlinzekelwe isisebenzi ngasinye ngendawo yaphansi okungenani engamaskwe amamitha angu -0.5;

(ii) ibe nobuncane bokugcina kuyoyonke indawo yaphansi ngamaskwe amamitha angu-6 kanye nobubanzi obungamamitha amabili; futhi

(iii) isisebenzi ngasinye sinikezelwe ngengidi elingene;

(k) Lapho kungadingakali khona ikamelo lokushintshela kumele isisebenzi ngasinye sihlinzekwe ngengidi esansimbi efanele njengokwendinyana (j) ngokomthetho wesigatshana (j),

(l) Ngokwezinjongo zokuwasha, ukugundwa kumbe ukulungiswa kwezilwane-

(i) makuhlinzekwe ngekamelo lokugezela elifakwe ubhavu kumbe okufana nalokho, kanye nobhesini wokuwashela izandla onamanzi aphuzwayo;

(ii) makuhlunzekwe ngekamelo lokugundela kanye nelokulungisa elifakelwe amatafula anengaphezulu elingangenwa ngamanzi nesibalo esanele sezitsha zokugcina eziphathwayo ezakhiwe ngempahla eqinile engangenwa ngamanzi enezivalo ezivaleka ngci, ukuze kungcinwe izinwele ezisikiweyo ngesikhathi zisalindele ukuba zilahlwe;

(iii) okungenani amaphesenti anga-50 endawo ephansi yamakamelo elishiwo kwindinyana (i) kanye no (ii) kumele zingavinjwa ngalutho; futhi

(iv) Indawo ephansi emakameleni eshiwo kwindinyana (i) kanye (ii) kumele ibe ngehlelembiwe futhi idonse amanzi ngemisele yokudonsa amanzi ngokwendima yama- 27;

(m) Wonke amabhilidi, ehlangene nezindawo okugcina, kumele zingangenwa yizilwane eziququdayo,

(n) Izakhiwo zingebe nendawo yokungena eqondile yangaphakathi engenela kunoma yiliphi ikamelo kumbe indawo-

(i) esetshenziselwa ukuhlala abantu;

(ii) Lapho izingubo zokugqoka zigcinwa kumbe zidayiselwa khona; noma

(iii) Lapho kulungiselwa khona ukudla, kugcinwa khona kumbe lapho kudayiselwa ukuba kudliwa ngabantu.

22. **Imisebenzi yomgcini wesitolo sezilwane noma sekamelo lokuhlala izilwane**

Umgcini wesitolo sezilwane noma wekamelo lokuhlala izilwane kumele-

(a) ahlinzeke ngamakheji okuhlala izilwane avumelana nalezizidingo ezilandelayo:

(i) ikheji kumele lakhiwe ngokusansimbi noma ngempahla yokwakha engangenwa ngamanzi kanye nethileyi laphansi elisusekayo elifakelwe ukwelekelela lapho kuhlanzwa;

(ii) kumele ivalwe into enendawo yangaphandle enembobo yanoma iliphi ithumbu kumbe into enesigodi esetshenziswa ekwakheni ikheji;

(iii) kumele amakheji akwazi ukususwa kalula;

(iv) lapho kugcinwa khona onogwaja ekhejini, ithileyi laphansi elakhiwe ngokusansimbi njengoba kuchaziwe kusigatshana (i) kumele likhameleke esitsheni esikwaziyo ukususwa;

(v) amakheji kumele afakelwe isitsha sokuphuza esigcwaliswe ngamanzi;

(vi) ibanga elisuka kwikheji liya odongeni oluseduze kumele lube ngubuncane bokugcina obungu – 50 amamilimitha;

(vii) ikheji kumele ligcinwe kubuncane bokugcina obungu – 450 amamilimitha ngaphezu kwezinga lendawo ephansi;

(viii) isikhala phansi kwawo wonke amakheji kumele singabi nasivimbelo;

(b) ahlinzeke ngezitsha ezingangenwa yizilwane eziququdayo, ezakhiwe ngempahla yokwakha engangenwa ngamanzi futhi zibe nezivalo ezivaleka ngci, ukugcina ukudla okuvulekile kwezilwane ezifuyiweyo endlini yokugcina impahla;

(c) ahlinzeke ngezimfanelo zokuqandisi ezanele ukuze kugcinwe konke ukudla okubolayo kwezilwane ezifuyiweyo;

(d) aqikelele ukuthi noma iliphi igumbi eligcina izilwane -

(i) ama 50% endawo ephansi ayinasivimbelo ; futhi

(ii) amakheji abekwe ashiyana elinye kwelinye ngesilinganiso sokugcina esingu – 800 amamilimitha

(e) anakekele izakhiwo kanye nawo wonke amakheji , amathileyi, izitsha, izikhongozelo, obhasikidi kanye nezinto zokwenza okuthile , impahla noma

impahla esetshenziselwa okumayelana nesitolo sezilwane, esisesimweni esihlanzekile nesihle esiphathelene nemithetho yezempilo, esingenazilokazane ezikhathazayo nokuba sesimweni esihle sokukhandeka;

(f) ahlinzeke ngezingubo ezigqokwa lapho kusetshenzwa noma ezinye izimpahla ezivikelayo zezisebenzi futhi aqikelela ukuthi izisebenzi ziyazigqoka ngesikhathi somsebenzi;

(g) ahlinzeke ngezimfanelo zokwahlukanisa lapho kugcinwa khona zonke izilwane ezifuyiweyo ezibonakala zigula noma ezigulayo esakhiweni;

(h) ahlinzeke ngokunikezela ngamanzi anokuphuzwa anele ngezinjongo zokuba aphuzwe futhi kuhlanzwa ngawo;

(i) ahlinzeke ngokokungeniswa komoya okwanele ukuqikeleka ukunethezeka kanye nokuphila kwezilwane ezifuyiweyo; kanye

(j) nokuqikelela ukuthi inani lezilwane ezisekhejini ngalinye alivimbeli ukuthi zinyakaze ngokukhululekile.

INGXENYE IX :
UKUGCINWA KWEZILWANE ZASENDLE

23. **Izidingo zezakhiwo**

Akukho muntu ongagcina isilwane sasendle esakhiweni esingavumelani nalezizidingo ezilandelayo:

(a) zonke izilwane zasendle kumele zigcinwe endaweni ebiyelwe eyenziwe futhi enikezela njengokulandelayo -

(i) indawo ebiyelwe kumele igculise izidingo zesilwane esiqondene ngqo njengoba kuchachiwe ngabaphathi abafanele bezokongiwa kwemvelo;

(ii) indawo ebiyelwe ingebe phakathi kwamamitha anga-50 –

(a) anoma yimuphi umncele wesakhiwo;

(b) anoma iyiphi indlu, ibhilidi kumbe isakhiwo esisetshenziselwa ukuhlala abantu;

(c) anoma iyiphi indlu, ibhilidi kumbe isakhiwo lapho kugcinwa khona ukudla, kuphathwa kumbe kulungiswa ukudla okudliwa ngabantu; noma

(d) yisiphi isizinda samanzi okuhloswe ngaso ukuba sisetshenziselwe ukudliwa ekhaya;

(iii) amanzi anokuphuzwa anele ngezinjongo zokuba aphuzwe futhi asetshenziswe ekuhlanzeni;kanye

(iv) nendawo ebiyelwe kumele ibe ngehlelembiwe futhi idonse amanzi ngendlela yokuthi ingazingcolisi izizinda zamanzi kumbe yenze uhlupho empilweni yomphakathi;

(b) makuhlinzekwe ngekamelo eliseceleni, eline tafula lokulungiselela kanye nosinki wokuwashela, onikezela ngamanzi anokuphuzwa futhi aphuma ngomsele njengoba kubekiwe endimeni yama- 27;

(c) makuhlinzekwe ngezimfanelo ezanele zokuhlanza noma yimaphi amakheji, izingqoko, imiphongolo, izitsha zokufaka udoti kanye nokokuphatha ukudla ngendlela engaba –

(i) nomganga othiyiwe owakhiwe ngokhonkolo kumbe ngenye impahla yokwakha engangenwa ngamanzi eyenziwe yaba bushelelezi; noma

(ii) nosinki owakhiwe ngensimbi engathombi noma isitsha esivuleke kakhulu sokuphatha ukudla esinosayizi olingene ukwamukela impahla ezowashwa;

(d) yomibili imisebenzi eshiwo kwindinyana (c) kumele ihlinzekwe ngokunikezela ngamanzi angaphuzwa futhi aphume ngomsele njengoba kubekiwe endimeni yama - 27

(e) Zonke izindawo kanye namakamelo lapho kugcinwe khona ifolishi kanye nokudla mazingangenwa yizilwane eziququdayo.

24. **Imisebenzi yomgcini wezilwane zasendle**

Noma ngubani ogcine izilwane zasendle kumele –

(a) agcine isakhiwo sisesimweni esihlanzekile nephilisayo ngasosonke isikhathi;

(b) ahlanze wonke umquba kanye nezinsalela zokudla kunoma iyiphi indawo ebiyelwe ngezikhawu ezilingene;

(c) avikele umhlabathi ongaphansi kumbe emacaleni onke anoma iyiphi indawo ebiyelwe ukuba ungagcwaliswa ngumchamo.

INGXENYE X :
UKUGCINWA KWEZINGULUBE

25. **Izidingo zezakhiwo**

Akukho muntu ongagcina izingulube phakathi noma esakhiweni esingahambisani nezidingo ezilandelayo:

(a) zonke izindonga kumele –

(i) zakhiwe ngezitini, ngamatshe, ngokhonkolo noma ngenye impahla yokwakha eqinile;

(ii) ubude bazo mabube ngubuncane bokugcina obungu– 1,5 amamitha; futhi

(iii) ingaphakathi lendawo yangaphezulu kumele lenziwe bushelelezi;

(b) indawo ephansi kumele okungenani ihlinzeke ingulube ngayinye ehlaliswe endaweni egcine izingulube ngamaskwe amamitha ama- 3, nobuncane bokugcina sebuhlangene obungamaskwe amamitha ayisi- 6;

(c) uphahla olungaphezu kwanoma iyiphi ingxenye yogoqo kumele ibe nobude obungubuncane bokugcina obungamamitha angu -1,5;

(d) ngaphandle uma uphahla lwakheke lwaba necala elilodwa elide elivulekile ,ukuvuleka kokukhanya nokungeniswa komoya kumele -

(i) kwakhiwe kubhekane odongeni lwangaphandle; futhi

(ii) luhlinzeke ngobuncane bokugcina bamaskwe amamitha angu – 0,15 ingulube ngayinye;

(e) indawo ephansi kumele -

(i) okungenani libe ngu 150 amamitha ngaphezu kweleveli yaphezu komhlaba oyizungezile;

(ii) yakhiwe ngokhonkolo noma ngenye impahla yokwakha eqinile futhi engangenwa ngamanzi eyenziwe yaba bushelelezi; futhi

(iii) ibe ngehlelembiwe ukuze ikwazi ukuhambisa okuwuketshezi emseleni ovulekile ngaphandle kogoqo;

(f) umsele ovulekile oshiwo kwindinyana (e)(iii) kumele -

(i) wakhiwe ngokhonkolo noma ngenye impahla yokwakha engangenwa ngamanzi;

(ii) ububanzi besiyingi bube ngubuncane bokugcina obungu 100 amamilimitha; futhi

(iii) amanzi adonseke njengoba kubekiwe ngokwendima yama -27;

(g) ugoqo kumele luqine ngokwanele ukuvimba izingulube ukuba zeqele ngaphandle;

(h) ugoqo lungekwakhiwe phakathi kwamamitha ayi -100 –

(i) omncele wesakhiwo; the boundary of the premises;

(ii) endawo yokuhlala, ebhilidi noma esakhiwo esisetshenziselwa ukuhlala abantu;

(iii) anoma iyiphi indawo yokuhlala, ibhilidi kumbe isakhiwo okulungiswa kuso ukudla, okugcinwa noma okuthengiselwa kuso ukudla okudliwa ngabantu;

(iv) anoma yisiphi isizinda samanzi okuhloswe ngawo ukuba aphuzwe ngumphakathi;

(i) makuhlinzekwe ngomganga owakhiwe ngokhonkolo onophahla ukuze –

(i) kugcinwe konke ukudla kwezingulube ezitsheni; futhi

(ii) kulungiselwe ukuba kudle izingulube;

(j) umganga oshiwo kwindinyana (i) kumele ivumelane nezihlinzeko zendinyana (e) futhi ukwengeza, kumele ube nesilibaziso esinobuncane bokugcina bokuphakama obungu – 100 amamilimitha icala ngalinye; kanye

(k) makuhlinzekwe ngokunikezela ngamanzi aphuzwayo endaweni encikene nogoqo, ngezinjongo zokuba anele ekuphuzweni nasekuhlanzeni.

26. **Imisebenzi yomgcini wezingulube**

Wonke umuntu ogcina izingulube kumele-

(a) aqikelele ukuthi yonke ingulube igcinwe ngaphakathi egoqweni;

(b) agcine izakhiwo kanye nempahla, izinto zokwenza okuthile, izitsha zokuphatha noma isikhongozelo zisesimweni esihlanzekile futhi esihle esiphathelene nemithetho yezempilo nokuba sesimweni esihle sokukhandeka;

(c) ahlinzeke ngezitsha zokugcina eziphathekayo, ezakhiwe ngempahla yokwakha engangenwa ngamanzi futhi ezinezivalo ezivaleka ngci, ukugcina umquba;

(d) agcine zonke izitsha ezigcine umquba kumganga ovumelana nendima yama-25(j);

(e) asuse wonke umquba egoqweni okungenani kanye njalo emahoreni angama 24 bawubeke ezitsheni ezigcina umanyolo;

(f) asuse okusezitsheni eziphethe umanyolo esakhiweni okungenani kanye njalo osukwini lwesibili bese umanyolo ulahlwa ngendlela engezukudala uhlupho empilweni yomphakathi;

(g) ahlinzeke ngendlu yogcina impahla engenakungenwa yizilwane eziqugudayo lapho kugcinwa khona konke ukudla kwezilwane, hayi ukudla kwezingulube; kanye

(h) nokuhlinzeka ngezitsha zokuphatha ezingenakungenwa yizilwane eziqugudayo, ezinezivalo ezivaleka ngci, ezingcina konke ukudla kwezilwane okungavalekile.

INGXENYE XI :
IZIHLINZEKO EZIYINHLANGANISELA

27. **Ukudonswa Kwamanzi**

Noma ngubani ogcina izilwane kumele aqiniseke ukuthi bonke osinki , obheseni bokugeza izandla, obhavu, amashawa okugeza, izitsha ezivuleke kakhulu zokuphatha ukudla, indawo ephansi, imisele kanye nomganga wokuwashela udinga ukuba ukuphuma kamanzi ngomsele kube ngokuhambisana nezimiso zoMthethonqubo kaZwelonke wezoKwakha noMthetho woKwakha okuseQophelweni ka -1977 (uMthetho ka 1977).

28. **Izilwane Eziyingozi**

(1) Akukho muntu ongagcina ngaphandle kwemvume yesikhulu sezempilo esibhekele ubunjalo bendawo isilwane sasendle esiwuhlobo oluyingozi kubantu, okubalwa ngaphandle kokukhawuliswa, izilwane ezinkulu ezidla inyama, izinyoka ezinobuthi kakhulu, izicabucabu noma ofezela.

(2) Noma ngubani ogcina isilwane esaziwayo ukuthi siziphatha ngendlela enobungozi kubantu kumele asigcine endaweni ebiyelwe ngokwanele futhi athathe izinyathelo

ezanele ukuqiniseka ukuthi aseqi esakhiweni noma sidale ingozi kubahlali balapho, noma abavakashile esakhiweni.

29. **Okudingekayo ngokugcinwa kwezinyosi**

(1) Akukho muntu ongagcina izinyosi esakhiweni ngaphandle uma -

(a) umuntu unayo imvume esemthethweni futhi;

(b) indlu yezinyosi yakhiwe –

(i) yaba ngubuncane bokugcina obungamamitha amahlanu ukusukela kunoma yimuphi umncele wesakhiwo; kanye

(ii) nobuncane bokugcina obungamamitha ayishumi ukusukela endaweni yomphakathi noma esakhiweni esisetshenziselwa ukuhlala abantu;

(c) izinyosi zigcinwa endlini yezinyosi evumelekile; futhi

(d) indlu yezinyosi –

(i) igcinwe endaweni engenakungenwa yizingane kanye nezilwane;

(ii) igcinwe endaweni enethunzi ngazo zonke izikhathi; futhi

(iii) inikezelwe ngesizinda samanzi okuphuza phakathi kwamamitha amahlanu endlini yezinyosi.

(2) Akukho muntu ongachitha noma alahle izibi, imvundela, utshani obunqunyiwe noma umanyolo phakathi kwamamitha amahlanu anoma iyiphi indlu yezinyosi;

30. **Ukugula okuqondene /okuhlanganiswa nezilwane**

(1) Ukugula kwanoma ngubani, okungahlanganiswa nanoma yisiphi isilwane esigciniwe noma ebesiphethwe yilowo muntu, lowo obone isifo esikumuntu makabikele isikhulu

sezempilo esibhekele ubunjalo bendawo phakathi kwamahora anga -24 siboniwe isifo esikumuntu.

(2) Isikhulu sezempilo esibhekele ubunjalo bendawo singakhipha umyalelo wokuba sisuswe isilwane esakhiweni uma kungukuthi siyakholelwa ngokuqondekayo ukuthi isilwane sifaka engozini impilo yomphakathi noma siwuhlupho empilweni yomphakathi.

31. **Ukugcinwa nokuhlatshwa kwezilwane ngezinjongo zezenkolo kanye nemikhosi**

(1) Noma ngubani ogcina isilwane ngaphambi kokuba sihlatshwe ngezinjongo zezenkolo noma zemikhosi, kumele avumelane nezimiselo zalemithetho kaMasipala.

(2) Umuntu ohlose ukuhlaba isilwane kunoma iyiphi indawo ngaphandle kwendawo eyaziwayo yasemadeleni kumele:

(a) abhalele uMkhandlu awazise, ezinsukwini eziyishumi nane ngaphambi komcimbi;

(b) abhalele omakhelwane abazise, ezinsukwini eziyisikhombisa ngaphambi komcibi;

(c) asithe kumphakathi indlela ekuhlatshwa ngayo;

(d) asebenzise inyama ephuma esilwaneni esihlatshiwe kuphela ngenjongo yokuba ibe ngukudla komcimbi wezenkolo noma womkhosi;

(e) aphathe inyama ngendlela ehlanzekile ngasosonke isikhathi ; futhi

(f) Alahle noma iyiphi ingxenye yesilwane engasetshenziswanga noma engadliwanga, ngendlela emiswe yisikhulu sezempilo esibhekele ubunjalo bendawo.

32. **Ukuphikisana kwemithetho**

Uma kukhona nanoma yikuphi ukuphikisana kule mithetho kamasipala kanye neminye imithetho kamasipala yoMkhandlu, le mithetho kamasipala iyona eyosetshenziswa.

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UMkhandlu Kamasipala wase-Richmond, osebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyelwa nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho yawo yeMihlangano Yomphakathi kanye Nemibuthano, Izinhlabaluhide nominye iMithetho Kamasipala enjalo.

IMITHETHO KAMASIPALA EQONDENE NEMIHLANGANO YOMPHAKATHI KANYE NEMIBUTHANO, IZINHLABALUHIDE NOKUNYE OKUNJALO

I. Izincazelo

Kule Mithetho kaMasipala, ngaphandle uma ingqikithi ikhomba okunye-

"UMkhandlu" kusho uMasipala waseRichmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanom a yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

2. Imvume edingekayo

Akukho umuntu oyobamba, ameme noma ahlele noma abangele ukuthi kubanjwe, noma kuhlelwe nanoma yimuphi umhlangano womphakathi, umbuthano womphakathi, inhlabaluhide, umbukiso, umgidi noma inkulumo yomphakathi kunoma yisiphi isitaladi somphakathi noma indawo yomphakathi noma abangele ukuthi kwethulwe nanoma iyiphi inkulumo yomphakathi kunoma yisiphi isitaladi somphakathi noma indawo yomphakathi ngaphandle-

(1) uma uMkhandlu ngesandla seMenenja Kamasipala ukhiphe imvume yawo ebhaliwe phansi maelana nokubanjwa noma ukwethulwa; futhi

(2) uma ubanjwe noma yethulwe ngokuvumelana nanoma yiziphi izimo, izidingo noma izithibelo ezimiswe nguMkhandlu; futhi

(3) uma kuhambisana nayo yonke imithetho ekhona eRiphabhliki yase Ningizimu Afrika.

3. Isicelo Semvume

(1) Nanoma ngubani ofisa ukuthola imvume yoMkhandlu njengoba kudingeka esigatshaneni (2) esikhathini esingekho ngaphansi kwezinsuku eziyisikhombisa noma isikhathi esingaphansi njengokwemvume ngokubona koMkhandlu ngaphambi kosuku lomhlangano womphakathi, umbuthano womphakathi, inhlabaluhide, umbikiso. okumele ubanjwe umgidi okhulunywa ngawo noma inkulumo yomphakathi okumele yethulwe kuzomele anikezele ngesicelo esibhalwe phansi eMkhandlwini esicacisa-

(a) uhlobo lwento ecelwayo;

(b) amagama aphelele, amakheli kanye nezinombolo zocingo zawo wonke umuntu ozobe ebambe umhlangano, kanye nowumemile kanye nawo wonke umuntu ohlose ukwethula inkulumo ;

(c) usuku, isikhathi, indawo kanye nendlela ezolandelwa lapho kubanjwa umhlangano noma kwethulwa inkulumo;

(d) ubude besikhathi okulindeleke ukuthi sithathwe :

(e) inani labantu okulindeleke ukuthi babambe iqhaza uma kuyinhlabaluhide; kanye

(f) nemininingwane maqondana nanoma yisiphi isandla, izimfijoli zomculo, okokwandisa umsindo, imoto, noma isakhiwo sesikhashana esisosetshenziswa kanye nalezi zinto.

(2) UMkhandlu ungafuna lowo muntu ukuba anikezele nganoma yiluphi ulwazi olwengeziwe ongacabanga ukuthi lubalulekile ngenhloso yokubhekana naleso sicelo .

4. Ukunikezelwa noma Ukwenqatshwa Kwemvume

(1) UMkhandlu unganikezela imvume yawo uma lonke ulwazi oludingekayo lulethwe ngokugcwele futhi waneliseke ukuthi ukubanjwa komhlangano womphakathi, umbuthano womphakathi, inhlabaluhide, umbukiso, umgidi noma ukwethulwa kwenkulumo yomphakathi akubukeki -

(a) kungaba yingozi, kuvimbele, noma kuphazamise-

i. abahamba ngezinyawo noma izimoto emgwaqeni;

ii. nanoma iyiphi imakethe yomphakathi, indali yomphakathi; kanye

iii. nanoma yimiphi eminye imihlangano, imibuthano, inhlabaluhide, umbukiso, umgidi noma inkulumo yomphakathi; noma

iv. ukusetshenziswa ngokusemthethweni kwanoma yimuphi omgwaqo noma indawo yomphakathi ngumphakathi; noma

(b) ingadala ingozi noma isimo esingalimaza impilo yomphakathi.

(2) Ngesikhathi uMkhandlu unikezela ngemvume yokubamba nanoma yimuphi umhlangano womphakathi, umbuthano womphakathi, inhlabaluhide, umbukiso noma umgidi noma ukwethulwa kwanoma iyiphi inkulumo yomphakathi ngaphansi kwalesi sahluko, ungamisa imibandela enjalo, izidingo kanye nezithibelo njengoba ungabona kubalulekile ngokubhekela umphakathi futhi ungabeka imikhawulo yokubanjwa kwemihlangano nokwethulwa kwezinkulumo ezikhathini ezithile nasezindaweni ezithile kumbe imigudu futhi uvimbele noma uthibele ukusetshenziswa kwanoma yiliphi iqembu elidlala izimfijoli, izimfijoli zomculo, okokusabalalisa umsindo, imoto noma isakhiwo sesikhashana esisetshenziswa nalokhu ngale kokubukela phansi ukuqhubeka kwayo.

5. Ukukhululwa

Izihlinzekelo zalesi sahluko angeke zisebenze kunoma yimuphi umngcwabo, umshado, inhlabaluhide yamasosha noma yamaphoyisa.

6. Amacala Nezigwebo

Noma ngubani -

(a) ophikisana noma ohluleka ukuhambisana nezihlinzekelo zale mithetho kamasipala kumbe nanoma yimuphi umgomo, umbandela, isithibelo, isidingo, isaziso noma umyalelo omiswe kumbe okhishiwe ngokwale mithetho;

(b) oqhubekayo, ovimbela, obambezela, noma ophikisana nanoma yisiphi isikhulu noma isisebenzi soMkhandlu ekwenzeni kwanoma yimuphi umsebenzi waso noma ekusebenziseni amandla aso ngaphansi kwale mithetho kamasipala; noma

(c) odala noma ovumela nanoma ngubani ukuthi enze nanoma yikuphi okushiwo phambilini –

uyotholwa enecala futhi uyobhekana nokulahlwa yicala, ahlawuliswe engeqile ezinkulungwaneni ezimbili zamarandi noma uma ehluleka ukukhokha inhlawulo, uyogqunywa ejele isikhathi esingeqile onyakeni.

7. Inhlawulo

Ngale kwezidingo okuqhutshekwe nazo esigatshaneni (6) ngenhla, uMkhandlu ungabeka noma ngubani ohlele umhlangano womphakathi kanye nombuthano kumbe labo ababambe iqhaza kulowo mbuthano noma inhlabaluhide nganoma yimuphi umonakalo kunoma yisiphi isakhiwo soMkhandlu futhi ungenza isibizo sezindleko zokulungiswa kwalowo monakalo kulowo muntu noma kumhleli.

8. Ukuphikisana kwemithetho

Uma kukhona ukuphikisana kule mithetho kamasipala neminye imithetho kamasipala yoMkhandlu maqondana nemihlangano yomphakathi kanye nemibuthano, le mithetho kamasipala iyona eyosetshenziswa.

UMkhandlu kaMasipala wase-Richmond usebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyela nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho Kamasipala ebhekele iMisebenzi Yemitapo Yolwazi kanye Nolwazi.

IMITHETHO KAMASIPALA YEMISEBENZI YEMITAPO YOLWAZI KANYE NOLWAZI

1. Izincazelo

Kule mithetho kaMasipala la magama alandelayo ayoba nencazelo enikezelwe kuwo, ngaphandle uma ingqikithi ikhomba okunye:

"Isisebenzi sasemtapweni wolwazi wolwazi"kuchaza isisebenzi sasemtapweni wolwazi wolwazi esengamele umtapo wolwazi ophethwe nguMkhandlu, kumbe nanoma yimuphi umsizi noma isithunywa sakhe, kanti, **"leso sisebenzi sasemtapweni wolwazi"** sinencazelo efanayo;

"umtapo wolwazi" kuchaza nanoma yimuphi umtapo wolwazi emitapweni yolwazi enhlobonhlobo kanti **"lowo mtapo wolwazi"** unencazelo efanayo;

"Impahla yezinto ezibukwa-zilalelwa "kuchaza wonke amafilimu, amarekhodi, amadiski omculo nolwazi, amadiski olwazi asebenza kwikhompyutha, izincwadi ezinomsindo, izifundo zolimi, amakhasethi omculo nawezithombe, kuhlanganisa nempahla yokuthatha izithombe engadingi mafilimu kanye namarekhodi ama-gramafoni atholakala emtapweni wolwazi ukuze asetshenziswe ngaphakathi noma abolekwe, noma ngabe impahla eyoMkhandlu kumbe ibolekelwe leyo nhloso;??????

"Amagumbi okubuka imidlalo / okufundela" kuchaza indawo noma igumbi kumbe amagumbi emtapweni wolwazi angaqashwa ngaphansi kwezimo kanye nemibandela ezinqunyiwe ngenani lemali elinqunyiwe.

"imali okumele ikhokhwe" kuchaza Imali efanele enqunywe nguMkhandlu noma equkethwe kunoma yimuphi umthetho kamasipala owenziwa nguMkhandlu izikhathi ngezikhathi, ngokuhambisana nemithetho efanele;

"ingane"kuchaza umuntu oneminyaka engaphansi kweyishumi nesithupha ongakaze ashade;

"UMkhandlu"kuchaza uMasipala wase-Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanom a yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

"umuntu ohlwempu"kuchaza nanoma yimuphi umuntu omenyezelwe nguMkhandlu njengonjalo;

"isikhathi sokuboleka" kuchaza isikhathi okuvumeleke ngaso ukuthi ilungu noma isivakashi singagcina ngakuso impahla yomtapo wolwazi;

"isisebenzi sasemtapweni wolwazi wolwazi"kuchaza nanoma yisiphi isisebenzi esiqashwe nguMkhandlu futhi esengamele nesiphethe umtapo wolwazi noma isigaba esithile, futhi kubandakanya nanoma yimuphi umsizi wesisebenzi sasemtapweni wolwazi;

"umtapo wolwazi" kuchaza nanoma yimuphi umtapo wolwazi womphakathi ophethwe futhi onakekelwa nguMkhandlu.

"impahla yomtapo wolwazi" kuchaza zonke izincwadi, amaphephabhuku aphuma ngezikhathi ezithile, amaphephandaba, izithombe, imibhalo, amaphosta kanye nomculo obhaliwe, kanye nempahla ebukwa –ilalelwa, kungakhathalekile ukuthi iyimpahla yoMkhandlu kumbe ibolekwe yiwo, futhi ekhona ukuze ibhekwe, ifundwe, yenziwe amakhophi noma ibolekwe emtapweni wolwazi.

"iviki lokuqwashisa ngomtapo wolwazi" kuchaza isikhathi esiyiviki elilodwa noma ngaphezulu onyakeni njengoba kunqume iNhlangano Yomtapo Wolwazi kanye Nolwazi eNingizimu Afrika, ngaso okuqhakanjiswa imisebenzi yolwazi;

"ilungu" kuchaza nanoma ngubani kumbe inhlangano ebhaliswe njengelungu lomtapo wolwazi;

"umtapo wolwazi oxubile" kuchaza umtapo wolwazi obhekele ekuhlinzekeni kanye/noma ekwethulweni kolwazi nganoma yiziphi izindlela ezimbili nangaphezulu zokubhaliwe, okubukwayo, okubukwa-kulalelwa, amafomu asemshinini, futhi kuhlanganisa nezikhungo ngaphakathi emtapweni wolwazi ezikwazi ukwenza izethulo zolwazi olukuleso simo;

"inhlangano"kuchaza isikhungo esisebenza singabheke nzuzo kumbe inkampani noma inhlangano yezamasiko enomthethosisekelo;

"ohola impesheni" kuchaza nanoma ngubani oneminyaka engama-60 nangaphezulu;

"Imali enqunyiwe" kuchaza imali enqunywe nguMkhandlu ngokwenani lentela yoMkhandlu;

"ohlalayo" kuchaza umuntu ohlala lapho, umnikazi wesakhiwo noma okhokha intela kamasipala kumbe oqashwe ngaphakathi noma obhalise esikhungweni semfundo esingaphakathi endaweni eyenganyelwe nguMkhandlu;

"impahla ekhethekile yomtapo wolwazi" kuchaza impahla yomtapo wolwazi edinga izinsiza ezikhethekile ukuze ufinyelele kokuqukethwe yileyo mpahla noma ukusetshenziswa kwayo okuvame ukudala izinkinga kwabasebenzisa umtapo wolwazi uma zisetshenziswe ngaphakathi emtapweni wolwazi;

"uMthetho Wezinhlelo" kuchaza ezoHulumeni Basekhaya: UMthetho Wezinhlelo Zikamasipala, njengoba uchitshiyelwe izikhathi ngezikhathi.

"isisebenzi sasemtapweni wolwazi wolwazi" ngaphandle uma ingqikithi ikhomba okunye kuchaza uMqondisi:woMtapo Wolwazi kanye Nemisebenzi Yolwazi kumbe umsizi wakhe noma isithunywa;

"umtapo wolwazi" kuchaza inani layo yonke imitapo yolwazi nekuqukethe, eyenganyelwe nguMkhandlu futhi elawulwa nguMqondisi: woMtapo Wolwazi kanye Nemisebenzi Yolwazi yoMkhandlu;

"isivakashi" kuchaza umuntu ohlala, osebenza kumbe ofundayo isikhathi esingeqile ezinyangeni ezintathu ezilandelanayo endaweni eyenganyelwe nguMkhandlu.

2. Ukwamukelwa Ezakhiweni Zomtapo Wolwazi

(1) Kuya ngokwezihlinzeko zesigatshana (2) lapha, kanye nezesigaba 19,noma ngubani owamukelwa emtapweni wolwazi angasebenzisa izimpahla zalowo mtapo wolwazi ngezikhathi zokusebenza ezibekiwe, uma lowomuntu efisa ukuboleka impahla yomtapo wolwazi, lowo muntu kumele aqale abe yilungu lomtapo wolwazi futhi akhokhe imali enqunyiwe yobulungu.

(2) Isisebenzi sasemtapweni wolwazi wolwazi:-

(a) ngokubona kwaso singanquma inani labantu okumele bavunyelwe kunoma yiyiphi ingxenye yomtapo wolwazi nganoma yisiphi isikhathi esinikeziwe futhi singasebenzisa indlela efanele yokulawula ukungena uma kunesidingo;

(b) nganoma yisiphi isizathu esizwakalayo, singayalela ilungu kumbe nanoma ngubani omunye ukuba aphume emtapweni wolwazi.

3. Ubulungu

(1) Isicelo sobulungu noma samalungelo ezivakashi kumele senziwe efomini elimiswe nguMkhandlu, lelo fomu kumele liqukathe ukuzibophezela okukhulunywe ngakho esigatshaneni (2) (a) (ii).

(2) UMkhandlu -

(a) unganikezela ngobulungu bomtapo wolwazi kunoma yimuphi umuntu ohlala kuleyo ndawo, kumbe kunoma yimuphi ohlala njengesithunywa sanoma yiyiphi inhlangano noma umgwamanda ofanayo, egunyazwe yileyo nhlangano noma umgwamanda, inqobo nje uma izithunywa zigunyazwe yileyo nhlangano, kanye nawo wonke umuntu okukhulunywe ngaye kule ndima kumele-

(i) akhokhe imali emisiwe yobulungu; futhi

(ii) azimisele ukuzibophezela ezinqubenimgomo zoMkhandlu izikhathi ngezikhathi ukuze umsebenzi womtapo wolwazi uhambe ngendlela;

(iii) azimisele ukukhokha zonke izindleko zokulahleka kwanoma iyiphi empahla yomtapo wolwazi elahlwe ngumfakisicelo kanye nokukhokha noma yiyiphi imali enqunywe nguMasipala wase-Richmond maqondana nezimpahla zomtapo wolwazi ezilimale ngesikhathi zibolekwe ngumfakisicelo;

(b) unikezele, kuye ngemibandela njengoba inganqunywa izikhathi ngezikhathi, ngobulungu bomtapo wolwazi enganeni uma umzali wayo noma umbheki wayo evuma ngokubhalwe phansi futhi ezibophezela ukuqinisekisa ukuthi ingane leyo izoqikelela izihlinzekelo zale Mithetho Kamasipala;

(c) unganikeza ubulungu bomtapo wolwazi kumuntu ohlala ngaphandle kwendawo eyenganyelwe yiwo futhi ongeyena umnikazi wesakhiwo esingaphakathi kwendawo yoMkhandlu kumbe okhokha intela kamasipala yoMkhandlu ngaphansi kwaleyo mibandela njengoba inganqunywa nguMkhandlu izikhathi ngezikhathi;

(d) ungamukela umuntu ohlalayo, osebenzayo noma ofundayo isikhathi esingeqile ezinyangeni ezintathu endaweni eyenganyelwe nguMkhandlu umthathe njengesivakashi uma-

(i) lowo muntu eyithumele imininingwane ethile njengoba kunganquma uMkhandlu noma isisebenzi sasemtapweni wolwazi wolwazi ; futhi

(ii) lowo muntu ekhokha imali emisiwe;futhi

(iii) isisebenzi sasemtapweni wolwazi wolwazi sisivuma isicelo;

kanti ngesikhathi sivunywa, leso sivakashi sinawo wonke amalungelo namagunya futhi kuya ngokwesibopho nemisebenzi efanayo, njengelungu;

(e) ungakhulula noma yimuphi umfakisicelo ohlwempu ohluleka ngokuphelele kumbe owehlulekayo ukukhokha imali emisiwe yobulungu.

(3) (a) Ikhadi lobulungu lomtapo wolwazi kumele linikezwe ilungu ngalinye ligunyaze ukuthi lelo lungu liboleke impahla yomtapo wolwazi ngokwenani elinganqunywa nguMkhandlu izikhathi ngezikhathi.

(b) Ikhadi lobulungu elengeziwe eligunyaza ilungu ukuthi liboleke impahla yomtapo wolwazi ethe xaxa linganikezelwa koyilungu ngokokubona kwesisebenzi sasemtapweni wolwazi.

(4) ikhadi lobulungu liba semthethweni kusukela ngosuku elikhishwa ngalo kuze kube usuku lokuphelelwa kwalo yisikhathi olubhalwe kulo futhi ubulungu bomuntu onikezwe lelo khadi buphelelwa yisikhathi emva kokuphela kwaleso sikhathi, ngaphandle uma buvuselelwe ngaphambi kosuku lokuphelelwa yisikhathi .

(5) Ilungu elifisa ukuhoxisa ubulungu balo emtapweni wolwazi kumele-

(a) lazise isisebenzi sasemtapweni wolwazi wolwazi ngokubhalwe phansi;

(b) libuyise ikhadi noma amakhadi obulungu asegameni lalo; futhi

(c) ngesikhathi esisodwa libuyisele zonke izimpahla zomtapo wolwazi ezingakulo esisebenzini somtapo wolwazi.

(6) Uma impahla yomtapo wolwazi ingabuyiswanga ngokwesigaba 3(5) (c) lowo muntu uyoba necala ngokwesigaba 8 (2) kanye nezichibiyelo uma kunesidingo.

(7) Uma ilungu lishintsha ikheli, kumele lazise isisebenzi sasemtapweni wolwazi ezinsukwini ezingama-30 emva kokushintsha ikheli.

(8) Uma ikhadi lobulungu lilahlekile, ilungu kumele ngokushesha lazise isisebenzi sasemtapweni wolwazi ngokubhalwe phansi, futhi-

(a) isisebenzi sasemtapweni wolwazi kumele sikhiphe elinye ikhadi elalisale ngakuso uma imali enqunyiwe isikhokhiwe;

(b) uma kwenzeka ikhadi lobulungu litholwa yilungu, leli elinye ikhadi kumele liphindiselwe ngokuphazima kweso esisebenzini sasemtapweni wolwazi;

(c) phezu kwezihlinzekelo zesigaba 8 (1), ngokwaleso sigaba ilungu alinacala nganoma yiyiphi impahla yomtapo wolwazi eyayibolekwe ngesikhathi ikhadi lobulungu lilahlekile emva kosuku lwesaziso esinjalo.

4. Ukwebolekwa Kwempahla Yomtapo Wolwazi

(1) Impahla yomtapo wolwazi okungavumelekile ukuba yebolekwe isuswe emtapweni wolwazi kunoma yiyiphi ingxenye yokubolekisa ngezincwadi noma umtapo wolwazi oyisipesheli iyonqunywa yisisebenzi sasemtapweni wolwazi futhi isaziso esichaza leyo mpahla kumele sibekwe endaweni yemibuzo emtapweni wolwazi ngamunye.

(2) (a) Impahla yomtapo wolwazi ebolekwe emtapweni wolwazi ingumthwalo wemfanelo welungu okusetshenziswe ikhadi lalo ngesikhathi kubolekwa.

(b) Uma ilungu liboleka impahla emtapweni wolwazi, kumele liqiniseke ukuthi impahla ayinakulimala okubonakalayo, uma kukhona, kumele lazise isisebenzi sasemtapweni wolwazi ngakho futhi isisebenzi sasemtapweni wolwazi kumele sirekhode imininingwane yokulimala ebhukwini elibhala izinsuku bese sisayina.

(c) Uma ilungu libuyisa impahla yomtapo wolwazi elimele, kuyoba ngumthwalo walo ukuyilungisa kumbe likhokhe intengo emisiwe maqondana nokulimaza impahla yomtapo wolwazi, kuye ngokuthi kukusiphi isimo, ngaphandle uma lokho kulimala kwakuvele kurekhodiwe phambilini njengoba kuningwe endimeni (b) lapha.

(d) Akukho muntu okumele agcine impahla yomtapo wolwazi ngaphandle komtapo wolwazi ngaphandle uma ebolekwe yona ngekhadi lobulungu.

(3) Isisebenzi sasemtapweni wolwazi singanqaba ukubolekisa ngempahla elimele kodwa uma kwenzeka leyo mpahla ibolekisa, imininingwane yokulimala kwayo kumele irekhodwe ngokwesigaba 4 (2) (b).

(4) Ilungu, uma sekukhokhwe imali emisiwe, lingacela ukuthi noma yiyiphi impahla yomtapo wolwazi engatholakali-

(a) kunoma yimuphi umtapo wolwazi kodwa itholakala kweminye imitapo yolwazi ejoyine ngaphansi kweMisebenzi Yomtapo Wolwazi Yesifundazweni sakwa Zulu -Natali;

(b) emtapweni wolwazi kodwa itholakala komunye umtapo wolwazi;

itholakale lapho ingatholakala khona yenziwe ibe khona noma ibolekwe,

kuye nokuthi yisiphi isimo, ukuze likwazi ukuyithola.

(5) Ukubolekwa kwempahla ebukwa-ilalelwa noma izinto esikhungweni seMisebenzi Yabafundi, kuyokwenzeka emva kokukhokhwa kwemali emisiwe.

5. Ukubuyiswa Kwempahla Yomtapo Wolwazi

Ilungu kumele libuyise impahla yomtapo wolwazi ebolekiwe lungakadluli usuku lokugcina lwesikhathi sokuboleka inqobo nje -

(a) uma lingekho elinye ilungu eliyidingayo, isisebenzi sasemtapweni wolwazi singasenezela isikhathi sokuboleka noma yiyiphi impahla yomtapo wolwazi isikhathi esithe xaxa kuleso sokuboleka;

(b) uma ilungu elehlulekile ukubuyisa impahla yomtapo wolwazi ngesikhathi sokuphela kokuboleka esivunywe yisisebenzi sasemtapweni wolwazi angeke liyigcine ngakulo isikhathi esingaphezu kwezinsuku eziyisikhombisa (7) emva kokuthola isaziso esibhalwe phansi esiphuma esisebenzini sasemtapweni wolwazi ukuthi leyo mpahla yomtapo wolwazi kumele ibuyiswe kulowo mtapo wolwazi.

6. Impahla Yomtapo Wolwazi Esidlulelwe Yisikhathi

(1) Uma ilungu lingayibuyisi impahla yomtapo wolwazi ebolekwe ngekhadi lobulungu esikhathini esifanele esibalulwe esigabeni 5 (a), kuyomele likhokhele uMkhandlu imali enqunyelwe amasonto onke kumbe ingxenye yesikhathi ilungu elihluleke ngaso ukuphindisela impahla yomtapo wolwazi, ngaphandle-

(a) uma kunesizathu esizwakalayo, esingahlanganisa ukugula kakhulu, okuyothi uma kuvezwa kwanelise isisebenzi sasemtapweni wolwazi;

(b) uma usuku lokubuyiswa kwempahla lungena ngaphansi Kwesonto Likazwelonke Lomtapo Wolwazi kumbe esinye isikhathi lapho umtapo wolwazi lowo uvaliwe emphakathini noma yingasiphi isizathu;

(c) kwanoma yisiphi isikhathi somusa esinikezwe ngokomthetho;

(2) Zonke izisebenzi zasemtapweni wolwazi kumele ziqinisekise ukuthi imithetho kanye nezimali zempahla yomtapo wolwazi esidlulelwe yisikhathi kanye nempahla elahlekile iyabekwa endaweni esobala kulowo mtapo wolwazi.

(3) UMkhandlu ungathatha izinyathelo zomthetho ukubuyisa impahla yomtapo wolwazi engakabuyiswa kanye nanoma iyiphi imali emisiwe noma ekhokhwa yilungu maqondana nempahla elimele.

7. Ukubekiswa Kwempahla Yomtapo Wolwazi

Ilungu lingabekisa impahla yomtapo wolwazi, inqobo uma-

(a) ukukhokhwa kwemali emisiwe kwenziwe ngaphambi kwesikhathi;

(b) kungekho mpahla yomtapo wolwazi eyogcinwa ibekisiwe isikhathi esingaphezu kwesikhathi esibalulwe yisisebenzi sasemtapweni wolwazi noma isithunywa saso esigunyaziwe.

8. Impahla Yomtapo Wolwazi Elahlekile Kanye Nelimele

(1) Kumele kubalulwe ekhadini lobulungu ukuthi uma ilungu lilimaza kumbe lilahla impahla yomtapo wolwazi liyokhokha inhlawulo eMkhandlwini emiswe ngokwesigatshana (2).

(2) Impahla yomtapo wolwazi engabuyiswanga ezinsukwini eziyikhulu (100) kusukela ngosuku ebolekwe ngalo kumele ithathwe njengelahlekile, futhi ilungu elagcina

liyibolekile yilona eliyokhokha izindleko zokuyibuyiselwa noma imali enqunyiwe, ngokubona kwesisebenzi sasemtapweni wolwazi.

(3) Imininingwane yelungu elihluleke ukubuyisa impahla yomtapo wolwazi isikhathi esingaphezu kwaleso esibalulwe esigatshaneni (2) kumele uma uMkhandlu uhluleka ukubuyisa leyo mpahla yomtapo wolwazi kulelo lungu, ngale kwemizamo efanele yokwenza njalo kumele ifakwe kwirejista enkulu yezimpahla zomtapo wolwazi ezingabuyiswanga, kanye nemininingwane yaleyo mpahla okukhulunywa ngayo, imali emisiwe engakhokhiwe nokunye okunjalo kanye nemininingwane enjalo kumele kwedluliselwe kuyo yonke imitapo yolwazi engaphansi koMkhandlu bese kuthi ilungelo lelungu lokuboleka impahla emtapweni wolwazi kumele limiswe kuze kubuyiswe leyo mpahla yomtapo wolwazi noma ikhokhelwe njengoba kunqunyiwe.

(4) Ngale kwezinye izihlinzekelo zalesi sigaba, impahla yomtapo wolwazi elahlekile noma elimele ihlala iyimpahla yoMkhandlu noma yomtapo wolwazi lapho impahla ibolekwe khona, kuye nokuthi yikuphi, noma ngabe imali enqunyiwe maqondana nalokho noma izindleko zokuyibuyiswa, kuya nokuthi yikuphi, isikhokhiwe eMkhandlwini.

(5) Uma impahla yomtapo wolwazi elimele ibuyiswa yilungu kutholakala ukuthi ingakhandeka, ilungu kumele likhokhe imali yokuyikhanda noma yokuyihlanganisa ekhokhwe nguMkhandlu, ngaphambi kokuthi livunyelwe ukuphinde liboleke ezinye izimpahla zomtapo wolwazi.

9. Ukuphathwa Kwempahla Yomtapo Wolwazi

Ilungu eliboleke impahla yomtapo wolwazi noma elisebenzisa impahla yomtapo wolwazi emtapweni wolwazi linesibopho soku-

(a) gcina leyo mpahla yomtapo wolwazi isesimweni sokuhlanzeka;

(b) vikela impahla yomtapo wolwazi ekulimaleni noma yingayiphi indlela;

(c) qinisekisa ukuthi impahla yomtapo wolwazi ayithelwa umuthi, ayonakali, ayibhalwa, ayifonyozwa kumbe ilinyazwe;

(d) qinisekisa ukuthi akukho ngxenye yaleyo mpahla yomtapo wolwazi, kumbe nanoma yisiphi isembozo esiyivikelayo noma ebonakala ngaso njengempahla yoMkhandlu noma yeMisebenzi Yomtapo Wolwazi Kwa Zulu-Natali, kuya nokuthi yikuphi, esuswayo;

(e) qinisekisa ukuthi leyo mpahla yomtapo wolwazi ayibolekwa nanoma ngubani ongenalo ilungelo lokuyiboleka.

10. Ukuvuleleka kwempahla yomtapo wolwazi ezifweni ezithathelanayo nalezo okumele zibikwe ezikhulwini zezempilo

(1) Akukho muntu owaziwayo ukuthi uphethwe yisifo esithathelanayo njengoba kumenyezelwe ngokwesigaba 45 soMthetho Wezempilo No-63 we-1977 ongaboleka kumbe aphathe impahla yomtapo wolwazi, futhi akukho lungu eliyovumela noma ngubani ophethwe yisifo esithathelanayo ukuba aphathe kumbe asondelane nempahla yomtapo wolwazi ebolekwe elinye ilungu uma ukuthinta kumbe ukuthintana kungenza ubungozi kwabanye abantu kumbe nanoma yibuphi ubungozi kwezempilo.

(2) Izihlinzekelo zesigatshana (1) zisebenza kunoma ngubani ophethe noma owengamele ingane eyaziwa nguye ukuthi iphethwe yisifo esithathelanayo.

(3) Isaziso esinezibonelo zezifo ezithathelanayo kumele sibekwe endaweni esobala emtapweni wolwazi.

(4) Noma ngubani ekuye impahla yomtapo wolwazi futhi enolwazi lokuthi ithintwe ngumuntu onesifo esithathelanayo, kumele ngokuphazima kweso azise isisebenzi sasemtapweni wolwazi ukuthi leyo mpahla isisondelene nonesifo esithathelanayo.

11. Impahla Yomtapo Wolwazi yeZimo Eziphuthumayo

(1) Impahla ekhethekile yomtapo wolwazi ingasetshenziswa kuphela ezindaweni zomtapo wolwazi eziklanyelwe ukwenza lowo msebenzi futhi akukho mpahla engeke isuswe kuleyo ngxenye yomtapo wolwazi ngaphandle kwemvume yesisebenzi sasemtapweni wolwazi.

(2) Akukho muntu okukuye impahla yomtapo wolwazi ethathwe engxenyeni yomtapo wolwazi yokubolekisa ngezincwadi ongayigcina isikhathi esingaphezu kwemizuzu eyishumi (10) emva kokuba isisebenzi sasemtapweni wolwazi sicele ukuthi ibuyiswe.

12. Ukwandiswa Kwempahla Yomtapo Wolwazi Kanye Nezinto kanye Nokusetshenziswa Kwezikhungo Zezihlanzimibhalo

(1) Noma ngubani angasebenzisa isihlanzimibhalo kanye nemishini yokufothokhopha yomtapo wolwazi kodwa kuye ngokuthi-

(a) ikhokhiwe imali enqunyiwe;

(b) usinikezele isimemezelo esibhalwe phansi, uma siceliwe yisisebenzi sasemtapweni wolwazi, ukuthi inhloso yokufothokhopha kumbe ukwandisa imibhalo kudingeka ngokokulindelekile ekuvikelweni komsebenzi wobucikomazwi, idrama, umculo kanye nowobuciko okubalulwe eMthethweni Wamalungelo Obunikazi we-1965, njengoba uchitshiyelwe kanye nanoma yikuphi ukuchibiyela okulandelayo noma ukushintshwa komthetho.

(2) Isisebenzi sasemtapweni wolwazi kumele sikhombise zonke izigaba ezifanele zalo mthetho endaweni esobala yalowo mtapo wolwazi okukhulunywa ngawo.

(3) Imvume yesisebenzi sasemtapweni wolwazi kumele itholakale ngaphambi kokuba kwandiswe nanoma iyiphi impahla yomtapo wolwazi ngendlela yesithombe, isithombe esinyakazayo, okubonakalayo kumbe nanganoma yiyiphi enye indlela.

(4) Ngesikhathi kunikezwa kumbe kwenqatshwa nemvume ngokwesigatshana (2) isisebenzi sasemtapweni wolwazi singabhekela ukulimala okwenzeke kuleyo mpahla ngenxa iphathwe ngehloso yokuzokwandiswa, futhi singabeka imibandela ethile edingekayo ukuvikela ukulimala okungenzeka kuleyo mpahla.

13. Izikhathi zomtapo wolwazi

Izikhathi njengoba zinqunywe nguMkhandlu okumele uvulwe ngazo umtapo wolwazi ukuze umphakathi ukwazi ukuwusebenzisa kumele zibekwe esazisweni esisendaweni noma esiseduze nendawo yokungena kulowo mtapo wolwazi othintekayo futhi kumele kubalulwe-

(a) izinsuku kanye namahora ozovulwa uvalewe ngawo umtapo wolwazi; kanye

(b) namahora lapho ukusetshenziswa komtapo wolwazi kumbe ingxenye ethile izobe ivumeleke kuphela kubantu abadala noma ezinganeni.

14. Ukuqasha kanye Nokusetshenziswa Kwendawo Yokufundela kanye Namagumbi Okubuka Imidlalo noma Indawo Yomtapo Wolwazi Yemibukiso, Ezamfilimu kanye Nokuhlela

(1) UMkhandlu ungaqashisela amalungu kumbe noma ngubani, nanoma yiyiphi indawo yokubuka imidlalo, igumbi lokufundela noma enye indawo engaphakathi ezakhiweni zomtapo wolwazi ngokumkhokhisa imali emisiwe, ngenhloso yokwenza izifundo, izinkulumo-mpikiswano noma izethulo kumbe ukwenza imibukiso noma amafilimu kumbe ukuhlela ukulandelana kwezigcawu ezidinga isendlalelo somtapo wolwazi kumbe ezihlanganisa ukusebenza kwempahla yomtapo wolwazi.

(2) Isicelo sokuqashwa kwanoma yisiphi isakhiwo esinjalo kumele senziwe ngokubhalwe phansi siqondiswe esisebenzini sasemtapweni wolwazi.

(3) Ngaphezu kwezihlinzekelo zesigaba 14 (1) lezi zakhiwo zingavuleleka mahhala-

(a) ezinhlanganweni ezeseka izihlinzeko zemisebenzi yomtapo wolwazi;

(b) emisebenzini ethile njengokunquma koMkhandlu izikhathi ngezikhathi.

15. Izindawo zokusebenzisa i-inthanethi

Noma ngubani angasebenzisa izindawo zokusebenzisa i-inthanethi emtapweni wolwazi, lapho uMkhandlu uzenze zaba khona izakhiwo ezinjalo, inqobo nje uma

(a) ekhokha imali emisiwe;

(b) ethola imvume esisebenzini sasemtapweni wolwazi ngaphambi kokuzisebenzisa;

(c) eqaphela isikhathi esimisiwe sokuzisebenzisa njengoba sinqunywe yisisebenzi sasemtapweni wolwazi;

(d) ezithiba ekufakeni olwakhe uhlelo lwekhompyutha kunoma yimuphi umshini osendaweni yokusebenzisa i-inthanethi.

(e) evuma futhi ebhekana nezindleko zokukhandwa kwanoma yikuphi ukulimala okudaleke ngenhloso kumbe ngobudedengu empahleni ye-inthanethi ngesikhathi isetshenziswa nguyena;

(f) evuma futhi eqaphela inqubomgomo yoMkhandlu mayelana nokusetshenziswa kwe–imeyili ne–inthanethi, okumele kubekwe kuleyo naleyo ndawo.

16. Ukuqashwa Kwendawo Yomtapo Wolwazi Oxubile

(1) Umtapo wolwazi oxubile ungavuleleka kunoma ngubani ofaka isicelo uma ezoqala ngokukhokha imali emisiwe.

(2) Noma ngubani kumbe inhlangano efisa ukuqasha umtapo wolwazi oxubile kumele aqale ngokubekisa nesisebenzi sasemtapweni wolwazi esiphethe ngaleso sikhathi.

(3) Ukuqashwa komtapo wolwazi oxubile kuzoya ngemibandela njengokunquma kwesisebenzi sasemtapweni wolwazi.

17. Umtapo wolwazi Wobuciko Obenziwayo

(1) Wonke umculo obhaliwe kumele utholakale ukuze amalungu amadala abhalisile kanye nezinhlangano zizokwazi ukuwuboleka mahhala.

(2) Mayelana nezimpahla ezingabolekisi isisebenzi sasemtapweni wolwazi singanquma ngokokubona kwaso.

(3) Umculo we-okhestra kanye nemiphumela eminingi yomculo wamakwaya iyotholwa kuphela ngabaculi bawo, imitapo yolwazi yezikole kanye namakwaya uma kunesicelo esibhalwe phansi futhi kukhokhwa nemali emisiwe.

18. Izimpahla ezibukwa-zilalelwa

Imibandela mayelana nokubolekwa kwempahla ebukwa-ilalelwa:

(1) Umfakisicelo kumele azibophezele/ avume ukuthi angeke enze amakhophi kumbe avumele ukuthi kwenziwe amakhophi anoma yimaphi amarekhodi, amacwecwe (CD) noma amakhasethi abolekwe emtapweni wolwazi.

(2) Umfakisicelo kumele akuvume ukuthi ukwenza amakhophi omsindo orekhodiwe kungukwaphula imithetho yobunikazi.

(3) Umfakisicelo kumele akuvume ukuthi uyazi ukuthi uma enza icala mayelana noMthetho Wamalungelo Obunikazi we-1978, ngakho uyokhokha inhlawulo engafinyelela ezi- R50 000 kumbe abhadle iminyaka eyishumi ejele.

(4) Imali eyisibambiso maqondana nezimpahla ezibukwa-zilalelwa iyadingeka ngokwenani lentela elinganqunywa izikhathi ngezikhathi

19. Ukubekwa kweMithetho kaMasipala Kanye Nezaziso Emtapweni Wolwazi

(1) Ikhophi yale Mithetho kaMasipala kumele itholakale ukuze ihlolwe futhi isaziso maqondana nalokho kumele sibekwe endaweni esobala kuyo yonke imitapo yolwazi futhi baziswe bonke abasebenzisi bomtapo wolwazi uma kunesidingo.

(2) Kumele kuyo yonke imitapo yolwazi kubekwe isaziso maqonana nokuthi noma kungaba nguMkhandlu kumbe nanoma nanoma yisiphi isikhulu emahhofisi awo, izisebenzi zawo uyobhekana nezindleko zokulahleka noma zokulimala

okuyodalwa ngunoma ngubani osebenzisa umtapo wolwazi kumbe impahla yomtapo wolwazi.

20. Ukuziphatha Emtapweni Wolwazi

(1) Noma ngubani-

(a) oziphatha noma ozibandakanya engxoxweni edala umsindo omkhulu kunoma yiyiphi ingxenye yesakhiwo esinomtapo wolwazi ngendlela edala kumbe engadala ukucasuka kunoma yimuphi omunye umuntu osemtapweni wolwazi; noma

(b) osebenzisa ulimi oluqosheme noma oziphatha ngendlela ephazamisayo emtapweni wolwazi; noma

(c) othibela, aphazamise, avimbele kumbe ahlukumeze nanoma ngubani ekusebenziseni ngendlela umtapo wolwazi; noma

(d) olimaza nanoma yiyiphi ingxenye yesakhiwo somtapo wolwazi kumbe okuphakathi; noma

(e) onikeza igama kumbe ikheli okungelona esisebenzini sasemtapweni wolwazi ngenhloso yokungena kunoma yiyiphi ingxenye yalowo mtapo wolwazi kumbe ukuthola nanoma yimiphi imihlomulo kumbe amalungelo; noma

(f) ongena kumbe ohlala emtapweni wolwazi ekubeni azi ukuthi uguliswa yisifo esaziwayo okumele sibikwe ehhovisi lezempilo kumbe ophuze uphuzo oludakayo noma odle izidakamizwa; noma

(g) obhema, adle, aphuze, alale kunanoma yiyiphi ingxenye yomtapo wolwazi lapho lezi zinto zingavumelekile khona ; noma

(h) ophula nanoma yisiphi isihlinzekelo sale Mithetho kaMasipala;

angayalelwa yisisebenzi sasemtapweni wolwazi wolwazi ukuthi aphume emtapweni wolwazi, futhi uma enqaba ukwenza lokho, uyokhishwa ngesidlozana kulowo mtapo wolwazi.

(2) Noma ngubani, okuyothi eseyalelwe ukuthi ayeke, aqhubeke nokuziphatha ngale ndlela okukhulunywe ngakho esigabeni 19 (1) (a) noma u-(b), uyoba necala lokwaphula umthetho futhi angabhadla ejele isikhathi esingeqile ezinyangeni eziyisi-6 noma akhokhe inhlawulo emayelana nalokho kumbe kokubili yileyo nhlawulo engeqile e-R1000 aphinde aboshwe.

21. Isibopho sokulahleka noma ukulimala

(1) UMkhandlu awunasibopho ngokulimala, ukulahleka noma ukwebiwa kwanoma iyiphi impahla elethwa esakhiweni somtapweni wolwazi ngamalungu omphakathi.

(2) UMkhandlu awunasibopho sesibizo ngokulimala okutholwe nanoma yiliphi ilungu lomphakathi ngesikhathi lisemagcekeni anoma yimuphi umtapo wolwazi kumbe ngesikhathi esebenzisa impahla yomtapo wolwazi.

22. Ukushayisana kwemithetho

Uma kunokushayisana phakathi kwale mithetho kamasipala kanye neminye imithetho yomkhandlu emayelana nomtapo wolwazi kanye nolwazi, le mithetho kamasipala yiyona eyosebenza.

UMkhandlu Kamasipala wase-Richmond, osebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyelwa nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela iMithetho yawo Yezindawo Zomphakathi.

IMITHETHO KAMASIPALA YEZINDAWO ZOMPHAKATHI

ISAHLUKO 1

UKUHUNYUSHWA NEMIGOMO EQAVILE

Izincazelo

1. (1) Kule Mithetho Kamasipala, ngaphandle uma indikimba ikhomba okunye-

"**umdlalo wokunyakaza**" kusho nanoma yimuphi umdlalo wokuqinisa umzimba, umdlalo noma omunye ongadlalwa ngumuntu oyedwa nangaphezulu odlalelwa endaweni evulekile yomphakathi ngale kwendawo evele ibekelwe leyo nhloso, futhi engadala ukulimala kwabanye abasebenzisa indawo evulekile yomphakathi, uhlupho noma ukucekeleka phansi kwemvelo noma impahla kamasipala ekuleyo ndawo yomphakathi evulekile futhi kuhlanganisa ibhola lombhoxo, igalofu, ukunemba ngomnsalo, ibhola lezinyawo, ithenisi, umdlalo ofana nethenisi, ihokhi, ibhola lezandla, ibhola lomphebezo, ukuntweza nge-skateboard kanye nokuntweza ngezicathulo ezinamasondo;

"**isisebenzi esigunyaziwe**" kusho nanoma yisiphi isisebenzi soMkhandlu esigunyazwe nguMkhandlu ukuba siphathe, siqalise ukusebenza kanye nokuqinisa izihlinzekelozale Mithetho Kamasipala;

"**ukongiwa kwendawo yomphakathi evulekile**" kusho indawo evulekile yomphakathi elawulwa nguMkhandlu noma egameni lawo ngezinhloso yokuthi yongiwe, futhi kuhlanganisa ukugcinwa kwemvelo, izindawo zomhlaba ovulekile ozungeze idolobha lapho kungavunyelwe ukuthi kwakhiwe khona, izihosha, izindawo zokugcina izinyoni kanye nezindawo zomlando , amagugu

ngobudlelwano phakathi kwezilwane, izihlahla nabantu noma amagugu abantu basendulo ;

"uMkhandlu" kusho uMasipala waseRichmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanoma yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

"uMthetho Wenqubo Yamacala Obugebengu" kusho uMthetho Wenqubo Yamacala Obugebengu we- 1977 (uMthetho No. 51 we- 1997);

"indawo eqokiwe" kusho indawo eqokwe nguMkhandlu njengendawo lapho kumele kudlalelwe khona umdlalo wokunyakazisa umzimba noma omunye umdlalo okungenzeka ungavunyelwa ngaphansi kweSahluko III sale Mithetho Kamasipala;

"isikhulu esiqinisayo" kusho nanoma ngubani oqokwe nguMkhandlu njengokufanele ukuba aqinise nanoma yisiphi isihlinzekelo sale Mithetho Kamasipala;

"imvelo" kusho amaphethelo okuhlala kuwo abantu futhi ahlanganisa-

(a) umhlaba, amanzi kanye nomkhathi womhlaba;

(b) impilo yamagciwane aphilayo, yezihlahla kanye neyezilwane;

(c) nanoma yiyiphi ingxenye noma inhlanganisela ka-(a) no (b) kanye nobudlelwano phakathi kwakho; kanye

(d) nezinto eziphathelene nomzimba, amakhemikhali, ezithinta ubuciko namasiko kanye nezimo zokwenzekayo okunomthelela empilweni kanye nenhlalakahle yabantu;

"ukusimama kwemvelo" kusho ukusebenzisa nanoma yimaphi amandla okuthatha izinqumo noma ukwenziwa kwanoma yimiphi imisebenzi ngendlela ehlose ukuqinisekisa ukuthi-

(a) ingozi yokulimala kwemvelo nokwempilo yabantu kanye nokuphepha kuncishiswa kuze kufike ezingeni lokuthi elifanele ezimweni ezithile;
(b) imihlomulo esemqoka emvelweni nasempilweni yabantu kanye nokuphepha ikhuliswa kuze kufike ezingeni elifanele ezimweni ezithile; futhi
(c) umthetho okuhloswe ngawo ukuvikela imvelo nempilo yabantu kanye nokuphepha uyalandelwa;

"umphakathi wendawo" kusho leso sigungu sabantu esihlanganisa-

(a) abahlali bendawo lapho indawo evulekile yomphakathi ikhona;
(b) abakhokhi bentela bendawo lapho indawo evulekile yomphakathi ikhona; kanye
(c) nanoma yiziphi izinhlangano zomphakathi nalezo ezingekho ngaphansi kukahulumeni nomaizinhlangano ezizimele kumbe izigungu ezibambe iqhaza ezindabeni zendawo endaweni lapho indawo evulekile yomphakathi ikhona;

"imenenja kamasipala" kusho umuntu oqokwe nguMkhandlu ngokwesigaba 82 soMthetho Wohulumeni Basekhaya Wezinhlaka Zikamasipala, we-1998 (UMthetho No. 117 we- 1998)

"impahla kamasipala" kusho nanoma yisiphi isakhiwo noma into okungeyoMkhandlu noma eyenganyelwe yiwo noma elawulwa egameni lawo futhi eyaye isetshenziselwe ukuzithokozisa njengendawo evulekile yomphakathi kanti ihlanganisa izakhiwo, izitolo ezincane, amabhentshi, amatafula

ephikhinikhi, amathuluzi asezinkundleni yezemidlalo, iziphethu, izithombe ezibaziwe, uthango, izigxobo, izaziso nezimpawu;

"isaziso" kusho isaziso esicacile nesifundekayo esisemthethweni esibhalwe nguMkhandlu ngesiNgisi kanye nanganoma yiluphi olunye ulimi olusemthethweni futhi esichonywe obala endaweni evulekile yomphakathi;

"uhlupho" kusho ukungenelela ngokungenasidingo noma okubukengeka sengathi ukungenelela -

(a) empilweni noma inhlalakahle yanoma ngubani;
(b) ekusebenziseni ngokuthokoza ngumnikazi noma ohlalayo kuleso sakhiwo sakhe; noma
(c) ekusebenziseni ngokuthokoza yilungu lomphakathi indawo evulekile yomphakathi;

"uhlaka lukaHulumeni" kusho-

(a) nanoma yimuphi uMnyango kaHulumeni noma ezokuphatha ezingeni likazwelonke, lesifundazwe noma lendawo kuhulumeni; noma
(b) nanoma yiyiphi induna ebekelwe umsebenzi othile noma inhlangano-

(i) esebenzisa amandla noma eyenza umsebenzi ngokoMthethosisekelo we-Riphabhulikhi yaseNingizimu-Afrika, we- 1996 (UMthetho No. 108 we-1996) noma uMthethosisekelo wesiFundazwe; noma
(ii) esebenzisa amandla obuhulumeni noma eyenza umsebenzi kahulumeni ngokwanoma yimuphi umthetho okhishwayo kodwa akufaki inkantolo noma isikhulu sezomthetho;

"umuntu" kusho umuntu phaqa noma umuntu ngokwamehlo omthetho, futhi kubandakanya nohlaka lukaHulumeni;

"imali enqunyiwe" kusho imali enqunywa nguMkhandlu izikhathi ngezikhathi ezinhlawulweni zentela yoMkhandlu;

"okushicilelwe" kuhlanganisa nanoma yisiphi isikhangiso, ibhodi lesikhangiso, iposta, incwadi, incwajana, ipheshana lolwazi;

"umdlalo ongavunyelwe" kusho nanoma yimuphi umdlalo noma indlela yokuziphatha engavunyelwe ngokweSahluko III ukuba yenziwe endaweni evulekile yomphakathi, kungaba ngokugcwele noma ngaphandle kwemvume ngokwesigatshana 22, 23 noma 24;

"indawo evulekile yomphakathi" kusho nanoma yimuphi umhlaba –

(a) okungowohlaka lukaHulumeni; noma
(b) lapho uhlaka lukaHulumeni lunamalungelo athile angempela attholakala kumafayela eHhovisi Lamatayitela noma kwelinye ihhovisi lokubhalisa lohlelo olwejwayelikile lwelokishi, inhlangano yezolimo kumbe enye ingxenye yomhlaba kumbe nanoma yikuphi ukuguqulwa, ukwengezwa noma ukuchitshiyela kwalowo mhlaba okuvunywe nguMklami Jikelele okwenziwe kwaba ngumaka emhlabeni umphakathi onelungelo elifanayo lokuwusebenzisa; futhi
(c) olawulwa uphinde uphathwe nguMkhandlu; futhi
(d) okungaba –

(i) ubekwe eceleni ngokwanoma yimuphi umthetho, uhlelo lwendawo kumbe uhlelo ngokobungako bendawo ngenhloso yokungcebelekisa umphakathi, ukongiwa,

ukufakwa kwengqalasizinda yomphakathi kumbe yezolimo; noma

(ii) ivulekile futhi ayithuthukiswanga futhi ayibekwanga eceleni ngenhloso ethile ngokwanoma yimuphi umthetho, uhlelo lwendawo kumbe uhlelo ngokobungako bendawo;

"indawo evulekile yomphakathi yomsebenzi womphakathi" kusho indawo evulekile yomphakathi eyenganyelwe nguMkhandlu kumbe eyenganyelwe egameni lawo ngezinhloso zokuhlinzeka ngemisebenzi yomphakathi, ehlanganisa ukugcinwa komgwaqo kanye nezindawo ngokufakelwa ugesi, amapayipi kanye naminnye imisebenzi yomphakathi yobugqili kodwa akuzifaki izindlu, imitholampilo kanye neminye imisebenzi yomphakathi;

" indawo evulekile yomphakathi yokungcebeleka" kusho indawo evulekile yomphakathi eyenganyelwe nguMkhandlu noma eyenganyelwe egameni lawo ngezinhloso zokungcebelekisa umphakathi kanti ihlanganisa amapaki, izingadi zezithombo, izinkundla zemidlalo kodwa ayizifaki izinkundla zegalofu;

"umgwaqo ogciniwe" kusho leyo ngxenye yomgwaqo, isitaladi noma umgwaqo omkhulu, owakhiwe noma okuhloselwe ukuhamba kwezinto ezigijimayo ephakathi konqenqema lwendlela noma leyo ngxenye yongwaqo, yesitaladi noma indlela yabantu, kubandakanya indlela eseceleni komgwaqo noma unqenqema;

"ohlinzeka ngemisebenzi" kusho umuntu noma isikhungo kumbe nanoma yiyiphi inhlanganisela yabantu nezikhungo ezihlinzeka ngomsebenzi kamasipala ngokoMthetho Wezohulumeni Basekhaya Wezinhlelo Zikamasipala, we- 1998 (UMthetho No. 32 we- 1998);

"umcimbi oyisipesheli" kusho ukuviliyela, inhlabaluhide, umjaho, ikhonsathi, umbukiso, idili, umgubho, ukuthwetshulwa kwebhayisikobho, ukuthwetshulwa kwezithombe noma umcimbi ofanayo, odinga ukusetshenziswa ngokwehlukile kwengxenye yendawo yomphakathi evulekile ngaleyo nhloso;

"indawo evulekile yomphakathi yezolimo esedolobheni" kusho indawo evulekile yomphakathi eyenganyelwe nguMkhandlu noma eyenganyelwe egameni lawo ngezinhloso zelimo edolobheni;

"imoto" kusho into eyakhelwe kuphela ukuthi ihambe ngamasondo kodwa azifakiwe izihlalo ezihamba ngamasondo kanye nezihlalo eziphushwayo zezingane;

"udoti" kusho nanoma yini noma into umnikazi afisa ukuyilahla ngoba engasayidingi, isiningi ngokweqile, yephukile, igugile, ibolile kumbe yonakele ngandlela thile futhi okungaba kade ilahliwe noma kade iqoqelwe ndawonye yagcinelwa ukuthi iyolahlwa, ibuye isetshenziswe, ibuyiselwe noma ibuye yakhiwe kabusha ukuze isebenze;

"okuntweza emanzini" kuhlanganisa nanoma yisiphi isikebhe, isikebhe sikaseyili, umatilasi ofuthwayo, okufana nomkhumbi noma isikebhe, isikebhe esilawulwa ngomsakazo noma into efana nakho;

"ibhaka lamanzi" kusho nanoma yiliphi ibhaka lamanzi elisendaweni evulekile yomphakathi futhi kubandakanya ixhaphozi elakhiwe, umthombo, umsele wamanzi owenziwe, idamu, ichibi, umsele wamanzi, ithange elikhulu lamanzi, umfudlana, umfula noma ixhaphozi lemvelo.

Ukusetshenziswa

2. **(1)** Le Mithetho Kamsipala isebenza kuzo zonke izindawo ezivulekile zomphakathi ezingena ngaphansi kwendawo eyenganyelwe nguMkhandlu, kodwa ayisebenzi ezindaweni zamathuna.

(2) Le Mithetho Kamasipala izibophelela kuHulumeni.

Inhloso

3. Inhloso yale Mithetho Kamasipala ukuhlinzeka, ngokuhlanganyela neminye imithetho esebenzayo, uhlaka lwezomthetho nezokuphatha olusebenza ngendlela efanele:

(a) ukuqinisekisa ukuthi indlela uMkhandlu olawula, uphethe futhi othuthukisa izindawo ezivulekile zomphakathi isimame ngokwemvelo, futhi iyohlala ithakaselwa ngumphakathi wonke wase-Richmond, kubandakanya nezizukulwane ezizayo, kanye

(b) nokuchaza ngokusobala amalungelo kanye nezibopho zomphakathi maqondana nezindawo ezivulekile zomphakathi.

ISAHLUKO 2

UKULAWULWA NOKUPHATHWA KWEZINDAWO ZOMPHAKATHI EZIVULEKILE

Imigomo

4. (1) Izindawo ezivulekile zomphakathi kumele zilawulwe, futhi uma kufanele zithuthukiswe, ukuze kuzuze wonke umphakathi, futhi ngokubhekisisa izintshisekelo zomphakathi wonke-

(a) izintshisekelo zesikhathi eside zabantu base-Richmond, naseNingizimu-Afrika, kumele zibekwe phambili kunezintshisekelo zanoma yiliphi iqembu noma umkhakha womphakathi;

(b) indlela yokubuka izinto zesikhathi eside, kubheisiswa izintshisekelo zesizukulwane esizayo, kumele yamukelwe, kanye;

(c) nezintshisekelo zanoma yini ephilayo encike endaweni evulekile yomphakathi kumele zibhekelelwe.

(2) Izindawo ezivulekile zomphakathi kumele zilawulwe ngendlela yokusimamisa imvelo.

(3) Kuya ngokwegatshana (5) kanye nesigaba 7, abantu kumele bakwazi ukufinyelela ezindaweni ezivulekile zomphakathi ngendlela engacwasi futhi nangokulingana.

(4) Uma kufanele, izinyathelo eziyisipesheli kumele zithathwe ukwelekelela ukufinyelela ezindaweni ezivulekile zomphakathi kwabantu ababencishwe amathuba phambilini kanye nabantu abakhubazekile.

(5) Ukufinyelela endaweni evulekile yomphakathi kungathibelwa ngendlela eneke yacwasa muntu noma izinga elithile labantu -

(a) uma ukuthibela kugunyazwe yile Mithetho Kamasipala noma ngomunye umthetho osebenzayo; noma

(b) ukuze kufezwe izinhloso zale Mithetho Kamasipala.

(6) Amathuba ezokungcebeleka, ezemfundo, awezenhlalakahle namanye avuleleke ezindaweni ezivulekile zomphakathi kumele avikelwe futhi akhuliswe ukuze kuthi imiphakathi yendawo, ikakhulu leyo miphakathi eyayincishwe amathuba endulo ibe nempilo esimeme neyenziwe ngcono.

(7) Imiphakathi yendawo kumele igqugquzelwe ukuba isebenzise futhi inakekele izindawo ezivulekile zomphakathi ezisezindaweni zayo.

(8) Ingcebo yendalo kanye namafa asezindaweni ezivulekile zomphakathi kumele kuhlonzwe, kongiwe, kuvikelwe futhi kusimamiswe ukuze kuhlomule umphakathi wendawo, umphakathi kanye nezizukulwane ezizayo.

Ukusetshenziswa kwemigomo

5. Imigomo yokulawulwa kwendawo evulekile yomphakathi ebekwe esigabeni 4, kanye nemigomo yokulawulwa kwezemvelo kuzwelonke ebekwe esigabeni 2 soMthetho Wokulawulwa Kwezemvelo kuZwelonke, we- 1998 (uMthetho No. 107 we- 1998) kumele ibhekelelwe futhi isetshenziswe ngunoma ngubani-

(a) osebenzisa amandla noma umsebenzi noma owenza umsebenzi ngaphansi kwale Mithetho Kamasipala;

(b) ohlanganisa noma oqalisa ukusebenza kwanoma iyiphi inqubomgomo okungenzeka ukuba ibe nomphumela omkhulu noma emayelana nokusetshenziswa kwezindawo ezivulekile zomphakathi ezingaphansi kwendawo eyenganyelwe nguMkhandlu; noma

(c) osebenzisa amandla omphakathi noma umsebenzi noma owenza umsebenzi womphakathi okungenzeka ukuba ube nomphumela omkhulu, noma omayelana nokusetshenziswa kwezindawo ezivulekile zomphakathi.

Amandla jikelele

6. UMkhandlu maqondana nanoma iyiphi indawo evulekile yomphakathi -

(a) ungaqoka nanoma iyiphi indawo evulekile yomphakathi njengendawo lapho umdlalo owodwa noma eminingi ngandlela thile ungavunyelwe khona ngokwale Mithetho Kamasipala ukuba uqhutshwe khona, futhi ugxumeke isaziso esicacile salolu shintsho entubeni yokungena endaweni eqokiwe;

(b) ungathuthukisa nanoma iyiphi indawo evulekile yomphakathi ngokuhambisana nemigomo ebekwe esigabeni 4;

(c) ungagxumeka, wakhe, usungule noma ubhidlize isakhiwo sikamasipala; futhi

(d) ungasebenzisa nanoma yimaphi amanye amandla adingekayo ukuba kuchithwe izibopho zoMkhandlu nngokwale Mithetho Kamasipala eqondene nokulawulwa kwezindawo ezivulekile zomphakathi

Imali

7. UMkhandlu ungadinga ukuthi amalungu omphakathi ukuba akhokhe-

(a) imali enqunyiwe elingene ukuze asebenzise izikhungo zokungcebeleka noma ezinye uMkhandlu ozihlinzekayo ezindaweni ezivulekile zomphakathi;

(b) imali enqunyiwe elingene yokungena ezindaweni ezivulekile zomphakathi okubiza kakhulu ukuzigcina zisesimweni kunezinye ezifana nezingadi zezimbali;

(c) imali enqunyiwe yelungelo lokuqhuba umcimbi oyisipesheli;

(d) imali enqunyiwe yelungelo yokusebenzisa ngokukhethekile impahla kamasipala ngesikhathi esithile;

(e) imali eyisibambiso ngaphambi kokuqhuba umdlalo ongavunyelwe;

(f) imali yaminyaka noma yanyanga zonke yelungelo lokusebenzisa indawo evulekile yomphakathi yezokulimo esedolobheni kungafakwa omunye umuntu; kanye

(g) nemali enqunyiwe yokucubungula izicelo zezimvume noma izincwadi zezimvume ngaphansi kwale Mithetho Kamasipala.

Ukuthibela ukungena

8. UMkhandlu ungathibela ukungena kunoma iyiphi indawo evulekile yomphakathi noma kunoma iyiphi ingxenye yendawo evulekile yomphakathi ngesikhathi esithile-

(a) ukuvikela nanoma yiyiphi ingxenye yemvelo esendaweni evulekile yomphakathi;

(b) ukunciphisa ukucekelwa phansi nokucoboshiswa kwempahla;

(c) ukwenza ngcono ukuphathwa kwendawo evulekile yomphakathi;

(d) ukuthuthukisa indawo evulekile yomphakathi;

(e) ukwenza ukuba kuqhubeke umcimbi oyisipesheli ovunyelwe ngokwesigaba 23, noma

(f) ukuqhuba nanoma yimuphi umdlalo uMkhandlu owubone ufanele noma ulungele ukufeza izinhloso zale Mithetho Kamasipala.

Inqubo uma kusetshenziswa amandla

9. Uma amalungelo noma okulindeleke ngokusemthethweni kwanoma ngubani kuyothinteka ngandlela thile ngokusebenzisa koMkhandlu nanoma yimaphi amandla ngokwezigaba 6, 7 no 8 ngaphambi kokusetshenziswa kwamandla uMkhandlu kumele-

(a) unikeze isaziso sohlelo lokuphatha oluhlongoziwe, leso saziso kumele-

(i) sishicilelwe kwiGazethi yesiFundazwe nasephephandabeni elizungeza endaweni noma ezindaweni ezizothinteka ngqo ngohlelo lokuphatha oluhlongozwayo ;

(ii) sifake isitatimende esicacile sohlelo lokuphatha oluhlongozwayo;

(iii) sicele ukuphawula kanye neziphikiso esikhathini esithile esibekiwe.

(b) ubhekelele ukuphawula nokuphikisa okutholakele maqondana nesaziso.

Amandla abasebenzi abaphoqelelayo

10. Maqondana nanoma iyiphi enye indawo evulekile yomphakathi, isikhulu esiqinisayo -

(a) singakhipha isaziso ngokwesigaba 341 soMthetho Wenqubo Yamacala Okwelelesa;

(b) sikhiphe isaziso ngaphansi kwesigaba 21;

(c) siyalele nanoma ngubani ukuba aphume endaweni evulekile yomphakathi uma isikhulu esiqinisayo sikholwa ukuthi lowo muntu akahambisananga nanoma yisiphi iisihlinzekelo sale Mithetho Kamasipala; futhi

(d) sisebenzise nanoma yimaphi amanye amandla angasetshenziswa yisikhulu sokuthula ngaphansi koMthetho Wenqubo Yamacala Okwelelesa.

Izibopho maqondana nezindawo ezivulekile zomphakathi

11. (1) UMkhandlu kumele endaweni evulekile yomphakathi uchome nanoma yisiphi isaziso esidingeka ngaphansi kwale Mithetho Kamasipala.

(2) Maqondana nezindawo ezivulekile zomphakathi zokungcebeleka, uMkhandlu kumele-

(a) uqinisekise ukuthi zivuleleke emphakathini kusuka ekuphumeni kwelanga lize liyoshona, ngaphandle uma kubalulwe ngenye indlela ngokwesaziso; futhi

(b) uchome ngokugqamile izaziso kuzo zonke izintuba zokungena ezikhombisa:-

(i) izikhathi zokuvulwa nezokuvalwa kwaleyo ndawo evulekile yomphakathi yokungcebeleka, kanye

(ii) nanoma yimiphi imithetho eyenziwe maqondana naleyo ndawo evulekile yomphakathi yokungcebeleka.

ISAHLUKO 3

UKUZIPHATHA OKUNGAVUMELEKILE

Imidlalo engavumelekile

12. (1) nanoma ngubani oqhuba umdlalo noma ukuziphatha ngendlela engavumelekile ngaphansi kwezigaba 13 kuya ku-20 wenza icala ngaphandle uma lowo mdlalo noma ukuziphatha okukhulunywa ngakho-

(a) kwenzeka endaweni eqokiwe lapho lowo mdlalo uvunyelwe khona;

(b) kugunyazwe ngokwemvume enikezelwe noma imvume ekhishwe ngaphansi kwezigaba 22, 23 noma 24; noma

(c) kucatshangwa ukuthi kugunyazwe nguMkhandlu ngaphansi kwesigatshana (2).

(2) Kuya ngokwesigatshana (3) umuntu kucatshangwa ukuthi unemvume yokuqhuba umdlalo ongavunyelwe uma lowo muntu edinga ukuqhuba umdlalo ongavunyelwe-

(a) ukwenza izibopho zakhe njengesisebenzi, umelekeleli noma usonkontileka osebenza ngaphansi kwenkontilaki yoMkhandlu, ngaphansi kwesivumelwano noma kobuthunywa boMkhandlu noma ukufeza izinhloso zalo mthetho kamasipala;

(b) ukuqhuba imisebenzi yomphakathi njengesisebenzi, umelekeleli noma usonkontileka osebenza ngaphansi kwenkontilaki yohlaka lukaHulumeni endaweni evulekile yomphakathi kuya ngokomsebenzi wobugqila womphakathi ovuna uhlaka lukaHulumeni;

(c) ukufeza imisebenzi yakhe njengesikhulu esigunyaziwe ukuqalisa ukusebenza kwale Mithetho Kamasipala; noma

(d) ukufeza imisebenzi yakhe njengesikhulu sokuthula.

(3) Akukho muntu okucatshangwa ukuthi unemvume yokuqhuba umdlalo onavunyelwe ngaphansi kweSigaba 13 (1) (a) (e) noma (f) noma umdlalo uMkhandlu owale waphetha ukuwuvumela.

Okuvamile

13. Akukho muntu okuyothi endaweni evulekile yomphakathi-

(a) enze ngendlela enobungozi empilweni noma empahleni;

(b) aphule izihlinzekelo zanoma yisiphi isaziso esikunoma iyiphi indawo evulekile yomphakathi;

(c) angene ngokungemthetho endaweni evulekile yomphakathi lapho ukungena kuyo kunezithibelo ngokwesigaba 8;

(d) adale uhlupho;

(e) aziphathe ngendlela engahloniphi noma ecasulayo, noma

(f) athikameze nanoma yisiphi isisebenzi esigunyaziwe esisebenzisa amandla aso ngaphansi kwale Mithetho Kamasipala.

Ukusebenzisa

14. Akukho muntu okuyothi ngaphandle kwemvume ebhalwe phansi kaMasipala, endaweni yomphakathi evulekile -

(a) ageze, ahambe emanzini angashoni noma abhukude kumbe ahlambe, ahlambe isilwane noma enye into, kuhlanganisa nezingubo zokugqoka kunoma iliphi ibhaka lamanzi;
(b) atshuze , agwedle, aqhube, noma alawule nanoma yini esasikebhe kunoma yiliphi ibhaka lamanzi; ????
(c) enze, aphembe noma athungele umlilo, ngaphandle uma kusendaweni emiselwe ukosa;
(d) akhempe noma ahlale kunoma iyiphi indawo evulekile yomphakathi;
(e) aphuze, aphise, agcine noma adayise nanoma yisiphi isiphuzo esiwutshwala;
(f) asebenzise nanoma yimuphi umshini womsindo, kuhlanganisa umsakazo, i- hi-fi ephathwayo noma umsakazo wemoto;
(g) adlale umdlalo wokuqinisa umzimba, ngaphandle uma kusendaweni eqokelwe leyo nhloso, ezinkundleni zezemidlalo noma enkundleni yegalofu;
(h) adubule ngento ecijile yanoma yiluphi uhlobo, noma
(i) agibele ihhashi noma isithuthuthu.

Udoti

15. Akukho muntu okuyothi endaweni evulekile yomphakathi –

(a) ashiye, alahle, achithe nanoma yimuphi udoti, ngaphandle uma efaka emgqonyeni ohlinzekwe nguMkhandlu ngaleyo nhloso; noma
(b) angcolise noma ashiye nanoma yimuphi udoti noma into ngendlela engaba nobungozi emanzini

Izimoto

16. Akukho muntu okuyothi endaweni evulekile yomphakathi-

(a) ngaphandle ngezikhathi ezithile kanye nasemigwaqweni noma ezindleleni ezinqunywe nguMkhandlu ashayele, adonse noma aqhube nanoma iyiphi imoto;
(b) ashayele, adonse noma aqhube imoto ngesivinini eseqe emakhilomitheni ayi-10 ngehora; noma
(c) apake imoto endaweni evulekile yomphakathi.

Izilwane nezimila

17. (1) Kuya ngokwesigatshana (2), akukho muntu endaweni evulekile yomphakathi okumele -

(a) athikameze, alimaze, acekele phansi noma asuse nanoma yiziphi izimila;
(b) atshale nanoma yiziphi izimila;
(c) ashintshe ukwehlela noma ukuma komsele ukuze aphazamise ukufinyelela kwamanzi, komoya noma izikhuthazi kunoma yisiphi isihlahla;
(d) abambe, noma azame ukubamba, ajahe, adubule, alimaze, ajikijele izinto, agcone, ahlukumeze noma nganoma iyiphi indlela athikameze nanoma iyiphi inhlanzi, inyoni noma isilwane;
(e) athikameze, alimaze noma acekele phansi nanoma isiphi isidleke senyoni noma amaqanda;
(f) ahambe, aphathe, agibele noma alethe isilwane ngaphandle uma leso silwane kuyinja eqeqeshelwe ukuhola umuntu okhubazeke ngokungaboni futhi ibe iphelezela yena, noma
(g) anamathisele kumbe abeke kunoma yisiphi isihlahla into ebhaliwe.

(2) Izihlinzekelo zezigatshana (1) (a) no (b) azisebenzi kunoma ngubani othole imvume ngokwesigaba 24 ukuba aqhube imisebenzi yezolimo endaweni yomphakathi evulekile yezolimo esedolobheni.

Impahla kamasipala kanye nokumiswa kwezakhiwo

18. (1) Ngokwesigatshana (2), akukho muntu okuyothi endaweni yomphakathi evulekile -

(a) one, alimaze, acekele phansi noma asuse nanoma iyiphi impahla kamasipala;
(b) athikameze ingaphezulu lanoma yimuphi umhlaba okungaba ngukumba noma ngokwenza nanoma yimuphi umsebenzi onjalo;
(c) amise, akhe noma axhume nanoma yisiphi isakhiwo kuhlanganisa indlwana, itende, isihenqo, ibhodi lombiko, isigxobo, isitende noma isiteji;
(d) anamathisele noma abeke kunoma iyiphi impahla kamasipala, noma asabalalise nanoma yini ebhaliwe; noma
(e) afake, agange nganoma iyiphi into yamapayipi amanzi, kagesi eshisayo noma okuxhunywe kunoma iyiphi indawo evulekile yomphakathi.

(2) izihlinzekelo zesigatshana (1) (b) azisebenzi kunoma ngubani othole imvume ngokwesigaba 24 ukuba aqhube imisebenzi yezolimo endaweni yomphakathi evulekile yezolimo esedolobheni.

Ukudayisa kanye nemicimbi eyisipesheli

19. (1) Akukho muntu okuyothi endaweni evulekile yomphakathi ngaphandle uma evikelwe yiphuzu s22 lale mithetho kamasipala-

(h) asebenzise impahla kamasipala ngendlela evimbela ngokwenzelela noma evimbela abanye abayisebenzisi bendawo evulekile yomphakathi ukuba bathakozele ukusebenzisa leyo mpahla kamasipala; noma

(i) adayise, ahambe ethengisa, anikezele noma akhangise nganoma yiyiphi impahla, edayiswayo noma eqashisayo;

(2) Akukho muntu ongenza umcimbi oyisipesheli, ngaphandle kwemvume ngokwesigaba 23.

Umsebenzi Womphakathi

20. Akukho muntu okuyothi endaweni yomphakathi evulekile aqhube nanoma yimuphi umsebenzi womphakathi noma wokuvolontiya wanoma yiluphi uhlobo.

Ukubuyiselwa noma ukususwa kwezaziso

21. (1) Ngaphandle uma imvume yokwenza njalo itholakele ngaphansi kwezigaba 22, 23 noma 24, isikhulu esiqinisayo singakhipha isaziso sokubuyisela noma sokususa sibhekiswe kunoma ngubani okuthe endaweni evulekile yomphakathi-

(a) walimaza, wona, wathikameza, wacekela phansi, washabalalisa noma wasusa izitshalo noma isakhiwo sikamasipala;

(b) wagxumeka, wakha noma waxhuma isakhiwo, noma

(c) washiya, walahla, waphonsa nanoma yimuphi udoti endaweni engesiwo umgqomo kadoti ohlinzekelwe leyo nhloso nguMkhandlu.

(2) Ukubuyiselwa noma ukususwa kwesaziso kungayalela umuntu esikhathini esifanele esibalulwe esazisweni ukuba athathe isinyathelo esifanele esishiwo:

(a) ukuba abuyisele noma aphindisele esimweni indawo ethintekile kuze kugculiseke uMkhandlu; noma

(b) asuse isakhiwo noma into bese eyibuyisela esimweni indawo ethintekile ngendlela ethi ayifane ncamashi nesimo sayo sakuqala.

ISAHLUKO 4

IZICELO ZOKUGUNYAZWA

Isicelo semvume

22. (1) nanoma ngubani ofuna ukuqhuba umdlalo ongavunyelwe kumele afake isicelo ngokubhalela uMkhandlu acele imvume yokwenza njalo.

(2) UMkhandlu, emva kokuthola isicelo, ungacela ofake isicelo ukuba ahlinzeke ngolwazi olwengeziwe okuyothi uMkhandlu uludinge ukuze wamukele isicelo.

(3) UMkhandlu ungenqaba ukubheka isicelo kuze kube uhlinzekwa ngolwazi oludingayo ukuze ukwazi ukuthatha isinqumo esiphusile futhi uma imali enqunyiwe seyikhokhiwe.

(4) Kuya ngokwezigatshana (2) no (3), uMkhandlu kumele ubhekele isicelo ngesikhathi esifanele futhi kungenzeka:-

(a) usenqabe isicelo, noma

(b) unikeze imvume ngokubhala phansi kuye ngokwanoma yimiphi imibandela uMkhandlu oyibona ifanele ukuze kufezezwe izinhloso zale Mithetho Kamasipala,

engafaka ukukhokhwa kwemali eyisibambiso kanye/ noma nemali ebiziwe.

(5) UMkhandlu ungangenika imvume kunoma ngubani ozoziphatha ngendlela engavumelekile ngaphansi kwesigaba 13 (1) (a); (e) no (f).

Ukufakwa kwesicelo semvume yomcimbi oyisipesheli

23. (1) Isicelo semvume sokwenza umcimbi oyisipesheli endaweni yomphakathi evulekile kumele senziwe okungenani kusasele amasonto amathathu ngaphambi kosuku oluhlongoziwe lomcimbi oyisipesheli.

(2) Isikhathi okukhulunywe ngaso esigatshaneni (1) singancishiswa uma kukuhle emehlweni oMkhandlu.

(2) Isicelo kumele siqukathe ulwazi olulandelayo-

(a) igama nemininingwane ephelele yokuxhumana yofake isicelo (kuhlanganisa igama, inhlangano (uma ikhona), ikheli, izinombolo zocingo nezefeksi kanye nekheli le- imeyili (uma likhona);

(b) uhlobo nenhloso yomcimbi oyisipesheli;

(c) umgudu ohlosiwe noma indawo ehlongozelwe ukuba isetshenziselwe umcimbi oyisipesheli, kanye

(d) nezimvume, uma zikhona, ezidingeka ngaphansi kweSahluko III sale Mithetho Kamasipala.

(3) Ngokwanoma yimiphi imibandela yemvume ebekwe nguMkhandlu, umnikazi wemvume yomcimbi oyisipesheli unelungelo lokusebenzisa indawo evulekile yomphakathi ebaluliwe emvumweni kodwa kungafakwa muntu omunye ngesikhathi esibaluliwe emvumweni.

Isicelo semvume yokulima endaweni yomphakathi evulekile yezolimo esedolobheni

24. (1) isicelo semvume yokulima endaweni yomphakathi evulekile yezolimo esedolobheni kumele siqukathe ulwazi olulandelayo-:

(a) igama nemininingwane ephelele yokuxhumana yomfakisicelo (kuhlanganisa igama, inhlangano (uma ikhona), ikheli, izinombolo zocingo nezefeksi kanye nekheli le- imeyili (uma likhona);

(b) uhlobo lomsebenzi wezolimo ofake isicelo ahlongoza ukuwuqhuba; kanye

(c) ubungako kanye nesizinda sendawo lapho ofake isicelo efisa ukuqhuba khona umsebenzi wezolimo ohlongoziwe.

(2) Imvume ngaphansi kwalesi sigaba ingafuna ukuthi umnikazi wemvune akhokhe imali yonyaka noma yenyanga ngokusebenzisa umhlaba.

(3) Umnikazi wemvume yokulima endaweni esedolobheni, kuya ngokwanoma yimiphi imibandela esemvumweni, angasebenzisa indawo evulekile yomphakathi ebalulwe emvumweni ngezinhloso zokulima okungabandakanyi nanoma yimuphi omunye umuntu.

ISAHLUKO 5

IZIVUMELWANO ZOKUPHATHA NGOKUBAMBISANA

25. (1) UMkhandlu ungangena esivumelwananeni esibhalwe phansi nanoma yiluphi uhlaka lukaHulumeni, umphakathi wendawo noma inhlangano ukuba uhlinzeke –

(a) ngentuthuko yobambiswano yanoma iyiphi indawo yomphakathi; noma

(b) ngokuphathwa ngokubambisana kwanoma iyiphi indawo evulekile yomphakathi; kanye

(c) nangokulawula imisebenzi yabantu esendaweni evulekile yomphakathi.

(2) UMkhandlu angeke ungene esivumelwananeni sokuphatha ngokubambisana maqondana nendawo yomphakathi evulekile ngaphandle uma ukholelwa kahle ekutheni ukungena esivumelwananeni sokuphatha ngokubambisana kuzokhuphula inhloso yale Mithetho Kamasipala.

(3) UMkhandlu kumele uqaphe ukusebenza ngendlela kwesivumelwano sokuphatha ngokubambisana ngokufeza izinhloso okwakungenelwe zona futhi ungasihoxisa isivumelwano emva kokunikeza isaziso esifanele kolunye uhlangothi uma uMkhandlu unesizathu sokukholwa ukuthi isivumelwano sokuphatha ngokubambisana asisebenzi ngendlela, noma sivimbela ukuzuzwa kwenhloso yale Mithetho Kamasipala.

ISAHLUKO 6

IMIYALELO YOKONGIWA KWEZIHLAHLA

Okuvamile

26. (1) Uma uMkhandlu ukholwa ukuthi nanoma yisiphi isihlahla noma iqoqo lezihlahla ezisendaweni evulekile yomphakathi sidinga ukuvikelwa ngokomthetho, uMkhandlu ungakhipha umyalelo wokongiwa kwesihlahla maqondana naleso sihlahla noma iqoqo lezihlahla.

(2) Umyalelo wokongiwa kwesihlahla:-

(a) kumele ukhombise isihlahla noma izihlahla okuqondiswe kuzo; futhi

(b) ungahlinzeka ngokuthi nanoma ngubani onquma, ophazamisa, ocekela phansi, osusa, othutha, othuthela emazweni angaphandle, othenga, odayisa, onikela noma nganoma iyiphi indlela othola noma olahla isihlahla noma izihlahla okuqondiswe kuzo, waphula umthetho.

(3) UMkhandlu kumele ugxumeke ngokugqamile isikhangiso sekhophi yanoma yimuphi umyalelo wokongiwa wesihlahla onikeziwe bude buduze nesihlahla noma izihlahla okuqondiswe kuzo.

Inqubo

27. Ngaphandle uma, ngokombono ofanele woMkhandlu, ukukhishwa komyalelo wokongiwa kwesihlahla kudingeka ngokushesha okukhulu, uMkhandlu kumele ngaphambi kokukhipha umyalelo wokongiwa kwesihlahla ngaphansi kwesigaba 26-

(a) unikezele ngesaziso sokuhlongoza ukuvikelwa kwesihlahla noma iqoqo lezihlahla bese ucela ukuphawula kanye nokuphikisa esikhathini esibaluliwe ngokushicilela isaziso kwiGazethi yesiFundazwe nasemaphephandabeni amabili asendaweni isihlahla noma iqoqo lezihlahla likhona;

(b) wazise nanoma yiziphi izinhlaka zikaHulumeni ezithintekayo, futhi

(c) ubhekelele ukuphawula kanye neziphikiso ezitholakele kuphendulwa isaziso.

ISAHLUKO 7

IZIKHALO

28. (1) Umuntu obona amalungelo akhe ehlukumezeka ngesinqumo esithathwa nanoma yisiphi isisebenzi esigunyaziwe ngaphansi kwale Mithetho Kamasipala, angafaka isikhalo ngesinqumo ngokunikezela ngesaziso esibhaliwe sesikhalo kanye nezizathu kumenenja kamasipala esikhathini esiyizinsuku ezingama- 21 kusuka osukwini lokwaziswa ngesinqumo.

(2) Imenenja kamasipala kumele ihambise masinyane isikhalo kusiphathimandla sezikhalo esifanele esibalulwe esigatshaneni (4).

(3) Isiphathimandla sezikhalo kumele sibhekisise isikhalo, futhi siqinisekise, sehluke noma sichithe isinqumo kodwa lokho kwahluka noma lokho kuchithwa angeke kulehlise izinga lamalungelo okungenzeka ukuthi aqongeleleke ngenxa yesinqumo.

(4) Uma isikhalo siphikisana nesinqumo esithathwe-

(a) yisisebenzi kungesiyo imenenja kamasipala, imenenja kamasipala kuba yiyo eyisiphathimandla sezikhalo; noma

(b) yimenenja kamasipala, imeya elawulayo kuba yiyo isiphathimandla sezikhalo.

(5) Isiphathimandla sezikhalo kumele siqale ukusebenza ngesikhalo emasontweni ayisithupha futhi sithathe isinqumo ngesikhalo ngesikhathi esifanele.

ISAHLUKO 8

IZIHLINZEKELO EZIVAMILE

Amacala nezinhlawulo

29. (1) Nanoma ngubani-

(a) ophikisana noma ohluleka ukuhambisana nanoma yiziphi izihlinzekelo zale Mithetho Kamasipala

(b) ohluleka ukuhambisana nanoma yisiphi isaziso esikhishwe ngokwale Mithetho Kamasipala noma

(c) ohluleka ukuhambisana nanoma yimuphi umyalelo osemthethweni onikezwe ngokwale Mithetho Kamasipala noma

(d) othikameza kumbe ovimbela nanoma yisiphi isisebenzi esigunyaziwe ekwenzeni imisebenzi yaso ngaphansi kwale Mithetho Kamasipala,

uyotholwa enecala futhi uyohlawuliswa inhlawulo engeqile ezi-R2000 noma agqunywe ejele isikhathi esingeqile ezinyangeni eziyi-12.

Ukushayisana kwemithetho

30. Uma kunokushayisana phakathi kwale mithetho kamasipala kanye nanoma yimiphi eminye imithetho kamasipala yoMkhandlu maqondana nezindawo zomphakathi, le mithetho kamasipala yiyona ezosetshenziswa.

No. 127 **1 kuLwezi 2010**

UMkhandlu Kamasipala wase-Richmond, osebenza ngaphansi kwegunya lesigaba 11, sifundwa ngokuhlanganyelwa nesigaba 98 soHulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi- 2000 (uMthetho No. 32 wezi- 2000), lapha ushicilela imithetho kaMasipala Yezinto Eziwuhlupho.

IMITHETHO KAMASIPALA YEZINTO EZIWUHLUPHO

1. Izincazelo

Kule mithetho kamasipala, ngaphandle uma ingqikithi ikhomba okunye:

"isisebenzi esigunyaziwe" kusho noma yisiphi isisebenzi soMkhandlu esigunyazwe nguMkhandlu ukuphatha, ukuqalisa ukusebenza, kanye/noma ukuqinisa izihlinzekelo zale mithetho kamasipala.

"UMkhandlu" kusho uMasipala wase-Richmond kanye nabalandela emva kwawo ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi Elilawulayo kumbe nanoma yiluphi uhlaka olusebenzisa ngokwamandla eliwanikwe ngokomthetho, kanjalo nanom a yisiphi isikhulu esinikezwe nguMkhandlu amandla nomsebenzi maqondana nale mithetho kamasipala;

2. ISithikamezo Sokuthula

2.1 Akukho muntu okumele aphazamise ukuthula komphakathi kunoma iyiphi indawo yomphakathi ngokwenza imisindo engafanele noma ngokumemeza, ngokuphikisana noma ngokuxabana, ngokushaya ihutha yemoto noma ngokudlalela phezulu umculo, noma ngokuqoqa isixuku noma ngokulwa kumbe ukucela inselele yokulwa, noma ngokubhikisha ngokusongela noma ngokusebenzisa induku noma esinye isikhali ngendlela esabisayo, noma yikuphi ukuziphatha okunesiphithiphithi, ubudlova noma ukuziphatha okungafanele, noma yingasiphi isikhathi, emini noma ebusuku.

2.2 Kuya ngokuthi itholakele yini imvume yoMkhandlu ngaphambi kwesikhathi, akukho muntu oyokhangisa nanoma iyiphi impahla yokuthengisa noma imisebenzi kunoma iyiphi indawo yomphakathi esebenzisa isikhulisazwi esisaphondo kumbe

enye into efana nalokho noma ngokukhalisa izinsimbi ngendlela ezoba wuhlupho emphakathini ongomakhalwane.

2.3 Akukho muntu ongaphakathi kumbe okunoma yimaphi amagceke omnikazi, oyophazamisa ukuthula komphakathi ongomakhelwane balawo magceke ngokwenza nanoma yimuphi umsindo ongafanele ukumemeza, ukuqagulisana ngamagama, ukuxabana noma ukucula kumbe ukudlalwa kwezimfijoli okuqhubekayo, umsakazo noma okufana nalokhho kumbe ukusebenzisa izikhulisimsindo okuqhubekayo, noma okufuze lokho

2.4 Noma yimuphi umhlabeleli noma umculi ohamba izindawo eculela endaweni yomphakathi, uma ecelwa yinoma yisiphi isikhulu esigunyaziwe kumele asuke kuleyo ndawo eseduze.

2.5 Akukho muntu oyoqhumisa iziqhumane kumbe okhele noma yiluphi uhlobo lomlilo kunoma yiyiphi indawo yomphakathi, ngaphambi kokuthola imvume ebhaliwe eMkhandlwini.

2.6 Akukho muntu oyoqhumisa isibhamu noma isibhamu somoya ngokungemthetho endaweni kaMasipala, ngaphandle uma lo mthetho kamasipala ungeke usebenze kunoma ngubani oyobandakanyeka ezenzweni ezisemthethweni ezindaweni ezihlelelwe lokho noma kunoma ngubani onikezwe nguMkhandlu imvume ebhalwe phansi ukuba enze lokho.

2.7. (1) Akukho muntu oyophatha nanoma luhlobo luni lommese, inkemba kumbe esinye isikhali esiyingozi noma esibulalayo kunoma iyiphi indawo yomphakathi, ngaphandle uma lo mthetho kamasipala ungezukusebenza kulokhu okulandelayo:

(a) Nanoma yimuphi umuntu osebenza embuthweni waMasosha noma waMaphoyisa uma esemsebenzini.

(b) Nanoma yisiphi isikhulu sezokuvikela noma sezamaphoyisa.

(c) Nanoma ngubani osuke ethole ushwele ngokubhalwe phansi emaphoyiseni maqondana nokusebenza kwalo mthetho kamasipala, amaphoyisa kuphela anegunya lokukhipha lowe

ushwele

(2) Akukho muntu ohlome ngezikhali ezibulalayo oyovunyelwa ukuhlanganyela kunoma iyiphi ingxenye kamasipala nganoma yiyiphi inhloso noma ngendlela okubonakala ingaphazamisa ukuthula.

2.8. Akukho muntu oyosebenzisa nanoma yiyiphi inhlobo yolimi oluhlambalazayo noma olusongelayo kunoma iyiphi indawo yomphakathi kumbe enze nanoma yisiphi isenzo esibonakala singaphazamisa ukuthula.

3. Amacala uma eqhathaniswa Nokuziphatha kahle kanye Nesimilo

3.1. Akukho muntu oyokwenza nanoma yisiphi sokungaziphathi kahle kumbe akhombise ukuba ngumdlwembe noma enze into ezomveza ubuluhlaza bakhe kunoma iyiphi indawo yomphakathi.

3.2. Akukho muntu okumele abhale, ashicilele kumbe adwebe nanoma yinhloboni yamagama kumbe imifanekiso ehlambalazayo kunoma iyiphi indawo yomphakathi odongeni, esicabheni, efasiteleni kumbe kunoma iyiphi ingxenye yamagceke asemehlweni omphakathi kumbe asebenzise ulimi oluhlambalazayo kunoma iyiphi indawo yomphakathi lapho ezozwiwa khona ngabanye abantu.

4. IZindawo Zomphakathi

4.1 Akukho muntu oyolahla udoti kunoma yimuphi umgwaqo noma indlela yezinyawo, okungenzeka ukuthi ibeke engozini ukuphepha kwabahamba ngezunyawo nganoma iyiphi indlela kumbe ingcolise isimo sendawo.

4.2 Akukho muntu oyovumela nanoma iyiphi impahla noma enye into, noma ngabe ngeyakhe noma uyibhekile ukuba ihlale kunoma yimuphi umgwaqo noma indlela yezinyawo ngendlela ezophazamisa kumbe idale isiphithiphithi endleleni yabantu isikhathi eside kunaleso esimiselwe ukulayisha nokwehlisa futhi akukho lapho okuyothi emva kokuba esenikwe isaziso yisikhulu sezokuvikela noma samaphoyisa kumbe isikhulu esigunyaziwe esinxusa ukuba ayisuse aqhubeke.

4.3 Akukho muntu oyobeka ngenhloso yokuthengisa nanoma yiziphi izinto, impahla kunoma yisiphi isitende noma insika eyesekile noma ilengele kunoma yiluphi unqenqema kumbe umgwaqo noma abeke lezo zimpahla kunoma yiluphi unqenqema noma indawo anamathisele kumbe agaxe lezo zimpahla kunoma yimuphi umpheme noma uphahla kumbe ilengele kunoma iyiphi indlela yezinyawo yomphakathi noma umgwaqo.

4.4 Akukho muntu oyoqhubeka kumbe abambe iqhaza kunoma yikuphi ukuhweba noma ukumemeza kumbe ukuvula, ukuqaqa impahla noma ukupakisha amakesi efenisha, empahla, izinto eziphathekayo noma izimpahla zokuhweba kunoma yisiphi isitaladi.

4.5 Akukho muntu oyoba nemvume yokuvula indali kunoma yisiphi isitaladi noma endaweni yokungena, efasiteleni kumbe kwenye indawo evulekile kunoma yisiphi isakhiwo esincikene nanoma yisiphi isitaladi ngaphandle kwemvume ebhalwe phansi yoMkhandlu futhi kuzoya ngezimo ezithile njengoba zibekwe kuleyo mvume.

4.6 Akukho muntu oyobeka kumbe ahlalise nanoma yini echithekayo, okusale kade kugawulwa uthango noma izihlahla noma izibi zasengandini kumbe ezinye izibi noma imfucuza yanoma yiluphi uhlobo kunoma yisiphi isitaladi noma unqenqema ngaphandle uma lokho kufakwe emabhokisini avumelekile noma ezitsheni ngenhloso yokuthi kuthuthwe yizisebenzi zoMkhandlu noma osonkontileka.

5. UKuqoqwa Kwemali

5.1 Akukho muntu noma inhlangano eyoqoqa noma izame ukuqoqa imali kumbe ivule indali yamakhekhe kunoma iyiphi indawo yomphakathi ngaphandle kokuthola imvume ebhalwe phansi yoMkhandlu.

5.2 UMkhandlu ungenqaba noma unikezele ngemvume yawo ngaphansi kwaleyo mibandela njengokokunquma koMkhandlu

6. Ukuba khona kwezihlahla, amagatsha noma amahlashana endaweni ngokungemthetho

6.1 Akukho muntu, kungaba ngumnikazi noma ohlalayo kumbe nanoma yisiphi isakhiwo esincikene nanoma yisiphi isitaladi kumbe indlela yezinyawo okumele avumele noma yisiphi isihlahla, igatsha noma ihlashana okumile kulawo magceke ukuthi kulengele noma kwenabele kuleso sitaladi noma endleleni yezinyawo ngendlela engavimbela noma engenza umphakathi ungakhululeki noma engathintana kumbe okungenzeka ithintane nanoma yinhloboni yocingo, isigxobo noma umsebenzi womphakathi kulowo mgwaqo kumbe indlela yezinyawo, noma ukuvumela izimpande zaleso sihlahla noma ihlashana ukuba zikhule ngendlela yokuthi zidale noma okungenzeka zidale umonakalo endaweni engaphezu kwendlela yezinyawo noma umgwaqo noma umsele wamanzi, ipayipi lokuchitha indle, ipayipi elikhulu lamanzi, amakhebula angphansi komhlaba, namapayipi afakwe ngaphansi komhlaba kuleyo ndlela yezinyawo noma womgwaqo.

6.2 Umnikazi noma ohlalayo kulawo magceke kuyothi uma ethola isaziso esisayinwe yiMenenja Kamasipala simcela ukuthi azinqume noma azisuse lezo zihlahla, noma ihlashana noma izimpande esikhathini esichaziwe futhi uma lowo mnikazi noma ohlalayo ehluleka ukuhambisana nokushiwo yisaziso esikhathini esichazwe, uMkhandlu ungayalela ukuba lezo zihlahla noma ihlashana noma izimpande zinqunywe noma zisuswe, futhi ungabuyisa izindleko zokwenziwa kwalowo msebenzi kumnikazi noma lowo ohlalayo.

7. Amacala kanye Nezigwebo

Noma ngubani o-

7.1 wephula noma ohluleka ukuhambisana nezihlinzekelo zale mithetho kamasipala kumbe nanoma yimuphi umbandela, umgomo okhishiwe;

7.2 vimbela, obambezela, ophazamisa noma ohlupha kumbe ongenelela emsebenzini wesikhulu noma isisebenzi soMkhandlu lapho sisebenza noma sisebenzisa amandla aso ngaphansi kwale mithetho kamasipala; noma

7.3 bangela noma ovumela nanoma ngubani ukuba enze nanoma yisiphi isenzo okukhulunywe ngasoo uyotholwa enecala futhi uyohlawuliswa imali engeqile e-R1000 noma kuthi uma ehluleka ukukhokha leyo nhlawulo ayinikiwe, avalelwe ejele isikhathi esingeqile ezinyangeni eziyishumi nambili.

8. **Ukuphikisana kwemithetho**

Uma kukhona ukuphikisana kule mithetho kamasipala neminye imithetho yoMkhandlu emaqondana nezinto eziwuhlupho, le mithetho kamasipala iyona eyosetshenziswa.

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