



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

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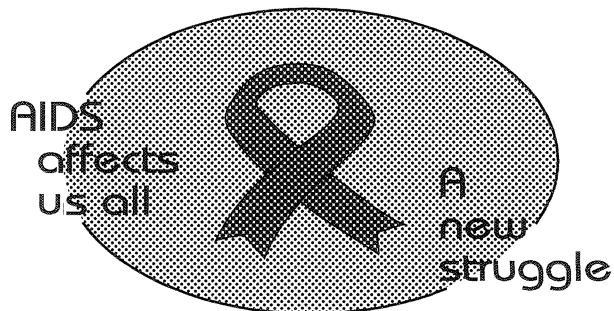
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PIETERMARITZBURG,

6 SEPTEMBER 2011
6 kuMANDULO 2011

No. 633

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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MUNICIPAL NOTICES—ISAZISO SIKAMASIPALA

No. 113**6 September 2011**

Notice No. 72/2011

The Council of the Endumeni Local Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following by-laws, which will take effect at the publication date thereof.

P G Mabilisa
Acting Municipal Manager

ENDUMENI MUNICIPALITY**BY-LAWS RELATING TO OFFENCES, PENALTIES AND APPEALS****Offences and penalties**

1. Any person who:-
 - (a) Contravenes or fails to comply with any provision contained in any bylaw which has been duly promulgated by the council in terms of any applicable law;
 - (b) Fails to comply with any lawful instruction given in terms of any bylaw which has been duly promulgated by the Council;
 - (c) Obstructs or hinders any authorized official in the execution of his or her duties under any bylaw which has been duly promulgated by the Council;
 - (d) Contravenes any condition imposed upon the granting of any application, consent, approval, concession, relaxation or authority in terms of any bylaw which has been duly promulgated by the Council;
 - (e) fails to comply with the terms of any notice served upon him in terms of any bylaw which has been duly promulgated by the Council;
 - (f) Supplies false or misleading information when applying for a licence, permit, authority in terms of any bylaw duly promulgated by the Council;
 - (g) Takes out a licence required in terms of any bylaw duly promulgated by the Council, in any name other than his own;
 - (h) Falsely represents himself to be a person to whom a licence has been issued in terms of any bylaw duly promulgated by the Council;
 - (i) Forges or fraudulently alters or uses or permits any other person to use any licence or certified copy of a licence issued in terms of any bylaw duly promulgated by the Council;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rand (R1 000) in the case of a first conviction, or in the case of a second or subsequent conviction for the same offence, a fine not exceeding two thousand rand (R2 000) or, in default of payment of any fine imposed in either case, to imprisonment for any period not exceeding three months, and any further amount as imposed by the Court equal to any costs and expenses found by the Court to have been incurred by the Council as a result of any such breach, provided that in the case of a continuing offence a fine not exceeding fifty (R50) for each day upon which the contravention continued may be prescribed, but no such fine shall in any one prosecution or within any one month exceed two thousand rand (R2 000);

Appeals

2. (1) A person whose rights are affected by a decision taken by any authorized officer under any bylaw which has been duly promulgated by the Council in terms of any applicable law, may appeal against the decision by giving notice of the appeal and reasons therefore to the Municipal Manager within 21 days of the date of notification of the decision;
- (2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4) hereunder;

- (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 an 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 and decide on an appeal within 45 days from date of receipt thereof and inform the appellant of the outcome by the duration of this period.

No. 113**6 kuMandulo 2011**

Inombolo yesaziso: 72/2011

UMkhandlu kuMasipala WaseKhaya Endumeni usenqume ukwenza lemithetho eshaywa womasipala ngokwe Sigaba 156 woMthethosisekelo sika 1996 (Inombolo yoMthetho 108 ka 1996), kufundwa kanye-kanye neSigaba 11(3)(m) yeMithethu yoltulumeni baseKhaya: Izinhlelo zaMasistimula oMasipala (Inombolo yoMthetho 32 ka 2000), okuzoqala ukusebenza mhla kwashicilelwa lokhu.

P.G Mabilisa
Imeninja kaMasipala Ebambele

UMASIPALA WASENDUMENI

IMITHESHWANA EPHATHELENE NAMACALA, IZINHLAWULO NEZIKHALO

Amacala Nezinhlawulo

1. Noma ngumuphi umuntu:-
 - (a) Owephula noma owehluleka ukuthobela noma yisiphi isimiso esiqukethwe yinoma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu ngokulandela noma ngumuphi umthetho ofanele;
 - (b) Owehluleka ukuthobela noma ngumuphi umyalelo okhishwe ngokulandela noma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu;
 - (c) Ovimba noma othikameza noma yisiphi isiphathimandla esigunyaziwe ukwenza umsebenzi waso ngaphansi kwanoma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu;
 - (d) Owephula noma yisiphi isimiso esibekiwe mayelana nokuvumela noma yisiphi isicelo, imvume, igunya, ukuvumela, ukuthambisa noma amandla ngokulandela noma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu;
 - (e) Owehluleka ukuthobela imibandela yanoma yisiphi isaziso esikhishelwe yena ngokulandela noma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu;
 - (f) Onikeza imininingwane okungeyona noma eyinkohliso lapho efaka isicelo selayisense, semvume, segunya ngokulandela noma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu;
 - (g) Othatha ilayisense edingekayo ngokulandela noma ngumuphi umtheshwana omenyezelwe nguMkhandlu, nganoma yiliphi igama okungelona elakhe;
 - (h) Ozenza umuntu angesiye onelayisense ekhishwe ngokulandela noma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu;
 - (i) Okhwabanisa noma oququla noma osebenzisa noma ovumela ngokungemthetho noma ngumuphi omunye umuntu ukusebenzisa ilayisense noma ikhophi yelayisense eqinisekisiwe ekhishwe ngokulandela noma ngumuphi umtheshwana omenyezelwe ngokomthetho nguMkhandlu;

uyobekwa icala futhi lapho egwetshwa uyokhokha inhlawulo engengaphezu kwenkulungwane yamarandi (R1 000) uma egwetshwa okokuqala, noma uma egwetshwa okwesibili noma ephinda egwetshwa ngecala elifanayo, inhlawulo engengaphezu kwezinkulungwane ezimbili zamarandi (R2 000) noma, uma ehluleka ukukhokha noma iyiphi inhlawulo ebekiwe nganoma yiliphi icala, uyoboshwa isikhathi esingengaphezu kwezinyanga ezintathu, nanoma yiliphi inani elibekwa yiNkantolo elilingana nanoma yiziphi izindleko noma incithakalo iNkantolo ethole ukuthi zidalwe nguMkhandlu ngenxa yalelo cala, kube sekutheni uma kuyicala eliqhubekayo inhlawulo ingabi ngaphezu kwamashumi amahlanu amarandini (R50) ngosuku, uma ukwephula umthetho kuqhubeka kunganqunywa inhlawulo, kodwa ayikho inhlawulo yokugwetshwa okukodwa noma kwenyanga okuyoba ngaphezu kwezinkulungwane ezimbili zamarandi (R2 000);

Izikhalo

2. (1) Umuntu omalungelo akhe athintekile ngesinqumo esithathwe yinoma yisiphi isiphathimandla esigunyaziwe ngaphansi kwanoma ngumuphi umtheshwana omenyezalwe ngokomthetho nguMkhandlu ngokulandela umthetho ofanele, angafaka isikhalo ngesinqumo ngokufaka isaziso sesikhalo nezizathu zakho kuMphathi waMasipala ezinsukwini ezingama-21 kusuka osukwini azisiwe ngesinqumo;
- (2) UMphathi waMasipala kufanele athumele ngokushesha umsingathi wezikhalo ofanele obalulwe esigatshaneni (4) lapha ngezansi;
- (3) Umsingathi wezikhalo kufanele acubungule isikhalo, futhi asiqinisekise, asiphikise noma asichithe isinqumo, kodwa ukuphikiswa noma ukuchithwa kwesinqumo ngeke kwanyundela noma yimaphi amalungelo avele ngenxa yesinqumo;
- (4) Uma isikhalo siphikisa isinqumo esithathwe:-
- (a) Ngumsebenzi ongeyena uMphathi waMasipala, uMphathi waMasipala nguyena uMsingathi wezikhalo; noma
- (b) UMphathi waMasipala, uMlawuli omkhulu/ iMeya yiyona uMsingathi wezikhalo.
- (5) Umsingathi wezikhalo kufanele aqale futhi athathe isinqumo ngesikhalo ezinsukwini ezingama-45 kusuka osukwini lokuthola isikhalo bese azisa ofake isikhalo ngesinqumo ngaso lesi sikhathi esibekiwe.
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