



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

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

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

**PIETERMARITZBURG**

Vol. 10

19 MAY 2016  
19 MEI 2016  
19 KUNHLABA 2016

**No. 1672**

**PART 1 OF 2**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

**N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes**

ISSN 1994-4558



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# Government Printing Works

## Notice submission deadlines

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

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website [www.gpwonline.co.za](http://www.gpwonline.co.za) to familiarise yourself with the new deadlines.

### CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

**Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.**

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

### AMENDMENTS TO NOTICES

take note!

With effect **from 01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

### CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

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

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

### PROOF OF PAYMENTS

REMINDER

GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za), please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

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

### REMINDER OF THE GPW BUSINESS RULES

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



eGazette



## IMPORTANT NOTICE:

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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**NOTICE SUBMISSION DEADLINES FOR ORDINARY GAZETTES**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

**GOVERNMENT PRINTING WORKS CONTACT INFORMATION****Physical Address:**

Government Printing Works  
149 Bosman Street  
Pretoria

**Postal Address:**

Private Bag X85  
Pretoria  
0001

**GPW Banking Details:**

**Bank:** ABSA Bosman Street  
**Account No.:** 405 7114 016  
**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**E-mail:** submit.egazette@gpw.gov.za

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** info.egazette@gpw.gov.za

**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** subscriptions@gpw.gov.za

**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2016**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

**GOVERNMENT PRINTING WORKS BUSINESS RULES**

**Government Printing Works** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic Adobe Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format, to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). All notice submissions not on Adobe electronic forms will be rejected.
3. When submitting your notice request, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email and must be attached separately. (In other words, your email should have an Adobe Form plus proof of payment/purchase order as 2 separate attachments. Where notice content is applicable, it should also be a 3rd separate attachment).
4. Notices brought to GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format.
5. All "walk-in" customers with notices that are not on electronic Adobe forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.
6. For National or Provincial gazette notices, the following applies:
  - 6.1 These notices must be accompanied by an electronic Z95 or Z95Prov Adobe form
  - 6.2 The notice content (body copy) MUST be a separate attachment.
7. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
8. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
9. All re-submissions will be subject to the standard cut-off times.
10. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
11. The electronic Adobe form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered.
12. Requests for Quotations (RFQs) should be received by the Contact Centre at least 24 hours before the submission deadline for that specific publication.

**APPROVAL OF NOTICES**

13. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

The Government Printer indemnified against liability

14. The Government Printer will assume no liability in respect of—
  - 14.1 any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

- 14.2 erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
- 14.3 any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

### LIABILITY OF ADVERTISER

15. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

### COPY

16. Copy of notices must be submitted using the relevant Adobe PDF form for the type of notice to be placed and may not constitute part of any covering letter or document.
17. Where the copy is part of a separate attachment document for **Z95, Z95Prov** and **TForm03**
  - 17.1 Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.  
  
The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
  - 17.2 The notice should be set on an A4 page, with margins and fonts set as follows:  
  
Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;  
  
Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

### PAYMENT OF COST

18. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
19. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
20. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, Government Printing Works, PrivateBag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
21. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the Government Printing Works banking account.
22. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.
23. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

24. Copies of the Government Gazette which may be required as proof of publication, may be ordered from the Government Printer at the ruling price. The Government Printer will assume no liability for any failure to post such Government Gazette(s) or for any delay in despatching it them



**IMPORTANT ANNOUNCEMENT****Closing times for the ORDINARY WEEKLY  
KWAZULU-NATAL PROVINCIAL GAZETTE 2016**

*The closing time is 15:00 sharp on the following days:*

- 26 April 2016, Tuesday for the issue of Thursday 05 May 2016
- 05 May 2016, Thursday for the issue of Thursday 12 May 2016
- 12 May 2016, Thursday for the issue of Thursday 19 May 2016
- 19 May 2016, Thursday for the issue of Thursday 26 May 2016
- 26 May 2016, Thursday for the issue of Thursday 02 June 2016
- 02 June 2016, Thursday for the issue of Thursday 09 June 2016
- 09 June 2016, Thursday for the issue of Thursday 16 June 2016
- 15 June 2016, Wednesday for the issue of Thursday 23 June 2016
- 23 June 2016, Thursday for the issue of Thursday 30 June 2016
- 30 June 2016, Thursday for the issue of Thursday 07 July 2016
- 07 July 2016, Thursday for the issue of Thursday 14 July 2016
- 14 July 2016, Thursday for the issue of Thursday 21 July 2016
- 21 July 2016, Thursday for the issue of Thursday 28 July 2016
- 28 July 2016, Thursday for the issue of Thursday 04 August 2016
- 03 August 2016, Wednesday for the issue of Thursday 11 August 2016
- 11 August 2016, Thursday for the issue of Thursday 18 August 2016
- 18 August 2016, Thursday for the issue of Thursday 25 August 2016
- 25 August 2016, Thursday for the issue of Thursday 01 September 2016
- 01 September 2016, Thursday for the issue of Thursday 08 September 2016
- 08 September 2016, Thursday for the issue of Thursday 15 September 2016
- 15 September 2016, Thursday for the issue of Thursday 22 September 2016
- 22 September 2016, Thursday for the issue of Thursday 29 September 2016
- 29 September 2016, Thursday for the issue of Thursday 06 October 2016
- 06 October 2016, Thursday for the issue of Thursday 13 October 2016
- 13 October 2016, Thursday for the issue of Thursday 20 October 2016
- 20 October 2016, Thursday for the issue of Thursday 27 October 2016
- 27 October 2016, Thursday for the issue of Thursday 03 November 2016
- 03 November 2016, Thursday for the issue of Thursday 10 November 2016
- 10 November 2016, Thursday for the issue of Thursday 17 November 2016
- 17 November 2016, Thursday for the issue of Thursday 24 November 2016
- 24 November 2016, Thursday for the issue of Thursday 01 December 2016
- 01 December 2016, Thursday for the issue of Thursday 08 December 2016
- 08 December 2016, Thursday for the issue of Thursday 15 December 2016
- 14 December 2016, Wednesday for the issue of Thursday 22 December 2016
- 21 December 2016, Wednesday for the issue of Thursday 29 December 2016



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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 98 OF 2016****DEPARTMENT OF TRANSPORT****NATIONAL ROAD TRAFFIC ACT, 1996: RELOCATION OF THE BERGVILLE REGISTERING AUTHORITY (NB) TO LOT NO. 116, CORNER GOLF AND R74 ROAD**

The Member of the Executive Council responsible for Transport in the Province of KwaZulu-Natal has, in terms of section 3(1) of the National Road Traffic Act, 1996 (Act No. 93 of 1996), approved the relocation of the Bergville Registering Authority to new offices situated at Lot No. 116, corner of Golf and R74 Road, Bergville with effect from 20 May 2016.

**PROVINSIALE KENNISGEWING 98 VAN 2016****DEPARTEMENT VAN VERVOER****NASIONALE PADVERKEERSWET, 1996: HERVESTIGING VAN DIE BERGVILLE REGISTRASIE-OWERHEID (NB) NA ERFNO. 116, HOEK VAN GOLF EN DIE R74-PAD**

Die Lid van die Uitvoerende Raad verantwoordelik vir Vervoer in die Provinsie van KwaZulu-Natal het, ingevolge artikel 3(1) van die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996), die hervestiging van die Bergville Registrasie-owerheid na nuwe kantore geleë te Erfnommer 116, hoek van Golf en die R74-pad goedgekeur, met inwerkingtreding vanaf 20 Mei 2016.

**UMNYANGO WEZOKUTHUTHA****UMTHETHO WOKUHAMBA KWEZIMOTO EMGWAQENI, 1996: UKUTHUTHA KWESIKHUNGO SOKUBHALISA IZIMOTO E-BERGVILLE (NB) SITHUTHELA KWISIZA NO. 116, EKTHONENI LEMIGWAQO U-GOLF NO R74**

ILungu loMkhandlu oPhethe elibhekele ezokuThutha esiFundazweni saKwaZulu-Natali, ngokwesigaba 3(1) soMthetho kaZwelonke wokuHamba kweziMoto eMgwaqeni, 1996 (uMthetho No. 93 ka 1996), ligunyaze ukuthutha kwesiKhungo sokuBhalisa iziMoto e-Bergville sithuthela emahhovisi amasha akwiSiza No. 116, eKhoneni leMigwaqo u-Golf no R74 e-Bergville, kusukela mhla zingama 20 kuNhlaba 2016.

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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**

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**MUNICIPAL NOTICE 51 OF 2016****ENDUMENI MUNICIPALITY  
FIRE PREVENTION BY-LAWS**

Be it enacted by the Council of Endumeni Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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3. Access for emergency vehicles
4. Division and occupancy separating elements
5. Fire doors and assemblies
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#### CHAPTER 1

#### DEFINITIONS

##### Definitions

1. In this bylaw, unless the context indicates otherwise-

**"Above ground storage tank"** means a tank situated above ground for the storage of a flammable liquid;

**"Automatic releasing hold-open device"** means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

**"Building"** means any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:

- (i) the accommodation or convenience of human beings or animals;
- (ii) the manufacture, processing, storage or sale of any goods;
- (iii) the rendering of any service;
- (iv) the destruction or treatment of combustible refuse or combustible waste;
- (v) the cultivation or growing of any plant or crop;

(a) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;

(b) any fuel pump or any tank used in connection therewith;

(c) any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

**"Bund wall"** means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank;

**"Combustible material"** means combustible refuse, combustible waste or any other material capable of igniting;

**"Combustible refuse"** means any combustible rubbish, litter or other material that has been discarded;

**"Combustible waste"** means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;

**"Dangerous goods"** means a flammable gas, liquid or solid as contemplated in SABS 0228;

**"division separating element"** means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

**"emergency evacuation plan"** means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

**"Emergency route"** means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

**"Emergency vehicle"** means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

**"escape door"** means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

**"Escape route"** means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

**"escape route plan"** means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger:

**"Fire Brigade Services Act"** means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

**"Fire damper"** means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

**"Fire door"** means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

**"Fire extinguisher"** means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

**"fire hazard"** means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

**"Fire lanes"** means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

**"fire protection system"** means any device or system designed and installed to-

- (a) detect, control or extinguish a fire, or
- (b) alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;

**"fire wall"** means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;

**"Flammable gas"** as contemplated in SABS 0228, means a gas that at 20 degrees centigrade and at a standard pressure of 101,3 kilopascals:

- (a) is ignitable when in a mixture of 13% or less (by volume) with air, or
- (b) has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit;

**"Flammable liquid"** means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 degrees centigrade;

**"flammable solid"** means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

**"Flammable substance"** means a flammable liquid or a flammable gas;

**"Flammable store"** means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this by-law;

**"Hazardous Substances Act"** means the Hazardous Substances Act, 1973 (Act 15 of 1973);

**"National Building Regulations"** means the regulations promulgated in terms section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and:

- (a) "National Building Regulations (A2)" means the provisions regulating the submission of building plans and particulars to the Council;
- (b) "National Building Regulations (A20)" means the provisions regulating the classification and designation of occupancies;
- (c) "National Building Regulations (A21)" means the provisions regulating the population of a building;
- (d) "National Building Regulations (T1)" means the provisions regulating general requirements for fire protection of a building, and
- (e) "National Building Regulations (T2)" means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

**"National Road Traffic Act"** means the National Road Traffic Act, 1996 (Act 93 of 1996);

**"Non-combustible"** means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

**"occupancy separating element"** means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

**"Occupational Health and Safety Act"** means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

**"Operator"** means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

**"Owner"** means:

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

**"Person in charge"** means:

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Council deemed to be in charge of such premises, building or installation;

**"Premises"** means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

**"Site"** means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

**"Standards Act"** means the Standards Act, 1993 (Act 29 of 1993);

**"Storage vessel"** means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

**"Summary abatement"** means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

**"Tank"** means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

**"underground tank"** means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

**"Vehicle"** means a vehicle as defined in the National Road Traffic Act.

and any reference to an SABS Code shall refer to the relevant Code published by the South African Bureau of Standards and issued in terms of the Standards Act.

## CHAPTER 2

### FIRE PROTECTION OF BUILDINGS

#### Reporting a fire hazard and other threatening danger

2. An owner or the person in charge of any premises must, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, immediately notify the Council of such fire hazard or threatening danger.

#### Access for emergency vehicles

3. (1) When, in the opinion of the Council, premises are not readily accessible from public roads it must be provided with emergency vehicle access which must -
  - (a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
  - (b) where the premises have a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.
- (2) Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
- (3) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the Council, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.
- (4) A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Council.
- (6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

#### Division and occupancy separating elements

4. An owner or person in charge of a building may not alter a division or occupancy separating element in anyway that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

#### Fire doors and assemblies

5. (1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Council.



- (3) A fire door and assembly may not be rendered less effective through:-
- (a) altering the integrity, insulation or stability of a particular class of door;
  - (b) disconnecting the self-closing mechanism;
  - (c) wedging, blocking or obstructing the door so that it cannot close;
  - (d) painting the fusible link actuating mechanism of a door;
  - (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
  - (f) any other action that renders a fire door or assembly less effective.

#### **Escape Routes**

6. (1) No part of a fire escape route shall be obstructed or rendered less effective in any way.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Council.
- (3) Where required by the Council, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

### **CHAPTER 3**

#### **FIRE SAFETY EQUIPMENT**

##### **Fire extinguishers**

7. (1) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part I.
- (3) No person may fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part I, unless such a person is the holder of a permit issued by the South African Bureau of Standards or a certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).
- (5) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the Council must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the Council, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Council must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.
- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

##### **Testing and maintenance of fire protection systems**

8. (1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.
- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.

- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2).
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (5) The owner or person in charge of the premises must immediately notify the Council when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Council as soon as the system is restored.
- (6) The owner or person in charge of the premises must take all steps deemed necessary by the Council to provide alternate equipment to maintain the level of safety within the premises.

#### **Interference with fire protection systems and fire extinguishers**

9. No person shall tamper or interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

### **CHAPTER 4**

#### **PUBLIC SAFETY**

##### **Attendance of a service**

- 10.(1) When the Council is of the opinion that a representatives of the fire brigade service are required to be in attendance during a function in a place used for entertainment or public assembly, the Council may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) Where the entertainment or public assembly is taking place on Council property or private property, but for private purposes, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers

##### **Formulation of an emergency evacuation plan**

11. (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The Council may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information:
  - (a) the date and time of the test;
  - (b) the number of participants;
  - (c) the outcome of the test and any corrective actions required, and
  - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Council.
- (7) The Council may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

**Displaying of escape route plans**

12. The escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

**Barricading of vacant buildings**

13. The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Council which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

**CHAPTER 5****HOUSEKEEPING****Combustible waste and refuse**

14. (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other danger.

**Combustible or flammable substances and sweeping compounds**

- 15 (1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substances is prohibited.

**Accumulations in chimneys, flues and ducts**

16. The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

**Sources of ignition**

17. (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the Council, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that they cannot be overturned and the Council may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

**Smoking**

18. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the Council and the signs must comply with SABS 1186: Part 1.
- (2) No person may remove a "No Smoking" sign.
- (3) No person may light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- (4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

**Electrical fittings, equipment and appliances**

19. No person may cause or permit –
- (1) an electrical supply outlet to be overloaded; or
  - (2) an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

**Flame-emitting device**

20. A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

**CHAPTER 6****FIRE HAZARDS****Combustible material**

21. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of any premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

**Lighting of fires and burning of combustible material**

22. (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the Council.

**CHAPTER 7****FLAMMABLE SUBSTANCES****Storage and use of a flammable substance**

23. (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Council, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SABS 0131: Parts 1 and 2, SABS 089: Part 3 and SABS 087: Parts 1,3 and 7 (whichever is applicable) in the presence of the Council.
- (3) Notwithstanding subsection (2), the Council may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The Council must be notified at least 48 hours prior to the pressure test.

- (5) The owner or person in charge of the premises may not store or use:
- (a) a flammable gas in excess of 19 kilogram, or
  - (b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he or she has obtained a flammable substance certificate from the Council.

#### **Flammable substance certificate**

24. (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 23(5), must submit an application to the Council.
- (2) The Council must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law, and where the Council is of the opinion that the non-compliance of the premises can be remedied, the Council must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.
- (5) Premises must be used in accordance with any conditions specified in the flammable substances certificate and when in the opinion of the Council, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (6) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the Council.
- (7) A flammable substance certificate is valid only:
- (a) for the installation for which it was issued;
  - (b) for the state of the premises at the time of issue, and
  - (c) for the quantities stated on the certificate.
- (8) The flammable substance certificate must be available on the premises for inspection at all times.

#### **Permanent or temporary above ground storage tank for a flammable liquid**

- 25(1) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Council, on the merit of the situation, provided that the following requirements are complied with:
- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
  - (b) to be on the premises for a period not exceeding six months;
  - (c) the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
  - (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Council for the erection of the tank.
- (2) Notwithstanding section 28(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Council for approval in terms of the National Building Regulations (T1).
- (3) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (4) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.

- (5) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (7) A permanent or temporary tank must have a bund wall.
- (8) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (9) Sufficient fire extinguishers, as determined by the Council, must be provided in weatherproof boxes in close proximity to a tank.
- (10) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- (11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (12) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (13) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

**Underground storage tank for a flammable liquid**

26. The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SABS 0400, SABS 089: Part 3 and SABS 0131: Part 3.

**Bulk storage depot for flammable substances**

27. The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: Part 1.

**Small installations for liquefied petroleum gas**

28. Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SABS 087: Part 1.

**Liquid petroleum gas installation in mobile units and small non-permanent buildings**

29. A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SABS 087: Part 2.

**The fuelling of forklift trucks and other LP gas operated vehicles**

30. The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: Part 8.

**The storage and filling of refillable liquid petroleum gas containers**

31. Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SABS 087: Part 7.

**Bulk storage vessel for liquid petroleum gas**

32. The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 087: Part 3.



**Termination of the storage and use of flammable substances**

33. (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:
- (a) within seven days of the cessation, notify the Council in writing thereof;
  - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
  - (c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
  - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Council within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the Council to fill the tank with liquid cement slurry.

**Reporting accidents**

34. If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Council.

**Flammable stores**

35. (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400:
- (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
  - (b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m<sup>2</sup> of wall area or part thereof, so that vapour cannot accumulate inside the store;
  - (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
  - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the Council, the flammable store must be ventilated by a mechanical ventilation system approved by the Council and must comply with the following requirements:
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
  - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
  - (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
  - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the Council, a flammable store door must be a D-class fire door, which complies with SABS 1253.

- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.
- (11) Racking or shelving erected in the flammable store must be of non-combustible material.
- (12) The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- (15) Sufficient fire extinguishers, as determined by the Council, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- (16) Any hand tool used in the flammable store must be intrinsically safe.
- (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Council has been notified in terms of the following procedure:
  - (a) within seven days of the cessation, notify the Council in writing thereof;
  - (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
  - (c) within 30 days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the Council may call for additional requirements to improve the fire safety of a flammable store.

#### **Container handling and storage**

36. (1) All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
- (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the Council may permit such storage in the open, provided that:
  - (a) the storage area must be in a position and of sufficient size which in the opinion of the Council, will not cause a fire hazard or other threatening danger;

- (b) the storage area is well ventilated and enclosed by a wire mesh fence and:
    - (i) the fence supports are of steel or reinforced concrete;
    - (ii) has an outward opening gate that is kept locked when not in use, and
    - (iii) when the floor area exceeds 10 m<sup>2</sup> an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
  - (c) the storage area is free of vegetation and has a non-combustible firm level base;
  - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
  - (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;
  - (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1, and
  - (g) fire-fighting equipment is installed as determined by the Council.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

#### **Spray rooms and booths**

37. A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

#### **Liquid petroleum gas containers**

38. (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

### **CHAPTER 8**

#### **GENERAL PROVISIONS**

##### **Indemnity**

39. The Council is not liable for damage or loss as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this by-law.

##### **Offences and penalties**

40. 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 –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

**Enforcement provisions**

41. Any authorized official of the Council may –
- (1) enter any premises at any reasonable time to inspect the premises for compliance with this by-law;
  - (2) summarily abate any condition on any premises which is in violation of any provision of this by-law and which presents an immediate fire hazard or other threatening danger and to this end may-
    - (a) call for the immediate evacuation of the premises;
    - (b) order the closure of the premises until such time as the violation has been rectified;
    - (c) order the cessation of any activity, and
    - (d) order the removal of the immediate threat.

**Authority to investigate**

42. The Council has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger, and it may delegate such authority.

**Failure to comply with provisions**

43. (1) When the Council finds that there is non-compliance with the provisions of this by-law a written notice must be issued and include the following:
- (a) confirmation of the findings;
  - (b) provisions of this by-law that are being contravened;
  - (c) the remedial action required, and
  - (d) set forth a time for compliance.
- (2) Nothing in this by-law prevents the Council or any authorized official from taking immediate action to take immediate corrective action in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner.

**Transition**

44. All persons whom are affected by this bylaw or are in contravention of this bylaw, shall have 6 months grace period from the date of publication to comply with any provisions of this bylaw

**Short title and commencement**

45. These by-laws shall be called the Fire Prevention By-laws, 2015, and shall come into operation on the date of publication in the Provincial Gazette.

**MUNISIPALE KENNISGEWING 51 VAN 2016****ENDUMENI MUNISIPALITEIT  
VERORDENINGE INSAKE BRANDVOORKOMING**

Daar word deur die Raad van die Endumeni Munisipaliteit, kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet nr 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr 32 van 2000), soos volg bepaal:

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3. Toegang vir noodvoertuie
4. Verdeling en okkupasieskeidingslemente
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## HOOFSTUK 1

### WOORDOMSKRYWINGS

#### Woordomsrywings

1. In hierdie verordening, tensy die konteks anders aandui, beteken

**"bewaringshouer"** 'n drukvat soos omskryf in die regulasies vir drukvate afgekondig ingevolge die Wet op Beroepsgesondheid en Veiligheid;

**"bewaringsplek vir vlambare stowwe"** 'n pakkamer wat gebruik word vir die bewaring van vlambare vloeistowwe en voldoen aan die kriteria soos uiteengesit in artikel 46 van hierdie verordeninge;

**"besettingskeidingselement"** 'n gebou-element of -komponent wat een besetting van 'n gebou van 'n ander afskei en 'n brandweerstand het van nie minder nie as wat nodig is soos vereis deur die Nasionale Bouregulasies (T1) saamgelees met SABS 0400;

**"binnemuurskeidingselement"** 'n gebou-element of -komponent wat een deel in 'n gebou afskei van 'n ander en 'n brandweerstand het van nie minder nie as wat nodig is soos vereis deur die Nasionale Bouregulasies (T1) saamgelees met SABS 0400;

**"boggrondse bewaringstenk"** 'n tenk geleë bo die grond vir die bewaring van 'n vlambare vloeistof;

**"brandbare afval"** beteken enige brandbare afvalmateriaal wat herwin, behou of versamel kan word as afval of vir herverwerking;

**"brandbare materiaal"** brandbare vullis, brandbare afval of enige ander materiaal wat kan ontbrand;

**"brandbare vullis"** enige brandbare vullis, rommel of ander materiaal wat weggegooi is;

**"brandbeskermingstelsel"** 'n toestel of stelsel wat ontwerp en geïnstalleer is om -

- (a) 'n brand op te spoor, te beheer of te blus, of
- (b) om okkuppeerders of die brandweerdienste, of albei, in te lig dat daar 'n brand is, maar sluit draagbare en mobiele brandblussers uit;

**"brandblusser"** 'n draagbare of mobiele herlaaibare houër wat 'n brandblusstof bevat wat uitspuit deur die werking van interne druk met die doel om 'n brand te blus;

**"branddemper"** 'n outomatiese demper en sy montering wat voldoen aan die vereistes vervat in SABS 193;

**"branddeur"** 'n outomatiese of selfsluitdeur of luiikonstruksie wat spesiaal gebou is om die deurgang van vuur vir 'n spesifieke tydsduur te voorkom;

**"brandlane"** die straat, pad of ander deurgang wat gebou of aangewys is om toegang aan noodvoertuie te verleen;



**"brandgevaar"** beteken enige situasie, proses, materiaal of toestand wat 'n brand of ontploffing kan veroorsaak of 'n geredelike brandstofvoevoer kan verskaf om die verspreiding of intensiteit van die brand of ontploffing te vergroot en wat 'n bedreiging vir lewe of eiendom inhou;

**"brandmuur"** 'n muur wat in staat is om die gevolge van die brand te weerstaan vir 'n spesifieke tydperk soos bedoel in die Nasionale Bouregulasies (T1) saamgelees met SABS 0400;

**"gebou"** enige struktuur, hetsy van 'n tydelike of permanente aard en ongeag die materiaal wat by die bou daarvan gebruik is, wat opgerig is of gebruik word vir of in verband met -

- (i) die akkommodasie of gerief van mense of diere;
- (ii) die vervaardiging, verwerking, bewaring of verkoop van enige goedere;
- (iii) die lewering van enige diens;
- (iv) die vernietiging of behandeling van brandbare afval of brandbare vullis;
- (v) die kweek of verbouing van enige plant of gewas;
- (a) enige muur, swembad, reservoir of brug of enige ander struktuur wat daarmee verband hou;
- (b) enige brandstofpomp of enige tenk wat in verband daarmee gebruik word;
- (c) enige fasiliteite of stelsel, of 'n deel of 'n gedeelte daarvan, binne of buite maar gepaardgaande met 'n gebou, vir die voorsiening van 'n watertoevoer, dreinerings, riolerings, stormwaterwegdoening, elektrisiteitsvoorsiening of ander soortgelyke diens ten opsigte van die gebou;

**"eienaar"** -

- (a) met betrekking tot 'n perseel, anders as 'n gebou, 'n natuurlike of regspersoon wie se identiteit bepaal word deur die werking van die reg;
- (b) met betrekking tot 'n gebou, 'n natuurlike of regspersoon in wie se naam die grond waarop sodanige gebou opgerig is of sodanige grond, na gelang van die geval, in die betrokke Aktekantoor geregistreer is;
- (c) met betrekking tot 'n installasie, 'n natuurlike of regspersoon in wie se naam 'n kontrak aangegaan word ten opsigte van die goedkeuring, oprigting en instandhouding van die installasie; met dien verstande dat so 'n persoon nie die eienaar genoem in (b) is nie; en
- (d) in geval die Raad nie in staat is om die identiteit van 'n persoon in (a), (b) en (c) te bepaal nie, enige persoon wat geregtig is op die voordeel van die gebruik van sodanige perseel, gebou of installasie of wat sodanige voordeel geniet;

**"gevaarlike goedere"** beteken 'n vlambare gas, vloeistof of vaste stof soos bedoel in SABS 0228;

**"keermuur"** 'n keermuur rondom 'n bogrondse bewaringstenk, wat gebou is van 'n ondeurdringbare materiaal en ontwerp is om 100% van die inhoud van die tenk te bevat;

**"Nasionale Bouregulasies"** die regulasies afgekondig kragtens artikel 17 (1) van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet nr 103 van 1977), en:

- (a) "Nasionale Bouregulasies (A2)" die bepalings rakende die voorlegging van bouplanne en besonderhede aan die Raad;
- (b) "Nasionale Bouregulasies (A20)" die bepalings rakende die klassifikasie en aanwysing van okkupasies;
- (c) "Nasionale Bouregulasies (A21)" die bepalings rakende die inwoners van 'n gebou;
- (d) "Nasionale Bouregulasies (T1)" die bepalings rakende algemene vereistes vir die brandbeskerming van 'n gebou, en
- (e) "Nasionale Bouregulasies (T2)" die bepalings rakende die misdrywe vir nie-nakoming van die Nasionale Bouregulasies (T1);

**"Nasionale Padverkeerswet"** die Wet op Nasionale Padverkeer, 1996 (Wet nr 93 van 1996);

**"nie-brandbaar"** 'n stof of materiaal geklassifiseer as nie-brandbaar wanneer getoets word in ooreenstemming met SABS 0177: Deel 5;

**"noodontruimingsplan"** 'n plan wat spesifiek ontwerp is om te help met die ontruiming van die okkupeerders van 'n gebou in die geval van 'n brand of ander dreigende gevaar en wat verantwoordelikheid aan verskeie personeellede toeken, ontsnaproetes aandui wat gebruik kan word en voorsiening maak vir algemene gebeurlikhede vir 'n veilige en vinnige ontruiming van 'n gebou;

**"noodroete"** 'n deel van 'n ontsnaproete wat brandbeskerming bied aan die okkupeerders van enige gebou en wat tot 'n ontsnapdeur lei;

**"noodvoertuig"** enige brand-, reddings- of ander voertuig wat bedoel is vir gebruik by brande en ander dreigende gevare;

**"ondergrondse tenk"** 'n tenk wat gebruik word of bedoel is om gebruik te word vir die bewaring van vlambare vloeistof en heeltemaal gesonke in en onder die oppervlak van die grond is;

**"ontsnapdeur"** die deur van 'n ontsnaproete wat op grondvlak direk na 'n straat of openbare plek of tot enige goedgekeurde oop ruimte wat tot 'n straat of openbare plek lei;

**"ontsnaproeteplan"** 'n diagram wat die vloeruitleg, die okkupeerder se huidige posisie en die roete na die naaste primêre en sekondêre ontsnaproetes in die gebou aandui, asook die optrede in die geval van 'n brand of ander dreigende gevaar:

**"ontsnaproete"** die hele roete van die verste punt in enige kamer in 'n gebou na die naaste ontsnapdeur en kan 'n noodroete insluit;

**"operateur"** die persoon wat verantwoordelik is vir die gebruik van 'n motorvoertuig en wat geregistreer is as die operateur van so 'n voertuig ingevolge die Nasionale Padverkeerswet;

**"outomatiese oophou-lostoestel"** 'n toestel wat gebruik word om 'n branddeur oop te hou en die branddeur toemaak wanneer 'n brand bespeur word;

**"perseel"** enige gebou, strand, grond, terrein, pad of voertuig en kan 'n vaartuig, trein of vliegtuig insluit;

**"persoon in beheer"** –

- (a) met betrekking tot 'n perseel, 'n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur of die gebruik van die perseel;
- (b) met betrekking tot 'n gebou, 'n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur, instandhouding of benutting van die gebou;
- (c) met betrekking tot 'n installasie, 'n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur of benutting van die installasie; met dien verstande dat so 'n persoon nie die persoon in beheer is nie; en
- (d) in die geval die Raad nie in staat is om die identiteit van 'n persoon bedoel in (a), (b) en (c) vas te stel nie, enige persoon wat na die mening van die Raad geag in beheer van sodanige perseel, gebou of installasie te wees;

**"summiere bedwinging"** om 'n toestand onmiddellik te evalueer as 'n brandgevaar of ander dreigende gevaar vir lewe of eiendom en om te gelas dat sodanige toestand onmiddellik reggestel word;

**"tenk"** 'n houer wat permanent of tydelik op of in 'n voertuig gemonteer is en so gebou is dat dit geskik is vir die bekamping van 'n vrag vlambare vloeistof of gas;

**"terrein"** enige erf, lot, kleinhoewe, standplaas of enige ander stuk grond waarop 'n gebou opgerig is, opgerig word of of opgerig staan te word;

**"voertuig"** beteken 'n voertuig soos omskryf in die Nasionale Padverkeerswet; en

**"vlambare gas"** soos bedoel in SABS 0228, 'n gas wat by 20 grade Celsius en teen 'n standaarddruk van 101,3 kilopascal –

- (a) kan ontbrand in 'n mengsel van 13% of minder (per volume) met lug, of
- (b) oor 'n vlambare bestek met lug van minstens 12 persentasiepunte beskik, ongeag die laer vlamperk;

**"vlambare vaste stof"** 'n vaste stof wat maklik ontbrand weens eksterne bronne soos vonke en vlamme, vaste stowwe wat gereedelik brandbaar is, vaste stowwe wat 'n brand kan veroorsaak of daartoe kan bydra deur wrywing, of vaste stowwe wat gedesensitiseerde (benatte) plofstowwe is wat kan ontplof as dit nie voldoende verdun word nie;

**"vlambare stof"** 'n vlambare vloeistof of 'n vlambare gas;

**"vlambare vloeistowwe"** 'n vloeistof, of mengsel van vloeistowwe, of 'n vloeistof met vastestowwe in oplossing of suspensie wat 'n vlambare damp by of onder 60,5 grade Celsius afgee;

**"Wet op Beroepsgesondheid en Veiligheid"** die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet nr 85 van 1993);

**"Wet op Brandweerdienste"** die Wet op Brandweerdienste, 1987 (Wet nr 99 van 1987);

**"Wet op Gevaarhoudende Stowwe"** die Wet op Gevaarhoudende Stowwe, 1973 (Wet nr 15 van 1973);

"Wet op Standaarde" die Wet op Standaarde, 1993 (Wet nr 29 van 1993); en

enige verwysing na 'n SABS-kode sal verwys na die betrokke Kode wat gepubliseer is deur die Suid-Afrikaanse Buro vir Standaarde en uitgereik is ingevolge die Wet op Standaarde.

## HOOFSTUK 2

### BRANDBESKERMING VAN GEBOUE

#### Aanmelding van 'n brandgevaar en ander dreigende gevaar

2. 'n Eienaar of die persoon in beheer van enige perseel moet, by die ontdekking van enige bewyse van 'n brandgevaar of ander dreigende gevaar waarop hierdie verordeninge van toepassing is, onmiddellik die Raad in kennis stel van sodanige brandgevaar of dreigende gevaar.

#### Toegang vir noodvoertuie

3. (1) Wanneer, volgens die mening van die Raad, 'n perseel nie gereedlik vanaf openbare paaie toeganklik is nie moet dit van 'n noodvoertuigtoegang voorsien word wat -

- (a) gebou moet word sodat dit in staat is om die massa van die swaarste noodvoertuig wat nodig is om vir die risiko van die perseel voorsiening te maak, te ondersteun; en
- (b) waar die perseel oor 'n gemotoriseerde of elektroniesbeheerde hek beskik, op so 'n wyse toegerus word dat toegang tot die perseel verkry kan word sonder die gebruik van 'n motor of elektroniese toestel.

(2) Brandlane moet vir alle persele verskaf word wat meer as 45 meter van 'n openbare pad is of hoër as nege meter en meer as 15 meter van 'n openbare pad is.

(3) Brandlane moet minstens vier meter breed wees, waarvan die posisie in oorleg met die Raad beslis moet word, en die gebied van grondvlak tot 'n hoogte van vier meter bo die brandlaan moet onbelemmerd bly.

(4) 'n Cul-de-sac wat meer as 90 meter in lengte is, moet voorsien word van 'n minimum draaisirkel aan die doodlooppunt van die straat om voorsiening te maak vir die grootste noodvoertuig wat nodig is vir die risiko van die perseel.

(5) Die ontwerp, merke, gebruik en instandhouding van brandlane wat nie deel vorm van 'n openbare pad nie moet voldoen aan die vereistes van die Raad.

(6) Dit is onwettig vir 'n persoon om 'n voertuig in 'n brandlaan te parkeer of dit andersins te blokkeer.

#### Verdeling en okkupasieskeidingslemente

4. 'n Eienaar of persoon in beheer van 'n gebou mag nie 'n verdeling of okkupasieskeidingslement op enige wyse verander wat dit minder doeltreffend maak nie of toelaat dat vlam-, hitte- of verbrandingsprodukte die aanliggende kompartement of struktuur kan binnedring.

#### Branddeure en toebehore

5. (1) Behoudens die bepalings van SABS 1253, moet 'n branddeur en toebehore op so 'n wyse in stand gehou word dat dit in die geval van 'n brand sy integriteit, isolasie en stabiliteit behou vir die tydperk wat vir daardie bepaalde klas van deur vereis word.

(2) 'n Branddeur mag oopgehou word slegs wanneer dit met 'n outomatiese oophou-lostoestel toegerus is wat deur die Raad goedgekeur is.

(3) 'n Branddeur en toebehore mag nie minder doeltreffend gemaak word deurdat -

- (a) die integriteit, isolasie of stabiliteit van 'n besondere klas van deur verander word nie;
- (b) die selfsluitingsmeganisme ontkoppel word nie;
- (c) die deur vasgewig, geblokkeer of versper word sodat dit nie kan toemaak nie;
- (d) die smeltbare skakelaansitmeganisme van 'n deur geverf word;
- (e) 'n elektriese of elektroniese losmeganisme ontkoppel of minder doeltreffend gemaak word nie; of
- (f) deur enige ander aksie wat 'n branddeur of toebehore minder doeltreffend maak.

**Ontsnaproetes**

6. (1) Geen deel van 'n brandontsnaproete mag versper of op enige wyse minder doeltreffend gemaak word nie.
- (2) 'n Sluittoestel, wat aan 'n toegangs- of ontsnapdeur in 'n ontsnaproete geheg is, moet van 'n tipe wees wat deur die Raad goedgekeur is.
- (3) Waar dit deur die Raad vereis word, moet 'n ontsnaproete duidelik met tekens aangedui word wat aan SABS 1186 voldoen, en wat die rigting van die beweging in die geval van 'n brand of enige ander noodgeval aandui.

**HOOFSTUK 3****BRANDVEILIGHEIDSTOERUSTING****Brandblussers**

7. (1) Brandblussers moet op 'n perseel verskaf en geïnstalleer word soos deur die Nasionale Bouregulasies (T1) en (T2) vereis.
- (2) Brandblussers moet in ooreenstemming met die vereistes van die Wet op Beroepsgesondheid en Veiligheid, SABS 1475: Deel 1, SABS 1571, SABS 1573 en SABS 0105: Deel I in stand gehou word.
- (3) Geen persoon mag 'n brandblusser volmaak, hervul, vernuwe, verander, herstel, inspekteer of toets ingevolge SABS 1475: Deel I nie, tensy so 'n persoon die houer van 'n permit is wat uitgereik is deur die Suid-Afrikaanse Buro vir Standaarde of 'n sertifikaat van bevoegdheid wat uitgereik is deur die Suid-Afrikaanse Kwalifikasiesertifiseringskomitee.
- (4) Die eienaar of persoon in beheer van die perseel mag nie toelaat dat 'n brandblusser volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets word deur 'n persoon wat nie in besit van 'n permit of sertifikaat bedoel in subartikel (3) is nie.
- (5) Waar 'n brandblusser volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets word deur 'n persoon wat nie in besit van 'n permit bedoel in subartikel (3) is nie, moet die Raad die eienaar of persoon in beheer van sodanige perseel opdrag gee dat die werk uitgevoer word deur 'n persoon wat in besit van so 'n permit of sertifikaat is.
- (6) Wanneer, volgens die mening van die Raad, 'n brandblusser onveilig of ondoeltreffend is as gevolg van agteruitgang, ontwerp of konstruksie, moet die Raad die eienaar of die persoon in beheer van die perseel gelas om die toestel te laat inspekteer en toets ingevolge SABS 1475: Deel 1 en SABS 1571.
- (7) 'n Brandblusser mag nie van die perseel verwyder word om volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets te word nie tensy die toestel tydelik vervang word met 'n soortgelyke toestel wat in 'n goeie werkende toestand is.
- (8) 'n Brandblusser mag nie geïnstalleer, uitmekaar gehaal, hervul, ontkoppel, versien, verander, herstel of getoets word in 'n gebied waar so 'n handeling 'n gevaar of bedreiging sal skep nie.

**Toetsing en instandhouding van 'n brandbeskermingstelsels**

8. (1) 'n Brandbeskermingstelsel moet op 'n gereelde grondslag getoets en in stand gehou word en die eienaar of persoon in beheer van die perseel moet 'n gedetailleerde rekord van die toetsing en instandhouding van die stelsel hou.
- (2) 'n Persoon mag nie 'n brandbeskermingstelsel toets voor hy die okkuperders van die betrokke perseel in kennis gestel het van die begin- en eindtye van die toets, en waar van toepassing, die partye wat die brandbeskermingstelsel moniteer.
- (3) 'n Brandbeskermingstelsel wat ontwerp is vir die opsporing, bestryding, beheer en blus van 'n brand moet in ooreenstemming met die Nasionale Bouregulasies (T2) in stand gehou word.
- (4) 'n Brandbeskermingstelsel mag nie geïnstalleer, uitmekaar gehaal, hervul, ontkoppel, versien, verander, herstel of getoets word in 'n gebied waar so 'n handeling 'n gevaar of bedreiging sal skep.
- (5) Die eienaar of persoon in beheer van die perseel moet die Raad onmiddellik in kennis stel wanneer die brandbeskermingstelsel, of 'n komponent daarvan, ondiensbaar geraak het of aan diens onttrek word en moet die Raad so gou doenlik in kennis stel indien dit herstel is.
- (6) Die eienaar of persoon in beheer van die perseel moet alle stappe doen wat deur die Raad nodig geag word om alternatiewe toerusting te voorsien om die vlak van veiligheid op die perseel te handhaaf.

**Inmenging met brandbeskermingstelsels en brandblussers**

9. Niemand mag aan 'n brandblusser of brandbeskermingstelsel peuter of daarmee inmeng nie, behalwe soos wat tydens noodgevalle, instandhouding, oefening of voorgeskrewe toetsing mag nodig wees.

**HOOFSTUK 4****OPENBARE VEILIGHEID****Bywoning van 'n diens**

10. (1) Wanneer die Raad van mening is dat dit vir 'n verteenwoordiger van die brandweardiens nodig is om teenwoordig te wees tydens 'n funksie in 'n plek wat vir vermaak of openbare byeenkoms gebruik word, kan die Raad, in die belang van openbare veiligheid en onderhewig aan die vereistes van die diens, een of meer lede, 'n voertuig of toerusting van 'n diens verskaf om teenwoordig te wees op die perseel vir die duur van die funksie of 'n deel daarvan.

(2) Waar die vermaak of openbare byeenkoms op die Raad se eiendom of private eiendom plaasvind, maar vir private doeleindes, sal die koste van die bywoning van die verteenwoordigers van die brandweardiens van die organiseerders verhaalbaar wees.

**Formulering van 'n noodontruimingsplan**

11. (1) Die eienaar of persoon in beheer van 'n skool, hospitaal, residensiële instelling, hotel, gastehuis, hostel of ander soortgelyke bewoning wat 'n inwonertal van meer as 25 persone (insluitende personeel) het, moet 'n noodontruimingsplan formuleer waarin die gepaste stappe wat geneem moet word deur die personeel of die okkupeerders in die geval van 'n brand of ander dreigende gevaar uiteengesit word.

(2) Die Raad kan die eienaar of persoon in beheer van die perseel, anders as dié beoog in subartikel (1), opdrag gee om 'n noodontruimingsplan te formuleer waarin die gepaste stappe deur die personeel of die okkupeerders in die geval van 'n brand of ander dreigende gevaar uiteengesit word.

(3) Die plan in subartikels (1) en (2) vermeld, moet hersien word as 'n aspek daarvan nie meer toepaslik is nie of as die gebou waarvoor die plan ontwerp is, verander.

(4) Die noodontruimingsplan moet in sy geheel na 'n maksimum van sesmaandelikse tussenposes getoets word of wanneer die plan hersien is en 'n rekord van die toetsing moet in 'n register gehou word.

(5) Die register in subartikel (4) vermeld, moet die volgende inligting bevat:

- (a) die datum en tyd van die toets;
- (b) die aantal deelnemers;
- (c) die resultaat van die toets en enige regstellende stappe wat vereis word, en
- (d) die naam en handtekening van die persoon wat oor die toets toesig hou.

(6) Die register, tesame met die noodontruimingsplan, moet op die perseel beskikbaar wees vir insae deur die Raad.

(7) Die Raad kan die formulering en implementering van die noodontruimingsplan evalueer en kan enige aanbevelings of regstellende stappe om foute in die plan te verbeter of reg te stel amptelik kommunikeer.

**Aanbring van ontsnaproeteplanne**

12. Die ontsnaproeteplan moet op 'n opvallende plek in enige kamer wat vir slaapdoeleindes ontwerp is, aangebring word.

**Versperring van leë geboue**

13. Die eienaar of persoon in beheer van 'n gebou of gedeelte daarvan wat leeg is, moet alle brandbare afval of vullis daaruit verwyder en alle vensters, deure en ander openinge in die gebou tot die bevrediging van die Raad sluit, versper of andersins beveilig om die skepping van 'n brandgevaar veroorsaak deur die toegang van 'n ongemagtigde persoon te voorkom.

**HOOFSTUK 5****HUISHOUDING****Brandbare afval en vullis**

14. (1) Die eienaar of persoon in beheer van die perseel of 'n deel daarvan mag nie toelaat dat brandbare afval of vullis ophoop in enige gebied of op enige wyse om 'n brandgevaar of ander dreigende gevaar te skep nie.

(2) Brandbare afval en vullis moet behoorlik bewar of mee weggedoen word om 'n brandgevaar of ander gevaar te voorkom.

#### **Brandbare of vlambare stowwe en verbindings vir vee**

15 (1) Slegs watergebaseerde oplossings, skoonmaakmiddels, verbindings vir die vee van vloere en ghriesabsorbeermiddels mag vir skoonmaakdoeleindes gebruik word.

(2) Die gebruik van saagsels of soortgelyke brandbare materiaal om verspilde brandbare of vlambare stowwe op te suig, is verbode.

#### **Aanpaksels in skoorstene, vuurgange en kanale**

16. Die eienaar of persoon in beheer van die perseel of deel daarvan mag nie toelaat dat roet of enige ander brandbare stof in 'n skoorsteen, vuurgang of kanaal van die perseel in hoeveelhede of op so 'n wyse versamel dat dit 'n brandgevaar of ander dreigende gevaar skep nie.

#### **Bronne vir ontbranding**

17. (1) Rook, die dra van vuurhoutjies, die gebruik van verhitting, oopvlamtoestelle of vonkveroorakende toerusting is verbode in gebiede wat brandbare of vlambare stowwe bevat.

(2) Warm as, sintel of smeulende kole moet in 'n nie-brandbare houer geplaas word en die houer moet op 'n nie-brandbare oppervlak of staander geplaas word.

(3) 'n Toereikende afstand, soos deur die Raad toepaslik geag, moet vereker en gehandhaaf word tussen brandbare stowwe en verhitting- of verligtingstoerusting of ander bronne van ontbranding.

(4) Draagbare verwarmers moet beveilig word sodat hulle nie kan omval nie, en die Raad kan die gebruik van draagbare verwarmers verbied ten opsigte van bewoning of situasies waar sodanige gebruik of werking 'n brandgevaar of ander dreigende gevaar sal skep.

#### **Rook**

18. (1) Indien toestande bestaan waar rook 'n brandgevaar op die perseel skep, is rook verbode en "Geen Rook"-tekens moet vertoon word soos voorgeskryf deur die Raad en die tekens moet aan SABS 1186: Deel 1 voldoen.

(2) Geen persoon mag 'n "Geen Rook"-teken verwyder nie.

(3) Geen persoon mag 'n sigaar, sigaret, pyp, tabak of ander stof aansteek of rook nie of ander materiaal laat ontbrand of andersins aan die brand steek nie, en ook nie enige aangesteekte of smeulende stof vashou, besit, gooi of plaas op enige plek waar dit uitdruklik verbode is nie.

(4) 'n Persoon mag 'n brandende vuurhoutjie, brandende sigaret of ander brandende materiaal of enige materiaal wat spontaan kan ontbrand of vanself ontbrand in 'n openbare pad of openbare plek weggooi, neersit of laat val nie.

#### **Elektriese toebehore, toerusting en toestelle**

19. Geen persoon mag veroorsaak of toelaat dat -

(1) 'n elektriese kragpunt oorlaai word nie; of

(2) 'n elektriese toestel of verlengkoord gebruik word op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar skep nie.

#### **Oopvlamtoestel**

20. 'n Persoon mag nie veroorsaak of toelaat dat 'n oopvlamtoestel soos 'n kers, lantern of fakkel, maar nie daartoe beperk nie, gebruik word op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar skep nie.

## **HOOFSTUK 6**

### **BRANDGEVARE**

#### **Brandbare materiaal**

21. (1) 'n Persoon mag nie enige brandbare materiaal of 'n vlambare stof bewaar, vervoer, gebruik of vertoon of veroorsaak of toelaat dat dit bewaar, vervoer, gebruik of vertoon word nie, hetsy binne of buite enige perseel, in hoeveelhede of in 'n posisie of op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar sal veroorsaak of skep.

(2) Die eienaar of persoon in beheer van enige perseel mag nie toelaat dat plantegroei daarop groei of ophoop of dat ander brandbare materiaal daarop ophoop op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie.

#### **Aansteek van vure en verbranding van brandbare materiaal**

22. (1) Die aansteek van vure en die wegdoen van brandbare materiaal deur verbranding is verbode, behalwe in die omstandighede uiteengesit in hierdie artikel.

(2) 'n Persoon mag 'n vuur aansteek of 'n oopvlamtoestel gebruik vir die doel van voedselbereiding of vir enige ander huishoudelike doel op 'n wyse wat nie sal veroorsaak dat 'n brandgevaar of ander dreigende gevaar sal ontstaan nie of waar so 'n vuur nie deur enige ander wetgewing verhinder word nie.

(3) Verbranding kan plaasvind op staatsgrond, 'n plaas, 'n kleinhoewe of grond binne 'n geproklameerde dorp wat nie benut word vir residensiële doeleindes nie op voorwaarde dat die vooraf goedkeuring van die Raad verkry word.

### **HOOFSTUK 7**

#### **VLAMBARE STOWWE**

##### **Bewaring en gebruik van 'n vlambare stof**

23. (1) Voor die bou van 'n nuwe installasie of die verandering van 'n bestaande installasie, hetsy tydelik of permanent, vir die bewaring van 'n vlambare stof moet die eienaar of persoon in beheer van die installasie 'n bouplan aan die Raad, in ooreenstemming met die Nasionale Bouregulasies, voorlê, en 'n afskrif van die goedgekeurde plan moet op die terrein beskikbaar wees waar die installasie gebou word.

(2) Voor die ingebruikstelling van 'n bogrondse of ondergrondse bewaringstenkinstallasie, vloeibare petroleumgasinstallasie of gepaardgaande pype moet die eienaar of persoon in beheer van die installasie verseker dat dit drukgetoets word in ooreenstemming met die bepalings van die Nasionale Bouregulasies (T1), SABS 0131: Deel 1 en 2, SABS 089: Deel 3 en SABS 087: Dele 1,3 en 7 (wat ook al van toepassing) in die teenwoordigheid van die Raad.

(3) Ondanks subartikel (2), kan die Raad vereis dat 'n bestaande bogrondse of ondergrondse bewaringstenkinstallasie, vloeibare petroleumgasinstallasie of gepaardgaande pype drukgetoets word in ooreenstemming met die bepalings van die Nasionale Bouregulasies (T1).

(4) Die Raad moet ten minste 48 uur voor die druktoets daarvan in kennis gestel word.

(5) Die eienaar of persoon in beheer van die perseel mag nie die volgende gebruik of bewaar nie:

(a) 'n vlambare gas van meer as 19 kilogram; of

(b) 'n vlambare vloeistof behorende tot gevaargroep (i), (ii), (iii) of (iv) in meer as 200 liter, tensy hy of sy 'n sertifikaat vir vlambare stowwe van die Raad verkry het.

##### **Sertifikaat vir vlambare stowwe**

24. (1) Die eienaar of persoon in beheer van die perseel wat 'n sertifikaat vir vlambare stowwe vermeld in artikel 23 (5) vereis, moet 'n aansoek aan die Raad voorlê.

(2) Die Raad moet weier om die sertifikaat vir vlambare stowwe uit te reik indien die perseel nie aan die vereistes van die Nasionale Bouregulasies (T1), asook bykomende vereistes uiteengesit in hierdie verordening, voldoen nie, en waar die Raad van mening is dat die nie-nakoming met betrekking tot die perseel reggestel kan word, moet die Raad die eienaar of persoon in beheer van die perseel skriftelik gelas om alle redelike stappe te doen om die perseel veilig te maak voor die gebruik van die perseel en die uitreiking van die sertifikaat.

(4) 'n Sertifikaat vir vlambare stowwe moet jaarliks hernu word, voor of op die datum soos aangedui op die sertifikaat vir vlambare stowwe, en wanneer die hoeveelheid of klas van die vlambare stowwe verander word.

(5) 'n Perseel moet gebruik word in ooreenstemming met enige voorwaardes in die sertifikaat vir vlambare stowwe gespesifiseer en wanneer, na die mening van die Raad, vlambare stowwe bewaar of gebruik word vir enige proses op 'n wyse wat gevaarlik is vir lewe of eiendom, of 'n installasie ongemagtig is, kan 'n bevel vir die verwydering van die vlambare stowwe of installasie van die perseel uitgereik word.

(6) 'n Verskaffer mag nie vlambare stowwe aan die eienaar of persoon in beheer van die perseel lewer nie, tensy die eienaar of persoon in beheer van die perseel in besit is van 'n geldige sertifikaat vir vlambare stowwe wat deur die Raad uitgereik is.



- (7) 'n Sertifikaat vir vlambare stowwe is net geldig:
- (a) vir die installasie waarvoor dit uitgereik is;
  - (b) vir die toestand van die perseel ten tyde van uitreiking, en
  - (c) vir die hoeveelhede op die sertifikaat vermeld.
- (8) Die sertifikaat vir vlambare stowwe moet te alle tye op die perseel beskikbaar wees vir inspeksie.

**Permanente of tydelike bogrondse bewaringstenk vir 'n vlambare vloeistof**

25 (1) 'n Tydelike bogrondse bewaringstenk uitgesonderd 'n grootmaatbewaringsdepot kan toegelaat word, na goeddunke van die Raad, gebaseer op die meriete van die situasie, mits daar aan die volgende vereistes voldoen word:

- (a) indien dit 'n kapasiteit van hoogstens 9 000 liter het en nie gebruik word vir die bewaring van vlambare stowwe met 'n flitspunt onder 40 grade Celsius nie;
  - (b) om op die perseel te wees vir 'n tydperk van hoogstens ses maande;
  - (c) die hele installasie moet voldoen aan SABS 0131: Deel 1 of SABS 0131: Deel 2, wat ook al van toepassing is; en
  - (d) 'n skriftelike aansoek, tesame met 'n plan, minstens 14 dae voor die oprigting van die tenk aan die beheerowerheid voorgelê word en die skriftelike toestemming van die Raad verkry word.
- (2) Ondanks artikel 28 (1) moet, indien 'n bogrondse bewaringstenk met 'n groter kapasiteit vereis word of die tenk 'n permanente installasie gaan wees, 'n aanvaarbare rasonale ontwerp gebaseer op 'n tersaaklike nasionale of internasionale kode of standaard aan die Raad voorgelê word vir goedkeuring ingevolge die Nasionale Bouregulasies (T1).
- (3) Die ontwerpvereistes en bou van 'n permanente tenk moet in ooreenstemming met tersaaklike nasionale of internasionale kodes wees.
- (4) Die verlangde kapasiteit van 'n permanente of tydelike tenk moet voldoende vryruimte bied vir uitsetting van die produk, weens die styging in temperatuur tydens bewaring, wat daarin bewaar word.
- (5) 'n Permanente of tydelike tenk moet minstens 3,5 meter van grense, geboue en ander vlambare stowwe of brandbare materiaal opgerig word.
- (6) 'n Permanente of tydelike tenk moet op stewige, gelyk grond geleë wees en die grond moet sterk genoeg wees om die massa van die tenk en die inhoud te ondersteun.
- (7) 'n Permanente of tydelike tenk moet 'n keermuur hê.
- (8) Voldoende voorsorgmaatreëls moet getref word om verspilling tydens die vul van 'n tenk te voorkom.
- (9) Voldoende brandblussers, soos deur die Raad bepaal, moet in weervaste kaste in die nabyheid van 'n tenk voorsien word.
- (10) Simboliese veiligheidstekens wat "Geen Rook", "Geen onbeskermdde ligte" en "Gevaar" moet aangrensende aan 'n tenk voorsien word, en die tekens moet aan SABS 1186: Deel 1 voldoen.
- (11) Die vlambare vloeistof in die tenk moet duidelik geïdentifiseer word met behulp van die Hazchem plakkers wat in SABS 0232: Deel 1 gebruik word.
- (12) 'n Elektriese of 'n binnebrandpomp moet verskaf en so geplaas word dat dit die gevaar dat die vlambare vloeistof kan ontbrand, uitskakel.
- (13) Die elektriese installasie wat gepaardgaan met die bogrondse bewaringstenk moet aan SABS 0108 en SABS 089: Deel 2 voldoen.

**Ondergrondse bewaringstenk vir 'n vlambare vloeistof**

26. Die installasie van ondergrondse bewaringstenks, pompe, voerders en pype by vulstasies en verbruikersinstallasies moet in ooreenstemming met die Nasionale Bouregulasies (T1) saamgelees met SABS 0400, SABS 089: Deel 3 en SABS 0131: Deel 3 wees.

**Grootmaatbewaringsdepot vir vlambare stowwe**

27. Die hantering, bewaring en verspreiding van vlambare stowwe by grootmaatdepots moet in ooreenstemming met die Nasionale Bouregulasies (T1) saamgelees met SABS 089: Deel 1 wees.

**Klein installasies vir vloeibare petroleumgas**

28. Vloeibare petroleumgasinstallasies betreffende gasbewinghouers met 'n individuele waterkapasiteit van hoogstens 500 liter en 'n gekombineerde waterkapasiteit van hoogstens 3 000 liter per installasie moet geïnstalleer en hanteer word in ooreenstemming met SABS 087: Deel 1.

**Vloeibare petroleumgasinstallasie in mobiele eenhede en klein nie-permanente geboue**

29. 'n Vloeibare petroleumgas in mobiele eenhede en klein nie-permanente geboue moet in ooreenstemming met SABS 087: Deel 2 wees.

**Die brandstofvoorsiening aan vorkheftrucks en ander VP-gasvoertuie**

30. Die brandstofvoorsiening aan vorkheftrucks en ander VP-gasaangedrewe voertuie moet in ooreenstemming met SABS 087: Deel 8 wees.

**Die bewaring en opvulling van hervulbare vloeibare petroleumgashouers**

31. Bewarings- en opvullingpersele wat gebruik word vir hervulbare vloeibare petroleumgashouers met 'n kapasiteit van hoogstens 9 kg moet in ooreenstemming met SABS 087: Deel 7 wees.

**Grootmaatbewaringshouer vir vloeibare petroleumgas**

32. Die uitleg, ontwerp en bedryf van installasies vir die bewaring van 'n grootmaat vloeibare petroleumhouer en verwante fasiliteite moet in ooreenstemming met die Nasionale Bouregulasies (T1) saamgelees met SABS 087: Deel 3 wees.

**Beëindiging van die bewaring en gebruik van vlambare stowwe**

33. (1) As 'n bopgrondse of ondergrondse tenkinstallasie, vloeibare petroleumgasinstallasie of verwante pype nie meer vir die bewaring of gebruik van 'n vlambare stof gebruik word nie moet die eienaar of persoon in beheer van die perseel waarop die installasie opgerig is:

- (a) binne sewe dae na die beëindiging die Raad daarvan in kennis stel;
- (b) binne 30 dae na die beëindiging die vlambare stof van die installasie verwyder en dit veilig maak;
- (c) binne ses maande na die beëindiging die installasie, insluitende enige verwante pype, volledig vanaf die perseel verwyder, tensy die beheerowerheid anders gelas; en
- (d) 'n openbare voetpad of pad wat deur die verwydering versteur is binne 'n tydperk van die voltooiing van die verwydering van die installasie tot bevrediging van die Raad herstel.

(2) Indien die verwydering van 'n ondergrondse tenkinstallasie die stabiliteit van die perseel nadelig beïnvloed, moet die eienaar of persoon in beheer van die installasie skriftelik aansoek by die Raad doen om die tenk met vloeibare sementflodder te vul.

**Aanmelding van ongelukke**

34. Indien 'n ongeluk plaasvind waarby 'n vlambare stof betrokke is en lei tot 'n brand, 'n ontploffing, verspilling of verlies van 'n vlambare stof, asook persoonlike besering of dood, moet die eienaar of persoon in beheer van die perseel die Raad onmiddellik in kennis stel.

**Bewaringsplekke vir vlambare stowwe**

35. (1) Die bou van 'n bewaarplek vir vlambare stowwe moet in ooreenstemming met die Nasionale Bouregulasies (T1) saamgelees met SABS 0400 wees.

(2) Die vloer moet van betonkonstruksie of ander ondeurdrinbare materiaal wees en moet onder die deurvlak versink wees of oor 'n drumpel beskik.

(3) Die versinking of drumpel moet so diep of hoog wees dat in die geval van verspilling dit in staat sal wees om die hoeveelheid vlambare vloeistof te hou soos aangedui op die sertifikaat vir vlambare stowwe en 'n bykomende 10% van die hoeveelheid wat op die sertifikaat vermeld word.

(4) Ondanks die Nasionale Bouregulasies (T1) saamgelees met SABS 0400:

- (a) moet die daksamestelling van 'n bewaarplek vir vlambare stowwe gebou wees van 'n betonblad wat in staat moet wees om twee-uur brandbestandheid te verskaf as dit deel van 'n ander gebou vorm;
- (b) moet die ventilasie van 'n bewaarplek vir vlambare stowwe moontlik gemaak word deur die gebruik van bakstene geleë in die eksterne mure teen die verhouding van een lugbaksteen nominaal bokant die vensterbankvlak en een lugbaksteen geleë in die boonste derde van die muur per 5 m<sup>2</sup> van muurgebied of deel daarvan sodat dampe nie in die bewaarplek kan versamel nie;
- (c) moet die lugbakstene beide intern en ekstern bedek word met nou-geweefde, nie-korrosiebestande draadgaas van minstens 1 100 roosters per meter; en
- (d) die draadgaas moet deur metaalbande, 'n metaalraam of sement in posisie gehou word.

- (5) Wanneer die Raad dit vereis, moet die bewaarplek vir vlambare stowwe geventileer word deur 'n meganiese ventilasiestelsel wat deur die Raad goedgekeur is en moet dit aan die volgende vereistes voldoen:
- (a) die ventilasiestelsel moet intrinsiek veilig wees en 30 lugveranderinge per uur verskaf en deurlopend funksioneer;
  - (b) die waaieruittrekpunt moet nominaal bokant vensterbankvlak wees en moet deur 'n vertikale metaalbuis uitblaas wat ten minste 1 meter bo dakhoogte eindig of minstens 3,6 meter bo grondvlak, wat ook al die grootste is;
  - (c) kanaalmateriaal wat buite die bewaarplek is, maar met die res van die gebou verbind is, moet toegerus word met 'n branddempers van twee-uur brandweerstand by die punt van die uitgang van 'n bewaarplek vir vlambare stowwe; en
  - (d) die kanaal moet so kort as moontlik wees en nie oor skerp draaie beskik nie.
- (6) Ondanks die Nasionale Bouregulasies (T1) saamgelees met SABS 0400, moet 'n bewaarplek vir vlambare stowwe gebou word van materiaal met 'n brandweerstand van twee uur, mits alle toepaslike veiligheidsmaatreëls nagekom word, en die deur moet na buite oopmaak.
- (7) Wanneer die Raad dit vereis, moet 'n bewaarplek vir vlambare stowwe se deur 'n D-klas branddeur wees wat aan SABS 1253 voldoen.
- (8) Ondanks die Nasionale Bouregulasies (T1) saamgelees met SABS 0400, moet kunsmatige verligting in die bewaarplek vir vlambare stowwe geskied deur elektriese ligte met dampwerende toebehore waarvan die drade deur naatlose staalleipyp loop, en die skakelaars vir die ligte moet buite die bewaarplek geleë wees.
- (9) Geen ander elektriese apparaat mag in die bewaarplek vir vlambare stowwe geïnstalleer word nie .
- (10) 'n Bewaarplek vir vlambare stowwe moet voorsien word van 'n skuiminlaat bestaande uit 'n 65 millimeter manlike oombliklike koppeling en sagte staal pypwerk wat na die binnekant daarvan lei en die skuiminlaat moet geïdentifiseer word deur middel van 'n teken met die woorde "Skuimtoevoerpyp" in blokletters van 100 millimeter.
- (11) Rakke opgerig in die bewaarplek vir vlambare stowwe moet van nie-brandbare materiaal wees.
- (12) Die bewaarplek vir vlambare stowwe moet geïdentifiseer word deur die woorde, "Flammable Store-Bewaarplek vir Vlambare Vloestowwe-Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", en die toelaatbare hoeveelheid wat in die bewaarplek vir vlambare stowwe toegelaat word, moet aangedui word in blokletters van 100 millimeter aan beide die binne- en buitekant van alle deure wat regstreeks met die bewaarplek in verbinding is.
- (13) Die eienaar of persoon in beheer van 'n bewaarplek vir vlambare stowwe moet verseker dat die bewaarplek vir vlambare stowwe se deure gesluit gehou word wanneer die bewaarplek nie gebruik word nie.
- (14) 'n Persoon mag nie 'n bewaarplek vir vlambare stowwe binnegaan of toelaat dat dit binnegegaan word nie sonder die toestemming van die eienaar of persoon in beheer van die perseel.
- (15) Voldoende brandblussers, soos deur die Raad bepaal, moet gemonteer word op die eksterne muur van die bewaarplek vir vlambare stowwe op 'n opvallende en maklik bereikbare plek.
- (16) Enige handgereedskap wat in die bewaarplek vir vlambare stowwe gebruik word, moet intrinsiek veilig wees.
- (17) 'n Persoon mag nie 'n vlambare bewaarplek gebruik of toelaat dat dit gebruik word vir enige ander doel as dit wat op die sertifikaat vir vlambare stowwe aangedui is nie, tensy die bewaarplek nie gebruik word as 'n bewaarplek vir vlambare stowwe nie en die Raad ingevolge die volgende prosedure ingelig is:
- (a) binne sewe dae na die beëindiging moet die Raad daarvan in kennis gestel word;
  - (b) binne 30 dae na die beëindiging moet die vlambare stof uit die bewaarplek vir vlambare stowwe verwyder word en veilig gemaak word; en
  - (c) binne 30 dae na die beëindiging moet alle tekens verwyder word.
- (18) Behoudens die bepalings van hierdie artikel, kan die Raad bykomende vereistes stel om die brandveiligheid van 'n bewaarplek vir vlambare stowwe te verbeter.

#### **Houerhantering en bewaring**

36. (1) Alle houer vir vlambare stowwe moet toe gehou word wanneer dit nie in gebruik is nie.

(2) 'n Persoon mag nie vlambare vloestowwe uit 'n houer met 'n kapasiteit van meer as 20 liter neem nie tensy die houer toegerus is met 'n behoorlik geseëlde pomp of kraan.

(3) Houers vir vlambare vloeistowwe moet geëtiketteer en gemerk wees met woorde en ontwerpkins wat die vlambare stowwe wat daarin vervat is, aandui asook die gevare van die vloeistowwe.

(4) Houers vir vlambare vloeistowwe moet gas- of dampvry verklaar word deur 'n bevoegde persoon voordat enige verandering of herstelwerk daaraan gedoen word.

(5) Alle houers vir vlambare stowwe moet so vervaardig en in stand gehou word om redelik veilig te wees teen beskadiging en om lekkasie van vlambare stowwe of dampe daaruit te voorkom.

(6) 'n Leë houer vir vlambare stowwe moet in 'n bewaarplek vir vlambare stowwe geplaas word.

(7) Waar 'n bewaarplek vir vlambare stowwe nie beskikbaar is vir die bewaring van leë houers vir vlambare vloeistof nie, kan die Raad sodanige bewaring in die ope lug toelaat, mits:

- (a) die bewaringsgebied in 'n posisie en van voldoende grootte is wat na die mening van die Raad nie 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie;
- (b) die bewaringsgebied goed geventileer en omring is deur 'n draadmaasheining en:
  - (i) die heiningpale van staal of gewapende beton is;
  - (ii) 'n hek het wat ba buite oopmaak wat gesluit word wanneer dit nie in gebruik is nie; en
  - (iii) wanneer die vloeroppervlakte groter as 10 m<sup>2</sup> is 'n bykomende ontsnaphek geïnstalleer word wat toegerus is met 'n grendel of ander soortgelyke sluittoestel wat van die binnekant oopgemaak kan word sonder die gebruik van 'n sleutel;
- (c) die bewaringsgebied vry is van plantegroei en oor 'n nie-brandbare stewige, gelyk basis beskik;
- (d) 'n afstand van twee meter rondom die omtrek van die omheinde gebied vry is van gras, onkruid en soortgelyke brandbare materiaal;
- (e) wanneer die bewaringsgebied 'n dak het, moet die konstruksie van die dak en steunstruktuur van nie-brandbare materiaal wees;
- (f) oop vlamme, sweiswerk, snywerk en rook verbode is in of naby die bewaringsgebied en tekens prominent vertoon word op die heining en aan SABS 1186: Deel 1 voldoen; en
- (g) brandbestrydingstoerusting geïnstalleer is soos deur die Raad bepaal.

(8) 'n Leë houer vir vlambare stowwe moet dig toe wees met 'n prop of ander geskikte stopper.

#### **Spuitskamers en hokkies**

37. 'n Spuitkamer, hokkie of gebied aangewys vir die toediening van 'n vlambare vloeistof moet gebou en toegerus wees op so 'n wyse om te voldoen aan die Algemene Gesondheidsregulasies uitgevaardig ingevolge die Wet op Beroepsgesondheid en Veiligheid.

#### **Vloeibare petroleumgashouers**

38. (1) 'n Vloeibare petroleumgashouer moet vervaardig, in stand gehou en getoets word in ooreenstemming met SABS 087: Deel 1 en SABS 019.

(2) 'n Vloeibare petroleumgashouer moet gebruik en bewaar word op so 'n wyse dat skade of lekkasie van vloeistof of damp daaruit voorkom word.

(3) 'n Vloeibare petroleumgashouer met 'n kapasiteit van hoogstens nege kilogram moet gevul en bewaar word in ooreenstemming met SABS 087: Deel 7.

### **HOOFSTUK 8**

#### **ALGEMENE BEPALINGS**

##### **Vrywaring**

39. Die Raad is nie aanspreeklik vir skade of verlies nie as gevolg van, maar nie beperk tot, liggaamlike besering, verlies van lewe of die verlies van of skade aan eiendom of finansiële verlies, of gevolglike verlies wat veroorsaak word deur of ontstaan uit of in verband met enigiets in goeie trou gedoen of verrig of nagelaat in die uitoefening of verrigting van 'n bevoegdheid, funksie of plig verleen of opgelê ingevolge hierdie verordeninge.

##### **Misdrywe en strawwe**

40. Enige persoon wat -

- (a) enige van die bepalings van hierdie verordeninge oortree of versuim om daaraan te voldoen;
- (b) versuim om te voldoen aan enige kennisgewing uitgereik ingevolge hierdie verordeninge;
- (c) versuim om te voldoen aan enige wettige opdrag wat ingevolge hierdie verordeninge gegee is; of

- (d) enige gemagtigde amptenaar in die uitvoering van sy of haar pligte ingevolge hierdie verordeninge verhinder of belemmer –

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete nie R15 000 of gevangenisstraf vir 'n tydperk van hoogstens 6 maande of beide.

#### **Afdwingingsbepalings**

41. Enige gemagtigde beampte van die Raad kan -

- (1) enige perseel op enige redelike tyd betree om die perseel te inspekteer vir die nakoming van hierdie verordeninge;
- (2) summier enige voorwaarde op enige perseel te bedwing wat enige bepaling van hierdie verordening skend en wat 'n onmiddellike brandgevaar of ander dreigende gevaar skep en kan vir hierdie doel -
- (a) 'n beroep doen vir die onmiddellike ontruiming van die perseel;
  - (b) die sluiting van die perseel beveel tot tyd en wyl die skending reggestel is;
  - (c) gelas dat enige aktiwiteit gestaak word; en
  - (d) die verwydering van die onmiddellike bedreiging beveel.

#### **Magtiging om te ondersoek**

42. Die Raad het die gesag om die oorsaak, oorsprong en omstandighede van enige brand of ander dreigende gevaar te ondersoek, en dit kan sodanige magtiging delegeer.

#### **Versuim om aan bepaling te voldoen**

43. (1) Wanneer die Raad bevind dat daar 'n nie-nakoming van die bepaling van hierdie verordeninge is, moet 'n skriftelike kennisgewing uitgereik word wat die volgende insluit:
- (a) bevestiging van die bevindings;
  - (b) die bepaling van hierdie verordeninge wat oortree word;
  - (c) die regstellende stappe wat vereis word; en
  - (d) 'n datum vir nakoming.

(2) Niks in hierdie verordening verhoed dat die Raad of enige gemagtigde amptenaar onmiddellike optree om regstellende aksie te onderneem ten opsigte van enige brand of ander dreigende gevaar op enige perseel en enige koste aangegaan van die eienaar te verhaal.

#### **Oorgang**

44. Alle persone wat deur hierdie verordeninge geraak word of in stryd daarmee handel, sal 'n 6-maande grasietydperk, vanaf die datum van publikasie, gegun word om aan enige van die bepalinge van hierdie verordeninge te voldoen.

#### **Kort titel en inwerkingtreeding**

45. Hierdie verordeninge heet die Verordeninge op Brandbestryding 2015, en tree op die datum van publikasie in die *Provinsiale Koerant* in werking.

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**IMITHETHO KAMASIPALA EMAYELANA NOKUVIMBELA IMILILO  
KUMASIPALA WASENDUMENI**

UMkhandlu kaMasipala waseNdumeni mawushaye uMthetho ngokweSigaba 156 soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, we – 1996, uMthetho No. 108 we- 1996, ufundwa neSigaba 11 soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo: uMthetho No. 32 wezi – 2000, ngale ndlela elandelayo:

**OKUQUKETHWE**

**1. IZINCAZELO ZAMAGAMA**

1. Izincazelo zamagama

**2. UKUVIKELEKA KWEZAKHIWO EMLILWENI**

2. Ukubika ngengozi yomlilo kanye nezinye izingozi ezibeka impilo engcupheni
3. Umgwaqo wokungena izimoto zezimo eziphuthumayo
4. Ukwehlukana kanye nezinto ezehlukanisa indawo ehlala abantu
5. Iminyango yokuphuma kanye nezindawo zokubuthanela uma kunomlilo
6. Izintuba zokubaleka

**3. IMISHINI ESETSHENZISELWA UKUZIPHEPHISA EMLILWENI**

7. Izicimamlilo
8. Ukuhlolwa kanye nokunakekelwa kwezinhlelo zokuvikela umlilo
9. Ukuphazanyiswa kwezinhlelo zokuvikela umlilo kanye nezicimamlilo

**4. UKUPHEPHA KOMPHEKATHI**

10. Ukuhanjelwa kwemicimbi
11. Ukwakhiwa kohlelo lokukhipha abantu uma kunesimo esiphuthumayo
12. Ukubekwa obala kwezinhlelo zezintuba zokubaleka
13. Ukufakwa kwemigoqo ezakhiweni ezingahlali muntu

**5. UKUNAKEKELWA KOMUZI**

14. Imfucuzo kanye nodoti owokheleka kalula
15. Izinto ezokheleka kalula noma ezithungeleka kalula ngomlilo kanye nezinto ezisetshenziselwa ukushane
16. Okunqwabelana koshimula, emigudwini engenisa umoya kanye nasemapayipini
17. Umsuka wokokheleka
18. Ukubhema
19. Izintambo zikagesi, imishini kanye nempahla esebenza ngogesi
20. Okukhipha ilangabi

**6. IZINGOZI ZEMILILO**

21. Impahla eyokheleka kalula
22. Ukubaswa kwemililo kanye nokushiswa kwempahla ethungeleka kalula ngomlilo

**7. IMPAHLA ETHUNGELEKA KALULA NGOMLILLO**

23. Ukugcinwa kanye nokusetshenziswa kwempahla ethungeleka kalula ngomlilo
24. Isitifiketi esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo
25. Ithange okugcinwa kulo okusaketshezi okuthungeleka kalula ngomlilo elingaphezu komhlabathi unomphela noma okwesikhashana
26. Ithange okugcinwa kulo okusaketshezi okuthungeleka kalula ngomlilo elingaphansi komhlabathi
27. Isikhungo okugcinwa kuso impahla ethungeleka kalula ngomlilo engumthamo omkhulu
28. Ukuxhunywa kwamapayipi amancane egesi esaketshezi eyi – petroleum
29. Ukufakwa kwamapayipi egesi esaketshezi eyi- petroleum komahambanendlwana kanye nasezakhiweni ezingagxilile unomphela kanye nasezakhiweni ezincane ezingezesikhashana
30. Ukufakwa kukaphethiloli emalolini okuqkula impahla esindayo kanye nakwezinye izimoto ezisebenzisa igesi eyi- LP
31. Ukugcinwa kanye nokugcwaliswa kwezitsha zegesi esaketshezi eyi-petroleum okwazi ukuphinde uzicwalise uma sekuphele okuphakathi
32. Isitsha okugcinwa kuso igesi esaketshezi eyi- petroleum engumthamo omkhulu
33. Ukumiswa kokugcinwa kanye nokusetshenziswa kwempahla ethungeleka kalula ngomlilo
34. Ukubika ngezangozi
35. Izindawo okugcinwa kuzo impahla ethungeleka kalula ngomlilo
36. Ukuphathwa kwezitsha kanye nokugcinwa kwazo

37. Amagumbi kanye nemipheme egcina izinto zokufutha  
38. Izitsha zegesi esaketshezi eyi-petroleum

#### 8. IZIHLINEKELO EZIVAMILE

39. Ukuvikeleka  
40. Amacala kanye nezinhlawulo  
41. Izihlinzeko zokuqiniswa komthetho  
42. Igunya lokuphenya  
43. Ukuhluleka ukulandela izihlinzekelo  
44. Uguquko  
45. Isihloko esifishane kanye nokuqalisa

### ISAHLUKO 1

#### IZINCAZELO ZAMAGAMA

##### 1. Izincazelo

1. Kule mithetho kamasipala, ngaphandle uma indikimba ikhomba okunye-

**"Ithange okugcinwa kulo okusaketshezi elingaphezu komhlabathi"** kusho ithange elibekwe ngaphezu komhlabathi okugcinwa kulo okusaketshezi okuthungeleka kalula ngomlilo;

**"Ithuluzi lokwenza ukuthi kuhlale kuvulekile"** kusho ithuluzi elisetshenziselwa ukugcina umnyango wokuphuma uma kuqubuka umlilo uhlale uvulekile futhi lisebenza uma sekubonakele ukuthi kunomlilo eduzane kwalowo mnyango;

**"Isakhiwo"** kusho nanoma yisiphi isakhiwo, kungaba esesikhashana noma esikhona unomphela futhi akukhathalekile ukuthi sakhiwe ngahlobo luni lwempahla, esakhelwe kumbe esisetshenziselwa:

- (i) ukuhlalisa noma ukusiza abantu noma izilwane;
- (ii) ukukhiqiza, ukwenza, ukugcina kumbe ukudayisa nanoma iyiphi impahla;
- (iii) ukuhlinzeka nganoma yiziphi izidingo;
- (iv) ukucekela phansi noma ukulahla imfucuzo kumbe udoti owokheleka kalula;
- (v) ukulima noma ukutshwala nanoma yiziphi isihlahla kumbe izitshalo;

- (a) nanoma yiluphi udonga, idamu lokubhukuda, ithange elikhulu lokugcina amanzi noma ibhuloho kumbe esinye isakhiwo esihlangene nalokho;
- (b) nanoma iyiphi iphampu kaphethiloli kumbe nanoma yiliphi ithange elisetshenziselwa lokho;
- (c) nanoma yimiphi imisebenzi eyenza impilo ibe lula noma uhlelo, kumbe ingxenye noma ingxenyana yalo, ngaphakathi noma ngaphandle noma mincane kangakanani kuleso sakhiwo ngenhloso yokuletha amanzi, ukumpompa amanzi, izitankoko, ukuchithwa kwamanzi ezikhukhula, ukufakelwa kukagesi noma eminye imisebenzi efana nalena maqondana nesakhiwo;

**"Udonga lokuvimbela"** kusho udonga lokuvimbela oluzungeze ithange elingaphezu komhlabathi okugcinwa kulo okuthile, olwakhiwe ngempahla yokwakha engenakubhobozeka futhi eyakhiwe ngendlela yokuthi imumathe ama – 100% alokho okuqokethwe yithange;

**"Impahla eyokheleka kalula"** kusho imfucuzo, udoti kumbe nanoma iyiphi enye impahla okungenzeka ivuthe;

**"Udoti owokheleka kalula"** kusho noma yiziphi izibi, imfukumfuku kumbe enye impahla elahliwe eyokheleka kalula;

**"Imfucuzo eyokheleka kalula"** kusho noma iyiphi impahla eyokheleka kalula ecoshekayo, igcineke noma iqoqwe ukuze iyiswe ezilahlweni noma iphinde isebenziseke;

**"Izimpahla eziyingozi"** kusho igesi, okusaketshezi noma okusasigaxa okuthungeleka kalula ngomlilo okuningwe ngakho ku- SABS 0228;

**"Okokuhlukanisa"** kusho ingxenye yesakhiwo ehlukanisa enye ingxenye yesakhiwo kwenye futhi engangenwa ngumlilo esikhathini esingaphansi kwaleso esifunwa yiMithethonqubo Kazwelonke Yezakhiwo (T1) ifundwa kanyekanye ne- SABS 0400;

**"Uhlelo lokukhipha abantu uma kunesimo esiphuthumayo"** kusho uhlelo oluqondene ngqo nokwelekelela ukukhipha abahlali esakhiweni uma kuqubuka umlilo kumbe nanoma yiziphi enye ingozi engabeka impilo engcupheni futhi lunikezela ngemisebenzi ethile kubasebenzi abehlukene, lukhombisa izintuba zokubaleka okumele zisetshenziswe luphinde luhlinzeke ngezinyathelo ezivamile zokuphuma ngokuphepha nangokushesha esakhiweni;



**"Intuba esetshenziswa uma kunesimo esiphuthumayo"** kusho leyo ngxenye yentuba yokubaleka eyenza ukuthi abahlali bakunoma yisiphi isakhiwo bavikeleke emlilweni futhi iholela emnyango wokubaleka;

**"Imoto yezimo eziphuthumayo"** kusho noma iyiphi imoto yezicishamlilo, yabezokuhlenga kumbe enye imoto esetshenziswa uma kunomlilo nezinye izingozi ezibeka impilo engcupheni;

**"Umnyango wokubaleka"** kusho umnyango osentubeni yokubaleka, ongasekungeneni kwesakhiwo okukhiphela emgwaqeni noma endaweni yomphakathi kumbe kunoma yiyiphi indawo indawo evulekile egunyaziwe ekukhiphela emgwaqeni noma endaweni yomphakathi;

**"Intuba yokubaleka"** kusho yonke indlela okuhanjwa kuyo ukusuka eduzane kwamagumbi esakhiwo kuya emnyango oseduzane wokubaleka futhi kungabandakanya intuba yokubaleka uma kunezimo eziphuthumayo;

**"Uhlelo lwentuba yokubaleka"** kusho umdwebo okhombisa ukuma kwephansi, indawo abakuyo abahlali kanye nomgudu okuhanjwa ngawo ukuyofika entubeni yokubaleka eseduzane encane kanye nenkulu, kanjalo nezinyathelo okumele zithathwe uma kuqubuka umlilo kumbe enye ingozi engabeka impilo engcupheni;

**"UMthetho Obhekele uPhiko Lwemisebenzi Yezicishamlilo"** kusho uMthetho Obhekele uPhiko Lwemisebenzi Yezicishamlilo, we-1987 (uMthetho 99 we- 1987);

**"Insimbi evimbela umlilo"** kusho insimbi ezikhiphela ngokwayo umoya oswakeme ovimbela umlilo kanye nokuxhunywa kwayo okuhambisana nemigomo ye- SABS 193;

**"Umnyango wokuphuma uma kunomlilo"** kusho umnyango ozivalekela ngokwawo owakhelwe ukuvimbela ukudlula komlilo isikhathi esithile;

**"Isicimalilo"** kusho isitsha esiphathekayo noma esikwazi ukusuka kwenye indawo siye kwenye futhi okwazi ukuphinde usigcwalise esiqukethe into yokucima umlilo ekhishwa ngokuthi kucindezelwe inkonobho ekhipha umfutho ongaphakathi ngenhloso yokucima umlilo;

**"Ingozi yomlilo"** kusho nanoma yisiphi isimo, inqubo noma impahla engadala umlilo noma ukuqhuma kumbe engenza ukuthi ukukhishwa kukaphethiloli kubebhethekise noma kwandise umlilo noma ukuqhuma okugcina sekubeka engcupheni impilo noma isakhiwo;

**"Umzila wemlilo"** kusho umgwaqo, indlela noma omunye umgudu ongumhubhe owakhelwe ukungenisa izimoto zezimo eziphuthumayo;

**"Uhlelo lokuvikeleka emlilweni"** kusho nanoma yini esetshenziswayo noma uhlelo lwemishini eyakhiwe yabe isifakwa ukuze-

- (a) ihlonze, ilawule noma icime umlilo, noma
- (b) ixwayise abahlali noma abemisebenzi yezemlilo, kumbe bobabili, ngomlilo kodwa izicimalilo eziphathekayo nalezo ezikwazi ukusuka kwenye indawo ziye kwenye azibaliwe kule ncazelo;

**"Udonga lomlilo"** kusho udonga olukwazi ukumelana nomonakalo odalwa umlilo isikhathi esithile njengalokhu kuningwe kwiMithethonqubo Kazwelonke Yezakhiwo (T1) ifundwa kanye ne- SABS 0400;

**"Igesi ethungeleka kalula ngomlilo"** njengoba kuningiwe kwi- SABS 0228, kusho igesi okungathi uma amazinga efinyelela kuma- 20°C nezinga lomfutho liyi- 101, 3 kilopascal:

- (a) yokheleke uma ihlanganise nomoya ongama- 13% noma ngaphansi (ngokomthamo), noma
- (b) inesimo sokuthungeleka kalula ngomlilo uma inomoya olinganiselwa emaphuzwini ayi-12 amaphesenti, kungakhathalekile ukuthi izinga lokuthungeleka liphansi kangakanani;

**"Okusaketshezi okuthungeleka kalula ngomlilo"** kusho okusaketshezi, noma ingxube yokusaketshezi, noma okusaketshezi okuyinhlanganisela nokusazigaxa noma okuthi uma kudedelwa kukhiphe isisi esithungeleka kalula ngomlilo esingama- 60,5°C noma ngaphansi;

**"Okusasigaxa okuthungeleka kalula ngomlilo"** kusho okusasigaxa okokheleka kalula ngezinto eziseceleni njengezinhlasi kanye namalangabi, okusasigaxa okulindelekile ukuthi kuvuthe, okusasigaxa okungaba yimbangela yokudala, noma yokuba nomthelela emlilweni ngokuthi kugudlane noma okusazigaxa okuyiziqhumane ezimanzisiwe ezingaqhuma uma singaxutshwangwa nokusaketshezi ngokwanele;

**"Impahla ethungeleka kalula ngomlilo"** kusho okusaketshezi okuthungeleka kalula ngomlilo noma igesi ethungeleka kalula ngomlilo;

**"Indawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo"** kusho indawo okugcinwa kuyo impahla, esetshenziselwa ukugcina okusaketshezi okuthungeleka kalula ngomlilo futhi ehambisana nemigomo yezindlela zokwenza ezibekwe esigabeni 46 salo mthetho kamasipala;

**"UMthetho Omayelana Nezinto Ezinobungozi"** kusho uMthetho Omayelana Nezinto Ezinobungozi, we-1973 (uMthetho 15 we-1973);

**"IMithethonqubo Kazwelonke Emayelana Nezakhiwo"** kusho imithethonqubo emenezelwe ngokwesigaba 17(1) seMithethonqubo Kazwelonke Emayelana Nezakhiwo kanye noMthetho Wamazinga Ezakhiwo, we-1977 (uMthetho 103 we- 1977), kanti:

- (a) "iMithethonqubo Kazwelonke Emayelana Nezakhiwo (A2)" kusho izihlinzekelo ezilawula ukuthunyelwa kwamapulani kanye nemininingwane yezakhiwo eMkhandlweni;
- (b) "iMithethonqubo Kazwelonke Emayelana Nezakhiwo (A20)" kusho izihlinzekelo ezilawula ukuhlelwa ngononina kanye nezikhundla zokuhlala;
- (c) "iMithethonqubo Kazwelonke Emayelana Nezakhiwo (A21)" kusho izihlinzekelo ezilawula isibalo sabantu abahlala esakhiweni;
- (d) "iMithethonqubo Kazwelonke Emayelana Nezakhiwo (T1)" kusho izihlinzekelo ezilawula izidingo ezijwayelekile ezimayelana nokuvikeleka kwesakhiwo emlilweni, futhi
- (e) "iMithethonqubo Kazwelonke Emayelana Nezakhiwo (T2)" kusho izihlinzekelo ezilawula amacala okungahambisani nemigomo yeMithethonqubo Kazwelonke Emayelana Nezakhiwo (T1);

**"UMthetho Wezemigwaqo Kuzwelonke"** kusho uMthetho we- 1996, Wezemigwaqo Kuzwelonke, we-1996 (uMthetho 93 we- 1996);

**"Okungenakuvutha"** kusho into noma impahla ewuhlobo oluhlungelwa ngaphansi kwezinto ezingenakuvutha ngesikhathi luhlolwa ngokuhambisana ne- SABS 0177: iNgxenye 5;

**"Okokuhlukanisa endaweni yokuhlala"** kusho ingxenye yesakhiwo ehlukana izindawo zokuhlala ezisesakhiweni futhi engangenwa ngumlilo isikhathi esingekho ngaphansi kwaleso ezidingeka ngokweMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1) ifundwa ne- SABS 0400;

**"UMthetho Wezempilo Nokuphepha eMsebenzini"** kusho uMthetho Wezempilo Nokuphepha eMsebenzini, we-1993 (uMthetho 85 we- 1993);

**"Osebenzisa umshini"** kusho umuntu obhekele ukusebenzisa imoto futhi obhaliswe njengomshayeli waleyo moto ngokoMthetho Wezemigwaqo Kuzwelonke;

**"Umnikazi"** kusho:

- (a) maqondana namagceke, okungesona isakhiwo, kungaba umuntu uqobo noma umuntu ngokomthetho ubuyena obunqunywa ngokusebenza komthetho;
- (b) maqondana nesakhiwo, kungaba umuntu uqobo noma umuntu ngokomthetho okubhaliswe egameni lakhe umhlaba okwakhiwe kuwo lesa sakhiwo kumbe lowo mhlaba qobo kuye ngesimo, ehhovisi lamatayitela;
- (c) maqondana nokufakiwe, kungaba umuntu uqobo noma umuntu ngokomthetho okungenwe esivumelwaneni ngegama lakhe maqondana nokutholakala kwemvume, ukugxunyekwa kanye nokunakekelwa kwalokho okufakiwe; inqobo nje uma lowo muntu engeyena umnikazi ochazwe ku - (b), futhi
- (d) esimweni lapho uMkhandlu ungeke ukwazi ukuqonda ukuthi ngubani umuntu ochazwe ku - (a), (b) kanye naku- (c), nanoma ngubani onelungelo lokuhlomula ekusebenziseni lawo magceke, isakhiwo noma okufakiwe kumbe ozuzayo kulowo mhlomulo;

**"Umuntu owengamele"** kusho:

- (a) maqondana namagceke, kungaba umuntu uqobo noma umuntu ngokomthetho onesibopho esimile noma sesikhashana ekuphatheni noma ekusebenziseni amagceke;
- (b) maqondana nesakhiwo, kungaba umuntu uqobo noma umuntu ngokomthetho onesibopho esimile noma sesikhashana ekuphatheni noma ekusebenziseni isakhiwo;
- (c) maqondana nokufakiwe, kungaba umuntu uqobo noma umuntu ngokomthetho onesibopho esimile noma sesikhashana ekuphatheni noma ekusebenziseni okufakiwe; inqobo nje uma lowo muntu kungeyena umuntu ochazwe ku - (a), futhi
- (d) esimweni lapho uMkhandlu ungeke ukwazi ukuqonda ukuthi ngubani umuntu ochazwe ku - (a), (b) kanye naku- (c), nanoma ngubani ngokubona koMkhandlu obukeka engamele lawo magceke, isakhiwo kumbe okufakiwe;

**"Amagceke"** kusho noma yisiphi isakhiwo, ugu, umhlaba, umumo wendawo, umgwaqo, imoto futhi kungabandakanya umkhumbi, isitimela noma ibhanoyi;

**"Isiza"** kusho isiza, indawo, isitende noma enye ingxenye yomhlaba lapho kwakhiwe khona, kwakhiwa khona noma kuzokwakhiwa khona isakhiwo;

**"UMthetho Wamazinga"** kusho uMthetho Wamazinga, we - 1993 (uMthetho 29 we- 1993);

**"Isitsha sokugcina impahla"** kusho isitsha esinomfutho njengoba sichazwe kwimithethonqubo yezitsha ezinomfutho ezimenezelwe ngokoMthetho Wezempilo Nokuphepha eMsebenzini;

**"Ukunqanda ngokushesha"** kusho ukushesha uthathe isinqumo ngesimo esibukeka singaba yingozi yomlilo kumbe enye ingozi engabeka impilo noma impahla engcupheni bese uyalela ngokushesha ukuba silungiswe lesi simo;

**"Ithange"** kusho isitsha esifakwe umomphelela noma okwesikhashana emotweni kumbe esinanyathiselwe emotweni, esakhiwe ngendlela yokuthi sikwazi ukuqukatha okusaketshezi okuthungeleka kalula ngomlilo noma umthwalo wegese;

**"Ithange elingaphansi komhlabathi"** kusho ithange eligqitshwe laphela ngaphansi komhlabathi elisetshenziselwe noma okuhloswe ukuthi lisetshenziselwe ukugcina okusaketshezi okuthungeleka kalula ngomlilo;

**"Imoto"** kusho imoto njengoba kuchazwe eMthethweni Wezemigwaqo Kuzwelonke.

Kanti nanoma yikuphi okumaqondana neNqubo ye-SABS kuzobe kumaqondana neNqubo efanele eshicilelwe ngabakwa - South African Bureau of Standards yakhishwa ngokoMthetho Wamazinga.

## ISAPHLUKO 2

### UKUVIKELEKA KWEZAKHIWO EMLILWENI

#### 2. Ukubika ngengozi yomlilo kanye nezinye izingozi ezibeka impilo engcupheni

2. Umnikazi noma umuntu owengamele nanoma yimaphi amageceke kumele lapho ethola nanoma yibuphi ubufakazi ngengozi yomlilo kumbe ezinye izingozi ezibeka impilo engcupheni ezimaqondana nalo mthetho kamasipala, aphuthume azise uMkhandlu ngaleyo ngozi yomlilo kumbe ingozi ebeka impilo engcupheni.

#### 3. Umgwaqo wokungena izimoto zezimo eziphuthumayo

3. (1) Uma, ngokokubona koMkhandlu, ungalungisiwe umgwaqo ongena emagecekeni ukusuka emgwaqeni womphakathi, kuzofanela ukuba lawo magceke akhelwe umgwaqo wokungena izimoto zezimo eziphuthumayo okumele -
  - (a) wakhiwe ngendlela yokuthi uyakwazi ukuthwala isisindo sezimoto ezisinda kakhulu zezimo eziphuthumayo ezidingeka ukuyobhekelela isimo esibucayi emagecekeni; futhi
  - (b) lapho amageceke enesango elihambayo kumbe elivulwa ngogesi, kumele lakhiwe ngendlela yokuthi kube lula ukungena noma ingasetshenziswa into ehambisa isango kumbe ugesi.
- (2) Imizila yomlilo kumele ihlinzekelwe wonke amageceke akhiwe aqhela ngamamitha angama-45 kusuka emgwaqeni womphakathi noma eqile kumamitha ayisishiyagalolunye ukuphakama futhi eqhele ngamamitha angaphezu kwayi-15 ukusuka emgwaqeni womphakathi.
- (3) Imizila yomlilo kumele okungenani ibe ngamamitha amane ububanzi, ukuma kwayo kumele kunqunywe emuva kokuba kuxhunyanwe noMkhandlu, futhi indawo kusukela phansi kuya phezulu kumele ibe ngamamitha amane ngaphezulu komzila womlilo futhi ihlale ingaphazamisekile.
- (4) Umgwaqana ophelayo ongamamitha angaphezu kwangama – 90 ubude, kumele ube nendawo eyisiyingi yokujika lapho uphela khona okuzokwazi ukuthi izimoto ezinkulu kakhulu zezimo eziphuthumayo zijike kuyo uma zizobhekelela izimo ezibucayi emagecekeni.
- (5) Umumo, ukumakwa, ukusetshenziswa kanye nokunakekelwa komzila womlilo ongeyona ingxenye yomgwaqo womphakathi kumele kuhambisane nemigomo yezidingo zoMkhandlu.
- (6) Akukho emthethweni ukuba umuntu apake imoto emzileni womlilo noma aphazamise umzila womlilo nganoma iyiphi indlela.

#### 4. Ukwahlukana kanye nezinto ezehlukanisa indawo ehlala abantu

Umnikazi noma umuntu owengamele isakhiwo angeke ashintsha ukwahlukana noma into ehlukanisa indawo ehlala abantu nganoma iyiphi indlela ezoyenza ingasebenzi ngendlela kumbe ivumele ukuba kube namalangabi, ukushisa noma ukuvutha ngokuthi umlilo ungene egumbini noma esakhiweni esiseduze.

#### 5. Iminyango yokuphuma kanye nezindawo zokubuthanela uma kunomlilo

5. (1) Ngokwezihlinzekelo ze-SABS 1253, umnyango wokuphuma kanye nendawo yokubuthanela uma kunomlilo kumele inakekelwe ngendlela yokuthi uma kuqubuka umlilo ihlala isesimweni esifanelekile sonke isikhathi edingeka ngaso ukuthi isebenze.

- (2) Umnyango wokuphuma uma kunomlilo ungagcinwa uvuliwe, kuphela uma ufakwe into ewenza ukwazi ukuzivulekela ngokwawo evunye nguMkhandlu.

- (3) Umnyango wokuphuma kanye nendawo yokubuthanela uma kunomlilo akumele ingakwazi ukusebenziseka ngenxa yalezi zenzo ezilandelayo:-
- ukuguqula ubukhulu, indawo yokukhipha ukushisa noma ukuqina kohlobo lomnyango;
  - ukukhishwa komshini owenza ukuthi uzivalekele;
  - ukubamba, ukuvimba noma ukuphazamisa umnyango ukuze ungavaleki;
  - ukupenda intanjana egijimisa umlilo eyenza ukuthi isivalo sizivale ngokwaso;
  - ukuhlumpula noma ukunikezela ngogesi ongenele emshinini odedela isivalo, kumbe
  - nanoma yisiphi isenzo esenza umnyango noma indawo yokubuthanela uma kunomlilo ingakwazi ukusebenza ngempumelelo.

#### 6. Izintuba zokubaleka

6. (1) Akukho ngxenye yentuba yokubaleka ezovimbeka noma ezokwenziwa ukuba ingasebenzi ngendlela efanele nganoma yiyiphi indlela.
- (2) Into yokukhiya efakwe emnyango wokungena noma wokubaleka osentubeni yokubaleka kumele ibe wuhlobo oluvunye nguMkhandlu.
- (3) Intuba yokubaleka kumele ikhonjiswe ngokusobala ngezimpawu ezihambisana nemigomo ye-SABS 1186, ezikhomba indlela okumele kuhanjwe ngayo uma kwenzeka kuqubuka umlilo kumba nanoma yisiphi isimo esiphuthumayo, ezindaweni lapho uMkhandlu udinga kube njalo khona.

### ISAPHLUKO 3

#### IMISHINI ESETSHENZISELWA UKUZIPHEPHISA EMLILWENI

#### 7. Izicimamlilo

7. (1) Izicimamlilo kumele zifakwe zibe khona emagcekeni njengalokhu kudingwa yiMithethonqubo Kazwelonke Emayelana Nezakhiwo (T1) no- (T2).
- (2) Izicimamlilo kumele zinakekelwe ngokuhambisana nezidingo zeMithethonqubo Yezempilo Nokuphepha eMsebenzini, i-SABS 1475: iNgxenye 1, i-SABS 1571, i-SABS 1573 kanye ne- SABS 0105: iNgxenye I.
- (3) Akukho muntu ongagcwalisa, avuselele amandla, aguqule isimo, alungise kumbe ahlole isicimamlilo ngokwe - SABS 1475: iNgxenye I, ngaphandle uma lowo muntu enemvume ekhishwe ngabakwa - South African Bureau of Standards noma isitifiketi sokukwazi ukwenza umsebenzi esikhishwe yi-South African Qualifications Certification Committee.
- (4) Umnikazi noma umuntu owengamele amagceke ngeke avumele ukuba isicimamlilo sigcwaliswe, sivuselelele amandla, siguqulwe isimo saso, silungiswe kumbe sihlolwe ngumuntu ongenayo imvume noma isitifiketi okukhulunywe ngaso esigatshaneni (3).
- (5) Esimweni lapho isicimamlilo sigcwalisiwe, savuselelwa amandla, salungiswa, saququlwa isimo kumbe sahlolwa ngumuntu ongenayo imvume noma isitifiketi esibalulwe esigatshaneni (3), uMkhandlu kumele uyalele umnikazi noma umuntu owengamele lawo magceke ukuba aqiniseke ukuthi umsebenzi wenziwa ngumuntu onaleyo mvume noma isitifiketi.
- (6) Uma, ngokokubona koMkhandlu, isicimamlilo singaphephile noma singasebenzi ngendlela efanele okungaba ngenxa yokonakala, yindlela esakheke ngayo, uMkhandlu kumele uyalele umnikazi noma umuntu owengamele amagceke ukuba ahlele ukuthi leso sicimamlilo siyohlolwa ngokwe - SABS 1475: Ingxenye 1 kanye ne-SABS 1571.
- (7) Isicimamlilo akumele sisuswe emagcekeni ngenhloso yokuthi siyogcwaliswa, siyovuselelwa amandla, siyoguqulwa isimo, siyolungiswa noma siyohlolwa ngaphandle uma sikhona esinye esesikhashana esisesimweni esihle sokusebenza esizosala.
- (8) Isicimamlilo akumele sifakwe, sidilizwe, sivuselelwe amandla, sihlumpulwe, siseviswe, silungiswe, noma sihlolwe endaweni lapho ukwenza lokho kungadala ingozi noma umonakalo.

#### 8. Ukuhlolwa kanye nokunakekelwa kwezinhlelo zokuvikela umlilo

8. (1) Uhlolo lokuvikela umlilo kumele luhlolwe futhi lunakekelwe zikhathi zonke kanti umnikazi noma owengamele amagceke kumele agcine amarekhodi aphelele okuhlolwa nokunakekelwa kohlelo.
- (2) Umuntu ngeke ahlole uhlelo lokuvikela umlilo ngaphambi kokuba azise abahlalayo kulawo magceke athintekayo mayelana nesikhathi sokuqala kanye nokuphuthula ukuhlola, futhi uma kudingekile, azise nalabo abaqaphe uhlelo lokuvikela umlilo.

- (3) Uhlelo lokuvikela umlilo olwakhelwe ukuhlonza, ukulwa, ukulawula kanye nokucima umlilo kumele lunakekelwe ngokuhambisana neMithethonqubo Kazwelonke Emayelana Nezakhiwo (T2).
- (4) Uhlelo lokuvikela umlilo ngeke lwafakwa, lwabhidlizwa, lwavuselelwa amandla, lwahlumpulwa, lwaseviswa, lwalungiswa noma lwahlolwe kunanoma iyiphi indawo lapho ukwenza lokho kungadala ingozi noma umonakalo.
- (5) Umnikazi noma umuntu owengamele amagceke kumele aphuthume azise uMkhandlu uma uhlelo lokuvikela umlilo kumbe ingxenye yalo ibukeka ingasebenziseki kumbe ikhishwe ngoba ingasebenzi futhi kumele awazise ngokushesha uMkhandlu uma isibuyiselwe.
- (6) Umnikazi noma umuntu owengamele amagceke kumele athathe zonke izinyathelo acabanga ukuthi zidingwa nguMkhandlu ukuba afake omunye umshini oshintshana nokhona ukuze kuhlale kunokuphepha emagcekeni.

#### 9. Ukuphazanyiswa kwezinhlelo ezivikela umlilo kanye nezicimamli

9. Akukho muntu ozoganga noma ozophazamisa isicishamlilo noma uhlelo lokuvikela umlilo, ngaphandle uma kunesidingo ngesikhathi kuqubuke isimo esiphuthumayo, kulungiswa, kubholwa udonga noma kwenziwa ukuhlolwa okusemthethweni.

### ISAHLUKO 4

#### UKUPHEPHA KOMPHAKATHI

#### 10. Ukuhanjelwa kwemicimbi

- 10.(1) Uma uMkhandlu ubona ukuthi kudingeka ukuba abamele uphiko lwemisebenzi yezicishamlilo babe khona emcimbini owenzelwe endaweni esetshenziselwa ukuzithokozisa noma ukuhlungana komphakathi, ukuze umphakathi uphephe futhi nangenxa yesidingo somsebenzi abawenzayo, uMkhandlu ungahlela ukuthi kube khona umuntu oyedwa noma ngaphezulu, imoto noma umshini walolu phiko ozoba yingxenye yabahambe umcimbi emagcekeni uze uphele nobe kube yingxenye ethile yawo.
- (2) Uma umcimbi wokuzithokozisa noma umbuthano womphakathi wenzelwe endaweni yoMkhandlu noma endaweni enomnikazi, kodwa kungesiwona umbuthano noma umcimbi woMkhandlu, izindleko zokuba khona kwabophiko lwemisebenzi yezicishamlilo zizokhokhwa ngabahleli balowo mcimbi

#### 11. Ukwakhiwa kohlelo lokukhipha abantu uma kunesimo esiphuthumayo

11. (1) Umnikazi noma umuntu owengamele isikole, isibhedlela, isikhungo esihlalisa abantu, ihotela, indlu yezivakashi, ihostela noma enye indawo yokuhlala efana nayo enesibalo sabantu abahlala kuyo esingaphezu kwabantu abangama – 25 (kubandakanya nabasebenzi), kumele akhe uhlelo lokukhipha abantu uma kunezimo eziphuthumayo olucacisa ngezinyathelo ezifanele okumele zithathwe ngabasebenzi noma abahlali esimweni lapho kuqubuka khon aumlilo noma ingozi ebeka impilo engcupheni.
- (2) UMkhandlu ungayalela umnikazi noma umuntu owengamele amagceke, okungesiyena lo oningwe yisigatshana (1), ukuba akhe uhlelo lokukhipha abantu uma kunezimo eziphuthumayo olucacisa ngezinyathelo ezifanele okumele zithathwe ngabasebenzi noma abahlali esimweni lapho kuqubuka khon aumlilo noma ingozi ebeka impilo engcupheni.
- (3) Uhlelo okukhulunywe ngalo ezigatshaneni (1) no- (2) kumele lubuyekwezwe uma sekunengxenye yalo engasadingeki noma uma isakhiwo olwalwakhelwe sona sesishintshile.
- (4) Uhlelo lokukhipha abantu uma kunezimo eziphuthumayo kumele luhlolwe lona lonke luphelele esikhathini esingaba yizinyanga eziyisithupha noma uma selubuyekwezwe futhi irekhodi lokuhlolwa kwalo kumele ligcinwe kwirejista
- (5) Irejista ebalulwe esigatshaneni (4) kumele ibe nalolu lwazi olulandelayo:
  - (a) usuku kanye nesikhathi sokuhlolwa;
  - (b) isibalo sababambe iqhaza;
  - (c) umphumela wokuhlola kanye nezinyathelo zokulungisa ezidingekayo, kanye
  - (d) negama kanye nesignesha yomuntu olawula ukuhlola.
- (6) Irejista, lihlalane nohlelo lokukhipha abantu uma kunezimo eziphuthumayo, kumele kutholakale emagcekeni ukuze kuhlolwe nguMkhandlu.
- (7) UMkhandlu ungahlola ukwakheka kanye nokuqalisa kokusebenza kohlelo lokukhipha abantu uma kunezimo eziphuthumayo futhi ungakhuluma ngokusemthethweni nganoma yiziphi izincomo noma izinyathelo zokulungisa ukwenza ngcono noma ukulungisa amaphutha akhona ohlelweni.

**12. Ukubekwa obala kwezinhlelo zezintuba zokubaleka**

12. Uhlelo lwentuba yokubaleka kumele lubekwe obala endaweni egqamile kunoma yiliphi igumbi elakhelwe ulukalisa abantu.

**13. Ukufakwa kwemigoqo ezakhiweni ezingahlali muntu**

13. Umnikazi noma umuntu owengamele isakhiwo kumbe ingxenye yaso engahlali muntu kumele asuse wonke udoti noma imfucuzo eyokhelela kalula bese ekhiya, avimbe ngomgoqo kumbe avale amawindi, iminyango kanye nezinye izindawo ezivulekile esakhiweni ngendlela ezokwenelisa uMkhandlu ezogwema ukudaleka kwengozi yomlilo edalwa ngukungena kwabantu abangagunyaziwe.

**ISIAHLUKO 5****UKUNAKEKELWA KOMUZI****14. Udoti kanye nemfucuzo eyokheleka kalula**

14. (1) Umnikazi noma umuntu owengamele amagceke kumbe ingxenye yawo akumele ukunqwabelana kodoti noma imfucuzo eyokheleka kalula kunanoma iyiphi indawo kumbe nganoma iyiphi indlela engahle idale ingozi yomlilo noma enye ingozi engabeka impilo engcupheni.

- (2) Udoti noma imfucuzo eyokheleka kalula kumele ibekwe ngendlela efanele noma ilahlwe ukuze kugwemeke ingozi yomlilo noma ezinye izingozi.

**15. Izinto ezokheleka kalula noma ezithungeleka kalula ngomlilo kanye nezinto ezisetshenziselwa ukushanela**

- 15 (1) Yingxube enamanzi kuphela, imithi yokuhlaza, inhlanganisela yokushanela iphansi kanye nokumunca amafutha (grease) okumele kusetshenziselwe ukuhlaza.

- (2) Akuvumelekile ukutshenziswa kwemvuthu yamapulangele asahwayo noma impahla eyokheleka kalula enjalo ngenhloso yokucwilisa impahla eyokheleka kalula noma ethungeleka kalula ngomlilo.

**16. Okunqwabelana koshimula, emigudwini engenisa umoya kanye nasemapayipini**

16. Umnikazi noma umuntu owengamele amagceke kumbe ingxenye yawo akumele avumele umule kumbe nanoma iyiphi enye into eyokheleka kalula ukuba inqwabelane kushimula, emigudwini ongenisa umoya noma epayipini elikulawo magceke ube mningi ngendlela engadala ingozi yomlilo noma ezinye izingozi ezibeka impilo engcupheni.

**17. Umsuka wokokheleka**

17. (1) Akuvunyelwe ukubhema, ukuphatha umentshisi, ukusebenzisa okuletha ukushisa, okukhipha ilangabi noma okukukhiqiza izinhlati endaweni enemphala eyokheleka kalula noma ethungeleka kalula ngomlilo

- (2) Umlotha oshisayo, amalahle noma amalahle aselothile kumele abekwe esitsheni esingokheleki kalula futhi lesi sitsha kumele sibekwe endaweni noma esitsheni esingokheleki kalula.

- (3) Ibanga elanele, njengalobkhu uMkhandlu ubona kufanele, kumele liqinisekise futhi ligcinwe phakathi kwezinto ezokheleka kalula kanye nemishini eletha ukushisa kumbe ukukhanya noma eminye imisuka yokokheleka.

- (4) Imishini ephathekayo eletha ushisa kumele ivikeleke ukuze ingaketuki futhi uMkhandlu ungakweqabela ukusetshenziswa kwemishini ephathekayo eletha ukushisa maqondana nezindawo ezihlala abantu noma izimo lapho lokho kusetshenziswa kungadala ingozi yomlilo noma ezinye izingozi ezibeka impilo engcupheni.

**18. Ukubhema**

18. (1) Ezimweni lapho ukubhema kudala ingozi yomlilo emagcekeni, ukubhema akuvunyelwe futhi kumele kuboniswe izimpawu ezibhalwe ukuthi "Akubhenywa" njengalokho kuyalele uMkhandlu futhi izimpawu kumele zihambisane nemigomo ye- SABS 1186: iNgxenye 1.

- (2) Akukho muntu okumele asuse uphawu olubhalwe ukuthi "Akubhenywa".

- (3) Akukho muntu ozokokhela noma abheme isigazu, ugwayi, ipipi, noma okunye kumbe okhele noma athungele ngomlilo enye impahla, kumbe aphaathe, abe, alahle noma abeke into evuthayo kunoma iyiphi indawo okubekwe kwacaca ukuthi akuvunyelwe kuyo.

- (4) Umuntu ngeke alahle, ebeke phansi noma adedele umentshisi ovuthayo, ugwayi ovuthayo, kumbe enye impahla evuthayo noma enye impahla engavele izivuthela noma engokheleka emgwaqeni womphakathi noma endaweni yomphakathi.

**19. Izintambo zikagesi, imishini kanye nempahla esebenza ngogesi**

19. Akukho muntu ongadala noma ongavumela –



- (1) ibhokisana elisabalalisa ugesi ukuba lithwale ngokweqile; noma
- (2) impahla esebenza ngogesi noma intambo yokudonsa ugesi ukuba isetshenziswe ngendlela okungenzeka idale ingozi yomlilo noma ezinye izingozi ezibeka impilo engcupheni.

## 20. Okukhipha ilangabi

20. Umuntu angeke adale noma avumele okukhipha ilangabi, okungaba yikhandlela, isiketekete noma ithoshi, nokunye, ukuba kusetshenziswe ngendlela okungenzeka idale ingozi yomlilo noma ezinye izingozi ezibeka impilo engcupheni.

## ISAHLUKO 6

### IZINGOZI ZEMILILO

#### 21. Impahla ethungeleka kalula ngomlilo

21. (1) Akumele umuntu agcine, athuthe, asebenzise noma akhangise kumbe adale noma avumele ukuba kugcinwe, kuthuthwe, kusetshenziswe noma kukhangiswe ngaphakathi noma ngaphandle kwanoma yimaphi amagceke, nanoma iyiphi impahla ethungeleka kalula ngomlilo noma okuningi okuthungeleka kalula ngomlilo kumbe ngendlela okungenzeka ibange noma idale ingozi yomlilo kumbe ezinye izingozi ezibeka impilo engcupheni.
- (2) Akumele umnikazi noma umuntu owengamele nanoma yimaphi amagceke avumele izimila zikhule noma zande egcekeni, kumbe kunqwabelane enye impahla ethungeleka kalula ngomlilo kuleyo ndawo, ngendlela okungenzeka idale ingozi yomlilo noma ezinye izingozi ezibeka impilo engcupheni.

#### 22. Ukubaswa kwemililo kanye nokushiswa kwempahla ethungeleka kalula ngomlilo

22. (1) Akuvunyelwe ukubaswa kwemililo kanye nokulahlwa kwempahla ethungeleka kalula ngomlilo, ngaphandle kwezimo ezichazwe kulesi sigaba.
- (2) Umuntu angabasa umlilo noma asebenzise into ekhipha umlilo ngenhloso yokupheka ukudla kumbe nanoma yiyiphi enye inhloso yezinto zasekhaya ngendlela engeke idale ingozi yomlilo noma ezinye izingozi ezibeka impilo engcupheni noma lapho lowo mlilo ungeke uvinjelwe yinanoma yimuphi omunye umthetho.
- (3) Ukushisa kungenzeka emhlabeni kaHulumeni, epulazini, enkampanini encane noma emhlabeni omenyezelwe waba yilokishi ongakasetshenziselwa ukuhlalisa abantu inqobo nje uma kuqale kwatholakala imvume eMkhandlwini.

## ISAHLUKO 7

### IMPAHLA ETHUNGELEKA KALULA NGOMLILLO

#### 23. Ukugcinwa kanye nokusetshenziswa kwempahla ethungeleka kalula ngomlilo

23. (1) Ngaphambi kokuthi kwakhiwe uhlelo olusha lokufakelwa kwezinto endaweni yokulondoloza impahla ethungeleka kalula ngomlilo kumbe kwenziwe izinguquko kulolo oluvele lukhona okungaba okwesikhashana noma unomphela, umnikazi noma lowo owengamele lolo hlelo lokufakelwa kumele athumele ipulani yesakhiwo eMkhandlwini, ngokuhambisana neMithethonqubo Kazwelonke Emayelana Nezakhiwo, futhi ikhophi yepulani egunyaziwe kumele ibe khona esizeni lapho kwakhiwa khona lolo hlelo lokuzofakelwa kwezinto.
- (2) Ngaphambi kokuyalela ukuba kufakwe ngaphezu noma ngaphansi komhlaba ithange okugcinwa kulo okusaketshezi, kufakwe igesi esaketshezi eyi-petroleum noma kufakwe amapayipi ahambisana nalokho, umnikazi noma umuntu owengamele kumele aqinisekise ukuthi umfutho uhloliwe ngokuhambisana neMithethonqubo kaZwelonke Emayelana Nezakhiwo (i-T1), i-SABS 0131: iNgxenye 1 no- 2, i-SABS 089: iNgxenye 3 kanye ne-SABS 087: iziNgxenye 1,3 no- 7 (nanoma yikuphi okufanele) phambi koMkhandlu.
- (3) Ngale kwesigatshana (2), uMkhandlu ungafuna ukuba kuhlolwe umfutho ethangeni okugcinwa kulo okusaketshezi elivele lifakiwe ngaphezu noma ngaphansi komhlaba, igesi esaketshezi eyi-petroleum efakiwe noma amapayipi ahambisana nalokho ngokuhambisana nezihlinzekelo zeMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1).
- (4) UMkhandlu kumele waziswe okungenani esikhathini esingamahora angama – 48 ngaphambi kokuhlolwa komfutho.
- (5) Umnikazi noma umuntu owengamele amagceke angeke agcine noma asebenzise:
- (a) igesi ethungeleka kalula ngomlilo eyeqile kuma- 19 kg, noma
  - (b) okusaketshezi okuthungeleka kalula ngomlilo okusohlwini lwezinto eziyingozi (i), (ii), (iii) or (iv) okungaphezu kwamalitha angama – 200, ngaphandle uma esethola isitefiketi esimgunyaza ukuba agcine noma asebenzise impahla ethungeleka kalula ngomlilo eMkhandlwini.



**24. Isitifiketi esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo**

24. (1) Umnikazi noma umuntu owengamele amagceke, ofuna isitifiketi sokulondoloza noma ukusebenzisa impahla ethungeleka kalula ngomlilo okukhulunywe ngaso esigabeni 23(5), kumele athumele isicelo eMkhandlwini.
- (2) UMkhandlu kumele wenqabe ukukhipha isitifiketi esigunyaza ukugcinwa kanye nokusetshenziswa kwempahla ethungeleka kalula ngomlilo uma amagceke engahambisani nezidingo zeMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1) kanjalo nezinye izidingo ezibekwe kulo mthetho kamasipala, futhi uma uMkhandlu ubona ukuthi lokho kungahambisani nezidingo kwalawo magceke yinto engalungiseka, uMkhandlu kumele ubhalele umnikazi noma owengamele lawo magceke umyalele ukuba alandele zonke izinyathelo ezifanele ukuze amagceke aphephe ngaphambi kokuba awasebenzise futhi kukhishwe nesitifiketi.
- (4) Isitifiketi esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo kumele sivuselelwe njalo ngonyaka, ngosuku noma ngaphambi kosuku olukhunjiswe esitifiketini futhi nanoma nini uma kudingeka ukuthi kushintshwe isamba noma izinga lempahla ethungeleka kalula ngomlilo.
- (5) Amagceke kumele asetshenziswe ngokuhambisana nanoma yiziphi izimo ezichazwe esitifiketini esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo futhi uma ngokokubona koMkhandlu, impahla ethungeleka kalula ngomlilo igcinwa noma isetshenziselwa nanoma yiluphi uhlelo ngendlela enobungozi empilweni noma esakhiweni, kumbe uma ukufakwa kwayo kungagunyaziwe, kungakhishwa umyalelo wokuba isuswe noma ikhishwe emagcekeni.
- (6) Othengisa impahla ngeke ayithumela impahla ethungeleka kalula ngomlilo kumnikazi noma kumuntu owengamele amagceke, ngaphandle uma umnikazi noma umuntu owengamele amagceke enesitifiketi esisemthethweni esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo esikhishwe nguMkhandlu.
- (7) Isitifiketi esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo siba semthethweni kuphela:
- (a) ukuze kufakwe lokho esikhishelwe khona;
- (b) ngenxa yesimo samagceke ngesikhathi sikhishwa, futhi
- (c) nangobuningi obubalulwe esitifiketini.
- (8) Isitifiketi esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo kumele sitholakale emagcekeni zikhathi zonke uma kuzohlolwa.

**25. Ithange eligcina okusaketshezi okuthungeleka kalula ngomlilo elingaphezu komhlabathi unomphela noma okwesikhashana**

- 25(1) Ithange eligcina okusaketshezi okuthungeleka kalula ngomlilo elingaphezu komhlabathi okwesikhashana ngaphandle kwalelo elisesikhungweni sokucina impahla elimumatha umthamo omkhulu livumelekile, ngokokubona koMkhandlu, ngokuvuma kwesimo, inqobo nje uma kulandelwe lezi zidingo ezilandelayo:
- (a) uma limumatha umthamo wamalitha angeqile ezi- 9 000 futhi lingasetshenziselwa ukucina impahla ethungeleka kalula ngomlilo ezinendawo ebanikayo ezinga layo lingaphansi kwama-40°C;
- (b) ukuba libe semagcekeni isikhathi esingeqile ezinyangeni eziyisithupha;
- (c) uma konke ukufakwa kwalo kuhambisana ne- SABS 0131: iNgxenywe 1 noma i- SABS 0131: iNgxenywe 2 noma yikuphi okusebenzayo; futhi
- (d) uma isicelo esibhaliwe esihambisana nepulani sidluliselwe koyisiphathimandla esilawulayo okungenani esikhathini esiyizinsuku eziyi – 14 ngaphambi kokufakwa kwethange futhi kumele kutholakale imvume yokufaka ithange kuqala eMkhandlwini.
- (2) Ngale kwesigaba 28(1), uma kudingeka ithange okugcinwa kulo okusaketshezi elingaphezu komhlabathi elikwazi ukumumatha umthamo omkhulu noma kudingeka ithange elizofakwa unomphela, kumele kuthunyelwe imininingwane yokwakheka kwalo ehambisana nenqubo kumbe namazinga afanele kazwelonke noma amazwe omhlaba eMkhandlwini ukuze ivunywe ngokuhambisana neMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1),
- (3) Izidingo zokwakheka nokuma kwethange elifakwe unomphela kumele zihambisane nezinqubo ezifanele ezamukelwe kuzwelonke nasemazweni omhlaba.
- (4) Umthamo olinganisiwe omumathwa yithange elifakwe unomphela noma okwesikhashana kumele ushiye isikhala sokuthi okuqokethwe kukwazi ukukhukhumala uma kwenzeka kwenyuka izinga lokushisa ngesikhathi kusagciniwe.
- (5) Ithange elifakwa unomphela noma okwesikhashana kumele lifakwe okungenani ebangeni elingamamitha ama- 3, 5 kusuka emingceleni, ezakhiweni, kanye nakunoma yiziphi ezinye izinto noma izimpahla ezithungeleka kalula ngomlilo.

- (6) Ithange elifakwa unomphela noma okwesikhashana kumele libekwe endaweni eqinile eqondile ngaphezu komhlabathi futhi leyo ndawo kumele ibe namandla enele okuthwala isisindo sethange kanye nelikuqukethe.
- (7) Ithange elifakwe unomphela noma okwesikhashana kumele libe nodonga lokuvimbela.
- (8) Ukuvimbela ukuchitheka koketshezi ngesikhathi kugcwaliswa ithange, kumele kuqashelisiswe.
- (9) Kumele kuhlinzekwe ngezicishamililo ezanele, njengalokhu kunqume uMkhandlu zibe semabhokisini angangenwa ngamanzi zibekwe eduzane nethange.
- (10) Izimpawu zokuphepha ezigqamisa imibhalo ethi "Akubhenywa", "Akudingeki Mlilo Ovulelekile" kanye nothi "Ingozi", kumele zibekwe eduzane nethange futhi lezo zimpawu kumele zihambisane nemigomo ye- SABS 1186: iNgxenywe 1.
- (11) Okusaketshezi okuthungeleka kalula ngomlilo okusethangeni kumele kwazeke kalula, ngokuthi kusetshenziswe iphepha le- Hazchem eliwuphawu lokwazisa elisohlwini lwe - SABS 0232: iNgxenywe 1.
- (12) Iphampu kagesi noma esebenza ngokuthi kugqamuke umlilo ngaphakathi kuyo kumele ifakwe futhi ibekwe ngendlela yokuthi kugwemeke ingozi yokuthi okusaketshezi okuthungeleka kalula ngomlilo kungokheleki.
- (13) Ukufakwa kukagesi okuhambisana nethange lokugcinwa kulo okusaketshezi elibekwe ngaphezu komhlabathi kumele kuhambisane nemigomo ye- SABS 0108 kanye ne- SABS 089: iNgxenywe 2.

**26. Amathange okugcinwa kuwo okusaketshezi okokheleka kalula ngomlilo angaphansi komhlabathi**

26. Ukufakwa kwamathange okugcinwa kuwo okusaketshezi angaphansi komhlabathi, amaphampu, okokukhipha kanye namapayipi emagaraji kanye nalawo afakwa ngamakhosimende kumele kwenziwe ngokuhambisana neMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1) ifundwa ngokuhlanganyela ne-SABS 0400, SABS 089: iNgxenywe 3 kanye ne- SABS 0131: iNgxenywe 3.

**27. Isikhungo okugcinwa kuso impahla ethungeleka kalula ngomlilo engumthamo omkhulu**

27. Ukuphathwa, ukugcinwa kanye nokusatshalaliswa kwempahla ethungeleka kalula ngomlilo ezikhungweni okugcinwa kuzo impahla engumthamo omkhulu kumele kuhambisane neMithethonqubo kaZwelonke Emayelana Nezakhiwo (i-T1), ifundwa ngokuhlanganyela ne- SABS 089: iNgxenywe 1.

**28. Ukuxhunywa kwamapayipi amancane egesi esaketshezi eyi-petroleum**

28. Ukuxhunywa kwamapayipi egesi esaketshezi eyi-petroleum kubandakanya nezitsha zokufaka igesi ngasinye esimumatha umthamo wamanzi ongeqile emalitheni angama-500 kanye nomthamo wamanzi ongeqile emalitheni angama-300 esehlanganisiwe epayipini ngalinye kumele kwenziwe futhi kuphathwe ngokuhambisana ne-SABS 087: iNgxenywe 1.

**29. Ukufakwa kwamapayipi egesi esaketshezi eyi- petroleum komahambanendlwana kanye nasezakhiweni ezincane ezingezesikhashana**

29. Ukuxhunywa kwamapayipi egesi esaketshezi eyi-petroleum komahambanendlwana kanye nasezakhiweni ezincane ezingezesikhashana kumele kuhambisane ne-SABS 087: iNgxenywe 2.

**30. Ukufakwa kukaphethiloli emalolini okuqukula impahla esindayo kanye nakwezinye izimoto ezisebenzisa igesi eyi-LP**

30. Ukufakwa kukaphethiloli emalolini okuqukula impahla esindayo kanye nezimoto ezisebenzisa igesi eyi- LP, kumele kuhambisane ne- SABS 087: iNgxenywe 8.

**31. Ukugcinwa kanye nokugcwaliswa kwezitsha zegesi esaketshezi eyi-petroleum okwazi ukuphinde uzicwalise uma sekuphele okuphakathi**

31. Izizinda okugcinwa kuzo impahla kanye nokugcwaliswa kuzo ezitshenziselwa ukugcina izitsha zegesi esaketshezi eyi-petroleum okwazi ukuphinde uzicwalise uma sekuphele okuphakathi ezimumatha umthamo ongeqile kuma-9kg kumele zihambisane ne-SABS 087: iNgxenywe 7.

**32. Isitsha okugcinwa kuso igesi esaketshezi eyi-petroleum engumthamo omkhulu**

32. Umumo, ukwakheka kanye nokusebenza kokufakwa kwezitsha okugcinwa kuzo i-petroleum esaketshezi engumthamo omkhulu kanye nendawo okufakwe kuyo kumele ihambisane neMithethonqubo Kazwelonke

Emayelana Nezakhiwo (i-T1), ifundwa ngokuhlanganyelwa ne- SABS 087: iNgxenye 3.

### 33. Ukumiswa kokugcinwa kanye nokusetshenziswa kwempahla ethungeleka kalula ngomlilo

33. (1) Uma kungasadingekile ukufakwa kwethange ngaphezu noma ngaphansi komhlabathi, amapayipi egesi esaketshezi eyi- petroleum noma amanye amapayipi ahangene nalokho ukuze kugcinwe noma kusetshenziswe impahla ethungeleka kalula ngomlilo, umnikazi noma umuntu owengamele amagecke lapho kufakwe khona kumele:

- (a) azise uMkhandlu ngokubhalwe phansi zingakapheli izinsuku eziyisikhombisa kuyekiwe;
- (b) akhiphe lokho okuthungeleka kalula ngomlilo emapayipini akucine kuphephile, zingakapheli izinsuku ezingama – 30 kuyekiwe,
- (c) akhiphe okufakiwe kubandakanya namapayipi ahambisana nakho emageckeni unomphelela zingakapheli izinyanga eziyisithupha kuyekiwe, ngaphandle uma isikhulu esilawulayo siyalela ngenye indlela, futhi abuyisele esimweni indlela yomphakathi yabahamba ngezinyawo noma eseceleni komgwaqo, okungenzeka ukuthi iphazamisekile ngesikhathi kukhishwa okufakiwe, ngedlela ezokwanelisa uMkhandlu esikhathini esiyizinsuku eziyisikhombisa kuphothulwe ukukhishwa kokufakiwe.
- (2) Uma ukukhishwa kwethange elifakwe ngaphansi komhlabathi kuphazamisa ngendlela elimaza ukuzinza kwamagecke, umnikazi noma umuntu owengamele lokho kufakwa kwethange kumele athumele isicelo esibhaliwe eMkhandlwini sokuthi lelo thange ligcwaliswe ngodaka lukasimende olumanzi.

### 34. Ukubika ngezangozi

34. Uma kuvela ingozi efaka okuthungeleka kalula ngomlilo bese kugcina ngokuba kushe, kuqhume, noma kuchitheke kumbe kulahleke lokho okuthungeleka kalula ngomlilo, kanjalo nokulimala komuntu kumbe ukufa, kumele umnikazi noma umuntu owengamele amagecke abikele uMkhandlu.

### 35. Izindawo okugcinwa kuzo impahla ethungeleka kalula ngomlilo

35. (1) Ukwakhiwa kwendawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele kuhambisane neMithethonqubo kaZwelonke Emayelana Nezakhiwo (i-T1) ifundwa ngokuhlanganyelwa ne- SABS 0400.
- (2) Iphansi kumele lakhiwe ngokhonkolo noma enye impahla engabhobozeki futhi kumele livaleke ngaphansi komnyango noma lihlangane nonqenqema.
- (3) Ukuvaleka noma unqenqema kumele lube nokujula noma ukuphakama okuzothi uma kuba nokuchitheka kukwazi ukubamba umthamo omkhulu wokusaketshezi okuthungeleka kalula ngomlilo, njengoba kukhonjisiwe esitifiketini esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo kanye nama - 10% engeziwe obungako obuchazwe esitifiketini.
- (4) Ngale kweMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1) ifundwa ngokuhlanganyela ne - SABS 0400:
  - (a) okuhlanganise uphahla lwendawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele kwakhiwe ngokhonkolo ozokwazi ukuvimba umlilo isikhathi esingamahora amabili uma uyingxenye yelinye ibhilidi;
  - (b) izindawo ezingenisa umoya endaweni okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele zenziwe ngokusebenzisa izitini ezitholakala ezindongeni zangaphandle ngesilinganiso sesitini esisondwa esingenisa umoya ngaphezulu kancane nje konqenqema kanye nesitini esisodwa esingenisa umoya sibe ngaphezu kwesitini sesithathu odongeni ngokwama-m<sup>2</sup> ama-5 endaweni ewudonga noma ingxenye yayo ukuze isisi singanqwabelani ngaphakathi engaweni okugcinwa kuyo izinto;
  - (c) kumele izitini ezingenisa umoya simbozwe ngaphakathi nangaphandle ngegozi ethungwe yahlanganiswa, ngegozi yocingo engakhumuzeki okungenani okungucingo oluyi – 1 100 imitha ngalinye, futhi
  - (d) i-wire gauze kumele ibekwe endaweni efanele ibanjwe ngocingo, nge-frame yensimbi noma ngosimende.
- (5) Lapho kunguMkhandlu ofunayo, kumele umoya ongeniswa endaweni okugcinwa kuyo impahla ethungeleka kalula ngomlilo ungeniswe ngohlelo lomshini wokungenisa umoya oluvunywe nguMkhandlu futhi kumele luhambisane nalezi zidingo ezilandelayo:
  - (a) uhlelo lokungenisa umoya kumele lube ngoluphephe ngempela, lukwazi ukushintshashintsha umoya izikhathi ezingama-30 ngehora futhi lusebenze lungami;
  - (b) indawo okufakwe kuyo uphephela ongenisa umoya kumele ibe ngaphezu konqenqema futhi ikwazi ukukhipha umoya ngepayipi lensimbi eliqondile okungenani engangemitha eli-1 ngaphezu kobude bophahla noma okungenani amamitha ama-3,6 ngaphezu komhlabathi, kuzoya ngokuthi yikuphi okukhulu kunokunye;
  - (c) ipayipi elingaphandle kwendawo okugcinwa kuyo impahla, kodwa ethintana nendawo esele yebhilidi, kumele ifakwe into ekhipha umswakamo ovimbela umlilo okwazi ukuwuvimba isikhathi esingamahora amabili ngasendaweni yokuphuma lapho kugcinwe khona izinto ezokheleka kalula ngomlilo, futhi

- (d) ipayipi kumele libe lifushane futhi lingabi nendawo egobe kakhulu.
- (6) Ngale kweMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1) ifundwa ngokuhlanganyela ne- SABS 0400, umnyango wendawo okungcinwa kuyo izinto ezokheleka kalula ngomlilo kumele wakhiwe ngempahla engashi kalula ewuvimba isikhathi esingamahora amabili, inqobo nje uma kulandelwe yonke imigomo yamabanga afanele ezokuphepha futhi umnyango uvulekela ngaphandle.
- (7) Lapho kunguMkhandlu ofunayo, kumele umnyango wendawo okugcinwa kuyo izinto ezokheleka kalula ngomlilo ube uhlobo lomnyango lwe-D-class, oluhambisana nemigomo ye- SABS 1253.
- (8) Ngale kweMithethonqubo Kazwelonke Emayelana Nezakhiwo (i-T1) ifundwa ngokuhlanganyela ne- SABS 0400, okokukhanyisa okwakhiwe okufakwe endaweni okugcinwa kuyo izinto ezokheleka kalula ngomlilo kumele kukhanye uma kuxhunywe kugesi kufakwe izinto ezivimbela umswakamo izintambo zimbozwe nento eyinsimbi kuthi izinkinobho zokukhanyisa ugesi zibe ngaphandle kwendawo okugcinwa kuyo impahla.
- (9) Akukho lutho olunye olusebenza ngogesi oluzofakwa endaweni okugcinwa kuyo impahla ethungeleka kalula ngomlilo.
- (10) Indawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele ibe nendawo engenisa igwebu eyenza ingxube ngaleso sikhathi engamamili mitha angama-65 kanye nepayipi lensimbi elimaphakathi nendawo elilifaka ngaphakathi futhi leyi ndawo engenisa igwebu kumele ibonakale ngokuthi kufakwe uphawu olubhalwe ngamagama angosonhlamvukazi angamamili mitha ayi-100. athi "Indawo Engenisa Igwebu"
- (11) Ukufakwa kwamashalofu endaweni okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele kwenziwe ngempahla engokheleki kalula.
- (12) Indawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele ibonakale ngamagama athi, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro Indawo okugcinwa kuyo Izixhobo Ezithatha Lula Umlilo", futhi ubungako obuvumelekile benani ngaphakathi endaweni okugcinwa kuyo impahla engathungeleki kalula ngomlilo, bukhonjiswe ngamagama abhalwe ngosonhlamvukazi angamamili mitha ayi – 100 ngaphakathi nangaphandle kwayo yonke iminyango ebhekene ngqo nendawo okugcinwa kuyo impahla.
- (13) Umnikazi noma umuntu owengamele indawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele aqinisekise ukuthi imnyango yendawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo igcinwa ikhiyiwe uma ingasetshenziswa indawo okugcinwa kuyo impahla.
- (14) Umuntu akumele angene noma enze kumbe avumele ukuba kungenwe endaweni okugcinwa kuyo impahla ethungeleka kalula ngomlilo ngaphandle kwemvume yomnikazi noma yomuntu owengamele amageceke.
- (15) Izicimamlilo ezanele kumele zifa odongeni olungaphandle lwendawo okugcinwa kuyo impahla ethungeleka kakula ngomlilo zibe sendaweni esobala futhi okufikeka kalula kuyo, njengalokhu kunqume uMkhandlu.
- (16) Nanoma yiliphi ithuluzi lesandla elisetshenziswa endaweni okugcinwa kuyo impahla ethungeleka kalula ngomlilo kumele kube ngeliphophile elifanele ukusetshenziswa endaweni enobungozi.
- (17) Umuntu ngeke asebenzise noma avumele ukuba kusetshenziswe indawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo eyisebenzisela enye inhloso okungeyona leyo ekhonjiswe esitifiketini esigunyaza ukugcinwa kwempahla ethungeleka kalula ngomlilo, ngaphandle uma indawo okugcinwa kuyo impahla ingasetshenziswa futhi uMkhandlu sewazisiwe ngokwale nqubo elandelayo:
- (a) ezinsukwini eziyisikhombisa kuyekiwe ukusetshenziswa, kwaziswe uMkhandlu ngokubhalwe phansi;
- (b) ezinsukwini ezingama -30 kuyekiwe ukusetshenziswa, kususwe impahla ethungeleka kalula ngomlilo endaweni okugcinwa kuyo impahla, bese igcinwa iphephile, futhi
- (c) ezinsukwini ezingama -30 kuyekiwe ukusetshenziswa, kususwe zonke izimpawu.
- (18) Ngokwezihlinzekelo ezikulesi sigaba, uMkhandlu ungafuna ezinye izidingo ezengeziwe ukuze kwenziwe ngcono ezokuphepha emlilweni endaweni okungcinwa kuyo impahla ethungeleka kalula ngomlilo.

#### Ukuphathwa kwezitsha kanye nokugcinwa kwazo

36. (1) Zonke izitsha zempahla ethungeleka kalula ngomlilo kumele zigcinwe zivaliwe uma zingasetshenziswa.
- (2) Akumele ukuthi kube khona ozokhipha okusaketshezi okuthungeleka kalula ngomlilo esitsheni esimumatha amalitha evile kwangama – 20, ngaphandle uma lesi sitsha sifakwe iphawu noma umpompi ovaleka kahle.
- (3) Izitsha ezifaka okusaketshezi okuthungeleka kalula ngomlilo kumele zibhalwe futhi zifakwe uphawu ngamagama kunanyathiselwe nezimpawu, ezikhombisa ukuthi okuphakathi kusaketshezi kanjalo nobungozi bakho.

- (4) Kumele umuntu ongungoti aqinisekise ukuthi izitsha ezifaka okusaketshezi azinagesi noma isisi ngaphambi kokuba kuqhutshekwe nanoma yikuphi ukuguqula noma ukulungisa.
- (5) Kumele zonke izitsha ezifaka okusaketshezi zakhiwe futhi zinakekelwe ngendlela ezozigcina zisesimweni sokuphepha ekutheni zingalimali futhi zingavuzisi okuthungeleka kalula ngomlilo noma isisi esigcinwe kuzo.
- (6) Isitsha esifaka okusaketshezi okuthungeleka kalula ngomlilo kodwa esingenalutho kumele sibekwe endlini egcina impahla ethungeleka kalula ngomlilo.
- (7) Lapho ingekho khona indawo okugcinwa kuyo impahla ethungeleka kalula ngomlilo okungabekwa kuyo izitsha ezingenalutho ezifaka okusaketshezi okuthungeleka kalula ngomlilo, uMkhandlu ungavumela ukuba zigcinwe endaweni evulekile, inqobo nje uma:
- (a) indawo yokulondoloza impahla inkulu ngokwanele futhi isendaweni ngokokubona koMkhandlu, engeke idale ingozi yomlilo noma enye ingozi esabisayo;
- (b) indawo yokulondoloza impahla ingenisa kahle umoya futhi ivalwe ngocingo olungufenisi futhi:
- (i) okweseke ufenisi kwakhiwe ngensimbi noma ngokhonkolo oqinile;
- (ii) kube nesango elivulekela ngaphandle eligcinwa likhiyiwe uma lingasetshenziswa, futhi
- (iii) uma iphansi libanzi ngokweqile kuma -10 m<sup>2</sup> kuyaye kufakwe elinye isango lokuphuma, elifakwe umshudo okwazi ukuya emuva naphambili noma okunye kokukhiya okufana nawo okukwazi ukuvuleka uma ungaphakathi kungadingeki ukuthi usebenzise ukhiye;
- (c) indawo yokulondoloza impahla ingenazo izimila kanye inephansi eliqinile eliqondile elingathungeleki kalula ngomlilo;
- (d) ibanga elingamamitha amabili ukuzungeza ubungako bendawo ebiyiwe lingni natshani, ukhula kanye nezinye impahla ethungeleka kalula ngomlilo;
- (e) kungukuthi indawo yokulondoloza impahla inophahla, kumele ukuthi ukwakhiwa kwalo kanye nezinsika ezilwesekile kungabi yimpahla engathungeleka kalula ngomlilo;
- (f) amalangabi avulekile, ukushisela, imisebenzi eyenziwayo yokusika kanye nokubhema ayivunyelwe endaweni noma eduzane nendawo yokulondoloza impahla futhi kubekwe ngokugqamile izimpawu ezifakwe othangweni kanti ziyahambisana nemigomo ye- SABS 1186: iNgxenywe 1, futhi
- (g) imishini yokucima umlilo ifakiwe njengokokunquma koMkhandlu.
- (8) Isitsha esifaka okusaketshezi okuthungeleka kalula ngomlilo kodwa esingenalutho kumele sivalwe ngesivalo esivaleka ngci.

### 37. Amagumbi kanye nemipheme egcina izinto zokufutha

37. Igumbi, umpheme ogcina izinto zokufutha noma indawo enqunyelwe ukuthi kusetshenziswe kuyo okusaketshezi okuthungeleka kalula ngomlilo kumele yakhiwe futhi ifakwe impahla ngendlela ezokwenza ukuthi ihambisane neMithethonqubo Evamile Yezokuphepha ngokoMthetho Wezempilo kanye Nokuphepha Endaweni Yokusebenza.

### 38. Izitsha zegesi esaketshezi eyi-petroleum

38. (1) Kumele isitsha zegesi esaketshezi eyi-petroleum sakhiwe, sinakekelwe futhi sihlolwe ngokuhambisana ne-SABS 087: iNgxenywe 1 kanye ne-SABS 019.
- (2) Isitsha zegesi esaketshezi eyi-petroleum kumele sisetshenziswe futhi sibekwe ngendlela yokuthi kugwemeke umonakalo noma ukuvuza kokusaketshezi noma kwesisi esiqhamuka kusona.
- (3) Isitsha zegesi esaketshezi eyi-petroleum esimumatha isisindo esingeqile kumakhilogramu ayisishiyagalolunye kumele sigcwaliswe bese sibekwa ngokuhambisana ne- SABS 087: iNgxenywe 7.

## ISAHLUKO 8

### IZIHLINZEKELO EZIVAMILE

### 39. Ukuvikeleka

39. UMkhandlu ngeke ube necala ngomonakalo noma ukulahleka, kubalwa nokulimala emzimbeni, ukushona, ukulahleka kumbe ukulimala kwempahla noma kwemali, noma ukulahlekelwa ngenxa yesimo, okudalwe noma okuvele ngenxa yanoma yini eyenziwe noma uyeqeqe ngephutha ngesikhathi kusebenziswa igunya noma kwenziwa umsebenzi onikeziwe noma oyalelwe ngokwalo mthetho kamasipala.

### 40. Amacala kanye nezinhlawulo

40. Nanoma yimuphi umuntu-

- (a) ophikisana noma owehluleka ukuhambisana nanoma yiziphi izihlinzekelo zale Mithetho kaMasipala;
- (b) owehluleka ukuhambisana nanoma yisiphi isaziso esikhishiwe ngokwale Mithetho kaMasipala;
- (c) owehluleka ukuhambisana nanoma yimuphi umyalelo osemthethweni okhishwe ngokwale Mithetho kaMasipala; noma
- (d) ophazamisa kumbe ovimbela nanoma yimuphi umsebenzi ogunyaziwe ukuba enze imisebenzi yakhe ngaphansi kwale Mithetho kaMasipala –

Uyotholakala enecala futhi ngesikhathi egwetshwa uyobhekana nenhlawulo engeqile kuma - R15 000 noma abhadle ejele isikhathi esingeqile ezinyangeni eziyisithupha noma kokubili.

#### 41. Izihlinzekelo zokuqiniswa komthetho

41. Nanoma yimuphi umsebenzi ogunyaziwe woMkhandlu –

- (1) angangena kunoma yimaphi amagceke ngesikhathi esifanele ukuba awahlole ukuthi ayahambisana yini nalo mthetho kamasipala;
- (2) angamisa khona manjalo nanoma yisiphi isimo esikunoma yimaphi amagceke esephula nanoma yiziphi izihlinzekelo zalo mthetho kamasipala futhi ezibonakalisa ukuthi zingadala ingozi yomlilo ngokushesha noma ezinye izingozi ezibeka impilo engcupheni futhi -
  - (a) anganxusa ukuba kuphunywe ngokushesha kulawo magceke;
  - (b) angayalela ukuba kuvalwe kulawo magceke kuze kube yingesikhathi lapho kuyobe sekulungiswe khona lokho kwephulwa komthetho;
  - (c) angayalela ukuba kuyekwe nanoma yimuphi umsebenzi owenziwayo; futhi
  - (d) angayalela ukuba kususwe okuseduze okungaba yingozi.

#### 42. Igunya lokuphenya

42. UMkhandlu unegunya lokuphenya imbangela, umsuka kanye nezimo zanoma yimuphi umlilo noma ezinye izingozi ezibeka impilo engcupheni, futhi ungaladlulisela komunye umuntu lelo gunya.

#### 43. Ukuhluleka ukuhambisana nezihlinzekelo

- 43. (1) Uma uMkhandlu uthola ukuthi kube khona ukungahambisani nezihlinzekelo zalo mthetho kamasipala, kuyomele kukhishwe isaziso esibhalwe phansi esizobandakanya lokhu okulandelayo:
  - (a) ukuqinisekiswa kwezinto ezitholakele;
  - (b) izihlinzekelo zalo mthetho kamasipala eziphikiswayo;
  - (c) isinyathelo sokulungisa esidingekayo, kanye
  - (d) nokubeka isikhathi sokuhambisana nezihlinzekelo.
- (2) Akukho kulo mthetho kamasipala okuvimbela uMkhandlu kumbe nanoma yimuphi umsebenzi ogunyaziwe ukuba athathe isinyathelo esisheshayo sokulungisa maqondana nanoma yimuphi umlilo kumbe ezinye izingozi ezibeka impilo engcupheni ezitholakala emagcekeni kumbe ukubiza nanoma yiziphi izindleko kumnikazi.

#### 44. Uguquko

44. Bonke abantu abathintekayo ngalo mthetho kamasipala noma abaphikisana nalo mthetho kamasipala, bazokuba nesikhathi sikashwele esiyizinyanga eziyisi – 6 kusukela osukwini okuyoshicilelwa ngalo ukuba bahambisane nanoma yiziphi izihlinzekelo zalo mthetho kamasipala

#### 45. Isihloko esifishane kanye nokuqalisa

45. Le Mithetho kaMasipala izobizwa ngokuthi yiMithetho kaMasipala Emayelana Nokuvimbela Imililo, yezi -2015 futhi izqala ukusebenza ngosuku eyoshicilelwa ngalo kwiGazethi yeSifundazwe.

**MUNICIPAL NOTICE 52 OF 2016****PARKING BYLAWS**

Be it enacted by the Council of the Endumeni Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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**CHAPTER 1****DEFINITIONS****1. Definitions**

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

**"association"** means persons who are self employed and have organised themselves into a car guard association;

**"authorised official"** means any inspector of licences, a traffic officer, peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a police officer in terms of the Police Act, 1958 (Act No. 7 of 1958), and includes any other person whom the Provincial Minister of Local Government may from time to time by regulation declare to be an authorised officer;

**"Council"** means the Council of the Endumeni Municipality;

**"nuisance"** means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace of the area or part thereof or the rights of reasonable comfort, convenience, peace or quiet of any neighborhood within the area and includes any act, exhibition or publication contrary to public decency or morals;

**"peace officer"** shall mean a peace officer as contemplated in Section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

**"public road"** means a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

**"park"** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonable necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

**"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 area or a floor thereof;

**"parking area"** means any area of land or any building set aside by the Council as a parking area or garage for the parking of vehicles by members of the public or parking area along a road, whether or not a prescribed fee has been determined for the use thereof;

**"parking meter parking area"** means a parking area 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 and includes any post or fixture to which it is attached;

**"parking period"** means that period of time, including a period reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking area 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;

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

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

**"prescribed"** means determined by resolution of the Council from time to time;

**"prescribed fee"** means a fee determined by the Council by resolution in terms of any other applicable legislation; and

**"Ticket controlled parking area"** means a parking area or any part thereof where parking is controlled by means of tickets.

**CHAPTER 2****TICKET- CONTROLLED PARKING AREAS****2. Parking fees**

Any person making use of a parking area or parking bay in a ticket controlled parking area must pay the prescribed fee.

**3. Conditions of parking in ticket-controlled parking areas**

(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 ticket controlled parking area, wherein parking is controlled by the issue of tickets—

- (a) except in a parking bay and in compliance with any directions which 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 area is full; or
- (c) after the expiry of the parking period.

(2) No person may remove or cause or permit the removal of any vehicle from a parking area unless—

- (a) that person has produced to the authorised official a ticket authorising him or her to park in the parking area and which was issued to that person upon entering or leaving the parking area; and
- (b) that person has upon entering or leaving the parking area paid the prescribed fee to the authorised official.

(3) If a person fails to produce a ticket authorising him or her to park in a parking area, that person is deemed to have parked the vehicle from 08:00 on the day in question until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.

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

(5) An authorised official may require a person referred to in subsection (4) to furnish prescribed security.

(6) If a vehicle has not been removed from a parking area by the end of the parking period for which the prescribed fee has been paid, a further prescribed fee is payable for the next parking period.

**CHAPTER 3****PARKING METER PARKING AREAS****4. Parking fees**

Any person making use of a parking area or parking bay in a parking area must pay the prescribed fee.

**5. 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 area otherwise than in a parking bay.

**6. 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 that parking bay; or
- (b) if a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto; 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.

(2) Notwithstanding the provisions of subsection (1)—

- (a) a person may, subject to the provisions of subsection (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and
- (b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object, provided that such a person does not park the vehicle in that parking bay for a period exceeding the maximum ordinarily allowed by that parking meter.

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

(4) 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 that period into the parking meter allocated to that parking bay, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter.

(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 the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.

#### **7. Proof of time**

The expiry of the parking period, as indicated 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 expiry of the parking period.

### **CHAPTER 4 PAY-AND-DISPLAY PARKING AREAS**

#### **8. Parking fees**

Any person making use of a parking area or parking bay in a pay and display parking area must pay the prescribed fee.

#### **9. 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 the parking 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 one comma five meters 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) 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 that period into the pay and display machine, must be indicated on such machine.

(3) Tickets issued by the pay and display machine must reflect:

(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.

(4) 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.

#### **10. Proof of date and time of departure**

The commencement of the parking period as recorded by a pay and display machine and as observed by an authorised official, is for the purposes 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 commencement of the parking period.

### **CHAPTER 5**

#### **VEHICLES**

#### **11. Abandoned vehicles**

(1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than fourteen days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer.

(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 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 by public auction.

(3) The Council must, fourteen days prior to the date of an auction sale contemplated in subsection (2), publish a notice thereof in at least two newspapers circulating within the municipal area of the Council: Provided that a vehicle may not be sold at the auction if—

(a) at any time before the vehicle is sold, the owner or any person authorised by the owner or otherwise lawfully entitled thereto, claims the vehicle; and

(b) every prescribed fee payable in respect thereof in terms of these by-laws and all costs referred to in subsection (4) are paid to the Council.

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee 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 and effecting the sale of the vehicle;

- (c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and
- (d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate.

(5) Any balance of the proceeds referred to in subsection (4), 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 year of the date of the sale, the balance will be forfeited to the Council.

## **12. Vehicles of excessive size**

(1) Unless a road traffic sign displayed at the entrance to a parking area indicates otherwise, no vehicle which together with any load, exceeds five meters in length, may be parked in a parking area.

(2) No person shall park a vehicle with a gross vehicle mass exceeding three thousand five hundred kilograms, or any trailer with a gross vehicle mass exceeding one thousand kilograms, on a public road or road reserve within the area of jurisdiction of the Endumeni Municipality or property of the Endumeni Municipality, for a period of more than two hours, unless—

- (a) a temporary parking permit has been issued to such a vehicle or trailer by the Municipality; or
- (b) such vehicle or trailer is parked in a parking bay specifically provided for the parking of such vehicles or trailers.

(3) No person shall park a caravan on a public road or road reserve within the area of jurisdiction of the Endumeni Municipality, for a period of more than twenty-four hours.

(4) The Municipality shall on application, issue a temporary parking permit to vehicles and trailers, which must park for specific periods on public roads or road reserves, because of agricultural activities.

(5) Any person who contravenes any provisions of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding R1, 000.00 (One Thousand Rand).

## **13. Parking after parking period**

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

## **14. Defective vehicles**

No person may park or cause or permit any vehicle to be parked or to be or remain in any parking area which is mechanically defective or for any reason incapable of movement unless a vehicle has, after having been parked in a parking area, developed a defect which immobilises it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

## **15. Parking of a vehicle in parking area**

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 area.

## **16. Cleaning and repair of vehicle**

No person may in any parking area clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

## **17. Tampering with vehicles and obstructions**

(1) No person may in any parking area without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon that 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 area—

- (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 the bay; or
- (b) perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

## **18. Parking after parking period**

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

**CHAPTER 6****MISCELLANEOUS****19. 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 or which in terms of section 6 or 16 may not be parked in a parking ground.

**20. Forging or defacing tickets**

No person may 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.

**21. Medical practitioners exempt**

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

**22. Parking directives**

- (1) No driver or person in charge of a vehicle shall park such vehicle or cause it to be parked—
- (a) in a demarcated parking bay across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated;
  - (b) in a demarcated parking bay which is already occupied or partly occupied by another vehicle;
  - (c) in an area demarcated for commercial loading purposes, unless it is lawful to do so for the purpose of commercial loading.
- (2) The person or driver in charge of a vehicle shall park such vehicle in a demarcated parking bay—
- (a) if the demarcated parking place is parallel to the curb or sidewalk of the public road, in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left hand wheels of the vehicle are substantially parallel to and within four hundred and fifty millimeters of the left hand curb: Provided that where in a one-way street such demarcated parking place is in existence on the right hand side of the road the same shall apply to the right hand wheels and the right hand curb respectively; and
  - (b) if the demarcated parking place is at an angle to the curb or sidewalk of a public road, in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.
- (3) Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first mentioned parking place, if such be the case, and any person so parking shall be liable for payment of parking fees in respect of both the said places.

**23. Offences and penalties**

Any person who—

- (a) contravenes or fails to comply with any provision 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 to a fine not exceeding R1,000.00 (One Thousand Rand) or to imprisonment for a period not exceeding three months.

**24. Monthly tickets**

- (1) Notwithstanding anything to the contrary contained in these By-laws, the Council may in respect of any parking area controlled by the issue of tickets, issue at a prescribed fee a ticket that entitles the holder to park a vehicle in that area for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.
- (2) The Council may issue to any of its employees a ticket which entitles the holder, when using a vehicle regarding the business of the Council, to park it in a parking area specified in the ticket, if a parking bay is available in the parking area.
- (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 vehicle specified in the ticket, 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.

**25. Closure of parking areas**

Notwithstanding anything to the contrary contained in these by-laws, the Council may at any time close any parking area 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 parking area closed or at the portion closed, as the case may be.

**26. Parking according to instruction**

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

**27. Prohibitions 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; or
  - (ii) an object which is prescribed as another method of payment as contemplated in section 8(1);
- (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; or
- (f) obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

**28. Prohibitions 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; or
- (c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

**CHAPTER 7****GENERAL PROVISIONS****29. Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

**30. Repeal of by-laws**

Any by-laws relating to Parking adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

**31. Short title and commencement**

This by-law is called the Parking By-Law, 2015, and shall take effect on the date of publication in the Provincial Gazette.

**MUNISIPALE KENNISGEWING 52 VAN 2016****VERORDENINGE INSAKE PARKERING**

Daar word deur die Raad van die Endumeni Munisipaliteit, kragtens artikel 156 van die Grondwet van die Republiek van Suid Afrika 1996 (Wet 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr 32 van 2000), soos volg bepaal:

**INHOUDSOPGAWE****HOOFSTUK 1: OMSKRYWINGS**

1. Omskrywings

**HOOFSTUK 2: KAARTJIEBEHEERDE PARKEERTERREINE**

2. Parkeergelde
3. Voorwaardes vir parkering in kaartjiebeheerde parkeerterreine

**HOOFSTUK 3: PARKEERMETERPARKEERTERREINE**

4. Parkeergelde
5. Plek vir parkering
6. Parkeervoorwaardes
7. Bewys van tyd

**HOOFSTUK 4: BETAAL-EN-VERTOONPARKEERTERREINE**

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**HOOFSTUK 5: VOERTUIE**

11. Verlate voertuie
12. Voertuie van buitensporige grootte
13. Parkering na parkeertydperk
14. Onklaar voertuie
15. Parkering van 'n voertuig in parkeerterrein
16. Skoonmaak en herstel van voertuig
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18. Parkering na parkeertydperk

**HOOFSTUK 6: ALLERLEI**

19. Weiering van toegang
20. Vervalsing of skending van kaartjies
21. Mediese praktisyns vrygestel
22. Parkeervoorskrifte
23. Misdrywe en boetes
24. Maandelikse kaartjies
25. Sluiting van parkeerterreine
26. Parkering ingevolge instruksies
27. Verbodsbepalings met betrekking tot parkeermeters
28. Verbodsbepalings met betrekking tot betaal-en-vertoon-masjiene

**HOOFSTUK 7: ALGEMENE BEPALINGS**

29. Herroeping van verordeninge
30. Regulasies
31. Korttitel en inwerkingtreding



**HOOFSTUK 1****OMSKRYWINGS****1. Omskrywings**

In hierdie verordeninge het enige woord of uitdrukking wat in die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996) omskryf is, tensy uit die samehang anders blyk, 'n soortgelyke betekenis en beteken –

**"betaal-en-vertoonmasjien"** 'n masjien wat op 'n betaal-en-vertoonparkeerterrein vir die verkoop van kaartjies aangebring is;

**"betaal-en-vertoonparkeerterrein"** 'n parkeerterrein of enige deel daarvan waarop 'n kennisgewing by die ingang deur die Raad aangebring is wat aandui dat die betrokke parkeerterrein of deel daarvan 'n betaal-en-vertoonparkeerterrein is;

**"gemagtigde beampte"** enige inspekteur van lisensies, 'n verkeersbeampte, vredesbeampte ingevolge artikel 334 van die Strafproseswet, 1977 (Wet nr 51 van 1977), of 'n polisiebeampte ingevolge die Polisiewet, 1958 (Wet nr 7 van 1958), met inbegrip van enige persoon wat deur die Provinsiale Minister van Plaaslike Regering van tyd tot tyd by wyse van regulasie as 'n gemagtigde beampte verklaar is;

**"kaartjiebeheerde parkeerterrein"** 'n parkeerterrein of enige deel daarvan waar parkering beheer word by wyse van kaartjies

**"oorlas"** enige toestand, ding, handeling of versuim wat aanstootlik of nadelig is of geneig is om op die veiligheid, goeie orde, vrede in die gebied of deel daarvan of redelike gemak, gerief, vrede of rus in enige woongebied in die gebied inbreuk te maak, met inbegrip van enige handeling, uitstalling of publikasie in stryd met openbare sedelikheid of moraliteit;

**"openbare pad"** 'n openbare pad soos beskryf kragtens artikel 1 van die Padverkeerswet, 1996 (Wet No. 93 van 1996);

**"parkeer"** om 'n voertuig, hetsy dit beset is al dan nie, vir 'n langer tydperk te laat stilstaan as wat redelik vir die werklike oplaai of aflaai van persone of goedere nodig is, maar sluit nie sodanige stilstand van 'n voertuig in as gevolg van 'n oorsaak buite die beheer van die persoon wat in beheer van sodanige voertuig is nie;

**"parkeermeter"** 'n toestel wat die tydsverloop registreer en sigbaar aanteken deur die invoeging van 'n muntstuk of ander metode wat voorgeskryf is en sluit in enige paal of vaste toebehoorsel waaraan dit vasgeheg is;

**"parkeermeterparkeerterrein"** 'n parkeerterrein of enige deel daarvan waar parkering by wyse van parkeermeters beheer word;

**"parkeerplek"** 'n afgebakende gebied waarbinne 'n voertuig ingevolge dié verordening geparkeer moet word wat as sodanig op die oppervlak van 'n parkeerterrein of openbare pad afgebaken is;

**"parkeerterrein"** enige stuk grond of enige gebou wat die Raad opsy gesit het as 'n parkeerterrein of parkade vir die parkering van lede van die publiek se voertuie of 'n parkeerterrein langs 'n pad, hetsy 'n voorgeskrewe bedrag vir die gebruik daarvan bepaal is al dan nie;

**"parkeertydperk"** daardie tydperk, met inbegrip van 'n tydperk wat deur 'n parkeermeter aangedui word, op enige dag wat voertuie toegelaat word om op 'n parkeerterrein of parkeerplek te mag parkeer of soos deur 'n padverkeersteken aangedui;

**"Raad"** die Raad van die Endumeni Munisipaliteit;

**"skut"** 'n stuk grond of plek wat deur die Raad afgesonder is vir die bewaring van voertuie wat van 'n parkeerterrein verwyder is ingevolge hierdie verordeninge;

**"vereniging"** persone wat vir hulleself werk en hulle in 'n karwagvereniging georganiseer het;

**"voorgeskrewe gelde"** 'n bedrag geld wat deur die Raad by wyse van 'n besluit ingevolge enige ander wetgewing vasgestel is;

**"voorgeskrif"** soos van tyd tot tyd deur 'n besluit van die Raad voorgeskrif en voorgeskrewe het 'n soortgelyke betekenis; en

**"vredesbeampte"** 'n vredesbeampte soos bedoel in artikel 334 van die Strafproseswet, 1977 (Wet No. 51 van 1977).

## HOOFSTUK 2

### KAARTJIEBEHEERDE PARKEERTERREINE

#### 2. Parkeergelde

Enige persoon wat 'n parkeerterrein of parkeerplek op 'n kaartjiebeheerde parkeerterrein gebruik, moet die voorgeskrewe gelde betaal.

#### 3. Voorwaardes vir parkering op kaartjiebeheerde parkeerterrein

(1) Niemand mag 'n voertuig op 'n kaartjiebeheerde parkeerterrein, waarop parkering deur die uitreiking van kaartjies beheer word, parkeer of laat parkeer of toestem dat dit daar parkeer word of toelaat dat dit daar vertoef nie –

- (a) behalwe op 'n parkeerplek en in ooreenstemming met die voorskrifte wat deur 'n gemagtigde beampte gegee mag word, of waar geen sodanige plek gemerk is nie op 'n plek wat deur sodanige beampte aangedui word;
- (b) nadat die gemagtigde beampte aangedui het dat die parkeerterrein vol is; of
- (c) na die verstryking van die parkeertydperk.

(2) Niemand mag 'n voertuig van 'n parkeerterrein verwyder of laat verwyder nie tensy –

- (a) daardie persoon 'n amptelike kaartjie aan die gemagtigde beampte toon wat hom of haar magtig om op die parkeerterrein te parkeer en wat aan daardie persoon uitgereik is toe die parkeerterrein binnegegaan of verlaat is; en
- (b) daardie persoon tydens die binnegaan of verlating van die parkeerterrein die voorgeskrewe gelde aan die gemagtigde beampte betaal het.

(3) Indien 'n persoon nie in staat is om 'n kaartjie te toon wat hom of haar magtig om op 'n parkeerterrein te parkeer nie, word dit geag dat daardie persoon die voertuig van 08:00 op die betrokke dag geparkeer het tot die tyd wat daardie persoon die voertuig wil verwyder en moet hy of sy die voorgeskrewe gelde vir daardie tydperk betaal.

(4) Niemand mag, nadat die persoon nie in staat was om 'n kaartjie te toon nie, enige voertuig op die parkeerterrein geparkeer, verwyder, laat verwyder of toelaat dat dit verwyder word nie totdat daardie persoon ander bewys gelewer het, tot die bevrediging van 'n gemagtigde beampte, van sy of haar reg om sodanige voertuig te verwyder.

(5) 'n Gemagtigde beampte kan van 'n persoon bedoel in subartikel (4) vereis om voorgeskrewe sekuriteit te lewer.

(6) Indien 'n voertuig nie van die parkeerterrein verwyder word teen die einde van die parkeertydperk waarvoor die voorgeskrewe gelde betaal is nie, is verdere voorgeskrewe gelde betaalbaar vir die volgende parkeertydperk.

## HOOFSTUK 3

### PARKEERMETERPARKEERTERREINE

#### 4. Parkeergelde

Enige persoon wat 'n parkeerterrein of parkeerplek op 'n parkeerterrein gebruik, moet die voorgeskrewe gelde betaal.

#### 5. Plek vir parkering

Niemand mag enige voertuig op 'n parkeermeterparkeerterrein behalwe in 'n parkeerplek parkeer, laat parkeer of toestem dat dit daar parkeer of toelaat dat 'n voertuig daar vertoef nie.

#### 6. Parkeervoorwaardes

(1) Niemand mag 'n voertuig in 'n parkeerplek parkeer of laat parkeer nie tensy 'n muntstuk of ander voorgeskrewe voorwerp onverwyld –

- (a) in die meter gevoeg word wat aan daardie parkeerplek toegeken is; of
- (b) indien 'n meter meer as een parkeerplek beheer, in die meter wat die betrokke parkeermeter beheer soos aangedui deur enige merk of teken op die oppervlakte of vloer van die parkeerplek of die oppervlakte of vloer langsaan; en daardie meter in werking gestel word in ooreenstemming met die voorskrifte wat daarop verskyn sodat die meter die parkeertydperk registreer en sigbaar aandui weens die invoeging van die muntstuk of ander voorgeskrewe voorwerp daarin.

(2) Ondanks die bepalings van subartikel (1) –

(a) mag 'n persoon, behoudens die bepalings van subartikel (5), 'n voertuig op 'n leë parkeerplek, vir enige tydperk wat op die meter as onverstreke aangedui word, parkeer sonder om 'n muntstuk of ander voorgeskrewe voorwerp daarin te voeg; en

(b) indien 'n persoon vasgestel het dat die parkeermeter vir enige parkeerplek nie behoorlik funksioneer nie, is hy of sy daarop geregtig om 'n voertuig op daardie parkeerplek te parkeer sonder dat 'n muntstuk of ander voorgeskrewe voorwerp in die meter gevoeg word, met dien verstande dat sodanige persoon nie die voertuig op daardie plek parkeer vir 'n tydperk wat die maksimum tydperk wat gewoonlik deur daardie parkeermeter toegelaat word, oorskry nie.

(3) Die invoeging van 'n muntstuk of ander voorgeskrewe voorwerp in 'n parkeermeter gee die persoon wat dit daarin voeg die reg om 'n voertuig op die toepaslike parkeerplek te parkeer vir die tydperk wat ooreenstem met die betaling wat sodanig gemaak is.

(4) Die tydperk wat 'n voertuig op 'n parkeerplek geparkeer mag word en die muntstuk of ander voorgeskrewe voorwerp wat vir sodanige tydperk in die parkeermeter wat aan daardie parkeerplek toegewys is, gevoeg mag word, moet in ooreenstemming wees met die voorgeskrewe gelde, en die muntstuk of ander voorwerp wat daarin geplaas moet word, moet ten alle tye duidelik op die parkeermeter aangedui word.

(5) Niemand mag, met of sonder die invoeging van 'n bykomende muntstuk of ander voorgeskrewe voorwerp in 'n parkeermeter, 'n voertuig op 'n parkeerplek laat na die verstryking van die tydperk op die parkeermeter aangedui, of die voertuig na daardie plek terugbring binne vyftien minute na sodanige verstryking nie, of die gebruik van daardie plek deur 'n ander persoon belemmer nie.

#### **7. Bewys van tyd**

Die verstryking van die parkeertyd, soos aangedui deur 'n parkeermeter, word vir die doeleindes van hierdie verordeninge en vir enige verrigtinge wat daaruit mag voortspruit as korrek beskou en kan, op die oog af, as bewys dien van die verstryking van die parkeertyd.

### **HOOFSTUK 4 BETAAL-EN-VERTOONPARKEERTERREINE**

#### **8. Parkeergelde**

Enige persoon wat 'n parkeerterrein of parkeerplek op 'n betaal-en-vertoonterrein gebruik, moet die voorgeskrewe gelde betaal.

#### **9. Parkering**

(1) Geen persoon mag 'n voertuig parkeer of laat parkeer of toestem dat dit geparkeer word of 'n voertuig toelaat om op 'n betaal-en-vertoonparkeerterrein te wees of te vertoef nie tensy die persoon dadelik wanneer hy of sy die parkeerterrein binnegaan –

(a) 'n kaartjie koop wat uitgereik word deur 'n betaal-en-vertoonmasjien op daardie parkeerterrein in ooreenstemming met die voorskrifte op of binne 'n afstand van nie meer as een komma vyf meter van sodanige masjien nie; en

(b) sodanige kaartjie vertoon deur dit aan die bestuurder se kant van die voorste ruit heg sodat die inligting wat op die kaartjie deur die betaal-en-vertoonmasjien gedruk is geredelik van buite die voertuig leesbaar is.

(2) Die tydperk wat 'n voertuig op 'n betaal-en-vertoonparkeerterrein geparkeer mag word en die muntstuk of ander voorgeskrewe voorwerp wat ten opsigte van daardie tydperk in die betaal-en-vertoonmasjien gevoeg moet word, moet op sodanige masjien aangetoon word.

(3) Kaartjies wat deur die betaal-en-vertoonmasjien uitgereik word, moet die volgende aanstip:

(a) die datum of dag waarop die kaartjie uitgereik is;

(b) die bedrag wat vir die kaartjie betaal is;

(c) die vertrektyd; en

(d) die masjienkodenommer.

(4) Niemand mag toelaat dat 'n voertuig in 'n betaal-en-vertoonparkeerterrein vertoef na die verstryking van die vertrektyd wat op die kaartjie aangedui is nie.

#### **10. Bewys van datum en vertrektyd**

Die aanvang van die parkeertydperk soos deur 'n betaal-en-vertoonmasjien geregistreer en soos deur 'n gemagtigde beambte waargeneem, word vir die doeleindes van hierdie verordeninge en vir enige verrigtinge wat uit die toepassing daarvan mag voortspruit, as korrek beskou en kan, op die oog af, as bewys dien van die begin van die parkeertydperk.

**HOOFSTUK 5****VOERTUIE****11. Verlate voertuie**

(1) Enige voertuig wat op dieselfde plek op 'n parkeerterrein gelaat word vir 'n aaneenlopende tydperk van meer as veertien dae kan, tensy anders deur die Raad gemagtig, deur of in opdrag van 'n gemagtigde beampte verwyder word.

(2) Die Raad moet alle redelike stappe doen om die eienaar van 'n voertuig op te spoor wat ingevolge subartikel (1) verwyder is en indien, na die verloop van negentig dae sedert die verwydering van die voertuig, die eienaar of persoon geregtig op die voertuig nie opgespoor kan word nie, kan die voertuig, behoudens die bepalings van subartikel (3), deur die Raad per openbare veiling verkoop word.

(3) Die Raad moet veertien dae voor die veiling bedoel in subartikel (2) 'n kennisgewing in minstens twee koerante publiseer wat in die munisipale gebied van die Raad versprei word: Met dien verstande dat die voertuig nie op die veiling verkoop mag word nie indien –

- (a) ter enige tyd voordat die voertuig verkoop word, die eienaar of enige persoon wat deur die eienaar gemagtig is of regtens daarop geregtig is die voertuig opeis; en
- (b) alle voorgeskrewe gelde betaalbaar ten opsigte daarvan ingevolge hierdie verordeninge en alle koste bedoel in subartikel (4) aan die Raad betaal.

(4) Die opbrengs van 'n transaksie wat ingevolge hierdie artikel gesluit is, moet eerstens aangewend word vir al die gelde bedoel in subartikel (3) en om die volgende te delg:

- (a) die koste wat aangegaan is in 'n poging om die eienaar op te spoor ingevolge subartikel (2);
- (b) die koste van die verwydering van die voertuig en om die verkoop van die voertuig te reël;
- (c) die pro-rata koste vir publikasie ingevolge subartikel (3), gegewe die aantal voertuie wat by die veiling verkoop staan te word; en
- (d) die koste om die voertuig in die skut te hou wat volgens die voorgeskrewe koers bereken moet word.

(5) Enige balans van die opbrengs bedoel in subartikel (4) moet aan die eienaar van die voertuig of enige persoon wat regtens daarop geregtig is, betaal word nadat sy of haar reg daartoe tot bevrediging van die Raad bevestig is, en indien geen eis binne een jaar sedert die datum van die verkoping ingestel word nie sal die balans aan die Raad verbeur word.

**12. Voertuie van buitensporige grootte**

(1) Tensy 'n padverkeerstekon wat by die ingang van die parkeerterrein vertoon word anders bepaal, mag geen voertuig wat tesame met enige vrag vyf meter in lengte oorskry op 'n parkeerterrein geparkeer word nie.

(2) Niemand mag 'n voertuig met 'n brutovoertuigmassa van meer as drie duisend vyf honderd kilogram, of enige sleepwa met 'n brutovoertuigmassa van meer as 'n duisend kilogram, op 'n openbare pad of padreserwe binne die regsgebied van die Endumeni Munisipaliteit of eiendom van die Endumeni Munisipaliteit vir 'n tydperk van meer as twee uur parkeer nie tensy –

- (a) 'n tydelike parkeerpermit aan sodanige voertuig of sleepwa deur die Munisipaliteit uitgereik is; of
- (b) sodanige voertuig of sleepwa in 'n parkeerplek geparkeer is wat spesifiek vir die parkering van sodanige voertuig of sleepwa voorsiening maak.

(3) Niemand mag 'n woonwa op 'n openbare pad of padreserwe binne die regsgebied van die Endumeni Munisipaliteit vir 'n tydperk van meer as vier en twintig uur parkeer nie.

(4) Die Munisipaliteit sal op aansoek 'n tydelike parkeerpermit aan voertuie en sleepwaens uitreik wat vir spesifieke tydperke op openbare paaie of padreserwes moet parkeer as gevolg van landbou-aktiwiteite.

(5) Enige persoon wat enige van die bepalings van hierdie verordening oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000.00 (Een Duisend Rand).

**13. Parkering na parkeertydperk**

Niemand mag 'n voertuig parkeer of laat parkeer of toestem dat dit op enige parkeerterrein parkeer word voor die begin of na die verstryking van die parkeertydperk voorgeskryf vir die parkeerterrein, tensy daardie persoon die houer is van 'n kaartjie uitgereik ingevolge hierdie verordeninge hom of haar magtig om dit te doen.

**14. Onklaar voertuie**

Niemand mag enige voertuig parkeer, laat parkeer of toestem dat dit parkeer word of op enige parkeerterrein is of vertoef indien dit meganies onklaar is of vir enige rede nie in staat is om te beweeg nie tensy die voertuig, nadat dit op die parkeerterrein geparkeer is, onklaar geraak het sodat dit nie kan beweeg nie en die persoon in beheer aantoon dat hy of sy redelike stappe gedoen het om die voertuig te herstel of binne 'n redelike tyd te verwyder.

**15. Parkering van 'n voertuig op 'n parkeerterrein**

Niemand mag enige voertuig parkeer, laat parkeer of toestem dat dit parkeer word of op enige parkeerterrein is of vertoef buiten 'n voertuig soos omskryf in die Nasionale Padverkeerswet, 1996 (Wet nr 93 van 1996).

**16. Skoonmaak en herstel van voertuig**

Niemand mag in enige parkeerterrein 'n voertuig skoonmaak, was, herstelwerk doen, behalwe klein noodherstelwerk, tensy die vooraf skriftelike toestemming van die Raad verkry is.

**17. Peutery met voertuie en hindernisse**

(1) Niemand mag op enige parkeerterrein sonder goeie rede of sonder die medewete en toestemming van die eienaar of persoon in wettige beheer van 'n voertuig, daardie voertuig betree of daarop klim om die enjin daarvan in beweging te stel nie of op enige manier peuter of inmeng met sy enjin of enige ander deel daarvan of met sy toebehore, bybehore of inhoud.

(2) Niemand mag op enige parkeerterrein –

- a) 'n voertuig parkeer sodat enige deel daarvan oor 'n wit lyn strek wat die grens van 'n parkeerplek vorm nie of dat dit nie heeltemal binne die grense van die parkeerplek is nie; of
- b) enige handeling verrig of enigiets voortbring wat die beweging van of waarskynlik die beweging van persone en voertuie belemmer nie.

**18. Parkering na parkeertydperk**

Niemand mag 'n voertuig parkeer of laat parkeer of toestem dat dit in enige parkeerterrein geparkeer word voor die begin of na die verstryking van die parkeertydperk voorgeskryf vir die parkeerterrein nie, tensy daardie persoon die houer is van 'n kaartjie uitgereik ingevolge hierdie verordeninge of hom of haar magtig om dit te doen.

**HOOFSTUK 6****ALLERLEI****19. Weiering van toegang**

'n Gemagtigde beampte mag weier om 'n voertuig in 'n parkeerterrein toe te laat wat waarskynlik weens sy lengte, wydte of hoogte skade aan persone of eiendom of 'n hindernis of onnodige ongerief gaan veroorsaak of wat ingevolge artikel 6 of 16 nie op 'n parkeerterrein geparkeer mag word nie.

**20. Vervalsing of skending van kaartjies**

Niemand mag met opset en om die Raad te bedrieg enige kaartjie vervals, namaak, skend, beskadig of verander wat ingevolge hierdie verordeninge uitgereik is nie.

**21. Mediese praktisyns vrygestel**

'n Mediese praktisyn is vrygestel van die betaling van die voorgeskrewe gelde indien die voertuig wat deur daardie mediese praktisyn op 'n parkeerterrein geparkeer is om hom of haar in staat te stel om professionele dienste te lewer by enige ander plek as 'n spreekkamer of soortgelyke plek, op voorwaarde dat 'n vorm of skyfie wat deur die Suid-Afrikaanse Mediese Raad uitgereik is vir daardie doel op die voorruit van die betrokke voertuig vertoon word op 'n wyse dat dit geredelik leesbaar is van buite die voertuig.

**22. Parkeervoorskrifte**

(1) Geen bestuurder in beheer van 'n voertuig mag sodanige voertuig parkeer of laat parkeer –

- (a) op 'n afgebakende parkeerplek oor enige gevefde streep heen wat die grense van die parkeerplek aandui nie of in sodanige posisie dat die betrokke voertuig nie geheel en al binne die afgebakende gebied is nie;
- (b) op 'n afgebakende parkeerplek wat reeds beset is of gedeeltelik beset is deur 'n ander voertuig;
- (c) in 'n gebied wat afgebaken is vir kommersiële laaidoeleindes, tensy dit wettig is om dit vir kommersiële laaidoeleindes te doen.

(2) Die persoon in beheer van 'n voertuig moet sodanige voertuig in 'n afgebakende parkeerplek parkeer –

- (a) indien die afgebakende parkeerplek parallel is met die randsteen of sypaadjie van die openbare pad, op sodanige wyse dat dit wys in die algemene rigting waarin die verkeer beweeg aan die kant van die pad waar die voertuig geparkeer word sodat die linkerkantste wiele van die voertuig voldoende parallel is met en binne vier honderd en vyftig millimeter van die linkerkantste randsteen: Met dien verstande dat in die geval van 'n eenrigtingstraat waar sodanige afgebakende parkeerplek aan die regterkant van die pad is, dieselfde sal geld vir onderskeidelik die regterkantste wiele en die regterkantste randsteen; en
- (b) indien die afgebakende parkeerplek 'n hoek met die randsteen of sypaadjie van 'n openbare pad vorm, op so 'n wyse dat dit voldoende wys in die algemene rigting waarin die verkeer vloei aan die kant van die pad waarop sodanige voertuig geparkeer is.

(3) Indien, weens die lengte van enige voertuig, sodanige voertuig nie geheel en al binne 'n afgebakende parkeerplek geparkeer kan word nie, is dit wettig om sodanige voertuig te parkeer wat inbreuk maak op 'n afgebakende parkeerplek langs die eersgenoemde parkeerplek, en indien dit die geval is, is enige persoon wat aldus parkeer aanspreeklik vir die betaling van parkeergelde vir beide die betrokke plekke.

### 23. Misdrye en boetes

Enige persoon wat –

- (a) enige bepalings van hierdie verordeninge oortree of versuim om daaraan te voldoen; of
- (b) versuim om aan enige kennisgewing te voldoen wat ingevolge hierdie verordeninge uitgereik is; of
- (c) versuim om te voldoen aan enige wettige voorskrif wat ingevolge hierdie verordeninge uitgereik is; of
- (d) wat enige gemagtigde verteenwoordiger of werknemer van die Raad verhinder of pla in die uitvoering van sy of haar plige kragtens hierdie verordeninge, is skuldig aan 'n misdryf en strafbaar by skuldigbevinding aan 'n boete van hoogstens R1 000.00 (Een Duisend Rand) of gevangenisstraf vir 'n tydperk van hoogstens drie maande.

### 24. Maandkaartjies

(1) Ondanks enige strydige bepalings wat in hierdie verordeninge vervat is, kan die Raad met betrekking tot enige parkeerterrein wat beheer word deur die uitreiking van kaartjies, teen 'n voorgeskrewe bedrag 'n kaartjie uitreik wat die houer magtig om 'n voertuig vir een kalendermaand op daardie terrein te parkeer, of vir enige korter tydperk wat daarop gespesifiseer word, op die tye wat op die kaartjie gespesifiseer word, indien 'n parkeerplek beskikbaar is.

(2) Die Raad kan aan enige van sy werknemers 'n kaartjie uitreik wat die houer magtig, indien 'n voertuig vir die Raad se werksaamhede gebruik word, om die voertuig op 'n parkeerplek te parkeer wat op die kaartjie gespesifiseer word, indien 'n parkeerplek op die parkeerterrein beskikbaar is.

(3) 'n Kaartjie wat ingevolge subartikel (1) of (2) uitgereik is, kan nie sonder die vooraf skriftelike toestemming van die Raad aan enige ander persoon oorgedra of gebruik word nie behalwe vir die voertuig wat op die kaartjie gespesifiseer word.

(4) 'n Kaartjie wat ingevolge subartikel (1) of (2) uitgereik is, moet deur die houer van die kaartjie op die voertuig ten opsigte waarvan dit uitgereik is aangebring word op sodanige wyse en plek sodat die geskrewe of gedrukte teks gereedlik sigbaar is van buite die voertuig.

### 25. Sluiting van parkeerterreine

Ondanks enige strydige bepalings wat in hierdie verordeninge vervat is, kan die Raad ter enige tyd enige parkeerteerin of deel daarvan tydelik of permanent sluit en moet die feit en tydperk van sodanige sluiting aandui by wyse van 'n padverkeersteken wat vertoon word by die ingang tot die parkeerterrein of die gedeelte wat gesluit gaan word, na gelang van die geval.

### 26. Parkering volgens instruksie

Niemand mag op enige parkeerterrein 'n voertuig anders parkeer as in navolging van 'n instruksie of voorskrif, indien enige, wat uitgereik is deur 'n gemagtigde beampte, of 'n voertuig inbring of verwyder behalwe deur die ingang daartoe of 'n uitgang daarvandaan wat vir daardie doel afgebaken is.

### 27. Verbodsbepalings met betrekking tot parkeermeters

Niemand mag –

- (a) 'n muntstuk of voorwerp in 'n parkeermeter voeg of probeer invoeg nie behalwe:
  - (i) 'n muntstuk van 'n Suid-Afrikaanse geldeenheid van 'n denominasie soos voorgeskryf; of
  - (ii) 'n voorwerp wat voorgeskryf is as 'n ander metode van betaling soos bedoel in artikel 8(1);
- (b) enige vals of vervalsde muntstuk of voorgeskrewe voorwerp of enige vreemde voorwerp invoeg of probeer invoeg nie;
- (c) met 'n parkeermeter peuter, dit beskadig, skend of verberg nie;
- (d) op enige wyse hoe ook al veroorsaak of probeer veroorsaak dat 'n parkeermeter die tyd anders registreer as deur die plasing van 'n muntstuk of ander voorgeskrewe voorwerp daarin;
- (e) 'n parkeermeter wat nie behoorlik of gladnie funksioneer nie te ruk, stamp, skud of daarmee inmeng nie ten einde dit te laat funksioneer vir enige ander doel nie; of
- (f) 'n parkeermeter of enige deel daarvan verwyder of probeer verwyder van die paal of vaste toebehoorsel waaraan dit vas is nie.

**28. Verbodbepalings met betrekking tot vertoonmasjiene**

Niemand mag –

- (a) 'n muntstuk of ander voorwerp wat vals of vervals is of enige ander voorwerp behalwe 'n muntstuk van Suid-Afrikaanse geldeenheid of ander voorgeskrewe voorwerp in 'n betaal-en-vertoonmasjien voeg of probeer invoeg nie; of
- (b) 'n betaal-en-vertoonmasjien ruk, stamp, skud of op enige wyse daarmee inmeng, dit beskadig of skend nie; of
- (c) 'n betaal-en-vertoonmasjien of enige deel daarvan verwyder of probeer verwyder nie.

**HOOFSTUK 7  
ALGEMENE BEPALINGS****29. Regulasies**

Die Munisipaliteit kan regulasies maak wat nie onbestaanbaar met hierdie verordeninge is nie aangaande –

- (a) enige aangeleentheid wat ingevolge hierdie verordeninge voorgeskryf kan of mag word; en
- (b) enige aangeleentheid wat die toepassing van hierdie verordeninge sal moontlik maak.

**30. Herroeping van verordeninge**

Enige verordeninge wat verband hou met parkering wat deur die Munisipaliteit aangeneem is of enige voormalige munisipale raad wat tans 'n administratiewe eenheid van die Munisipaliteit uitmaak, word herroep op die datum wat hierdie verordeninge gepromulgeer word.

**31. Kort titel en inwerkingtreeding**

Hierdie verordeninge heet die Verordeninge insake Parkering en tree in werking op die datum waarop dit in die *Provinsiale Koerant* gepubliseer word.



**IMITHETHO KAMASIPALA EMAQONDANA NOKUPAKWA KWEZIMOTO**

Makumiswe uMthetho nguMkhandlu kaMasipala waseNdumeni, nokugunyazwa yiLungu leSigungu eSiphezulu esibhekelele uHulumeni Wezindawo ngokwesigaba 156 soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996 (uMthetho No. 108 we-1996), sifundwa nesigaba 11 soHulumeni beziNdawo: uMthetho weziNhlelo zikaMasipala, wezi-2000 (uMthetho No. 32 wezi-2000) ngale ndlela elandelayo:

**OKUQUKETHWE****ISAPHLUKO 1: IZINCAZELO ZAMAGAMA**

1. Izincazelo Zamagama

**ISAPHLUKO 2: IZINDAWO ZOKUPAKA EZILAWULWA NGAMATHIKITHI**

2. Imali ekhokhelwa ukupaka
3. Imibandela yokupaka ezindaweni ezilawulwa ngamathikithi

**ISAPHLUKO 3: IZINDAWO ZOKUPAKA EZINOMSHINI WEMITHA**

4. Imali ekhokhelwa ukupaka
5. Indawo yokupaka
6. Imibandela yokupaka
7. Ubufakazi besikhathi

**ISAPHLUKO 4: IZINDAWO ZOKUPAKA OKHOKHA BESE UCHOMA UBUFAKAZI**

8. Imali ekhokhelwa ukupaka
9. Ukupaka
10. Ubufakazi bosuku kanye nesikhathi sokuphuma endaweni yokupaka

**ISAPHLUKO 5: IZIMOTO**

11. Izimoto ezimane zashiywa nje
12. Izimoto ezinkulu ngokweqile
13. Ukupaka sekwedlule isikhathi esibekiwe
14. Izimoto ezifile
15. Ukupakwa kwemoto endaweni yokupaka
16. Ukuhlanzwa kanye nokukhandwa kwemoto
17. Ukuphazanyiswa kanye nokuvinjelwa kwezimoto
18. Ukupaka sekwedlule isikhathi esibekiwe

**ISAPHLUKO 6: EZIXUBILE**

19. Ukwinqatshelwa kokwamukelwa
20. Ukukokotela noma ukonakalisa amathikithi
21. Ukukhululwa kwabasebenzi bezokwelapha
22. Izimiso zokupaka
23. Amacala kanye nezinhlawulo
24. Amathikithi anyanga zonke
25. Ukuvalwa kwezindawo zokupaka
26. Ukupaka ngokwemiyalelo ebekiwe
27. Okungavumelekile maqondana namamitha okupaka
28. Okungavumelekile maqondana nemishini yokukhokha bese uchoma ubufakazi

**ISAPHLUKO 7: IZIHLELIZI EZEJWAYELEKILE**

29. Ukuchithwa kweMithetho kaMasipala
30. Imithethonqubo
31. Isihloko esifushane kanye nokuqala kokusebenza kwale mithetho kamasipala

## ISIAHLUKO 1

## IZINCAZELO ZAMAGAMA

**1. Izincazelo Zamagama**

Kule Mithetho kaMasipala, nanoma iliphi igama kumbe ibinza elichazwe eMthethweni Wezemigwaqo kaZwelonke, we-1996 (uMthetho uNo. 93 we-1996), lichaza leyo ncazelo, ngaphandle uma indikimba ikhomba okunye–

**"usosesheni"** kuchaza abantu abazisebenzayo abahlangane ndawonye baba yinhlangano yabaqaphi bezimoto;

**"umsebenzi ogunyaziwe"** kuchaza nanoma yimuphi umhloli wamalayisensi, iphoyisa lezemigwaqo, iphoyisa elibhekele ezokuthula ngokwesigaba 334 soMthetho Wezokushushisa Kwezobugebengu, we-1977 (uMthetho uNo. 51 we-1977), kumbe iphoyisa ngokoMthetho Wezamaphoyisa, we-1958 (uMthetho uNo. 7 we-1958), kanye nanoma yimuphi omunye muntu obekwa uNgqongqoshe woHulumeni beziNdawo esiFundazweni izikhathi ngezikhathi ngokomthethonqubo ukuba abe ngumsebenzi ogunyaziwe;

**"uMkhandlu"** kuchaza uMkhandlu kaMasipala waseNdumeni;

**"inkathazo"** kuchaza nanoma yisiphi isimo, into, isenzo kumbe iphutha noma elicunulayo kumbe eliyingozi elingase liphazamise ukuphepha, inhlalakahle, ukuthula endaweni noma engxenyeni yayo kumbe amalungelo okuhlala ngokuthula, ukunethezeka noma ukuthula endaweni nokubandakanya nanoma yisiphi isenzo, umbukiso kumbe izaziso eziphambene nokuziphatha ngokuzihlonipha emphakathini;

**"iphoyisa elibhekele ezokuthula"** kuchaza iphoyisa elibhekele Ukuthula njengoba kuchazwe eSigabeni 334 soMthetho Wezokushushisa Kwezobugebengu, we-1977 (uMthetho uNo. 51 we-1977);

**"umgwaqo womphakathi"** kuchaza umgwaqo womphakathi njengoba kuchazwe eSigabeni 1 soMthetho Wezemigwaqo, we-1996 (uMthetho uNo. 93 we-1996).

**"ukupaka"** kuchaza ukumisa imoto, nanoma ngabe iyasebenza noma ayisebenzi, ime isikhathi esingaphezulu kwaleso esibekiwe uma ilayisha kumbe yehlisa umthwalo noma abantu, kodwa lokhu akusho ukuma kwemoto ngesizathu sokuthi umshayeli wayo ubengasakwazi ukuyilawula;

**"indawo edwetshiwe yokupaka"** kuchaza indawo edwetshiwe yaklanyelwa ukupaka imoto ngaphansi kwale Mithetho kaMasipala, edwetshwe phansi kuleyo ndawo ebekelwe ukupaka imoto ngayinye;

**"indawo yokupaka"** kuchaza nanoma iyiphi indawo kumbe isakhiwo esibekwe eceleni uMkhandlu ukuba sibe yindawo yokupaka noma igaraji lokupaka izimoto zamalungu omphakathi kumbe indawo yokupaka egudle umgwaqo, noma ngabe kunemali ebekiwe ekhokhwayo uma usebenzisa leyo ndawo noma cha;

**"indawo yokupaka enemitha lokupaka"** kuchaza indawo yokupaka kumbe ingxenyeni yayo elawulwa ngokwamamitha okupaka;

**"imitha lokupaka"** kuchaza umshini orekhoda futhi okhombisa ubungako besikhathi sokupaka ofakwa imali kumbe enye indlela yokukhokha ebekiwe ebandakanya ukuposa noma indlela ebaluliwe yokwenza lokhu;

**"isikhathi sokupaka"** kuchaza leso sikhathi, kubandakanya nesikhathi esinqunywa ngumshini wemitha lokupaka, ngalolo suku imoto evunyelwe ukuba ipake ngalo endaweni yokupaka kumbe endaweni edwetshiwe yokupaka kumbe ngokophawu lomgwaqo;

**"umshini wokukhokha bese uchoma ubufakazi bokuthi ukhokhile"** kuchaza umshini okuthengwa kuwona ithikithi lokupaka ofakwe endaweni yokupaka okhokha bese uchoma ubufakazi bokuthi ukhokhile;

**"indawo yokupaka okhokha bese uchoma ubufakazi"** kuchaza indawo, kumbe ingxenyeni yayo, enesaziso esifakwe uMkhandlu endaweni yokungena esichazayo ukuthi le ndawo yokupaka kumbe ingxenyeni yayo iyindawo yokupaka okhokha bese uchoma ubufakazi uma ukuyona;

**"iphawundi"** kuchaza indawo ekhethwe uMkhandlu ukuba kuvalelwe kuyona izimoto ezisuswe endaweni yokupaka ngaphansi kwale Mithetho kaMasipala;

**"okunqunyiwe"** kuchaza lokho okubekwe ngokwesinqumo esithathwa uMkhandlu izikhathi ngezikhathi;

**"imali enqunyiwe"** kuchaza imali ebekwe ngokwesinqumo soMkhandlu ngaphansi kwananoma yimiphi imithetho eshayiwe esetshenziswayo; kanti

“Indawo yokupaka elawulwa ngamathikithi” kuchaza indawo yokupaka kumbe nanoma ingxenye yayo lapho ukupaka kuyona kulawulwa ngamathikithi.

## ISAHLUKO 2

### IZINDAWO ZOKUPAKA EZILAWULWA NGAMATHIKITHI

#### 2. Imali ekhokhelwa ukupaka

Nanoma ubani osebenzisa indawo yokupaka kumbe indawo edwetshiwe yaklanyelwa ukupaka endaweni yokupaka elawulwa ngamathikithi kumele akhokhe imali enqunyiwe.

#### 3. Imibandela yokupaka ezindaweni ezilawulwa ngamathikithi

(1) Akekho umuntu okumele apake kumbe agunyaze ukuba kupakwe imoto noma avumele kumbe ayekele imoto imiswe endaweni yokupaka elawulwa ngamathikithi, lapho indawo ilawulwa ngokukhishwa kwamathikithi—

(a) ngaphandle uma kuyindawo edwetshiwe yaklanyelwa ukupaka futhi kulandelwe imiyalelo ekhishwe umsebenzi ogunyaziwe kumbe uma kungadwetshiwe, ngaphandle kwendawo ekhonjwe umsebenzi ogunyaziwe;

(b) ngemuva kokuba umsebenzi ogunyaziwe ebika ukuthi indawo yokupaka isigcwele; kumbe

(c) ngemuva kokuphelelwa yisikhathi esibekiwe sokupaka.

(2) Akekho umuntu okumele asuse kumbe agunyaze ukuba kususwe imoto endaweni yokupaka ngaphandle uma—

(a) lowo muntu ekhiphele umsebenzi ogunyaziwe ithikithi elimugunyazayo ukuba apake kuleyo ndawo yokupaka futhi elikhishelwe lowo muntu ngesikhathi engena kumbe esuka endaweni yokupaka; futhi

(b) lowo muntu eyikhokhile imali enqunyiwe kumsebenzi ogunyaziwe ngesikhathi engene kumbe esuke endaweni yokupaka.

(3) Uma umuntu ehluleka ukukhipha ithikithi eligunyaza ukuba apake kuleyo ndawo, lowo muntu kuyothathwa ngokuthi imoto ubeyipake kusukela ngele-08:00 kulolo suku okukhulunywa ngalo kuze kube isikhathi afisa ukuyisusa ngaso imoto futhi kumele akhokhe imali enqunyiwe leso sikhathi.

(4) Akekho umuntu okumele, emva kokwehluleka ukuveza ithikithi, asuse kumbe avumele noma agunyaze ukuba kususwe imoto epakwe endaweni yokupaka kuze kube lowo muntu uveza obunye ubufakazi, obugculisa umsebenzi ogunyaziwe, obunikezela ngelungelo lokuba kususwe leyo moto.

(5) Umsebenzi ogunyaziwe angayalela umuntu okukhulunywa ngaye esigatshaneni (4) ahlinzeke ngezokuphepha ezifanele.

(6) Uma imoto ingasusiwe endaweni yokupaka sesiphelile isikhathi sayo sokupaka ebesikhokhelwe imali yokupaka enqunyiwe, kumele kukhokhwe enye imali yokupaka kwayo.

## ISAHLUKO 3

### IZINDAWO ZOKUPAKA EZINOMSHINI WEMITHA

#### 4. Imali ekhokhelwa ukupaka

Nanoma ubani osebenzisa indawo yokupaka kumbe indawo edwetshiwe yaklanyelwa ukupaka endaweni yokupaka kumele akhokhe imali enqunyiwe.

#### 5. Indawo yokupaka

Akekho umuntu okumele apake kumbe agunyaze ukuba kupakwe imoto noma avumele kumbe ayekele imoto imiswe endaweni yokupaka enomshini wemitha ngaphandle kwendawo edwetshiwe yaklanyelwa ukupaka.

#### 6. Imibandela yokupaka

(1) Akekho umuntu okumele apake kumbe agunyaze ukuba kupakwe imoto ngaphandle uma esefake imali yokukhokha kumbe enye into enqunyiwe—

(a) emitheni elibekwe endaweni edwetshiwe yaklanyelwa ukupaka; noma

(b) uma imitha lilawula indawo engaphezulu kweyodwa edwetshelwe ukupaka, kumele akhokhe kulelo mitha elilawula leyo ndawo apake ngakuyona njengoba kumakiwe kumbe kubekwe uphawu phansi kuleyo ndawo apake kuyona noma endaweni eqondene naleyo apake kuyona; futhi lelo mitha lisetshenziswa ngokwemiyalelo enikiziwe ukuze imitha libhalise futhi liveze isikhathi okuyiso ngokwemali noma ngenye into efakiwe.

(2) Ngale kokubukela phansi izihlinzeko zesigatshana (1)–

(a) ngokokusebenza kwesigatshana (5), umuntu angayipaka imoto esikhaleni esingenalutho esiyindawo edwetshelwe ukupaka ngaphandle kokukhipha imali kumbe ukusebenzisa ezinye zezindlela zokukhokha, ipake nanoma ngabe isikhathi esingakanani esingezuphela; futhi

(b) uma umuntu enganeliseki ngokusebenza kwemitha lokupaka elibekwe kunoma iyiphi indawo, lowo muntu unelungelo lokupaka imoto endaweni edwetshelwe ukupaka angakhokhi mali kumbe angakhiphi lutho, inqobo nje uma ezopaka isikhathi esingezukweqa isilinganiso salelo mitha esibekiwe.

(3) Ukufakwa kwemali evumelekile kumbe ukusebenzisa indlela ebekiwe yokukhokha emitheni lokupaka kunikeza umuntu ilungelo lokupaka imoto endaweni edwetshiwe yokupaka efanele futhi kube yisikhathi esilingene lesi esibekelwe ukuba kupakwe lapho.

(4) Isikhathi imoto engapakwa ngaso endaweni edwetshelwe ukupaka kanye nemali kumbe enye indlela esetshenziwe ukuthola indawo yokupaka ngokwesikhathi esibekwe emitheni lokupaka elikuleyo ndawo, kumele kuhambisane nemali enqunyiwe futhi isikhathi kanye nemali yokukhokha ebekiwe, kumele ngaso sonke isikhathi kubekwe kucace emitheni lokupaka.

(5) Akekho umuntu okumele ashiye imoto endaweni edwetshelwe ukupaka noma ngabe uyifakile noma ngabe akayifakile imali kumbe enye into enqunyiwe emitheni uma sesiphelile isikhathi sokupaka kwayo, engazange afake imali yokwengeza emitheni lokupaka, kumbe aphazamise ukusebenza kwaleyo ndawo edwetshelwe ukupaka ukuze isetshenziswa ngomunye umuntu.

#### **7. Ubufakazi besikhathi**

Ukuphela kwesikhathi esibekiwe sokupaka, njengoba sivela emitheni lokupaka, ngokwale mithetho kamasipala kanye nanoma yikuphi okwenzekayo ngokuphoqelelwa kwale mithetho kamasipala, kuthathwa njengokuyikho futhi kungaba ubufakazi, njengoba kunjalo, bokuphela kwesikhathi sokupaka.

### **ISAHLUKO 4**

#### **IZINDAWO ZOKUPAKA OKHOKHA BESE UCHOMA UBUPAKAZI**

#### **8. Imali ekhokhelwa ukupaka**

Nanoma ubani osebenzisa indawo yokupaka kumbe indawo edwetshiwe yaklanyelwa ukupaka endaweni yokupaka okhokha bese uchoma ubufakazi emotweni kumele akhokhe imali enqunyiwe.

#### **9. Ukupaka**

(1) Akekho umuntu okumele apake kumbe agunyaze ukuba kupakwe imoto noma avumele kumbe ayekele imoto imiswe endaweni yokupaka okhokha bese uchoma ubufakazi ngaphandle uma kuzothi ngesikhathi lowo muntu engena endaweni yokupaka–

(a) athenge ithikithi eliphuma emshinini wokukhokhela ukupaka kuleyo ndawo ngokwemiyalelo ebekwe lapho, kumbe endaweni esebangeni elingaqhelile ukudlula imitha elilodwa nokuhlano ukuya kulowo mshini; futhi

(b) lowo muntu kumele leli thikithi alichome ngaphakathi emotweni ewindini langaphambili ngendlela ezokwenza ukuthi umbhalo okuleli thikithi eliphume emshinini lifundeke uma umuntu engaphandle kwemoto.

(2) Lo mshini kumele ucacise ubungako besikhathi sokupaka endaweni okhokha bese uchome ubufakazi ngokunjalo nemali kumbe indlela ekukhokhwa ngayo kulowo mshini.

(3) Amathikithi aphuma emshinini wokukhokhela ukupaka kumele aveze lokhu:

- (a) usuku okuphume ngalo ithikithi;
- (b) inani lemali ekhokhele ithikithi;
- (c) isikhathi imoto ezosuka ngaso; kanye
- (d) nenombolo eyikhodi yomshini.

(4) Akekho umuntu okumele avumele ukuba kumiswe imoto endaweni yokupaka bese uchome ubufakazi uma seseqile isikhathi sokusuka kuleyo ndawo esibhalwe ethikithini.

#### **10. Ubufakazi bosuku kanye nesikhathi sokuphuma endaweni yokupaka**

Ukuqala kwesikhathi sokupaka esibhalwe phansi emshinini wokukhokhela ukupaka futhi esaziwa nawumsebenzi ogunyaziwe, ngokwale mithetho kamasipala kanye nanoma yikuphi okwenzekayo ngokuphoqelelwa kwale mithetho kamasipala, kuthathwa njengokuyikho futhi kungaba ubufakazi, njengoba kunjalo, bokuqala kwesikhathi sokupaka.

**ISAPHLUKO 6****IZIMOTO****11. Izimoto ezimane zashiywa nje**

(1) Nanoma iyiphi imoto emane yashiywa nje endaweni esetshenziselwa ukupaka kwaze kwadlula izinsuku ezingaphezulu kwezinyishumi nane zilandelana, iyosuswa ngumsebenzi ogunyaziwe kumbe egameni lakhe, ngaphandle uma leyo moto igunyazwe uMkhandlu.

(2) UMkhandlu kumele uthathe zonke izinyathelo ezifanele ekutholeni umnikazi wemoto esusiwe ngaphansi kwesigatshana (1) futhi uma, sekuze kwaphela izinsuku ezingamashumi ayisishagalolunye kusukela osukwini esuswe ngalo imoto engatholakali umnikazi kumbe umuntu imoto esegameni lakhe, leyo moto ngokwesigatshana

(3) kumele uMkhandlu uyidayise endalini yomphakathi.

(3) UMkhandlu kumele ukhiphe isaziso sokudayiswa kwale moto endalini njengoba kucacisiwe kusigatshana (2), ngaphambi kwezinsuku eziyishumi nane emaphephandabeni okungenani amabili asebenza kumasipala walowo Mkhandlu: Imoto angeke idayiswe endalini uma kwenzeka lokhu okulandelayo—

(a) uma umnikazi wemoto kumbe umuntu imoto esegameni lakhe, eyilanda imoto futhi kungukuthi ibingakadayiswa; kube futhi

(b) uma uMkhandlu usukhokhelwe izindleko okukhulunywa ngazo esigatshaneni (4) ngokwezimali ezinqunyiwe ngokwale mithetho kamasipala.

(4) Kumele kusetshenziswe uhlelo lokudayisa ngokwalesi sigaba kuqala ukuze kukhokhwe zonke izimali okukhulunywa ngazo esigatshaneni (3) futhi ukuze kukhokheleke nalezi zindleko ezilandelayo:

(a) izindleko ezivelile ngesikhathi kuzanywa ukuthola umnikazi wemoto ngokwesigatshana (2);

(b) izindleko zokususa imoto kanye nezokukhombisa ukuthi imoto iyadayiswa;

(c) izindleko zesilinganiso (pro-rata) sokushicilelwa ngokwesigatshana (3), ngokubhekelela inani lezimoto ezizodayiswa endalini; kanye

(d) nezindleko zokugcina imoto ephawundini ezibalwa ngokwesilinganiso esinqunyiwe.

(5) Nanoma iyiphi imali esele okukhulunywa ngayo esigatshaneni (4), kumele ikhokhelwe ngumnikazi wemoto kumbe lowo muntu umthetho okhomba ukuthi eyakhe ngokokuthi lowo muntu aveze amalungelo akhe ngendlela egculisa uMkhandlu kuyothi uma singekho isimangalo esifakiwe kuze kuphele isikhathi esingangonyaka kusukela idayisiwe imoto, leyo mali iyobuyela eMkhandlwini.

**12. Izimoto ezinkulu ngokweqile**

(1) Ayikho imoto okumele ipake endaweni yokupaka, uma leyo moto kanye nomthwalo wayo iwubude obungaphezulu kwamamitha amahlanu, ngaphandle uma uphawu lomgwaqo olufakwe endaweni yokungena endaweni yokupaka lukhomba okunye.

(2) Akekho umuntu okumele apake imoto enomthwalo oyisisindo esingaphezulu kwezinkulungwane ezintathu namakhulu amahlanu, kumbe inqola enomthwalo oyisisindo esingaphezulu kwenkulungwane eyodwa, emgwaqeni womphakathi kumbe endaweni egciniwe yomgwaqo esendaweni noma ezakhiweni ezilawulwa uMasipala eNdumeni, kuze kuphele isikhathi esingamahora amabili, ngaphandle uma—

(a) uMasipala ukhiphe imvume yokupaka isikhashana kwaleyo moto kumbe inqola; noma

(b) uma leyo moto kumbe le nqola ipake endaweni edweshelwe ukuthi kupakwe kuyo izimoto kumbe izinqola zalolo hlobo.

(3) Akekho umuntu okumele apake ikharaveli emgwaqeni womphakathi kumbe endaweni egciniwe yomgwaqo esendaweni elawulwa uMasipala eNdumeni, kuze kuphele isikhathi esingamahora angamashumi amabili nane.

(4) Ngokokufakwa kwesicelo, uMasipala uyokhiphe imvume yesikhashana yokupakwa kwalezo zimoto kumbe izinqola, ezizopaka ngokwesikhathi esibekiwe kulowo mgwaqo womphakathi kumbe endaweni egciniwe yomgwaqo, uma kunomsebenzi wezolimo owenziwayo.

(5) Nanoma ubani owephula nanoma yiziphi izihlinzeko zale mithetho kamasipala uyobekwa icala futhi ahlawuliswe imali engeke yeqo kuma-R1, 000.00 (Inkulungwaneni Eyodwa yamaRandi).

**13. Ukupaka sekudlule isikhathi esibekiwe**

Akekho umuntu okumele apake imoto kumbe avumele ukuba kupakwe imoto kunanoma iyiphi indawo yokupaka emuva noma ngaphambi kokuba sekweqe isikhathi esibekiwe sokupaka esibekelwe ukupaka kuleyo ndawo ngaphandle uma lowo muntu enethikithi elikhishwe ngokwale mithetho kamasipala elimvumela ukuba apake.

**14. Izimoto ezifile**

Akekho umuntu okumele apake kumbe agunyaze ukuba kupakwe imoto noma avumele kumbe ayekele imoto imiswe endaweni yokupaka uma leyo moto ifile kumbe-ke uma leyo moto ingeke isuseke lapho ngaphandle uma leyo moto ingasakwazi ukuduma, ngemuva kokuba kade ime kuleyo ndawo yokupaka futhi umnikazi wayo ezama imizamo yokuba ilungiswe kumbe isuswe le moto kule ndawo ingakaphelelwa isikhathi.

**15. Ukupakwa kwemoto endaweni yokupaka**

Akekho umuntu okumele apake kumbe agunyaze ukuba kupakwe imoto noma avumele kumbe ayekele imoto imiswe endaweni yokupaka njengoba kuchazwe eMthethweni Wezemigwaqo Kuzwelonke, we-1996 (uMthetho uNo. 93 kowe-1996).

**16. Ukuhlanzwa kanye nokukhandwa kwezimoto**

Akekho umuntu okufanele ahlanze, awashe, akhande imoto endaweni yokupaka ngaphandle uma elungisa izinto ezincane eziphuthumayo ezonakele, ngaphandle futhi uma ezokwenza lokhu ethole imvume kuqala ekhishwe uMkhandlu.

**17. Ukuphazanyiswa kanye nokuvinjelwa kwezimoto**

(1) Akekho umuntu okufanele angene kumbe akotele emotweni esendaweni yokupaka noma adumise umshini othile emotweni kumbe athikameze noma aphazamise lo mshini kumbe ingxenye yawo noma amafitha nokuhlangene nawo umnikazi waleyo moto engazi noma ngaphandle kwesizathu esizwakalayo.

(2) Akekho umuntu okufanele enze lokhu endaweni yokupaka—

(a) apake imoto ngendlela yokuthi kunengxenye yayo ekapake yeqa ulayini omhlophe odwetshelwe ukuhlukanisa indawo yokupaka kumbe leyo moto angapaki ngendlela elingene umdwebo wolayini abahlukanisa indawo yokupaka; noma

(b) enze isenzo kumbe into ezophazamisa noma engase iphazamise ukuhamba kwabantu noma kwezimoto.

**18. Ukupaka sekwedlule isikhathi esibekiwe**

Akekho umuntu okumele apake imoto kumbe avumele ukuba kupakwe imoto kunoma iyiphi indawo yokupaka ngemuva noma ngaphambi kokuba sekweqe isikhathi esibekiwe sokupaka esibekelwe ukupaka kuleyo ndawo ngaphandle uma lowo muntu ephethe ithikithi elikhishwe ngaphansi kwale mithetho kamasipala eligunyaza lowo muntu ukuba apake.

**ISAHLUKO 6****EZIXUBILE****19. Ukwengqatshelwa kokwamukelwa**

Umsebenzi ogunyaziwe anganqaba ukuba kupakwe imoto endaweni yokupaka uma ebona ukuthi ubude, ukuvuleka kumbe ukuphakama kwayo kungadala ingozi kubantu noma empahleni kumbe kuphazamise noma kuthikameze nanoma-ke kungukuthi ngokwesigaba 6 noma 16 kungavumelekile ukuba leyo moto ipake kuleyo ndawo yokupaka.

**20. Ukukokotela noma ukonakalisa amathikithi**

Akekho umuntu okufanele aqole uMkhandlu, ngokukokotela, alingise, onakalise, acwiye, ashintshe kumbe afake uphawu oluthile ethikithini elikhishwe ngokwale mithetho kamasipala.

**21. Ukukhululwa kwabasebenzi bezokwelapha**

Umsebenzi wezokwelapha akakhokhiswa imali enqunyiwe, uma imoto ayisebenzisayo eyipake endaweni yokupaka ukuze akwazi ukwenza kahle umsebenzi wakhe nanoma ngabe akekho egunjini lokusebenzela, uma ekhiphe isigqebhezana esikhishwe uMkhandlu Wezokwelapha eNingizimu Afrika esibekwa ewindini elingaphambili lemoto esigunyaza ukuba kwenziwe lokhu futhi lesi sigqebhezana kumele sibekwe sigqame sifundeke noma ngabe umuntu ungaphandle kwemoto.

**22. Izimiso zokupaka**

(1) Akekho umshayeli kumbe umnikazi wemoto okumele apake kumbe avumele ukuba imoto ipakwe—

(a) ivundle kolayini abasendaweni abadwetshe ngopende baklanyelwa ukuba kupakwe kuyona kumbe ayimise ngendlela yokuthi ayingenile ngokwanele endaweni edwetshelwe ukupaka;

(b) endaweni edwetshelwe ukupaka uma kungukuthi kukhona umuntu oyisebenzisayo kumbe kukhona imoto epakwe khona;

(c) endaweni edwetshelwe ukuba isetshenziswe uma kwehliswa impahla edayisayo, ngaphandle uma kusemthethweni ukuthi ipake lapho ngoba nayo yehlisa umthwalo.



(2) Umuntu kumbe umshayeli kumele imoto ayipake endaweni edwetshelwe ukupaka–

(a) ngendlela ebheke ngalapho kuya ngakhona ezinye izimoto, uma ipakwe endaweni eqondene nendawo kumbe nomgwaqo womphakathi nangendlela yokuthi amasondo angakwesobunxele emotweni aqondene futhi imoto isebangeni elingamamilimitha angamakhulu amane nanhlanu ukusuka emgwaqeni ngakwesobunxele: Uma kungukuthi emgwaqeni ohamba izimoto eziya ngandawonye kuphela indawo yokupaka izimoto ingasesandleni sokudla kufanele kwenzeke okufanayo emasondweni angakwesokudla ngokunjalo nonqenqema lwakhona; nangokunjalo

(b) uma indawo ebekelwe ukupaka isesikhaleni sonqenqema nendlela yokuhamba emgwaqeni womphakathi, futhi indawo yokupaka imiswe yabheka ngalapho kuya ngakhona izimoto nalapho kupakwa khona izimoto.

(3) Uma ngabe ubude bemoto benza ukuthi leyo moto ingeneli esikhaleni esibekelwe ukupaka imoto, kumele kuvunyelwe ukuthi ipake igamanxele kwesinye isikhala esibhekene naleso, uma kungenzeka, futhi lowo muntu owenze lokho kufanele azikhokhele zombili lezo zindawo azisebenzisile.

### 23. Amacala kanye nezinhlawulo

Nanoma ubani–

(a) owephula kumbe owehluleka ukuhambisana nale mithetho kamasipala;

(b) ohluleka ukulandela isaziso esikhishiwe ngaphansi kwemithetho kamasipala; kumbe

(c) ohluleka ukulandela imiyalelo engaphansi kwale mithetho kamasipala; noma

(d) ophazamisa kumbe othikameza isikhulu kumbe umsebenzi ogunyaziwe eMkhandlwini ekutheni enze umsebenzi wakhe ngokwale mithetho kamasipala, uyobekwa icala futhi kumele ashushiswe ahlawuliswe imali engeke yeqe kuma-R1, 000.00 (Enkulungwaneni Eyodwa yamaRandi) noma abhadle ejele isikhathi esingeqile ezinyangeni ezintathu.

### 24. Amathikithi anyanga zonke

(1) Ngale kokushaya indiva nanoma yini ephambene nokuqukethwe yile Mithetho kaMasipala, uMkhandlu unganikeza ithikithi ngemali enqunyiwe, eligunyaza ukuthi umuntu apake imoto isikhathi esingangenyanga eyodwa kumbe nanoma yisiphi isikhathi esingaphansi kwaleso esishiwo lapho, ngokwesikhathi esibhalwe ethikithini, uma ikhona indawo edwetshiwe yokupaka endaweni yokupaka elawulwa ngokukhishwa kwamathikithi.

(2) UMkhandlu unganikeza nanoma yimuphi wabasebenzi bawo ithikithi elimgunyazayo, uma besebenzisa izimoto zoMkhandlu, ukuba apake endaweni ebekelwe ukupaka ebhalwe ethikithini, uma ikhona indawo edwetshiwe yokupaka.

(3) Ithikithi elikhishwe ngokwesigatshana (1) noma (2), angeke lashintshelwa komunye umuntu kumbe lisetshenziswe kwenye imoto okungesiyo leyo ebhalwe ethikithini, kungaqalanga kwakhishwa imvumo yoMkhandlu.

(4) Ithikithi elikhishwe ngowesigatshana (1) noma (2), kumele umnikazi waleyo moto elibhaliswe ngayo alifake emotweni ngendlela ezokwenza ukuthi umbhalo okulelo thikithi ufundeke uma umuntu engaphandle kwemoto.

### 25. Ukuvalwa kwezindawo zokupaka

Ngale kokushaya indiva nanoma yini ephambene nokuqukethwe yile Mithetho kaMasipala, nanoma ingasiphi isikhathi, uMkhandlu ungayivala indawo yokupaka kumbe ingxenye yayo isikhashana noma unomphelo futhi kumele ucacise ukuthi leyo ndawo izovalwa isikhashana ngokuthi ufake uphawu lwezemigwaqo endaweni engenela lapho kupakwa khona noma kuleyo ngxenye evaliwe, uma kunesidingo.

### 26. Ukupaka ngokwemiyalelo ebekiwe

Akekho umuntu okumele apake imoto endaweni yokupaka ngendlela ephikisana nemiyalelo ebekiwe, uma ikhona, futhi ikhishwe umsebenzi ogunyaziwe; kumbe abeke noma asuse imoto ayihambise endaweni okungesiyona edwetshelwe ukungena noma ukuphuma endaweni yokupaka.

### 27. Okungavumelekile maqondana namamitha okupaka

Akekho umuntu okumele–

(a) afake kumbe azame ukufaka uhlamvu lwemali noma into emitheni lokupaka ngaphandle:

(i) kwemali yaseNingizimu Afrika evumelekile njengoba kuchaziwe; kumbe

(ii) kwento ebekwe njengenyane yezindlela zokukhokha njengalokhu kushiwo esigabeni 8(1);

(b) afake kumbe azame ukufaka emitheni lokupaka uhlamvu olungesiyo imali noma imalimbumbulu kumbe nanoma yini engafuneki;

(c) adlokodle, alimaze, onakalise noma asithe imitha lokupaka;

(d) enze noma azame ukuthi imitha lokupaka libhale okungekhona ngokuthi angasebenzisi imali noma indlela yokukhokha ebekiwe;

(e) ahluthule, ashaye, anyakazise kumbe aphazamise imitha lokupaka uma lingasebenzi kahle noma uma lingasebenzi nhlobo ngenhloso yokulisebenzisa noma ngezinye-ke izinhloso

(f) asithe imitha lokupaka kumbe ingxenye yalo noma asuse noma azame ukususa leli mitha lapho lifakwe khona.



**28. Okungavumelekile maqondana nemishini yokukhokha bese uchoma ubufakazi**

Akekho umuntu okumele–

- (a) afake kumbe azame ukufaka emitheni lokupaka uhlamvu olungesiyo imali noma imalimbumbulu emshinini wokukhokha bese uchoma ubufakazi kumbe okusamali ngaphandle kwemali yaseNingizimu Afrika noma enye into ebekiwe ngokusemthethweni;
- (b) adlokodle, alimaze, onakalise noma asithe umshini wokukhokha; noma
- (c) asuse kumbe azame ukususa umshini wokukhokha noma ingxenye yawo lapho igxunyekwe khona.

**ISAPHLUKO 7****IZIHLINZEKO EZEJWAYELEKILE****29. Imithethonqubo**

Umasipala ungashaya imithethonqubo engaphambani nale mithetho kamasipala, enquma -

- (a) nanoma yiluphi udaba olunganqunywa noma okumele lunqunywe ngokwale kwale mithetho kamasipala; kanye
- (b) nanoma yiluphi udaba olungelekelela ekusetshenzisweni kwale mithetho kamasipala.

**30. Ukuchithwa kweMithetho kaMasipala**

Nanoma yimiphi imithetho kamasipala emaqondana nokuPaka eyamukelwa umasipala kumbe umkhandlu kamasipala osuhlanganisa nophiko lwezokuphatha kumasipala iyochithwa ngosuku okuyomenyezelwa ngalo ukuqala kokusebenza kwale mithetho kamasipala.

**31. Isihloko esifishane kanye nokuqala kokusebenza kwale mithetho kamasipala**

Le mithetho kamasipala ibizwa ngokuthi iMithetho kaMasipala Emaqondana Nokupakwa Kwezimoto yowezi--2015, futhi iyoqala ukusebenza ngosuku eyoshicilelwa ngalo kwiGazethi yeSifundazwe.

**MUNICIPAL NOTICE 53 OF 2016****REFUSE REMOVAL AND DISPOSAL BY-LAWS**

Be it enacted by the Council of the Endumeni Municipality in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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1. Definitions
2. Collection and Removal of Refuse
3. Refuse Receptacles
4. Duties of Owner or Occupier
5. Collection and Removal of Refuse
6. Access to Premises
7. Accumulation of Refuse
8. Removal and Disposal of Garden, Special Domestic and Bulky Refuse
9. Responsibility of Builder's Refuse
10. Disposal of Builder's Refuse
11. Special Measures for Collection, Storage and Disposal
12. Removal of Refuse or Offensive Matter along the street
13. Notification of Generation of Special Industrial Refuse
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17. Conduct at Disposal Site
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19. Offences and Penalties
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21. Short Title and Commencement

**1. Definitions**

1. For the purposes of these by-laws, unless the context indicates otherwise:

**"authorised official"** means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these by-laws;

**"builder's refuse"** means refuse generated by demolition, excavation or building activities on premises;

**"Council"** means the council of the Endumeni Municipality;

**"disposal facility"** means a site for the disposal of refuse which is owned by the Council or has been approved for that purpose by the Council;

**"domestic refuse"** means refuse of a kind normally produced or generated on residential premises, but shall not include sand, earth, liquid matter, garden refuse or the carcass of any animal or special domestic refuse;

**"garden refuse"** means light refuse which is generated as a result of normal gardening activities on any premises, including without limiting the generality of the foregoing grass cuttings, leaves, plants, flowers, weeds, hedge clippings or the branches of trees;

**"industrial refuse"** means refuse in solid form which is generated as a result of industrial manufacturing activities but shall not include builder's refuse, special industrial refuse or commercial refuse;

**"occupier"** includes any person in actual occupation of premises without regard to the title under which he or she occupies, if any;

**"owner"** means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his property 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 the premises or a building or buildings thereon;
- (d) in a case where such premises have been leased for a period of 30 years or longer, the lessee thereof;
- (e) in relation to -
  - (i) a piece of land delineated on a sectional plan registered 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 such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

**"refuse container"** means a container other than a refuse receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of refuse which is supplied by the Council in terms of section 3(4) or by a contractor approved in terms of section 2(3);

**"refuse receptacle"** means a receptacle which complies with either South African Bureau of Standards specification 493-1973: Steel Refuse Bins or 1310-1980: Refuse Bins of Polymeric Materials, both as published by General Notice No. 463 of 9 July 1982;

**"residential premises"** means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965);

**"special domestic refuse"** means refuse discarded from residential premises which cannot by virtue of its mass, shape, size or volume be conveniently stored in a refuse receptacle or container;

**"special industrial refuse"** means refuse, consisting of a liquid or sludge, resulting from industrial operations which may not be discarded into a sewer;

**"tariff charge"** means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time; and

**"commercial refuse"** means refuse generated in the course of the conduct of a business but shall not include industrial refuse.

## **2. Collection and removal of refuse**

2.(1) The occupier of every premises upon which refuse is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, shall make provision for the temporary storage, collection and removal of such refuse either by the Council or by a refuse removal contractor.

(2) The Council shall at no charge collect and remove –

- (a) domestic refuse; and
- (b) commercial refuse.

(3) The Council may, in its discretion, and subject to the charge set out in its tariff of charges, collect and remove –

- (a) builders' refuse;
- (b) industrial refuse;
- (c) special industrial refuse; and
- (d) special domestic refuse.

(4) Where the Council declines to collect and remove any waste referred to in subsection (3), the owner or occupier shall make appropriate arrangements for the lawful collection, removal and disposal of such waste.

(5) The owner or occupier of premises may himself or herself remove or cause to be removed any refuse generated thereon to a disposal site, provided that such removal and disposal is conducted in a lawful manner.

(6) Every occupier of new premises or premises on which the generation of domestic or commercial refuse is about to be commenced, or in the case of premises being occupied by more than one person, the owner of such premises shall, prior to the commencement of the generation of such refuse, notify the Council in writing -

- (a) that the premises are being occupied; and
- (b) whether commercial refuse or domestic refuse or both is or are to be generated on the premises.

### 3. Refuse receptacles

1) Subject to the provisions of subsection (4), every occupier or owner referred to in section 2(1) shall provide on his or her premises such number of refuse receptacles as is adequate for the purpose of the temporary storage of all refuse, other than garden, special domestic and special industrial refuse, as may be generated on his or her premises pending its removal in terms of these by-laws.

(2) The occupier or owner referred to in subsection (1) shall ensure that refuse receptacles provided by him or her in terms of that subsection are maintained in a sound and serviceable condition and that receptacles which are no longer capable of being so maintained are replaced by him or her.

(3) Whenever the Council is of the opinion that a person has not complied with the provisions of this section it may cause a written notice to be served on such person calling upon him or her to comply with such provisions within a period specified in the notice.

(4) The Council may at its sole discretion supply refuse containers to premises if Council considers such containers more appropriate for the storage and removal of refuse than refuse receptacles having regard to-

- (a) the quantity of refuse generated on the premises concerned;
- (b) the suitability of such refuse for storage in such containers; and
- (c) the accessibility of the refuse storage area to the Council's refuse collection vehicles.

(5) Refuse containers supplied by the Council in terms of sub-section (4) –

- a) may not be used for any purpose other than the storage of commercial, domestic, industrial or garden refuse;
- b) remain the property of the Council and may at any time either be replaced or removed by it; and
- c) are the responsibility of the owner or occupier, as the case may be, who shall be liable to the Council for the loss thereof or any damage thereto, except such as has been caused by the Council's employees.

### 4. Duties of owner or occupier

Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, shall ensure that-

- (a) all domestic and commercial refuse generated on the premises is placed and kept in refuse receptacles, refuse containers or disposable plastic refuse bags for removal;
- (b) builders' refuse, garden refuse, industrial refuse, special industrial refuse and special domestic refuse is appropriately stored and clearly indicated as such;
- (c) no hot ash, unwrapped glass fragments or other refuse which may cause damage to refuse receptacles, refuse containers or disposable plastic refuse bags, or which may cause injury to the persons or vehicles employed in removing the refuse from the premises, is placed in refuse receptacles or refuse containers before such steps as may be necessary to avoid such damage or injury have been taken;
- (d) no material, including any liquid, which by reason of its mass or other characteristics is likely to render such refuse receptacles or disposal plastic refuse bags unreasonably difficult for the Council's employees to handle or carry, is placed therein;
- (e) every refuse receptacle and refuse container on the premises is properly covered by means of a lid or other covering supplied therewith so as to prevent any nuisance or health hazard;
- (f) every receptacle or container is kept in a clean and hygienic condition; and
- (g) all which has toxic or other harmful properties is suitably treated to the satisfaction of the Council.

### 5. Collection and removal of refuse

(1) The Council shall from time to time determine the day or days upon which refuse which is to be removed by the Council in terms of these by-laws will be collected in the various areas under its jurisdiction.

(2) On the day or days which have been determined in terms of subsection (1) for a particular area every owner or occupier, as the case may be, of premises within that area shall place such refuse containers, refuse receptacles or disposable plastic refuse bags containing refuse immediately inside the boundary of the premises and adjacent either to the pedestrian or the vehicular access to the premises from a street.

(3) No owner or occupier, as the case may be, of any premises shall, unless authorised in writing by the Council, deposit or allow to be deposited any refuse other than domestic refuse or commercial refuse in any refuse receptacle or refuse container the contents of which are removable free of charge by the Council.

(4) The owner or occupier of any premises on which bulky refuse of any kind is produced, kept, or accumulated shall, when required thereto under notice in writing from the Council, tie up securely or cause to be tied up securely such refuse into bales or bundles of convenient size.

#### **6. Access to premises**

The occupier or owner of premises to which the council provides a refuse removal service, as the case may be, shall grant the council convenient access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Council and its employees in the carrying out of its service.

#### **7. Accumulation of refuse**

7. Where any refuse accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner or occupier shall be liable in respect of such special removal to pay the tariff charge therefor.

#### **8. Removal and disposal of garden, special domestic and bulky refuse**

(1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden, special domestic or bulky refuse is generated shall ensure that such refuse is disposed of in terms of this section within a reasonable time after the generation thereof; provided that garden refuse may be retained on the premises for the making of compost.

(2) Any person may remove and dispose of his own garden, special domestic and bulky refuse.

(3) Garden, special domestic and bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Council as a disposal facility for such refuse against payment of the tariff charge.

#### **9. Responsibility for builder's refuse**

The owner of premises on which builder's refuse is generated shall ensure that such refuse is disposed of in terms of section 11 within a reasonable time after the generation thereof.

#### **10. Disposal of builder's refuse**

(1) Subject to the provisions of subsection (2) hereof all builder's refuse shall be deposited at the Council's disposal sites and the person depositing the refuse shall be liable to pay the tariff charge therefor.

(2) Builder's refuse may, with the prior written consent of the Council, be deposited at a place other than the Council's disposal sites for the purpose of reclamation of land.

(3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Council may deem necessary having regard to -

- (a) the safety of the public;
- (b) the environment of the proposed disposal site;
- (c) the suitability of the area including the drainage thereof;
- (d) the expected manner and times of depositing of refuse at the site;
- (e) the levelling of the site;
- (f) the control of dust; and
- (g) other relevant factors.

#### **11. Special measures for collection, storage and disposal**

(1) If the Council is of the opinion that, in order to avoid any health hazard or nuisance arising, special measures for the collection, temporary storage or disposal of any refuse should be adopted or that such refuse should be specially treated to render the same inoffensive or non-injurious to health, the Council must serve written notice on the occupier of any premises or in the case of vacant land, the owner thereof, to carry out any of the aforesaid measures within a reasonable time.

(2) The owner or occupier of any premises shall, on being served with a notice in terms of subsection (1)-

- (a) either remove any refuse which is likely to be offensive or injurious to health from such premises and dispose thereof in such a manner as may be stipulated in such notice; or
- (b) when permitted by the terms of such notice, treat any refuse on such premises so as to render it innocuous and inoffensive and so as to prevent infestation thereof by flies, mosquitoes, rats and other vermin.

(3) Any owner or occupier who refuses to carry out the measures specified in a notice given under this section or who fails to comply therewith within the time specified in the notice shall be guilty of an offence and the Council may arrange for such measures to be carried out at the expense of the person on whom the notice was served.

#### **12. Removal of refuse or offensive matter along the street**

12. (1) Any person removing or conveying any refuse or other offensive matter or any builder's refuse shall remove the same by means of a properly constructed and enclosed vehicle and in such manner as will prevent any nuisance arising from such conveyance or the escape of the contents therefrom.

(2) The Council may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which refuse may be conveyed through or along any street or public place if the Council is of the opinion that the conveyance of such refuse is likely to be objectionable or give rise to nuisance. Any person who fails to comply with the requirements of subsection (1) of this section or with any notice given under this subsection shall be guilty of an offence.

#### **13. Notification of generation of special industrial refuse**

(1) The occupier of premises on which special industrial refuse is generated shall inform the Council in writing of the composition thereof, the quantity generated, how it is stored, and how and when and by whom and to which place, it will be removed.

(2) If so required by the Council the notification referred to in subsection (1) shall be verified by an analysis certified by a duly qualified industrial chemist.

(3) Any officer or servant of the Council and any other person duly authorised by the Council may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

#### **14. Storing of special industrial refuse**

(1) The occupier of premises on which special industrial refuse is generated shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.

(2) Special industrial refuse stored on premises shall be stored in such a manner that it cannot become a nuisance or pollute the environment.

(3) The Council may in writing order the person referred to in section 14(1) to remove special industrial refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it at the expense of such person or the owner, as the case may be.

#### **15. Removal of special industrial refuse**

No person shall remove special industrial refuse from the premises on which it was generated unless such refuse is lawfully and properly removed to a disposal site by a competent person with the necessary equipment to remove the special industrial refuse.

#### **16. Liquid waste**

(1) No person shall deliver to or discharge at a disposal site any liquid refuse or cause the same to be done, except with the prior written permission of the Council and in accordance with such conditions as may be imposed by it.

(2) Any costs incurred by the Council in remedying damage or in abating any nuisance caused by the discharge of liquid refuse at a disposal site in contravention of the provision of these by-laws or of any condition imposed and the amount of any legal liability or costs incurred by the Council in respect of any claim arising from any such nuisance shall be borne by and be recoverable from the owner of such refuse.

#### **17. Conduct at disposal site**

(1) Every person who, for the purpose of disposing of refuse enters a disposal facility controlled by the Council, shall -

- (a) enter the disposal facility only at an authorised access point indicated as such;
- (b) present the refuse for weighing in the manner required by the Council's official having authority at such site;
- (c) give to such official all the particulars required in regard to the composition of the refuse;
- (d) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the should be deposited; and

(e) provide the said official with full information as to the person who is liable to pay the tariff charge for the refuse deposited to enable an account to be rendered to him, provided that the provisions of paragraphs (b), (c) and (e) above shall not apply to a person who, in terms of section 9(3), has entered a disposal site for the purpose of disposing of garden refuse.

(2) No person shall bring any intoxicating liquor onto a disposal site controlled by the Council.

(3) No person shall enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these by-laws and then only at such times and between such hours as the Council may from time to time determine.

#### **18. Ownership of refuse**

All refuse removed by the Council and all refuse on disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorised by the Council to do so shall remove or interfere therewith.

#### **19. Offences and penalties**

(1) Any person who -

- (a) contravenes or fails to comply with any provision of these by-laws; or
- (b) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws; or
- (c) fails to comply with the terms of any notice served upon or given to him in terms of these by-laws, shall be guilty of an offence and liable for a fine not exceeding R30 000 or imprisonment for a period not exceeding two years or for both such fine and imprisonment.

#### **21. Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

#### **22. Repeal of by-laws**

Any by-laws relating to Refuse Removal and Disposal adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

#### **23. Short title and commencement**

This by-law is called the Refuse Removal and Disposal By-law, 2015, and shall take effect on the date of publication in the Provincial Gazette.



**MUNISIPALE KENNISGEWING 53 VAN 2016****VERORDENINGE OP DIE VERWYDERING EN STORTING VAN AFVAL**

Daar word deur die Raad van die Endumeni Munisipaliteit, kragtens artikel 156 van die Grondwet van die Republiek van Suid Afrika 1996 (Wet 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr 32 van 2000), soos volg bepaal:

**INHOUDSOPGAWE**

1. Omskrywings
2. Versameling en verwydering van afval
3. Afvalhouers
4. Pligte van eienaar en okkupeerder
5. Versameling en verwydering van afval
6. Toegang tot perseel
7. Ophoping van afval
8. Verwydering en storting van tuin-, spesiale huishoudelike en massa-afval
9. Aanspreeklikheid vir bouersafval
10. Storting van bouersafval
11. Spesiale maatreëls vir versameling, berging en storting
12. Verwydering van afval of aanstootlike materiaal in die straat
13. Kennisgewing rakende die ontstaan van spesiale nywerheidsafval
14. Berging van spesiale nywerheidsafval
15. Verwydering van spesiale nywerheidsafval
16. Vloeibare afval
17. Gedrag op stortingsterrein
18. Eienaarskap van afval
19. Misdrywe en strawwe
20. Regulasies
21. Herroeping van verordeninge
22. Kort titel en inwerkingtreding

**1. Omskrywings**

Vir die doeleindes van hierdie verordeninge, tensy uit die samehang ander blyk, beteken:

"afvalbak" 'n houër wat voldoen aan óf Suid-Afrikaanse Buro vir Standaardspesifikasie 493-1973: staalafvalhouers óf 1310-1980: afvalhouers van polimeriese materiale, beide soos gepubliseer by Algemene Kennisgewing nr 463 van 9 Julie 1982;

"afvalhouer" 'n houër, buiten 'n afvalbak, met wiele of daarsonder, ontwerp vir die tydelike berging en verwydering van afval, en wat deur die Raad verskaf word ingevolge artikel 3(4) of deur 'n kontrakteur goedgekeur ingevolge artikel 2(3);

"besigheidsafval" afval wat ontstaan as gevolg van die bedryf van 'n besigheid maar sluit nie nywerheidsafval in nie;

"bouersafval" afval wat ontstaan as gevolg van sloping, uitgrawing of boubedrywighede op persele;  
"eienaar" -

- (a) die persoon in wie die wetlike titel met betrekking tot die perseel van tyd tot tyd gevestig is;
- (b) in 'n geval waar die persoon in wie die wetlike titel gevestig is, insolvent of oorlede is, of onder enige vorm van regsonbevoegdheid is, die persoon in wie die administrasie en beheer van sy eiendom gevestig is as kurator, trustee, eksekuteur, administrateur, geregtelike bestuurder, likwidadeur of ander regsverteenvoerder;
- (c) in enige geval waar die Raad nie in staat is om die identiteit van sodanige persoon te bepaal nie, 'n persoon wat geregtig is op die voordeel van die gebruik van die perseel of 'n gebou of geboue daarop;
- (d) in enige geval waar sodanige perseel vir 'n tydperk van 30 jaar of meer verhuur is, die huurder daarvan;
- (e) met betrekking tot -

- (i) 'n stuk grond afgebaken op 'n deeltitelplan geregistreer ingevolge die Wet op Deeltitels, 1986 (Wet nr 95 van 1986), die ontwikkelaar of die beheerliggaam ten opsigte van die gemeenskaplike eiendom; of
- (ii) 'n deeltitel wat in sodanige wet omskryf is, die persoon in wie se naam sodanige deeltitel geregistreer is kragtens 'n deeltitelakte, met inbegrip van die regmatig aangestelde agent van sodanige persoon;

"gemagtigde beampte" enige beampte van die Raad wat deur die Raad gemagtig is om die bepalings van hierdie verordeninge te administreer, te implementeer en toe te pas;

"heffingstarief" die toepaslike heffing soos uiteengesit in die heffingstariewe deur 'n besluit van die Raad aangeneem;

"huishoudelik afval" soort afval wat gewoonlik op 'n residensiële perseel geproduseer word of ontstaan maar sluit nie, sand, grond, vloeibare materiaal, tuinafval of die karkas van 'n dier of spesiale huishoudelike afval in nie;

"nywerheidsafval" afval in soliede vorm wat ontstaan as gevolg van nywerheidsvervaardigingsbedrywighede maar sluit nie bouersafval, spesiale nywerheidsafval of besigheidsafval in nie;

"okkupeerder" enige persoon wat werklik die perseel bewoon ongeag die titel waaronder hy of sy dit bewoon, indien enige;

"Raad" die raad van die Endumeni Munisipaliteit;

"residensiële perseel" 'n perseel vir die doeleindes van menslike bewoning, maar sluit 'n akkommodasie-instelling uit soos omskryf in die Wet op Hotelle, 1965 (Wet nr 70 van 1965);

"spesiale huishoudelike afval" afval op 'n residensiële perseel waarmee weggedoen word maar wat nie op grond van die massa, vorm, grootte of volume gerieflik in 'n afvalhouer of houer geberg kan word nie;

"spesiale nywerheidsafval" afval bestaande uit 'n vloeistof of slyk weens nywerheidsbedrywighede wat nie in 'n riool mee weggedoen mag word nie;

"stortingsterrein" 'n perseel, vir die storting van afval, wat aan die Raad behoort en deur die Raad vir daardie doel goedgekeur is;

"tuinafval" ligte afval wat ontstaan word as gevolg van gewone tuinbedrywighede op enige perseel met inbegrip van, maar nie beperk tot die algemeenheid van voorafgaande nie, grassnysels, blare, plante, blomme, onkruid, heiningsnysels of boomtakke;

## 2. Versameling en verwydering van afval

2.(1) Die okkupeerder van elke perseel waarop afval ontstaan of, in die geval van persele wat deur meer as een persoon beset word, die eienaar van sodanige perseel moet voorsiening maak vir die tydelike berging, versameling en verwydering van sodanige afval deur die Raad of deur 'n afvalverwyderingskontraakteur.

(2) Die Raad moet sonder enige heffing die volgende versamel en verwyder –

- (a) huishoudelike afval; en
- (b) besigheidsafval.

(3) Die Raad kan, na goeë dunde, en onderhewig aan die heffing soos uiteengesit in sy heffingstariewe die volgende versamel en verwyder –

- (a) bouersafval;
- (b) nywerheidsafval;
- (c) spesiale nywerheidsafval; en
- (d) spesiale huishoudelik afval.

(4) In die geval waar die Raad weier om enige afval bedoel in subartikel (3) te versamel en te verwyder, moet die eienaar of okkupeerder die gepaste reëlings tref vir die wettige versameling, verwydering en storting van sodanige afval.

(5) Die eienaar of okkupeerder van 'n perseel kan enige afval wat daarop ontstaan self verwyder of laat verwyder na 'n stortingsterrein, mits sodanige verwydering en storting op 'n wettige wyse gedoen word.

(6) Elke okkupeerder van nuwe persele of persele waarop huishoudelike of besigheidsafval gaan ontstaan, of, in die geval van persele wat deur meer as een persoon beset word, die eienaar van sodanige perseel moet, voor die ontstaan van sodanige afval 'n aanvang neem, die Raad skriftelik in kennis stel -

- (a) dat die perseel beset word; en
- (b) of besigheidsafval of huishoudelike afval of beide op die perseel gaan ontstaan.

## 3. Afvalhouers

1) Behoudens die bepalings van subartikel (4), moet elke okkupeerder of eienaar bedoel in artikel 2(1) op sy of haar perseel sodanige hoeveelheid afvalhouers verskaf as wat voldoende is vir die tydelik berging van afval, buiten tuin-, spesiale huishoudelike en spesiale nywerheidsafval, wat mag ontstaan op sy of haar perseel hangende die verwydering daarvan ingevolge hierdie verordeninge.

(2) Die okkupeerder of eienaar bedoel in subartikel (1) moet sorg dat die afvalhouers wat deur hom of haar ingevolge die subartikel verskaf word in 'n goeie en diensbare toestand gehou word en dat houeers wat nie meer geskik is om sodanig in stand gehou te word nie deur hom of haar vervang word.

(3) Wanneer die Raad van mening is dat 'n persoon nie voldoen het aan die bepalings van hierdie artikel nie kan 'n skriftelike kennisgewing aan so 'n persoon bedien word en 'n beroep op hom of haar gedoen word om aan sodanige bepalings te voldoen binne 'n tydperk in die kennisgewing vermeld.

(4) Die Raad kan na goeë dunde afvalbakke aan persele verskaf indien dit sodanige houeers as meer toepaslik vir die berging en verwydering ag as afvalhouers met in agname van –

- (a) die hoeveelheid afval wat op die betrokke perseel ontstaan;
- (b) die geskiktheid van sodanige afval om in sodanige houeers geberg te word; en
- (c) die toeganklikheid van die afvalbergingsgebied vir die Raad se afvalversamelingvoertuie.

(5) Afvalbakke wat deur die Raad ingevolge subartikel (4) verskaf word –

- (a) mag nie vir enige ander doel gebruik word nie behalwe vir die berging van besigheids-, huishoudelik, nywerheids- en tuinafval;
- (b) bly die eiendom van die Raad en kan ter enige tyd deur die Raad vervang of verwyder word; en
- (c) is die verantwoordelikheid van die eienaar of okkupeerder, na gelang van die geval, wie aanspreeklik teenoor die Raad sal wees vir enige verlies daarvan of skade daaraan, buiten as dit deur die Raad se werknemers veroorsaak is.

#### 4. Pligte van eienaar of okkupeerder

Elke okkupeerder van 'n perseel of, in die geval waar die perseel deur meer as een persoon beset word, die eienaar van sodanige perseel moet sorg dat-

- (a) alle huishoudelike en besigheidsafval wat op die perseel ontstaan in afvalhouers of afvalbakke of wegdoenbare plastiekafvalsakke geplaas en gehou word vir verwydering;
- (b) bouersafval, tuinafval, nywerheidsafval, spesiale nywerheidsafval, en spesiale huishoudelike afval toepaslik geberg word en as sodanige aangedui is;
- (c) geen warm as, nie-toegedraaide glasstukke of ander afval, wat skade mag veroorsaak aan afvalhouers, afvalbakke of plastiekafvalsakke, of beserings aan die persone of skade aan voertuie wat gebruik word vir die verwydering van die afval van die persele, in afvalhouers of afvalbakke plaas nie alvorens sodanige stappe geneem is wat nodig is om sodanige skade of beserings te voorkom;
- (d) geen materiaal, met inbegrip van enige vloeistof wat weens hul massa of ander eienskappe veroorsaak dat dit onredelik moeilik is vir die Raad se werknemers om sodanige afvalhouers of afvalbakke te hanteer of te dra, daarin geplaas word nie;
- (e) elke afvalhouer en afvalbak op die perseel behoorlik bedek word met 'n deksel of ander bedekking wat daarmee saam verskaf word ten einde 'n oorlas of gesondheidsgevaar te voorkom;
- (f) elke houder of bak skoon en in 'n higiëniese toestand gehou word; en
- (g) alles wat giftige of skadelike eienskappe het toepaslik behandel word tot bevrediging van die Raad.

#### 5. Versameling en verwydering van afval

(1) Die Raad sal van tyd tot tyd die dag of dae bepaal waarop die afval, wat deur die Raad ingevolge hierdie verordeninge verwyder moet word, in die onderskeie gebiede onder sy beheer versamel sal word.

(2) Op 'n dag of dae wat ingevolge subartikel (1) vir 'n spesifieke gebied bepaal is, moet elke eienaar of okkupeerder, na gelang van die geval, van 'n perseel in daardie gebied sodanige afvalbakke, afvalhouers of wegdoenbare plastiekafvalsakke wat afval bevat onmiddellik binne die grens van die perseel en aangrensend aan die voetganger- of voertuigtoegang van 'n straat tot die perseel plaas.

(3) Geen eienaar of okkupeerder, na gelang van die geval, van enige perseel mag, tensy skriftelik deur die Raad daartoe gemagtig, enige afval buiten huishoudelike of besigheidsafval in enige afvalhouer of afvalbak gooi nie, welke inhoud gratis deur die Raad verwyder sal word.

(4) Die eienaar of okkupeerder van enige perseel waar massa-afval van enige aard geproduseer, gehou of opgehoop word, moet, wanneer daartoe vereis word kragtens 'n skriftelike kennisgewing van die Raad, sodanige afval bind of laat bind in bale of bondels van gerieflike grote.

#### 6. Toegang tot perseel

Die okkupeerder of eienaar van 'n perseel met betrekking waartoe die Raad 'n afvalverwyderingsdiens lewer, na gelang van die geval, moet aan die Raad gerieflike toegang tot die perseel verleen met die doel om afval te versamel en te verwyder en moet toesien dat niks die Raad en sy werkers verhinder, frustreer of hinder om hulle diens te lewer nie.

#### 7. Ophoping van afval

Waar enige afval op 'n perseel ophoop om 'n oorlas uit te maak of 'n oorlas waarskynlik daardeur geskep sal word, kan die Raad vir die spesiale verwydering van sodanige afval reël en die eienaar of okkupeerder sal aanspreeklik wees vir die betaling van die heffingstarief in die geval van sodanige spesiale verwydering.

#### 8. Verwydering en storting van tuin-, spesiale huishoudelike en massa-afval

(1) Die okkupeerder of, in die geval van 'n perseel wat deur meer as een persoon beset word, die eienaar van 'n perseel waarop tuin-, spesiale huishoudelike of massa-afval ontstaan, moet sorg dat daar met sodanige afval weggedoen word ingevolge hierdie artikel binne 'n redelike tyd na die voortbringings daarvan; met dien verstande dat tuinafval op die perseel behou mag word vir die maak van kompos.

(2) Enige persoon kan sy eie tuin-, spesiale huishoudelike en massa-afval verwyder en daarmee wegdoen.

(3) Tuin-, spesiale huishoudelike en massa-afval moet, sodra dit verwyder word van enige perseel waarop dit ontstaan, gestort word op 'n terrein wat deur die Raad as stortingsterrein aangedui is vir sodanige afval teen betaling van die heffingstarief.

**9. Aanspreeklikheid vir bouersafval**

Die eienaar van 'n perseel waarop bouersafval voortgebring word, moet sorg dat daar met sodanige afval weggedoen word ingevolge artikel 11 binne 'n redelike tydperk na die voortbring daarvan.

**10. Wegdoening van bouersafval**

(1) Behoudens die bepalings van subartikel (2) van hierdie artikel, moet alle bouersafval gestort word op die Raad se stortingsterreine en die persoon wat die afval stort, is aanspreeklik vir die heffingstarief daarvan.

(2) Bouersafval kan, met die vooraf skriftelike goedkeuring van die Raad, gestort word op 'n plek anders as die Raad se stortingsterrein met die doel om grond te herwin.

(3) Enige goedkeuring verleen ingevolge subartikel (2) is onderhewig aan sodanige voorwaardes wat die Raad gerade ag met die volgende in gedagte -

- (a) die veiligheid van die publiek;
- (b) die omgewing van die voorgestelde stortingsterrein;
- (c) die geskiktheid van die gebied met inbegrip van die dreineringsdaarvan;
- (d) die verwagte wyse en tye van storting van afval op hierdie terrein;
- (e) die gelykmaking van die terrein;
- (f) die beheer van stof; en
- (g) ander tersaaklike faktore..

**11. Spesiale maatreëls vir versameling, berging en storting**

(1) Indien die Raad van mening is dat, ten einde enige gesondheidsgevaar of oorlas te voorkom, spesiale maatreëls vir die versameling, tydelike berging of storting van enige afval aanvaar moet word of dat sodanige afval spesiaal behandel moet word om dit nie-aanstootlik of nie-skadelik vir gesondheid te maak, moet die Raad 'n skriftelike kennisgewing op die okkupeerder van enige perseel of, in die geval van onbewoonde grond, die eienaar daarvan bedien om enige van die voorafgaande binne 'n redelike tyd uit te voer.

(2) Die eienaar of okkupeerder van enige perseel moet, nadat 'n kennisgewing bedoel in subartikel (1) bedien is -

- (a) of enige afval van sodanige perseel verwyder wat aanstootlik of skadelik vir gesondheid is en daarmee wegdoen op 'n wyse wat in sodanige kennisgewing gestipuleer is; of
- (b) indien die bepalings van sodanige kennisgewing dit toelaat, enige afval op sodanige perseel behandel dat dit onskadelik en nie-aanstootlik is om te voorkom dat dit deur vlieë, muskiete, rotte en ander peste besmet word.

(3) Enige eienaar of okkupeerder wat nalaat om die maatreëls na te kom wat in 'n kennisgewing kragtens hierdie artikel gemeld is, is skuldig aan 'n misdryf en die Raad kan reël dat sodanige maatreëls uitgevoer word op die koste van die persoon op wie die kennisgewing bedien is.

**12. Verwydering van afval of aanstootlike materiaal in die straat**

12. (1) Enige persoon wat enige afval of ander aanstootlike materiaal verwyder of vervoer, moet dit verwyder met 'n behoorlik ontwerpte en geslote voertuig en op 'n wyse wat sal verhoed dat enige oorlas sal voortspruit uit sodanige vervoer of dat die inhoud daaruit sal ontsnap.

(2) Die Raad kan 'n skriftelike kennisgewing op enige persoon bedien wat die middels beperk of stipuleer wat aanvaar moet word en wat die tye spesifiseer waartydens die afval vervoer mag word in of langs enige straat of openbare plek indien die Raad van mening is dat die vervoer van sodanige afval met teenkanting begroet sal word of 'n oorlas sal wees. Enige persoon wat nalaat om aan die vereistes van subartikel (1) van hierdie artikel te voldoen of met enige kennisgewing wat kragtens hierdie subartikel uitgereik is, is skuldig aan 'n misdryf.

**13. Kenisgewing aangaande die ontstaan van spesiale nywerheidsafval**

(1) Die okkupeerder van 'n perseel waarop spesiale nywerheidsafval ontstaan moet die Raad skriftelik in kennis stel van die samestelling daarvan, die hoeveelheid wat ontstaan, hoe dit geberg word, en hoe en deur wie en waarheen dit verwyder gaan word.

(2) Indien deur die Raad vereis, moet die kennisgewing bedoel in subartikel (1) bevestig word met 'n ontleding wat deur 'n behoorlik gekwalifiseerde nywerheidsapteker gesertifiseer is.

(3) Enige beampte of dienaar van die Raad en enige ander persoon behoorlik deur die Raad daartoe gemagtig kan die perseel op enige redelike tyd betree om vas te stel of spesiale nywerheidsafval op sodanige perseel ontstaan en kan monsters neem en enige afval toets wat op die perseel gevind word om die samestelling daarvan vas te stel.

**14. Berging van spesiale nywerheidsafval**

(1) Die okkupeerder van 'n perseel waarop spesiale nywerheidsafval ontstaan, moet verseker dat die spesiale nywerheidsafval wat op die perseel ontstaan ingevolge subartikel (2) gehou en geberg word totdat dit van die perseel verwyder word ingevolge artikel 15.

(2) Spesiale nywerheidsafval wat op 'n perseel geberg word, moet op so wyse geberg word dat dit nie 'n oorlas word of die omgewing besoedel nie.

(3) Die Raad kan die persoon bedoel in artikel 14(1) skriftelik versoek om die spesiale nywerheidsafval binne 'n redelike tydperk te verwyder en, indien sodanige afval daarna nie binne sodanige tyd verwyder word nie, kan die Raad dit self of deur middel van 'n kontrakteur doen op die koste van sodanige persoon, afhange van die geval.

#### **15. Verwydering van spesiale nywerheidsafval**

15. Niemand mag spesiale nywerheidsafval van 'n perseel verwyder waarop dit ontstaan het nie tensy sodanige afval wettig en behoorlik verwyder word na 'n stortingsterrein deur 'n bevoegde persoon wat oor die nodige toerusting beskik om die spesiale nywerheidsafval te verwyder.

#### **16. Vloeibare afval**

(1) Niemand mag enige vloeibare afval aflewer of vrylaat op 'n stortingsterrein nie of toelaat dat dit plaasvind nie, behalwe met die skriftelike toestemming van die Raad in ooreenstemming met sodanige voorwaardes wat die Raad mag opleë.

(2) Enige koste wat deur die Raad aangegaan word om skade te herstel of enige oorlas reg te stel wat deur die vrylating van vloeibare afval by 'n stortingsterrein strydig met die bepalings van hierdie verordeninge veroorsaak is of van enige voorwaarde wat opgelê is, en die bedrag van enige regs aanspreeklikheid of koste deur die Raad aangegaan rakend enige eis wat voortspruit uit enige sodanige oorlas, sal deur die eienaar van sodanige afval gedra en van die eienaar verhaal kan word.

#### **17. Gedrag by stortingsterrein**

(1) Enigiemand wat, met die doel om afval te stort, 'n stortingsterrein betree wat deur die Raad beheer word, moet -

- (a) die stortingsfasiliteit slegs deur die gemagtigde toegangspunt binnegaan wat as sodanige aangedui is;
- (b) die afval vir weeg aanbied op die wyse wat deur die Raad se gemagtigde beampte by sodanige terrein vereis word;
- (c) aan sodanige beampte al die verlangde besonderhede verskaf aangaande die samestelling van die afval;
- (d) al die instruksies nakom wat aan hom of haar gegee word aangaande toegang tot die werklike stortingspunt, die plek waar en die wyse waarop die afval gestort moet word; en
- (e) volledige inligting aan die betrokke beampte verskaf aangaande die persoon wat aanspreeklik is vir die heffingstarief vir die storting van die afval sodat 'n rekening aan hom of haar gelewer kan word, met dien verstande dat die bepalings van paragrawe (b), (c) en (e) hierbo nie van toepassing is op 'n persoon wat, ingevolge artikel 9(3), die stortingsterrein betree het met die doel om tuinval te stort nie.

(2) Niemand mag enige sterk drank na 'n stortingsterrein bring wat onder die beheer van die Raad is nie.

(3) Niemand mag 'n stortingsterrein onder die beheer van die Raad betree vir enige ander doel as die storting van afval ingevolge hierdie verordeninge betree nie en dan slegs op sodanige tye en tussen sodanige ure wat die Raad van tyd tot tyd bepaal.

#### **18. Eienaarskap van afval**

Alle afval wat deur die Raad verwyder word en alle afval op stortingsterreine onder beheer van die Raad is die eiendom van die Raad en niemand wat nie behoorlik daartoe gemagtig is mag dit verwyder of daarmee inmeng nie.

**19. Misdrywe en strawwe**

(1) Enigiemand wat -

- (a) enige bepaling van hierdie verordening oortree of versuim om daaraan te voldoen; of
- (b) enige voorwaarde opgelê by die toestaan van enige aansoek, toestemming, goedkeuring, toewyding, verslapping, permit of magtiging ingevolge hierdie verordeninge oortree of versuim om daaraan te voldoen; of
- (c) versuim om aan die voorwaardes van enige kennisgewing op hom of haar bedien ingevolge hierdie verordeninge te voldoen, is skuldig aan 'n misdryf en strafbaar met 'n boete wat nie R30 000 te bowe gaan nie of gevangenisstraf vir 'n tydperk wat nie twee jaar te bowe gaan nie of beide sodanige boete en gevangenisstraf..

**20. Regulasies**

Die munisipaliteit kan regulasies maak, wat nie onverenigbaar met hierdie verordeninge is nie, wat -

- (a) enige aangeleentheid wat ingevolge hierdie verordeninge voorgeskryf mag of moet word; en
- (b) enige aangeleentheid wat die toepassing van hierdie verordening mag moontlik maak,voorskryf.

**21. Herroeping van verordeninge**

Enige verordeninge aangaande afvalverwydering en storting deur die munisipaliteit of enige vorige munisipale raad wat nou 'n administratiewe eenheid van die munisipaliteit is, word herroep op die datum wat hierdie verordeninge gepromulgeer word.

**22. Kort titel en inwerkingtreding**

Hier verordeninge heet die Verordeninge op die Verwydering en Storting van Afval, 2015, en tree in werking op die datum wat dit in die *Provinsiale Koerant* afgekondige word.



**IMITHETHO KAMASIPALA YOKUSUSWA KANYE NOKULHLWA KWEMFUCUZA**

Makumiswe uMthetho nguMkhandlu kaMasipala waseNdumeni, ngokwesigaba 156 soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996 (uMthetho No. 108 we-1996), sifundwa nesigaba 11 soHulumeni beziNdawo: uMthetho weziNhlelo zikaMasipala, wezi-2000 (uMthetho No. 32 wezi-2000) ngale ndlela elandelayo:

**OKUQUKETHWE**

- 1: Izincazelo zamagama
- 2: Ukuqoqwa kanye nokulahlwa kwemfucuza
- 3: Imigqomo yemfucuza
- 4: Imisebenzi yomnikazi noma yomuntu osebenzisa indawo
- 5: Ukuqoqwa kanye nokulahlwa kwemfucuza
- 6: Ukufinyelela endaweni nemfucuza
- 7: Ukunqwabelana kwemfucuza
- 8: Ukususwa kanye nokulahlwa kwemfucuza yasengadini, eyasendlini engajwayelekile kanye nemfucuza eningi
- 9: Isibopho sokulahlwa kwemfucuza yokwakha
- 10: Ukulahlwa kwemfucuza yokwakha
- 11: Izindlela eziyisipesheli zokuqoqwa, ukugcinwa kanye nokulahlwa kwemfucuza
- 12: Ukususwa kwemfucuza noma izinto ezingalungile emgwaqweni
- 13: Ukwazisa ngemfucuza engajwayelekile yasezimbonini
- 14: Ukugcinwa kwemfucuza engajwayelekile yasezimbonini
- 15: Ukususwa kwemfucuza engajwayelekile yasezimbonini
- 16: Imfucuza esaluketshezi
- 17: Ukuziphatha endaweni okulahlwa kuyo imfucuza
- 18: Ubunikazi bemfucuza
- 19: Amacala kanye nezinhlawulo
- 20: Imithethonqubo
- 21: Ukuchithwa kwemithetho kamasipala
- 22: Isihlokwana esifishane kanye nokuqala kokusebenza kwale mithetho

**1. Izincazelo zamagama**

Kule mithetho kamasipala, ngaphandle uma indikimba ikhomba okunye--:

**"umsebenzi ogunyaziwe"** kusho nanoma yimuphi umsebenzi woMkhandlu ogunyazwe nguMkhandlu ukuba alawule, aqalise ukusebenza noma aqinisekise ukuhlonishwa kwale mithetho kamasipala;

**"imfucuza yomakhi"** kusho imfucuza edalwa ukubhidliza, ukumba noma ukwakha ngaphakathi kwamagceke;

**"Umkhandlu"** kusho uMkhandlu kaMasipala WaseNdumeni;

**"indawo yokulahlwa imfucuza"** kusho indawo yokulahlwa imfucuza engaphansi komkhandlu noma egunyazwe uMkhandlu ukuba kulahlwe kuyona;

**"imfucuza yasezindlini"** kusho imfucuza edaleka ezindaweni okuhlalwa kuzona, kodwa lokhu akubandakanyi inhlabathi, okusaluketshezi, imfucuza yasengadini noma izidumbu zezilwane ezifileyo kanye nemfucuza ethile edaleka emakhaya.;

**"imfucuza yasengadini"** kusho imfucuza elula edalwa ukwenziwa kwemisebenzi yasengadini ejwayelekile, kubandakanya ukusikwa kotshani, amaqabunga, izitshalo, izimbali, ukhula, ukusika uthango noma amahlahlwa ezihlahla;

**"imfucuza yasezimbonini"** kusho imfucuza eqinile edaleka ngenxa yemisebenzi eyenziwa ezimbonini kodwa engabandakanyi imfucuza edaleka ngenxa yemisebenzi yokwakha, imfucuza engajwayelekile yezimboni kanye nemfucuza edalwa yimisebenzi yokuhweba;

**"umhlali"** kusho nanoma yimuphi umuntu ohlala endaweni kungakhathaleki ukuthi ubunikazi bakhe baleyo ndawo ahlala kuyo bumi kanjani, uma enabo;

**"umnikazi"** kusho-

- (a) umuntu onikezwe ilungelo ngokomthetho ukuba izikhathi ngezikhathi abe ngumnikazi wendawo;
- (b) esimweni lapho umuntu onikezwe ilungelo lobunikazii bendawo engasayisebenzisi indawo noma eseshonile, noma engaphansi kwesimo sokuphenywa umthetho, lowo obhekene nodaba lwakhe, kungaba umphathi, umuntu womthetho, umuntu onelungelo lokumphuca indawo noma yimuphi omunye umuntu osebenzela uphiko lwezomthetho;
- (c) Esimweni lapho uMkhandlu ungakwazi ukuhlonza umuntu ongumnikazi wendawo, umuntu okusuke kufanele ahlomule ngendawo noma ibhilidi noma amabilidi;
- (d) esimweni lapho le ndawo esuke iqashiwe khona isikhathi esiyiminyaka engama-30 nangaphezulu, lowo oqashe indawo;
- (e) maqondana -
  - (i) nesiqephu sendawo esivela kwipulani ngokomthetho i- Sectional Titles Act, 1986 (uMthetho ongunombolo 95 we-1986), umphathi wendawo kumbe isigungu esibhekelele ukuphathwa kwendawo; noma
  - (ii) isigaba njengalokhu sichazwe eMthethweni, umuntu okubhalwe igama lakhe ngaphansi komthetho okunguyena onetayitela, futhi kubandakanya i-agent ejutshwe ngokomthetho yalowo muntu ongumnikazi wendawo;

**"isiqukathi semfucuzu"** kusho isiqukathi ngale kwemigqomo yemfucuzu noma ngabe sinamasondo noma cha, esibekelwe ukuba kugcinwe kusona imfucuzu okwesikhashana; esihlinzekwa nguMkhandlu ngokwesigaba 3(4) noma inkontilaki egunyazwe ngokwesigaba 2(3);

**"umgqomo wemfucuzu"** kusho umgqomo wemfucuzu ohambelana namazinga abekwe ngabakwa- South African Bureau of Standards 493-1973: i-Steel Refuse Bins 1310-1980: i-Refuse Bins of Polymeric Materials, kanjengoba kushicilelwe Esazisweni esingunombolo 463 somhla ziyi-9 kuNtulikazi we-1982;

**"indawo okuhlala kuyona abantu"** kusho indawo esetshenziswa abantu ukuba bahlale kuyona, kodwa lokhu akubandakanyi indawo yokuhlala echazwe esigabeni-1 soMthetho olawula amahhotela i- Hotels Act, 1965 (uMthetho ongunombolo 70 we-1965);

**"imfucuzu yasemakhaya eyehlukile "** kusho imfucuzu yasemakhaya okuthi ngenxa yesisindo sayo, isimo sayo, ubungako bayo kumbe umthamo wayo ingakwazi ukuba igcinwe emigqonyeni noma eziqukathini zemfucuzu;

**"imfucuzu yasezimbini eyehlukile"** kusho imfucuzu, enokusaluketshezi edalwa yimisebenzi eyenziwa ezimbini engeke yakwazi ukuthutheka ngamapayipi emfucuzu;

**"inkokhelo emisiwe"** kusho imali ekhokhwayo efanele egunyazwa ngesinqumo esithathwa nguMkhandlu izikhathi ngezikhathi; kanti

**"imfucuzu edalwa yimisebenzi yezohwebo"** kusho imfucuzu edalwa yimisebenzi yezohwebo noma yokuqhutshwa kwamabhezini kodwa engabandakanyi imfucuzu yasezimbini.

**2. Ukuqoqwa kanye nokulahlwa kwemfucuzu**

2.(1) umhlali wanoma iyiphi indawo lapho kwakheka khona imfucuzu, noma-ke uma indawo inabahlali abangaphezu koyedwa, kufanele umnikazi wayo abe nendlela yokugcina imfucuzu okwesikhashana, bese imfucuzu iqoqwa nguMkhandlu noma inkontilaki yezothuthwa kwemfucuzu.

(2) uMkhandlu uyoqoqa uphinde ususe imfucuzu mahhala –

- (a) imfucuzu yasezindlini; kanye
- (b) nemfucuzu edalwa yimisebenzi yezohwebo.

(3) Ngokubona kwawo uMkhandlu; nangokuhambisana nemali ekhokhwayo njengalokhu ibekwe ohlwini lezinkokhelo ezimisiwe, ungaqoqa uphinde ususe imfucuzu –

- (a) imfucuzu edalwa yimisebenzi yokwakha;
- (b) imfucuzu yasezimbini;
- (c) imfucuzu e yasezimbini engajwayelekile; kanye
- (d) nemfucuzu yasezindlini engajwayelekile.

(4) Lapho uMkhandlu ungavumi ukuqoqa nokususa imfucuzu okukhulunywa ngayo kwisigatshana (3), umnikazi noma umhlali waleyo ndawo kufanele enze izinhlelo, zokuqoqa, zokususa kanye nokulahlala leyo mfucuzu ngokusemthethweni.

(5) Umnikazi wendawo noma umhlali angaziqoqela imfucuzu ayisuse noma enze izinhlelo zokulahlwa kwemfucuzu endaweni yokulahlala, inqobo uma lokhu eyokwenza ngendlela esemthethweni.

(6) Wonke umuntu ozosebenzisa indawo lapho kudaleka khona imfucuzo okungaba eyasendlini noma yasembonini, umnikazi waleyo ndawo kufanele, ngaphambi kokuba imfucuzo ize idaleke azise uMkhandlu bawazise -

- (a) ukuthi le ndawo isinabantu abayisebenzisayo;
- (b) ukuthi ngabe imfucuzo ezodaleka kule ndawo ngeyasendlini noma ngabe ngeyasezimbini, noma-ke kokubili.

### 3. Imigqomo yemfucuzo

1) Ngokuhambisana nesigaba (4), wonke umuntu ongumhlali noma ongumnikazi wendawo echazwe esigabeni 2(1) kufanele ahlinzeke ngomgqomo wemfucuzo endaweni yakhe ukuze kugcinwe kuwona imfucuzo okwesikhashana, imfucuzo okungeyona eyasengadini, imfucuzo yasendlini engajwayelekile kanye nemfucuzo yasezimbini engajwayelekile, njengoba ingadaleka endaweni yakhe kuze kufike isikhathi sokuba isuswe ngokwale mithetho kamasipala.

(2) Umhlali noma umnikazi wendawo echazwe esigatshaneni (1) kufanele aqinisekise ukuthi umgqomo wemfucuzo ugcineka usesimweni esifanele nokuthi lowo mgqomo ongasekho esimweni sokusetshenziswa uyawushintsha.

(3) Nanoma yinini uma uMkhandlu ukholwa wukuthi umuntu akahambisananga nezihlinzeko zalesi sigaba, uyombhalela isaziso umcele ukuba ahloniphe lezi zihlinzeko ngesikhathi esiyovela kusona isaziso.

(4) UMkhandlu, ngokubona kwawo, ungahlinzeka ngeziqokathi zemfucuzo endaweni uma ubona ukuthi iziqokathi yizona ezingasebenziseka kahle kunemigqomo yemfucuzo, ngokubheka -

- a) ubungako bemfucuzo edaleka kuleyo ndawo;
- b) ukulungela kwaleyo mfucuzo ukugcinwa kulezo ziqokathi; kanye
- c) nokuthi izimoto zokuthuthwa kwemfucuzo zoMkhandlu ziyakwazi ukufinyelela endaweni ukugcinwa kuyona imfucuzo.

(5) Iziqukathi zemfucuzo ezihlinzekwa uMkhandlu ngokwesigatshana (4) -

- (a) akufanele zisetshenziselwe okunye okungekhona ukugcina imfucuzo edaleka ngemisebenzi yohwebo, yezezimbini kanye nemisebenzi yasezingadini;
- (b) ziyohlala ziyimpahla yoMkhandlu, futhi yiwona uMasipala ongazishintsha noma uzithathe nanoma yinini; futhi
- (c) zingumthwalo womnikazi noma umhlali wendawo noma lowo oyisebenzisayo, lokho okungenzeka, okunguyena onesibopho nomkhandlu sokuqinisekisa ukuthi azilahleki futhi azilimali, ngaphandle uma ukulimala nokulahleka kwenzeke ngenxa yomisebenzi woMkhandlu.

### 4. Imisebenzi yomnikazi noma yomuntu osebenzisa indawo

Wonke umuntu osebenzisa indawo, noma uma indawo isetshenziswa abantu abangaphezu koyedwa, umnikazi waleyo ndawo, kufanele aqinisekise ukuthi -

- (a) yonke imfucuzo yasendlini kanye neyezohwebo igcinwa emigqonyeni, eziqokathini noma ezikhwameni zikacwazi ezilahlelwa kanye nemfucuzo;
- (b) imfucuzo edaleka ngomisebenzi wokwakha, eyasengadini, eyezimbini, eyezimbini kanye neyasezindlini engajwayelekile iyagcinwa ngendlela efanele;
- (c) awufakwa umlotha oshisayo, izingcucu zengilazi ezingagoqiwe, noma iyiphi enye imfucuzo engalimaza imigqomo, iziqokathi noma ucwazi wokulahla imfucuzo okungaba nobungozi kubantu noma izimoto ezisetshenziselwa ukuthutha imfucuzo kuleyo ndawo; ngaphambi kokuqinisekisa ukuthi akukho ngozi engavela.;
- (d) ayikho into efakiwe, kubandakanya okusaluketshezi, okuzothi ngenxa yesisindo sakho noma isimo sakho kwenze ukuthi abasebenzi boMkhandlu bangakwazi ukukuthatha;
- (e) yonke imigqomo noma iziqokathi zemfucuzo zivalwe ngezivalo zakhona ukuze kugwemeke ukungcola kanye nokubekeka kwesimo sempilo engcupheni;
- (f) yilowo nalowo mgqomo noma isiqokathi semfucuzo kugcinwa kusesimweni esihlanzekile; futhi
- (g) konke okuyimfucuzo enobungozi kugcinwa ngendlela egculisa uMkhandlu.

### 5. Ukuqoqwa nokususwa kwemfucuzo

(1) Izikhathi ngezikhathi, uMkhandlu yiwona oyonquma usuku noma izinsuku okuzothuthwa ngazo imfucuzo ezindaweni ezingaphansi kwawo ngokwale mithetho kamasipala.

(2) Ngosuku, noma ngezinsuku ezinqunyiwe ngokwesigatshana (1) lowo nalowo mnikazi wendawo noma umuntu osebenzisa indawo kufanele akhiphe umgqomo wemfucuzo, iziqokathi zemfucuzo kanye nokwazi bemfucuzo abalahlwayo ngokushesha akubeke onqenqemeni lwendawo yakhe futhi akubeke lapho imoto ezokwazi ukufinyelela khona.

(3) Akekho umnikazi wendawo, noma osebenzisa indawo, oyolahla noma avumele ukuba imfucuzwa ngaphandle kweyasendlini nedalwa ukhweba ukuba ifakwe emigqonyeni noma esiqukathini semfucuzwa ngaphandle uma enikeziwe igunya uMkhandlu.

(4) Umnikazi wendawo noma umuntu osebenzisa indawo lapho kukhiqizeka khona imfucuzwa eningi kufanele, uma ngabe ebhalelwe uMkhandlu, kufanele abophe imfucuzwa ngokuqikelela ayenze imithwadhana ephathekayo.

#### **6. Ukufinyelela endaweni enemfucuzwa**

Osebenzisa indawo noma umnikazi wendawo lapho uMkhandlu oqoqa khona imfucuzwa, kufanele aqinisekise ukuthi abasebenzi zoMkhandlu bafinyelela kalula endaweni yakhe ukuze bakwazi ukuqoqa baphinde basuse imfucuzwa futhi aqiniseke ukuthi akukho okuvimba, okuhlukumeza noma kuphazamise abasebenzi ngesikhathi benza umsebenzi wabo.

#### **7. Ukunqwabelana kwemfucuzwa**

Lapho okubonakala khona ukuthi imfucuzwa iyanqwabelana futhi ingagcina idale inkathazo, uMkhandlu ungamsusela umnikazi wendawo noma lowo osebenzisa indawo ngokuyisipesheli bese kudingeka ukuba akhokhe imali ebekiwe ngalokho kususelwa kwakhe imfucuzwa.

#### **8. Ukususwa kanye nokulahlwa kwemfucuzwa yasengadini, eyasendlini engajwayelekile kanye nemfucuzwa eningi**

(1) Osebenzisa indawo, noma uma ngabe indawo isetshenziswa abantu abangaphezu koyedwa, umnikazi wendawo lapho kudaleka khona imfucuzwa yengadi, eyasendlini engejwayelekile noma kuba yimfucuzwa eningi kakhulu kufanele aqinisekise ukuthi imfucuzwa iyahlahlwa ngesikhathi esifanele ngokwalesi sigaba; ngaphandle uma imfucuzwa yasengadini ingezukulahlwa ngenhloso yokuba kwenziwe ngayo okokuvundisa.

(2) Nanoma yimuphi umuntu angasusa aphinde alahle imfucuzwa yasengadini, yasendlini engajwayelekile kanye nemfucuzwa esinqwabelane yaze yaba ningi.

(3) Uma imfucuzwa yasengadini, eyasendlini engajwayelekile kanye naleyo esinqwabelane yaba ningi isisusiwe endaweni lapho ebizakheke khona, kufanele ilahlwe endaweni egunyazwe uMkhandlu ukuba kulahlwe kuyona engakhokhelwa mali.

#### **9. Isibopho sokulahlwa kwemfucuzwa yokwakha**

Umnikazi wendawo lapho okudaleka imfucuzwa yokwakha khona kufanele aqinisekise ukuthi leyo mfucuzwa iyahlahlwa ngesikhathi esifanele emva kokuba yenzekile ngokwesigaba 11.

#### **10. Ukulahlwa kwemfucuzwa yokwakha**

(1) Ngokuhambisana nezihlinzeko zesigatshana (2) yonke imfucuzwa yokwakha kufanele ilahlwe endaweni yoMkhandlu ebekelwe ukulahlwa imfucuzwa futhi lowo olahla imfucuzwa unesibopho sokukhokha imali eyinkokhelo emisiwe.

(2) Imfucuzwa yokwakha ingalahlwa endaweni okungeyona eyoMkhandlu ukuze kukhucululeke indawo, lokhu kungenziwa ngokuba kuqale kutholakale imvume ebhaliwe evela eMkhandlwini.

(3) Nanoma iyiphi imvume ngokwesigatshana (2) iyohambisana nemibandela uMkhandlu oyibona ifanele, uma kubhekwa

- (a) ukuphepha komphakathi;
- (b) isimo sendawo okuphakanyiswe ukuba kulahlwe kuyona;
- (c) ukuthi ikufanele yini leyo ndawo ukuthi kungalahlwa kuyona kubhekwa nesimo sayo sokumunca amanzi;
- (d) indlela kanye nezikhathi okuzolahlwa ngazo imfucuzwa;
- (e) isimo sendawo ukuthi iqonde kanjani;
- (f) ukulawulwa kothuli; kanye
- (g) nezinye izinto ezibalulekile.

#### **11. Izindlela eziyisipesheli zokuqoqwa, ukugcinwa kanye nokulahlwa kwemfucuzwa**

(1) Uma uMkhandlu unombono wokuthi, ukuze kugwemeke ukubekeka engcupheni kwempilo noma ukungcoliseka kwendawo okungase kwenzekwe, kufanele kwenziwe izindlela eziyisipesheli zokuqoqwa, ukugcinwa okwesikhashana noma nokulahlwa kwanoma yiluphi uhlobo lwemfucuzwa, lokhu kufanele kugunyazwe ukuze kugwemeke ingcuphe yokulimala kanye nokuphazamiseka kwempilo, Umkhandlu kufanele ubhalele umuntu osebenzisa leyo ndawo isaziso, noma, uma kuyindawo evulekile engenalutho, ubhalele umniniyo ukuba kube nguyena oqinisekisa ukuthi lokhu okungenhla kuyenzeka ngesikhathi esifanele.

(2) Ngokunikezwa isaziso ngokwesigatshana (1), umnikazi noma osebenzisa indawo kufanele-

(a) asuse nanoma iyiphi imfucuzwa esendaweni yakhe engadala ukulimala noma ibeke impilo engcupheni ayilahle ngendlela ebhalwe kusona isaziso,; noma

(b) uma evunyelwa yimigomo yesaziso, aqinisekise ukuthi ugcina le mfucuzwa ngendlela ezokwenza kungadaleki izimpukane, omiyane, amagundane kanye nanoma yiziphi izilwanyana ezincane.

(3) Nanoma yimuphi umnikazi wendawo noma lowo oyisebenzisayo owenqaba ukuthatha izinyathelo ezicaciswe esazisweni asinikezwe ngokwalesi sigaba; noma-ke ohluleka ukwenza okushiwo yisaziso ngesikhathi esibekiwe uyobekwa icala futhi uMkhandlu ungabe usunquma ukuba wenze lowo msebenzi bese uphoqelela ukuba kube yilowo muntu okhishelwe isaziso okhokha izindleko zokwenziwa kwalowo msebenzi.

#### **12. Ukususwa kwemfucuzwa noma izinto ezingalungile emgwaqweni**

12. (1) Nanoma yimuphi umuntu osusa noma othutha imfucuzwa noma izinto ezingalungile kumbe imfucuzwa yokwakha kufanele akwenze lokho esebenzisa isithuthi esivalekile futhi esifanele ngendlela ezogwema ukusakazeka kwemfucuzwa.

(2) UMkhandlu ungabhalela umuntu umnqabele ukuba ahambise imfucuzwa uma ngabe uMkhandlu ubona ukuthi lokho kuthuthwa kwemfucuzwa emgwaqweni noma endaweni yomphakathi kungaholela ekungcoliseni indawo. Nanoma ngubani oyohluleka ukuhambisana nezidingo zesigatshana (1) salesi sigaba noma nanoma isiphi isaziso esibhalwe ngaphansi kwalesi sigaba uyobekwa icala.

#### **13. Ukwazisa ngemfucuzwa engajwayelekile yasezimbonini**

(1) Osebenzisa indawo noma umnikazi wendawo lapho kudaleka khona imfucuzwa yasezimbonini engajwayelekile kufanele abhalele uMkhandlu, achaze ngobungako bayo, ngokuthi igcinwe kanjani nangokuthi izosuswa kanjani, nini, ubani futhi iyiswe kuyiphi indawo.

(2) Isaziso esibhalwe uMkhandlu okukhulunywa ngaso esigatshaneni (1) ngenhla, singaqinisekiswa ngesitifiketi sohlaziyo esikhishwe ngusokhemisi obhekele ezezimboni ongungoti ofanele, uma ngabe uMkhandlu udinga kanjalo.

(3) Nanoma yimuphi umsebenzi woMkhandlu kanye nanoma yimuphi umuntu ogunyazwe uMkhandlu angangena emagcekeni emboni nanoma yingasiphi isikhathi ukuzobheka ukuthi ayikho yini imfucuzwa edaleka ngenxa yemisebenzi yasembonini, athathe amasampula aphinde ahlole nemfucuzwa esemagcekeni emboni ukuthi ngabe iyimfucuzwa eyakhiwe yini.

#### **14. Ukugcinwa kwemfucuzwa engajwayelekile yasezimbonini**

(1) Osebenzisa indawo lapho kwakheka khona lolu hlobo lwemfucuzwa kufanele aqinisekise ukuthi le mfucuzwa igcinwa ngokuhambisana nesigatshana (2) kuze kushaye isikhathi sokuba isuswe emagcekeni emboni, ngokwesigaba 15.

(2) Imfucuzwa engajwayelekile yasezimbonini egcinwe ngaphakathi emagcekeni emboni kufanele igcinwe ngendlela yokuthi ingasakazeki yonke indawo futhi ingangcolisi imvelo.

(3) UMkhandlu ungabhalela umuntu okukhulunywa ngaye esigabeni 14 (1) ukuba asuse imfucuzwa ngesikhathi esithile esifanelekile, uma lokho kungenzeki uMkhandlu uqobo lwawo ungayisusa le mfucuzwa ngezindleko zalowo muntu noma umnikazi wendawo.

#### **15. Ukususwa kwemfucuzwa engajwayelekile yasezimbonini**

Akekho umuntu ovunyelwe ukususa imfucuzwa yasezimbonini emagcekeni lapho le mfucuzwa yenzeke khona ngaphandle uma le mfucuzwa isuswa umuntu ofanele ngokusemthethweni esebenzisa imishini efanele yokuyithuthela endaweni yokulahla.

#### **16. Imfucuzwa esaluketshezi**

(1) Akekho umuntu oyohambisa noma asuse imfucuzwa esaluketshezi endaweni yokulahla, noma abangele kuthi kweniwe lokho, ngaphandle uma eqale wathola imvume ebhaliwe evela eMkhandlwini futhi futhi ahambisane nemibandela njengalokhu ingaba khona.

(2) Nanoma yiziphi izindleko uMkhandlu ongene kuzo uzama ukulungisa umonakalo noma uzama ukuhlanza ukungcola okudalwe ukulahlwa kwemfucuzwa esaluketshezi endaweni yokulahla okuphikisana nezihlinzeko zale mithetho kamasipala, umkhandlu uyokwazi ukuphoqelela umnikazi waleyo mfucuzwa ukuba azibuyise lezo zindleko.

**17. Ukuziphatha endaweni okulahlwa kuyona imfucuzu**

(1) Wonke umuntu ongena endaweni okulahlwa kuyo, ngenhloso yokulahlwa imfucuzu kufanele-

- (a) angene endaweni okugunyazwe ukuba kungenwe kuyo;
- (b) akhiphe imfucuzu azoyilahla kule ndawo ukuze ikalwe ngumsebenzi womkhandlu ogunyaziwe kuleyo ndawo;
- (c) anikeze umsebenzi yonke imininingwane emayelana nokuthi iyini le mfucuzu ayiphethe;
- (d) alandele yonke imiyalelo ayinikwayo ngokungena kule ndawo yokulahlwa imfucuzu, alandele indlela okufanele kulahlwe ngayo; aphinde
- (e) anikeze umsebenzi imininingwane egcwele ngokuthi ubani okulindeleke ukuba akhokhele ukulahlwa kwemfucuzu ukuze anikezwe i-akhawunti, inqobo nje uma izihlinzeko (b), (c) kanye no (e) ezingenhla zingeke zisetshenziswe kumuntu ongena kule ndawo ezolahla imfucuzu yasengadini ngokwesigaba 9 (3).

(2) Akekho umuntu oyongena notshwala endaweni yokulahlwa imfucuzu engaphansi koMkhandlu.

(3) Akekho umuntu ovumeleke ukungena endaweni yokulahlwa imfucuzu engaphansi koMkhandlu ngesizathu esehlukile kwesokulahlwa imfucuzu ngokwale mithetho kamasipala, futhi kufanele kungenwe ngezikhathi ezinqunywe uMkhandlu kuphela.

**18. Ubunikazi bemfucuzu**

Yonke imfucuzu esuswe uMkhandlu kanye nayo yonke imfucuzu esendaweni yokulahlwa engaphansi koMkhandlu iyimpahla yoMkhandlu futhi akekho umuntu ongagunyaziwe nguMkhandlu oyosusa noma azisondelanise nale mfucuzu.

**19. Amacala kanye nezinhlawulo**

(1) Nanoma yimuphi umuntu -

- (a) ophula noma owehlulekayo ukulandela nanoma yisiphi isihlinzeko sale mithetho kamasipala; noma
- (b) ophula noma owehlulekayo ukuhambisana nanoma yimiphi imigomo ebekwa ngesikhathi kuvunywa isicelo, imvume, ukugunyaza, nanoma yiliphi igunya ngokwale mithetho kamasipala; noma
- (c) ohlulwa wukuhlonipha imigomo yanoma isiphi isaziso esikhishwe ngokwale mithetho,

uyotholwa enecala futhi abhekane nokukhokha inhlawulo engeqile kuma- R30 000 noma abhadle ejele isikhathi esingeqile eminyakeni emibili noma abhekane nazo zombili lezi zigwebo.

**20. Imithethonqubo**

UMasipala ungabeka imithethonqubo engashayisani nale mithetho kamasipala, echaza -

- (a) nanoma yini okumele ichazwe ngokwemigomo yale mithetho; kanye
- (b) nanoma yini engalekelela ekusetshenzisweni kwale mithetho kamasipala.

**21. Ukuchithwa kwemithetho kamasipala**

Nanoma yimiphi imithetho kamasipala emaqondana Nokususwa kanye Nokulahlwa Kwemfucuzu eyavunywa ngumasipala noma ngumkhandlu waphambilini kamasipala, manje osuyingxenywe yophiko lwezokuphatha, iyochithwa kusukela ngosuku lokuqala ukusebenza kwale mithetho kamasipala.

**22. Isihlokwana esifishane kanye nokuqalisa kokusebenza kwale mithetho**

Le mithetho ibizwa ngeMithetho kaMasipala Yokususwa kanye Nokulahlwa Kwemfucuzu, yezi-2015 futhi iyoqala ukusebenza ngosuku eyoshicilelwa ngalo kwiGazethi Yesifundazwe.

**MUNICIPAL NOTICE 54 OF 2016****HIBISCUS COAST MUNICIPALITY****MUNICIPAL NOTICE: 104 of 2016****PUBLIC NOTICE CALLING FOR INSPECTION OF THE SUPPLEMENTARY VALUATION ROLL No.08 AND LODGING OF OBJECTIONS.**

In terms of the Municipal Property Rates Act, 2004 (Act No. 6 of 2004) as amended, hereinafter referred to as the "Act", it is advised that the supplementary valuation roll No.8 for the financial years 01July 2012 to 30 June 2017 is available for public inspection at the office of the Chief Financial Officer, Lot 1000, Dan Pienaar Square, Margate, during office hours 07h30 to 16h00 from **6 May 2016** to **30 June 2016**.

In addition the valuation roll is available on the website:- [www.hcm.gov.za](http://www.hcm.gov.za).

An invitation is further made in terms of section 49(1)(a)(ii) and 78(2) of the Act that any owners of a property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the supplementary valuation roll No.08 within the above-mentioned period. Attention is specifically drawn to the fact that in terms of section 50(2) of the Act an objection must be in relation to a specific individual property and not against the supplementary valuation roll. The Objection Form can be obtained from the Treasury Office, Lot 1000, Dan Pienaar Square, Margate, Treasury Office, Old Post Office, Port Shepstone or from the website: [www.hcm.gov.za](http://www.hcm.gov.za).

The completed forms must be returned via registered mail to The Municipal Manager, Hibiscus Coast Municipality, "Valuation Roll", P.O. Box 5, Port Shepstone, 4240 or hand delivered to Treasury Office, Lot 1000, Dan Pienaar Square, Margate. Completed forms can also be emailed to [objections@hcm.gov.za](mailto:objections@hcm.gov.za).

For any enquiries please call (039) 312-8321/18.

**SM MBILI**  
**MUNICIPAL MANAGER**  
P.O. Box 5  
PORT SHEPSTONE  
4240



**ISAZISO SIKAMASIPALA: 104 ka 2016****ISAZISO ESIQONDENE NOKUHLOLWA KOHLU LWESI-8 OLUQUKETHE AMANANI EZINTELA EZIKHOKHELWA IMIZI NEZAKHIWO KANYE NOKUFAKWA KWEZIKHALAZO**

Umphakathi uyaziswa kulandelwa umthetho oqondene nokuklanywa kwezimali zezintela ezikhokhelwa imizi owaziwa nge Municipal Property Rates Act namba-6 ka 2004, ochitshiyelwe, ukuthi labo abafisa ukuhlola uhlu lwesi-8 lweminyaka-mali eqala ngo- 01 July 2012 kuya ku 30 June 2017 noluqukethe amanani entela yezindlu nezakhiwo okwengeziwe, bangahambela ihhovisi loMphathi-Zimali eliku 1000 Dan Pienaar Square, Margate ngezikhathi zomsebenzi (phakathi kuka 07:30 no- 16:00 ntambama) kusuka mhlaka **6 Mbasa 2016 kuya ku 30 Nhlanguvana 2016**.

Kanti futhi uhlu lwamanani olongeziwe lungatholakala nakwi website yomkhandlu:- [www.hcm.gov.za](http://www.hcm.gov.za).

Ngokomthetho sisekelo kwisigaba namba 49 (1) (a) (ii) nakusigaba 78 (2) kumenywa bonke abanikazi bemihlaba kanye noma ubani ofisa ukufaka isikhalazo noMphathi kaMasipala mayelana nanomayini equkethwe noma engafakiwe ohlwini lwesi 8 lwamanani entela yezindlu nezakhiwo kulesikhathi esibalulwe ngenhla. Ofisa ukufaka isikhalazo ngokomthetho kwisigaba 50 (2) isikhalazo singafakwa ngokomhlaba oqondene nothize kuphela hhayi ngohlu lwamanani entela yezindlu nezakhiwo okwengeziwe ewonke. Ifomu lokufaka isikhalazo lingatholakala kuledilesi elandelayo : Treasury Office, Lot 1000, Dan Pienaar Square, Margate, Treasury Office, eposini elidala, Port Shepstone noma kwi website [www.hcm.gov.za](http://www.hcm.gov.za).

Ifomu eseligwalisiwe libuyiselwa kuledilesi: Municipal Manager, Hibiscus Coast Municipality, "Valuation Roll", P O Box 5, Port Shepstone , 4240 ngeposi elirejistiwe noma ngesandla eTreasury Office okanye uyithumele ku [objections@hcm.gov.za](mailto:objections@hcm.gov.za) nge-email

Ngeminye imininingwane/noma imibuzo ungasithinta kulenombolo (039)312-8321/18.

**SM MBILI**  
**UMPHATHI WOMKHANDLU**  
P.O. Box 5  
PORT SHEPSTONE  
4240

**MUNICIPAL NOTICE 55 OF 2016****CEMETERIES BY-LAW**

Be it enacted by the Council of the Endumeni Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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**CHAPTER 1****GENERAL****1. Definitions**

In these by-laws, unless the context otherwise indicates:-

“**adult**” means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

“**ashes**” means the cremated remains of a body;

“**Births and Deaths Registration Act**” means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

“**body**” means any dead human body, including the body of a stillborn child;

“**burial order**” means an order issued in terms of the Births and Deaths Registration Act;

“**burial**” means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

“**cemetery**” means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;

“**child**” means a deceased person who is not an adult;

“**Commonwealth war grave**” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);

“**Council**” means the Endumeni Municipal Council;

“**cremation**” means the process of disposing of a human body by fire;

“**cremated remains**” means all recoverable ashes after the cremation process;

“**exhumation**” means the removal of a body from its grave;

“**garden of remembrance**” means a section of a cemetery or crematorium set aside for the erection of memorial work , placing or scattering of ashes, but does not include a columbarium;

“**grave**” means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

“**hero**” means a person who performed a heroic act for the country and is given the status of a hero by the Council;

“**memorial wall**” means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

“**memorial work**” means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

“**municipal area**” means the area under the control and jurisdiction of the Council;

“**niche**” means a compartment in a columbarium or garden of remembrance for the placing of ashes;

“**officer-in-charge**” means the person in the employ of the Council who, from time to time, is in control of any cemetery.

“**prescribed**” means prescribed by the Council;

“**prescribed fee**” means a fee determined by the Council by resolution of that Council or its successor.

**CHAPTER 2****ESTABLISHMENT AND MANAGEMENT OF CEMETERIES****2. Establishment of cemeteries**

- (1) The Council may:
- (a) from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery;
  - (b) consider and approve an application for the establishment and management of a cemetery;
  - (c) consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.
- (2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:
- (a) Berm-section where memorial work of a restricted size may be erected only on a concrete base provided by the Council at the top or bottom end of a grave the top surface of graves are level and the Council will cut planted as well as natural grass as part of its maintenance program;
  - (b) Monumental-section where memorial work erected shall cover the entire grave area,
  - (c) Semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Council;
  - (d) Natural-grass section where the surface of graves are levelled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers;
  - (e) Traditional-section where memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the Berm-section. The surfaces of graves are level;
  - (f) Columbarium-section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Council;

**3. Official hours**

- (1) The cemetery shall be open during the hours as determined by the Council,
- (2) Burials shall take place on the days and during the hours as determined by the Council.
- (3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit
- (4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker.

**4. Register**

- (1) A register of graves and burials shall be kept by the officer-in-charge..
- (2) Such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

**5. Numbering of graves**

- (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of this by-law shall be numbered by the Council.
- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

**6. Reservation of graves**

- (1) No reservation of a grave in a cemetery shall be allowed.
- (2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws shall still be valid and the Council shall honour such reserved rights.

**7. Transfer of reserved rights**

- (1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council.
- (2) Application to transfer such right shall be made to the officer-in-charge in writing by completing and submitting a prescribed application form.
- (3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder
- (4) The reserved right may be cancelled on request of the holder and if the request is approved by the Council, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

**8. Number of corpses in a grave**

- (1) Only one corpse may be buried in a grave, other than a grave with a depth as contemplated in section 15(4).
- (2) Only two corpses may be buried in a grave with measurements as set out in sub-section 15(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by completing and submitting the required application form before the first corpse is buried.
- (3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.
- (4) If on re-opening such grave, the soil is found to be offensive or dangerous to the general health of people, the officer-in-charge may refuse to permit the burial of a second corpse.

#### **9. Number of Corpses in a coffin**

- (1) A deceased stillborn child and his or her deceased mother may be buried in the same coffin at the fee for a single interment of an adult.
- (2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

### **CHAPTER 3**

#### **BURIALS**

#### **10. Application for a burial**

- (1) Application for permission for a burial in a cemetery shall be made to the officer-in-charge in writing by completing and submitting a prescribed application form. An application shall be accompanied by:
  - (a) the prescribed burial order;
  - (b) the prescribed fees; and
  - (c) a reservation certificate, if applicable;
- (2) No person shall, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver.
- (3) An application for permission for a burial:
  - (a) which is to be held on a Saturday in any week must be submitted to the officer-in-charge by no later than 12 noon on the Thursday of that week;
  - (b) which is to be held on any day other than a Saturday must be submitted to the officer-in-charge at least 48 hours before such day, failing which the officer-in-charge may refuse the application.
- (4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the caretaker.
- (5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
- (6) In allocating a grave the officer-in-charge shall as far as practicable possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his or her choice, but not the individual grave of his or her choice. The allocation of a specific grave is the sole responsibility and discretion of the officer-in-charge and a burial shall be executed only in a grave allocated by him or her.
- (7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.
- (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
- (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.
- (10) Except with the permission of the Council, no person shall place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

#### **11. Burial of a corpse**

- (1) All graves shall be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.

- (2) There shall be at least 1200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided for the Muslim community.
- (4) No person shall without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination.
- (5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.
- (7) No person shall convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to any burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years.
- (9) Every coffin or body upon being placed in any grave shall, at once, be covered with 500 mm of earth.
- (10) No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

## **12. Burial of ashes**

- (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted to the prescribed depth and measurements.
- (2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the caretaker.
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will be made.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility shall not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Council and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it will once again be sealed.
- (8) Application for the opening of a niche shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:
- (a) approval for the burial has been obtained from Council;
  - (b) approval for the erection of the memorial work has been obtained from Council; and,
  - (c) the prescribed fees have been paid which shall be determined by Council from time to time.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official office hours of the cemetery.
- (11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium.
- (12) The columbarium may be visited daily during the official cemetery hours as determined by Council.

(13) Plaques shall be made of material approved by the Council and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

### 13. Burial of a cadaver

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub-section 15(4) : Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

### 14. Persons dying outside the municipal area

The provisions of these by-laws shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the municipality

### 15. Grave measurements

(1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long, and 760 mm wide.

(2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long, and 610 mm wide.

(3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker together with the application to obtain permission for a burial.

(4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep 2300 mm long and 760 mm wide.

(5) Deviations from measurements of graves shall be as follows:

Extra wide	: 2300 mm long : 840 mm wide
Extra long	: 2530 mm long : 760 mm wide
Rectangular small	: 2300 mm long : 900 mm wide
Brick-nogging	: 2600 mm long : 1050 mm wide

(6) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long.

(7) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long.

(8) The area of a grave for a child shall be 1210 mm wide by 1520 mm long. If a coffin is too large, an adult grave shall be used.

## CHAPTER 4

### RE - OPENING OF GRAVES AND EXHUMATIONS

#### 16. Conditions of exhumations

(1) No person may exhume or cause to be exhumed a body without the written consent of the -

- (a) Premier of the Provincial Government;
- (b) the Council;
- (c) the provincial Department of Health; or
- (d) by an order of a court having jurisdiction over such matters.

(2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

(3) A member of the South African Police Services must always be present when an exhumation is being conducted.

(4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.

(5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge, may cause the grave to be excavated for such exhumation;



- (6) (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and  
(b) The authority referred to in paragraph (1)(d) of this Section and the prescribed fee must accompany such notice.
- (7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial.,
- (8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- (9) The South African Police Services must -  
(a) if there is proof of illegal burial immediately exhume the body; and  
(b) take it to a government mortuary for investigation.
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

#### **17. Exhumation and reburial**

- (1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.
- (2) The relatives of the deceased must be -  
(a) notified of the intended exhumation and re-burial; and  
(b) allowed to attend.

#### **18. Screening of exhumation**

- (1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

### **CHAPTER 5**

#### **MISCELLANEOUS**

#### **19. Injuries and damages**

- (1) A person using a cemetery do so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.
- (2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and accordingly the Council, its members, employees or agents, whether in personal or official capacity, are indemnified against liability for all claims from whichever nature by himself, or herself, his or her dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery.

#### **20. Fire-arms and traditional weapons**

No fire-arms and traditional weapons shall be allowed in a cemetery.

#### **21. Offences and penalties**

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment.
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

#### **22. Complaints**

Any person wishing to lodge a complaint regarding any cemetery shall lodge such complaint in writing with the Municipal Manager.

#### **23. Charges**

The charges for burials and related services set forth in the Municipality's tariff of charges shall be paid to the Council in advance.

**24. Rights to Graves**

No person shall acquire any right to or interest in any ground or grave in any cemetery.

**25. Consents, Notices and Orders**

Any written consent, notice or other order issued by the Council in terms of these by-laws, shall be prima facie evidence of the contents of such a consent, notice or other order.

**26. Religious Ceremonies**

(1) Any person or group of persons may conduct ceremonies, whether of a religious nature or otherwise, in connection with any internment, memorial service or erection, dedication or unveiling of any memorial work, subject to any regulations made by the council .

(2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

**27. Hearses and vehicles at Cemeteries**

(1) No person shall cause any hearse or vehicle while within a cemetery to depart from the carriage drives every hearse or vehicle shall leave the cemetery by the route indicated by the caretaker.

(2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

**28. Exposure of Bodies**

No person shall convey a dead body which is not covered in any street, cemetery or public place.

**29. Instruction of Caretaker**

Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker while such person is within a cemetery.

**30. Music Inside Cemetery**

Only sacred singing shall be allowed in any cemetery, except in the case of police and military funerals.

**31. Burials Attended by large Numbers of People**

In any case where it is probable that an unusually large number of persons will be present at any burial, the person applying for permission for such burial shall notify the caretaker the day before the funeral.

**CHAPTER 6****REPEAL OF BY-LAWS****32. Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

**33. Repeal of by-laws**

Any by-laws relating to Cemeteries adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

**34. Short title & Commencement**

This by-law is called the Cemeteries By-Law, 2015, and shall take effect on the date of publication in the Provincial Gazette.

**MUNISIPALE KENNISGEWING 55 VAN 2016****VERORDENINGE OP BEGRAAFPLASE**

Daar word deur die Raad van die Endumeni Munisipaliteit, kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet nr 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr 32 van 2000), soos volg bepaal:

**INHOUDSOPGAWE****HOOFSTUK 1 : ALGEMEEN**

1. Omskrywings

**HOOFSTUK 2 : VESTIGING EN BESTUUR VAN BEGRAAFPLASE**

2. Vestiging van begraafplase
3. Amptelike ure
4. Register
5. Nommering van grafte
6. Reservering van grafte
7. Oordrag van gereserveerde regte
8. Aantal lyke in 'n graf
9. Aantal lyke in 'n kis

**HOOFSTUK 3 : BEGRAFNISSE**

10. Aansoek om 'n begrafnis
11. Begrawing van 'n lyk
12. Begrawing van as
13. Begrawing van 'n kadawer
14. Persone wat buite die munisipale gebied sterf
15. Grafafmetings

**HOOFSTUK 4: HEROPENING VAN GRAFTE EN OPGRAWINGS**

16. Voorwaardes vir opgrawings
17. Opgrawing en herbegrawing
18. Afsperring van opgrawing

**HOOFSTUK 5 : ALLERLEI**

19. Beserings en skade
20. Vuurwapens en tradisionele wapens
21. Misdrywe en strawwe
22. Klagtes
23. Gelde
24. Regte op grafte
25. Toestemmings, kennisgewings en orders
26. Godsdienstige seremonies
27. Lykswaens en voertuie by begraafplase
28. Blootstelling van liggame
29. Instruksie van opsigter
30. Musiek in die begraafplaas
31. Begrafnisse wat deur groot getalle mense bygewoon word

**HOOFSTUK 6: ALGEMENE BEPALINGS**

32. Regulasies
33. Herroeping van verordeninge
34. Kort titel en inwerkingtreding

**HOOFSTUK 1****ALGEMEEN****1. Omskrywings**

In hierdie verordeninge beteken, tensy dit uit die samehang anders blyk:-

**"as"** die veraste oorskot van 'n liggaam;

**"beampte in beheer"** iemand in diens van die Raad wat, van tyd tot tyd, in beheer van 'n begraafplaas is;

**"begraafplaas"** enige grond of gedeelte daarvan in 'n munispale gebied wat deur die Raad opsy gesit of goedgekeur is vir 'n begraafplaas;

**"begrafnisorder"** 'n order wat ingevolge die Wet op Registrasie van Geboortes en Sterftes uitgereik is;

**"begrafnis"** teraardebestelling of begraving in die grond of enige ander vorm van begrawe en sluit 'n graf of enige ander metode in om oor 'n liggaam te beskik;

**"gedenkmuur"** 'n muur in 'n begraafplaas of krematoriumafdeling wat voorsiening maak vir die aanbring van gegraveerde plate wat afgestorwenes herdenk;

**"gedenktuin"** 'n gedeelte van 'n begraafplaas of krematorium wat opsy gesit is vir die oprigting van gedenkteken, die plaas of strooi van as, maar sluit nie 'n kolumbarium in nie;

**"graf"** enige stuk grond uitgegrawe vir die begraving van 'n liggaam in 'n begraafplaas en sluit die inhoud, grafsteen of ander merker van sodanige plek in en enige ander struktuur daarop of wat daarmee in verband staan;

**"grafsteenwerk"** 'n grafsteen, monument, gedenkplaat, ander werk of voorwerp wat in enige begraafplaas of krematorium opgerig is of die voorneme is om dit op te rig ter herdenking van 'n afgestorwene, en sluit in 'n randsteen wat 'n graf afbaken en 'n blad wat 'n graf bedek;

**"held"** iemand wat 'n heldedaad vir die land verrig het en aan wie die Raad sodanige status toegeken het;

**"kind"** 'n afgestorwene wat nie 'n volwassene is nie;

**"liggaam"** enige afgestorwe menslike liggaam, insluitende die liggaam van 'n doodgebore kind;

**"munispale gebied"** die gebied onder beheer en jurisdiksie van die Raad;

**"nis"** 'n kompartement in 'n kolumbarium of gedenktuin vir die plasing van as;

**"opgrawing"** die verwydering van 'n liggaam uit sy graf;

**"Raad"** die Endumeni Munisipale Raad;

**"Statebondoorlogsgraf"** enige graf, grafsteen, monument of gedenkteken wat met 'n Statebondoorlogbegrafnis in verband staan ingevolge die Wet op Statebondoorlogsgrafe, 1992 (Wet nr 8 van 1992);

**"verassing"** die proses waarvolgens oor die menslike liggaam beskik word met behulp van vuur;

**"veraste oorskot"** alle herwinbare as na die verassingsproses;

**"volwassene"** 'n afgestorwene ouer a 12 jaar en enige afgestorwe wie se kisafmetings nie in 'n uitgraving van 1,4 m in lengte en 400 mm in breedte kan pas nie;

**"voorgeskrewe gelde"** gelde wat deur die Raad by wyse van 'n besluit van daardie Raad of sy opvolger vasgestel is;

**"voorgeskryf"** soos deur die Raad voorgeskryf, en "voorgeskrewe" het 'n soortgelyke betekenis; en

**"Wet op Registrasie van Geboortes en Sterftes"** die Wet op Registrasie van Geboortes en Sterftes, 1992 (Wet nr 51 van 1992).

**HOOFSTUK 2****VESTIGING EN BESTUUR VAN BEGRAAFPLASE****2. Vestiging van begraafplase**

(1) Die Raad kan:

- (a) van tyd tot tyd geskikte munisipale grond in die munisipaliteit opsy sit en reserveer vir die vestiging en bestuur van 'n begraafplaas;
- (b) 'n aansoek vir die vestiging en bestuur van 'n begraafplaas oorweeg en goedkeur;
- (c) 'n aansoek vir die vestiging en instandhouding van 'n private begraafplaas of 'n private kolumbarium op private grond goedkeur op voorwaardes wat die Raad as wenslik ag.

(2) Die Raad kan, in ooreenstemming met 'n goedgekeurde plan, sodanige gebiede wat die Raad wenslik ag, in 'n begraafplaas opsy sit, reserveer en afbaken vir uitsluitlike gebruik deur lede van 'n spesifieke godsdiens of kerkverband, of vir die begraving van volwassenes, kinders, veiligheidsmagte of oorlogshelde, of vir die skepping en bestuur van die volgende afdelings:

- (a) Berm-afdeling waar grafsteenwerk van beperkte grootte opgerig mag word, op 'n betonbasis deur die Raad voorsien, by die bo- of onderpunt van die graf waarvan die oppervlakte gelykgemaak is en die Raad die geplante sowel as natuurlike gras sal sny as deel van sy onderhoudsprogram;
- (b) Monument-afdeling waar grafsteenwerk wat opgerig word die totale grafoppervlakte bedek;
- (c) Halfmonument-afdeling waar grafsteenwerk, sonder 'n beperking op die grootte, slegs op 'n betonbasis by die bo-punt van die graf, welke basis nie deur die Raad voorsien sal word nie, opgerig mag word;
- (d) Natuurlike gras-afdeling waar die oppervlakte van grafte gelykgemaak sal word. Grafte word geïdentifiseer by wyse van nommers bo-op die graf op sodanige wyse dat grasnyers gebruik kan word om die natuurlike gras te sny sonder dat die nommers beskadig word;
- (e) Tradisionele afdeling waar grafsteenwerk nie die totale grafoppervlakte hoef te bedek nie, en opgerig mag word op grafte wat nie van 'n betonbasis voorsien is soos vereis in die Berm-afdeling nie. Die oppervlakte van die grafte is gelykgemaak;
- (f) Kolumbarium-afdeling waar as begrawe mag word in 'n nis in 'n gedenkmuur of gedenktuin deur die Raad voorsien.

**3. Amptelike ure**

(1) Die begraafplaas is oop vir die tye soos deur die Raad vasgestel.

(2) Begrafnisse vind plaas op die dae en tye soos deur die Raad vasgestel.

(3) Die Raad is by magte om 'n begraafplaas of enige gedeelte daarvan vir die publiek te sluit vir sodanige tydperke en redes as wat die Raad wenslik ag.

(4) Niemand mag sonder die toestemming van die opsigter in 'n begraafplaas of gedeelte daarvan wees nie of daarin vertoef voor of na die amptelike ure soos deur die Raad vasgestel of gedurende enige tydperk wanneer dit vir die publiek gesluit is.

**4. Register**

(1) 'n Register van grafte en begrafnisse moet deur die beamppte in beheer gehou word.

(2) Sodanige register moet sover moontlik voltooi word onmiddellik nadat 'n begrafnis plaasgevind het, met verwysing na die voorgeskrewe besonderhede in die begrafnisorder.

**5. Nommering van grafte**

(1) Alle grafte wat beset of waarvoor 'n begrafnis goedgekeur is ingevolge die bepalings van hierdie verordeninge moet deur die Raad genommer word.

(2) Die getal moet op die graf aangebring word en op 'n plan aangedui word wat in die opsigter se kantoor gehou word en beskikbaar is.

**6. Reserwing van grafte**

(1) Geen reserwing van grafte in 'n begraafplaas word toegelaat nie.

(2) Reserwing van grafte en die aantekening daarvan in amptelike rekords van die Raad ingevolge enige vorige verordeninge is geldig en die Raad sal sodanige gereserveerde regte erken.

**7. Oordrag van gereserveerde regte**

(1) 'n Gereserveerde reg soos bedoel in artikel 6(2) mag nie oorgedra word sonder die vooraf goedkeuring van die Raad nie.

(2) 'n Aansoek om die oordrag van sodanige reg moet aan die beamppte in beheer gerig word deur die voltooiing en indiening van 'n voorgeskrewe aansoekvorm.

(3) Indien die aansoek toegestaan word, sal 'n sertifikaat ten gunste van die oordragnemer, wat die houer sal word, uitgereik word.

(4) Die gereserveerde reg kan op versoek van die houer daarvan gekanselleer word en indien die versoek deur die Raad goedgekeur word, sal die bedrag (indien enige) deur die houer betaal, minus 'n administrasiefooi van 10%, aan die houer terugbetaal word.

#### **8. Aantal lyke in 'n graf**

(1) Slegs een lyk mag in 'n graf begrawe word, buiten 'n graf met 'n diepte soos bedoel in subartikel 15(4).

(2) Slegs twee lyke mag in 'n graf begrawe word met afmetings soos uiteengesit in subartikel 15(4): Met dien verstande dat skriftelik by die opsigter aansoek gedoen is vir die begraving van die twee lyke deur voltooiing en indiening van die vereiste aansoekvorm voordat die eerste lyk begrawe word.

(3) Na die heropening van 'n graf met die doel om 'n tweede lyk in daardie graf te begrawe soos vermeld in subartikel 9(2), moet 'n betonlaag van nie minder as 25 mm dik bo die kis wat voorheen begrawe is, gegiet word.

(4) Indien, tydens heropening van sodanige graf, daar gevind word dat die grond aanstootlik of gevaarlik is vir die algemene gesondheid van mense kan die beampte in beheer toestemming weier dat 'n tweede lyk begrawe word.

#### **9. Aantal lyke in 'n kis**

(1) 'n Afgestorwe doodgebore kind en sy of haar ma kan in dieselfde kis begrawe word vir die gelde vir 'n enkele teraardebestelling van 'n volwassene.

(2) Doodgebore tweelingbabas kan in dieselfde kis begrawe word vir die gelde van 'n enkele teraardebestelling van 'n doodgebore kind.

### **HOOFSTUK 3**

#### **BEGRAFNISSE**

#### **10. Aansoek vir 'n begrafnis**

(1) Aansoek om 'n begrafnis in 'n begraafplaas moet skriftelik gerig word aan die beampte in beheer deur voltooiing en indiening van 'n voorgeskrewe aansoekvorm. 'n Aansoekvorm moet vergesel gaan van:

- (a) die voorgeskrewe begrafnisorder;
- (b) die voorgeskrewe gelde; en
- (c) 'n reserveringsertifikaat, indien van toepassing.

(2) Niemand mag sonder die vooraf skriftelike goedkeuring van die Raad 'n begrafnis hou, laat hou of toelaat dat dit gehou word in enige ander plek in die munisipaliteit as in 'n begraafplaas deur die Raad gevestig en bestuur nie. Dit sluit die begraving van 'n lyk, as of van 'n kadawer in.

(3) 'n Aansoek om goedkeuring van 'n begrafnis:

- (a) wat op 'n Saterdag in enige week gaan plaasvind, moet ingedien word by die beampte in beheer nie later nie as 12:00 die middag op die Donderdag van daardie week;
- (b) wat op enige ander dag as 'n Saterdag gehou gaan word, moet ingedien word by die beampte in beheer minstens 48 uur voor sodanige dag, en indien daar versuim word, kan die beampte in beheer die aansoek weier.

(4) Niemand mag 'n begrafnis in 'n begraafplaas hou, laat hou of toelaat dat dit gehou word nie tensy skriftelike toestemming vir die begrafnis verkry is, 'n spesifieke graf toegeken is vir die doeleindes van die begrafnis en 'n datum en tyd vir die begrafnis met die opsigter gereël is.

(5) Met die toekenning van die datum en tyd vir die begrafnis, moet die opsigter die gewoontes, geloof en kerkverband van die afgestorwene se familie in aanmerking neem.

(6) Met die toekenning van 'n graf moet die beampte in beheer sover dit prakties moontlik is die verantwoordelike persoon toegang tot 'n plan van die begraafplaas gee wat die verskillende afdelings aantoon, en hom of haar toelaat om die afdeling van sy of haar keuse te kies, maar nie die individuele graf van sy of haar keuse nie. Die toekenning van 'n spesifieke graf is die uitsluitlike verantwoordelikheid en in die diskresie van die beampte in beheer en 'n begraving moet slegs geskied in 'n graf wat deur hom of haar toegeken is.

(7) Die Raad kan na sy oordeel 'n begrafnis sonder die betaling van die voorgeskrewe gelde toelaat in 'n gedeelte van die begraafplaas wat opsy gesit is vir sodanige doel en op sodanige wyse as wat dit mag goeind.

(8) Kennisgewing van kansellasië of uitstel van 'n begrafnis moet by die opsigter ingedien word minstens 4 werksure voor die tyd wat vir die begrafnis gereël is.

(9) Die verlening van toestemming vir 'n begrafnis en die toekenning van 'n spesifieke graf in 'n begraafplaas gee nie die aansoeker, die verantwoordelike persoon of enige ander persoon enige reg ten opsigte van die graf anders as om 'n lyk in die graf te begrawe nie.

(10) Behalwe met die toestemming van die Raad mag niemand enige kis van enige ander materiaal as natuurlike hout of ander bederfbare materiaal in 'n graf plaas of laat plaas nie.

#### **11. Begrawing van 'n lyk**

(1) Alle grafte word deur die opsigter voorsien, met die uitsondering van baksteen-gevoerde of beton-gevoerde grafte, in welke geval die messelwerk of betonwerk deur die ondernemer gedoen moet word onder die toesig van die opsigter en in ooreenstemming met die spesifikasies van toepassing op gewone grafte.

(2) Daar moet minstens 1 200 mm grond wees tussen die bokant van 'n volwasse se kis en die grondoppervlak, en ten minste 900 mm grond tussen die bokant van 'n kind se kis en die grondoppervlak.

(3) Alle lyke moet vir die begrafnis in 'n kis geplaas word, behalwe soos vir die Moslem-gemeenskap voorsiening gemaak.

(4) Niemand mag sonder die toestemming van die opsigter enige godsdienstige plegtigheid of diens volgens die gewoontes van een kerkverband in enige gedeelte van 'n begraafplaas hou wat deur die Raad ingevolge die bepalings van hierdie verordening vir die gebruik van 'n ander kerkverband opsy gesit is nie.

(5) Niemand mag enige lykswa in 'n begraafplaas toelaat om die paaie wat voorsien is te verlaat nie, en elke lykswa moet die begraafplaas so gou as moontlik na die begrafnis waarvoor dit gebruik is, verlaat.

(6) Almal wat aan 'n begrafnisstoet of plegtigheid deelneem, moet aan die voorskrifte van die opsigter voldoen met betrekking tot die roete wat binne die begraafplaas gevolg word.

(7) Niemand mag 'n lyk of enige deel daarvan op 'n onbetaamlike wyse in enige straat, begraafplaas of openbare ruimte vervoer of blootstel nie.

(8) Elke aansoek en elke dokument wat betrekking het op enige begrafnis moet gemerk word met 'n nommer wat ooreenstem met die nommer in die register bedoel in artikel 4 en moet deur die Raad geliasseer en bewaar word vir 'n tydperk van nie minder nie as tien jaar.

(9) Elke kis of liggaam wat in 'n graf geplaas word, moet dadelik met 500 mm grond bedek word.

(10) Niemand mag enige menslike oorskot of enige grond wat daaraan grens in enige begraafplaas versteur nie, behalwe waar sodanige versteuring uitdruklik toegelaat word deur hierdie verordening of deur 'n bevel van die hof.

#### **12. Begrawing van as**

(1) As kan in 'n kis begrawe word en slegs twee sodanige kiste wat as bevat mag in 'n ekstra diep graf begrawe word: Met dien verstande dat 'n kis nie die gemiddelde liggaamsgewig van 70 kg oorskry nie, en voorts dat die graf weer aangepas word tot die voorgeskrewe diepte en afmetings.

(2) Niemand mag 'n begrawing van as in 'n begraafplaas uitvoer of laat uitvoer nie, tensy skriftelike toestemming vir die begrafnis verkry is, 'n spesifieke graf of nis vir die doeleindes van die begrafnis en 'n datum toegeken is, en tyd vir die begrafnis met die opsigter gereël is.

(3) Aansoek om die begrawing van as vir spesifieke tydperke of onbepaald, of vir die voorsiening van 'n gedenkplaat van goedgekeurde materiaal op die gebou, kolumbarium of ander fasiliteit moet skriftelik by die opsigter gedoen word deur die voltooiing en indiening van die voorgeskrewe aansoekvorm.

(4) Nisse word deur die opsigter toegeken streng in die volgorde waarin die aansoeke daarvoor ontvang word en geen reserverings vir toekomstige gebruik sal gedoen word nie.

(5) 'n Aansoek om toestemming vir 'n begrafnis moet minstens 24 werksure voor die beplande begrafnis voorgelê word, in gebreke daarvan kan die opsigter die aansoek weier.

(6) 'n Urn of kisse wat as bevat wat in 'n gebou, kolumbarium of ander fasiliteit gedeponeer is, mag nie sonder die opsigter se vooraf skriftelike toestemming verwyder word nie.

(7) Elke nis wat as bevat, sal verseël word met 'n plaat wat deur die Raad goedgekeur is en sal slegs vir die doel van die onttrekking van 'n urn of kisse daarin vir beskikking daarvoor elders, of vir die doel van deponering van 'n addisionele urn of kisse daarin geopen word, waarna dit weer geseël sal word.

(8) Aansoek om die opening van 'n nis sal deur die voltooiing en indiening van 'n voorgeskrewe aansoekvorm aan die opsigter gedoen word.

(9) Niemand mag enige materiaal in die kolumbarium inbring vir die doel van die konstruksie of oprigting van enige grafsteenwerk daarin nie, tensy en totdat:

(a) goedkeuring vir die begrafnis by die Raad verkry is;

(b) goedkeuring vir die oprigting van die grafsteenwerk by die Raad verkry is; en



(c) die voorgeskrewe gelde wat van tyd tot tyd deur die Raad vasgestel word, betaal is.

(10) Enige persoon wat betrokke is by werk in die kolumbarium moet sodanige werk tot die bevrediging van die opsigter uitvoer, en sodanige werk moet tydens die amptelike kantoore van die begraafplaas onderneem word.

(11) Geen permanente kranse, ruikers, blomme, of blommehuldeblyke mag in of op 'n kolumbarium geplaas word nie.

(12) Die kolumbarium mag daaglik tydens die amptelike begraafplaasure soos deur die Raad vasgestel, besoek word.

(13) Plate moet van materiaal gemaak word wat deur die Raad goedgekeur is en sal gelyktydig met die plasing van die as, en binne 30 dae van die verkryging van die toestemming, aangebring word.

### 13. Begrawing van 'n kadaver

Die oorskot van 'n lyk wat by 'n opvoedkundige instelling vir die opleiding van studente gebruik word, algemeen bekend as 'n kadaver, mag in een kis begrawe word en twee sodanige kiste wat kadawers bevat mag in 'n ekstra diep graf begrawe word soos bedoel in subartikel 15(4): Met dien verstande dat 'n kis nie die gemiddelde liggaamsgewig van 70 kg oorskry nie, en voorts dat die graf aangepas word tot die voorgeskrewe diepte en afmetings.

### 14. Persone wat buite die munispale gebied sterf

Die bepaling van hierdie verordeninge is *mutatis mutandis* van toepassing op 'n begrafnis in 'n begraafplaas van iemand wat buite die munisipaliteit gesterf het.

### 15. Graf afmetings

(1) Die uitgraving van 'n graf vir 'n volwassene moet minstens 1 820 mm diep, 2 300 mm lank en 760 mm breed wees.

(2) Die uitgraving van 'n graf vir 'n kind moet minstens 1 370 mm diep, 1 520 mm lank en 610 mm breed wees.

(3) In die geval waar 'n graf benodig word wat groter, langer of breër is as dié hierbo gespesifiseer, moet 'n aansoek ten opsigte daarvan, tesame met bykomende voorgeskrewe gelde verskuldig, aan die opsigter gerig word tesame met die aansoek om toestemming vir 'n begrafnis.

(4) Die uitgraving van 'n ekstra diep graf vir die begraving van twee lyke moet ten minste 2 400 mm diep 2 300 mm lank en 760 mm breed wees.

(5) Afwykings van afmetings vir grafte is soos volg:

Ekstra wyd	: 2 300 mm lank : 840 mm breed
Ekstra lank	: 2 530 mm lank : 760 mm breed
Reghoekig klein	: 2 300 mm lank : 900 mm breed
Baksteen-tussenwerk	: 2 600 mm lank : 1 050 mm breed

(6) Die oppervlakte van 'n reghoekige graf vir 'n volwassene moet 1 500 mm breed by 2 600 mm lank wees.

(7) Die oppervlakte van 'n graf vir 'n volwassene moet 1 210 mm breed by 2 430 mm lank wees.

(8) Die oppervlakte van 'n graf vir 'n kind moet 1 210 mm breed by 1 520 mm lank wees. As 'n kis te groot is, moet 'n volwassene se graf gebruik word.

## HOOFSTUK 4

### HEROPENING VAN GRAFTE EN OPGRAWINGS

#### 16. Voorwaardes vir opgrawings

(1) Geen persoon mag 'n liggaam opgrawe of laat opgegrawe nie sonder die skriftelike toestemming van die -

- Premier van die Provinsiale Regering;
- die Raad;
- die provinsiale Departement van Gesondheid; of
- deur 'n bevel van 'n hof wat jurisdiksie het oor sulke sake.

(2) Wanneer 'n opgraving gaan plaasvind, moet die beampte in beheer die Provinsiale Kommissaris van die Suid-Afrikaanse Polisie in kennis stel.

(3) 'n Lid van die Suid-Afrikaanse Polisie moet altyd teenwoordig wees wanneer 'n opgraving gedoen word.

- (4) 'n Opgrawing mag nie plaasvind wanneer die begraafplaas vir die publiek oop is nie en moet onder die toesig van die beampte in beheer plaasvind.
- (5) Indien oorskot uit enige graf opgegrawe moet word, mag net die ondernemer, onder die toesig van die beampte in beheer, die graf laat uitgegrawe vir sodanige opgrawing;
- (6) (a) Indien 'n graf uitgegrawe word vir opgrawing, moet die beampte in beheer skriftelik 48 uur kennisgewing voor die tyd van opgrawing gegee word, en  
(b) die magtiging bedoel in paragraaf (1)(d) van hierdie artikel en die voorgeskrewe gelde moet sodanige kennisgewing vergesel.
- (7) Iemand wat die oorskot van 'n hulpbehoewende persoon wil opgrawe, moet die koste deur die Raad aangegaan vir die begrafnis betaal.
- (8) Die persoon wat die opgrawing doen, moet verseker dat die liggaam en graf behoorlik ontsmet en reuke geneutraliseer word.
- (9) Die Suid-Afrikaanse Polisie diens moet -  
(a) indien daar bewys is van onwettige begraving, die liggaam onmiddellik opgrawe; en  
(b) dit na 'n staatslykshuis neem vir ondersoek.
- (10) 'n Graf van die slagoffers van konflik en 'n graf wat ouer as 60 jaar is mag slegs opgegrawe word met die toestemming van die Suid-Afrikaanse Erfenisulphonagentskap.
- (11) 'n Statebondoorlogsgraf mag slegs opgegrawe word in ooreenstemming met die bepalings van artikel 3 van die Wet op Statebondoorlogsgrawe, 1992.

#### **17. Opgrawing en herbegraving**

- (1) Die Raad kan, indien 'n liggaam strydig met hierdie verordening begrawe is, opdrag gee dat die liggaam opgegrawe en in 'n ander graf herbegrawe word.
- (2) Die familie van die oorledene moet -  
(a) in kennis gestel word van die voorgenome opgrawing en herbegraving; en  
(b) toegelaat word om dit by te woon.

#### **18. Afsperring van opgrawing**

- (1) 'n Graf waaruit 'n liggaam opgegrawe staan te word, moet van die openbare oog afgesper word tydens die opgrawing.
- (2) Die persoon wat die opgrawing doen, moet 'n geskikte houer vir elke liggaam of oorskot voorsien.

### **HOOFSTUK 5**

#### **ALLERLEI**

#### **19. Beserings en skade**

- (1) Iemand wat 'n begraafplaas gebruik, doen dit op eie risiko en die Raad aanvaar geen aanspreeklikheid hoegenaamd nie vir enige persoonlike beserings opgedoen deur so 'n persoon of vir enige verlies van of skade aan sodanige persoon se eiendom met betrekking tot of as gevolg van die bogenoemde gebruik van die begraafplaas.
- (2) Iemand wat 'n begraafplaas gebruik aanvaar volle verantwoordelikheid vir enige voorval, skade of beserings wat veroorsaak kan word deur of wat mag voortspruit uit die voormelde gebruik van die begraafplaas, en gevolglik is die Raad, sy lede, werknemers of agente, hetsy in persoonlike of amptelike hoedanigheid, gevrywaar teen aanspreeklikheid vir alle eise van welke aard ook deur homself, of haarself, sy of haar afhanklikes of derde partye ten opsigte van enige vermoënsverlies, gevolglike skade, beserings of persoonlike nadeel wat gely mag word of opgedoen mag word in verband met of as gevolg van so 'n persoon se gebruik van 'n begraafplaas.

#### **20. Vuurwapens en tradisionele wapens**

Geen vuurwapens en tradisionele wapens word in 'n begraafplaas toegelaat nie.

#### **21. Misdrywe en strawwe**

- (1) Enige persoon wat enige van die bepalings van hierdie verordeninge oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en is by skuldigbevinding deur 'n hof aanspreeklik vir 'n boete van hoogstens R60 000, of gevangenisstraf vir 'n tydperk van hoogstens drie jaar, of beide 'n boete sowel as 'n tydperk van gevangenisstraf.
- (2) Enige koste wat deur die Raad aangegaan is weens 'n oortreding van hierdie verordeninge of vir die doen van enigiets wat 'n persoon versoek is om te doen ingevolge hierdie verordeninge en wat hy of sy versuim het om te doen, kan deur die Raad verhaal word van die persoon wat die oortreding begaan het of versuim het om sodanige ding te doen.

**22. Klagtes**

Enige persoon wat 'n klagte oor enige begraafplaas wil indien, moet sodanige klagte skriftelik by die Munisipale Bestuurder indien.

**23. Gelde**

Die gelde vir begrafnis en verwante dienste soos uiteengesit in die Munisipaliteit se tariewetabel moet vooraf aan die Raad betaal word.

**24. Regte op grafte**

Niemand mag enige reg of belang in enige grond of graf in 'n begraafplaas verkry nie.

**25. Toestemmings, kennisgewings en orders**

Enige skriftelike toestemming, kennisgewing of ander order uitgereik deur die Raad ingevolge hierdie verordeninge, sal *prima facie* bewys wees van die inhoud van sodanige toestemming, kennisgewing of ander order.

**26. Godsdienstige seremonies**

(1) Enige persoon of groep persone kan seremonies hou, hetsy van 'n godsdienstige aard of andersins, in verband met enige teraardebestelling, roudiens of oprigting, toewyding of onthulling van enige grafsteenwerk, onderhewig aan enige regulasies deur die Raad uitgevaardig.

(2) Geen dier mag op die perseel van die begraafplaas geslag word nie, ongeag van enige godsdienstige plegtigheid wat vereis dat 'n dier geslag moet word.

**27. Lykswaens en voertuie by begraafplase**

(1) Niemand mag veroorsaak dat enige lykswa of voertuig, terwyl in 'n begraafplaas, afwyk van die vervoerroetes nie, en elke lykswa of voertuig moet die begraafplaas verlaat volgens die roete deur die opsigter aangedui.

(2) Die begraafplaas is 'n openbare plek en al die wette van toepassing op die bestuur van 'n voertuig en die gebruik van 'n openbare pad is van toepassing op die perseel van die begraafplaas.

**28. Blootstelling van liggame**

Niemand mag 'n lyk wat nie bedek is in 'n straat, begraafplaas of openbare plek vervoer nie.

**29. Instruksie van opsigter**

Elkeen wat deel is van 'n begrafnisstoet of plegtigheid moet voldoen aan die voorskrifte van die opsigter terwyl so 'n persoon in 'n begraafplaas is.

**30. Musiek in begraafplaas**

Slegs gewyde musiek word in 'n begraafplaas toegelaat, behalwe in die geval van polisie- en militêre begrafnisse.

**31. Begrafnis bygewoon deur groot getalle mense**

In 'n geval waar dit waarskynlik is dat 'n buitengewoon groot getal mense by enige begrafnis teenwoordig sal wees, moet die persoon wat aansoek doen om toestemming vir sodanige teraardebestelling die opsigter die dag voor die begrafnis in kennis stel.

**HOOFSTUK 6****HERROEPING VAN VERORDENINGE****32. Regulasies**

Die munisipaliteit kan regulasies maak wat nie strydig is met hierdie verordening nie en die volgende voorskryf:

- (a) enige aangeleentheid wat ingevolge hierdie verordening voorgeskryf mag of moet word; en
- (b) enige aangeleentheid wat die toepassing van hierdie verordeninge mag fasiliteer.

**33. Herroeping van wette**

Enige verordeninge insake begraafplase wat deur die munisipaliteit of enige voormalige munisipale raad wat nou 'n administratiewe eenheid van die munisipaliteit uitmaak, aangeneem is, sal vanaf die datum van afkondiging van hierdie verordening herroep word.

**34. Kort titel en inwerkingtreding**

Hierdie verordeninge staan bekend as die Verordeninge op Begraafplase, 2015, en tree in werking op die datum van publikasie in die *Provinsiale Koerant*.

**UMTHETHO KAMASIPALA OMAYELANA NEZINDAWO ZOKUNGCWABA**

Makumiswe nguMkhandlu kaMasipala waseNdumeni, ngaphansi kweSigaba 156 soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika uMthetho uNo.108 we-1996, ohambisana nesigaba 11 soHulumeni baseKhaya: uMthetho uNo. 32 wezi-2000 Wezinhlelo Zomasipala, ngalokhu okulandelayo:

**OKUQUKETHWE****ISAPHLUKO 1: OKUJWAYELEKILE**

1. Izincazelo zamagama

**ISAPHLUKO 2: UKUSUNGULWA KANYE NOKULAWULWA KWEZINDAWO ZOKUNGCWABA**

2. Ukusungulwa kwezindawo zokungcwaba
3. Izikhathi zokusebenza
4. Irejista
5. Ukufakwa izinombolo kwamathuna
6. Ukubekiswa kwamathuna
7. Ukudluliselwa kwamalungelo agodliwe
8. Inani lezidumbu ethuneni
9. Inani lezidumbu ebhokisini

**ISAPHLUKO 3: UKUNGCWABA**

10. Ukufaka isicelo sokungcwaba
11. Ukungcwatshwa kwesidumbu
12. Ukungcwatshwa komlotha
13. Ukungcwatshwa kwesidumbu esomisiweyo
14. Abantu abashona bengaphandle kwendawo kamasipala
15. Isilinganiso sethuna

**ISAPHLUKO 4: UKUMBIWA KABUSHA KWAMATHUNA KANYE NOKUVUNJULULWA KWEZIDUMBU**

16. Imibandela yokuvunjululwa kwezidumbu
17. Ukuvunjululwa kwesidumbu sisuka kwelinye ithuna bese singcwatshwa kwelinye
18. **Ukuhlolwa kwesidumbu esivunjululiwe**

**ISAPHLUKO 5: EZIXUBILE**

19. Ukulimala kanye nokucekela phansi
20. Izibhamu kanye nezikhali zendabuko
21. Amacala kanye nezinhlawulo
22. Izikhalo
23. Imali ekhokhwayo
24. Amalungelo maqondana namathuna
25. Izimvume, Izaziso kanye Nemiyalelo
26. Imicimbi yezenkolo
27. Izimoto ezithwala izidumbu kanye nezimoto ezisezindaweni zokungcwaba
28. Ukuvulwa Kwezidumbu
29. Imiyalelo Yomuntu onguMbheki wendawo yokungcwaba
30. Umculo Ngaphakathi Endaweni Yokungcwaba
31. Imingcwabo Ehanjelwe yizindimbane zabantu

**ISAPHLUKO 6: IZIHLINZEKELO EZIJWAYELEKILE**

32. Imithethonqubo
33. Ukuchithwa kwale Mithetho kaMasipala
34. Isihlokwana esicacisayo kanye nokuqala kokusebenza kwalo Mthetho kaMasipala

**ISAHLUKO 1****OKUJWAYELEKILE****1. Izincazelo zamagama**

Kule Mithetho kaMasipala, ngaphandle uma ingqikithi ikhomba okunye:-

**“umuntu omdala”** kusho umuntu oshonile oneminyaka yobudala engaphezulu kweyi-12 kanye nanoma imuphi umuntu oshonile onebhokisi elingeke linele emgodini owubude obungama-1,40m kanye nobubanzi obungama-400 mm;

**“umlotha”** kusho insalela yomzimba olothisiwe;

**“UMthetho Wokubhaliswa Kokuzalwa kanye Nokushona”** kushiwo uMthetho Wokubhaliswa Kokuzalwa kanye Nokushona, we-1992 (uMthetho uNo. 51 we-1992);

**“isidumbu”** kusho isidumbu somuntu oshonile, kuhlanganisa nesidumbu sosana olushone ngesikhathi luzalwa;

**“imiyalelo yokungcwaba”** kusho imiyalelo ekhishwe ngaphansi koMthetho Wokubhaliswa Kokuzalwa kanye Nokushona;

**“ukungcwaba”** kusho ukungcwaba kumbe ukugqitshwa enhlabathini noma enye indlela yokungcwaba bese kuba khona ithuna kanye nenye-ke nje indlela yokufihla isidumbu somuntu oshonile;

**“indawo yokungcwaba”** kusho nanoma yimuphi umhlaba kumbe ingxenye yawo endaweni kamasipala ebekwe eceleni nguMkhandlu yaba yindawo yokungcwaba;

**“ingane”** kusho umuntu oshonile osemncane ngokweminyaka, okungeyona umuntu omdala;

**“Amathuna abashona ngesikhathi sezimpi”** kusho nanoma iliphi ithuna, itshe lethuna, itshe lesikhumbuzo kumbe isikhumbuzo esimayelana nokungcwatshwa kwabashona ngesikhathi sezimpi ngaphansi koMthetho wamaThuna Abashona Ngesikhathi Sezimpi, we-1992 (uMthetho uNo. 8 we-1992);

**“uMkhandlu”** kusho uMkhandlu kaMasipala waseNdumeni;

**“ukulothiswa komzimba”** kusho indlela yokushabalaliswa kwesidumbu somuntu ngokulothiswa;

**“izinsalela ezingumlotha”** kusho wonke umlotha ophumile ngesikhathi kulothiswa isidumbu;

**“ukuvunjululwa kwesidumbu”** kusho ukuvunjululwa kwesidumbu ethuneni laso;

**“ingadi yesikhumbuzo”** kusho ingxenye yendawo yamathuna kumbe yendawo yokulothisa ebekwe eceleni ekwenziwela kuyona izikhumbuzo, kubekwe kumbe kuvuzelwe kuyona umlotha, kodwa lapha awabalwa amatshe amaningi ekuqoshwe kuwona amagama abantu;

**“ithuna”** kusho nanoma yisiphi isiqephu somhlaba esimbiwe endaweni yokungcwaba okuhlanganisa nengaphakathi, itshe lasekhanda kumbe olunye uphawu lwaleyo ndawo kanye nesinye-ke nje isakhiwo esihlobene nale ndawo, ukuze kungcwatshwe kuyona isidumbu;

**“iqhawe”** kusho umuntu owenzele izwe isenzo sobuqhawe uMkhandlu wabe usumchoma uphaphelwe lwegwalagwala ngaleso senzo;

**“udonga lwesikhumbuzo”** kusho udonga olusendaweni yamathuna kumbe endaweni yokulothiswa oluyekelwe ukuba kubekwe kulona izinto ezinhlobonhlobo zokukhumbula labo bantu abashona;

**“itshe lesikhumbuzo”** kusho nanoma iliphi itshe lasekhanda, itshe lesikhumbuzo, uphawu, kumbe okunye, noma into efakiwe kumbe ezofakwa endaweni yamathuna kumbe endaweni yokulothisa ngenhloso yokukhumbula umuntu oshonile, okuhlanganisa nonqenqema olubiyele ithuna, kanye nokhonkolo wokumboza ithuna;

**“indawo kamasipala”** kusho indawo elawulwa futhi eyenganyelwe nguMkhandlu;

**“ingos”** kusho ingosana esematsheni aqoshiwe kumbe engadini yesikhumbuzo ekubekwa kuyona umlotha;

**“umsebenzi owengamele”** kusho umuntu oqashwe uMkhandlu ukuba alawule isimo endaweni yokungcwaba, ngaso sonke isikhathi.

**“okunqunywe”** kusho lokho ukunqunywe uMkhandlu;

**“imali enqunywe”** kusho imali ebekwe ngokwesisombululo soMkhandlu kumbe labo ababekwe ngokomthetho.

**ISAHLUKO 2****UKUSUNGULWA KWEZINDAWO ZOKUNGCWABA****2. Ukusungulwa kwezindawo zokungcwaba****(1) UMkhandlu:**

- (a) izikhathi ngezikhathiungabeka futhi ungabekisa umhlaba ofanelekile osendaweni kamasipala ukuze kusungulwe kuwo futhi wenganyelwe ngokuba uyindawo yokungcwaba;
- (b) ungamukela futhi ungagunyaza isicelo sokusungulwa nokwenganyelwa kwendawo yokungcwaba;
- (c) ungamukela futhi ugunyaze isicelo sokusungulwa nokunakekelwa kwendawo okungeyomuntu othile yokungcwaba kumbe udonga lwesikhumbuzo olusemhlabeni okungowumuntu othile ngokwemibandela uMkhandlu ongayibona ifanelekile.

(2) Ngokuhambelana nepulani eligunyaziwe, uMkhandlu ungabeka eceleni, ungabekisa futhi ungaklama lezo zindawo uMkhandlu ungazibona zifanelekile ukuba zisetshenziswe ngokwehlukile ngamalungu enkolo noma ibandla elithize, noma ukuze kungcwatshwe kuyona abantu abadala, izingane, abombutho wezokuvikela kumbe amaqhawe asale epini, noma-ke ngenhloso yokwakha kanye nokwenganyelwa kwalezi zigaba ezilandelayo:

- (a) I-Berm-section lapho itshe lesikhumbuzo eliyinobungako obunomkhawulo kumele lenziwe esisekelweni sikakhonkolo esihlinzekwa uMkhandlu esibekwa ngaphezulu noma ngezansi ekupheleni kwethuna futhi ingxenye engenhla yethuna kumele ilingane nengezansi bese kuthi uMkhandlu kube yiwo ozosusa lokho okutshaliwe kanye notshani obuzimilelayo njengoba lokhu kuyingxenye yohlelo lawo lokunakekela;
- (b) I-Monumental-section lapho itshe lesikhumbuzo elifakwayo kumele lifakwe kumele limboze lonke ithuna,
- (c) I-Semi-monumental section lapho itshe lesikhumbuzo, elingenamkhawulo wobungako, lingxunyekwa kuphela engxenye esephethelweni elingenhla lethuna, kanti lesi sekelo asihlinzekwa uMkhandlu;
- (d) I-Natural-grass section lapho ingaphezulu lethuna liyahlelenjwa. Amathuna ahlonzwa ngezinombolo ezibhalwe phezu kwawo ngendlela yokuthi umshini wokunquma utshani uhamba phezulu futhi azilimali izinombolo zamathuna;
- (e) I-Traditional-section lapha itshe lesikhumbuzo akuphoqelekile ukuthi limboze lonke ithuna, futhi lingafakwa emathuneni angenalo ingaphezulu elingukhonkolo njengoba kufuneka kwi-Berm-section. Ingaphezulu lamathuna ayahlelenjwa;
- (f) I-Columbarium-section lapho kungcwatshwa khona umlotha engosini esodongeni lwesikhumbuzo oluhlinzekwa uMkhandlu;

**3. Izikhathi zokusebenza**

(1) Indawo yokungcwaba kumele ivulwe ngezikhathi ezinqunywe uMkhandlu,

(2) Imingcwabo kumele yenziwe ngezinsuku futhi ngezikhathi ezinqunywe uMkhandlu.

(3) UMkhandlu unelungelo lokuyivala indawo yokungcwaba kumbe ingxenye yayo ukuba isetshenziswe umphakathi ngezikhathi ezithile nangezizathu ezithile uMkhandlu ongazibona zifanelekile.

(4) Akekho umuntu okumele asale kumbe atholakale esendaweni yokungcwaba ngemuva noma ngaphambili kwesikhathi esinqunywe uMkhandlu kumbe ngesikhathi le ndawo isavaliwe ukuba isetshenziswe umphakathi, ngale kokuthola imvume yalowo onguMbheki wale ndawo.

**4. Irejista**

(1) Irejista lamathuna kanye nemingcwabo kumele igcinwe ngumsebenzi owengamele.

(2) Le rejista kumele igcwaliswe njalo ngemuva komingcwabo owenziwe, ibe neminingwane enqunywe kumiyalelo ebekiwe yezokungcwaba eqondene.

**5. Ukufakwa izinombolo kwamathuna**

(1) Wonke amathuna asendaweni yokungcwaba asetshenzisiwe kumbe lawo osekugunyaziwe ukungcwaba kuwona ngokwezihlinzekelo zale mithetho kamasipala kumele uMkhandlu uwafake izinombolo.

(2) Inombolo kumele ixhonywe ethuneni futhi ivele epulanini eligcinwe ehovisi loMbheki wendawo yokungcwaba.

**6. Ukubekiswa kwamathuna**

(1) Akumele kuvunyelwe ukubekiswa kwamathuna endaweni yokungcwaba.

(2) Ukubekiswa kwamathuna okwenziwe futhi kwabhalwa phansi emabhukwini okusebenza omkhandlu ngokwanoma yiyiphi imithetho kamasipala kuyomele kube ngokusemthethweni futhi kuyomele uMkhandlu uwahloniphe lawo malungelo agodliwe.

**7. Ukudluliselwa kwamalungelo agodliwe**

(1) Amalungelo agodliwe ekukhulunywa ngawo esigabeni 6(2) akumele adluliselwe uma umkhandlu ungakugunyazile lokho.

(2) Isicelo sokudluliselwa kwalawa malungelo kumele senziwe ngokuthi kubhalwe kugcwaliswe ifomu lokufaka isicelo elibekiwe bese lithunyelwa kumsebenzi owengamele.

(3) Nxa sigunyazwa isicelo, kuyokhishwa isitifiketi esinikwa loyo ekudluliselwa kuye okunguyena esezoba ngumnikazi.

(4) Lingahoxiswa ilungelo eligodliwe uma lowo ongumnikazi efaka isicelo futhi nomkhandlu usigunyaza lesi sicelo, imali emiswe yihhovisi engama-10% emalini yokubhalisa ekhokhwe yilowo mnikazi (uma ikhona), iyobuyiselwa kumnikazi wayo.

#### 8. Inani lezidumbu ethuneni

(1) Ethuneni elilodwa kumele kungcwatshwe isidumbu esisodwa kuphela, ngaphandle kwethuna elijule ngendlela echazwe esigabeni 15(4).

(2) Ethuneni elilodwa elinobukhulu obucaciswe esigatshaneni 15(4) kungangcwatshwa izidumbu ezimbili kuphela: Inqobo nje uma ngaphambi kokuba kungcwatshwe isidumbu sokuqala kufakwe isicelo sokungcwaba izidumbu ezimbili ngokuba kugcwaliswe ifomu elinqunyiwe bese lithunyelwa kuMbheki wendawo yokungcwaba.

(3) Emva kokuphinde kugujwe ithuna ngenhloso yokungcwaba isidumbu sesibili kulona njengoba kushiwo esigatshaneni 9(2), kuyomele kufakwe ukhokhlo onogqinsi olungekho ngaphansi kwama-25 mm ngaphezulu kwebhokisi lesidumbu esingaphansi.

(4) Nxa ngesikhathi kugujwa ithuna okwesibili, kutholakala ukuthi inhlabathi yalo isiphazamisekile kumbe isiyingozi empilweni yabantu, umsebenzi owengamele angenqaba ukuba kungcwatshwe isidumbu sesibili.

#### 9. Inani lezidumbu ebhokisini

(1) Usana oluzalwe lushonile kwase kushona nomama walo bangangcwatshwa ngebhokisini elilodwa ngenani lemali yokungcwaba umuntu oyedwa osemdala.

(2) Izingane ezingamawele ezizalwe zishonile zingangcwatshwa ngebhokisi elilodwa ngenani lemali yokungcwaba ingane eyodwa ezalwe isishonile.

### ISAHLUKO 3

#### UKUNGCWABA

#### 10. Ukufaka isicelo sokungcwaba

(1) Isicelo semvume yokungcwaba endaweni yokungcwaba kumele senziwe ngokugcwalisa ifomu elinqunyelwe lokhu bese lithunyelwa kumsebenzi owengamele. Isicelo kumele sihambisane nalokhu:

- (a) uhlelo olunqunyiwe lomngcwabo;
- (b) imali enqunyiwe; kanye
- (c) nesitifiketi sokubekiswa kwendawo, uma kufanele;

(2) Akekho umuntu okumele avumele, enze umngcwabo kunoma iyiphi indawo kamasipala ekungesiyona eyenzelwe lokho futhi eyenganyelwa uMkhandlu, ngaphandle kokuthi aqale athole imvume ebhalwe uMkhandlu. Lokhu kuhlanganisa ukungcwatshwa kwesidumbu, komlotha kanye nokwesidumbu esomisiweyo.

(3) Isicelo semvume yokungcwaba:

(1) okuzoba ngoMgqibelo wanoma yiliphi isonto kumele sithunyelwe umsebenzi owengamele lingakashayi ihora le-12 emini ngoLwesithathu lwalelo onto okuzongcwatshwa ngalo;

(2) Okuzoba nganoma yiluphi usuku okungelona uMgqibelo kumele kuthunyelwe umsebenzi ehovisini labaphethe owengamele okungenani emahoreni amane ayisishiyagalombili ngaphambili kosuku lomngcwabo, uma kungenjalo ihovisi eliphethe kungenzeka isicelo sokungcwaba singaphumeleli.

- a) uma kungenzekanga kanjaloumsebenzi owengameleangasiphikisa isicelo lesi. Ngokwamaqophelo okulawula ngendlela efanelekile kwendawo
- b) Ukuthuthukisa izinhlelo zokuqoqwa kwentela
- c) Ukubheka ngeso lokhozi ukuqashisa ngomhlaba
- d) Ukuxoshwa ngokushesha kwalabo abangakhokhi kahle intela.
- e) Ukuphathwa komhlaba kamasipala oqashisiwe okuthuthukile.
- f) Ukuphathwa kahle komhlaba oqashisiwe.

(4) Akekho umuntu okumele avumele, enze umngcwabo endaweni yokungcwaba, ngaphandle uma eseyitholile imvume ebhaliwe yokwenza lokhu, uma selikhona ithuna eliqokelwe ukwenza lomngcwabo kwabekwa nosuku, nesikhathi ngokubambisana nombheki wendawo yokungcwaba.

(5) Ekuqokeni usuku kanye nesikhathi somngcwabo, umbheki wendawo yokungcwaba kumele abhekelele amasiko omndeni oshonelwe kanye nenkolo yawo kumbe ihlelo lenkonzo.



(6) Ekuqokeni ithuna kumele umsebenzi owengameleavumele umuntu omele umndeni abone ukuma kwepulani nokwahlukana kwezinhlangothi endaweni yokungcwaba, futhi avunyelwe azikhethela ingxenye ayithandayo, kodwa kungabi ithuna elithile elilodwa azikhethela lona. Ukukhethwa kwethuna elithile kuwumsebenzi owenziwa umsebenzi owengamele futhi ukungcwaba kumele kwenziwe kulelo thuna alikhethile.

(7) UMkhandlu ungavuma ukuba kwenziwe umngcwabo engxenyeni ebekelwe ukungcwaba kungakhokhiwe imali enqunyiwe uma ubona kufanele.

(8) Isaziso sokusula kumbe sokuhlehlisa umngcwabo kumele sithunyelwe umbheki wendawo yokungcwaba okungenani kusasele amahora amane (4) okusebenza ngaphambi kwesikhathi esinqunyelwe umngcwabo.

(9) Ukukhishwa kwemvume yokungcwaba kanye nokuqokwa kwethuna endaweni yokungcwaba akusho ukuthi umfakisicelo, umuntu ogunyaziwe kumbe omunye umuntu unelungelo lanoma yini kulelo thuna ngaphandle kokungcwaba isidumbu somuntu kulona.

(10) Akekho umuntu okumele abeke kumbe avumele ukuba kubekwe ethuneni ibhokisi elakhiwe nanoma ingani engesilona ukhuni kumbe okusakhuni, ngaphandle kwemvume yoMkhandlu.

#### **11. Ukungcwatshwa kwesidumbu**

(1) Wonke amathuna kumele ahlinzekwe ngumbheki wendawo yokungcwaba ngaphandle kwalawo asekeleke ngezitini kumbe ngonqenqema lukakhonkolo, futhi lowo msebenzi wokufaka izitini kumbe ukhonkolo kumele kwenziwe ngumuntu ongumngcwabi eqashwe ngumbheki wendawo yokungcwaba futhi ngokuhambelana neminingwane yemiyalelo ebekelwe lawo mathuna ajoyekele.

(2) Okungenani kumele inhlabathi ibe ngama-1 200 mm ukusuka ngaphezulu kuya ngaphansi ebhokisini lomuntu omdala, bese kuba inhlabathi engama-900 mm ukusuka ngaphezulu kuya ngaphansi ebhokisini lengane.

(3) Zonke izidumbu kumele zifakwe ebhokisini ukuze zingcwatshwe, ngaphandle uma kungukuthi yilezo zomphakathi wenkolo yama-Muslim.

(4) Akekho umuntu okufanele enze umcimbi wezenkolo kumbe umsebenzi ohambisana nokholo kunoma iyiphi ingxenye yendawo yokungcwaba ebekwe eceleni uMkhandlu ngokwemithetho kamasipala ebekiwe, ngenhloso yokuthi leyo ndawo kwenziwa kuyona inkolo ethile uma umbheki wendawo yokungcwaba engayikhiphanga imvume yokwenziwa kwalowo mcimbi.

(5) Akekho umuntu okumele agunyaze ukuba imoto yesidumbu isuke emgwaqeni ebekelwe wona, futhi zonke izimoto zezidumbu kumele zisuke endaweni yokungcwaba uma sesingcwatshiwe isidumbu ekade zisilethile.

(6) Bonke abantu abahambele umngcwabo kumbe umcimbi othile kumele balandele imiyalelo yombheki wendawo yokungcwaba uma ebachazela ngendlela ekufanele bayisebenzise ngesikhathi besendaweni yokungcwaba.

(7) Akekho umuntu okufanele aveze kumbe athwale isidumbu noma izingxenye zaso ngendlela engabukeki kahle emgwaqeni, endaweni yokungcwaba kumbe endaweni yomphakathi.

(8) Zonke izicelo kanye namaphepha emibhalo aphilene nomngcwabo othile kumele afakwe izinombolo ezihambisana nalezo ezibhalwe kwirejista ekukhulunywa ngayo esigabeni 4 bese efakwa kumafayela agcinwe uMkhandlu isikhathi esingekho ngaphansi kweminyaka eyishumi.

(9) Wonke amabhokisi kumbe imizimba esuke izofakwa ethuneni kumele, imbozwe ngenhlabathi engama-500 mm.

(10) Akekho umuntu okumele aphazamise isidumbu kumbe inhlabathi emaqondana naso kunoma kuyiphi indawo yokungcwaba, ngaphandle uma lokho kuphazamisa kugunyazwe imithetho kamasipala noma umyalelo wenkantolo.

#### **12. Ukungcwatshwa komlotha**

(1) Umlatha ungangcwatshwa ngebhokisi futhi amabhokisi amabili kuphela anomlotha angangcwatshwa emgodini ongaphansi kwalowo omkhulu; Ngokuqinisekisa ukuthi ibhokisi alisidluli isisindo esijwayelekile somzimba esingama-70 kg, kanye nokuthi ithuna liyalungiseka libe ukushona kanye nesikali esibekiwe.

(2) Akekho umuntu okumele enze umngcwabo kumbe ukungcwatshwa komlotha endaweni yokungcwaba, ngaphandle uma emukele imvume ebhaliwe egunyaza lokhu, futhi kunengosi yomlotha kumbe ithuna eselibekelwe ukwenza lo msebenzi futhi umbheki wendawo yokungcwaba esenqume nosuku kanye nesikhathi sokwenziwa kwalo mngcwabo.

(3) Isicelo sokungcwatshwa komlotha ngokwesikhathi esithile kumbe kwangunaphakade esibhalwe efomini elinqunyelwe ukusetshenziswe kumele silethwe kumbheki wendawo yokungcwaba, noma uma uzobekwa ngendlela ezoba yisikhumbuzo ngesitsha esigunyaziwe ukuba sifakwe esakhiweni kumbe obondenini lwesikhumbuzo noma kusetshenziswe uhlobo oluthile.

(4) Umbheki wendawo yokungcwaba uyokwaba izingosi zomlotha ngokulandela umyalelo wesicelo esifakiwe futhi azikho ezinye eziyobekiswa ukulinda ukuthi zibuye zisetshenziswe.

(5) Isicelo semvume yokungcwaba kumele sithunyelwe ngaphambili kokuba kuphele amahora angama-24 okusebenza ungakenziwa umngcwabo, uma kungenzekanga kanjalo umbheki wendawo yokungcwaba anganqaba nemvume yesicelo.

(6) Isitsha kumbe ikhasikhethi elayishwe umlotha ebekwe esakhweni, obondeni lwesikhumbuzo, kumbe olunye uhlobo kumele kungasuswa kuze kube uMbheki wendawo yokungcwaba ukhipha imvume ebhaliwe egunyazayo.

(7) Zonke izingosi ezilayishe umlotha kumele zivalwe ngesivalo esigunyazwe uMkhandlu futhi kumele zivulwe kuphela uma kukhishwa isitsha kumbe ikhasikhethi ukuze umlotha ufakwe kwenye indawo, noma uma kushintshwa isitsha kumbe ikhasikhethi isazobuyiselwa lapho kade kufakwe khona leyo eshintshwayo.

(8) Isicelo sokuvula ingosi kumele senziwe kumbheki wendawo yokungcwaba ngokugcwalisa ifomu elinqunyelwe ukusetshenziselwa lokhu.

(9) Akekho umuntu okumele aqhamuke nohlobo oluthile lokufaka obondeni lwesikhumbuzo ngenhloso yokwakha kumbe yokufaka isitsha sesikhumbuzo ngaphandle noma kuze kube ukuthi:

- (a) uMkhandlu usukugunyazile ukwenziwa kwalowo mngcwabo;
- (b) uMkhandlu usukugunyazile ukufakwa kwaleso sitsha sesikhumbuzo; futhi,
- (c) seyikhokhiwe imali yesicelo enqunywe uMkhandlu ngokushintshashintsha kwezikhathi.

(10) Nanoma ubani owenza umsebenzi wobonda lwezikhumbuzo, kumele lo msebenzi awenze ngendlela egculisa umbheki wendawo yokungcwaba, futhi lo msebenzi kumele wenziwe ngesikhathi sokusebenza endaweni yokungcwaba.

(11) Izimbali, amakha anhlolobhlobo kumbe imihlobiso akufanele kubekwe unomphela obondeni lwezikhumbuzo.

(12) Le ndawo yobonda lwezikhumbuzo ingavakashelwa njalo emini ngezikhathi ekusetshenzwa ngazo endaweni yokungcwaba njengoba kunqume uMkhandlu.

(13) Imibhalo eqoshiwe kumele yakhiwe ngohlobo lwezinto ezigunyazwe uMkhandlu futhi kumele inanyathiselwe ndawonye nalapho kubekwe khona umlotha zingakapheli izinsuku ezingama-30 kusukela kukhishwe imvume.

### 13. Ukungcwatshwa kwesidumbu esomisiweyo

Izinsalela zesidumbu ekade sisetshenziswa esikhungweni semfundo ukufundisa abafundi, zingangcwatshwa ebhokisini elilodwa bese kuthi amabhokisi amabili afake lesi zidumbu angcwatshwe ethuneni elijule kakhulu njengoba kushiwo kusigatshana 15(4): Ngokuqinisekisa ukuthi ibhokisi alisidluli isisindo esijwayelekile somzimba esingama-70 kg, kanye nokuthi ithuna liyalungiseka libe ukushona kanye nesikali esibekiwe.

### 14. Abantu abashona bengaphandle kwendawo kamasipala

Ukusebenza kwale mithetho kamasipala kumele kusebenze, *ngokuguququka okudingekayo*, uma kungcwatshwa endaweni yokungcwaba umuntu oshone engaphandle kwendawo yalo masipala.

### 15. Isilinganiso sethuna

(1) Ukumbiwa kwethuna lomuntu omdala kumele okungenani lijule ngokungama-1820 mm, ubude obungama-2300 mm, kanye nobubanzi obungama-760 mm.

(2) Ukumbiwa kwethuna lengane kumele okungenani lijule ngokungama-1370 mm, libe lide ngokungama-1520 mm, futhi libe banzi ngokungama-610 mm.

(3) Nxa kudingeka umgodini ojule kakhudlwana, omujana kumbe onobubanzi obungaphezulu kwalesi silinganiso esibalwe ngenhla, kumele kwenziwe isicelo salokho esihambisana nemali eyengeziwe, kuthunyelwe umbheki wendawo yokungcwaba kuhambisane nesicelo semvume yokungcwaba.

(4) Ukumbiwa komgodini ojule kakhudlwana wokungcwaba izidumbu ezimbili kumele okungenani ujule ngokungama-2400 mm, ube mude ngokungama-2300 mm, futhi ube babanzi ngokungama-760 mm.

(5) Ukushintsha kwezilinganiso zemigodi yamathuna kumele kube ngale ndlela elandelayo:

Ububanzi obengeziwe	: ama-2300 mm ubude : ama-840 mm ububanzi
Ubude obengeziwe	: ama-2530 mm ubude : ama-760 mm ububanzi
Izinhlangothi ezilinganayo ezincane	: ama-2300 mm ubude : ama-900 mm ububanzi
Izitini ezesekele	: ama-2600 mm ubude : ama-1050 mm ububanzi

- (6) Indawo yethuna lomuntu omdala eyizinhlangothi ezilingana ngambili (rectangular) kumele ububanzi bayo bube ngama-1500 mm nama-2600 mm ubude.
- (7) Indawo yethuna lomuntu omdala kumele ububanzi bayo bube ngama-1210 mm nama-2430 mm ubude.
- (8) Indawo yethuna lengane kumele ububanzi bayo bube ngama-1210 mm nama-1520 mm ubude. Uma ibhokisi lilikhulu, kumele ithuna lilingane nelomuntu omdala.

#### ISAHLUKO 4

#### UKUMBIWA KABUSHA KWAMATHUNA KANYE NOKUVUNJULULWA KWEZIDUMBU

##### 16. Imibandela yokuvunjululwa kwezidumbu

- (1) Akekho umuntu okumele avumbulule kumbe avumele ukuba kuvunjululwe isidumbu ngaphandle kwemvume yalaba -
- UNdunankulu woHulumeni wesiFundazwe;
  - uMkhandlu;
  - uMnyango wezeMpilo wesiFundazwe; kumbe
  - ngokomyalelo wenkantolo ebhekelele lezi zindaba.
- (2) Nxa kuzovunjululwa isidumbu, umsebenzi owengamele kumele azise uKhomishana wesiFundazwe woPhiko lwezaMaphoyisa eNingizimu Afrika.
- (3) Ilungu loPhiko lwezaMaphoyisa eNingizimu Afrika ngaso sonke isikhathi kumele libe khona uma kuvunjululwa isidumbu.
- (4) Ukuvunjululwa kwesidumbu akumele kwenziwe uma kukhona umphakathi osendaweni yokungcwaba futhi kumele kwenziwe kukhona umsebenzi owengamele ozoqapha ukwenziwa kwalo msebenzi.
- (5) Nxa kuzovunjululwa izinsalela zesidumbu kunoma yiliphi ithuna, abangcwabi kuphela okumele benze lowo msebenzi wokumbiwa kwethuna futhi bewenza ngaphansi kweso lomsebenzi owengamele leyo ndawo yokungcwaba;
- (6) (a) Nxa kuzombiwa ithuna elinesidumbu, umsebenzi owengamele kumele anikezwe isaziso engakapheli amahora angama-48 ngaphambi kokuba kwenziwe lo msebenzi, futhi  
(b) Kufanele kube khona imvume ekukhulunywa ngayo endimeni (1) (d) kulesi Sigaba ngokunjalo nemali enqunyiwe ehambisana nokwenziwa kwalo msebenzi.
- (7) Umuntu ofisa ukuvumbulula izinsalela zomuntu ohlwempu kumele akhokhe izindleko uMkhandlu owangena kuzona ngesikhathi ungcwaba lowo muntu.
- (8) Umuntu owenza lo msebenzi wokuvunjululwa kwesidumbu kumele aqinisekise ukuthi isidumbu kanye nethuna akulimali futhi anqande iphunga lesidumbu.
- (9) UPhiko Lwamaphoyisa eNingizimu Afrika kumele -
- lusimbe ngokushesha isidumbu uma kunobufakazi bokuthi sangcwatshwa ngokungekho emthethweni; bese
  - lusiyisa emakhazeni kahulumeni ukuze kwenziwe uphenyo ngaso.
- (10) Amathuna ezisulu ezashona ngesikhathi sodlame kanye nalawo asenesikhathi esiyiminyaka engaphezulu kwengama-60 angambiwa kuphela uma kuvume uphiko lwabe-South African Heritage Resources Agency.
- (11) Amathuna Abashona Ngesikhathi Sezimpi angambiwa kuphela ngokulandelwa kwesigaba 3 soMthetho Wabashona Ngesikhathi Sezimpi, we-1992.

##### 17. Ukuvunjululwa kwesidumbu sisuka kwelinye ithuna bese singcwatshwa kwelinye

- (1) UMkhandlu, ungasivumbulula isidumbu uma singcwatshwe ngendlela engahambisani neMithetho kaMasipala bese usingcwaba kabusha kwelinye ithuna.
- (2) Izihlobo zalowo muntu owashona kumele -
- zaziswe ngalokhu kumbiwa nokungcwatshwa kabusha okuzokwenziwa; futhi
  - zivunyelwe ukuba zibe khona uma sekwenziwa.

##### 18. Ukuhenqelwa kwesidumbu esivunjululiwe

- (1) Ithuna elinesidumbu esizovunjululwa kumele lihenqwe ukuze isidumbu singabonwa phambi komphakathi ngesikhathi selimbiwa.
- (2) Umuntu ovumbulula isidumbu kumele ahlinzeke ngezitsha ezifanelekile zokufaka isidumbu ngasinye esivunjululiwe kumbe izinsalela zaso.

**ISAPHLUKO 5****EZIXUBILE****19. Ukulimala kanye nokucekelwa phansi**

(1) Umuntu osebenzisa indawo yokungcwaba ukwenza lokhu ngokwakhe, futhi uMkhandlu awunakubekwa cala uma lowo muntu elimala lapho noma ekulahlekelweni kumbe ekucekelweni phansi kwempahla yalowo muntu kumbe kumonakalo oyodaleka ngemuva kwalowo msebenzi obuwenziwa endaweni yokungcwaba.

(2) Umuntu osebenzisa indawo yokungcwaba uyena oyomelana nazo zonke izehlakalo, izingozi kumbe ukulimala okuyokwenzeka ngaleso sikhathi noma ngemuva kwalowo msebenzi obuwenziwa endaweni yokungcwaba futhi uMkhandlu, amalungu awo, abasebenzi noma ama-ajenti, okungaba awomuntu oyedwa kumbe obhekelele umsebenzi, angeke abekwe icala kuzona zonke izikhalo eziyoqhamuka nanoma ingaluphi uhlobo ngalowo muntu kumbe abantu abangaphansi kwesandla sakhe noma omunye-ke umuntu oqhamuka eceleni uma kunokulahlekile okuthinta amafa, kulimala izinto ezisemqoka, ukulimala komuntu okungenzeka kumbe kudaleke ngenxa yomsebenzi obuwenziwa endaweni yokungcwaba.

**20. Izibhamu kanye nezikhali zendabuko**

Azivunyelwe izibhamu kanye nezikhali zendabuko endaweni yokungcwaba.

**21. Amacala kanye nezinhlawuloa ukulandela imithetho kamasipala ebekiwe uyobekwa icala futhi kumele ashushiswe**

(1) inkantolo bese uma etholakala enecala ahlawuliswe imali engekho ngaphezulu kwama-R 60 000, kumbe abhadle ejele isikhathi esingekho ngaphezulu kweminyaka emithathu noma akwenze kokubili.

(2) Izindleko uMkhandlu ongene kuzona ngenxa yomuntu owephule imithetho kamasipala ebekiwe noma ongakwenzanga lokho ebeyalelwe lokho obekumele akakwenze yilo mithetho kamasipala, uMkhandlu ungamkhokhisa lowo muntu owephule umthetho noma owehlule ukwenza lokho okuthile.

**22. Izikhalo**

Nanoma ubani ofisa ukufaka isikhalo mayelana nendawo yokungcwaba angasifaka lesi sikhalo ngokuthi abhalele iMeninga kaMasipala.

**23. Imali ekhokhwayo**

Imali yokungcwaba kanye neyemisebenzi ehambisana nakho ebekwe ohlwini lwenkokhelo emisiwe kaMasipala kumele ikhokhwe kuMkhandlu kungakangcwatshwa.

**24. Amalungelo maqondana namathuna**

Akekho umuntu okumele anikezwe ilungelo lokusebenzisa nanoma iyiphi ingxenye noma ithuna ngokuthanda kwakhe kunoma iyiphi indawo yokungcwaba.

**25. Izimvume, Izaziso kanye Nemiyalelo**

Nanoma iyiphi imvume ebhaliwe, isaziso kumbe imiyalelo ekhishwe nguMkhandlu ngaphansi kwale mithetho kamasipala, iyokuba ngubufakazi bokuqala obuqukethwe yileyo mvume, saziso kumbe miyalelo.

**26. Imicimbi yezenkolo**

(1) Nanoma yimuphi umuntu kumbe ithimba labantu lingawenza umcimbi, okungaba owenkolo yabo kumbe ohambisana namasiko, owesikhumbuzo, ukwembulwa kwamatshe ezikhumbuzo, ngokulandela inqubomthetho yokusebenza ebekwe umkhandlu.

(2) Asikho isilwane okumele sihlathshelwe endaweni yokungcwaba nanoma ngabe kwenziwa hlobo luni lomcimbi okungaba udinga ukuba kuhlatshwe isilwane.

**27. Izimoto ezithwala izidumbu kanye nezimoto ezisezindaweni zokungcwaba**

(1) Akekho umuntu okumele ayalele imoto yesidumbu kumbe enye imoto endaweni yokungcwaba ukuba ihambe ngenye indlela ukusuka lapho ikhona kepha izimoto kumele zihambe ngomzila okhunjwe umbheki wendawo yokungcwaba.

(2) Indawo yokungcwaba iyindawo yomphakathi futhi yonke imithetho ebekelwe ukushayelwa kwezimoto kanye nokusetshenziswa kwemigwaqo yomphakathi iyosetshenziswa nangaphakathi endaweni yokungcwaba.

**28. Ukuvulwa Kwezidumbu**

Akekho umuntu okumele athwale isidumbu esingamboziwe kunoma yimuphi umgwaqo, indawo yokungcwaba kumbe endaweni yomphakathi.

**29. Imiyalelo Yomuntu onguMbheki wendawo yokungcwaba**

Wonke umuntu oyingxenye yomngcwabo oqhubekayo kumbe umcimbi kumele alandele imiyalelo yombheki wendawo yokungcwaba uma lowo muntu esendaweni yokungcwaba.

**30. Umculo Ngaphakathi Endaweni Yokungcwaba**

Kuyovunyelwa amaculo ezenkolo kuphela endaweni yokungcwaba, ngaphandle uma kungumngcwabo wamaphoyisa kanye nezokuvikela.

**31. Imingcwabo Ehanjelwe yizindimbane zabantu**

Esimweni lapho kungukuthi kungenzeka umngcwabo ozoba khona uhanjelwe yizindimbane zabantu kumele ngosuku olwandulela umngcwabo lowo muntu owenza isicelo salowo mngcwabo amcacisele umbheki wendawo yokungcwaba.

**ISAHLUKO 6****UKUCHITHWA KWEMITHETHO KAMASIPALA****32. Imithethonqubo**

Umasipala ungenza imithethonqubo engahambisani nale mithetho kamasipala, echaza -

- (a) nanoma yini engabhalwa noma okumele ibhalwe ngokwale mithetho kamasipala; kanye
- (b) nanoma yini engalekelela ekusebenzeni kwale mithetho kamasipala.

**33. Ukuchithwa kwale Mithetho kaMasipala**

Nanoma imiphi imithetho kamasipala emaqondana neNdawo Yokungcwaba eyamukelwa umasipala kumbe yilabo ababesemkhandlwini kamasipala osekuhlanganisa nophiko lwabaphathi bakamasipala kumele ichithwe ngosuku lokuqalisa ukusebenzisa kwalo mthetho kamasipala.

**34 Isihlokwana esicacisayo kanye nokuqala kokusebenza kwalo Mthetho kaMasipala**

Lo mthetho kamasipala ubizwa ngokuthi uMthetho kaMasipala omayelana Nezindawo Zokungcwaba, yowezi-2015, futhi kumele uqalise ukusebenza ngosuku lokushicilelwa kweGazethi yesiFundazwe.

**MUNICIPAL NOTICE 56 OF 2016**  
**ENDUMENI MUNICIPALITY**  
**STORMWATER MANAGEMENT BY-LAWS**

Be it enacted by the Council of Endumeni Municipality, in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as follows:

**CHAPTER 1: DEFINITIONS**

**Definitions**

1. In this bylaw, unless the context indicates otherwise—

"**Council**" means the Council of the Endumeni Municipality;

"**non-stormwater discharge**" means any discharge into the stormwater system which is not composed entirely of stormwater;

"**Occupier**", in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises; or
- (c) who is not occupying the premises but is entitled to do so;

"**Owner**", in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered; 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;

"**Premises**" means any privately-owned land or land on which buildings or other structures are situated;

"**stormwater**" means any storm water runoff, surface water runoff, sub-soil or spring water;

"**stormwater drain**" means any closed or open drain used or intended to be used for carrying stormwater within any premises to the stormwater system; and

"**stormwater system**" means the system of conduits, the ownership of which is vested in the Council, and which is used or intended to be used for collecting and carrying stormwater, including without limiting the generality of the foregoing, any road with a drainage system and any gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drainage channel, reservoir or other drainage structure.

"**watercourse**" means: -(a)a river, spring, stream, channel or canal in which water flows regularly or intermittently, and(b)a vlei, wetland, dam or lake into which or from which water flows, and includes, where relevant, the bed and the banks of such watercourses.

**CHAPTER 2****PROHIBITED ACTIVITIES****Unauthorised discharge**

2. (1) Subject to subsection  
(2) no person shall, without the prior written consent of the Council, which consent may be conditional or unconditional, directly or indirectly lead or discharge any non-stormwater discharge into the stormwater system without the prior authority of the Council.
- (2) Nothing prevents the discharge into the stormwater system of flow from -
- (a) potable water sources;
  - (b) natural springs or wetlands;
  - (c) diverted streams;
  - (d) rising groundwater;
  - (e) fire fighting activities;
  - (f) individual residential car washing;
  - (g) swimming pools, provided that the water has been allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance; and
  - (h) street sweeping.

**Unauthorised connection**

3. No person shall construct, use, allow, maintain or continue any unauthorized drain or conveyance which allows discharge into the stormwater sewer.

**Obstruction of flow**

4. No person shall obstruct or interfere with the normal flow of stormwater into, through or out of the stormwater sewer without the prior written approval of the Council.

**CHAPTER 3****SUSPENSION OF ACCESS AND NOTIFICATION****Suspension of access**

5. (1) The Council may issue a notice suspending access to the stormwater system when such suspension is necessary to stop an actual or threatened discharge of any pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.
- (2) In the event that any owner or occupier fails to comply with a suspension notice, the Council may, at the cost of the owner or occupier of the premises, as the case may be, take all reasonable steps required to prevent or minimize harm to the public health, safety or the environment.

**Notification of spills**

6. As soon as the owner or occupier of any premises becomes aware of any discharge of any pollutants into the stormwater system, the owner or occupier shall -
- (1) take all immediate steps necessary to ensure containment and cleanup of the discharge;
  - (2) notify the Council as soon as reasonably possible of the discharge.

**Powers of the council**

7. The Council may-
- (a) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this by-law;
  - (b) repair and make good any damage done in contravention of the provisions of this by-law or resulting from a contravention;
  - (c) remove anything discharged, permitted to enter into the stormwater system or natural watercourse in contravention of the provisions of this by-law;



- (d) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
- (e) seal off or block any point of discharge from any premises if such discharge point is in contravention of the provisions of this by-law, irrespective of whether the point is used for lawful purposes;
- (f) cancel any permission granted in terms of this by-law if the conditions under which the permission was granted are not complied with;
- (g) by written notice, direct any owner of property to allow the owner of a higher lying property to lay a stormwater drain pipe or gutter over his or her property for the draining of concentrated stormwater,
- (h) by written notice, direct any owner of property to retain stormwater on such property or, at the cost of such owner, to lay a drain pipe or gutter to a suitable place indicated by the Council, irrespective of whether the course of the pipe or gutter will run over private property or not, and
- (i) discharge stormwater into an watercourse, whether on private land or not.

8. The Council may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this by-law, give notice in writing to such person or owner of property to comply to such requirements as the Council may deem necessary to prevent the occurrence of such contravention.

9. The Council may recover all reasonable costs incurred as a result of action taken in terms of subsection (1) from a person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred.

#### CHAPTER 4

#### CONSTRUCTION AND MAINTENANCE

##### Construction and maintenance of stormwater drains and connections

10. The owner or occupier, as the case may be, of any premises shall be responsible for the construction and maintenance, at his or her expense of any stormwater drains on the premises and any connection between such drains and the stormwater system.

#### CHAPTER 5

#### GENERAL PROVISIONS

##### Offences

11. 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 –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

##### Short title and commencement

12. These by-laws shall be called the Stormwater Management By-laws 2015, and shall come into operation on the date of publication in the Provincial Gazette.

**MUNISIPALE KENNISGEWING 56 VAN 2016****ENDUMENI MUNISIPALITEIT  
STORMWATERBESTUURSVERORDENINGE**

Daar word deur die Raad van die EndumeniMunisipaliteit, kragtens artikel156 van die Grondwet van die Republiek van SuidAfrika1996 (Wet 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr 32 van 2000),soos volg bepaal:

**HOOFSTUK 1: OMSKRYWINGS****Omskrywings**

1. In hierdie verordeninge, tensy uit die samehang anders blyk, beteken–

**"eienaar"**, met betrekking tot enige perseel –

- (a) die persoon in wie se naam die titelbewys van die perseel geregistreer is; of
- (b) indien die persoon bedoel in (a) afgestorwe, insolvent, verstandelik gestremd, minderjarig of handelingsonbevoegd is, die eksekuteur, voog of enige ander persoon wat wetlik verantwoordelik is om daardie persoon se boedel te beredder;

**"nie-stormwaterafvoer"** enige afvoering in die stormwaterstelsel wat nie uitsluitlik uit stormwater bestaan nie;

**"okkupeerder"**, met betrekking tot enige perseel, enige persoon –

- (a) wat die perseel bewoon;
- (b) wat die perseel huur; of
- (c) wat nie die perseel bewoon nie maar geregtig is om dit te doen;

**"Raad"** die Raad van Endumeni Munisipaliteit;

**"perseel"** enige grond in private besit of grond waarop geboue of ander structure geleë is;

**"stormwater"** enige stormwaterafloop, oppervlaktewaterafloop, ondergrondse of fonteinwater;

**"stormwaterdrein"** enige geslote of oop drein wat gebruik word of bedoel is om gebruik te word vir die afvoer van stormwater op enige perseel na die stormwaterstelsel;en

**"stormwaterstelsel"** die stelsel van pyleidings waarvan die eienaarskap in die Raad setel en wat gebruik word vir die versameling en afvoer van stormwater, met inbegrip van, sonder om die algemeenheid van die voorafgaande te beperk, enige pad met 'n dreineringsstelsel en enige straatvoor, randsteen, inlaat, stormdreinpyp, pompfasiliteit, dreineerom, dreineringskanaal, reservoir of ander dreinerings struktuur;

**"waterloop"**(a) 'n rivier, fontein, stroom, kanaal waarin water gereeld of met tussenposes vloei, en (b) 'n vlei, vleiand, dam of meer waarin of waaruit water vloei met inbegrip, waar van toepassing, die bedding en oewers van sodanige waterlope.

**HOOFSTUK 2****VERBODE BEDRYWIGHED****Ongematigde afvoer**

2.(1) Behoudens subartikel(2), mag niemand, sonder die skriftelike voorafgoedkeuring van die Raad, welke goedkeuring voorwaardelik of onvoorwaardelik mag wees, regstreeks of onregstreeks enige nie-stormwaterafvoer in die stormwaterstelsel lei of afvoer sonder die voorafmagtiging van die Raad nie.

(2) Niks verhoed die afvoer in die stormwaterstelsel van vloei van -

- (a) drinkbare waterbronne;
- (b) natuurlike fonteine of vleilande;
- (c) herleide strome;
  
- (d) stygende grondwater;
- (e) brandbestrydingsbedrywighede;
- (f) individuele residensiële karwas;
- (g) swembaddens, met dien verstande dat die water toegelaat is om vir een week te staan voor dreinering en die swembad gedreineer word op sodanige wyse dat dit nie 'n oorlas veroorsaak nie; en
- (h) die vee van strate.

**Ongemagtigde verbinding**

3. Niemand mag enige ongemagtigde drein of vervoer bou, gebruik, toelaat, in stand hou of daarmee voortgaan wat enige afvoer in die stormwaterdrein toelaat nie.

**Verhinderings van die vloei**

4. Niemand mag die normale vloei van die stormwater in, deur of uit die stormwaterdrein belemmer of daarmee inmeng nie sonder die skriftelike voorafgoedkeuring van die Raad.

**HOOFSTUK 3****OPSKORTING VAN TOEGANG EN KENNISGEWING****Opskorting van toegang**

5.(1) Die Raad kan 'n kennisgewing uitreik wat toegang tot die stormwaterstelsel opskort indien sodanige opskorting nodig is om 'n werklike of dreigende afvoer van enige besoedelstowwe te stop wat 'n dreigende risiko inhou tot nadeel van openbare gesondheid, veiligheid, welsyn of die omgewing.

(2) Indien enige eienaar of okkupeerder nalaat om aan die opskortingskennisgewing te voldoen, kan die Raad, op die koste van die eienaar of okkupeerder van die perseel, na gelang van die geval, alle redelike stappe neem wat nodig is om die nadeel vir openbare gesondheid, veiligheid of omgewing te voorkom of te beperk.

**Kennisgewing van stortings**

6. Sodra 'n eienaar of okkupeerder van enige perseel bewus word van enige afvoer van besoedelstowwe in die stormwaterstelsel moet die eienaar of okkupeerder -

- (1) al die onmiddellike stappe neem wat nodig is om inperking en opruiming van die afvoer te verseker;
- (2) die Raad so gou as wat redelik moontlik is in kennis stel van die afvoer.

**CONTINUES ON PAGE 130 - PART 2**



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

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

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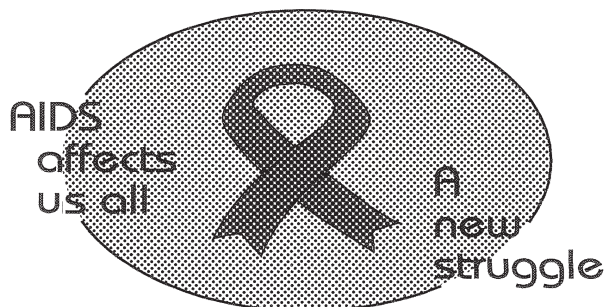
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## Bevoegdhede van die Raad

## 7. Die Raad kan-

- (a) Enige grond opvul, verwyder of terugplaas wat strydig met die bepalings van hierdie verordeninge uitgegrawe, verwyder of geplaas is;
- (b) Enige skade wat strydig met die bepalings van hierdie verordeninge aangerig is of daaruit voortspruit, herstel;
- (c) Enigiets wat afgevoer is, toegelaat is om die stormwaterstelsel of natuurlike waterloop strydig met hierdie verordeninge binne te gaan, verwyder;
- (d) Enigiets verwyder wat enige deel van die stormwaterstelsel beskadig, belemmer of in gevaarstel of dit waarskynlik kan belemmer, in gevaarstel of vernietig;
- (e) Enige afvoerpunt van enige perseel afseël of blokkeer indien sodanige afvoerpunt strydig is met die bepalings van hierdie verordeninge, ongeag of die punt vir wettige doeleindes gebruik word;
- (f) Enige toestemming kanselleer wat ingevolge hierdie verordeninge verleen is indien die bepalings waarkragtens die toestemming verleen is nie nagekom word nie;
- (g) by wyse van skriftelike kennisgewing, enige eienaar van eiendom gelas om die eienaar van 'n hoërliggende eiendom toe te laat om 'n stormwaterdreinpyp of straatvoor oor sy of haar eiendom aan te lê vir die dreinerings van versamelde stormwater;
- (h) by wyse van skriftelike kennisgewing, enige eienaar van eiendom gelas om stormwater op sodanige eiendom te versamel of, op die koste van sodanige eienaar, 'n dreinpyp of straatvoor aan te lê na 'n geskikte plek soos deur die Raad aangetoon, ongeag of die roete van die pyp of straatvoor oor private eiendom sal gaan, aldan nie; en
- (i) enige stormwater in 'n waterloop afvoer ongeag of dit op private grond is, aldan nie.

8. Die Raad kan, in enige geval waar dit blyk dat enige optrede of versuim van enigiemand of eienaar van eiendom kan lei tot 'n oortreding van die bepalings van hierdie verordeninge, skriftelik kennis gee aan sodanige persoon of eienaar van eiendom om te voldoen aan die vereistes wat die Raad nodig ag om die gebeurlikheid van sodanige oortreding te voorkom.

9. Die Raad kan alle redelike koste wat aangegaan is weens die optrede ingevolge subartikel (1) van 'n persoon verhaal wat verantwoordelik was vir 'n oortreding van die bepalings van hierdie verordeninge of die eienaar van die eiendom waarop die oortreding plaasgevind het.

**HOOFSTUK 4****BOU EN ONDERHOUD****Bou en onderhoud van stormwaterdreine en -verbindinge**

10. Die eienaar of okkupeerder, na gelang van die geval, van enige perseel is verantwoordelik vir die bou en onderhoud van, op sy of haar eie koste, van enige dreine op die perseel en enige verbinding tussen sodanige dreine en die stormwaterstelsel.

**HOOFSTUK 5****ALGEMENE BEPALINGS****Misdrywe**

## 11. Enigiemand wat -

- (a) Enige bepalings van hierdie verordeninge oortree of versuim om daaraan te voldoen;
- (b) Versuim om aan enige kennisgewing te voldoen wat ingevolge hierdie verordeninge uitgereik is;
- (c) Versuim om aan enige wettige opdrag te voldoen wat ingevolge hierdie verordeninge gegee is; of
- (d) enige gemagtigde beampte in die uitvoering van sy of haar pligte kragtens hierdie

Is aan 'n misdryf skuldig en strafbaar by skuldigbevinding aan 'n boete wat nie R5 000 te bowe gaan nie of gevangenisstraf vir 'n tydperk wat nie 3 maande te bowe gaan nie, of beide.

**Korttitel en inwerkingtreding**

12. Hierdie verordeninge heet die Stormwaterbestuursverordeninge 2015 en tree in werking op die datum waarop dit in die *Provinsiale Koerant* gepubliseer word.



**UMASIPALA WASENDUMENI  
IMITHETHO KAMASIPALA YOKULAWULWA KWAMANZI EZIKHUKHULA**

Makumiswe uMthetho nguMkhandlu kaMasipala waseNdumeni, ngokwesigaba 156 soMthetho sisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996 (uMthetho No. 108 we-1996), sifundwa nesigaba 11 soHulumeni beziNdawo: uMthetho weziNhlelo zikaMasipala, wezi-2000 (uMthetho No. 32 wezi-2000) ngalendlela elandelayo:

**ISAHLUKO 1: IZINCAZELO ZAMAGAMA**

**Izincazelelo Zamagama**

1. Kulemithetho kamasipala, ngaphandle uma indikimba ikhomba okunye—

**"UMkhandlu"** kuchaza uMkhandlu kaMasipala waseNdumeni;

**"ukugeleza kwamanzi okungesiwo awezikhukhula"** kuchaza nanoma ikuphi okunye okugelezayo okungena emapayipini amanzi ezikhukhula kube kungewona amanzi ezikhukhula;

**"Umhlali"**, maqondana nanoma iyiphi indawo, kuchaza nanoma yimuphi umuntu—

- (a) Ohlala kuleyondawo;
- (b) Oqashe kuleyondawo; noma
- (c) Ongahlali kuleyondawo kodwa onelungelo lokuhlala kuyo;

**"Umnikazi"**, maqondana nanoma iyiphi indawo, kuchaza—

- (a) Umuntu okubhaliswe ngaye itayitela lendawo; noma
- (b) Uma umuntu oshiwo ku-(a) eseshonile, engasenamali, ephazamisekile ekhanda, emncane, kumbe enanoma yikuphi ukukhubazeka, umabi wamafa, umbheki, noma omunye umuntu onegunya lokwaba amafa omuntu;

**"Indawo"** kuchaza nanoma yimuphi umhlaba onomnikazi ozimele kumbe umhlaba, amabhilidi noma esinye isakhiwo esakhiwe kuwo;

**"Isitamkoko samanzi ezikhukhula"** kusho nanoma yimuphi umsele wokuhambisa amanzi ezikhukhula, umsele wokuhambisa amanzi aphezu komhlabathi, amanzi angaphansi komhlabathi noma amanzi aphuma emthonjeni;

**"Umgudu wokuhambisa amanzi ezikhukhula"** kuchaza nanoma yimuphi umgudu ovalekile noma ovulekile osetshenziselwa kumbe okuhloswe ukuba usetshenziselwe ukuhambisa amanzi ezikhukhula iwasisa kunanoma iyiphi indawo okuhlalwa kuyo uwayise emapayipini ahambisa amanzi ezikhukhula; kanti

**"amapayipi okuhambisa amanzi ezikhukhula"** achaza uhlelo lwamapayipi, umnikazi wawo okunguMkhandlu, futhi asetshenziselwa noma okuhloswe ukuba asetshenziselwe ukuqoqa kanye nokuhambisa amanzi ezikhukhula, kubandakanya ngaphandle kokushiya ngaphandle osekushiwo, nanoma yimuphi umgwaqo onamapayipi ahambisa amanzi kanye nanoma yimuphi umsele, unqenqema, ichibi, umgodini wamanzi onamapayipi, iphampu, ichibi elakhelwe ukugcina amanzi noma ichibi elakhelwe ukugcina amanzi okwesikhashana, umgudu wokuhambisa amanzi, ithange elikhulu lokugcina amanzi kumbe olunye uhlelo lokuhambisa amanzi.

**"umsele wamanzi"** kuchaza: -(a) umfula, umthombo, umfudlana, umsele owakhelwe ukuhambisa amanzi kumbe umfula owakhiwe ngabantu ohlala ugeleza amanzi njalo kumbe izikhawu ngezikhawu, kanye (b) ixhaphozi, idamu noma ichibi elikhulukazi okungena kulo kumbe okuphuma kulo amanzi, kanti kubandakanya, umakufanele, umsuka kanye nosebe lwaleyomisele yamanzi.

**ISAPHLUKO 2****IZENZO EZINGAVUMELEKILE****Izinto ezingavumelekile emapayipini amanzi**

2.(1) Kuncike ezihlinzekweni zesigatshana(2), akukhomuntu, ngaphandle kokuthola kuqala imvume yoMkhandlu ebhalwe phansi, nokuyimvume kungene kumbe kudedelwe nanoma yini engesiwona amanzi ezikhukhula ngokuqondile noma ngokungaqondile ukuba kuhambe ngamapayipi okuhambisa amanzi ezikhukhula.

(2) Akukho okungavimbela ukugeleza kwamanzi angene emapayipini okuhambisa amanzi ezikhukhula uma egeleza evela-

- (a) Emithonjeni yamanzi aphuzwayo;
- (b) Emithonjeni yemvelo noma amaxhaphozini;
- (c) Emifudlaneni ephambukisiwe;
- (d) eziphethwini;
- (e) ezicishamlilweni;
- (f) lapho umuntu eziwashela imoto esendaweni yakhe yokuhlala;
- (g) emadamini okubhukuda, inqobo nje uma amanzi evunyelwe ukuma isikhathi esiyisonto ngaphambi kokuba akhishwe edamini ngendlela engazodala inkathazo; kanye
- (h) nasekushanelweni komgwaqo.

**Ukuxhunywama kwamapayipi okungekho emthethweni**

3. Akekho umuntu oyokwakha, oyosebenzisa, oyovumela, oyolungisa noma oyoqhubeka nanoma yimuphi umsele wamanzi kumbe ukuhanjiswa kwamanzi okuzodala ukuba kungene izinto esitamkokweni samanzi ezikhukhula.

**Ukuvinjelwa kokuhamba kwamanzi**

4. Akekho umuntu oyovimbela noma oyophazamisa ukuhamba kwamanzi ezikhukhula esitamkokweni samanzi ezikhukhula, ngaphandle kokuthola imvume yoMkhandlu ebhalwe phansi kuqala.

**ISAPHLUKO 3****UKUMISWA KOKUKWAZI UKUSEBENZISA AMAPAYIPI KANYE NOKUKHISWA KWESAZISO****Ukumiswa kokukwazi ukusebenzisa amapayipi**

5.(1) UMkhandlu ungakhipha isaziso sokumisa imvume yokukwazi ukusebenzisa amapayipi okuhambisa amanzi ezikhukhula umangabe lokho kumiswa kudingekile ukunqanda ukungena kumbe ingozi yokungena kwezinto ezingcolisayo, ezibeka impilo yomphakathi, ukuphepha, inhlalakahle kumbe imvelo ebucayini.

(2) Esimweni lapho nanoma yimuphi umnikazi noma umhlali ehluleka ukuhambisana nesaziso sokumiswa kokusebenzisa amapayipi, uMkhandlu, ngezindleko zomnikazi noma lowo ohlala kuleyondawo, angathatha zonke izinyathelo ezifanele ukunqanda noma ukunciphisa umonakalo empilweni, ukuphepha komphakathi noma kwemvelo.

**Ukubikwa kokuchithekela emapayipini**

6. Uma umnikazi noma umhlali ebona ukuthi kungena nanoma yini engcolisayo emapayipini okuhambisa amanzi ezikhukhula, umnikazi noma umhlali kumele ngokushesha-

- (1) athathe izinyathelo ezifanele zokuqinisekisa ukunqanda lokho kanye nezokukhuculula lokho okuchithekela emapayipini okuhambisa amanzi;
- (2) azise uMkhandlu ngokukhulu ukushesha ngalokho okuchithekela emapayipini.

**Amandla omkhandlu**

## 7. UMkhandlu-

ungagcwalisa, ususe uphinde ubuyisele umhlabathi ombiwe, osusiwe noma obekwe ngendlela ephambene nezihlinzeko zalemithetho kamasipala;

- (a) ungabuyisele esimweni uphinde ulungise umonakalo owenziwe ngokwepulwa kwezihlinzeko zalemithetho kamasipala noma owumphumela wokwepulwa kwemithetho kamasipala;
- (b) ungasusa nanoma yini efakwe noma ededelwe yangena emapayipini okuhambisa amanzi ezikhukhula noma emseleni wemvelo ngokuphambene nezihlinzeko zalemithetho kamasipala;
- (c) ungasusa nanoma yini eyonakalisa, evimbela noma ebeka engozini noma engase ivimbe, ibeke engozini noma ilimaze nanoma iyiphi ingxenye yamapayipi okuhamabisa amanzi ezikhukhula;
- (d) Ungavala ngqi noma uvimbe nanoma iyiphi imbobo evuzisayo kunoma iyiphi indawo umalokho kuvuza kuphambene nezihlinzeko zalemithetho kamasipala, kungakhathalekile ukuthi leyombobo isetshenziswa ngokusemthethweni;
- (e) Ungamisa nanoma iyiphi imvume enikezwe ngokwalomthetho kamasipala umangabe imibandela enikezwe ngaphansi kwayo ingalandelwa;
- (f) Ungayalela nanoma yimuphi umnikazi wendawo, ngesaziso esibhalwe phansi ukuba avumele umnikazi wendawo engenhla kwakwakhe ukuba afake ipayipi lokuhambisa amanzi ezikhukhula noma ugadasi, inqamule endaweni yakhe ukuze kuhambe amanzi ezikhukhula,
- (g) Ungayalela nanoma yimuphi umnikazi wendawo, ngesaziso esibhalwe phansi, ukuba ngezindleko zakhe, afake ipayipi lamanzi ezikhukhula noma ugadasi ngendlela yokuthi uhambe uye endaweni efanele ekhonjweu Mkhandlu, kungakhathalekile ukuthi ipayipi noma ugadasi uyongqamula endaweni yomuntu ozimele noma cha, futhi
- (h) Achithele amanzi ezikhukhula emseleni wamanzi kungakhathalekile ukuthi kusendaweni yomuntu ozimele noma cha.

8. Esimweni lapho kubonakala ukuthi nanoma yisiphi isenzo kumbe ubudedengu banoma yimuphi umuntu noma umnikazi bungaholela ekwaphulweni kwezihlinzeko zalemithetho kamasipala, uMkhandlu ungakhipha isaziso esibhalwe phansi unikeze lowomuntu noma umnikazi, sokuba ahambisane nezimiso uMkhandlu obona zifanele ukugwema ukwepulwa kwalezozihlinzeko zomthetho.

9. UMkhandlu ungafuna zonke izindleko ezifanele ongenekuzo ngenxa yezinyathelo ezithathwe ngokwesigatshana(1) kumuntu owephule izihlinzeko zalomthetho kamasipala noma umnikazi wendawo lapho okwepulwe khona umthetho.

**ISAHLUKO 4****UKWAKHIWA KANYE NOKULUNGISWA**

**Ukwakhiwa kanye nokulungiswa kwemisele yamapayipi okuhambisa amanzi ezikhukhula kanye nokuxhunywa**

10. Umnikazi noma umhlali wananoma iyiphi indawo uyoba nesibophezelo sokufakwa kanye nokulungiswa kwemisele yamapayipi okuhambisa amanzi ezikhukhula ngezindleko zakhe, endaweni yakhe kanye nanoma yikuphi ukuxhunywa kwalemisele kanye namapayipi okuhambisa amanzi ezikhukhula.

**ISAHLUKO 5****IZIHLINZEKO EZEJWAYELEKILE****Amacala**

11. Nanoma yimuphi umuntu -

- (a) Owephula noma owehluleka ukuhambisana nanoma yiziphi izihlinzeko zalemithetho kamasipala;

- (b) Owehluleka ukuhambisana nanoma yisiphi isaziso esikhishwe ngokwalemithetho kamasipala;
- (c) Owehluleka ukuhambisana nanoma yimuphi umyalelo osemthethweni okhishwe ngokwalemithetho kamasipala; noma
- (d) ovimbela kumbe ophazamisa nanoma yimuphi umsebenzi ogunyaziwe ekwenzeni umsebenzi wakhe ngaphansi kwalemithetho—

Uyoba necala kanti futhi ekugwetshweni kwakhe kuyofanele akhokhe inhlawulo engeqile kwi-R5 000 noma abhadle ejele isikhathi esingeqile ezinyangeni ezi-3 noma kokubili.

**Isihloko esifishane kanye nokuqala kokusebenza kwalemithetho kamasipala**

12. Le mithetho kamasipala ebizwa ngeMithetho kaMasipala yokuLawulwa Kwamanzi Ezikhukhula yowezi-2015, iyoqala ukusebenza ngosuku eyoshicilelwa ngalo kwigazethi yesifundazwe.

**MUNICIPAL NOTICE 57 OF 2016**  
**ENDUMENI MUNICIPALITY**  
**STORMWATER MANAGEMENT BY-LAWS**

Be it enacted by the Council of Endumeni Municipality, in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as follows:

**CHAPTER 1: DEFINITIONS**

**Definitions**

1. In this bylaw, unless the context indicates otherwise—

"**Council**" means the Council of the Endumeni Municipality;

"**non-stormwater discharge**" means any discharge into the stormwater system which is not composed entirely of stormwater;

"**Occupier**", in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises; or
- (c) who is not occupying the premises but is entitled to do so;

"**Owner**", in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered; 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;

"**Premises**" means any privately-owned land or land on which buildings or other structures are situated;

"**stormwater**" means any storm water runoff, surface water runoff, sub-soil or spring water;

"**stormwater drain**" means any closed or open drain used or intended to be used for carrying stormwater within any premises to the stormwater system; and

"**stormwater system**" means the system of conduits, the ownership of which is vested in the Council, and which is used or intended to be used for collecting and carrying stormwater, including without limiting the generality of the foregoing, any road with a drainage system and any gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drainage channel, reservoir or other drainage structure.

"**watercourse**" means: -(a)a river, spring, stream, channel or canal in which water flows regularly or intermittently, and(b)a vlei, wetland, dam or lake into which or from which water flows, and includes, where relevant, the bed and the banks of such watercourses.

**CHAPTER 2****PROHIBITED ACTIVITIES****Unauthorised discharge**

2. (1) Subject to subsection  
(2) no person shall, without the prior written consent of the Council, which consent may be conditional or unconditional, directly or indirectly lead or discharge any non-stormwater discharge into the stormwater system without the prior authority of the Council.
- (2) Nothing prevents the discharge into the stormwater system of flow from -
- (a) potable water sources;
  - (b) natural springs or wetlands;
  - (c) diverted streams;
  - (d) rising groundwater;
  - (e) fire fighting activities;
  - (f) individual residential car washing;
  - (g) swimming pools, provided that the water has been allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance; and
  - (h) street sweeping.

**Unauthorised connection**

3. No person shall construct, use, allow, maintain or continue any unauthorized drain or conveyance which allows discharge into the stormwater sewer.

**Obstruction of flow**

4. No person shall obstruct or interfere with the normal flow of stormwater into, through or out of the stormwater sewer without the prior written approval of the Council.

**CHAPTER 3****SUSPENSION OF ACCESS AND NOTIFICATION****Suspension of access**

5. (1) The Council may issue a notice suspending access to the stormwater system when such suspension is necessary to stop an actual or threatened discharge of any pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.
- (2) In the event that any owner or occupier fails to comply with a suspension notice, the Council may, at the cost of the owner or occupier of the premises, as the case may be, take all reasonable steps required to prevent or minimize harm to the public health, safety or the environment.

**Notification of spills**

6. As soon as the owner or occupier of any premises becomes aware of any discharge of any pollutants into the stormwater system, the owner or occupier shall -
- (1) take all immediate steps necessary to ensure containment and cleanup of the discharge;
  - (2) notify the Council as soon as reasonably possible of the discharge.

**Powers of the council**

7. The Council may-
- (a) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this by-law;
  - (b) repair and make good any damage done in contravention of the provisions of this by-law or resulting from a contravention;

- (c) remove anything discharged, permitted to enter into the stormwater system or natural watercourse in contravention of the provisions of this by-law;
- (d) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
- (e) seal off or block any point of discharge from any premises if such discharge point is in contravention of the provisions of this by-law, irrespective of whether the point is used for lawful purposes;
- (f) cancel any permission granted in terms of this by-law if the conditions under which the permission was granted are not complied with;
- (g) by written notice, direct any owner of property to allow the owner of a higher lying property to lay a stormwater drain pipe or gutter over his or her property for the draining of concentrated stormwater,
- (h) by written notice, direct any owner of property to retain stormwater on such property or, at the cost of such owner, to lay a drain pipe or gutter to a suitable place indicated by the Council, irrespective of whether the course of the pipe or gutter will run over private property or not, and
- (i) discharge stormwater into an watercourse, whether on private land or not.

8. The Council may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this by-law, give notice in writing to such person or owner of property to comply to such requirements as the Council may deem necessary to prevent the occurrence of such contravention.

9. The Council may recover all reasonable costs incurred as a result of action taken in terms of subsection (1) from a person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred.

#### CHAPTER 4

##### CONSTRUCTION AND MAINTENANCE

###### Construction and maintenance of stormwater drains and connections

10. The owner or occupier, as the case may be, of any premises shall be responsible for the construction and maintenance, at his or her expense of any stormwater drains on the premises and any connection between such drains and the stormwater system.

#### CHAPTER 5

##### GENERAL PROVISIONS

###### Offences

11. 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 –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

###### Short title and commencement

12. These by-laws shall be called the Stormwater Management By-laws 2015, and shall come into operation on the date of publication in the Provincial Gazette.



**MUNISIPALE KENNISGEWING 57 VAN 2016****ENDUMENI MUNISIPALITEIT  
STORMWATERBESTUURSVERORDENINGE**

Daar word deur die Raad van die EndumeniMunisipaliteit, kragtens artikel156 van die Grondwet van die Republiek van SuidAfrika1996 (Wet 108 van 1996), saamgelees met artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet nr 32 van 2000),soos volg bepaal:

**HOOFSTUK 1: OMSKRYWINGS****Omskrywings**

1. In hierdie verordeninge, tensy uit die samehang anders blyk, beteken–

**"eienaar"**, met betrekking tot enige perseel –

- (a) die persoon in wie se naam die titelbewys van die perseel geregistreer is; of
- (b) indien die persoon bedoel in (a) afgestorwe, insolvent, verstandelik gestremd, minderjarig of handelingsonbevoegd is, die eksekuteur, voog of enige ander persoon wat wetlik verantwoordelik is om daardie persoon se boedel te beredder;

**"nie-stormwaterafvoer"** enige afvoering in die stormwaterstelsel wat nie uitsluitlik uit stormwater bestaan nie;

**"okkupeerder"**, met betrekking tot enige perseel, enige persoon –

- (a) wat die perseel bewoon;
- (b) wat die perseel huur; of
- (c) wat nie die perseel bewoon nie maar geregtig is om dit te doen;

**"Raad"** die Raad van Endumeni Munisipaliteit;

**"perseel"** enige grond in private besit of grond waarop geboue of ander structure geleë is;

**"stormwater"** enige stormwaterafloop, oppervlaktewaterafloop, ondergrondse of fonteinwater;

**"stormwaterdrein"** enige geslote of oop drein wat gebruik word of bedoel is om gebruik te word vir die afvoer van stormwater op enige perseel na die stormwaterstelsel;en

**"stormwaterstelsel"** die stelsel van pypleidings waarvan die eienaarskap in die Raad setel en wat gebruik word vir die versameling en afvoer van stormwater, met inbegrip van, sonder om die algemeenheid van die voorafgaande te beperk, enige pad met 'n dreineringsstelsel en enige straatvoor, randsteen, inlaat, stormdreinpyp, pompfasiliteit, dreineerom, dreineringskanaal, reservoir of ander dreinerings struktuur;

**"waterloop"**(a) 'n rivier, fontein, stroom, kanaal waarin water gereeld of met tussenposes vloei, en (b) 'n vlei, vleiland, dam of meer waarin of waaruit water vloei met inbegrip, waar van toepassing, die bedding en oewers van sodanige waterlope.

**HOOFSTUK 2****VERBODE BEDRYWIGHED****Ongematigde afvoer**

2.(1) Behoudens subartikel(2), mag niemand, sonder die skriftelike voorafgoedkeuring van die Raad, welke goedkeuring voorwaardelik of onvoorwaardelik mag wees, regstreeks of onregstreeks enige nie-stormwaterafvoer in die stormwaterstelsel lei of afvoer sonder die voorafmagtiging van die Raad nie.

(2) Niks verhoed die afvoer in die stormwaterstelsel van vloei van -

- (a) drinkbare waterbronne;
- (b) natuurlike fonteine of vleilande;
- (c) herleide strome;
  
- (d) stygende grondwater;
- (e) brandbestrydingsbedrywighede;
- (f) individuele residensiële karwas;
- (g) swembaddens, met dien verstande dat die water toegelaat is om vir een week te staan voor dreinerings en die swembad gedreineer word op sodanige wyse dat dit nie 'n oorlas veroorsaak nie; en
- (h) die vee van strate.

**Ongemagtigde verbinding**

3. Niemand mag enige ongemagtigde drein of vervoer bou, gebruik, toelaat, in stand hou of daarmee voortgaan wat enige afvoer in die stormwaterdrein toelaat nie.

**Verhinderings van die vloei**

4. Niemand mag die normale vloei van die stormwater in, deur of uit die stormwaterdrein belemmer of daarmee inmeng nie sonder die skriftelike voorafgoedkeuring van die Raad.

**HOOFSTUK 3****OPSKORTING VAN TOEGANG EN KENNISGEWING****Opskorting van toegang**

5.(1) Die Raad kan 'n kennisgewing uitreik wat toegang tot die stormwaterstelsel opskort indien sodanige opskorting nodig is om 'n werklike of dreigende afvoer van enige besoedelstowwe te stop wat 'n dreigende risiko inhou tot nadeel van openbare gesondheid, veiligheid, welsyn of die omgewing.

(2) Indien enige eienaar of okkupeerder nalaat om aan die opskortingskennisgewing te voldoen, kan die Raad, op die koste van die eienaar of okkupeerder van die perseel, na gelang van die geval, alle redelike stappe neem wat nodig is om die nadeel vir openbare gesondheid, veiligheid of omgewing te voorkom of te beperk.

**Kennisgewing van stortings**

6. Sodra 'n eienaar of okkupeerder van enige perseel bewus word van enige afvoer van besoedelstowwe in die stormwaterstelsel moet die eienaar of okkupeerder -

- (1) al die onmiddellike stappe neem wat nodig is om inperking en opruiming van die afvoer te verseker;
- (2) die Raad so gou as wat redelik moontlik is in kennis stel van die afvoer.

**Bevoegdhede van die Raad**

7. Die Raad kan-

- (a) Enige grond opvul, verwyder of terugplaas wat strydig met die bepalings van hierdie verordeninge uitgegrawe, verwyder of geplaas is;
- (b) Enige skade wat strydig met die bepalings van hierdie verordeninge aangerig is of daaruit voortspruit, herstel;

- (c) Enigiets wat afgevoer is, toegelaat is om die stormwaterstelsel of natuurlike waterloop strydig met hierdie verordeninge binne te gaan, verwyder;
- (d) Enigiets verwyder wat enige deel van die stormwaterstelsel beskadig, belemmer of in gevaarstel of dit waarskynlik kan belemmer, in gevaarstel of vernietig;
- (e) Enige afvoerpunt van enige perseel afseël of blokkeer indien sodanige afvoerpunt strydig is met die bepalings van hierdie verordeninge, ongeag of die punt vir wettige doeleindes gebruik word;
- (f) Enige toestemming kanselleer wat ingevolge hierdie verordeninge verleen is indien die bepalings waarkragtens die toestemming verleen is nie nagekom word nie;
  
- (g) by wyse van skriftelike kennisgewing, enige eienaar van eiendom gelas om die eienaar van 'n hoërliggende eiendom toe te laat om 'n stormwaterdreinypyp of straatvoor oor sy of haar eiendom aan te lê vir die dreinerings van versamelde stormwater;
- (h) by wyse van skriftelike kennisgewing, enige eienaar van eiendom gelas om stormwater op sodanige eiendom te versamel of, op die koste van sodanige eienaar, 'n dreinypyp of straatvoor aan te lê na 'n geskikte plek soos deur die Raad aangetoon, ongeag of die roete van die pyp of straatvoor oor private eiendom sal gaan, aldan nie; en
- (i) enige stormwater in 'n waterloop afvoer ongeag of dit op private grond is, aldan nie.

8. Die Raad kan, in enige geval waar dit blyk dat enige optrede of versuim van enigiemand of eienaar van eiendom kan lei tot 'n oortreding van die bepalings van hierdie verordeninge, skriftelik kennis gee aan sodanige persoon of eienaar van eiendom om te voldoen aan die vereistes wat die Raad nodig ag om die gebeurlikheid van sodanige oortreding te voorkom.

9. Die Raad kan alle redelike koste wat aangegaan is weens die optrede ingevolge subartikel (1) van 'n persoon verhaal wat verantwoordelik was vir 'n oortreding van die bepalings van hierdie verordeninge of die eienaar van die eiendom waarop die oortreding plaasgevind het.

#### HOOFSTUK 4

##### BOU EN ONDERHOUD

###### Bou en onderhoud van stormwaterdreine en -verbindinge

10. Die eienaar of okkupeerder, na gelang van die geval, van enige perseel is verantwoordelik vir die bou en onderhoud van, op sy of haar eie koste, van enige dreine op die perseel en enige verbinding tussen sodanige dreine en die stormwaterstelsel.

#### HOOFSTUK 5

##### ALGEMENE BEPALINGS

###### Misdrywe

11. Enigiemand wat -

- (a) Enige bepalings van hierdie verordeninge oortree of versuim om daaraan te voldoen;
- (b) Versuim om aan enige kennisgewing te voldoen wat ingevolge hierdie verordeninge uitgereik is;
- (c) Versuim om aan enige wettige opdrag te voldoen wat ingevolge hierdie verordeninge gegee is; of
- (d) enige gemagtigde beampte in die uitvoering van sy of haar pligte kragtens hierdie verordeninge belemmer of verhinder –

Is aan 'n misdryf skuldig en strafbaar by skuldigbevinding aan 'n boete wat nie R5 000 te bowe gaan nie of gevangenisstraf vir 'n tydperk wat nie 3 maande te bowe gaan nie, of beide.

###### Korttitel en inwerkingtreding

12. Hierdie verordeninge heet die Stormwaterbestuursverordeninge 2015 en tree in werking op die datum waarop dit in die *Provinsiale Koerant* gepubliseer word.

**UMASIPALA WASENDUMENI  
IMITHETHO KAMASIPALA YOKULAWULWA KWAMANZI EZIKHUKHULA**

Makumiswe uMthetho nguMkhandlu kaMasipala waseNdumeni, ngokwesigaba 156 soMthetho sisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996 (uMthetho No. 108 we-1996), sifundwa nesigaba 11 soHulumeni beziNdawo: uMthetho weziNhlelo zikaMasipala, wezi-2000 (uMthetho No. 32 wezi-2000) ngalendlelaelandelayo:

**ISAHLUKO 1: IZINCAZELO ZAMAGAMA**

**Izincazelelo Zamagama**

1. Kulemithetho kamasipala, ngaphandle uma indikimba ikhomba okunye–

**"UMkhandlu"** kuchaza uMkhandlu kaMasipala waseNdumeni;

**"ukugeleza kwamanzi okungesiwo awezikhukhula"** kuchaza nanoma ikuphi okunye okugelezayo okungena emapayipini amanzi ezikhukhula kube kungewona amanzi ezikhukhula;

**"Umhlali"**, maqondana nanoma iyiphi indawo, kuchaza nanoma yimuphi umuntu–

- (a) Ohlala kuleyondawo;
- (b) Oqashe kuleyondawo; noma
- (c) Ongahlali kuleyondawo kodwa onelungelo lokuhlala kuyo;

**"Umnikazi"**, maqondana nanoma iyiphi indawo, kuchaza–

- (a) Umuntu okubhaliswe ngaye itayitela lendawo; noma
- (b) Uma umuntu oshiwo ku-(a) eseshonile, engasenamali, ephazamisekile ekhanda, emncane, kumbe enanoma yikuphi ukukhubazeka, umabi wamafa, umbheki, noma omunye umuntu onegunya lokwaba amafa omuntu;

**"Indawo"** kuchaza nanoma yimuphi umhlaba onomnikazi ozimele kumbe umhlaba, amabhilidi noma esinye isakhiwo esakhiwe kuwo;

**"Isitamkoko samanzi ezikhukhula"** kusho nanoma yimuphi umsele wokuhambisa amanzi ezikhukhula, umsele wokuhambisa amanzi aphezu komhlabathi, amanzi angaphansi komhlabathi noma amanzi aphuma emthonjeni;

**"Umgudu wokuhambisa amanzi ezikhukhula"** kuchaza nanoma yimuphi umgudu ovalekile noma ovulekile osetshenziselwa kumbe okuhloswe ukuba usetshenziselwe ukuhambisa amanzi ezikhukhula iwasusa kunanoma iyiphi indawo okuhlalwa kuyo uwayise emapayipini ahambisa amanzi ezikhukhula; kanti

**"amapayipi okuhambisa amanzi ezikhukhula"** achaza uhlelo lwamapayipi, umnikazi wawo okunguMkhandlu, futhi asetshenziselwa noma okuhloswe ukuba asetshenziselwe ukuqoqa kanye nokuhambisa amanzi ezikhukhula, kubandakanya ngaphandle kokushiya ngaphandle osekushiwo, nanoma yimuphi umgwaqo onamapayipi ahambisa amanzi kanye nanoma yimuphi umsele, unqenqema, ichibi, umgodi wamanzi onamapayipi, iphampu, ichibi elakhelwe ukugcina amanzi noma ichibi elakhelwe ukugcina amanzi okwesikhashana, umgudu wokuhambisa amanzi, ithange elikhulu lokugcina amanzi kumbe olunye uhlelo lokuhambisa amanzi.

**"umsele wamanzi"** kuchaza: -(a) umfula, umthombo, umfudlana, umsele owakhelwe ukuhambisa amanzi kumbe umfula owakhiwe ngabantu ohlala ugeleza amanzi njalo kumbe izikhawu ngezikhawu, kanye (b) ixhaphozi, idamu noma ichibi elikhulukazi okungena kulo kumbe okuphuma kulo amanzi, kanti kubandakanya, umakufanele, umsuka kanye nosebe lwaleyomisele yamanzi.

**ISAHLUKO 2****IZENZO EZINGAVUMELEKILE****Izinto ezingavumelekile emapayipini amanzi**

2.(1) Kuncike ezihlinzekweni zesigatshana(2), akukhomuntu, ngaphandle kokuthola kuqala imvume yoMkhandlu ebhalwe phansi, nokuyimvume kungene kumbe kudedelwe nanoma yini engesiwona amanzi ezikhukhula ngokuqondile noma ngokungaqondile ukuba kuhambe ngamapayipi okuhambisa amanzi ezikhukhula.

(2) Akukho okungavimbela ukugeleza kwamanzi angene emapayipini okuhambisa amanzi ezikhukhula uma egeleza evela-

- (a) Emithonjeni yamanzi aphuzwayo;
- (b) Emithonjeni yemvelo noma amaxhaphozini;
- (c) Emifudlaneni ephambukisiwe;
- (d) eziphethwini;
- (e) ezicishamlilweni;
- (f) lapho umuntu eziwashela imoto esendaweni yakhe yokuhlala;
- (g) emadamini okubhukuda, inqobo nje uma amanzi evunyelwe ukuma isikhathi esiyisonto ngaphambi kokuba akhishwe edamini ngendlela engazodala inkathazo; kanye
- (h) nasekushanelweni komgwaqo.

**Ukuxhunywa kwamapayipi okungekho emthethweni**

3. Akekho umuntu oyokwakha, oyosebenzisa, oyovumela, oyolungisa noma oyoqhubeka nanoma yimuphi umsele wamanzi kumbe ukuhanjiswa kwamanzi okuzodala ukuba kungene izinto esitamkokweni samanzi ezikhukhula.

**Ukuvinjelwa kokuhamba kwamanzi**

4. Akekho umuntu oyovimbela noma oyophazamisa ukuhamba kwamanzi ezikhukhula esitamkokweni samanzi ezikhukhula, ngaphandle kokuthola imvume yoMkhandlu ebhalwe phansi kuqala.

**ISAHLUKO 3****UKUMISWA KOKUKWAZI UKUSEBENZISA AMAPAYIPI KANYE NOKUKHISWA KWESAZISO****Ukumiswa kokukwazi ukusebenzisa amapayipi**

5.(1) UMkhandlu ungakhipha isaziso sokumisa imvume yokukwazi ukusebenzisa amapayipi okuhambisa amanzi ezikhukhula umangabe lokho kumiswa kudingekile ukunqanda ukungena kumbe ingozi yokungena kwezinto ezingcolisayo, ezibeka impilo yomphakathi, ukuphepha, inhlalakahle kumbe imvelo ebucaiyini.

(2) Esimweni lapho nanoma yimuphi umnikazi noma umhlali ehluleka ukuhambisana nesaziso sokumiswa kokusebenzisa amapayipi, uMkhandlu, ngezindleko zomnikazi noma lowo ohlala kuleyondawo, angathatha zonke izinyathelo ezifanele ukunqanda noma ukunciphisa umonakalo empilweni, ukuphepha komphakathi noma kwemvelo.

**Ukubikwa kokuchithekela emapayipini**

6. Uma umnikazi noma umhlali ebona ukuthi kungena nanoma yini engcolisayo emapayipini okuhambisa amanzi ezikhukhula, umnikazi noma umhlali kumele ngokushesha-

- (1) athathe izinyathelo ezifanele zokuqinisekisa ukunqanda lokho kanye nezokukhuculula lokho okuchithekela emapayipini okuhambisa amanzi;
- (2) azise uMkhandlu ngokukhulu ukushesha ngalokho okuchithekela emapayipini.

**Amandla omkhandlu**

7. UMkhandlu-

ungagcwalisa, ususe uphinde ubuyisele umhlabathi ombiwe, osusiwe noma obekwe ngendlela ephambene nezihlinzeko zalemithetho kamasipala;

- (a) ungabuyisela esimweni uphinde ulungise umonakalo owenziwe ngokwepulwa kwezihlinzeko zalemithetho kamasipala noma owumphumela wokwepulwa kwemithetho kamasipala;

- (b) ungasusa nanoma yini efakwe noma ededelwe yangena emapayipini okuhambisa amanzi ezikhukhula noma emseleni wemvelo ngokuphambene nezihlinzeko zalemithetho kamasipala;
- (c) ungasusa nanoma yini eyonakalisa, evimbela noma ebeka engozini noma engase ivimbe, ibeke engozini noma ilimaze nanoma iyiphi ingxenywe yamapayipi okuhambisa amanzi ezikhukhula;
- (d) Ungavala ngqi noma uvimbe nanoma iyiphi imbobo evuzisayo kunoma iyiphi indawo umalokho kuvuza kuphambene nezihlinzeko zalemithetho kamasipala, kungakhathalekile ukuthi leyombobo isetshenziswa ngokusemthethweni;
- (e) Ungamisa nanoma iyiphi imvume enikezwe ngokwalomthetho kamasipala umangabe imibandela enikezwe ngaphansi kwayo ingalandelwa;
- (f) Ungayalela nanoma yimuphi umnikazi wendawo, ngesaziso esibhalwe phansi ukuba avumele umnikazi wendawo engenhla kwakwakhe ukuba afake ipayipi lokuhambisa amanzi ezikhukhula noma ugadasi, lingamule endaweni yakhe ukuze kuhambe amanzi ezikhukhula,
- (g) Ungayalela nanoma yimuphi umnikazi wendawo, ngesaziso esibhalwe phansi, ukuba ngezindleko zakhe, afake ipayipi lamanzi ezikhukhula noma ugadasi ngendlela yokuthi uhambe uye endaweni efanele ekhonjweu Mkhandlu, kungakhathalekile ukuthi ipayipi noma ugadasi uyonqamula endaweni yomuntu ozimele noma cha, futhi
- (h) Achithele amanzi ezikhukhula emseleni wamanzi kungakhathalekile ukuthi kusendaweni yomuntu ozimele noma cha.

8. Esimweni lapho kubonakala ukuthi nanoma yisiphi isenzo kumbe ubudedengu banoma yimuphi umuntu noma umnikazi bungaholela ekwaphulweni kwezihlinzeko zalemithetho kamasipala, uMkhandlu ungakhipha isaziso esibhalwe phansi unikeze lowomuntu noma umnikazi, sokuba ahambisane nezimiso uMkhandlu obona zifanele ukugwema ukwephulwa kwalezozihlinzeko zomthetho.

9. UMkhandlu ungafuna zonke izindleko ezifanele ongenekuzo ngenxa yezinyathelo ezithathwe ngokwesigatshana(1) kumuntu owephule izihlinzeko zalomthetho kamasipala noma umnikazi wendawo lapho okwephulwe khona umthetho.

#### ISAHLUKO 4

#### UKWAKHIWA KANYE NOKULUNGISWA

#### Ukwakhiwa kanye nokulungiswa kwemisele yamapayipi okuhambisa amanzi ezikhukhula kanye nokuxhunyw

10. Umnikazi noma umhlali wananoma iyiphi indawo uyoba nesibophezelo sokufakwa kanye nokulungiswa kwemisele yamapayipi okuhambisa amanzi ezikhukhula ngezindleko zakhe, endaweni yakhe kanye nanoma yikuphi ukuxhunywa kwalemisele kanye namapayipi okuhambisa amanzi ezikhukhula.

#### ISAHLUKO 5

#### IZIHLINZEKO EZEJWAYELEKILE

#### Amacala

11. Nanoma yimuphi umuntu -

- (a) Owephula noma owehluleka ukuhambisana nanoma yiziphi izihlinzeko zalemithetho kamasipala;
- (b) Owehluleka ukuhambisana nanoma yisiphi isaziso esikhishwe ngokwalemithetho kamasipala;
- (c) Owehluleka ukuhambisana nanoma yimuphi umyalelo osemthethweni okhishwe ngokwalemithetho kamasipala; noma
- (d) ovimbela kumbe ophazamisa nanoma yimuphi umsebenzi ogunyaziwe ekwenzeni umsebenzi wakhe ngaphansi kwalemithetho-

Uyoba necala kanti futhi ekugwetshweni kwakhe kuyofanele akhokhe inhlawulo engeqile kwi-R5 000 noma abhadle ejele isikhathi esingeqile ezinyangeni ezi-3 noma kokubili.

#### Isihloko esifishane kanye nokuqala kokusebenza kwalemithetho kamasipala

12. Le mithetho kamasipala ebizwa ngeMithetho kaMasipala yokuLawulwa Kwamanzi Ezikhukhula yowezi-2015, iyoqala ukusebenza ngosuku eyoshicilelwa ngalo kwigazethi yesifundazwe.









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