



# Provincial Gazette

# Provinsiale Koerant

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(\*Herdrukke is verkrygbaar by Kamer M21, Provinsiale Wetgewing-gebou, Waalstraat 7, Kaapstad 8001.)

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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street  
Cape Town.

P.N. 33/2011

18 February 2011

MOSSEL BAY MUNICIPALITY

AMENDMENT OF THE MOSSEL BAY/RIVERSDALE  
SUB-REGIONAL STRUCTURE PLAN

By virtue of section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) Minister A. Bredell, Minister of Local Government, Environmental Affairs and Development Planning, on 7 February 2011 amended the Mossel Bay-Riversdale Sub-Regional Structure Plan, (made known as a Guide Plan in Government Notice No. 842 of 29 April 1994 and declared as a Guide Plan in Government Notice No. 165 of 9 February 1996), by changing the designation of Portions 58, 91, 99 and 100 of the Farm Hartenbosch, No. 217, Mossel Bay, as approximately indicated on the attached plan, from "Agricultural Purposes" and "Recreation" to "Urban Development".

File: E17/3/4/2/AM18/Farm 217 Portions 58, 91, 99 and 100, Mossel Bay.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat  
Kaapstad.

P.K. 33/2011

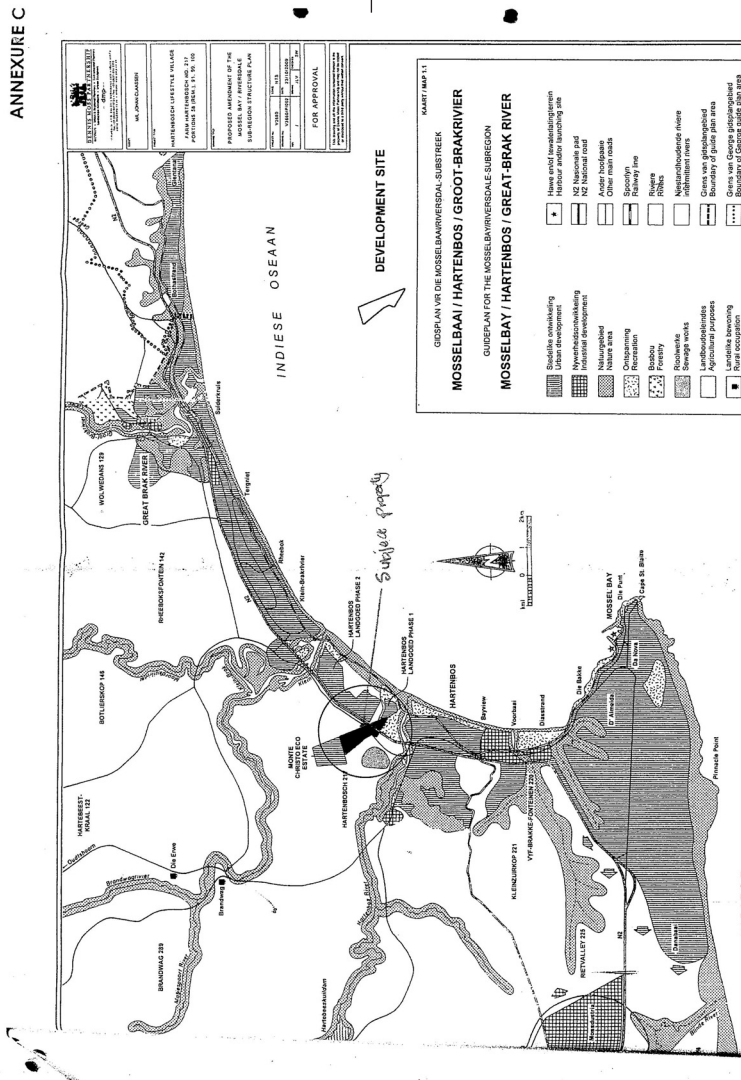
18 Februarie 2011

MOSSELBAAI MUNISIPALITEIT

WYSIGING VAN DIE MOSSELBAAI/RIVERSDAL  
STREEKSTRUKTUURPLAN

Kragtens artikel 4(7) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985), het Minister A Bredell, Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, op 7 Februarie 2011 die Mosselbaai-Riversdal Streekstruktuurplan (bekend gemaak as 'n Gidsplan in Goewermentskennisgewing No. 842 van 29 April 1994 en verklaar as 'n Streekstruktuurplan in Goewermentskennisgewing No. 165 van 9 Februarie 1996), gewysig deur die gebruiksaanwysing van Gedeeltes 58, 91, 99 en 100 van die Plaas Hartenbosch Nr. 217, Mosselbaai, soos by benadering op die bygaande kaart aangedui, vanaf "Landboudoeleindes" en "Ontspaning" na "Stedelike Ontwikkeling", te verander.

Lêer: E17/3/4/2/AM18/Plaas 217 Gedeeltes 58, 91 99 en 100, Mosselbaai.



P.N. 34/2011

18 February 2011

**CITY OF CAPE TOWN**  
**CAPE TOWN ADMINISTRATION**  
 REMOVAL OF RESTRICTIONS ACT, 1967  
 (ACT 84 OF 1967)

Notice is given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as the Competent Authority in terms of paragraph (a) of the State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 4053, Milnerton, has removed conditions (ii) A.(b), (ii) A. (c) and (ii) A. (d) from Deed of Transfer No. T. 46077 of 1998.

P.N. 35/2011

18 February 2011

**GEORGE MUNICIPALITY**  
 REMOVAL OF RESTRICTIONS ACT, 1967  
 (ACT 84 OF 1967)

I, Bulelwa Nkwatani, in my capacity as Deputy Director in the Department of Environmental Affairs, and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 6, Hoekwil, remove the condition B. contained in Deed of Transfer T. 49283/84.

P.N. 36/2011

18 February 2011

**CITY OF CAPE TOWN**  
**SOUTH PENINSULA ADMINISTRATION**  
 REMOVAL OF RESTRICTIONS ACT, 1967  
 (ACT 84 OF 1967)

Notice is given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owners of Erf 98428, Cape Town at Rondebosch, amends condition B. 3. contained in Deed of Transfer No. T. 40438 of 2007 (which condition is more fully set out in condition 3 contained in Deed of Transfer No. T. 1461 of 1929) and condition (ii) contained on page 4 of the Deed of Transfer No. T. 1461 of 1929 with reference to the said condition contained in condition B.6. in Deed of Transfer No. T. 40438 of 2007 to read as follows:

Condition B 3. "no house, stabling, motor house, greenhouse or other outbuilding except for architectural features, water features and boundary wall shall be erected within 8,8 metres of any road fronting any lot or portion of such lot."

**Condition (ii)** "That not more than half the area of any one lot shall be built upon at any time and that even should such a lot be subdivided at any time into two or more portions not more than two buildings with the necessary appurtenances shall be erected on such (original) lot and all reasonable access shall be provided."

P.K. 34/2011

18 Februarie 2011

**STAD KAAPSTAD**  
**KAAPSTAD ADMINISTRASIE**

WET OP OPHEFFING VAN BEPERKINGS, 1967  
 (WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staatspresidents Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 of 1967), en op aansoek van die eienaar van Erf 4053, Milnerton, hef voorwaardes (ii) A.(b), (ii) A. (c) and (ii) A. (d) vervat in Transportakte Nr. T. 46077 van 1998, op.

P.K. 35/2011

18 Februarie 2011

**GEORGE MUNISIPALITEIT**

WET OP OPHEFFING VAN BEPERKINGS, 1967  
 (WET 84 VAN 1967)

Ek, Bulelwa Nkwatani, in my hoedanigheid as Adjunk Direkteur in die Departement Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 6, Hoekwil, hef die voorwaarde B. van Transportakte T. 49283/84 op.

P.K. 36/2011

18 Februarie 2011

**STAD KAAPSTAD**  
**SUID SKIEREILAND ADMINISTRASIE**

WET OP OPHEFFING VAN BEPERKINGS, 1967  
 (WET 84 VAN 1967)

Kennis geskied dat die Minister vir Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staats President Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaars van Erf 98428, Kaapstad te Rondebosch, wysig voorwaarde B. 3. soos vervat in Transportakte Nr. T. 40438 van 2007 (soos meer volledig uiteengesit in voorwaarde 3. soos vervat in Transportakte Nr. T. 1461 van 1929) en voorwaarde (ii) soos vervat op bladsy 4 van die Transportakte Nr. T. 1461 van 1929 met verwysing tot die bogenoemde voorwaarde soos vervat in voorwaarde B.6. van die Transportakte Nr. T. 40438 van 2007 om soos volg te lees:

Condition B 3. "no house, stabling, motor house, greenhouse or other outbuilding except for architectural features, water features and boundary wall shall be erected within 8,8 metres of any road fronting any lot or portion of such lot."

**Condition (ii)** "That not more than half the area of any one lot shall be built upon at any time and that even should such a lot be subdivided at any time into two or more portions not more than two buildings with the necessary appurtenances shall be erected on such (original) lot and all reasonable access shall be provided."

P.N. 37/2011

18 February 2011

**CITY OF CAPE TOWN**  
**CAPE TOWN ADMINISTRATION**  
 REMOVAL OF RESTRICTIONS ACT, 1967  
 (ACT 84 OF 1967)

Notice is given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as the Competent Authority in terms of paragraph (a) of the State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 97124, Cape Town at Newlands, has amended condition 2.A.(iii) in Deed of Transfer No. T. 41056 of 2005 to read as follows:

That not more than one half of the area be built upon.

P.N. 38/2011

18 February 2011

**CITY OF CAPE TOWN**  
 REMOVAL OF RESTRICTIONS ACT, 1967  
 (ACT 84 OF 1967)

Notice is hereby given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owners of Erf 49810, Newlands decided that the application for the removal of title conditions, applicable to Deed of Transfer T. 40735 of 2009 for Erf 49810 Newlands be approved and that the following restrictive conditions of title:

“That not more than one building be erected on this Lot and not more than half the area of this Lot be built upon without the written consent of the Council of the City of Cape Town.”

**be removed.**

“That any building to be erected on this Lot shall stand back from the boundary of the street on which the Lot may front or abut not less than 6,30 metres. That space thus left may be used as gardens or forecourts but shall not be built upon.”

**be amended to read as follows –**

“That any building to be erected on this Lot shall stand back from the boundary of the street on which the Lot may front or abut not less than 4,5 metres. That space thus left may be used as gardens or forecourts but shall not be built upon.”

“That this lot shall not be subdivided into subdivisions of less than Nine Hundred and Ninety One (991) square metres.”

**be removed.**

“That the Lots (Nos. 29 to 36 Block Hd) shall in future form one property which may not be subdivided and transferred separately to more than four (4) different owners. The conditions set out above shall apply to the said Lots in like manner as if they were four lots measuring approximately Nine Hundred and Ninety One (991) square metres each.”

**be removed.**

P.K. 37/2011

18 Februarie 2011

**STAD KAAPSTAD**  
**KAAPSTAD ADMINISTRASIE**

WET OP OPHEFFING VAN BEPERKINGS, 1967  
 (WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staatspresidents Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 of 1967), en op aansoek van die eienaar van Erf 97124, Kaapstad te Newlands, wysig voorwaarde 2.A. (iii) vervat in Transportakte Nr. T. 41056 van 2005 om soos volg te lees:

That not more than one half of the area be built upon.

P.K. 38/2011

18 Februarie 2011

**STAD KAAPSTAD**

WET OP OPHEFFING VAN BEPERKINGS, 1967  
 (WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as die bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaars van Erf 49810, Nuweland besluit het dat die aansoek vir die opheffing van titelvoorwaardes, van toepassing op Transportakte T. 40735 van 2009 vir Erf 49810 Nuweland goedgekeur word in terme van artikel 4(2) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) en dat die volgende titelvoorwaardes:

“That not more than one building be erected on this Lot and not more than half the area of this Lot be built upon without the written consent of the Council of the City of Cape Town.”

**Opgehef word.**

“That any building to be erected on this Lot shall stand back from the boundary of the street on which the Lot may front or abut not less than 4,5 metres. That space thus left may be used as gardens or forecourts but shall not be built upon.” 6, 30 metres. That space thus left may be used as gardens or forecourts but shall not be built upon.”

**Gewysig word om soos volg te lees –**

“That any building to be erected on this Lot shall stand back from the boundary of the street on which the Lot may front or abut not less than 4,5 metres. That space thus left may be used as gardens or forecourts but shall not be built upon.”

“That this lot shall not be subdivided into subdivisions of less than Nine Hundred and Ninety One (991) square metres.”

**Opgehef word.**

“That the Lots (Nos. 29 to 36 Block Hd) shall in future form one property which may not be subdivided and transferred separately to more than four (4) different owners. The conditions set out above shall apply to the said Lots in like manner as if they were four lots measuring approximately Nine Hundred and Ninety One (991) square metres each.”

**Opgehef word.**



**TENDERS**

**N.B.** Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

**NOTICES BY LOCAL AUTHORITIES****BITOU LOCAL MUNICIPALITY****ERF 1395, PLETTENBERG BAY: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE AND SUBDIVISION**

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) as well as Section 24 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) that the undermentioned application has been received and is open to inspection at the office at the Municipal Town Planning Office (Monks View, Church Street, Plettenberg Bay), during normal office hours. The application is also open to inspection at the office of the Director, Integrated Environmental Management, Region A1, Provincial Government of the Western Cape, at Room 207, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-5897 and Directorate's fax number is (021) 483-3633.

Any objections to the proposed removal of restrictive conditions of title, with full reasons therefor, should be lodged in writing at the office of the abovementioned Director Integrated: Environmental Management at Private Bag X9086, Cape Town, 8000, with a copy to the Municipal Manager on or before Friday, 25 March 2011, quoting the above Act and the objector's erf number. Comments or objections received after the aforementioned closing date may be disregarded.

A person who cannot read or write but wishes to comment on the proposals may visit the Department: Strategic Services (Town Planning section) where a member of staff will assist them to formalize their comment.

*Applicant:* Beacon Survey Professional Land Surveyors

*Nature of application:* Removal of restrictive conditions of title applicable to Erf 1395, Plettenberg Bay to enable the owner to subdivide the property into two portions (Portion A consisting of  $\pm 551\text{m}^2$  and a Remainder consisting of  $\pm 517\text{m}^2$ ). Furthermore, removal of restrictive conditions of title which prescribe the number of dwelling units, the maximum coverage and the building lines.

Erf 1395, Plettenberg Bay is situated along Dassen Island Drive.

LMR Ngoqo, Municipal Manager, Bitou Local Municipality, Private Bag X1002, PLETTENBERG BAY 6600

*Municipal Notice No:* 16/2011

18 February 2011

22903

**CAPE AGULHAS MUNICIPALITY****APPLICATION FOR DEPARTURE: ERF 1383, BUITEKANT STREET, BREDASDORP**

Notice is hereby given in terms of the Land Use Planning Ordinance 1985 (No. 15 of 1985), that Council has received the following application, namely:

Departure on erf 1383, Bredasdorp in order to accommodate a Bed & Breakfast facility on the property.

In terms of section 21(4) of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) notice is hereby given that persons who cannot read or write may request that an employee at any of the reception offices of the Cape Agulhas Municipal Council assist in the formulation and writing of input, comments or objections.

Further particulars are available for inspection in the office of the undersigned during office hours and written objections, if any, must reach him not later than 18 March 2011.

R STEVENS, MUNICIPAL MANAGER, PO BOX 51, BREDASDORP, 7280

18 February 2011

22904

**TENDERS**

**L.W.** Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

**KENNISGEWINGS DEUR PLAASLIKE OWERHEDE****BITOU PLAASLIKE MUNISIPALITEIT****ERF 1395, PLETTENBERGBAAI: VOORGESTELDE OPHEFFING VAN BEPERKENDE VOORWAARDES VAN TITEL EN ONDERVERDELING**

Kennis geskied hiermee ingevolge Artikel 3(6) van die Wet op die Opheffing van Beperkings, 1967 (Wet 84 van 1967) asook Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ord. 15 van 1985) dat die onderstaande aansoek ontvang is en ter insae lê by die Munisipale Stadsbeplanningskantoor (Monks View, Kerkstraat, Plettenbergbaai) gedurende normale kantoorure. Die aansoek lê ook ter insae by die Kantoor van die Direkteur, Geïntegreerde Omgewingsbestuur: Streek B1, Provinsiale Regering van die Wes-Kaap, by Kamer 207, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483-5897 en die Direktooraat se faksnommer is (021) 483-3633.

Enige besware teen the voorgestelde opheffing van beperkende voorwaardes van titel, met die volledige redes daarvoor, moet skriftelik by die kantoor van bogenoemde Direkteur: Geïntegreerde Omgewingsbestuur, Privaatsak X9086, Kaapstad, 8000, ingedien word op of voor Vrydag, 25 Maart 2011, met 'n afskrif aan die Munisipale Bestuurder, en met vermelding van bogenoemde Wet en die beswaarmaker se erfnummer. Kommentaar of besware wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Persone wat wil kommentaar lewer maar nie kan lees of skryf nie mag die Departement: Strategiese Dienste (Stadsbeplanningsafdeling) besoek waar hul deur 'n amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

*Aansoeker:* Beacon Survey Professionele Landmeter

*Aard van die aansoek:* Opheffing van beperkende titel voorwaardes van toepassing op Erf 1395, Plettenbergbaai, ten einde die eienaar in staat te stel om die eiendom in twee gedeeltes (Gedeelte A van  $\pm 551\text{m}^2$  en 'n Restant van  $\pm 517\text{m}^2$ ) te verdeel. Verder ook opheffing van beperkende voorwaardes wat die aantal toelaatbare eenhede, die maksimum dekking en boulyne voorskryf.

Erf 1395, Plettenbergbaai is geleë op Dassen Island Drive.

LMR Ngoqo, Munisipale Bestuurder, Bitou Plaaslike Munisipaliteit, Privaatsak X1002, PLETTENBERGBAAI 6600

*Munisipale Kennisgewingnr:* 16/2011

18 Februarie 2011

22903

**KAAP AGULHAS MUNISIPALITEIT****AANSOEK OM AFWYKING: ERF 1383, BUITEKANTSTRAAT, BREDASDORP**

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985) dat die Raad die volgende aansoek ontvang het, naamlik:

Afwyking op erf 1383, Bredasdorp ten einde 'n Bed-en-Ontbyt fasiliteit op die perseel te akkommodeer.

Ingevolge artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis gegee dat persone wat nie kan skryf nie enige munisipale personeellid by enige ontvangskantore van die Raad te Kaap Agulhas kan nader vir hulpverlening om u kommentaar, beswaar of inset op skrif te stel.

Verdere besonderhede van bogenoemde lê ter insae in die kantoor van die ondergetekende en skriftelike besware, indien enige, moet hom nie later as 18 Maart 2011 bereik nie.

R STEVENS, MUNISIPALE BESTUURDER, POSBUS 51, BREDASDORP, 7280

18 Februarie 2011

22904

## CAPE AGULHAS MUNICIPALITY

APPLICATION FOR SPECIAL CONSENT/DEPARTURE:  
PORTION 46 OF THE FARM THE POTTEBERG ESTATES  
NO 516, SWELLENDAM

Notice is hereby given in terms of the Land Use Planning Ordinance 1985 (No. 15 of 1985), that Council has received the following application, namely:

Special consent/departure on Portion 46 of the Farm The Potteberg Estates No. 516, Swellendam in order to establish a cellular communications base station on the property.

In terms of section 21(4) of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) notice is hereby given that persons who cannot read or write may request that an employee at any of the reception offices of the Cape Agulhas Municipal Council assist in the formulation and writing of input, comments or objections.

Further particulars are available for inspection in the office of the undersigned during office hours and written objections, if any, must reach him not later than 18 March 2011.

R STEVENS, MUNICIPAL MANAGER, PO BOX 51, BREDASDORP, 7280

18 February 2011

22905

## CAPE AGULHAS MUNICIPALITY

APPLICATION FOR DEPARTURE: ERF 494, SMYTHE STREET,  
NAPIER

Notice is hereby given in terms of the Land Use Planning Ordinance 1985 (No. 15 of 1985) that Council considers the following application on erf 494, Napier:

Temporary departure on erf 494, Napier to accommodate take-away meals from an equipped container on the property.

In terms of section 21(4) of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) notice is hereby given that persons who cannot read or write may request that an employee at any of the reception offices of the Cape Agulhas Municipal Council assist in the formulation and writing of input, comments or objections.

Further particulars are available for inspection in the office of the undersigned during office hours and written objections, if any, must reach him not later than 18 March 2011.

R STEVENS, MUNICIPAL MANAGER, PO BOX 51, BREDASDORP, 7280

18 February 2011

22906

## CAPE AGULHAS MUNICIPALITY

APPLICATION FOR CONSENT: ERF 118, SAREL CILLIERS  
STREET, NAPIER

Notice is hereby given in terms of the Land Use Planning Ordinance 1985 (No. 15 of 1985) that Council considers the following application on erf 125, Napier:

Consent use on erf 125, Napier to accommodate a dwelling unit on a business property.

In terms of section 21(4) of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) notice is hereby given that persons who cannot read or write may request that an employee at any of the reception offices of the Cape Agulhas Municipal Council assist in the formulation and writing of input, comments or objections.

Further particulars are available for inspection in the office of the undersigned during office hours and written objections, if any, must reach him not later than 18 March 2011.

R STEVENS, MUNICIPAL MANAGER, PO BOX 51, BREDASDORP, 7280

18 February 2011

22907

## KAAP AGULHAS MUNISIPALITEIT

AANSOEK OM VERGUNNINGSGEBRUIK/AFWYKING:  
GEDEELTE 46 VAN DIE PLAAS THE POTTEBERG ESTATES  
NR 516, SWELLENDAM

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruik-beplanning, 1985 (Nr. 15 van 1985) dat die Raad die volgende aansoek ontvang het, naamlik:

Vergunningsgebruik/Afwyking op Gedeelte 46 van die Plaas The Potteberg Estates Nr. 516, Swellendam ten einde 'n sellulêre kommunikasie basisstasie op die eiendom te vestig.

Ingevolge artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis gegee dat persone wat nie kan skryf nie enige munisipale personeellid by enige ontvangskantore van die Raad te Kaap Agulhas kan nader vir hulpverlening om u kommentaar, beswaar of inset op skrif te stel.

Verdere besonderhede van bogenoemde lê ter insae in die kantoor van die ondergetekende en skriftelike besware, indien enige, moet hom nie later as 18 Maart 2011 bereik nie.

R STEVENS, MUNISIPALE BESTUURDER, POSBUS 51, BREDASDORP, 7280

18 Februarie 2011

22905

## KAAP AGULHAS MUNISIPALITEIT

AANSOEK OM AFWYKING: ERF 494, SMYTHESTRAAT,  
NAPIER

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruik-beplanning, 1985 (Nr. 15 van 1985) dat die Raad die volgende aansoek oorweeg op erf 494, Napier:

Tydlike afwyking op erf 494, Napier om wegneem etes vanuit 'n toegeruste houer op die perseel te akkommodeer,

Ingevolge artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis gegee dat persone wat nie kan skryf nie enige munisipale personeellid by enige ontvangskantore van die Raad te Kaap Agulhas kan nader vir hulpverlening om u kommentaar, beswaar of inset op skrif te stel.

Verdere besonderhede van bogenoemde lê ter insae in die kantoor van die ondergetekende en skriftelike besware, indien enige, moet hom nie later as 18 Maart 2011 bereik nie.

R STEVENS, MUNISIPALE BESTUURDER, POSBUS 51, BREDASDORP, 7280

18 Februarie 2011

22906

## KAAP AGULHAS MUNISIPALITEIT

AANSOEK OM VERGUNNING: ERF 118, SAREL  
CILLIERSSTRAAT, NAPIER

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruik-beplanning, 1985 (Nr. 15 van 1985) dat die Raad die volgende aansoek oorweeg op erf 125, Napier:

Vergunningsgebruik op erf 125, Napier om 'n woongebou op 'n sakeperseel te akkommodeer.

Ingevolge artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis gegee dat persone wat nie kan skryf nie enige munisipale personeellid by enige ontvangskantore van die Raad te Kaap Agulhas kan nader vir hulpverlening om u kommentaar, beswaar of inset op skrif te stel.

Verdere besonderhede van bogenoemde lê ter insae in die kantoor van die ondergetekende en skriftelike besware, indien enige, moet hom nie later as 18 Maart 2011 bereik nie.

R STEVENS, MUNISIPALE BESTUURDER, POSBUS 51, BREDASDORP, 7280

18 Februarie 2011

22907

## CITY OF CAPE TOWN (TYGERBERG REGION)

## REMOVAL OF RESTRICTIVE TITLE CONDITIONS, REZONING AND REGULATION DEPARTURES

- Erf 8387, Boston, Bellville (*second placement*)

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, Act 84 of 1967 that the undermentioned application has been received and is open to inspection at the office of the District Manager at Parow Civic Centre, Voortrekker Road, Parow, and that any enquiries may be directed to Miss Cythna Minnaar, Private Bag X4, Parow 7499, Cythna.minnaar@capetown.gov.za, (021) 938-8138 and (021) 938-8509 weekdays during 08:00-14:30. The application is also open to inspection at the office of the Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Provincial Government of the Western Cape at the Utilitas Building, 1 Dorp Street, Cape Town weekdays from 08:00-12:30 and 13:00-15:30. Telephonic enquiries in this regard may be made at (021) 483-4225 and the Directorate's fax number is (021) 483-3633. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning at Private Bag X9086, Cape Town, 8000 on or before 22-03-2011, quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded.

*Applicant:* Alwi Theart – Urban Rural

*Nature of application:* It is proposed to Rezone the subject property from Single Residential to Office Park to permit the operation of offices from the existing building. Application has also been made for the relaxation of both side building lines from 4.5m to 1.5m & 2.0m respectively. It is further proposed for the various title deed restrictions to be removed.

ACHMAT EBRAHIM, CITY MANAGER

18 February 2011

22908

## STAD KAAPSTAD (TYGERBERG-STREEK)

## OPHEFFING VAN BEPERKENDE TITELVOORWAARDES, HERSONERING EN REGULASIEAFWYKINGS

- Erf 8387, Boston, Bellville (*tweede plasing*)

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op Opheffing van Beperkings, Wet 84 van 1967, dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Parow-burgersentrum, Voortrekkerweg, Parow. Navrae kan gerig word aan me. Cythna Minnaar, e-posadres: Cythna.minnaar@capetown.gov.za, tel (021) 938-8138, en faksnr. (021) 938-8509, weksdae gedurende 08:00 tot 14:30. Die aansoek is ook ter insae beskikbaar by die kantoor van die direkteur: geïntegreerde omgewingsbestuur, departement van omgewingsake & ontwikkelingsbeplanning, provinsiale regering van die Wes-Kaap, Utilitas-gebou, Dorpstraat 1, Kaapstad, weksdae van 08:00 tot 12:30 en 13:00 tot 15:30. Telefoniese navrae in dié verband aan (021) 483-4225 gerig word, en die direktoraat se faksnr. is (021) 483-3633. Enige besware, met volledige redes daarvoor, kan voor of op 22 Maart 2011 skriftelik by die kantoor van bogenoemde direkteur: geïntegreerde omgewingsbestuur, departement van omgewingsake & ontwikkelingsbeplanning, Privaat Sak X9086, Kaapstad 8000, ingedien word, met vermelding van bogenoemde Wet en die beswaarmaker se erfnummer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan dalk nie in ag geneem word nie.

*Aansoeker:* Alwi Theart – Urban Rural

*Aard van aansoek:* Daar word beoog om die onderhawige eiendom van enkelresidensieel na kantoorpark te hersoneer om toe te laat dat kantore in die bestaande gebou bedryf word. Daar is ook aansoek gedoen om die verslapping van albei syboullyne van 4.5m tot 1.5m en 2.0m onderskeidelik. Daar word verder voorgestel dat die verskillende titelaktebeperkings opgehef word.

ACHMAT EBRAHIM, STADSBESTUURDER

18 Februarie 2011

22908

## CITY OF CAPE TOWN (TYGERBERG REGION)

## UKUSUSWA KWEMIQATHANGO YETAYTILE ETHINTELAYO, UCANDO NGOKUTSHA NOTYESHELO LWEMIGAQO

- Isiza 8387, Boston, Bellville (*sikhutshwa okwesibini*)

Kukhutshwa isaziso ngokungqinelana neCandelo 3(6) loMthetho wokuSuswa kweziThintelo, uMthetho 84 wango-1967 sokuba esi sicelo singezantsi sifunyenwe yaye sivulelekile ukuba sihlolwe kwi-ofisi yoMphathi weSithili kwiZiko leeNkonzo zoLuntu lase-Parow, Voortrekker Road, Parow, kwaye imibuzo ingajoliswa kuNkszn Cythna Minnaar, Private Bag X4, Parow 7499, Cythna.minnaar@capetown.gov.za, (021) 938-8138 no-(021) 938-8509 phakathi evekini ngala maxesha 08:00-14:30. Esi sicelo sikwavulelekile ukuba sihlolwe kwi-ofisi yoMlawuli: woLawulo oluHlanganisiweyo lokusiNgqongileyo, iSebe leMicimbi yokusiNgqongileyo noCwanciso loPhuhliso, uRhulumente wePhondo leNtshona Koloni kwiSakhiwo i-Utilitas Building, 1 Dorp Street, eKapa phakathi evekini ukususela kweye-08:00-12:30 neyo-13:00-15:30. Imibuzo ngomxebe amlunga noku ingenziwa kwa-(021) 483-4225 kwaye inombolo yefeksi yeCandelo loLawulo ngu-(021) 483-3633. Naziphina izichaso, nezizathu ezizelelo zoko, zingangeniswa kule o-fisi yoMlawuli ekhankanywe ngentla: uLawulo oluHlanganisiweyo lokusiNgqongileyo, Isebe leMicimbi yokusiNgqongileyo noCwanciso loPhuhliso kwa-Private Bag X9086, eKapa, 8000 ngomhla wama-22-March 2011 okanye ngaphambi kwawo, kucatshulwa lo Mthetho ungentla nenombolo yesiza yomchasi. Naziphina izichaso ezifunyenwe emva komhla wokuvala okhankanywe ngentla zisenokungananzwa.

*Umfaki-sicelo:* Alwi Theart – Imimandla yedolophini neyaMaphandle

*Uhlobo lwesicelo:* Kuphakanyiswa ukuba makuCandwe ngokutsha ipropati ekubhekiselwe kuyo ukususela kwiNdawo yokuhlala elungiselelwe umntu omnye kuye kwiiNdawo yee-Ofisi ukwenzela kuvumeleke ukuvulwa kwee-ofisi kwisakhiwo esikhoyo. Kwenziwe nesicelo sokunyeniswa kwamacala omabini emida yezakhiwo ukususela kwi-4.5m kuye kwi-1.5m & 2.0m ngokulandelelana kwayo. Kuphakanyiswa kanaanjalo ukususwa kwezithintelo zetaytile ezingezinye.

ACHMAT EBRAHIM, CITY MANAGER

18 February 2011

22908

## GEORGE MUNICIPALITY

NOTICE NO 005/2011

CLOSING OF PORTION OF BIESIE AVENUE ADJOINING  
ERVEN 6584, 6585 AND 20022 GEORGE

Notice is hereby given in terms of the provision of Section 137(1) of Ordinance 20 of 1974 that the Council has closed a portion of Biesie Avenue adjoining erven 6584, 6585 and 20022 George and that such closure will take effect from the date on which this notice appears.

(S/8775/11 v6 p.56)

T BOTHA, ACTING MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE 6530

18 February 2011

22910

## HESSEQUA MUNICIPALITY

CLOSURE OF PORTION OF DWERG STREET ADJOINING  
ERVEN 3105 AND 6436, RIVERSDAL

Notice is hereby given in terms of Section 137(1) of Ordinance 20 of 1974 that a portion of Dwerf Street adjoining Erven 3105 and 6436 Riversdal, has been closed. (S/3143/99 v1 p.16)

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, PO BOX 29, RIVERSDAL 6670

18 February 2011

22911

## HESSEQUA MUNICIPALITY

PROPOSED SUBDIVISION OF PORTION 2 (Ratel Post) and  
CONSOLIDATION WITH PORTION 1 OF THE FARM RATEL  
POST NO. 473 RIVERSDALE DISTRICT

Notice is hereby given in terms of the Section 24(2) of Ordinance 15 of 1985 that the Hessequa Council has received the following application on the abovementioned property:

*Property:* Portion 2 (Ratel Post) of the Farm Ratel Post No. 473 – 135.2036ha – Agriculture Zone I

*Proposal:* Subdivision of Portion 2 (Ratel Post) of the Farm Ratel Post No. 473 as follows:

Portion A – 70ha

Portion B – 65ha

Consolidation of Portion B with Portion 1 (397.8305ha) of the farm Ratel Post No. 473

*Applicant:* Van der Walt & Visagie Professional Land Surveyors (on behalf of MD Oosthuizen)

Details concerning the application are available at the office of the undersigned during office hours as well as the Riversdale Municipal office. Any objections to the proposed application should be submitted in writing to reach the office of the undersigned not later than 11 March 2011.

People who cannot write can approach the office of the undersigned during normal office hours where the responsible official will assist you in putting your comments or objections in writing.

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, PO BOX 29, RIVERSDALE 6670

18 February 2011

22912

## GEORGE MUNISIPALITEIT

KENNISGEWING NR 005/2011

SLUITING VAN 'N GEDEELTE VAN BIESIELAAN GRESEND  
AAN ERWE 6584, 6585 EN 20022 GEORGE

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 137(1) van Ordonnansie 20 van 1974 dat die Raad 'n gedeelte van Biesielaan grensend aan erwe 6584, 6585 en 20022 George gesluit het en dat gemelde sluiting vanaf die datum waarop hierdie kennisgewing verskyn van krag sal wees.

(S/8775/11 v6 p.56)

T BOTHA, WAARNEMENDE MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE 6530

18 Februarie 2011

22910

## HESSEQUA MUNISIPALITEIT

SLUITING VAN GEDEELTE VAN DWERGSTRAAT GRESEND  
AAN ERWE 3105 EN 6436 RIVERSDAL

Kennis geskied hiermee ingevolge Artikel 137(1) van Ordonnansie 20 van 1974 dat gedeelte van Dwerfstraat grensend aan erwe 3105 & 6436 Riversdal gesluit is. (S/3143/99 v1 p.16)

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, POSBUS 29 RIVERSDAL 6670

18 Februarie 2011

22911

## HESSEQUA MUNISIPALITEIT

VOORGESTELDE ONDERVERDELING VAN GEDEELTE 2 (Ratel  
Post) KONSOLIDASIE MET GEDEELTE 1 VAN DIE PLAAS  
RATEL POST Nr. 473 RIVERSDAL DISTRIK

Kennis geskied hiermee ingevolge Artikel 24(2) van Ordonnansie 15 van 1985 dat die Hessequa Raad die volgende aansoek op bogenoemde eiendom ontvang het:

*Eiendomsbeskrywing:* Ged. 2 (Ratel Post) van die Plaas Ratel Post Nr. 473 – 135.2036ha – Landbousone I

*Aansoek:* Onderverdeling van Gedeelte 2 (Ratel Post) van die Plaas Ratel Post Nr. 473 as volg:

Gedeelte A: – 70ha

Gedeelte B – 65ha

Konsolidasie van Gedeelte B met Ged. 1 (397.8305ha) van die Plaas Ratel Post Nr. 473

*Aansoeker:* Van der Walt & Visagie Professionele Landmeters (nms MD Oosthuizen)

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende gedurende kantoorure sowel as Riversdal Munisipale Kantore. Enige besware teen die voorgenome aansoek moet skriftelik gerig word om die ondergetekende te bereik nie later as 11 Maart 2011.

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens sy normale kantoorure waar die betrokke amptenaar u sal help om u kommentaar of besware op skrif te stel.

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, POSBUS 29, RIVERSDAL 6670

18 Februarie 2011

22912



MOSEL BAY MUNICIPALITY  
MUNICIPAL ORDINANCE, 1974  
(ORDINANCE 20 OF 1974)

CLOSURE OF PUBLIC PLACE ERF 8837 MOSEL BAY

Notice is hereby given in terms of section 137(1) of the Municipal Ordinance, Ordinance 20 of 1974, that the Municipality of Mossel Bay has permanently closed Public Place Erf 8837 Mossel Bay.

*Ref:* 15/4/13/5;15/4/13/9

*Surveyor General Ref:* S/8302/111 v1 p 99

DR M GRATZ, MUNICIPAL MANAGER

18 February 2011

22913

MOSEL BAY MUNICIPALITY  
REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)

LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000  
(ACT 32 OF 2000)

REMOVAL OF RESTRICTIONS, REZONING AND  
CONSENT USE: ERF 763, 39 LONG STREET,  
GREAT BRAK RIVER

Notice is hereby given in terms of section 3(6) of the Removal of Restrictions Act, 1967, section 17 of the Land Use Planning Ordinance, 1985 and Regulation 4.6 of the Section 8 Scheme regulations (PN 1048/1988) that the undermentioned applications have been received and are open to inspection at the office of the Municipal Manager, Mossel Bay Municipality. Any enquiries may be directed to Mr R Smit, Town Planning Department, PO Box 25, Mossel Bay, 6500, telephone number (044) 606-5074 and fax number (044) 690-5786. The application in terms of the aforementioned Act is also open to inspection at the office of the Director: Land Management, Provincial Government of the Western Cape at room 202 Utilitas Building, 1 Dorp Street, Cape Town, from 8:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-4114 and the Directorate's fax number is (021) 483-3633. Any objections, with full reason therefor, should be lodged in writing at the office of the abovementioned Director: Land Management at Private Bag X9086, Cape Town, 8000, on or before Tuesday, 22 March 2011 quoting the above legislation and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

In terms of Section 21(4) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) notice is hereby given that people who cannot write can approach the Department Legal Services during office hours where a member of staff will assist you in putting your comments or objections in writing.

*Applicant:* AJ & MF van der Walt on behalf of Drielaine Trust

*Nature of application:*

1. Removal of the restrictive title conditions applicable to Erf 763, Great Brak River to enable the owner to utilise the property as an Art Gallery, theatre, venue for functions and conferences;
2. Rezoning of Erf 763, Great Brak River from "Residential I" zone to "Business II" zone;
3. Consent use to allow the use "place of assembly" on Erf 763, Great Brak River.

DR M GRATZ, MUNICIPAL MANAGER

*File Reference:* 15/4/34/1, x 15/4/34/4, x 15/4/34/5

18 February 2011

22915

MOSELBAAI MUNISIPALITEIT  
MUNISIPALE ORDONNANSIE, 1974  
(ORDONNANSIE 20 VAN 1974)

SLUITING VAN OPENBARE PLEK ERF 8837 MOSELBAAI

Kennis geskied hiermee ingevolge artikel 137(1) van die Munisipale Ordonnansie, Ordonnansie 20 van 1974, dat die Munisipaliteit van Mosselbaai Openbare Plek Erf 8837 Mosselbaai permanent gesluit het.

*Verw:* 15/4/13/5;15/4/13/9

*Landmeter-Generaal Verw:* S/8302/111 v1 p 99

DR M GRATZ, MUNISIPALE BESTUURDER

18 Februarie 2011

22913

MOSELBAAI MUNISIPALITEIT  
WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORD 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,  
2000 (WET 32 VAN 2000)

OPHEFFING VAN BEPERKINGS, HERSONERING EN  
VERGUNNINGSGEBRUIK: ERF 763 LANGSTRAAT 39  
GROOT-BRAKRIVIER

Kennis geskied hiermee kragtens artikel 3(6) van die Wet op Opheffing van Beperkings, artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 en Regulasie 4.6 van die Artikel 8 Skema regulasies (PK 1048/1988) dat die ondergemelde aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Mosselbaai Munisipaliteit. Enige navrae kan gerig word aan Mnr R Smit, Stadsbeplanning, Posbus 25, Mosselbaai, 6500, telefoonnommer (044) 606-5074 en faksnommer (044) 690-5786. Die aansoek ingevolge voorgemelde Wet lê ook ter insae by die kantoor van die Direkteur, Grondbestuur, Provinsiale Regering van die Wes-Kaap, by kamer 202 Utilitasgebou, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word by Tel Nr. (021) 483-4114 en die Direktooraat se faksnommer is (021) 483-3633. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Grondbestuur, Privaatsak X9086, Kaapstad, 8000, ingedien word voor of op Dinsdag, 22 Maart 2011 met vermelding van bogenoemde wetgewing en die beswaarmaker se erfnummer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Ingevoige Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis gegee dat persone wat nie kan skryf nie, die Afdeling Regsdienste kan nader tydens kantoorure waar 'n lid van die personeel u behulpsaam sal wees om u kommentaar of besware op skrif te stel.

*Aansoeker:* AJ & MF van der Walt namens Drielaine Trust

*Aard van aansoek:*

1. Opheffing van beperkende titelvoorwaardes van toepassing op Erf 763, Groot-Brakrivier, ten einde die eienaar in staat te stel om die perseel te benut as Kuns Gallery, Kunsfilm Teater, opvoerings en konferensies;
2. Hersonerig van Erf 763, Groot-Brakrivier vanaf "Residensieel I" na "Sakesone II";
3. Vergunningsgebruik ten einde die gebruik "vergaderplek" op Erf 763, Groot-Brakrivier toe te laat.

DR M GRATZ, MUNISIPALE BESTUURDER

*Lêer Verwysing:* 15/4/34/1, x 15/4/34/4, x 15/4/34/5

18 Februarie 2011

22915

<p>MOSSEL BAY MUNICIPALITY MUNICIPAL ORDINANCE, 1974 (ORDINANCE 20 OF 1974)</p> <p>CLOSURE OF PORTION OF PUBLIC PLACE ERF 8459 ADJACENT TO ERVEN 8445 AND 8446 MOSSEL BAY</p> <p>Notice is hereby given in terms of section 137(1) of the Municipal Ordinance, Ordinance 20 of 1974, that the Municipality of Mossel Bay has permanently closed portion of Public Place Erf 8459 adjacent to Erven 8445 and 8446 Mossel Bay.</p> <p><i>Ref:</i> 15/4/13/2;15/4/13/5;15/4/13/9</p> <p><i>Surveyor General Ref:</i> S/8302/111 v1 p 95</p> <p>DR M GRATZ, MUNICIPAL MANAGER</p> <p>18 February 2011</p>	<p>MOSSELBAAI MUNISIPALITEIT MUNISIPALE ORDONNANSIE, 1974 (ORDONNANSIE 20 VAN 1974)</p> <p>SLUITING VAN GEDEELTE VAN OPENBARE PLEK ERF 8459 GRESEND AAN ERWE 8445 EN 8446 MOSSELBAAI</p> <p>Kennis geskied hiermee ingevolge artikel 137(1) van die Munisipale Ordonnansie, Ordonnansie 20 van 1974, dat die Munisipaliteit van Mosselbaai gedeelte van Openbare Plek Erf 8459 grensend aan Erwe 8445 en 8446 Mosselbaai, permanent gesluit het.</p> <p><i>Verw:</i> 15/4/13/2;15/4/13/5;15/4/13/9</p> <p><i>Landmeter-Generaal Verw:</i> S/8302/111 v1 p 95</p> <p>DR M GRATZ, MUNISIPALE BESTUURDER</p> <p>18 Februarie 2011</p>
22914	22914

WESTERN CAPE PROVINCIAL GOVERNMENT  
DEPARTMENT OF TRANSPORT & PUBLIC WORKS  
OPM 021/10: NOTICE OF LEASE OF PROVINCIAL PROPERTY

Offers are invited for the lease of the following property:

A freestanding four bedroom house situated on Erf Nr 96542, 3 San Souci Road, Newlands at a monthly market related rental. Higher offers and credit worthiness will be taken into consideration. The province reserves the right not to accept any offer.

The closing date for the submission of Offers is at 11H00 am on 25 March 2011 and the Offer to Lease form(s) must be deposited in the tender box situated on Ground Floor, 9 Dorp Street, Cape Town.

Offers must be submitted on the prescribed Offer to Lease form(s), which can be obtained from Department of Transport and Public Works, No. 9 Dorp Street, 7th Floor—Room 701, Cape Town. Any further queries can be directed to Ms P Mbane at Tel. (021) 483-5598.

Please note that late offers will not be considered.

18 February 2011

22916

WES-KAAP PROVINSIALE REGERING  
DEPARTEMENT VAN VERVOER & OPENBARE WERKE  
OPM 021/10: KENNIS VIR DIE VERHURING VAN PROVINSIALE EIENDOM

Aanbiedinge word hierby gevra vir huur van die volgende eiendom:

'n Losstaande vier slaapkamer woning geleë op Erf Nr. 96542, 3 San Souci Weg, Newlands teen 'n maandelikse markverwante huur. Hoër aanbieding en kredietwaardigheid sal in aanmerking geneem word. Die Provinsie behou die reg om nie enige aanbod te aanvaar nie.

Die sluitingsdatum vir die indiening van aanbiedinge is om 11H00 vm op 25 Maart 2011 en die Huuraanbod vorm(s) moet in die tenderbus wat op Grondvloer, 9 Dorpstraat, Kaapstad geleë is, gedeponeer word.

Aanbiedinge moet voorgelê word op die voorgeskrewe Huuraanbodvorm(s) wat verkrygbaar is by 7de Vloer-701, Dorpstraat 9, Kaapstad. Enige verdere navrae kan gerig word aan Me. P Mbane by Tel Nr. (021) 483-5598

18 Februarie 2011

22916

WESTERN CAPE PROVINCIAL GOVERNMENT  
DEPARTMENT OF TRANSPORT & PUBLIC WORKS  
OPM 021/10: ISAZISO ESIMALUNGA NOKUQASHISA NGOMHLABA WEPHONDO

Kumemelelwa ulwenziwo leethenda zokuqashisa lo mhlaba ulandelayo:

Indlu emagumbi mane ezimeleyo ekwiSiza 96542, 3 San Souci Road, eNewlands ngexabiso elibizwayo lokurenta kwindawo leyo ngenyanga. Kuya kuqwalaselwa iziphakamiso eziphezulu kukhangelwe nokuba ingaba umntu lowo mhle na ngokwamatyala.

Umhla wokuvala ukwamkelwa kwezi ziphakamiso yintsimbi ye-11h00 ngomhla we-25 Eyokwindla 2011 kanti ifomu/iifomu kufuneka zifakwe kwibhokisi yeethenda ephaya kumgangatho osezantsi, 9 Dorp Street, Cape Town.

Iziphakamiso kufuneka zithunyelwe ngefomu, i-Offer to Lease, efumaneka kuMnu Grant De La Cruz, kuMgangatho wesiXhenxe, No 9 Dorp Street, eKapa. Malunga nolwazi oluphangaleleyo qhagamshelana no Nkosazana P Mbane kule Nombolo (021) 483-5598.

Nceda ugaphele ke ukuba aziyi kuqwalaselwa iziphakamiso ezifike emva kwexesha.

18 February 2011

22916

WESTERN CAPE PROVINCIAL GOVERNMENT  
DEPARTMENT OF TRANSPORT & PUBLIC WORKS

OPM 020/10

NOTICE OF LEASE OF PROVINCIAL PROPERTY PAARL: PORTION OF ERF 15353, HOUSE NO. 7, PAARL ROAD CAMP

Bids are invited for Leasing of the property for Residential Purposes for a period of 12 months "Voetstoots" at market-related rental.

Bid documents will be available for collection from Ms L Norkee, Department of Transport & Public Works, 9 Dorp Street, 7th Floor, Cape Town and Mr D Berling at the Paarl Roads Camp, 1 Main Road, Southern-Paarl, Paarl.

Bids must be submitted on the prescribed Bid documentation. The closing date for the submission of Bids is at 11h00 on 25 March 2011. Bid documentation must be deposited in the tender box situated at 1 Main Road, Southern-Paarl, Paarl or 9 Dorp Street, Ground Floor, Cape Town.

*General Enquiries:* Ms K Woolls, Tel. No: (021) 483-2664, Fax No: (021) 483-5353 or E-mail Kwoolls@pgwc.gov.za

The Department reserves the right after due consideration not to accept any offers. Please note that late offers will not be considered.

18 February 2011

22918

WES-KAAP PROVINSIALE REGERING  
DEPARTEMENT VAN VERVOER EN OPENBARE WERKE

OPM 020/10

KENNIS VIR DIE VERHURING VAN PROVINSIALE EIENDOM PAARL: GEDEELTE VAN ERF 15353, HUIS NR. 7, PAARL PADKAMP

Aanbiedinge word hierby gevra vir die Verhuring van eiendom vir Residensiële doeleindes vir 'n 12 maande periode "Voetstoots" teen Mark Verwante Huur.

Tendervorms is verkrygbaar by Me L Norkee, Departement van Vervoer & Openbare Werke, Dorpstraat 9, 7de Vloer, Kaapstad en Mnr D Berling Paarl Padkamp, Hoofstraat 1, Suider-Paarl, Paarl.

Aanbiedinge moet voorgelê word op die voorgeskrewe Tendervorms. Die sluitingsdatum vir die indiening van aanbiedinge is om 11h00 op 25 Maart 2011. Aanbiedinge moet in die tenderbus wat te Hoofstraat 1, Suider-Paarl, Paarl of Dorpstraat 9, Grondvloer, Kaapstad geleë is, gedeponeer word.

*Algemene navrae:* Me K Woolls, Tel. (021) 483-2664 Faks (021) 483-5353 of per e-pos Kwoolls@pgwc.gov.za

Die Departement behou die reg voor om na grondige oorweging geen aanbiedinge te aanvaar. Neem asseblief kennis dat geen laat aanbiedinge oorweeg sal word nie.

18 Februarie 2011

22918

WESTERN CAPE PROVINCIAL GOVERNMENT  
DEPARTMENT OF TRANSPORT & PUBLIC WORKS

OPM 020/10

ISAZISO SENGQESHO YOMHLABA WEPHONDO PAARL: PORTION OF ERF 15353, HOUSE NO. 7, PAARL ROADS CAMP

Kumenywa izithembiso zeNgqesho yesakhiwo ukuze sibe yindawo yoKuhlala isithuba seenyanga ezili- 12 "Njengoko sinjalo" ngexabiso lengqesho elikwiimalike.

Amaxwebhu ezithembiso aya kufumaneka ukuba alandwe Nksz L Norkee, Department of Transport & Public Works, 9 Dorp Street, 7th Floor, Cape Town—kuMnumzana D Berling, 1 Main Road, Southern Paarl, Paarl.

Izithembiso mazifakwe ngamaxwebhu afanelekileyo elithembiso. Umhla wokuvalwa kokufakwa kwelithembiso yintsimbi ye- 11h00 ngomhla wama- 25 Eyokwindla 2011. Amaxwebhu elithembiso makafakwe kwibhokisi yeethenda ebekwe kuMgangatho oseZantsi, 1 Main Road, Southern-Paarl, Paarl /9 Dorp Street, Ground Floor, Cape Town.

*Imibuzo Jikelele:* Nksz K Woolls, Kwa-: (021) 483-2664, iFeksi: (021) 483-5353 okanye i- E-meyile Kwoolls@pgwc.gov.za

Isebe linelungelo elikhuselweyo lokungamkeli nasiphi na izithembiso xa liqibwe njalo. Qaphela ukuba izithembiso ezifakwe emva kwexesha azivi kuqwalaselwa.

18 February 2011

22918

WITZENBERG MUNICIPALITY  
REGULATION 4 ANNEXURE 3

PUBLIC NOTICE CALLING FOR INSPECTION OF FIRST SUPPLEMENTARY VALUATION ROLL FOR 2010/2011

Notice is hereby given in terms of section 49(1)(a)(i) read together with section 78(2) of the Local Government Municipal Property Rates Act, 2004 (Act no 6 of 2004), hereinafter referred to as the "Act", that the first supplementary valuation roll for the financial years 2010/2011 is open for public inspection at the local municipal offices from 10 February 2011 to 12 March 2011. In addition the supplementary valuation roll are available at website [www.witzenberg.gov.za](http://www.witzenberg.gov.za)

An invitation is hereby made in terms of section 49(1)(a)(ii) read together with section 78(2) of the Act that any owner of 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 first supplementary valuation within the abovementioned period.

Attention is specifically drawn to the fact that in terms of section 50(a) of the Act an objection must be in relation to a specific individual property and not against the supplementary valuation roll as such.

The forms for the lodging of an objection are obtainable at the abovementioned information stations. The completed forms must be dropped at the municipal offices.

Only objections on the prescribed forms will be considered.

Enquiries: Ms A Freeman at (023) 316-8122 during office hours or  
Ms M Poole at (023) 316-8182 during office hours.

D NASSON, MUNICIPAL MANAGER

18 February 2011

22919

WITZENBERG MUNISIPALITEIT  
REGULASIE 4 AANHANGSEL 3

PUBLIEKE KENNISGEWING WAT INSPEKSIE VAN EERSTE AANVULLENDE WAARDASIEROL VIR 2010/2011 AANVRA

Kennis word hierby ingevolge artikel 49(1)(a)(i), saamgelees met artikel 78(2) van die Plaaslike Regering Munisipale Eiendomsbelasting Wet, 2004 (Wet nr 6 van 2004) gegee, hierin vernoem as die "Wet", dat die eerste aanvullende waardasierol vir die boekjaar 2010/2011, oop is vir publieke inspeksie by die plaaslike munisipale kantore vanaf 10 Februarie 2011 tot 12 Maart 2011. Tot toevoeging is die aanvullende waardasierol ook beskikbaar op webbladsy [www.witzenberg.gov.za](http://www.witzenberg.gov.za)

'n Uitnodiging word hierby gemaak in terme van Artikel 49(1)(a)(ii) saamgelees met Artikel 78(2) van die Wet dat enige eienaar van eiendom of ander persoon wat so verlang 'n beswaar by die munisipale bestuurder kan indien vir enige aangeleentheid in die eerste aanvullende waardasierol in sy geheel.

Die vorms om 'n beswaar in te dien, is by bogenoemde standplase beskikbaar. Die voltooide vorms moet by die munisipale kantore ingedien word.

Slegs besware op die voorgeskrewe vorms sal oorweeg word.

Navrae: Me A Freeman by Tel (023) 316-8122 gedurende kantoor ure of  
Me M Poole by Tel (023) 316-8182 gedurende kantoor ure

D NASSON, MUNISIPALE BESTUURDER

18 Februarie 2011

22919

WITZENBERG MUNICIPALITY  
UMTHETHO 4 ISIHLOMELO 3

ISAZISO SIKAWONKE—WONKE NGOKUHLOLWA KO XABANGELO LOKUQALA LUKA 2010/2011 LAMAXABISO  
NGOKWANDISWA KWEZAKHIWO/IZINDLU

Esisaziso sikhutshwe ngokweCandelo 49(1)(a)(i) elihambisana neCandelo 78(2) loRhulumente wezeKhaya kumthetho ka 2004 unombolo 6 oyi (Local Government Municipal Property Rates) ozakuthi emveni koku ubizwe nje "ngoMthetho" othi uhloko lukawonkewonke loxabangelo lokuqala lwamaxabiso ezakhiwo/izindlu kwabo bathe bandisa kulonyakamali ka 2010/2011 luvuliwe kwi-Ofisi zikaMasipala wengingqi ukusukela ngomhla we 10 kweyoMdumba 2011 ukuya ngomhla we 12 kweyoKwindla 2011. Oluxabangelo lukhona kwi(website) unxibelelwano ngekompuyutha [www.witzenberg.gov.za](http://www.witzenberg.gov.za)

Esisimemo senziwe ngokweCandelo 49(1)(a)(ii) elifundwa ngokufana twatse neCandelo 78(2) lomthetho othi wonke ubani ongumnini-mhlaba/indlu onqwenela oluxabangelo kufuneka enze unakhonakho wokudibana noMlawuli-Masipala kolu xabangelo lokuqala lukhankanywe ngasentla kwaye siqaphele ixesha elisisimiselo.

Ngokwecandelo 50(a) lomthetho, isiphikiso/isiphakamiso kufuneka singqamane nendlu/ indawo yalomntu kodwa singabingaphesheya kwibhobhile/ (roll) yoxabangelo.

Iifomu zeziphikiso/iziphakamiso zikhona kwi-Ofisi zikaMasipala. Kwaye ifomu ezigcwalisiweyo kufuneka zisiwe kwi-Ofisi zikaMasipala waseWitzenberg.

Ziziphakamiso zodwa ezizakuthathelwa ingqalelo.

Imibuzo: Ms A Freeman at (023) 316-8122 ngamaxesha omsebenzi  
Ms M Poole at (023) 316-8182 ngamaxesha omsebenzi.

D NASSON, UMLAWULI-MASIPALA

18 kweyoMdumba 2011

22919



## WESTERN CAPE GAMBLING AND RACING BOARD

## NOTICE

## RECEIPT OF APPLICATIONS FOR MANUFACTURER &amp; SHAREHOLDER KEY EMPLOYEE LICENCES

In terms of the provisions of Section 32(2) of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) ("the Act"), as amended, the Western Cape Gambling and Racing Board hereby gives notice that applications for i) a manufacturer licence, as provided for in Sections 27(f) and 50 of the Act, and ii) a shareholder key employee licence, as provided for in Sections 27(1) and 56 of the Act, have been received.

*Applicant for a manufacturer and shareholder key licences:* Purple Capital Limited (Listed Company)

*Registration number:* 1998/013637/06

*Persons having a direct financial interest in the applicant:* Non-public shareholders: Directors of Purple Capital Limited (58.7%)

*Persons having an indirect financial interest in the applicant:* Public shareholders: General public (41.3%)

All persons have the opportunity to object to or comment on the above applications. Where objections are lodged, the grounds on which such objections are founded, must be furnished. Where comment is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than 16:00 on 11 March 2011.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, PO Box 8175, Roggebaai 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer on fax (021) 422-2602.

18 February 2011

22917

## WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

## KENNISGEWING

## ONTVANGS VAN AANSOEKE OM 'N VERVAARDIGERS-LISENSIE &amp; 'N SLEUTELWERKNEMERLISENSIE

Kragtens die bepalings van artikel 32(2) van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996) ("die Wet"), soos gewysig, gee die Wes-Kaapse Raad op Dobbelary en Wedrenne hiermee kennis dat aansoeke om i) 'n vervaardigerslisensie, soos beoog in artikels 27(f) en 50 van die Wet, en ii) 'n sleutelwerknemerlisensie, soos beoog in artikels 27(1) en 56 van die Wet, ontvang is.

*Aansoeker om 'n vervaardigers- en sleutelwerknemerlisensies:* Purple Capital Limited (Genoteerde Maatskappy)

*Registrasienuommer:* 1998/013627/06

*Persone wat 'n direkte Finansiële belang in die Aansoeker het:* Privaat-aandeelhouers: Direkteure van Purple Capital Limited (58.7%)

*Persone wat 'n indirekte Geldelike belang in die Aansoeker het:* Publieke aandeelhouers: Algemene Publiek (41.3%)

Alle persone kry die geleentheid om beswaar teen of kommentaar ten opsigte van bogemelde aansoeke aan te teken. In die geval van besware, moet die gronde waarop sodanige besware gebaseer is, verskaf word. Waar kommentaar verstrek word, moet die volle besonderhede en feite om sodanige kommentaar te staaf, voorsien word. Die naam, adres en telefoonnommer van die persoon wat beswaar wil maak of kommentaar wil lewer, moet ook voorsien word. Kommentaar of besware moet die Raad op die laatste teen 16:00 op 11 Maart 2011 bereik.

Besware of kommentaar moet gestuur word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad 8001 of aan die Hoof- Uitvoerende Beampte gefaks word na (021) 422-2602.

18 Februarie 2011

22917

**CITY OF CAPE TOWN**  
**WATER BY-LAW, 2010**

**To repeal the City of Cape Town: Water By-law of 2006; to provide for the control and regulation of water services in the City; and to provide for matters incidental thereto.**

**Arrangement of Sections**

Chapter 1: Definitions and General Provisions

1. Definitions
2. Application and purpose
3. Powers of the Director
4. Service levels
5. Delegation
6. Entry upon water services facilities
7. Imminent emergencies and situations that require immediate action
8. Duties of the public
9. Recovery of costs
10. Compliance notices
11. Responsibility for compliance with By-law

Chapter 2: Provisions Relating to the Supply of Water

12. Unauthorized use of water
13. Application for supply of water
14. Transfer of ownership
15. Special agreements for supply of water
16. Pipes in streets or public places
17. Fees
18. Termination of agreements
19. Interference with the water supply system
20. Obstruction of access to the water supply system
21. Provision of communication pipe
22. Interconnection between premises
23. Provision and position of isolating valves
24. General conditions of supply
25. Restriction or cutting-off of supply
26. Interruption of supply at owner's request
27. Removal of water connection
28. Metering of water supplied
29. Quantity of water supplied
30. Water supplied from municipal hydrants
31. Resale of water
32. Defective meters
33. Estimation of quantity of water supplied to consumer through defective meter
34. Adjustment of quantity of water supplied if meter is defective
35. Special measurement

Chapter 3: Water Restrictions and Water Conservation

36. Water restrictions
37. Wastage of water
38. Water conservation and demand management

Chapter 4: Water Services Intermediaries

39. Registration
40. Provision of water services

41. Charges for water services provided

Chapter 5: Plans Approval

42. Plans approval procedure

43. Extension of period of approval

44. Drawings

45. Copies of drawings to be kept on site

46. Unauthorised work

Chapter 6: Installation by Plumbers

47. Persons permitted to do installation and other work

48. Responsibilities of a property owner

Chapter 7: Disinfection

49. Disinfection of water installations, including storage tanks

Chapter 8: General Water Installation Requirements

50. Provision and maintenance of water installations

51. Accepted pipes and water fittings

52. Design criteria for water installations

53. Storage tanks

54. Prevention of pollution of water

Chapter 9: Fire Installations

55. Fire installations

Chapter 10: Miscellaneous Provisions Regarding Non-Potable Water

56. Use of water from other sources than the municipal water supply

57. Wells, boreholes, wellpoints and excavations

58. Notice of the sinking or digging of boreholes, wells and wellpoints

59. Supply of non-potable water by the City

60. Disclaimer in respect of non-potable water quality

61. Warning notices

62. Irrigation systems

Chapter 11: General provisions

63. Appeals

64. Offences and penalties

65. Exemption from liability

66. Repeal and savings

67. Short title

*Schedules*

1. Water conservation and demand management

2. Pipes used to convey potable water

3. Design criteria for water installations

4. Certificate

**PREAMBLE**

**WHEREAS** section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

**AND WHEREAS** Part B of Schedule 4 to the Constitution lists water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems as a local government matter to the extent set out in section 155(6)(a) and (7);

**AND WHEREAS** the City of Cape Town seeks to ensure the control and regulation of water services within its area of jurisdiction.

**BE IT ENACTED** by the Council of the City of Cape Town, as follows:–

## CHAPTER 1

### Definitions and General Provisions

#### Definitions

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

- “**authorized official**” means an official of the City responsible for the implementation and enforcement of the provisions of this By-law;
- “**basic water supply**” means the minimum standards of water supply services necessary for the reliable supply of water to households to support life and personal hygiene prescribed in terms of the Water Services Act, 1997(Act No. 108 of 1997);
- “**borehole**” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water, and includes a spring, well and well-point;
- “**City**” means the City of Cape Town established by Notice No. 479 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- “**City Manager**” means a person appointed by the Council as municipal manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998(Act No. 117 of 1998);
- “**connection pipe**” means a pipe, the ownership of which is vested in the City and installed by it for the purpose of conveying water from a main to a water installation, and includes a “**communication pipe**” referred to in SANS 10252: 2004 Part 1;
- “**consumer**” means any person using water from any installation connected to a connection pipe which is supplied with water from a main;
- “**Council**” means the Council of the City or any political structure, political office bearer, Councilor or staff member of the City, duly authorised by delegation;
- “**Credit Control and Debt Collection By-Law**” means the City of Cape Town: Credit Control and Debt Collection By-law, 2006;
- “**domestic purposes**” in relation to the supply of water means water supplied for drinking, ablution and culinary purposes excluding toilets and urinals;
- “**Director**” means an employee responsible for water and sanitation in the City;
- “**health nuisance**” means a situation or state of affairs that endangers life or health, or adversely affects the well-being or mental well-being of a person or community, or creates an environmental risk, and “**health hazard**” has a corresponding meaning;
- “**installation work**” means work in respect of the construction of, or carried out on, a water installation;
- “**main**” means a pipe, other than a communication pipe, the ownership of which is vested in the City and used by it for the purpose of conveying water to consumers;
- “**meter**” means a device which measures the quantity of water passing through as contemplated in the Trade Metrology Act, 1973 (Act No. 77 of 1973);
- “**occupier**” means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
- “**organ of state**” means an organ of state as defined in section 239 of the Constitution;
- “**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 to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
  - (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
  - (d) in the case of premises for which a lease agreement of 10 years or longer has been entered into and registered in the Deeds Office, the lessee thereof;
  - (e) the person who has purchased immovable property from the City, in terms of a scheme that allows for the purchase price to be paid in installments and who has not received transfer from the City;
  - (f) in relation to—
    - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
    - (ii) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;
- “**person**” includes a juristic person and any organ of state;
- “**pollution**” means the direct or indirect alteration of the physical, chemical or biological properties of a water resource so as to make it—
- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
  - (b) harmful or potentially harmful—
    - (i) to the welfare, health or safety of human beings;
    - (ii) to any aquatic or non-aquatic organisms;
    - (iii) to the resource quality; or
    - (iv) to property;



“**public notice**” means a notice published in a newspaper in three official languages of the City;

“**publish**” means—

- (a) to publish a notice in the Provincial Gazette;
- (b) to provide interested parties with copies of such publication; and
- (c) to post the notice so published on the notice boards of the City;

“**prescribed charge**” means a fee, charge or tariff determined and imposed by the Council in terms of the Tariff By-law;

“**SABS**” means the South African Bureau of Standards referred to in the Standards Act, 1993 (Act No. 29 of 1993);

“**SANS**” means a standard which has been set and issued by the SABS in terms of the provisions of the Standards Act, 1993 (Act No. 29 of 1993);

“**service pipe**” means a pipe which is part of a water installation and is installed between the communication pipe and the meter;

“**storage tank**” means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for the storage of hot water;

“**Tariff By-law**” means the City of Cape Town: Tariff By-law, 2007;

“**terminal water fitting**” means a water fitting at an outlet of a water installation which controls the discharge of water from a water installation;

“**water**” means potable water unless otherwise stated;

“**water conservation**” means the act of saving or using water in an efficient manner;

“**water installation**” means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes—

- (a) a pipe and water fitting situated outside the boundary of the premises, which either connects to the communication pipe relating to such premises or is otherwise laid with the permission of the City; and
- (b) a “**consumer installation**” as defined in section 1 of the Water Services Act, 1997 (Act No. 108 of 1997);

“**water management device**” means a device that controls the quantity of water flowing through a water meter over a certain time period;

“**water services**” means “water services” as defined in section 1 of the Water Services Act, 1997 (Act No. 108 of 1997), and includes the abstraction, conveyance, treatment and distribution of potable water, water intended to be converted to potable water or water for commercial and industrial use;

“**water services facility**” means any land on which there is infrastructure installed or used by the City, or a catchment area in connection with the supply of water;

“**water services intermediary**” means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of that contract;

“**water supply system**” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto, which are vested in the City and are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

“**well-point**” means a small diameter pipe jetted into unconsolidated sandy or gravelly formations, with a pump situated at ground level to lift and distribute the water.

## Application and purpose

2. (1) This By-law applies to all premises situated within the jurisdiction of the City.

(2) Unless the contrary is proved, a breach of this By-law committed on premises in respect of the—

- (a) water installation, other than a provision relating to the use of water in the installation, is deemed to be a breach by the owner of the premises; and
- (b) use of water from a water installation is deemed to be a breach by the consumer.

(3) No owner is required to comply with this By-law by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of this By-law except for the provisions of section 3(1) and item 15 of Schedule 1.

(4) Water may only be supplied within the area of jurisdiction of the City in terms of the provisions of this By-law.

(5) The Director may, in consultation with the Executive Director City Health, where it is not reasonably possible or cost effective to supply water to each consumer within a particular area, determine an alternative manner of water supply.

(6) Where the Director has determined an alternative manner of water supply in terms of subsection (5), this By-law applies to the supply of water to such area, subject to such conditions as he or she may determine.

(7) Where the City makes use of an external water services provider, this By-law remains applicable and the Council remains the regulating authority.

## Powers of the Director

(3) (1) The Director may, by notice in writing, require the owner to comply with the provisions of this By-law within a specified period, if the water installation or a part thereof on premises—

- (a) is defective;
- (b) is in a condition or position which causes or is likely to cause waste or undue consumption of water; or
- (c) is in a condition or position which causes or is likely to cause pollution of the water supply or a health or safety hazard.

- (2) The Director must consult with the Executive Director City Health in all matters where there is a likelihood of a health hazard or environmental pollution.
- (3) If the Director has reason to believe that a water installation may be defective in a way that may pose or become a health or safety risk to the occupants of the premises, he or she may require that the water installation be tested or disinfected at the cost of the owner.
- (4) The Director may, for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time—
- (a) enter any premises;
  - (b) request information;
  - (c) carry out such inspection and examination as he or she may deem necessary; and
  - (d) for such purpose, operate any water fitting of the water installation.

#### **Service levels**

4. (1) The City may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to consumers.
- (2) The City may in determining service levels differentiate between types of consumers, geographical areas and socio-economic areas.
- (3) The following levels of service may, subject to subsection (1), be provided by the City:
- (a) communal water supply services—
    - (i) constituting the minimum level of service provided by the City;
    - (ii) consisting of reticulated standpipes or stationary water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household;
    - (iii) installed free of charge;
    - (iv) provided free of any charge to consumers; and
    - (v) maintained by the City.
  - (b) yard connection not connected to any water installation—
    - (i) consisting of an un-metered standpipe on premises not connected to any water installation;
    - (ii) installed free of charge; and
    - (iii) maintained by the City.
  - (c) a metered pressured water connection—
    - (i) installed against payment of the prescribed charges;
    - (ii) provided against payment of the prescribed charges; and
    - (iii) with the water installations maintained by the consumer.

#### **Delegation**

5. The Director or an authorized official may, subject to the approval of the Director, delegate any of his or her powers or assign any of his or her duties conferred or imposed on him or her by this By-law to any other official of the City.

#### **Entry upon water services facilities**

6. A person who enters upon a water services facility must comply with any instruction of the Director for use and conditions of entry to the site displayed by means of a notice at the entrance.

#### **Imminent emergencies and situations that require immediate action**

7. (1) The Director may, in cases of imminent emergencies or situations that require immediate action, take any reasonable measures to prevent or eradicate such imminent emergencies or situations.
- (2) When an imminent emergency or situation as contemplated in subsection (1) occurs on private property, the Director may—
- (a) by written notice, direct the owner to take such measures as may be necessary to prevent or eradicate the imminent emergency or the situation; or
  - (b) in the event that the owner cannot be found or fails to immediately comply with a directive of the Director, take such measures as may be deemed necessary to prevent or eradicate the imminent emergency or the situation.
- (3) In the event where the emergency emanates from a water installation, the owner of such water installation is liable for the costs incurred by the City.
- (4) In the case of action taken as contemplated in subsection (2)(b), the Director must report the matter to the City Manager without delay.
- (5) If action is necessary as a matter of urgency to prevent wastage of water, damage to property, danger to life or pollution of water, the Director may—
- (a) without prior notice, cut off the supply of water to any premises; and
  - (b) enter such premises and do such emergency work, at the cost of the owner, and in addition by written notice, require the owner to do such further work as he or she may deem necessary within a specified period.

**Duties of the public**

8. (1) Any member of the public must, on becoming aware of any emergency, imminent situation that requires immediate attention or a situation that may give rise to the wastage of water or pollution, inform the Director immediately.
- (2) Any person who informs the Director as contemplated in subsection (1) and who does not wish to be identified, may request that his or her name not be disclosed in any subsequent action.

**Recovery of costs**

9. (1) Any person committing a breach of the provisions of this By-law is liable to compensate the City for any loss or damage suffered or sustained by it in consequence of such breach.
- (2) The City may recover any costs reasonably incurred in taking any measures in terms of this By-law from any person who was under a legal obligation to take those measures, including—
- (a) a person to whom a compliance notice was served;
  - (b) the owner of the premises concerned; or
  - (c) the consumer.
- (3) The Director may issue a notice requiring a person who is liable to pay costs incurred in terms of subsection (1), to pay such costs by a date specified in the notice and such notice constitutes prima facie evidence of the amount due.

**Compliance notices**

10. Water By-law, 2010 (1) When an authorized official finds that a provision of this By-law is contravened or that a condition has arisen that has the potential to lead to a contravention of this By-law, such authorized official may issue a compliance notice to the consumer or owner concerned or person who is contravening or likely to contravene the provisions of this By-law.
- (2) A compliance notice issued in terms of subsection (1) must state the—
- (a) provision of the By-law that is being contravened or will be contravened if the condition is allowed to continue;
  - (b) measures that must be taken to rectify the condition; and
  - (c) time period in which such notice must be complied with.
- (3) If a person to whom a compliance notice was served in terms of subsection (2) fails to comply with the requirements of such notice, the authorized official may take such steps as may be necessary to rectify the condition at the cost of the person responsible, or take any other action deemed necessary to ensure compliance.

**Responsibility for compliance with By-law**

11. (1) The owner is responsible for ensuring compliance with this By-law in respect of all or any matters relating to the water installation and the maintenance thereof.
- (2) The consumer is responsible for compliance with this By-law in respect of matters relating to the wastage or other abuse of any water.

**Chapter 2****Provisions Relating to the Supply of Water****Unauthorized use of water**

12. (1) No person may use water from the water supply system—
- (a) unless an agreement referred to in section 13 or 14 has been concluded;
  - (b) except through a communication pipe provided in terms of section 21 or from a hydrant in terms of section 30; or
  - (c) except through a metered water supply point specifically installed by the City for the supply of water.
- (2) Where theft of water has taken place, the Director may—
- (a) if such water did not pass through a meter installed or provided by the City, use any reasonable method of calculating the period during which proven theft of water took place; and
  - (b) determine the amount of water for which the City can claim compensation where proven theft has taken place, the Director must use the maximum flow rate of a water meter that complies with the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973), and of the same size in diameter as the pipe from which the unauthorised water was drawn.  
Application for supply of water
13. (1) Water from the water supply system will not be supplied to any new premises unless the owner has applied to the City for a supply and such application has been approved by the Director.
- (2) An application for the supply of water approved by the Director constitutes an agreement between the City and the owner and takes effect on the date referred to in the application.
- (3) The owner is liable for all the fees in respect of the supply of water determined in terms of the Tariff By-law until the supply has been interrupted at the request of the owner, or the agreement has been terminated in terms of section 18, and the owner is deemed to be the consumer for all purposes during the currency of the agreement.
- (4) An application must contain at least the following information:
- (a) a declaration that the applicant is aware of and understands the contents of the agreement;
  - (b) acceptance by the applicant of the provisions of this By-law and acceptance of liability for the cost of the supply of water until the agreement is terminated;

- (c) the name of the applicant and his or her identity number;
  - (d) the address or erf number of the premises to or on which water is to be supplied;
  - (e) the address where accounts must be sent;
  - (f) the purpose for which the water is to be used;
  - (g) the agreed date on which the supply of water will commence; and
  - (h) an undertaking by the applicant to inform the City of any change in regard to any of the above.
- (5) Water is supplied subject to the provisions of this By-law and/or the conditions imposed by the Director.
- (6) Where the purpose for which the water applied for in terms of subsection (4)(f), or the extent to which the water is applied for is changed, the owner must promptly, in addition to advising the City of the change, enter into a new agreement with the City.

#### **Transfer of ownership**

14. (1) The seller must, before transfer of a property, submit a certificate from an accredited plumber certifying that—
- (a) the water installation conforms to the national Building Regulations and this By-law;
  - (b) there are no defects;
  - (c) the water meter registers; and
  - (d) there is no discharge of stormwater into the sewer system.
- (2) The certificate referred to in subsection (1) must be in the format of the form attached as Schedule 4.

#### **Special agreements for supply of water**

15. (1) The City may enter into a special agreement for the supply of water to an applicant outside the City.
- (2) If the City agrees to supply water to an applicant outside the City as contemplated in subsection (1), it may permit such applicant to sell such water to other persons, subject to such conditions as it may deem fit.

#### **Pipes in streets or public places**

16. No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of the City, except with the prior written permission of the Director, subject to such conditions as he or she may impose and any other applicable law.

#### **Fees**

17. All fees payable and related to the supply of water by the City must be in accordance with the Tariff By-law.

#### **Termination of agreements**

18. (1) An owner may terminate an agreement for the provision of water services by giving the City not less than seven days' notice in writing of his or her intention to do so.
- (2) The Director may, by notice in writing of not less than 14 days, advise an owner of the termination of his or her agreement for the supply of water if such owner—
- (a) has not used water during the preceding six months and has not made arrangements to the satisfaction of the Director for the continuation of the agreement;
  - (b) has failed to comply with the provisions of this By-law and has failed to rectify such failure to comply following the issue of a notice; or
  - (c) has failed to pay any fees due and payable in terms of the Tariff By-law.
- (3) The Director may terminate an agreement for the supply of water if the premises to which such agreement relates have been vacated.

#### **Interference with the water supply system**

19. Unless authorized in terms of this By-law, no person other than the City may—
- (a) manage, interfere or tamper with, operate or maintain infrastructure belonging to the City for the provision of water services; or
  - (b) effect a connection to the water supply system.

#### **Obstruction of access to the water supply system**

20. No person may prevent or restrict the access of officials of the City to the water supply system.

#### **Provision of communication pipe**

21. (1) No person may commence any development on any premises unless the Director has installed a connection pipe and meter.
- (2) If an agreement for a supply of water in respect of premises has been concluded and no communication pipe or appropriately sized communication pipe exists in respect of the premises, the owner must make application on the prescribed form and pay the prescribed charge as determined in terms of the Tariff By-law for the installation of such a pipe.



- (3) The Director may determine the—
- (a) diameter of the communication pipe on information provided by the applicant at the time of the application;
  - (b) position of the communication pipe;
  - (c) point of termination of the communication pipe within the boundary of the land owned by the City, or over which it has a servitude or other right;
  - (d) type of joint which must be used to effect the connection; and
  - (e) material of which that portion of the water installation between the communication pipe and the isolating valve of the owner, referred to in section 51, must be made, and the method of installation of such portion.
- (4) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Director may agree to the extension subject to such conditions as he or she may impose.
- (5) Unless otherwise stipulated by the Director, the owner must, at his or her own cost, effect the connection between the water installation and the communication pipe or pipes serving the premises.
- (6) The owner must secure the portion of the water installation referred to in subsection (3)(e) against movement.
- (7) Unless otherwise agreed to by the Director, only one communication pipe may be provided to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (8) The Director may agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is readily available for the provision of water supply to the premises, provided that the owner is responsible for any extension of the water installation to the connecting point designated and agreed to by the Director and for obtaining at his or her cost, such servitudes over other property as may be necessary.
- (9) No water installation will be supplied with water through a communication pipe which was installed to provide water for building construction purposes until the certificate of compliance referred to in section 48(1)(c) has been received by the City and if no such certificate has been received, the Director may disconnect or restrict the water supply to that water installation.
- (10) If the Director considers that the size of an existing communication pipe is unsuitable by reason of the quantity of water supplied to premises, he or she may by written notice, require the owner to pay the prescribed charges for the removal of the existing communication pipe and the installation of a communication pipe of a suitable size.
- (11) (a) The Director may by written notice, where an official sub-division request was submitted, require the owner of premises which are to be divided into separately occupied units, at his or her own cost and within the period specified in the notice, to—
- (i) alter the water installation serving any one unit so that it is separate from, and independent of, the water installation serving any other unit;
  - (ii) make application for a communication pipe to serve each unit; and
  - (iii) connect the water installation referred to in paragraph (i) to the communication pipe referred to in paragraph (ii).
- (b) The Director may give the owner of the unit referred to in subsection (11)(a)(i) notice in writing that he or she is required to make application in terms of section 13 for a supply of water.
- (12) If the Director intends to replace a communication pipe, he or she must give the owner concerned not less than 10 working days' notice in writing of the date by which he or she will effect a connection between the water installation and the replacement communication pipe.
- (13) Where premises are supplied by a number of communication pipes, the Director may require the owner, at his or her cost, to reduce the number of connection points and alter the water installation accordingly.

#### **Interconnection between premises**

**22.** An owner of premises must ensure that no interconnection exists between the water installation on the premises and the water installation on other premises, unless the owner has obtained the prior written consent of the Director and has complied with any conditions imposed by the Director.

#### **Provision and position of isolating valves**

- 23.** (1) The Director must install an isolating valve between every meter and the main.
- (2) The owner must, at his or her own cost and for his or her exclusive use provide and install an isolating valve—
- (a) in the case of a meter installed on the premises, at a suitable point on his or her side of the meter; or
  - (b) in the case of a meter installed outside the premises, at a suitable point immediately inside the boundary of his or her premises,
- provided that the Director may, on failure of the owner and at the cost of the owner, provide and install an isolating valve.
- (3) No person may without the approval of the Director tamper with the isolating valve on the communication pipe.

#### **General conditions of supply**

- 24.** (1) The supply of water by the City does not constitute an undertaking to maintain at any time or at any point in its water supply system—
- (a) an uninterrupted supply;
  - (b) a specific pressure or rate of flow in such supply; or
  - (c) a specific standard of quality of the water,

provided that if the water supply to a consumer is interrupted for more than 24 hours, the City will endeavour to provide an alternative basic water supply as soon as reasonably possible.

- (2) The Director may specify the maximum height to which water will be supplied from the water supply system.
- (3) If an owner requires an uninterrupted supply, a specific pressure or rate of flow or a specific standard of quality of water on the premises, the owner must make his or her own arrangements for compliance to such requirements.
- (4) Subject to the provisions of this By-law, the City may interrupt the supply of water to any premises without prior notice.
- (5) If the consumption of water on premises adversely affects the supply of water to other premises, the Director may apply such restrictions as he or she may deem fit to the supply of water to the first-mentioned premises in order to ensure a reasonable supply of water to the other premises, and must inform the owner of, or consumer who resides in, the first mentioned premises of such restrictions.
- (6) The Director may install a Water Management Device at any premises as part of the water meter and its associated apparatus to—
  - (a) encourage water demand management; or
  - (b) ensure implementation of an affordable approach in providing access to basic water services.
- (7) Where a Water Management Device has been installed at any premises, a consumer may request to enter into an agreement with the Director to set the drinking water supply to their premises to a predetermined daily volume.

#### **Restriction or cutting-off of supply**

- 25.** (1) Subject to any other law, the City Manager may, if an owner has failed to pay an amount due in terms of the Tariff By-law, by written notice inform him or her of the intention to—
- (a) restrict the domestic supply on a specified date, and restrict such supply on or after that date while not denying access to basic water services; or
  - (b) restrict or cut off the supply of water to all other non-domestic consumers on a specified date, and restrict or cut off such supply on or after that date.
- (2) Subject to any other law, the Director may, if an owner has contravened this By-law and has failed to rectify such contravention within the period specified in a written notice served on him or her requiring him or her to do so, by written notice, inform him or her of the intention to restrict or cut off his or her supply of water on a specified date and to restrict or cut off such supply on or after that date.
- (3) The consumer or owner must pay the fees for the restriction or cutting-off of supply and restoration of the water supply in terms of the Tariff By-law provided that all such fees are paid prior to the restoration of the water supply.
- (4) A consumer whose access to water supply services has been restricted or disconnected, and who unlawfully reconnects it will, on written notice be disconnected, and shall be liable for the costs incurred by the City.
- (5) The City must ensure that no domestic consumer is denied access to basic water services in terms of this By-law.

#### **Interruption of supply at owner's request**

- 26.** (1) The Director may, at the written request of the owner and on the dates requested, if a property is vacant or unoccupied—
- (a) cut off or restrict the supply of water to the premises; and
  - (b) restore the supply.
- (2) The owner must on approval of the request contemplated in subsection (1), pay the prescribed charges.

#### **Removal of water connection**

- 27.** The Director may disconnect a water installation from the communication pipe and remove the communication pipe if the—
- (a) agreement for supply has been terminated in terms of section 17 and the Director has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination;
  - (b) building on the premises concerned has been demolished; or
  - (c) owner or occupier has unlawfully interfered with the water supply system serving the premises concerned.

#### **Metering of water supplied**

- 28.** (1) Water supplied to premises must pass through a meter, installed between the communication pipe and water installation in a position determined by the Director, provided that a meter may be dispensed with in the case of—
- (a) an automatic sprinkler fire installation;
  - (b) a fire installation in respect of which steps have been taken to detect unauthorised draw-off of water for purposes other than fire-fighting;
  - (c) circumstances determined by the Director; or
  - (d) where water is consumed through an existing unmetered fire connection.
- (2) The Director may, after informing the owner of the property in writing of his or her intention to install a meter to an existing unmetered fire connection referred to in subsection (1)(d), at the cost of the City, install such meter and subsequently render an account for water consumed through the connection.
- (3) A meter and its associated apparatus is provided and installed by the City, remains the property of the City and may be replaced when deemed necessary by the Director.
- (4) The City may install a meter and associated apparatus at—
- (a) any point in the water installation serving the premises; and
  - (b) any point in the connection pipe serving the premises.
- (5) If the City installs a meter together with its associated apparatus in a water installation in terms of subsection (4)(a), the owner—
- (a) must provide an installation point approved by the Director;

- (b) must ensure that unrestricted access is available to it at all times;
  - (c) is responsible for its protection and liable for the costs arising from damage thereto, excluding damages arising from normal wear and tear;
  - (d) must ensure that no connection is made to the pipe in which the meter is installed, between the meter and the communication pipe serving the water installation;
  - (e) must make provision for the drainage of water which may be discharged from the pipe in which the meter is installed, in the course of work done by the City on the meter; and
  - (f) may not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage and is likely to cause damage to the water supply system inclusive of the meter.
- (6) Only the City may—
- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal on a meter; or
  - (c) in any other way interfere with a meter and its associated apparatus.
- (7) Any person contravening subsections (5)(d) or (6) must pay the City the cost of such quantity of water as supplied.
- (8) If the City installs a meter together with its associated apparatus in accordance with subsection (4)(b), the service pipe is dispensed with and the water installation is deemed to commence at the connection to the communication pipe, such connecting joint being 150mm inside the boundary on the land vested in the City or over which it has a servitude or other right.
- (9) The Director may at the cost of the owner, install or require the installation of a meter or volume controlling device to each section, business or dwelling unit on any premises for use in determining the quantity of water supplied to each section, business or dwelling unit.
- (10) Any maintenance necessary in any portion of a service pipe that extends from the connection pipe of the premises to a meter and its associated apparatus situated within such premises, must be carried out by the Director, notwithstanding that this section of pipe forms part of the water installation, provided that the owner must allow the Director free access to this pipe or meter and be responsible for reinstatement of surroundings upon completion of repairs.
- (11) An occupier of premises must, immediately upon detection of a leak in a service pipe or from the body of the meter or its associated apparatus, inform the City, where such meter has been installed in accordance with subsection (4)(a).
- (12) If access for reading purposes to a meter, installed in terms of subsection (4)(a), is denied, the Director may—
- (a) upon written notice to the owner of the premises, inform him or her of the intention to install at the cost of the owner, another meter in the connection pipe;
  - (b) render an account for the quantity of water consumed at such premises as measured on the meter installed in the connection pipe; and
  - (c) recover from the owner the cost of the meter rendered inoperable.
- (13) If access for reading purposes to a meter, installed in terms of subsection (4)(a) is denied, the owner is, during the period of such denial, liable for the cost of the water wasted should a leak develop on such meter and its associated apparatus and their fittings or become visible on the section of the service pipe within such premises, and measured by a meter installed in accordance with subsection (12)(a).
- (14) If an owner submits a plan to the City in terms of section 42 for the approval of the erection of a boundary structure, and where the existing meter has been installed in accordance with subsection (4)(a), such owner is required upon the approval of such plan, to apply for and pay the relevant tariff to have such meter removed from his or her premises and a new meter installed in the connection pipe.
- (15) If an owner submits a plan in terms of section 42 for the approval of alterations or extensions to an existing un-metered fire installation, such owner must after assessment of the revised installation, and upon approval of such plan, apply for and pay the relevant tariff to have a meter as specified in size and type by the Director, installed by the City as part of the connection to such premises.
- (16) If an owner submits a plan in terms of section 42 for the approval of alterations and additions to an existing metered water installation, he or she must after the assessment of the revised installation, and upon approval of the plan apply for and pay the relevant tariff to have a meter as specified in size and type by the Director installed by the City as part of a connection to such premises.
- (17) If the Director determines that provision be made for separate water connections for a potable water installation and a fire installation on the same premises, standard water meters may be installed on such connections.
- (18) If the Director determines that a combined domestic water and fire installation which includes hydrants, must be provided to any premises, a combination meter or other similar meter to detect low flow rates must be installed on such a connection.
- (19) A separate communication pipe must be laid and used for every automatic sprinkler system.
- (20) Where the owner or person in charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Director may provide and install either—
- (a) single meter in respect of the premises as a whole or any number of such accommodation units; or
  - (b) a separate meter, situated at the property boundary on the land vested in the City, for each accommodation unit or any number thereof.
- (21) Where the Director has installed a single meter as contemplated in subsection (20)(a), the owner or the person in charge or management of the premises must install and maintain on each branch pipe extending from the communication pipe to the different accommodation units—
- (a) a separate meter; and
  - (b) an isolating valve,

and will be liable to the City for payment of the prescribed charges for all water supplied to the premises through such a single meter, irrespective of the different quantities consumed by the different consumers served by such meter.

### Quantity of water supplied

29. (1) For the purpose of assessing the quantity of water supplied through a meter over a specific period, it is deemed, unless the contrary can be proved, that the—

- (a) quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;
- (b) meter was registering correctly during such period; and
- (c) entries in the records of the City were correctly made,

provided that if water is supplied or taken without its passing through a meter, the estimate by the Director of the quantity of such water must be deemed to be correct.

(2) The Director may estimate a quantity of water supplied in respect of a period or periods within the interval between successive readings of the meter, and may render an account to a consumer for the quantity of water so estimated.

### Water supplied from municipal hydrants

30. (1) The Director may permit a temporary supply of water to be taken from a fire hydrant, subject to such conditions as he or she may determine.

(2) A person who desires a temporary supply of water referred to in subsection (1) must make application in the manner prescribed in section 13.

### Resale of water

31. (1) No person who is supplied with water in terms of this By-law may sell such water unless—

- (a) provision has been made therefor in a special agreement referred to in section 15; or
- (b) he or she has obtained the prior written permission of the Director.

(2) If the Director grants the permission referred to in subsection (1)(b), he or she may stipulate the maximum price, determined by Council, at which the water may be sold and impose such other conditions as he or she may deem fit.

(3) Permission referred to in subsection (1)(b) may be withdrawn at any time.

(4) Resale of water is intended to cover the supply of water—

- (a) to other municipalities;
- (b) to the Ports Authority of South Africa;
- (c) to Airports Company of South Africa ;
- (d) in cases where the City cannot gain direct access to a property;
- (e) where the expansion of the City's network to serve a property cannot be undertaken immediately; or
- (f) where a bulk main passes a property which cannot be served by another water service authority.

(5) The supply of water by a landlord to a tenant does not constitute a resale of water under this By-law.

(6) Any cost for water recovered by the landlord must be in line with, and must not exceed, the prevailing tariff of the Council.

### Defective meters

32. (1) If a consumer has reason to believe that a meter is defective, he or she may, against payment of the prescribed charges, make application for the meter to be tested.

(2) The prescribed charges referred to in subsection (1) will be—

- (a) retained by the City if the meter is found in terms of subsection (3), (4) or (5) not to be defective; or
- (b) refunded to the applicant if the meter is found to be defective.

(3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No. 77 of 1973) are applicable, is deemed to be defective if, when tested in accordance with such regulations, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of those regulations.

(4) A meter to which the regulations referred to in subsection (3) are not applicable is deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than that allowed in SABS 1529:1999 Part 4 and SANS 1525:1999 Part 1, or its amendments.

(5) Where a meter has ceased to function and does not register the consumption through it, it is deemed to be defective.

Estimation of quantity of water supplied to consumer through defective meter

33. (1) If a meter is found to be defective in terms of section 31(3), (4) or (5), the Director may estimate the quantity of water consumed during the period in which such meter was defective, on the basis of the average daily quantity of water supplied over—

- (a) a period between two successive meter readings subsequent to the replacement of the meter;
- (b) a period in the previous year corresponding to the period in which the meter was defective; or
- (c) the period between three successive meter readings prior to the meter becoming defective,

whichever the Director considers the most appropriate.

(2) If the quantity of water supplied to a consumer during the period when the meter was defective cannot be estimated in terms of subsection (1), the Director may estimate the quantity on any other basis that is available.

(3) The consumer must be informed of the method used by the Director to estimate the quantity of water supplied to him or her, as contemplated in subsection (1) or (2), and given an opportunity to make representations to the Director before a final estimate is arrived at.

**Adjustment of quantity of water supplied if meter is defective**

- 34.** (1) The adjustment of the quantity of water supplied through a defective meter must be made for the period determined in terms of section 33.
- (2) For the purpose of adjusting the quantity of water in terms of subsection (1), it is deemed that the same quantity of water was supplied in each interval of twenty-four hours during the period referred to in subsection (1).
- (3) An owner is not entitled to a reduction of the amount payable for water wasted or lost in a water installation due to visible leaks.
- (4) Rebates will only be granted in terms of underground leaks, and where the repair of such leak was visually confirmed by an official of the City.

**Special Measurement**

- 35.** (1) If the Director requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, he or she may by written notice, advise the owner concerned of his or her intention to install a measuring device at any point in the water installation that he or she may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such a removal, will be carried out at the expense of the City.
- (3) The provisions of section 28(5)(b) and (6) apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).
- (4) The City may on receipt of a written notice from the owner and subject to arrangement of payment of the relevant prescribed charge, read the meter to ascertain the quantity of water supplied at a time, or on a day, other than upon which the meter would normally be read.

**Chapter 3****Water Restrictions and Water Conservation****Water Restrictions**

- 36.** (1) The Director may, by public notice, whenever there is scarcity of water available to it for distribution and supply to consumers, or for any other good cause—
- (a) prohibit or restrict the consumption of water in the whole or part of the City—
    - (i) in general or for specified purposes;
    - (ii) during specified hours of the day or on specified days;
    - (iii) in a specified manner;
  - (b) determine and impose limits on the quantity of water that may be consumed over a specified period;
  - (c) impose restrictions or prohibitions on the use or manner of use of certain appliances by means of which water is used or consumed, or on the connection of such appliances to the water installation; and
  - (d) invoke the special tariffs in respect of water restrictions, determined in terms of the Tariff By-law .
- (2) The Director may limit the application of the provisions of a notice issued under subsection (1) to specified areas or categories of consumer, premises and activities, and may permit deviations and exemptions from, and the relaxation of any of such provisions on reasonable grounds, provided that there will be no deviation from the tariffs referred to in subsection (1)(d).
- (3) The Director may order a consumer to take such measures, including the installation of meters and devices for restricting the flow of water, as may be necessary to ensure compliance with a notice published as contemplated in subsection (1), at the cost of such consumer.
- (4) The Director—
- (a) may discontinue for such period as he or she may deem fit or limit the supply of water to any premises in the event of a failure to comply with the terms of a notice referred to in subsection (1); and
  - (b) must, where the supply has been discontinued in terms of paragraph (a), restore it only when the fee for discontinuation and reconnecting the supply has been paid.
- (5) The provisions of this section also apply in respect of water supplied directly by the City to consumers outside the City, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published as contemplated in subsection (1).

**Wastage of Water**

- 37.** (1) No person may negligently, purposefully or wastefully—
- (a) discharge water from terminal water fittings or permit such discharge;
  - (b) permit pipes or water fittings to leak;
  - (c) use water fittings that are incorrectly adjusted or defective or permit such use;
  - (d) permit an overflow of water to persist; or
  - (e) inefficiently use water or allow an inefficient use of water to persist.
- (2) An owner must repair or replace any part of the water installation which is in such a state of disrepair that is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to comply with subsection (2), the Director may take such measures as he or she may deem fit and recover the cost from the owner.
- (4)(a) A consumer must ensure that any equipment or plant connected to the water installation uses water in an efficient manner.
- (b) If the use of water by any equipment in a water installation is inefficient or wasteful, the Director may, by written notice, prohibit the use of such equipment.



(5) When the use of equipment has been prohibited in terms of subsection (4)(b), such equipment must not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Director.

#### **Water conservation and demand management**

38. Any owner or consumer must comply with the good water conservation and demand management practices as set out in Schedule 1.

### **Chapter 4**

#### **Water Services Intermediaries**

##### **Registration**

39. The Council may by public notice, require water services intermediaries or classes of water services intermediaries to register with the City in a manner specified in the public notice.

##### **Provision of water services**

40. (1) Water services intermediaries must ensure that water services, including basic services as determined by the Council are provided to such persons it is obliged to provide with water services.

(2) The quality, quantity and sustainability of water services provided by a water services intermediary must at least be of the same standards as provided by the City to consumers.

##### **Charges for water services provided**

41. (1) A water services intermediary may not charge for water services at a price which does not comply with the norms and standards as may be set by the Director.

(2) A water services intermediary must provide subsidized water services, as determined by the Council in terms of the Credit Control and Debt Collection By-law and provided by the City to consumers at a price that is the same or less than the prescribed charges at which the City provides such services.

### **Chapter 5**

#### **Plans Approval**

##### **Plans approval procedure**

42. (1) If an owner wishes to install a new water installation, he or she must first obtain the written approval of the Director on plans submitted for scrutiny, provided that approval is not required for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices, in which instance, a notice of notification is required.

(2) Application for the approval referred to in subsection (1) must be made on the prescribed form and be accompanied by—

(a) the prescribed charge; and

(b) the prescribed number of copies of the drawings of the proposed work, as referred to in section 45.

(3) The provisions of subsections (1) and (2) do not apply to a registered contractor who replaces a fixed water heater or its associated protective devices.

(4) The written approval given in terms of subsection (1) will, subject to section 43, lapse at the expiry of a period of 24 months after the first day of the month succeeding the month in which the written approval was given.

(5) Full details of any proposed water conservation and demand management system such as a grey water system, air conditioner or bleed-off for flushing toilets must accompany the building plans.

##### **Extension of period of approval**

43. The Director may, from time to time on written application by the owner, prior to the expiry of the original period concerned and subject to payment of the prescribed charge, extend the period of validity of approval given in terms of section 42 for a period not exceeding 12 months at a time and subject to such conditions as he or she may deem fit.

##### **Drawings**

44. (1) Unless the Director has in writing determined otherwise, drawings must be on sheets of a size not smaller than A4 and must provide information in the form required by Clause 4.1.1 of SANS 10252: 2004 Part 1 a copy of which may be obtained from the Director.

(2) If the details of the water installation on more than one floor of a building are identical, such details may be drawn for one floor only.

(3) If more than one water installation is to be installed in a building, such installations may be shown on the same drawing, provided they are clearly differentiated.

(4) A schedule must be provided with each drawing or set of drawings, indicating the number of each type of terminal water fitting and its nominal size.

##### **Copies of drawings to be kept on site**

45. Until receipt by the Director of the certificate of compliance submitted in terms of section 48, a complete set of approved drawings of the installation work must at all times be available at the site of the work.

**Unauthorised work**

46. If installation work has been done in contravention of section 42, the Director may by written notice, require the owner of the premises concerned to comply with that section within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with this By-law.

**Chapter 6**  
**Installation by Plumbers****Persons permitted to do installation and other work**

47. (1) No person, who is not qualified and accredited in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), may—

- (a) do installation work for which approval is required in terms of section 42;
- (b) replace a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank; or
- (d) service, repair or replace a backflow preventer in terms of section 54.

(2) The Director may maintain a register of qualified persons referred to in subsection (1).

**Responsibilities of a property owner**

48. (1) A property owner must ensure that the installation work done on his or her premises—

- (a) is carried out by a person or plumber qualified or accredited under Section 47;
- (b) complies with this By-law; and
- (c) on completion thereof, a certificate of compliance is submitted to the Director.

(2) If installation work is being done in contravention of section 47, the Director may by written notice require the owner of the premises concerned to cease such work until he or she has employed a qualified plumber to—

- (a) inspect such work and rectify any part of it which does not comply with this By-law;
- (b) test and disinfect the work in terms of section 49; and
- (c) ensure that a certificate of compliance, stating that the work carried out complies with this By-law, is submitted to the Director.

**Chapter 7**  
**Disinfection****Disinfection of water installations including storage tanks**

49. (1) An owner must cause a new water installation to be flushed with water from the water supply system until clear water discharges from every terminal water fitting.

(2) If the pipe work of a water installation which is connected to a main becomes contaminated, it must be disinfected in accordance with SANS 10252:2004 Part 1 or as amended.

(3) The owner of a premises on which a storage tank is installed must, not less than once in every five years, cause such tank to be drained, inspected and disinfected, in accordance with the relevant standard set in SANS 10252:2004 Part 1, or as amended.

(4) Notwithstanding the provisions of subsection (3)—

- (a) the Director may, if the water in the storage tank or in the water installation served by the tank is unsuitable for use, by written notice, require the owner to cause the tank to be drained forthwith and inspected; and
- (b) if a tank has become submerged or is in any way subjected to a condition which could cause the contents thereof to become polluted, the owner must forthwith cause the tank to be drained and inspected.

(5) Before the tank or the water installation served by it referred to in subsection (3) is returned to use, it must be cleaned and disinfected in accordance with the relevant standard set in SANS 10252:2004 Part 1, or as amended.

**Chapter 8**  
**General Water Installation Requirements****Provision and maintenance of water installations**

50. (1) An owner must provide and maintain the water installation at his or her own cost, except—

- (a) in the case of a connection to a communication pipe; or
- (b) where permitted in terms of section 19, and

must ensure that the installation is within the boundary of the premises.

(2) Before work is commenced in connection with the maintenance of a portion of the water installation which is situated outside the boundary of the premises, an owner must obtain the written consent of the Director or the owner of the land on which such portion is situated.

### Accepted pipes and water fittings

- 51.** (1) No person may install or use a pipe or water fitting in a water installation unless it is listed, installed, used or fitted in accordance with conditions imposed in Schedule 2.
- (2) Notwithstanding the provisions of subsection (1), the Director may, for a specific use in a specific installation, permit the installation or use of a pipe or water fitting which is not included in Schedule 2.
- (3) The Director may, in respect of any pipe or water fitting included in Schedule 2, impose such conditions as he or she may deem necessary in respect of the use or method of installation thereof.
- (4) The Director may, at any time remove a pipe or water fitting from Schedule 2 if the pipe or water fitting—
- no longer complies with the criteria upon which its inclusion was based; or
  - is no longer suitable for the purpose for which its use was accepted.
- (5) The Director must make available during working hours copies of Schedule 2, as updated in terms of this By-law, at the offices of the City.
- (6) A pipe or water fitting will not be included in Schedule 2 unless it—
- bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the Bureau;
  - bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks must be issued for a period exceeding two years;
  - is included in the list of water fittings accepted by SABS; or
  - is acceptable to the Director.

### Design criteria for water installations

- 52.** (1) An owner must ensure that-
- water installations comply with the relevant standard set by—SANS 10252:2004 Part 1 or as amended;
  - hot water cylinder installations comply with the relevant standard set by— SANS 10254:2004 or as amended;
  - solar heated water installations comply with the relevant standard set by— SANS 10106:1972 or as amended;
  - the storage of a minimum quantity of water, to be used for purposes other than fire-fighting or air-conditioning, is provided in accordance with Table 1 of Schedule 3;
  - the storage of a minimum quantity of water to be used for flushing of water closets and urinals in commercial and industrial premises is provided in accordance with Table 2 of Schedule 3;
  - the design of storage tanks is in accordance with the relevant standard set by SANS 10252:2004 Part 1 or as amended and with section 53;
  - the use of pipes supplying water in any installation is in accordance with the relevant standard set by SANS 10252:2004 Part 1 or as amended and Schedule 3;
  - a non-return valve of similar size as the service pipe immediately downstream of the isolating valve, referred to in section 28(21)(b), is installed; and
  - where the efficiency of functional valves or terminal fittings may be compromised by the passing through of solid material that could block or damage functional valves or terminal fittings, an in-line strainer is installed in a position so as to allow easy maintenance.
- (2) The Director may, on application by an owner and on payment of the prescribed charge determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.
- (3) If a pipe or water fitting of a particular type is unsuitable for use in a particular situation, the Director may by written notice to the owner-
- prohibit the use thereof; or
  - require acceptable protective measures to be applied.
- (4) No person may connect to a water installation, a water fitting or apparatus which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.
- (5) If authority was given before the date of commencement of this By-law for installation work to be done, or if authorised work is in progress on such date, such work shall comply with any laws governing such work which were in force in the City prior to such date.
- (6) Any agreement for the supply of water, entered into between the City and a consumer who is not the owner of the premises concerned, prior to the commencement of this By-law, will remain in force until such time as—
- The consumer vacates the premises; or
  - There is a change in the title of the owner of the premises,

whereafter the City will enter into an agreement with the owner of the premises.

### Storage tanks

- 53.** (1) Any person who installs a storage tank must install it in such a position that its exterior and interior can readily be inspected, cleaned and maintained, unless it is a concrete reservoir that is buried or partly sunk into the ground and has been designed, constructed and tested in accordance with the relevant standard set by where only the interior is accessible for inspection and cleaning—SANS 10100-1 and SANS 1200-G or as amended.
- (2) No person may without the written consent of the Director cause or allow a tank, buried or placed in the ground, to be used for reception or storage of water supplied by the City.
- (3) Any person who uses a storage tank to store water of potable quality must ensure that—
- the tank and associated pipework is of contamination proof design and in accordance with the requirements of the Director;

- (b) the overflow and vent of a contamination proof tank is screened to prevent the ingress of insects, animals and other sources of pollution;
  - (c) a contamination proof tank is totally enclosed with no other access to its interior, other than an access panel in its side to facilitate inspection and cleaning, which must be at a level where the tank cannot be used unless the access panel cover is in place; and
  - (d) the tank and associated pipework is cleaned and maintained in terms of SANS 10252-1.
- (4) Unless authorised in writing by the Director, every boiler, steam kettle or other apparatus for generating steam, gas producer, gas engine or oil engine or any other apparatus in or by which water supplied by the City is used, must be supplied only through a cold water feed tank which utilizes an air gap to separate the incoming mains water from the contents of the tank.

#### **Prevention of pollution of water**

- 54.** (1) An owner must provide and maintain measures approved by the Director to prevent the entry of a substance which may be a danger to health or adversely affect the potability of water into-
- (a) the water supply system; and
  - (b) any part of the water installation on his or her premises.
- (2) The Director must approve the appropriate level of backflow prevention required in each instance.

### **Chapter 9**

#### **Fire installations**

##### **Fire Installations**

- 55.** (1) An owner must ensure that—
- (a) hose reel and hydrant installations comply with the relevant standard set by SANS 10252:2004 Part 1 or as amended; and
  - (b) automatic sprinkler systems comply with the relevant standard set by SANS 10287:2000 or as amended.
- (2) The Director may grant or refuse an application for the connection of a fire extinguishing installation to the main.
- (3) No water will be supplied to any fire extinguishing installation—
- (a) without a certificate of compliance issued in terms of section 47; and
  - (b) unless the installation complies with the requirements of this By-law.
- (4) The Director may, if a fire extinguishing installation connected to a main is not being kept in a proper working order, or is otherwise improperly maintained or is being used for purposes other than fire fighting, either require the installation to be disconnected from the main or disconnect it at the cost of the owner.
- (5) Whenever it is necessary to boost the pressure of a fire installation, the owner must install a dual pipe system, one for fire extinguishing purposes and the other for general domestic purposes.
- (6) All pipes and fittings must be capable of handling pressures in excess of 1800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.
- (7) A separate connection pipe must be installed and used for every fire sprinkler extinguishing system.
- (8) The Director must determine whether automatic sprinkler systems must be metered.
- (9) No fire installation, combined domestic or fire installation may include a plastic pipe or multilayer plastic pipe in an above-ground position.

### **Chapter 10**

#### **Miscellaneous Provisions**

##### **Use of water from sources other than the municipal water supply**

- 56.** (1) No person may use or permit to be used any water obtained from a source other than the water supply system of the City for domestic purposes.
- (2) No person may connect a water supply obtained from any source other than the water supply system of the City to any water distribution system without the prior written approval of the Director, and in accordance with any conditions determined by the him or her.
- (3) Any owner of premises on which a water source, such as a well-point, borehole or well, is located must, within 14 days of being called upon to do so, provide the Director with such particulars regarding the water source as may be required.
- (4) An owner of premises as contemplated in subsection (3) must, at his or her own cost, on being called upon to do so, furnish the Director with such certificates of analysis and bacteriological investigation in respect of water sources on those premises, as may be required by him or her.
- (5) The Director may withdraw any approval given in terms of subsection (1) if—
- (a) a condition imposed in terms of that subsection is breached; or
  - (b) the water no longer conforms to the requirements imposed by the Director.
- (6) The provisions of this section do not exempt any person from complying with the applicable provisions of the National Water Act, 1998 (Act No. 36 of 1998), or any other relevant legislation.

### **Wells, boreholes, wellpoints and excavations**

57. Every owner of premises must ensure that any well, borehole, well-point or other excavation located on his or her premises—
- (a) is adequately safeguarded from creating a health nuisance;
  - (b) is not filled in a way or with material that may cause an adjacent well, borehole or underground source of water to become polluted or contaminated; and
  - (c) no interconnection is made between a water installation supplied from the main and any other source of water supply.

### **Notice of the sinking or digging of boreholes, wells and wellpoints**

58. (1) No one may sink or dig, or cause or permit to be sunk or dug, a well, wellpoint or borehole, unless the Director is provided with at least 14 days' written notice of his or her intention to do so.
- (2) The notice contemplated in subsection (1) must state the proposed location and purpose for which the water is to be used.
- (3) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the sewerage system of the City, the owner must install a meter to the specification of the City in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (4) The Director may, by written notice, require the owner of any premises within any area of the City upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify him or her of the existence of a borehole on such premises, and provide it with such information about the borehole as he or she may require.
- (5) The Director may require that a study be undertaken at the cost of the owner in order to assess any impact the proposed well, well-point or borehole may have on the wellbeing of the community.

### **Supply of non-potable water by the City**

59. (1) The Director may, on application in terms of section 13 and subject to any other law, grant a supply of non-potable water to a consumer and on such conditions as he or she may deem fit.
- (2) Any supply of water granted in terms of subsection (1) may not be used for domestic or any other purposes which may give rise to a health hazard.

### **Disclaimer in respect of non-potable water quality**

60. (1) No warranty, expressed or implied, applies to the purity of any non-potable water supplied by the City or its suitability for the purpose for which the supply was granted.
- (2) The use of non-potable water is entirely at the risk of the consumer, and the City is not liable for any consequential damage or loss arising directly or indirectly therefrom.

### **Warning notices**

61. (1) An owner of premises on which non-potable water is used must ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that such water is unsuitable for domestic purposes.
- (2) In an area where treated sewage effluent is used, the consumer must erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes.
- (3) Every warning notice referred to in subsections (1) and (2) must be in the three official languages used in the Province.

### **Irrigation systems**

62. Where a new irrigation system, which is to be supplied from an existing domestic connection or another existing irrigation connection, is installed—

- (a) the size of the existing connection must be reviewed by the City; and
- (b) all materials used in the system must comply with SABS requirements.

### **Appeals**

63. A person whose rights are affected by a decision taken in terms of a power or duty delegated or sub-delegated in terms of this By-law, may appeal against that decision in accordance with section 62 of the Local Government: Municipal Systems Act, 2000 ( Act No. 32 of 2000).

### **Offences and penalties**

64. Any person who—

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) fails to comply with any notice issued, or lawful instruction given, in terms of this By-law; or
- (c) obstructs or hinders any authorised representative or employee of the City in the execution of his or her duties under this By-law,

is guilty of an offence and is, on conviction, liable to a fine or term of imprisonment not exceeding five years or both such fine and term of imprisonment.

### **Exemption from liability**

65. The City shall not be liable for damages or compensation arising from anything lawfully done in good faith by it or any official or employee thereof in terms of this By-law.



**Repeal**

66. The City of Cape Town: Water By-law, 2006 is hereby repealed.

**Short title**

67. This By-law is called the City of Cape Town: Water By-law, 2010.

**Schedule 1****Water Conservation and Demand Management**

*(Section 38)*

- 1 No person may without prior written authority from the Director, water a garden, sports field, park, or other grassed area using potable water, between the hours of 10:00 and 16:00.
- 2 Where a hosepipe is used to irrigate a garden, park, or sports field from a potable water source a controlling device such as a sprayer must be attached to the hose end.
- 3 No person may without prior written authority from the Director hose down a hard-surfaced or paved area using water from a potable source.
- 4 A hosepipe used for washing vehicles, boats, and caravans must be fitted with an automatic self-closing device.
- 5 Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds is not allowed.
- 6 Commercial car wash industries must comply with industry best practice norms regarding water usage per car washed.
- 7 Wash-hand basins provided in public facilities must be fitted with demand type taps.
- 8 Showers provided at public facilities must be fitted with demand type valves.
- 9 Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.
- 10 Stand pipe draw-off taps must be at a height of at least 450mm, measured above ground level.
- 11 The maximum flow rate from any tap installed in a wash hand basin may not exceed 6 litres per minute.
- 12 The maximum flow rate from any showerhead may not exceed 10 litres per minute.
- 13 Water closet cisterns may not exceed 9,5 litres in capacity.
- 14 No automatic cistern or tipping tank may be used for flushing a urinal
- 15 All automatic flushing cisterns fitted to urinals, must be replaced with either manually operated systems or non-manual apparatus which causes the flushing device to operate only after each use of such urinal.
- 16 Terminal water fittings installed outside any buildings other than a residential dwelling must—
  - (a) incorporate a self-closing device; or
  - (b) have a removable handle for operating purposes; or
  - (c) be capable of being locked to prevent unauthorized use; or
  - (d) be of a demand type that limits the quantity of water discharged in each operation.
- 17 Water Audit
  - (a) Major water users (those using more than 10 000 kilolitres per annum), excluding those comprising multiple dwelling units, must undertake an annual water audit. The audit must be carried out no later than two weeks after the end of each financial year of the City. The audit report must be available for inspection by officials from the Department of Water Affairs and Forestry, the Water Board (where applicable) and the City.
  - (b) The audit must detail the following—
    - (i) amount of water used during a financial year;
    - (ii) amount paid for water for the financial year;
    - (iii) number of people living on the stand or premises;
    - (iv) number of people permanently working on the stand or premises;
    - (v) comparison of the above factors with those reported in each of the previous three years (where available);
    - (vi) seasonal variation in demand (monthly consumption figures);
    - (vii) detailed methods of water pollution monitoring ;
    - (viii) details of current initiatives to manage their demand for water;
    - (ix) details of future plans to manage their water demand;
    - (x) comparison of the above factors with those reported in each of the previous three years (where available); and
    - (xi) estimate of consumption by various components in use such as appliances and terminal water fittings.
- 18 No person may allow water, used as a heat-exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a recirculating plant.

## Schedule 2

### Pipes Used to Convey Potable Water (Section 51)

#### Copper Pipes

Class 0 and Class 1 copper pipes may not be used in underground applications unless suitably protected in a sleeve.

Class 0 copper pipes may not be bent, flared, or have their ends expanded and formed in to a sleeve for capillary-type soldering.

Copper pipes may not be bronzed welded or silver brazed.

#### Plastic Pipes (Polyethylene, Polypropylene, Polyvinyl)

Plastic pipe may not be used in fire or fire or domestic installations in above ground positions, where such installation is supplied from either a dedicated fire or combined fire or domestic connection from the main.

Plastic pipes conveying potable water must be protected from sunlight.

Plastic pipes may not be used in a position where permeation of gas or other chemical substance may cause contamination of the water conveyed in it, unless it is suitably protected in an impervious sleeve.

Where plastic pipe is used to convey hot water from a fixed hot water cylinder installation, the first 1,5 metres of piping on the outlet side of the cylinder must be in copper.

#### Black Steel Pipes

Black mild steel pipe and its associated fittings may not be used to convey water in domestic installations, unless it is suitably treated and coated on the inside, and must also not be installed in the fire installation section of a combined installation, in such a manner which could compromise the potability of the water in the domestic installation section of such a combined installation.

Galvanised mild steel pipes and water fittings may not be used in installations which are connected to the main, and are supplied with water from it.

Any pipe conveying water from a main must not be installed as an integral part of a concrete structure or be laid in or under floor slabs, unless in a suitable protective sleeve.

#### Multilayer Pipes

These include P-EX, PE-ALUMINIUM-PE as well as other Crosslinked polyethylene light alloy Multilayer Tubing systems.

Only multilayer pipe and the approved crimping systems, fittings and tools of manufacturers listed on the latest SABS accepted water components list may be used in domestic installations used to convey water from the main.

## SCHEDULE 3

### Design criteria for water installations (Section 52)

TABLE 1

Type of Consumer	Storage Required
Hospitals, clinics, nursing homes, old-age homes and other buildings from which the occupants cannot readily be removed in the event of an interruption of the water supply.	250 litres for every bed which the building is designed to accommodate.
Educational institutions.	40 litres to 50 litres per capita
Multiple dwelling units exceeding height determined in terms of section 24(2), or exceeding three stories, whichever is the lower.	135 litres per dwelling unit.
Hotels, boarding houses and hostels.	90 litres for every person whom the building is designed to accommodate (including staff).
Restaurant kitchens (full meal preparation)	8 to 12 litres per meal prepared.
Hairdressers and dentist	4 hours demand per day.
Industry (storage for production purposes)	8 hours demand per day.

TABLE 2

Type of Consumer	Storage Required
Commercial premises (including shops and offices)	70 litres for every 100 sq metres of gross floor area.
Factories	5 litres per capita
Super stores (such as Hyper markets)	125 litres per WC Pan or 600mm of slab urinal
Educational Institutions	5 litre per capita

SCHEDULE 4

Certificate issued in terms of section 14(2)



CITY OF CAPE TOWN | ISIXHO SOSEKAPA | STAD KAAPSTAD

**SCHEDULE 4**

**CERTIFICATE OF COMPLIANCE OF WATER  
INSTALLATION ON TRANSFER OF OWNERSHIP IN  
ACCORDANCE WITH THE WATER BY-LAW**

**PROPERTY ADDRESS** .....  
.....  
.....

**ERF NUMBER** .....

**NAME OF SELLER** .....

**CONTACT DETAILS OF SELLER** .....  
.....

**NAME OF BUYER** .....

I, ....., a suitably accredited plumber, certify that I inspected the plumbing installation at the above address, and confirm that:

- 1) The water meter is registering,
- 2) There are no defects which can cause water to run to waste, and
- 3) There is no ingress of rainwater into the sewerage system.

**SIGNATURE:** ..... **DATE:** .....

**PRINT NAME & CONTACT DETAILS:**.....  
.....

Submit completed form to: Fax:021 590 1504 or  
Email: [WaterTOC@capetown.gov.za](mailto:WaterTOC@capetown.gov.za)

**STAD KAAPSTAD**  
**WATERVERORDENING, 2010**

**Om die Stad Kaapstad: Waterverordening van 2006 te herroep; om voorsiening te maak vir die beheer en regulering van waterdienste in die Stad; en om voorsiening te maak aangeleenthede wat daarmee in verband staan.**

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**AANHEF**

**NADEMAAL** artikel 156(2) en (5) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleentede wat hy die reg het om te administreer, en voorts die reg het om enige bevoegdheid uit te oefen met betrekking tot 'n aangeleentede wat redelikerwys nodig is vir, of verband hou met, die doeltreffende verrigting van sy funksies;

**NADEMAAL** deel B van bylae 4 by die Grondwet water- en sanitasiedienste, beperk tot verskaffinstelsels van drinkbare water en wegdoeningstelsels van huishoudelike afvalwater en riolering as 'n plaaslikeregeringsfunksie lys in soverre dit in artikel 155(6)(a) en (7) uiteengesit word;

**EN NADEMAAL** die Stad Kaapstad na die beheer en regulering van waterdienste en in die Stad se regsgebied streef.

**VERORDEN** deur die Raad van die Stad Kaapstad, soos volg:—



## Hoofstuk 1

### Woordomskrywing en Algemene Bepalings

#### Woordomskrywing

1. In hierdie Verordening, tensy dit uit die samehang anders blyk, beteken—

**“aansluitwatertoebehore”** watertoebehore aan die uitlaat van ’n waterinstallasie wat die vrylating van water uit ’n waterinstallasie beheer;

**“basiese watervoorsiening”** die minimum standaard van watervoorsieningsdienste wat nodig is vir die betroubare voorsiening van water aan huishoudings om lewe en persoonlike higiëne te steun, voorgeskryf ingevolge die Wet op Waterdienste, 1997 (Wet Nr. 108 van 1997);

**“besoedeling”** die direkte of indirekte verandering van die fisiese, chemiese of biologiese eienskappe van ’n waterhulpbron ten einde dit—

- (a) minder geskik te maak vir enige voordelige doel waarvoor dit redelikerwys verwag kan word om gebruik te word; of
- (b) skadelik of potensieel skadelik te maak—
  - (i) vir die welsyn, gesondheid of veiligheid van mense;
  - (ii) vir enige water- of nie-waterorganismes;
  - (iii) vir die gehalte van die hulpbron; of
  - (iv) vir eiendom;

**“boorgat”** ’n gat wat in die grond gesink is met die doel om onderaardse water op te spoor, uit te neem of te gebruik, en ook ’n fontein, ’n put en ’n syferboorgat;

**“dienspyp”** ’n pyp wat deel van ’n waterinstallasie uitmaak en tussen die kommunikasiestruktuur en die meter geïnstalleer word;

**“Direkteur”** ’n werknemer verantwoordelik vir water en sanitasie in die Stad;

**“eienaar”**—

- (a) die persoon by wie die regstitel ten opsigte van ’n perseel van tyd tot tyd berus;
- (b) in ’n geval waar die persoon by wie die regstitel van ’n perseel berus insolvent of oorlede is of wat om welke rede ook al regsonbevoeg is, die persoon by wie die administrasie en beheer van sodanige perseel as kurator, trustee, eksekuteur, administrateur, geregtelike bestuurder, likwidateur of ander regsvertegenwoordiger berus;
- (c) in enige geval waar die Raad nie die identiteit van so ’n persoon kan vasstel nie, ’n persoon wat geregtig is op die voordeel van die gebruik van sodanige perseel of gebou of geboue daarop;
- (d) in die geval van ’n perseel waarvan ’n huurooreenkoms vir ’n tydperk van 10 jaar of langer aangegaan en in die akteskantoor geregistreer is, die huurder daarvan;
- (e) die persoon wat onroerende eiendom by die Stad gekoop het ingevolge ’n skema waarvolgens die koopprijs in paaiemente betaal word en nie oordrag van die Stad ontvang het nie;
- (f) met betrekking tot—
  - (i) ’n stuk grond afgebaken op ’n deelplan wat ingevolge die Wet op Deeltitels, 1986 (Wet Nr. 95 van 1986), geregistreer is, die ontwikkelaar of die regs persoon ten opsigte van die gemeenskaplike eiendom; of
  - (ii) ’n deel soos omskryf in die Wet op Deeltitels, die persoon op wie se naam sodanige deel kragtens ’n deeltitelakte geregistreer is, en ook die wettig aangestelde verteenwoordiger van so ’n persoon;

**“gemagtigde beampte”** ’n beampte van die Stad verantwoordelik vir die implementering en toepassing van hierdie Verordening;

**“gesondheidsoorlas”** ’n situasie of toestand wat lewe of gesondheid bedreig of die welsyn of geesteswelsyn van ’n persoon of gemeenskap nadelig affekteer of ’n omgewingsrisiko daarstel, en **“gesondheidsgevaar”** het ’n ooreenstemmende betekenis;

**“hoofwaterpyp”** ’n pyp, buiten ’n kommunikasiestruktuur, waarvan die eiendomsreg by die Stad berus en deur hom gebruik word om water na verbruikers te vervoer;

**“huishoudelike doeleindes”** met betrekking tot watervoorsiening, water wat vir drink-, was- en kookdoeleindes voorsien word, uitgesonderd toilette en urinale;

**“installasiewerk”** werk in verband met die konstruksie van, of uitgevoer ten opsigte van, ’n waterinstallasie;

**“Kredietbeheer- en Skuldinvorderingsbeleidverordening”** die Stad Kaapstad: Kredietbeheer- en Skuldinvorderingsbeleidverordening, 2006;

**“meter”** ’n toestel om die hoeveelheid water wat daardeur vloei te meet soos in die Wet op Handelsmetrologie, 1973 (Wet Nr. 77 van 1973) voorsien is;

**“okkupeerder”** ’n persoon wat ’n perseel of gedeelte daarvan okkupeer, ongeag die titel waaronder hy of sy dit okkupeer;

**“openbare kennisgewing”** ’n kennisgewing wat in die drie amptelike tale van die Stad in ’n nuusblad geplaas is;

**“opgaartenk”** ’n tenk wat deel van ’n waterinstallasie uitmaak en gebruik word vir die opgaar van water, maar nie ’n spoelbak vir ’n toilet of urinaal of ’n tenk wat vir die opgaar van warm water gebruik word nie;

**“persoon”** ook ’n regs persoon en enige staatsinstelling;

**“publiseer”**—

- (a) om ’n kennisgewing in die Provinsiale Koerant te plaas;
- (b) om afskrifte van sodanige kennisgewing aan belanghebbende groepe te verskaf; en
- (c) om die kennisgewing op kennisgewingborde van die Stad aan te bring;

“**Raad**” die Raad van die Stad of enige politieke struktuur, politieke ampsbekleër, raadslid of personeelid van die Stad, behoorlik deur delegasie gemagtig;

“**SABS**” die Suid-Afrikaanse Buro vir Standaarde waarna daar in die Wet op Standaarde, 1993 (Wet Nr. 29 van 1993), verwys word;

“**SANS**” ’n standaard wat deur die SABS ingevolge die bepalings van die Wet op Standaarde, 1993 (Wet Nr. 29 van 1993), gestel en uitgereik is;

“**Staatsinstelling**” beteken staatsinstelling soos in artikel 239 van die Grondwet gedefinieer

“**Stad**” die Stad Kaapstad, ingestel by Kennisgewing Nr. 479 van 2000 ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet Nr. 117 van 1998);

“**Stadsbestuurder**” ’n persoon wat deur die Raad as munisipale bestuurder aangestel is ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet Nr. 117 van 1998);

“**syferboorgat**” ’n pyp met ’n klein deursnee wat in los sand- of gruisformasies ingespuut is, met ’n pomp wat op grondvlak aangebring is vir die onttrekking en verspreiding van water;

“**Tariefbeleidverordening**”, die Stad Kaapstad: Tariefbeleidverordening, 2007;

“**verbindingspyp**” ’n pyp waarvan die eiendomsreg by die Stad berus en wat deur hom geïnstalleer is met die doel om water vanaf ’n hoofwaterpyp na ’n waterinstallasie te vervoer, en ook ’n “**kommunikasiepyp**” waarna in SANS 10252: 2004 Deel 1 verwys word;

“**verbruiker**” enige persoon wat water van ’n installasie gebruik wat aan ’n verbindingspyp gekoppel is en wat met water vanaf ’n hoofwaterpyp voorsien word;

“**voorgeskrewe bedrag**” ’n geld, bedrag of tarief wat deur die Raad ingevolge die Tariefbeleidverordening vasgestel en gevorder word;

“**water**” drinkbare water, tensy anders gemeld;

“**waterbestuurtoestel**” ’n toestel wat die hoeveelheid water beheer wat oor ’n sekere tydperk deur ’n watermeter vloei;

“**waterbewaring**” die handeling om water doeltreffend te bespaar of te gebruik;

“**waterdienste**” waterdienste soos omskryf in artikel 1 van die Wet op Waterdienste, 1997 (Wet Nr. 108 van 1997), en ook die uitneem, vervoer, behandeling en verspreiding van drinkbare water, water wat bedoel is om in drinkbare water omskep te word of water vir kommersiële en nywerheidsgebruik;

“**waterdienstefasiliteit**” enige grond met infrastruktuur daarop wat deur die Stad aangebring is of gebruik word, of ’n opvangsgebied in verband met die voorsiening van water;

“**waterdienstetussenganger**” ’n persoon wat ingevolge ’n kontrak verplig is om waterdienste aan ’n ander persoon te verskaf waar die verpligting om waterdienste te verskaf bykomend is tot die hoofdoel van daardie kontrak;

“**waterinstallasie**” die pype en watertoebehore geleë op ’n perseel waarvan die eiendomsreg by die eienaar daarvan berus en wat gebruik word of bedoel is om gebruik te word vir waterverbruik op sodanige perseel, en ook—

- (a) ’n pyp en watertoebehore geleë buite die grens van die perseel, wat óf aansluit by ’n verbindingspyp ten opsigte van sodanige perseel óf met die toestemming van die Stad gelê is; en
- (b) ’n “**verbruikersinstallasie**”, soos omskryf in artikel 1 van die Wet op Waterdienste, 1997 (Wet Nr. 108 van 1997); en

“**watervoorsieningstelsel**” die strukture, waterleidings, pype, kleppe, pompe, meters of ander apparaat wat daarmee verband hou, waarvan die eiendomsreg by die Stad berus en wat gebruik word in verband met die voorsiening van water, en ook enige gedeelte van die stelsel.

## **Toepassing en doel**

2. (1) Hierdie Verordening is van toepassing op alle persele wat binne die regsgebied van die Stad geleë is.
- (2) Tensy die teendeel bewys word, word ’n oortreding van hierdie Verordening wat op ’n perseel begaan word ten opsigte van—
  - (a) die waterinstallasie, buiten ’n bepaling wat op die gebruik van water in die installasie betrekking het, geag ’n oortreding deur die eienaar van die perseel te wees; en
  - (b) die gebruik van water in ’n waterinstallasie, geag ’n oortreding deur die verbruiker te wees.
- (3) Daar word nie van ’n eienaar vereis om ’n waterinstallasie of gedeelte daarvan aan te pas om aan hierdie Verordening te voldoen nie indien dit geïnstalleer is in ooreenstemming met ’n wet wat onmiddellik voor die inwerkingtreding van hierdie Verordening in werking was behalwe vir die bepalings van artikel 3(1) en item 15 van Bylae 1.
- (4) Water mag binne die regsgebied van die Stad slegs ingevolge die bepalings van hierdie Verordening voorsien word.
- (5) Waar dit nie redelik moontlik of koste-effektief is om aan elke verbruiker in ’n bepaalde gebied water te voorsien nie, kan die Direkteur, in oorleg met die Uitvoerende Direkteur: Stadsgegesondheid, ’n alternatiewe manier van watervoorsiening bepaal.
- (6) Indien die Direkteur ingevolge subartikel (5) ’n alternatiewe manier van watervoorsiening bepaal het, is hierdie Verordening van toepassing op die voorsiening van water aan sodanige gebied, onderworpe aan sodanige voorwaardes as wat hy of sy bepaal.
- (7) Indien die Stad van ’n eksterne waterdiensteverkaffer gebruik maak, bly hierdie Verordening van toepassing en bly die Raad die regulerende owerheid.

## **Bevoegdhede van die Direkteur**

3. (1) Die Direkteur kan die eienaar by skriftelike kennisgewing aansê om binne ’n spesifieke tydperk aan die bepalings van hierdie Verordening te voldoen indien die waterinstallasie of gedeelte daarvan op ’n perseel—
  - (a) gebrekkig is;
  - (b) in so ’n toestand of ligging is dat dit watervermorsing of onnodige watergebruik veroorsaak of waarskynlik sal veroorsaak; of

- (c) in 'n toestand of ligging is waar dit besoedeling van die watertoevoer of 'n gesondheid- of veiligheidsrisiko veroorsaak of waarskynlik sal veroorsaak.
- (2) Die Direkteur moet met die Uitvoerende Direkteur: Stadsgeondheid oorleg pleeg in alle gevalle van 'n moontlike gesondheidsrisiko of besoedeling van die omgewing.
- (3) Indien die Direkteur rede het om te glo dat 'n waterinstallasie in so 'n mate gebrekkig is dat dit 'n gesondheid- of veiligheidsrisiko vir okkupeerders van die perseel kan skep of veroorsaak, kan hy of sy vereis dat die waterinstallasie op koste van die eienaar getoets of ontsmet word.
- (4) Die Direkteur kan, vir enige doel wat met die implementering of toepassing van hierdie Verordening in verband staan, te alle redelike tye of te eniger tyd in 'n noodgeval—
- 'n perseel betree;
  - inligting versoek;
  - sodanige inspeksie en ondersoek as wat hy of sy nodig ag, uitvoer; en
  - vir sodanige doel enige watertoebehore van die waterinstallasie in werking stel.

#### Diensvlakke

4. (1) Die Stad kan van tyd tot tyd en in ooreenstemming met nasionale beleid, maar onderworpe aan beginsels van volhoubaarheid en bekostigbaarheid, by openbare kennisgewing die diensvlakke bepaal wat hy aan verbruikers kan voorsien.
- (2) Die Stad kan by die bepaling van diensvlakke tussen verskillende tipes verbruikers, geografiese gebiede en sosio-ekonomiese gebiede onderskei.
- (3) Behoudens die bepalings van subartikel (1), kan die Stad die volgende diensvlakke daarstel:
- gemeenskaplike watervoorsieningsdienste, wat—
    - die minimum vlak van dienslewering is wat die Stad verskaf;
    - bestaan uit 'n netwerk staanpype of 'n vaste watertenk, bedien deur 'n netwerkpyp of tenkwa wat binne redelike loopafstand vanaf enige huishouding geplaas is;
    - gratis aangelê word;
    - gratis aan verbruikers gelewer word, en
    - deur die Stad in stand gehou word.
  - erfaansluitings wat nie aan 'n waterinstallasie gekoppel is nie, wat—
    - bestaan uit 'n ongemeterde staanpyp op 'n perseel wat nie aan 'n waterinstallasie gekoppel is nie;
    - gratis aangelê word; en
    - deur die Stad in stand gehou word.
  - 'n gemeterde waterdrukaansluiting—
    - wat teen betaling van die voorgeskrewe bedrag geïnstalleer is;
    - wat teen betaling van die voorgeskrewe bedrag verskaf word; en
    - waarvan die waterinstallasies deur die verbruiker in stand gehou word.

#### Delegasie

5. Die Direkteur of 'n gemagtigde beampte kan, onderworpe aan die goedkeuring van die Direkteur, enige van sy of haar bevoegdhede of pligte wat ingevolge hierdie Verordening aan hom of haar verleen of opgelê is, aan enige ander beampte van die Stad deleger.

#### Betreding van waterdienstefasiliteite

6. 'n Persoon wat 'n waterdienstefasiliteit betree moet enige opdrag van die Direkteur ten opsigte van die gebruik en voorwaardes van toegang tot die terrein, wat deur middel van 'n kennisgewing by die ingang aangebring is, nakom.

#### Dreigende noodgevalle en toestande wat dringend aandag verg

7. (1) Die Direkteur kan, in geval van dreigende noodgevalle of situasies wat dringend aandag verg, enige redelike maatreëls tref om sodanige dreigende noodgevalle of situasies te voorkom of uit te skakel.
- (2) Wanneer 'n dreigende noodgeval of situasie, soos in subartikel (1) bedoel, op privaatgrond plaasvind, kan die Direkteur—
- die eienaar by skriftelike kennisgewing aansê om sodanige maatreëls te tref as wat nodig mag wees om sodanige dreigende noodgeval of situasie te voorkom of uit te skakel; of
  - indien die eienaar nie opgespoor kan word nie of versuim om onmiddellik te voldoen aan 'n voorskrif van die Direkteur, sodanige maatreëls tref as wat nodig mag wees om die dreigende noodgeval of situasie te voorkom of uit te skakel.
- (3) Indien die noodgeval in 'n waterinstallasie ontstaan, is die eienaar van sodanige waterinstallasie aanspreeklik vir die koste wat die Stad aangaan.
- (4) In die geval van stappe wat gedoen is, soos in subartikel (2)(b) bedoel, moet die Direkteur die Stadsbestuurder onverwyld daarvan in kennis stel.
- (5) Indien stappe dringend nodig is om watervermorsing, skade aan eiendom, lewensgevaar of waterbesoedeling te voorkom, kan die Direkteur—
- sonder voorafgaande kennis die watertoevoer na enige perseel afsny; en
  - sodanige perseel betree en sodanige noodwerk op koste van die eienaar verrig, en die eienaar ook by skriftelike kennisgewing aansê om binne 'n gespesifiseerde tyd sodanige bykomende werk te verrig as wat hy of sy nodig ag.

**Plig van die publiek**

8. (1) Enige lid van die publiek wat bewus word van 'n noodgeval of dreigende situasie wat dringend aandag verg of 'n situasie wat watervormorsing of besoedeling tot gevolg kan hê, moet die Direkteur onmiddellik daarvan verwittig.
- (2) Enige persoon wat die Direkteur verwittig soos in subartikel (1) bedoel en wat nie geïdentifiseer wil word nie, kan versoek dat sy of haar naam nie in enige daaropvolgende aksie openbaar word nie.

**Verhaal van koste**

9. (1) Enige persoon wat die bepalings van hierdie Verordening oortree, is aanspreeklik om die Stad te vergoed vir enige verlies of skade wat die Stad as gevolg van sodanige oortreding ly.
- (2) Die Stad kan enige koste wat hy redelikerwys aangegaan het om enige maatreël ingevolge hierdie Verordening te tref, verhaal van enige persoon op wie 'n regsplig gerus het om daardie maatreëls te tref, insluitend—
- 'n persoon aan wie 'n voldoeningskennisgewing beteken is;
  - die eienaar van die betrokke perseel; of
  - die verbruiker.
- (3) Die Direkteur kan 'n kennisgewing uitreik wat 'n persoon wat aanspreeklik is vir die koste aangegaan ingevolge subartikel (1), aansê om sodanige koste te betaal op 'n datum wat in sodanige kennisgewing vermeld word, en sodanige kennisgewing dien as prima facie-bewys van die verskuldigde bedrag.

**Voldoeningskennisgewings**

10. (1) Indien 'n gemagtigde beampte bevind dat 'n bepaling van hierdie Verordening oortree word of dat 'n toestand ontstaan het wat moontlik tot 'n oortreding van hierdie Verordening kan lei, kan sodanige gemagtigde beampte 'n voldoeningskennisgewing uitreik aan die verbruiker of die betrokke eienaar of die persoon wat die bepalings van hierdie Verordening oortree het of moontlik gaan oortree.
- (2) 'n Voldoeningskennisgewing uitgereik ingevolge subartikel (1) moet die volgende vermeld:
- die bepaling van hierdie Verordening wat oortree word of oortree gaan word indien die toestand toegelaat word om voort te duur;
  - die maatreëls wat getref moet word om die toestand te herstel; en
  - die tydperk waarbinne daar aan sodanige kennisgewing voldoen moet word.
- (3) Indien 'n persoon aan wie 'n voldoeningskennisgewing ingevolge subartikel (2) beteken is, versuim om aan die vereistes van sodanige kennisgewing te voldoen, kan die gemagtigde beampte, op koste van die verantwoordelike persoon, sodanige stappe doen as wat nodig mag wees om die toestand reg te stel of enige ander noodsaaklike handeling verrig wat nodig geag word om voldoening te verseker.

**Verantwoordelikheid vir nakoming van Verordening**

11. (1) Die eienaar is daarvoor verantwoordelik om toe te sien dat hierdie Verordening nagekom word ten opsigte van alle aangeleenthede wat met die waterinstallasie en die instandhouding daarvan verband hou.
- (2) Die verbruiker is verantwoordelik vir die nakoming van hierdie Verordening ten opsigte van aangeleenthede wat met die gebruik van water verband hou.

**Hoofstuk 2****Bepalings in verband met die voorsiening van water****Ongemagtigde gebruik van water**

12. (1) Niemand mag water uit die watervoorsieningstelsel gebruik nie—
- tensy 'n ooreenkoms waarna in artikel 13 of 14 verwys word, aangegaan is;
  - behalwe deur middel van 'n kommunikasiepyp wat ingevolge artikel 21 of 'n brandkraan wat ingevolge artikel 30 verskaf is; of
  - behalwe deur middel van 'n gemeterde watervoorsieningspunt wat spesifiek deur die Stad vir die voorsiening van water geïnstalleer is.
- (2) Indien diefstal van water plaasgevind het, kan die Direkteur—
- indien sodanige water nie deur 'n meter gegaan het wat deur die Stad geïnstalleer of verskaf is nie, enige redelike metode aanwend om die tydperk te bereken waartydens bewese diefstal van water plaasgevind het; en
  - die hoeveelheid water waarvoor die Stad vergoeding kan eis waar bewese diefstal plaasgevind het, bepaal, die Direkteur moet die maksimum vloeitempo van 'n watermeter wat voldoen aan die regulasies wat met betrekking tot watermeters kragtens die Wet op Handelsmetrologie, 1973 (Wet Nr. 77 van 1973), gepubliseer is en wat dieselfde grootte in deursnit het as die pyp waaruit die ongemagtigde water onttrek is, gebruik.

**Aansoek om die voorsiening van water**

13. (1) Water word nie uit die watervoorsieningstelsel aan 'n nuwe perseel voorsien nie tensy die eienaar by die Stad daarom aansoek gedoen het en sodanige aansoek deur die Direkteur goedgekeur is.
- (2) 'n Aansoek om watervoorsiening wat deur die Direkteur goedgekeur is, maak 'n ooreenkoms tussen die Stad en die eienaar uit en neem 'n aanvang op die datum in die aansoek vermeld.
- (3) Die eienaar is aanspreeklik vir alle gelde ten opsigte van die voorsiening van water soos ingevolge die Tariefbeleidverordening bepaal totdat die toevoer op versoek van die eienaar onderbreek word of die ooreenkoms ingevolge artikel 18 beëindig is, en die eienaar word vir alle doeleindes gedurende die bestaan van die ooreenkoms geag die verbruiker te wees.

(4) 'n Aansoek moet ten minste die volgende inligting bevat:

- (a) 'n verklaring dat die aansoeker bewus is van die inhoud van die ooreenkoms en dit verstaan;
- (b) aanvaarding deur die aansoeker van die bepalings van hierdie Verordening en aanvaarding van aanspreeklikheid vir die koste van die watervoorsiening totdat die ooreenkoms beëindig word;
- (c) die naam van die aansoeker en sy of haar identiteitsnommer;
- (d) die adres of erfnummer van die perseel waaraan en waarop water voorsien moet word;
- (e) die adres waarheen rekeninge gestuur moet word;
- (f) die doel waarvoor die water gebruik gaan word;
- (g) die ooreengekome datum waarop watervoorsiening sal begin; en
- (h) 'n onderneming deur die aansoeker om die Stad in kennis te stel van enige verandering aan bogenoemde inligting.

(5) Water word voorsien onderworpe aan die bepalings van hierdie Verordening en die voorwaardes wat die Direkteur stel.

(6) Die eienaar moet, wanneer die doel van watergebruik waarvoor in subartikel (4)(f) aansoek gedoen is of die omvang van waterverbruik waarvoor aansoek gedoen word, verander, die Stad onverwyld van die verandering in kennis stel en 'n nuwe ooreenkoms met die Stad sluit.

#### Oordrag van eienaarskap

14. (1) Die verkoper moet, voor oordrag van 'n eiendom, 'n sertifikaat van 'n geakkrediteerde loodgieter indien wat sertifiseer dat—

- (a) die waterinstallering aan die nasionale bouregulasies en hierdie Verordening voldoen;
- (b) daar geen foute is nie;
- (c) die watermeter registreer; en
- (d) daar geen stormwater in die rioolstelsel inloop nie.

(2) Die sertifikaat na verwys in subartikel (1) moet in die formaat van die vorm aangeheg as Bylae 4 wees.

#### Spesiale ooreenkomste vir watervoorsiening

15. (1) Die Stad kan 'n spesiale ooreenkoms aangaan om water aan 'n aansoeker buite die Stad te voorsien.

(2) Indien die Stad instem om water aan 'n aansoeker buite die Stad te voorsien soos in subartikel (1) bedoel, kan hy sodanige aansoeker toelaat om sodanige water aan ander persone te verkoop, onderworpe aan sodanige voorwaardes wat hy goed vind.

#### Pype in strate of openbare plekke

16. Niemand mag sonder vooraf skriftelike toestemming van die Direkteur en onderworpe aan sodanige voorwaardes wat hy of sy mag stel of enige ander toepaslike wet, 'n pyp of bybehorende komponent op, in of onder 'n straat, openbare plek of ander grond wat aan die Stad behoort of onder sy beheer is, aanlê of bou met die doel om water afkomstig van water bron ook al te vervoer nie.

#### Gelde

17. Alle gelde wat betaalbaar is en op watervoorsiening deur die Stad betrekking het, moet in ooreenstemming met die Tariefbeleidverordening wees.

#### Beëindiging van ooreenkomste

18. (1) 'n Eienaar kan 'n ooreenkoms vir die voorsiening van water beëindig deur die Stad minstens sewe dae skriftelik kennis te gee van sy of haar voorneme om dit te doen.

(2) Die Direkteur kan, deur minstens 14 dae skriftelik kennis te gee, 'n eienaar in kennis stel van die beëindiging van sy of haar ooreenkoms vir die voorsiening van water indien sodanige eienaar—

- (a) geen water gedurende die voorafgaande ses maande gebruik het nie en nie reëlins tot bevrediging van die Direkteur getref het vir die voortsetting van die ooreenkoms nie;
- (b) versuim het om die bepalings van hierdie Verordening na te kom en, na die uitreiking van 'n kennisgewing, versuim het om sodanige versuim reg te stel; of
- (c) versuim het om enige gelde verskuldig en betaalbaar ingevolge die Tariefbeleidverordening te betaal.

(3) Die Direkteur kan 'n ooreenkoms vir die voorsiening van water beëindig indien die perseel waarop sodanige ooreenkoms betrekking het, ontruim is.

#### Inmenging met die watervoorsieningstelsel

19. Niemand behalwe die Stad mag, tensy ingevolge hierdie Verordening gemagtig—

- (a) infrastruktuur behorende aan die Stad vir die voorsiening van waterdienste bestuur, mee peuter of belemmer, bedryf of in stand hou nie; of
- (b) 'n aansluiting aan die watervoorsieningstelsel maak nie.



### Versperring van toegang tot die watervoorsieningstelsel

20. Niemand mag beamptes van die Stad se toegang tot die watervoorsieningstelsel verhinder of belemmer nie.

### Verskaffing van kommunikasiepyp

21. (1) Niemand mag met enige ontwikkeling op 'n perseel begin nie tensy die Direkteur 'n verbindingspyp en meter aangelê het.

(2) Indien 'n ooreenkoms vir watervoorsiening ten opsigte van 'n perseel aangegaan is maar geen kommunikasiepyp of kommunikasiepyp van 'n gepaste grootte vir die perseel aangelê is nie, moet die eienaar op die voorgeskrewe vorm aansoek doen vir die installering van so 'n pyp en die voorgeskrewe bedrag, soos ingevolge die Tariefbeleidverordening bepaal, betaal.

(3) Die Direkteur bepaal—

- (a) die deursnit van die kommunikasiepyp aan die hand van die inligting wat die aansoeker ten tye van die aansoek verskaf het;
- (b) die ligging van die kommunikasiepyp;
- (c) die eindpunt van die kommunikasiepyp binne die grens van die grond wat aan die Stad behoort of waarop hy 'n serwituut of ander reg het;
- (d) die soort koppeling wat vir die aansluiting gebruik moet word; en
- (e) die materiaal waarvan daardie gedeelte van die waterinstallasie tussen die kommunikasiepyp en die eienaar se isoleerklap waarna in artikel 51 verwys word, gemaak moet word en hoe sodanige gedeelte aangelê moet word.

(4) Indien aansoek gedoen word vir die voorsiening van water aan 'n perseel wat sodanig geleë is dat dit 'n uitbreiding van die watervoorsieningstelsel verg alvorens water aan die perseel voorsien kan word, kan die Direkteur die uitbreiding goedkeur onderworpe aan sodanige voorwaardes as wat hy of sy kan stel.

(5) Die eienaar moet op eie sy of haar eie koste die koppeling tussen die waterinstallasie en die kommunikasiepyp of—pype wat die perseel bedien, aanbring, tensy die Direkteur anders aandui.

(6) Die eienaar moet die gedeelte van die waterinstallasie waarna in subartikel (3)(e) verwys word, sodanig vasheg dat dit nie kan beweeg nie.

(7) Tensy die Direkteur andersins instem, mag slegs een kommunikasiepyp aan 'n perseel verskaf word, ongeag die getal wooneenhede, sake-eenhede of verbruikers op sodanige perseel.

(8) Die Direkteur kan, onderworpe aan sodanige voorwaardes wat hy of sy kan stel, instem tot die aansluiting by 'n hoofwaterpyp elders as wat gereedelik beskikbaar is vir die voorsiening van water aan die perseel; met dien verstande dat die eienaar verantwoordelik is vir enige uitbreiding van die waterinstallasie tot by die aansluitingspunt wat die Direkteur aangedui en goedgekeur het en vir die verkryging, op sy of haar koste, van sodanige serwitute op ander eiendom as wat nodig mag wees.

(9) Totdat die voldoeningstifikaat waarna in artikel 48(1)(c) verwys word, deur die Stad ontvang is, sal water nie aan 'n waterinstallasie deur middel van 'n kommunikasiepyp wat vir boudoeleindes aangelê is, voorsien word nie, en indien so 'n stifikaat nie ontvang is nie, kan die Direkteur die watertoevoer aan daardie waterinstallasie afsny of inkort.

(10) Indien die Direkteur van mening is dat die grootte van die bestaande kommunikasiepyp 'n onvoldoende hoeveelheid water aan 'n perseel lewer, kan hy of sy by skriftelike kennisgewing die eienaar aansê om die voorgeskrewe bedrag te betaal vir die verwydering van die bestaande kommunikasiepyp en die aanlê van 'n kommunikasiepyp van 'n geskikte grootte.

(11)(a) Waar 'n amptelike onderverdelingsversoek voorgelê is, kan die Direkteur by skriftelike kennisgewing die eienaar van 'n perseel wat in afsonderlike wooneenhede verdeel is, aansê om op sy of haar eie koste en binne die tydperk in die kennisgewing vermeld—

- (i) die waterinstallasie wat enige een eenheid bedien aan te pas sodat dit afsonderlik en onafhanklik is van die waterinstallasie wat enige ander eenheid bedien;
- (ii) aansoek te doen vir 'n kommunikasiepyp wat elke eenheid bedien; en
- (iii) die waterinstallasie waarna in paragraaf (i) verwys word, aan die kommunikasiepyp waarna in paragraaf (ii) verwys word, te koppel.

(b) Die Direkteur kan die eienaar van die eenheid waarna in paragraaf 11(a)(i) verwys word, skriftelik kennis gee dat hy of sy ingevolge artikel 13 aansoek moet doen vir die voorsiening van water.

(12) Indien die Direkteur van voorneme is om 'n kommunikasiepyp te vervang, moet hy of sy die eienaar nie minder nie as 10 werksdae skriftelik kennis gee van die datum waarop die koppeling tussen die waterinstallasie en die nuwe kommunikasiepyp sal plaasvind.

(13) Wanneer 'n perseel van 'n aantal kommunikasiepype voorsien word, kan die Direkteur gelas dat die eienaar op sy of haar koste die getal aansluitingspunte verminder en die waterinstallasie dienooreenkomstig aanpas.

### Aansluiting tussen persele

22. 'n Eienaar van 'n perseel moet verseker dat daar geen aansluitings tussen die waterinstallasie op die perseel en die waterinstallasie op 'n ander perseel is nie, tensy die eienaar vooraf skriftelik goedkeuring by die Direkteur verkry het en enige voorwaardes wat die Direkteur gestel het, nagekom het.

### Verskaffing en plasing van isoleerklappe

23. (1) Die Direkteur moet 'n isoleerklap tussen elke meter en hoofwaterpyp aanbring.

(2) Die eienaar moet, op sy of haar eie koste en vir sy of haar uitsluitlike gebruik, 'n isoleerklap verskaf en aanbring—

- (a) in die geval van 'n meter wat op die perseel aangebring is, by 'n geskikte plek aan sy of haar kant van die meter; of
- (b) in die geval van 'n meter wat buite die perseel aangebring is, by 'n geskikte plek onmiddellik binne die grens van sy of haar perseel,

met dien verstande dat, indien die eienaar sou versuim om dit te doen, die Direkteur 'n isoleerklap op die koste van die eienaar kan verskaf en aanbring.

(3) Niemand mag sonder die goedkeuring van die Direkteur met die isoleerklap aan die kommunikasiepyp peuter nie.

### Algemene voorsieningsvoorwaardes

24. (1) Die voorsiening van water deur die Stad maak nie 'n onderneming uit om te eniger tyd of op enige punt in die watervoorsieningstelsel—
- 'n ononderbroke toevoer;
  - 'n spesifieke druk of vloeiempo in sodanige toevoer; of
  - 'n spesifieke standaard van watergehalte,
- te handhaaf nie, met dien verstande dat indien die watertoevoer na 'n verbruiker vir langer as 24 uur onderbreek word, die Stad sal poog om so gou as wat redelik moontlik is 'n alternatiewe basiese watertoevoer te voorsien.
- (2) Die Direkteur kan bepaal op watter maksimum hoogte water vanuit die watervoorsieningstelsel voorsien sal word.
- (3) 'n Eienaar wat 'n ononderbroke toevoer, spesifieke druk of vloeiempo of spesifieke standaard van watergehalte op die perseel verlang, moet self reëlings tref om aan sodanige vereistes te voldoen.
- (4) Behoudens die bepalings van hierdie Verordening, kan die Stad sonder vooraf kennisgewing die watertoevoer na enige perseel onderbreek.
- (5) Indien die waterverbruik op 'n perseel die watervoorsiening aan 'n ander perseel nadelig raak, kan die Direkteur sodanige beperkings as wat hy of sy nodig ag op die voorsiening van water aan eersgenoemde perseel van toepassing maak om te verseker dat die ander perseel 'n redelike watertoevoer ontvang, en moet hy of sy die eienaar van eersgenoemde erf of gebruiker wat daarop woon van sodanige beperkings in kennis stel.
- (6) Die Direkteur kan 'n Waterbestuurtoestel op enige perseel as deel van die watermeter en sy bybehorende apparaat installeer om—
- watervraagbestuur aan te moedig; of
  - implementering van 'n bekostigbare benadering tot die verskaffing van toegang tot basiese waterdienste te verseker.
- (7) Indien 'n Waterbestuurtoestel op 'n perseel geïnstalleer is, kan 'n verbruiker versoek dat 'n ooreenkoms met die Direkteur aangegaan word om die drinkwatertoevoer aan sy of haar perseel op 'n voorafbepaalde daaglikse volume te stel.

### Inkorting of afsny van toevoer

25. (1) Behoudens enige ander wet, kan die Stadsbestuurder, indien 'n eienaar versuim het om 'n bedrag verskuldig ingevolge die Tariefbeleidverordening te betaal, hom of haar skriftelik in kennis stel van die voorneme om—
- die huishoudelike toevoer op 'n bepaalde datum in te kort, en sodanige toevoer op of na daardie datum inkort sonder om toegang tot basiese waterdienste te weier; of
  - die watertoevoer aan alle ander nie-huishoudelike verbruikers op 'n bepaalde datum in te kort of af te sny, en die watertoevoer op of na daardie datum inkort of afsny.
- (2) Behoudens enige ander wet, kan die Direkteur 'n eienaar wat hierdie Verordening oortree en versuim het om sodanige oortreding reg te stel binne die tydperk vermeld in 'n skriftelike kennisgewing wat op hom of haar beteken is, by skriftelike kennisgewing verwittig van die voorneme om sy of haar watertoevoer op 'n bepaalde datum in te kort of af te sny, en sodanige toevoer op of na daardie datum inkort of afsny.
- (3) Die verbruiker of eienaar moet die gelde vir die inkorting of afsny en heraansluiting van die watertoevoer ingevolge die Tariefbeleidverordening betaal, met dien verstande dat al sodanige gelde betaal moet wees voordat die watertoevoer heraaangesluit sal word.
- (4) 'n Verbruiker wie se toegang tot watervoorsieningsdienste ingekort of afgesny is en dit onregmatig heraansluit, se toevoer sal na skriftelike kennisgewing afgesny word en hy of sy is aanspreeklik vir die koste wat deur die Stad aangegaan is.
- (5) Die Stad moet verseker dat geen huishoudelike verbruiker toegang tot basiese waterdienste ingevolge hierdie Verordening geweier word nie.

### Onderbreking van toevoer op versoek van eienaar

26. (1) Die Direkteur kan, op skriftelike versoek van die eienaar van 'n perseel wat leegstaan of onbewoon is en op die verlangde datums—
- die watertoevoer na die perseel afsny of inkort; en
  - die watertoevoer heraansluit.
- (2) Die eienaar moet by goedkeuring van die versoek in subartikel (1) bedoel die voorgeskrewe bedrag betaal.

### Verwydering van wateraansluiting

27. Die Direkteur kan 'n waterinstallasie by die kommunikasiepyp ontkoppel en die kommunikasiepyp verwyder indien—
- die ooreenkoms vir watervoorsiening ingevolge artikel 17 beëindig is en die Direkteur geen aansoek vir die verdere voorsiening van water aan die perseel wat deur die pyp bedien word, binne 'n tydperk van 90 dae na sodanige beëindiging ontvang het nie;
  - die gebou op die betrokke perseel gesloop is; of
  - die eienaar of okkupeerder onwettig ingemeng het met die watervoorsieningstelsel wat die betrokke perseel bedien.

### Meting van water wat gelewer word

28. (1) Water wat aan 'n perseel voorsien word moet vloei deur 'n meter wat tussen die kommunikasiepyp en waterinstallasie en op 'n plek wat die Direkteur bepaal geïnstalleer is, met dien verstande dat dit nie nodig is om 'n meter aan te bring nie in die geval van—
- 'n outomatiese sprinkelbrandinstallasie;
  - 'n brandinstallasie ten opsigte waarvan maatreëls getref is om ongemagtigde wateraftapping vir ander doeleindes as brandbestryding op te spoor;
  - omstandighede soos deur die Direkteur bepaal; of
  - waar water deur 'n bestaande ongemeterde brandaansluiting verbruik word.

- (2) Die Direkteur kan, nadat die eienaar van die eiendom skriftelik in kennis gestel is van sy of haar voorneme om 'n meter in 'n bestaande ongemeterde brandaansluiting waarna daar in subartikel (1)(d) verwys word, op die koste van die Stad aan te bring, sodanige meter aanbring en daarna 'n rekening lewer vir water wat deur middel van die verbinding verbruik word.
- (3) 'n Meter en sy bybehorende apparaat wat deur Stad verskaf en aangebring is, bly die eiendom van die Stad en mag vervang word wanneer die Direkteur dit nodig ag.
- (4) Die Stad kan 'n meter en sy bybehorende apparaat aanbring op enige plek in—
- die waterinstallasie wat die perseel bedien; en
  - die verbindingspyp wat die perseel bedien.
- (5) Indien die Stad 'n meter en sy bybehorende apparaat ingevolge subartikel (4)(a) in die waterinstallasie aanbring—
- moet die eienaar 'n installasiepunt verskaf wat deur die Direkteur goedgekeur word;
  - moet die eienaar te alle tye onbeperkte toegang daartoe verseker;
  - is die eienaar verantwoordelik vir die beskerming daarvan en aanspreeklik vir die koste wat uit skade daaraan spruit, uitgesonderd skade as gevolg van normale slytasie;
  - moet die eienaar toesien dat geen aansluiting tussen die meter en die kommunikasiepyp wat die perseel bedien aan die pyp waarin die meter aangebring is, gemaak word nie;
  - moet die eienaar voorsiening maak vir die dreinerings van water wat in die loop van werk wat deur die Stad aan die meter gedoen word, mag lek uit die pyp waarin die meter aangebring is; en
  - mag die eienaar nie enige toebehore, masjien of toestel wat skade aan die watervoorsieningstelsel, wat die meter insluit, veroorsaak of waarskynlik sal veroorsaak, in enige waterinstallasie gebruik of toelaat dat dit gebruik word nie.
- (6) Slegs die Stad mag—
- 'n meter en sy bybehorende apparaat ontkoppel van die pyp waarin dit aangebring is;
  - 'n seël op 'n meter breek; of
  - op enige ander wyse met 'n meter en sy bybehorende apparaat inmeng.
- (7) Enige persoon wat subartikel 5(d) of (6) oortree, moet die koste van sodanige hoeveelheid water wat gelewer is, aan die Stad betaal.
- (8) Indien die Stad 'n meter saam met die sy bybehorende apparaat ingevolge subartikel (4)(b) installeer, is 'n dienspyp nie nodig nie en die waterinstallasie word dan geag te begin by die koppeling met die kommunikasiepyp, welke koppeling 150mm binne die grens moet wees van die grond waarvan die eiendomsreg by die Stad berus of waarop hy 'n serwituut of ander reg het.
- (9) Die Direkteur kan op koste van die eienaar 'n meter of toestel wat volume beheer aanbring of laat aanbring vir elke deel, sake- of wooneenheid op enige perseel om die hoeveelheid water wat aan elke deel, sake- of wooneenheid gelewer word, te bepaal.
- (10) Die Direkteur moet enige nodige instandhoudingswerk doen aan enige gedeelte van 'n dienspyp wat strek vanaf die verbindingspyp van die perseel tot by 'n meter en sy bybehorende apparaat wat binne sodanige perseel geleë is, ongeag of daardie gedeelte van die pyp deel uitmaak van die waterinstallasie, met dien verstande dat die eienaar die Direkteur vrye toegang tot hierdie pyp of meter moet gee en verantwoordelik is vir die herstel van die omliggende gebied na afhandeling van herstelwerk.
- (11) 'n Okkupeerder van 'n perseel moet, waar 'n meter ingevolge subartikel (4)(a) geïnstalleer is, die Stad onmiddellik verwittig wanneer 'n lek in 'n dienspyp of aan die meter en sy bybehorende apparaat opgemerk word.
- (12) Indien toegang tot 'n meter wat ingevolge subartikel (4)(a) geïnstalleer is, vir doeleindes van lesing geweier word, kan die Direkteur—
- by skriftelike kennisgewing aan die eienaar van die perseel hom of haar verwittig van die voorneme om 'n ander meter op die verbindingspyp op koste van die eienaar te installeer;
  - 'n rekening lewer vir die hoeveelheid water wat op sodanige perseel verbruik is, soos gemeet deur die meter wat op die verbindingspyp geïnstalleer is; en
  - die koste van die meter wat uit werking gestel is van die eienaar verhaal.
- (13) Indien toegang tot 'n meter wat ingevolge subartikel (4)(a) geïnstalleer is, vir doeleindes van lesing geweier word, is die eienaar vir die duur van sodanige weiering aanspreeklik vir die koste van die water wat vermors word as 'n lek op sodanige meter en sy bybehorende apparaat sou ontstaan of opmerklik is op daardie gedeelte van die dienspyp binne sodanige perseel, soos gemeet deur 'n meter wat ingevolge subartikel (12)(a) geïnstalleer is.
- (14) Indien 'n eienaar ingevolge artikel 42 'n plan vir die goedkeuring van 'n struktuur op die grens van die perseel by die Stad indien en die bestaande meter ingevolge subartikel (4)(a) geïnstalleer is, moet sodanige eienaar by goedkeuring van sodanige plan aansoek doen en die voorgeskrewe gelde betaal om die meter van sy of haar perseel te laat verwyder en 'n nuwe meter op die verbindingspyp te laat installeer.
- (15) Indien 'n eienaar ingevolge artikel 42 'n plan vir die goedkeuring van wysigings of uitbreidings aan 'n bestaande ongemeterde brandinstallasie indien, moet sodanige eienaar na oorweging van die hersiene installasie en by goedkeuring van sodanige plan, aansoek doen dat die Stad 'n meter, volgens die grootte en tipe wat die Direkteur voorskryf, as deel van die aansluiting tot sodanige perseel installeer, en die toepaslike bedrag betaal.
- (16) Indien 'n eienaar ingevolge artikel 42 'n plan vir die goedkeuring van wysigings en uitbreidings aan 'n bestaande gemeterde brandinstallasie indien, moet hy of sy, na oorweging van die hersiene installasie en by goedkeuring van die plan, aansoek doen dat die Stad 'n meter, volgens die grootte en tipe wat die Direkteur voorskryf, as deel van die aansluiting tot sodanige perseel installeer, en die voorgeskrewe bedrag betaal.
- (17) Indien die Direkteur bepaal dat voorsiening gemaak moet word vir afsonderlike wateraansluitings vir 'n drinkwaterinstallasie en 'n brandinstallasie op dieselfde perseel, kan standaardwatermeters vir sodanige aansluitings geïnstalleer word.
- (18) Indien die Direkteur bepaal dat 'n gekombineerde huishoudelike waterinstallasie en brandinstallasie, wat brandkrane insluit, aan 'n perseel verskaf moet word, moet 'n kombinasie-meter of ander soortgelyke meter om lae vloeiempo's op te spoor, op sodanige aansluiting geïnstalleer word.
- (19) 'n Afsonderlike kommunikasiepyp moet vir elke outomatiese sprinkelstelsel aangelê en gebruik word.
- (20) Wanneer die eienaar of die persoon in beheer of bestuur van enige perseel waarop daar 'n aantal wooneenhede is, 'n watertoevoer na sodanige perseel verlang sodat elke eenheid 'n afsonderlike watertoevoer kan kry, kan die Direkteur—
- 'n enkel meter vir die perseel as 'n geheel of enige getal sodanige wooneenhede; of

- (b) 'n afsonderlike meter, op die grens van die eiendom waarvan die eiendomsreg by die Stad berus, vir elke wooneenheid of enige getal wooneenhede verskaf en installeer.

(21) Indien die Direkteur 'n enkel meter geïnstalleer het, soos bedoel in subartikel (20)(a), moet die eienaar of die persoon in beheer of bestuur van die perseel aan elke takpyp vanaf die kommunikasiepyp tot by die onderskeie wooneenheid—

- (a) 'n afsonderlike meter; en  
(b) 'n isoleerklap,

installeer en in stand hou, en is hy of sy teenoor die Stad aanspreeklik vir die betaling van die voorgeskrewe bedrae vir alle water wat deur 'n enkel meter aan die perseel gelewer word, ongeag die onderskeie hoeveelhede water wat die verskillende verbruikers wat deur sodanige meter bedien word, verbruik het.

#### Hoeveelheid water wat gelewer word

29. (1) Vir doeleindes van raming van die hoeveelheid water wat gedurende 'n bepaalde tydperk deur 'n meter gelewer word, word dit geag, tensy die teendeel bewys kan word, dat—

- (a) die hoeveelheid aangedui word deur die verskil tussen die meterlesings wat aan die begin en einde van sodanige tydperk geneem is;  
(b) die meter tydens sodanige tydperk akkuraat geregistreer het; en  
(c) die inskrywings in die rekords van die Stad korrek is,

met dien verstande dat indien water gelewer of geneem word sonder dat dit deur 'n meter vloei, die hoeveelheid sodanige water wat die Direkteur raam, geag word korrek te wees.

(2) Die Direkteur kan 'n hoeveelheid water wat in die tussenpose tussen opeenvolgende lesings van die meter gelewer is, raam en 'n rekening aan 'n verbruiker lewer vir die hoeveelheid water wat aldus geraam is.

#### Watervoorsiening met 'n munisipale brandkraan

30. (1) Die Direkteur kan, onderworpe aan sodanige voorwaardes as wat hy of sy stel, 'n tydelike watertoevoer vanuit 'n brandkraan toelaat.  
(2) 'n Persoon wat 'n tydelike watertoevoer ingevolge subartikel (1) verlang, moet daarvoor aansoek doen op die wyse voorgeskryf in artikel 13.

#### Herverkoop van water

31. (1) Niemand aan wie water ingevolge hierdie Verordening voorsien word, mag sodanige water herverkoop nie, tensy—

- (a) voorsiening daarvoor gemaak is in 'n spesiale ooreenkoms waarna in artikel 15 verwys word; of  
(b) hy of sy vooraf die skriftelike toestemming van die Direkteur verkry het.

(2) Indien die Direkteur die toestemming verleen waarna in subartikel (1)(b) verwys word, kan hy of sy die maksimum prys stipuleer waarteen water herverkoop mag word, soos deur die Stad bepaal, en sodanige ander voorwaardes stel wat hy of sy goed ag.

(3) Toestemming waarna daar in subartikel (1)(b) verwys word, kan te eniger tyd ingetrek word.

(4) Die herverkoop van water is bedoel om die koste te dek van die voorsiening van water—

- (a) aan ander munisipaliteite;  
(b) aan die Hawe-owerheid van Suid-Afrika;  
(c) aan die Lughawemaatskappy van Suid-Afrika;  
(d) in gevalle waar die Stad nie direkte toegang tot 'n eiendom kan verkry nie;  
(e) indien die uitbreiding van die Stad se netwerk om 'n eiendom te bedien nie dadelik onderneem kan word nie; of  
(f) indien 'n grootmaat-hoofwaterpyp oor 'n eiendom loop wat nie deur 'n ander waterdienste-owerheid bedien kan word nie.

(5) Die voorsiening van water deur 'n verhuurder aan 'n huurder maak nie 'n herverkoop van water kragtens hierdie Verordening uit nie.

(6) Enige gelde vir water wat deur die verhuurder verhaal word, moet in ooreenstemming wees met die heersende tarief van die Raad en mag dit nie oorskry nie.

#### Foutiewe meters

32. (1) Indien 'n verbruiker rede het om te glo dat 'n meter foutief is, kan hy of sy teen betaling van die voorgeskrewe bedrag aansoek doen dat die meter getoets word.

(2) Die voorgeskrewe bedrag waarna in subartikel (1) verwys word, word—

- (a) deur die Stad behou indien kragtens subartikel (3), (4) of (5) bevind word dat die meter nie foutief is nie; of  
(b) aan die aansoeker terugbetaal indien bevind word dat die meter foutief is.

(3) 'n Meter waarop die regulasies betreffende watermeters, uitgevaardig kragtens die Wet op Handelsmetrologie, 1973 (Wet Nr. 77 van 1973), van toepassing is, word geag foutief te wees indien, wanneer dit ooreenkomstig sodanige regulasies getoets word, bevind word dat die persentasie afwyking by 'n oor- of onderregistrasie groter is as wat toelaatbaar is vir 'n meter in gebruik ingevolge daardie regulasies.

(4) 'n Meter waarop die regulasies waarna in artikel (3) verwys word nie van toepassing is nie, word geag foutief te wees indien bevind word dat die persentasie afwyking by 'n oor- of onderregistrasie groter is as wat toelaatbaar is volgens SABS 1529:1999 Deel 4 en SANS 1525:1999 Deel 1, of wysigings daarvan.

(5) Indien 'n meter opgehou het om te funksioneer en nie die verbruik wat daardeur vloei registreer nie, word dit geag foutief te wees.

**Raming van hoeveelheid water met foutiewe meter aan verbruiker gelewer**

33. (1) Wanneer 'n meter ingevolge artikel 31(3), (4) of (5) foutief bevind word, kan die Direkteur die hoeveelheid water wat aan die verbruiker gelewer is gedurende die tydperk waarin die meter foutief was, raam volgens die gemiddelde daaglikse hoeveelheid water gelewer gedurende—

- (a) 'n tydperk tussen twee opeenvolgende meterlesings nadat die meter vervang is;
- (b) 'n tydperk in die vorige jaar wat ooreenstem met die tydperk waartydens die meter foutief was; of
- (c) die tydperk tussen drie opeenvolgende meterlesings voordat die meter foutief geword het,

watter een die Direkteur ook al die gepaste ag.

(2) Indien die hoeveelheid water wat aan 'n verbruiker gelewer is gedurende die tydperk waarin 'n meter foutief was, nie ingevolge subartikel (1) geraam kan word nie, kan die Direkteur die hoeveelheid raam volgens enige ander metode wat beskikbaar is.

(3) Die verbruiker moet ingelig word van die metode wat die Direkteur gebruik het om die hoeveelheid water wat aan hom of haar gelewer is te raam, soos bedoel in subartikel (1) of (2), en die geleentheid gegun word om verhoë tot die Direkteur te rig voordat 'n finale raming gemaak word.

**Aanpassing van hoeveelheid water gelewer met foutiewe meter**

34. (1) Die hoeveelheid water wat met 'n foutiewe meter gelewer is, moet aangepas word vir die tydperk soos in artikel 33 bepaal.

(2) Vir die doeleindes van die aanpassing van die hoeveelheid water ingevolge subartikel (1), word dit geag dat dieselfde hoeveelheid water tydens elke interval van vier en twintig uur gelewer is gedurende die tydperk waarna in subartikel (1) verwys word.

(3) 'n Eienaar is nie geregtig op 'n vermindering van die bedrag betaalbaar vir water wat in 'n waterinstallasie as gevolg van sigbare lekkes vermors of verspil word nie.

(4) Kortings word slegs toegestaan vir ondergrondse lekkes en waar die herstel van sodanige lekkes visueel deur 'n beampte van die Stad bevestig is.

**Spesiale meting**

35. (1) Indien die Direkteur, vir ander doeleindes as om gelde vir water wat verbruik is te vorder, die hoeveelheid water wat in 'n gedeelte van 'n waterinstallasie gebruik word wil bepaal, kan hy of sy die eienaar by skriftelike kennisgewing verwittig van sy of haar voorneme om 'n meettoestel by 'n plek in die waterinstallasie wat hy of sy aanwys, te installeer.

(2) Die installering van 'n meettoestel waarna in subartikel (1) verwys word, die verwydering daarvan en die herstel van die waterinstallasie na sodanige verwydering word op koste van die Stad uitgevoer.

(3) Die bepalinge van artikel 28(5)(b) en (6) geld, waar van toepassing, ten opsigte van 'n meettoestel wat ingevolge subartikel (1) geïnstalleer is.

(4) Die Stad kan, na ontvangs van 'n skriftelike kennisgewing van die eienaar en onderworpe aan 'n reëling vir die betaling van die toepaslike voorgeskrewe bedrag, die meter op ander tyd of dag as waarop dit normaalweg gelees word, lees om die hoeveelheid water wat gelewer is te bepaal.

**Hoofstuk 3****Waterbeperkings en waterbewaring****Waterbeperkings**

36. (1) Die Direkteur kan, wanneer daar 'n skaarste aan water vir verspreiding en voorsiening aan verbruikers is, of om enige ander goeie rede, by openbare kennisgewing—

- (a) verbied of beperk, die waterverbruik in die Stad of 'n deel daarvan—
  - (i) in die algemeen of vir spesifieke doeleindes;
  - (ii) gedurende spesifieke tye van die dag of op spesifieke dae;
  - (iii) op 'n spesifieke metode,
- (b) beperkings bepaal en oplê op die hoeveelheid water wat gedurende 'n spesifieke tydperk verbruik mag word;
- (c) beperkings instel of 'n verbod plaas op die gebruik of metode van gebruik van sekere toestelle deur middel waarvan water gebruik of verbruik word, of op die aansluiting van sodanige toestelle by die waterinstallasie; en
  - (a) spesiale tariewe ten opsigte van waterbeperkings, bepaal ingevolge die Tariefbeleidverordening, instel.

(2) Die Direkteur kan die toepassing van die bepalinge van 'n kennisgewing bedoel in subartikel (1) tot 'n spesifieke gebied of kategorieë verbruikers, persele en aktiwiteite beperk en kan op redelike gronde afwykings, vrystellings en die verslapping van enige van sodanige bepalinge toelaat, met dien verstande dat daar nie afgewyk mag word van die tariewe waarna in subartikel (1)(d) verwys word nie.

(3) Die Direkteur kan 'n verbruiker gelas om op eie koste sodanige maatreëls, waaronder die aanbring van meters en toestelle vir die beperking van watervloei, te tref wat nodig mag wees om voldoening aan 'n kennisgewing bedoel in subartikel (1) te verseker.

(4) Die Direkteur—

- (a) kan, in geval daar versuim word om te voldoen aan die bepalinge van 'n kennisgewing waarna daar in subartikel (1) verwys word, vir sodanige tydperk wat hy of sy goed ag, die watertoevoer na enige perseel staak of beperk; en
- (b) moet, wanneer die watertoevoer ingevolge paragraaf (a) gestaak is, dit slegs herstel nadat die bedrag vir die staking en heraansluiting van die toevoer betaal is.

(5) Die bepalinge van hierdie artikel geld ook ten opsigte van water wat die Stad direk aan verbruikers buite die Stad voorsien, ondanks enigiets tot die teendeel wat in die voorwaardes van sodanige voorsiening vervat is, tensy anders bepaal in die kennisgewing bedoel in subartikel (1).

**Vermorsing van water**

37. (1) Niemand mag opsetlik, nalatiglik of verkwistend—

- (a) water vanuit aansluitwatertoebehore uitlaat of toelaat dat dit uitgelaat word nie;
- (b) toelaat dat pype of watertoebehore lek nie;
- (c) watertoebehore wat nie reg aangepas is nie of defek is, gebruik of toelaat dat dit gebruik word nie;
- (d) die oorloop van water laat voortduur nie; of
- (e) water doeltreffend gebruik of 'n ondoeltreffende gebruik van water laat voortduur nie.

(2) 'n Eienaar moet enige gedeelte van die waterinstallasie wat in so 'n toestand van verval is dat dit 'n gebeurlikheid gemeld in subartikel (1) veroorsaak of waarskynlik sal veroorsaak, herstel of vervang.

(3) Indien 'n eienaar versuim om aan subartikel (2) te voldoen, kan die Direkteur sodanige maatreëls tref as wat hy of sy goed ag en die koste van die eienaar verhaal.

(4) (a) 'n Verbruiker moet verseker dat enige toerusting of toestel wat aan die waterinstallasie gekoppel is, water doeltreffend benut.

(b) Die Direkteur kan by skriftelike kennisgewing die gebruik van enige toerusting in 'n waterinstallasie wat ondoeltreffend of verkwistend is, verbied.

(5) Wanneer die gebruik van toerusting ingevolge subartikel (4)(b) verbied is, mag sodanige toerusting nie weer in gebruik gestel word nie alvorens die doeltreffendheid daarvan herstel is en die Direkteur 'n skriftelike aansoek om dit te doen goedgekeur het.

**Waterbewaring en wateraanvraagbestuur**

38. 'n Eienaar of verbruiker moet voldoen aan die goeie waterbewaring- en wateraanvraagbestuurspraktyke soos uiteengesit in Bylae 1.

**Hoofstuk 4****Waterdienstetussengangers****Registrasie**

39. Die Raad kan by openbare kennisgewing vereis dat waterdienstetussengangers of klasse waterdienstetussengangers by die Stad registreer op 'n wyse in die openbare kennisgewing vermeld.

**Verskaffing van waterdienste**

40. (1) Waterdienstetussengangers moet verseker dat waterdienste, insluitende basiese dienste soos deur die Raad bepaal, verskaf word aan diegene aan wie die tussenganger verplig is om waterdienste te verskaf.

(2) Die gehalte, hoeveelheid en volhoubaarheid van waterdienste wat deur 'n waterdienstetussenganger verskaf word, moet minstens van dieselfde standaard wees as wat die Stad aan verbruikers verskaf.

**Bedrae gevorder vir die verskaffing van waterdienste**

41. (1) 'n Waterdienstetussenganger mag nie bedrae vir waterdienste vorder teen 'n prys wat nie aan die norme en standaarde wat die Direkteur mag stel, voldoen nie.

(2) 'n Waterdienstetussenganger moet gesubsidieerde waterdienste, soos deur die Raad ingevolge die Kredietbeheer- en Skuldinvorderingsbeleidverordening bepaal en deur die Stad aan verbruikers gelewer, teen 'n prys lewer wat dieselfde of minder is as die voorgeskrewe bedrae waarteen die Stad sodanige dienste lewer.

**Hoofstuk 5****Goedkeuring van planne****Prosedure vir die goedkeuring van planne**

42. (1) Indien 'n eienaar 'n nuwe waterinstallasie wil installeer, moet hy of sy eers die skriftelike goedkeuring van die Direkteur daartoe verkry op planne wat vir ondersoek voorgelê moet word; met dien verstande dat goedkeuring nie nodig is vir die herstel of vervanging van 'n bestaande pyp of watertoebehore nie, buiten 'n vaste waterverwarmer en sy bybehorende beskermingstoestelle, in welke geval slegs 'n kennisgewing vereis word.

(2) Aansoek om die goedkeuring waarna in subartikel (1) verwys word, moet op die voorgeskrewe vorm gedoen word en moet vergesel wees van—

- (a) die voorgeskrewe bedrag; en
- (b) die voorgeskrewe aantal afskrifte van die tekening van die beoogde werk waarna in artikel 45 verwys word.

(3) Die bepalinge van subartikels (1) en (2) is nie van toepassing op 'n geregistreerde kontrakteur wat 'n vaste waterverwarmer en sy bybehorende beskermingstoestelle vervang nie.

(4) Die skriftelike goedkeuring wat ingevolge subartikel (1) gegee word, verval, behoudens artikel 43, na afloop van 'n tydperk van 24 maande na die eerste dag van die maand wat volg op die maand waarin die skriftelike goedkeuring gegee is.

(5) Volledige besonderhede van enige beoogde waterbewaring- en waterbestuurstelsel soos 'n gryswaterstelsel, lugversorger of aftapping vir spoeltoilette moet die bouplanne vergesel.



### Verlenging van goedkeuringstydperk

43. Die Direkteur kan, op skriftelike aansoek van die eienaar, voordat die betrokke oorspronklike tydperk verval het en onderworpe aan die betaling van die voorgeskrewe bedrag, van tyd tot tyd die geldigheidstydperk van die goedkeuring wat ingevolge artikel 42 verleen is, vir 'n tydperk wat nie 12 maande op 'n keer oorskry nie, verleng onderworpe aan sodanige voorwaardes as wat hy of sy goed ag.

### Tekeninge

44. (1) Tensy die Direkteur skriftelik anders bepaal het, moet tekeninge op velle wees wat nie kleiner as A4 is nie en moet inligting verskaf word in die vorm wat vereis word deur klousule 4.1.1 van SANS 10252: 2004, Deel 1, waarvan 'n afskrif by die Direkteur verkry kan word.

(2) Indien die besonderhede van die waterinstallasie op meer as een verdieping identies is, hoef sulke besonderhede slegs ten opsigte van een verdieping geteken te word.

(3) Indien meer as een waterinstallasie in 'n gebou geïnstalleer gaan word, kan sodanige installasies op dieselfde tekening aangetoon word, met dien verstande dat hulle duidelik onderskei word.

(4) 'n Bylae wat die getal van elke tipe aansluitwatertoehore en die grootte daarvan aandui, moet saam met elke tekening of stel tekeninge voorsien word.

### Afskrifte van tekeninge moet op perseel gehou word

45. Totdat die Direkteur die voldoeningstifikaat wat ingevolge artikel 48 voorgelê moet word, ontvang het, moet 'n volledige stel goedgekeurde tekeninge van die installasiewerk te alle tye beskikbaar wees op die perseel waar gewerk word.

### Ongemagtigde werk

46. Indien installasiewerk strydig met artikel 42 gedoen is, kan die Direkteur by skriftelike kennisgewing die eienaar van die betrokke perseel aansê om binne 'n gespesifiseerde tydperk aan die bepalings van daardie artikel te voldoen en, indien die werk nog nie voltooi is nie, om sodanige werk te staak, en kan die eienaar voorts aansê om alle werk wat nie aan die bepalings van hierdie Verordening voldoen nie, te verwyder.

## Hoofstuk 6

### Installasiewerk deur loodgieters

47. (1) Niemand wat nie ingevolge die bepalings van die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet Nr. 58 van 1995), gekwalifiseer en geakkrediteer is nie, mag—

- (a) installasiewerk waarvoor goedkeuring ingevolge artikel 42 nodig is, doen nie;
- (b) 'n vaste waterverwarmer of sy bybehorende beskermingstoestelle vervang nie;
- (c) 'n waterinstallasie, brandinstallasie of opgaartenk inspekteer, ontsmet en toets nie; of
- (d) 'n terugvloeisperder ingevolge artikel 54 versien, herstel of vervang nie.

(2) Die Direkteur kan 'n register hou van gekwalifiseerde persone waarna in subartikel (1) verwys word.

### Verantwoordelikhede van 'n eienaar van eiendom

48. (1) 'n Eienaar van eiendom moet toesien dat die installasiewerk wat op sy of haar perseel gedoen word—

- (a) deur 'n gekwalifiseerde persoon of loodgieter, gekwalifiseer of geakkrediteer soos in artikel 47, uitgevoer word;
- (b) aan die bepalings van hierdie Verordening voldoen; en
- (c) dat by voltooiing daarvan, 'n voldoeningstifikaat aan die Direkteur voorgelê word.

(2) Indien installasiewerk strydig met artikel 47 gedoen word, kan die Direkteur by skriftelike kennisgewing die eienaar van die betrokke perseel aansê om sodanige werk te staak totdat hy of sy 'n gekwalifiseerde loodgieter in diens het om—

- (a) sodanige werk te inspekteer en enige deel daarvan wat nie aan die bepalings van hierdie Verordening voldoen nie, reg te stel;
- (b) die werk ingevolge die bepalings van artikel 49 te toets en te ontsmet; en
- (c) toe te sien dat 'n voldoeningstifikaat, wat meld dat die werk wat gedoen is aan die bepalings van hierdie Verordening voldoen, aan die Direkteur voorgelê word.

## Hoofstuk 7

### Ontsmetting

#### Ontsmetting van waterinstallasies, insluitende opgaartenks

49. (1) 'n Eienaar moet 'n nuwe waterinstallasie met water van die watervoorsieningstelsel laat deurspoel totdat helder water by alle aansluitwatertoehore uitloop.

(2) Indien die pype van 'n waterinstallasie wat aan 'n hoofwaterpyp gekoppel is besmet raak, moet dit ontsmet word in ooreenstemming met SANS 10252:2004, Deel 1 of soos gewysig.

(3) Die eienaar van 'n perseel waarop 'n opgaartenk geïnstalleer is, moet minstens een keer elke vyf jaar sodanige tenk laat leegloop, inspekteer en ontsmet in ooreenstemming met die toepaslike standaard gestel in SANS 10252:2004 Deel 1 of soos gewysig.

(4) Ondanks die bepalings van subartikel (3)—

- (a) kan die Direkteur, indien die water in die opgaartenk of in die waterinstallasie wat deur die tenk bedien word, nie geskik vir gebruik is nie, by skriftelike kennisgewing die eienaar aansê om die tenk onverwyld te laat leegloop en inspekteer; en

- (b) indien 'n tenk oorstroom of op enige manier onderhewig is aan 'n toestand wat die inhoud daarvan kon besoedel, moet die eienaar die tenk onverwyld laat leegloop en inspekteer.
- (5) Voordat 'n tenk of die waterinstallasie wat dit bedien waarna in subartikel (3) verwys word, weer in gebruik geneem word, moet dit skoongemaak en ontsmet word in ooreenstemming met die toepaslike standaard gestel in SANS 10252:2004 Deel 1 of soos gewysig.

## Hoofstuk 8

### Algemene vereistes vir waterinstallasies

#### Voorsiening en instandhouding van waterinstallasies

50. (1) 'n Eienaar moet die waterinstallasie op sy of haar eie koste verskaf en in stand hou en moet, behalwe—
- in die geval van 'n koppeling aan 'n kommunikasiestelsel; of
  - waar dit ingevolge artikel 19 toegelaat word,

toesien dat die installasie binne die grense van die perseel geleë is.

(2) Voordat werk in verband met die instandhouding van 'n gedeelte van die waterinstallasie wat buite die grense van die perseel geleë is, 'n aanvang neem, moet 'n eienaar die skriftelike goedkeuring van die Direkteur of die eienaar van die grond waarop sodanige gedeelte geleë is, verkry.

#### Aanvaarde pype en watertoebehore

51. (1) Niemand mag 'n pyp of watertoebehore in 'n waterinstallasie installeer of gebruik nie tensy dit gelys, geïnstalleer, gebruik of toegevoeg is in ooreenstemming met die voorwaardes wat in Bylae 2 gestel word.
- (2) Ondanks die bepalings van subartikel (1), kan die Direkteur vir 'n spesifieke gebruik in 'n spesifieke installasie die installing van 'n pyp of watertoebehore wat nie by die Bylae 2 ingesluit is nie, toelaat.
- (3) Die Direkteur kan, ten opsigte van 'n pyp of watertoebehore wat by Bylae 2 ingesluit is, sodanige voorwaardes stel as wat hy of sy ten opsigte van die gebruik of installeringsmetode daarvan nodig ag.
- (4) Die Direkteur kan te eniger tyd 'n pyp of watertoebehore uit Bylae 2 verwyder indien die pyp of watertoebehore—
- nie meer voldoen aan die kriteria waarop die insluiting daarvan baseer was nie; of
  - nie meer geskik is vir die doel waarvoor die gebruik daarvan aanvaar is nie.
- (5) Die Direkteur moet afskrifte van Bylae 2, soos ingevolge hierdie Verordening bygewerk, gedurende werkure by die Stad se kantore beskikbaar stel.
- (6) 'n Pyp of watertoebehore sal nie by Bylae 2 ingesluit word nie, tensy dit—
- die standaardisasiemerk van die SABS ten opsigte van die toepaslike SANS-spesifikasie wat deur die Buro uitgereik is, op het;
  - 'n sertifiseringsmerk op het wat deur die SABS uitgereik is om te sertifiseer dat die pyp of watertoebehore voldoen aan 'n SABS-merkspesifikasie of 'n voorlopige spesifikasie wat deur die SABS uitgereik is, met dien verstande dat geen sertifiseringsmerke vir 'n tydperk wat twee jaar oorskry, uitgereik moet word nie;
  - ingesluit is by die lys van watertoebehore wat deur die SABS aanvaar is; of
  - vir die Direkteur aanvaarbaar is.

#### Ontwerpkriteria vir waterinstallasies

52. (1) 'n Eienaar moet toesien dat—
- waterinstallasies voldoen aan die toepaslike standaard wat deur SANS 10252:2004 Deel 1 of soos gewysig gestel is;
  - warmwatersilinderinstallasies voldoen die toepaslike standaard wat deur SANS 10252:2004 Deel 1 of soos gewysig gestel is;
  - sonverhitte waterinstallasies voldoen aan die toepaslike standaard wat deur SANS 10252:2004 Deel 1 of soos gewysig gestel is;
  - die opgaar van 'n minimum hoeveelheid water wat vir ander doeleindes as brandbestryding of lugversorging gebruik gaan word, in ooreenstemming met Tabel 1 van Bylae 3 verskaf word;
  - die opgaar van 'n minimum hoeveelheid water wat gebruik gaan word om spoeltoilette en urinale in kommersiële en nywerheidspersele te spoel, in ooreenstemming met Tabel 2 van Bylae 3 verskaf word;
  - die ontwerp van opgaartenks in ooreenstemming met die toepaslike standaard wat deur SANS 10252:2004 Deel 1 of soos gewysig gestel is en met artikel 53 is;
  - die gebruik van pype wat water aan 'n installasie voorsien, in ooreenstemming met die toepaslike standaard wat deur SANS 10252:2004 Deel 1 of soos gewysig gestel is en met Bylae 3 is;
  - daar onmiddellik stroomaf van die isoleerklep waarna in artikel 28(21)(b) verwys word, 'n terugslagklep van dieselfde grootte as die dienspyp geïnstalleer word; en
  - waar die doeltreffendheid van funksionele kleppe of aansluitwatertoebehore benadeel kan word deur die deurgang van vaste stowwe wat funksionele kleppe of aansluitwatertoebehore kan verstop of beskadig, 'n pyplynfilter aangebring word in 'n posisie wat instandhouding vergemaklik.
- (2) Die Direkteur kan, op aansoek van 'n eienaar en by betaling van die voorgeskrewe bedrag, die drukwaarde in die watervoorsieningstelsel met betrekking tot sy of haar perseel oor so 'n tydperk as wat die eienaar versoek, bepaal en aan die eienaar verstrek.
- (3) Indien 'n pyp of watertoebehore van 'n bepaalde tipe nie geskik is vir gebruik in 'n bepaalde situasie nie, kan die Direkteur by skriftelike kennisgewing aan die eienaar—
- die gebruik daarvan verbied; of

- (b) vereis dat aanvaarbare beskermingsmaatreëls getref word.
- (4) Niemand mag watertoebehore of apparaat wat die watervoorsieningstelsel of 'n ander waterinstallasie as gevolg van drukstuwings beskadig of moontlik kan beskadig by 'n waterinstallasie aansluit nie.
- (5) Indien magtiging voor die aanvangsdatum van hierdie Verordening gegee is vir installasiewerk, of indien gemagtigde werk aan die gang is op sodanige datum, moet sodanige werk voldoen aan enige wette oor sodanige werk wat in plek was in die Stad voor sodanige datum.
- (6) Enige ooreenkoms vir die verskaffing van water wat tussen die Stad en 'n verbruiker wat nie die eienaar van die betrokke perseel is nie, aangegaan is voor die aanvang van hierdie Verordening, sal van krag bly tot sodanige tyd wat—
- (a) die verbruiker die perseel ontruim; of
- (b) daar 'n verandering die titel van die eienaar van die perseel is
- waarna die Stad 'n ooreenkoms met die eienaar van die perseel sal aangaan.

### Opgaartenks

- 53.** (1) Enige persoon wat 'n opgaartenk installeer, moet dit in so 'n posisie installeer dat die binne- en buitekante daarvan gereedelik geïnspekteer, skoongemaak en in stand gehou kan word, tensy dit 'n betonreservoir is wat ondergronds begrawe of gedeeltelik in die grond ingesink is en ontwerp, opgerig en getoets is in ooreenstemming met die toepaslike standaard wat deur SANS 10252:2004 deel I, of soos gewysig, gestel is, waar slegs die binnekant toeganklik vir inspeksie- en skoonmaakdoeleindes is.
- (2) Niemand mag sonder die skriftelike toestemming van die Direkteur 'n tenk wat begrawe of in die grond geplaas is, gebruik of toelaat dat dit gebruik word vir die ontvangs of opgaar van water wat deur die Stad voorsien word nie.
- (3) Enige persoon wat 'n opgaartenk gebruik om water van drinkbare gehalte op te gaan, moet toesien dat—
- (a) die tenk en sy bybehorende pypwerk van 'n ontwerp is wat besmetting verhoed en in ooreenstemming met die vereistes van die Direkteur is;
- (b) die oorlooppype en ontlugters van 'n besmettingbestande tenk afgeskerm is om te voorkom dat insekte, diere en ander bronne van besoedeling dit binnekom;
- (c) 'n besmettingbestande tenk heeltemal toe is met geen ander toegang na die binnekant nie behalwe 'n toegangspaneel in die kant daarvan om inspeksie en skoonmaak te vergemaklik en wat op so 'n hoogte moet wees dat die tenk nie gebruik kan word nie tensy die inspeksiepaneeldeksel in plek is; en
- (d) die tenk en sy bybehorende pypwerk ingevolge SANS 10252-1 skoongemaak en in stand gehou word.
- (4) Tensy dit skriftelik deur die Direkteur gemagtig is, moet elke ketel, stoomketel of ander apparaat wat stoom opwek, gasontwikkelaar, gasenjinn of olie-enjin of enige ander apparaat waarin of waardeur water gebruik word wat deur die Stad voorsien word, slegs voorsien word deur middel van 'n kouewatertoevoertenk met 'n tussenruimte om die inkomende water van die hoofwaterpyp en die inhoud van die tenk te skei.

### Voorkoming van waterbesoedeling

- 54.** (1) 'n Eienaar moet maatreëls wat deur die Direkteur goedgekeur is instel en handhaaf om te verhoed dat 'n stof wat 'n gesondheidsgevaar kan skep of die drinkbaarheid van water nadelig kan beïnvloed—
- (a) die watervoorsieningstelsel; en
- (b) enige gedeelte van die waterinstallasie op sy of haar perseel
- binnegaan.
- (2) Die Direkteur moet in elke geval die gepaste mate waarin terugvloei verhoed moet word, goedkeur.

## Hoofstuk 9 Brandinstallasies

### Brandinstallasies

- 55.** (1) 'n Eienaar moet toesien dat—
- (a) slangtolle en brandkraaninstallasies voldoen aan die toepaslike standaard wat deur SANS 10252:2004 Deel 1, of soos gewysig, gestel is; en
- (b) outomatiese sprinkelstelsels voldoen aan die toepaslike standaard wat deur SANS 10252:2004 Deel 1, of soos gewysig, gestel is.
- (2) Die Direkteur kan 'n aansoek om 'n brandbestrydingsinstallasie aan die hoofwaterpyp te koppel, toestaan of weier.
- (3) Geen water sal aan 'n brandbestrydingsinstallasie voorsien word—
- (a) sonder 'n voldoeningertifikaat wat ingevolge artikel 47 uitgereik is nie; en
- (b) tensy die installasie aan die vereistes van hierdie Verordening voldoen nie.
- (4) Die Direkteur kan, indien 'n brandbestrydingsinstallasie wat aan 'n hoofwaterpyp gekoppel is nie in goeie werkende toestand gehou word of andersins nie behoorlik in stand gehou word nie of vir ander doeleindes as brandbestryding gebruik word, vereis dat die installasie van die hoofwaterpyp ontkoppel word of dit op koste van die eienaar ontkoppel.
- (5) Wanneer dit ook al nodig is om die druk in 'n brandbestrydingstelsel te verhoog, moet die eienaar 'n tweeledige pypstelsel installeer; een vir brandbestrydingsdoeleindes en die ander een vir algemene huishoudelike gebruik.
- (6) Alle pype en toebehore moet in staat wees om 'n druk wat 1800 kPa oorskry te hanteer, indien sodanige druk verwag kan word as die druk verhoog word en moet in staat wees om hulle integriteit in brandtoestande te behou.
- (7) 'n Afsonderlike verbindingspyp moet vir elke sprinkelbrandblusstelsel geïnstalleer en gebruik word.

- (8) Die Direkteur moet bepaal of meters op outomatiese sprinkelstelsels geïnstalleer moet word.
- (9) Geen brandinstallasie of gekombineerde huishoudelike en brandinstallasie mag 'n plastiekpyp of veellaagplastiekpyp bogronds insluit nie.

## Hoofstuk 10

### Diverse bepalings betreffende nie-drinkbare water

#### Gebruik van water uit ander bronne as die munisipale watervoorraad

56. (1) Niemand mag water wat uit 'n ander bron as die Stad se watervoorraadstelsel afkomstig is, vir huishoudelike doeleindes gebruik nie.
- (2) Niemand mag water wat uit 'n ander bron as die Stad se watervoorraadstelsel verkry is aan enige waterverspreidingstelsel koppel nie tensy die vooraf skriftelike goedkeuring van die Direkteur verkry is, en dan slegs in ooreenstemming met die voorwaardes soos deur hom of haar bepaal.
- (3) Enige eienaar van 'n perseel waarop 'n waterbron geleë is, soos 'n syferboorgat, boorgat of put moet binne 14 dae nadat hy of sy aangesê is om dit te doen, die Direkteur van sodanige besonderhede met betrekking tot die waterbron as wat verlang word, voorsien.
- (4) 'n Eienaar van 'n perseel soos bedoel in subartikel (3) moet, wanneer hy of sy versoek word om dit te doen, op eie koste die Direkteur voorsien van sodanige ontleed- en bakteriologiese ondersoek-sertifikate ten opsigte van waterbronne op daardie perseel as wat hy of sy vereis.
- (5) Die Direkteur kan enige toestemming wat ingevolge subartikel (1) verleen is, intrek indien—
- 'n voorwaarde wat ingevolge daardie subartikel gestel is, nie nagekom word nie; of
  - die water nie meer aan die vereistes wat deur die Direkteur gestel is, voldoen nie.
- (6) Die bepalings van hierdie artikel stel 'n persoon nie vry van nakoming van die toepaslike bepalings van die Nasionale Waterwet, 1998 (Wet Nr. 36 van 1998), of enige ander tersaaklike wetgewing nie.

#### Putte, boorgate, syferboorgate en uitgrawings

57. Elke eienaar van 'n perseel moet toesien dat enige put, boorgat, syferboorgat of ander uitgraving wat op sy of haar perseel geleë is—
- toereikend beveilig word sodat dit nie 'n gesondheidsgevaar skep nie;
  - nie op so 'n manier gevul of met materiaal opgevol word dat dit kan veroorsaak dat 'n aanliggende put, boorgat of ondergrondse waterbron besoedel of besmet word nie; en
  - nie verbind word met 'n waterinstallasie wat van die hoofwaterpyp voorsien word en enige ander waterbron nie.

#### Kennisgewing van sink of grawe van boorgate, putte en syferboorgate

58. (1) Niemand mag 'n put, syferboorgat of boorgat sink of grawe of toelaat dat dit gesink of gegrawe word nie, tensy die Direkteur minstens 14 dae skriftelike kennis van sy of haar voorneme om dit te doen, gee is.
- (2) Die kennisgewing bedoel in subartikel (1) moet die beoogde plek en doel waarvoor die water gebruik gaan word, vermeld.
- (3) Indien water wat uit 'n boorgat of ander bron verkry word op enige perseel gebruik word vir 'n doel wat daartoe kan lei dat sodanige water of 'n deel daarvan in die Stad se rioolstelsel gaan uitloop, moet die eienaar 'n meter volgens die Stad se spesifikasie installeer in die pyp wat van sodanige boorgat of ander bron loop na die plek of plekke waar dit aldus gebruik word.
- (4) Die Direkteur kan die eienaar van enige perseel binne 'n gebied van die Stad waarop 'n boorgat geleë is of, indien die eienaar nie so 'n perseel bewoon nie, die okkuperder, by skriftelike kennisgewing aansê om hom of haar kennis te gee van die bestaan van 'n boorgat op sodanige perseel en hom of haar te voorsien van sodanige inligting omtrent die boorgat wat hy of sy vereis.
- (5) Die Direkteur kan vereis dat 'n studie op koste van die eienaar gedoen word ten einde vas te stel watter impak die beoogde put, boorgat of syferboorgat op die welstand van die gemeenskap kan hê.

#### Voorsiening van nie-drinkbare water deur die Stad

59. (1) Die Direkteur kan, op aansoek ingevolge artikel 13 en onderworpe aan enige ander wet, nie-drinkbare water aan 'n verbruiker voorsien op sodanige voorwaardes as wat hy of sy goed vind.
- (2) Enige water wat ingevolge die bepalings van subartikel (1) voorsien word, mag nie gebruik word vir huishoudelike doeleindes of enige ander doeleindes wat tot 'n gesondheidsgevaar aanleiding kan gee nie.

#### Vrywaring ten opsigte van die gehalte van nie-drinkbare water

60. (1) Geen waarborg, hetsy uitdruklik of stilswyend, is van toepassing op die suiwerheid van enige nie-drinkbare water wat deur die Stad voorsien word of op die geskiktheid daarvan vir die doel waarvoor die voorsiening toegestaan is nie.
- (2) Die gebruik van nie-drinkbare water is uitsluitlik op die risiko van die verbruiker, en die Stad is nie aanspreeklikheid vir enige gevolgskaad of verlies wat direk of indirek uit die gebruik daarvan voortspruit nie.

#### Waarskuwingskennisgewings

61. (1) 'n Eienaar van 'n perseel waarop nie-drinkbare water gebruik word, moet toesien dat elke aansluitwatertoebehore en elke toestel wat water voorsien of gebruik duidelik met 'n weerbestande kennisgewing gemerk is wat aandui dat sulke water nie vir huishoudelike doeleindes geskik is nie.
- (2) In 'n gebied waar behandelde riooluitvloei gebruik word, moet die verbruiker op opvallende plekke weerbestande kennisgewings aanbring wat aandui dat sulke water nie vir huishoudelike doeleindes geskik is nie.
- (3) Elke waarskuwingskennisgewing waarna in subartikels (1) en (2) verwys word, moet in die drie amptelike tale wat in die Provinsie gebruik word, wees.

**Besproeiingstelsels**

62. Wanneer 'n nuwe besproeiingstelsel wat van 'n bestaande huishoudelike aansluiting of ander bestaande besproeiingskoppeling voorsien word, geïnstalleer word—

- (a) moet die bestaande verbinding deur die Stad nagegaan word; en
- (b) moet alle materiaal wat in die stelsel gebruik word, aan SABS-vereistes voldoen.

**Hoofstuk 11****Algemene bepalings****Appèlle**

63. 'n Persoon wie se regte geraak word deur 'n besluit wat geneem is ingevolge 'n bevoegdheid of plig wat ingevolge hierdie Verordening gedelegeer of gesubdelegeer is, kan teen daardie besluit appelleer ooreenkomstig artikel 62 van die Wet op Plaaslike Regering, 2000 (Wet Nr. 32 van 2000).

**Misdrywe en strawwe**

64. Enige persoon wat—

- (a) 'n bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen;
- (b) versuim om te voldoen aan 'n kennisgewing of wettige opdrag wat ingevolge hierdie Verordening uitgereik of gegee is; of
- (c) 'n gemagtigde verteenwoordiger of werknemer van die Stad in die uitvoering van sy of haar pligte ingevolge hierdie Verordening dwarsboom of hinder,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf van hoogstens vyf jaar, of met beide sodanige boete en gevangenisstraf.

**Vrystelling van aanspreeklikheid**

65. Die Stad is nie aanspreeklik vir skade of vergoeding wat spruit uit enigiets wat regmatig in goeie trou deur hom of 'n beambte of werknemer van hom ingevolge hierdie Verordening gedoen is nie.

**Herroeping**

66. Die Stad Kaapstad: Waterverordening, 2006, word hiermee herroep.

**Kort titel**

67. Hierdie Verordening heet die Stad Kaapstad: Waterverordening, 2010.

**BYLAE 1****Waterbewaring en wateraanvraagbestuur**

(Artikel 38)

- 1 Niemand mag sonder die vooraf skriftelike magtiging van die Direkteur 'n tuin, sportveld, park of ander grasbedekte gebied tussen die ure 10:00 en 16:00 met drinkbare water natmaak nie.
- 2 Indien 'n tuinslang gebruik word om 'n tuin, park of sportveld uit 'n drinkbare waterbron nat te maak, moet 'n beheertoestel soos 'n sproeier aan die spuitpunt gekoppel word.
- 3 Niemand mag sonder die vooraf skriftelike magtiging van die Direkteur water uit drinkbare bron gebruik om 'n harde oppervlak of plaveisel af te spuit nie.
- 4 'n Tuinslang wat gebruik word vir die was van voertuie, bote en woonwaens moet met 'n outomatiese selfsluitende toestel toegerus wees.
- 5 Outomatiese byvulstelsels wat 'n vlotterklep wat van 'n drinkbare waterbron gevoer word, gebruik om swembaddens en tuinpoele van water te voorsien, word nie toegelaat nie.
- 6 Kommersiële motorwasserye moet voldoen aan bedryfsbestep praktyknorme met betrekking tot watergebruik per motor gewas.
- 7 Handwasbakke in openbare geriewe moet toegerus wees met aanvraag-tipe krane.
- 8 Storte in openbare geriewe moet toegerus wees met aanvraag-tipe kleppe.
- 9 Drinkbare water mag nie gebruik word om bousand en ander boumateriaal te benat om te verhoed dat dit wegwaai nie.
- 10 Aftapkrane op staanpype moet op 'n hoogte van minstens 450mm, gemeet bokant grondvlak, wees.
- 11 Die maksimum vloei tempo van enige kraan wat in 'n handwasbak aangebring is, mag nie meer as 6 liter per minuut wees nie.
- 12 Die maksimum vloei tempo van enige stortkop mag nie meer as 10 liter per minuut wees nie.
- 13 Spoeltoiletbakke mag nie 'n groter kapasiteit as 9,5 liter hê nie.
- 14 Geen outomatiese spoelbak of storttenk mag gebruik word om 'n urinaal te spoel nie.
- 15 Alle outomatiese spoelbakke wat aan urinale gekoppel is, moet vervang word met handgeaktiveerde stelsels of nie-handapparate wat die spoelstelsel slegs na elke gebruik van die urinaal in werking stel.

16 Aansluitwatertoebehore wat aan die buitekant van geboue buiten woonhuise geïnstalleer word, moet—

- (a) 'n selfsluitende toestel bevat; of
- (b) toegerus wees met 'n verwyderbare handvat; of
- (c) gesluit kan word om ongemagtigde gebruik te verhoed; of
- (d) van 'n aanvraag tipe wees wat die hoeveelheid water by elke gebruik beperk.

17 Wateroudit

- (a) Grootmaatwatergebruikers (gebruikers wat meer as 10 000 kiloliter per jaar gebruik), uitgesonderd die wat uit veelvoudige wooneenhede bestaan, moet jaarliks 'n wateroudit doen. Die oudit moet uitgevoer word nie later nie as twee weke na die einde van elke finansiële jaar van die Stad. Die ouditverslag moet beskikbaar wees vir inspeksie deur beamptes van die Departement van Waterwese en Bosbou, die Waterraad (waar van toepassing) en die Stad.
- (b) Die oudit moet die volgende uiteensit:
  - (i) die hoeveelheid water wat gedurende 'n finansiële jaar gebruik is;
  - (ii) bedrag betaal vir water vir die finansiële jaar;
  - (iii) die getal persone wat op die perseel of standplaas woon;
  - (iv) die getal persone wat permanent op die perseel of standplaas werk;
  - (v) 'n vergelyking van die bogemelde faktore met dié wat ten opsigte van elkeen van die vorige drie jare gerapporteer is (waar beskikbaar);
  - (vi) seisoensveranderinge in aanvraag (maandelikse verbruikersyfers);
  - (vii) gedetailleerde metodes van besoedelingsmonitering;
  - (viii) besonderhede van huidige maatreëls wat getref word om die aanvraag na water te bestuur;
  - (ix) besonderhede van toekomstige planne om wateraanvraag te bestuur;
  - (x) 'n vergelyking van die bogemelde faktore met dié wat in elkeen van die vorige drie jare gerapporteer is (waar beskikbaar); en
  - (xi) 'n raming van die waterverbruik van die verskillende komponente wat in gebruik is soos toestelle en aansluitwatertoebehore.

18 Niemand mag toelaat dat water wat as 'n hitte-uitwisselingsmedium in enige toerusting of toestel gebruik word en vanaf 'n waterinstallasie voorsien word, aanhoudend vermors word nie, behalwe as dit gebruik word om 'n voorgeskrewe vlak van totaal opgeloste vaste stowwe in 'n hersirkuleringsaanleg te handhaaf.

## BYLAE 2

### Pype wat gebruik word om drinkbare water te vervoer

(Artikel 51)

#### Koperpype

Klas 0- en Klas 1-koperpype mag nie vir ondergrondse doeleindes aangewend word nie, tensy op gepaste wyse met 'n huls beskerm.

Klas 0-koperpype mag nie gebuig, oopgesper of die ente uitgedy word en in 'n huls vir kapillêre-tipe soldeerwerk gevorm word nie.

Koperpype mag nie bronsgesweis of silwergesweissoldeer word nie.

#### Plastiekpype (poliëtileen, polipropileen, poliviniel)

Plastiekpype mag nie gebruik word in brandinstallasies of brand- en huishoudelike installasies bogronds waar sodanige installasie uit 'n toegewyde brand- of gekombineerde brand- en huishoudelike aansluiting vanaf die hoofwaterpyp voorsien word nie.

Plastiekpype wat drinkbare water vervoer, moet teen sonlig beskerm word.

Plastiekpype mag nie in 'n posisie gebruik word waar sypeling van gas of ander chemiese stowwe die water wat daarin vervoer word, kan besmet nie, tensy dit op gepaste wyse in 'n ondeurlaatbare huls beskerm word.

Waar plastiekpype gebruik word om warm water vanaf 'n vaste waterverwarmersinstallasie te vervoer, moet die eerste 1,5 meter pyp aan die uitlaatkant van die silinder koper wees.

#### Swart staalpype

Swart weekstaalpype en bybehorende toebehore mag nie gebruik word om water in huishoudelike installasies te vervoer nie, tensy dit op gepaste wyse aan die binnekant behandel en bedek is, en mag ook nie in die brandinstallasiegedeelte van 'n gekombineerde installasie op so 'n manier geïnstalleer word dat dit die drinkbaarheid van die water in die gedeelte wat vir huishoudelike gebruik bedoel is, nadelig affekteer nie.

Gegalvaniseerde weekstaalpype en watertoebehore mag nie gebruik word in installasies wat aan die hoofwaterpyp gekoppel is en met water daaruit voorsien word nie.

Enige pyp wat water vanaf die hoofwaterpyp vervoer nie as 'n integrale deel van 'n betonstruktuur geïnstalleer word of in of onder vloerblokke gelê word nie, tensy dit in 'n geskikte beskermingshuls is.

#### Veellaagpype

Dit sluit in P-EX, PE-ALUMINIUM-PE asook ander kruisgekoppelde poliëtileen ligte legering veellaagbuisstelsels.

Slegs veellaagpype en die goedgekeurde krimpstelsels, toebehore en gereedskap van vervaardigers wat in die jongste SABS-lys van aanvaarde waterkomponente aangegee word, mag gebruik word in huishoudelike installasies wat gebruik word om water vanaf die hoofwaterpyp te vervoer.



**BYLAE 3**  
**Ontwerpkriteria vir waterinstallasies**  
*(Artikel 52)*

**TABEL 1**

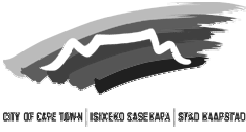
<b>Tipe verbruiker</b>	<b>Opgaarruimte vereis</b>
Hospitale, klinieke, verpleeginrigtings, ouetehuse en ander geboue waaruit okkupeerders nie gereedlik verwyder kan word in die geval van 'n onderbreking in die watertoevoer nie	250 liter vir elke bed waarvoor die gebou ontwerp is
Onderwysinrigtings	40 liter tot 50 liter per persoon
Veelvoudige wooneenhede wat die hoogte soos bepaal in artikel 24(2) oorskry, of wat meer as drie verdiepings het, watter ook al die laagste is	135 liter per wooneenheid
Hotels, losieshuse en hostelle	90 liter per persoon waarvoor die gebou ontwerp is (insluitende personeel)
Restaurantkombuise (bereiding van volledige maaltye)	8 tot 12 liter per maaltyd berei
Haarkappers en tandartse	4 ure se vraag per dag
Nywerhede (voorraad vir produksiedoeleindes)	8 ure se voorraad per dag

**TABEL 2**

<b>Tipe verbruiker</b>	<b>Opgaarruimte vereis</b>
Kommersiële persele (insluitende winkels en kantore)	70 liter vir elke 100 vierkante meter van die bruto vloerooppervlakte
Fabrieke	5 liter per persoon
Superwinkels (soos hipermarkte)	125 liter per spoeltoiletpan of 600mm bladurinaal
Onderwysinrigting	5 liter per persoon

**BYLAE 4**

Sertifikaat uitgereik ingevolge artikel 14(2)



**BYLAE 4**

**NAKOMINGSERTIFIKAAT VAN WATERINSTALLASIE MET OORDRAG VAN EIENAARSKAP IN OOREENSTEMMING MET DIE WATERVERORDENING**

**ADRES VAN EIENDOM .....**  
.....  
.....

**ERFNOMMER.....**

**NAAM VAN VERKOPER.....**

**KONTAKBESONDERHEDE VAN VERKOPER.....**  
.....

**NAAM VAN KOPER.....**

Ek, ....., 'n geskikte, geakkrediteerde loodgieter, sertifiseer dat ek al die loodgieterswerk by die boonste adres nagegaan het en bevestig dat:

- 1) Die watermeter werk (registreer),
- 2) Daar geen defekte is wat kan veroorsaak dat water vermors word nie, en
- 3) Daar geen binnedringing van reënwater in die rioolstelsel is nie.

**HANDTEKENING: ..... DATUM:.....**

**NAAM EN KONTAKBESONDERHEDE IN DRUKSKRIF:.....**  
.....

Dien voltooide vorm in per: Faks: 021 590 1504 of  
E-pos: [WaterTOC@capetown.gov.za](mailto:WaterTOC@capetown.gov.za)

**ISIXEKO SASEKAPA  
UMTHETHO WAMANZI, WAMA- 2010**

**Ukurhoxisa uMthetho kaMasipala waManzi wonyaka wama-2006: wesiXeko saseKapa; ukubonelela ngolawulo lweenkonzo zamanzi kwiSixeko; nokubonelela ngemiba ehamba kunye nawo.**

**ULUNGISELELO LWAMACANDELO**

Isahluko soku-1: Iinkcazelo kunye neZibonelelo ngokuBanzi

1. Iinkcazelo
2. Ukusetyenziswa kunye nenjongo
3. Amagunya oMlawuli
4. Amaqondo enkonzo
5. Ugunyaziso
6. Ilungelo lokungena kumaziko obonelelo lweenkonzo zamanzi
7. Amathuba kaxakeka afutshanisileyo neemeko ezidinga ukulungiswa ngoko nangoko
8. Imisebenzi yoluntu
9. Ukufunyanwa kwakhona kweendleko
10. Izaziso zokuhambelana
11. Uxanduva lokuhambelana noMthetho kaMasipala

Isahluko sesi-2: Izibonelelo eziNxulumene noNikezelo lwaManzi

12. Ukusetyenziswa kwamanzi okungagunyaziswanga
13. Isicelo sokunikezelwa kwamanzi
14. Ukutshintshelwa kobunini
15. Izivumelwano ezizodwa zokunikezelwa kwamanzi
16. Imibhobho ekwizitalato okanye kwiindawo zoluntu
17. Imirhumo
18. Ukupheliswa kwezivumelwano
19. Ukuphazamisana nenkqubo yokunikezelwa kwamanzi
20. Ukuthintelwa kwelungelo lokunikezelwa kwamanzi
21. Ubonelelo lombhobho wothungelwano
22. Uthungelwano phakathi kwemizi
23. Ubonelelo kunye nendawo yokwahlukanisa izivalo
24. Imiqathango ngokubanzi yonikezelo
25. Unyino okanye unqunyanyiso lonikezelo
26. Uphazamiseko lonikezelo ngesicelo somnini
27. Ukususwa kothungelwano lwamanzi
28. Ukulinganiswa kwamanzi anikezelwayo
29. Ubungakanani bamanzi anikezelwayo
30. Amanzi anikezelwe esuka kwimibhobho yamanzi kamasipala
31. Ukuthengiswa ngokutsha kwamanzi
32. Izilinganisi zamanzi ezinesiphene
33. Uqikelelo lobungakanani bamanzi anikezewe umsebenzisi wenkonzo ngezilinganisi zamanzi esineziphene
34. Ukulungiswa ngokutsha kobungakanani bamanzi anikezelwe xa isilinganisi samanzi besinesiphene
35. Imilinganiselo ekhethekileyo

Isahluko sesi-3: UNyino lwaManzi nokuLondolozwa kwaManzi

36. UNyino lwamanzi
37. Inkcitho yamanzi
38. Ilondolozo lwamanzi nonyanzeliso lolawulo

Isahluko sesi-4: Okuhlangene neenkonzo zamanzi

39. Ubhaliso
40. Unikezelo lweenkonzo zamanzi
41. Iirhafu zonikezelo lweenkonzo zamanzi

Isahluko sesi-5: Ulwamkelo lweeplani zezakhiwo

42. Inkqubo yolwamkelo lweeplani zezakhiwo
43. Ulwandiso lwexesha lolwamkelo
44. Imizobo
45. Iikopi zemizobo emayigcinwe kwindawo yolwakhiwo
46. Umsebenzi ongagunyaziswanga

Isahluko sesi-6: Ufakelo ngaBantwini bemibhobho yamanzi

47. Abantu abavumelekileyo ukwenza ufakelo neminye imisebenzi
48. Uxanduva lomnini wesakhiwo nomhlaba

Isahluko sesi-7: Ukubulawa kweentsholongwane

49. Ukubulawa kweentsholongwane kufakelo lwemibhobho yamanzi, kuqukwa namatanki okugcina amanzi.

Isahluko sesi-8: Iimfuno zoFakelo lwaManzi ngokuBanzi

50. Unikezelo nokulolongwa kofakelo lwemibhobho yamanzi
51. Imibhobho eyamkelekileyo nezixokelelwano zofakelo lwamanzi
52. Iinqobo ezisemgangathweni zoyilo ukulungiselela ufakelo lwamanzi
53. Amatanki okugcina amanzi
54. Uthintelo longcoliseko lwamanzi

Isahluko sesi-9: Ufakelo lwezixhobo zomlilo

55. Ufakelo lwezixhobo zomlilo

Isahluko se-10: Izibonelelo zezinto ngezinto ngokubhekiselele kumanzi angalungele ukuselwa

56. Ukusetyenziswa kwamanzi avela kweminye imithombo engengawo lawo anikezelwa ngumasipala
57. Amaqula, umngxuma wesitsala-manzi, imithombo nakwimixuma
58. Isaziso sokumba imingxuma yezitsala-manzi, amaqula nemithombo
59. Ukunikezelwa kwamanzi angalungele ukuselwa sisiXeko
60. Ukhanyelo ngokubhekiselele kumgangatho wobunjani bamanzi angalungele ukuselwa
61. Izaziso zokulumkisa
63. Iinkqubo zonkcenkceshelo

Isahluko 11: Izibonelelo ngokubanzi

63. Izibheni
64. Amatyala nezohlwayo
65. Ukukhululwa ekuthwaleni uxanduva
66. Ukurhoxisa nolondolozo
67. Isihloko esifutshane

Uludwe lweenkqubo

1. Ulondolozo lwamanzi nolawulo lwamabango
2. Imibhobho esetyenziselwa ukuhambisa amanzi okusela
3. Iinqobo zoyilo ezisemgangathweni ukulungiselela ufakelo lwamanzi
4. Isatifiketi

**INTSHAYELELO**

**NJENGOKO** icandelo-156(2) nele-(5) oMgaqo-siseko ebonelela ngokuba umasipala angenza kwaye alawule imithetho kamasipala ukuze kulawule ngokufanelekileyo imibandela apho onelungelo lokuyilawula, kwakhona usebenzisa naliphina igunya ngokujoliswe kuloo mbandela uboanakala kufanelekile ukuba kwenziwe oko, okanye kuloo mbandela ujolise ekuphonyezweni ngokufanelekileyo kwendlela yokusebenza kamasipala;

**KWAKHONA NJENGOKO** uMhlathi-B weSheduli-4 yoMgaqo-siseko othi udwelise iinkonzo zamanzi nezococeko ngokujoliswe kwiinkqubo zobonelelo ngamanzi aselwayo nenkqubo zokucocwa kwamanzi amdaka nogutyulo njengombandela woburhulumente bengingqi/boomasipala, nanjengoko kwakhona kuqulunqiwe kwicandelo-155(6) (a) nele (7);

**KWAKHONA NANJENGOKO** isiXeko saseKapa sizama ukuqinisekisa ngolawulo nokumisela ngokomgaqo iinkonzo zamanzi kummandla waso esigunyaziselwe wona.

**UMTHETHO OWISWE** liBhunga lesiXeko saseKapa, ngale ndlela ilandelayo:—

## Isahluko 1

## IINKCAZELO NEZIBONELELO NGOKUBANZI

## Iinkcazelo

## 1. Kulo Mthetho kaMasipala, ngaphandle kokuba ubume buchaza enye into—

**“igosa eligunyazisiweyo”** lithetha igosa lesiXeko elinoxanduva lokumiliselela nokunyanzelisa izibonelelo zalo Mthetho kaMasipala;

**“unikezelo lwesiseko lwamanzi”** luthetha ubuncinane bemigangatho yeenkonzo zonikezelo lwamanzi ezifunekayo ukulungiselela unikezelo lwamanzi oluthembekileyo kumakhaya ukuxhasa impilo kunye nemithetho yempilo yococeko lomntu echazwe ngokwemiqathango yoMthetho weeNkonzo zaManzi, we-1997(UMthetho onguNombolo 108 we-1997);

**“umngxuma wesitsala-manzi”** uthetha umngxuma ogrunjwe emhlabeni ngenjongo zokufumana indawo, ukutsala okanye ukusebenzisa amanzi angaphantsi komhlaba, nokubandakanya umthombo, kunye nendawo yomthombo;

**“isiXeko”** sithetha isiXeko saseKapa esisekwe ngeSaziso esingu Nombolo 479 sama-2000 ngokwemiqathango yecandelo le-12 loMthetho kaMasipala: uMthetho woLwakhiwo lukaMasipala, we-1998 (uMthetho onguNombolo 117 we-1998);

**“UMlawuli wesiXeko”** uthetha umntu oqeshwe liBhunga njengomlawuli kamasipala ngokwemiqathango yecandelo lama-82 loMthetho kaMasipala: uMthetho woLwakhiwo lukaMasipala, we-1998 (uMthetho onguNombolo 117 we-1998);

**“umbhobho wokudibanisa”** uthetha umbhobho, obunini bawo obukulawulo lweSixeko yaye ufakelwe siso ngenjongo zokuhambisa amanzi asuka kumthombo aye kufakelo lwemibhobho yamanzi, yaye ubandakanya **“umbhobho onxibelelayo”** ekubhekiselelwe kuwo kwiSANS 10252: ISahlulo soku- 1; sama-2004

**“umsebenzi wenkonzo”** uthetha nawuphi na umntu osebenzisa amanzi avela nakuluphi na ufakelo oludityanise kumbhobho wokudibanisa onikezela ngamanzi asuka kwidama elo;

**“iBhunga”** lithetha iBhunga lesiXeko okanye naluphi na uyilo lopolitiko, umthwali woxanduva lweofisi yezepolitiko, uCeba okanye umsebenzi weSixeko, ogunyaziswe ngokufanelekileyo ngokunikezelwa amagunya;

**“uMthetho kaMasipala woLawulo lweTyala nokuQokelelwa kweTyala”** uthetha iSixeko saseKapa: uMthetho kaMasipala woLawulo lweTyala nokuQokelelwa kweTyala, wama-2006;

**“iinjongo zasekhaya”** ngokunxulumene nonikezelo lwamanzi kuthetha ukunikezelwa kwamanzi okusela, awokuhlamba neenjongo zokupheka kungabandakanywa izindlu zangasese neendawo zokuchamela;

**“UMlawuli”** uthetha umqeshwa onoxanduva lwamanzi nococeko kwisiXeko;

**“inkathazo kwimpilo”** ithetha imeko okanye ubume obunokuthi bube yingozi kubomi okanye impilo, okanye bube nempembelelo embi kwimpilo okanye kwimpilo yasengqondweni yomntu okanye yoluntu, okanye izale ingozi kwindalo, yaye **“ubungozi kwimpilo”** bunentsingiselo ehambelana nale;

**“umsebenzi wofakelo”** uthetha umsebenzi obhekiselele kulwakhiwo, okanye ukuqhutywa, ukufakelwa kwemibhobho yamanzi;

**“umbhobho oyintloko”** uthetha umbhobho, ngaphandle kombhobho onxibelelanayo, ubunini obuphantsi kwegunya lesiXeko yaye usetyenziswa siso ngenjongo zokuhambiselela abasebenzisi amanzi;

**“isixhobo sokulinganisa”** sithetha isixhobo esilinganisela ubungakanani bamanzi aphuma kuso njengoko kubonakalisiwe kuMthetho onezoRhwebo ngezoXhobo zokuLinganisela ubungakanani onguNomb.77 wangowe-1973;

**“umhlali”** uthetha umntu ohlala kuzo naziphi na izakhiwo okanye kwinxalenye yazo ngoko, ngaphandle kokuthabatha ingqalelo kwitayitile ahlala phantsi kwayo;

**“inqanaba lolawulo likarhulumente”** lithathe inqanaba lolawulo laseburhulumente njengoko licacisiwe kwicandelo-239 loMgaqo-siseko;

**“umnini”** uthetha—

- (a) Umntu ekuthi ngamaxesha amaninzi kunikezelwe kuye itayitile esemthethweni

yezakhiwo;

- (b) kwimeko apho umntu lowo onetayitile esemthethweni kwisakhiwo kuze kutshone ishishini lakhe okanye abhubhe, okanye abe phantsi kobume bokulimala obusemthethweni nangayiphi na indlela, umntu lowo itayitile esemthethweni yesakhiwo isesandleni sakhe lithe ishishini lakhe latshona okanye wasweleka, okanye unokulimala okusemthethweni nangayiphi na indlela, umntu lowo ulawulo lwezakhiwo ezo lusesandleni unikezelwa njengomgcini, umphathiswa, umlawuli, umgwebi, umthengisi wempahla yeshishini okanye ummeli womthetho;
- (c) nakuyiphi na imeko apho iBhunga lingenakho ukuqinisekisa ngobunini bomntu lowo, umntu onelungelo lwesibonelelo sokusebenzisa loo mhlaba okanye isakhiwo okanye izakhiwo ezilapho;
- (d) kwimeko yezakhiwo apho kuqunjelwe isivumelwano sengqesho seminyaka eli-10 okanye ngaphezulu kwakhona saye sabhaliswa kwii-ofisi engeTayitile zobunini, umqeshisi uye achaphazeleke;
- (e) umntu othenge umhlaba/isakhiwo kwisiXeko, ngokwemiqathango ngaphantsi kwenkqubo evumela ukuba ixabiso lokuthenga malihlawulwe ngezavenge yaye awukakhutshelwa egameni lakhe siSixeko;
- (f) ngokuhambelana—
- (i) nesiqingatha somhlaba esicaciswe kwisicwangciso secandelo lomhlaba obhaliswe ngokwemiqathango yoMthetho weeTayitile zamaCandelo, we-986 (uMthetho onguNombolo 95 we-1986), umphuhlisi okanye iqumru lamashishini amanyeneyo ngokubhekiselele kumhlaba/isakhiwo sawo onke; okanye
- (ii) icandelo njengoko lichaziwe kuMthetho weeTayitile zamaCandelo, umntu ekubhaliswe ngalo elo candela ubhaliswe phantsi kwetayitile yeCandelo kwaye kubandakanywa nearhente etyunjwe ngokusemthethweni yomntu lowo;

**“umntu”** ubandakanya umntu osemthethweni kunye nalo naliphina inqanaba laseburhulumenteni;

**“ungcoliseko”** luthetha inguqu ethe ngqo nengathanga ngqo yesakhiwo, ikhemikhali okanye eyebhayoloji yemithombo yamanzi ukulungiselela ukulwenza—

- (a) lungayifaneli nayiphi na injongo enokuba nolutho enokuthi ilindeleke xa lutye lwasesetyenziswa; okanye
- (b) lube yingozi okanye lubonakala lunokuba nobungozi—
  - (i) kwintlalontle, kwimpilo okanye ukhuselo lwabantu,;
  - (ii) kwizinto zendalo zasemanzini nezasemhlabeni;
  - (iii) kukulunga kobunjani bezibonelelo; okanye
  - (iv) kumhlaba/kwizakhiwo;

**“isaziso sikawonke-wonke”** sithetha isaziso esipapashiweyo kwiphepha-ndaba ngeelwimi ezintathu ezisesikweni zeSixeko;

**“upapasho”** luthetha—

- (a) Upapasho lwesaziso kwiGazethi yePhondo;
- (b) Ukubonelela amaqela achaphazelekayo ngeekopi zopapasho olo; kunye
- (c) Ukuxhonywa kwesaziso esipapashiweyo kwiibhodi zesaziso zesiXeko;

**“intlawulo echaziweyoo”** ithetha umrhumo, intlawulo okanye irhafu olugqitywe nolunyanzeliswa liBhunga ngokwemiqathango oMthetho kaMasipala weRhafu;

**“SABS”** ithetha iSouth African Bureau of Standards ekubhekiselelwe kuyo kuMthetho weMigangatho, we-1993 (uMthetho onguNombolo 29 we-1993);

**“SANS”** ithetha umgangatho othe wamiselwa waze wakhutshwa yiSABS ngokwemiqathango yezibonelelo zoMthetho weMigangatho, we-1993 (uMthetho onguNombolo 29 we-1993);

**“umbhobho wenkonzo”** uthetha umbhobho oyinxalenye yofakelo lwamanzi nofakelo phakathi kombhobho onxibelelayo nesilinganisi samanzi;

**“itanki yokugcina amanzi”** ithetha itanki eliyinxalenye yofakelo lwamanzi yaye isetyenziselwa ukugcina amanzi, ngaphandle kwesigcini samanzi kwindlu yangasese esebenza ngokukhupha amanzi kwipani okanye kwindawo yokuchamela yamadoda kunye netanki esetyenziselwa ukugcina amanzi ashushu;

**“UMthetho kaMasipala weRhafu”** uthetha isiXeko saseKapa, uMthetho kaMasipala weRhafu, wama-2007;

**“ufakelo lokulinganisa amanzi elimiselweyo”** luthetha isixhobo samanzi kwindawo yokukhutshwa kufakelo lwamanzi oluthi lulawule indlela yokukhutshwa kwamanzi aphuma kufakelo lwamanzi;

**“amanzi”** athetha amanzi aselwayo ngaphandle kokuba kuchazwe ngenye indlela;

**“ugcino lwamanzi”** luthetha umsebenzi wokulondolozwa okanye ukusetyenziswa kwamanzi ngendlela efanelekileyo;

**“ufakelo lwamanzi”** luthetha imibhobho kunye nezixhobo zamanzi ezakhelwe nakusiphi na isakhiwo ze zabekwa emagxeni omnini olapho ze azisebenzise okanye ekuxhitywe ukuba azisebenzise ngokubhekiselele kusetyenziso lwamanzi kwizakhiwo ezo, yaye kubandakanywa—

- (a) umbhobho kunye nesixokelelwano samanzi esakhelwe ngaphandle komda wezakhiwo, esithe mhlawumbi saxokonyezelwa kumbhobho onxibelelayo onxulumene nezozakhiwo okanye mhlawumbi ufakwe ngemvume yeSixeko; yaye
- (b) a **“ufakelo lomsebenzi wenkonzo”** njengoko luchaziwe kwicandelo loku-1 loMthetho weeNkonzo zaManzi, we-1997 (uMthetho onguNombolo 108 we-1997);

**“isixhobo solawulo lwamanzi”** sithetha isixhobo esithi silawule ubungakanani bamanzi ampompozayo kwimitha yamanzi kwisithuba esithile;

**“iinkonzo zamanzi”** zithetha “iinkonzo zamanzi” njengoko zichazwe kwicandelo loku-1 loMthetho weeNkonzo zaManzi, we-1997 (uMthetho onguNombolo 108 we-1997), yaye zibandakanya ukususa, ukuhambisa, ukunyanga nokunikezelwa kwamanzi okusela, amanzi ekujongwe ukuba aguqulelwe kumanzi okusela okanye amanzi alungiselelwe ukusetyenziselwa urhwebo noshishino;

**“isibonelelo seenkonzo zamanzi”** sithetha nawuphi na umhlaba apho kukho isibonelelo esifakelelweyo okanye esisetyenziswa sisiXeko, okanye ingingqi eqokelela amanzi emvula ngokunxulumene nonikezelo lwamanzi;

**“umlamli weenkonzo zamanzi”** uthetha nawuphi na umntu onyanzelekileyo ukuba abonelele ngeenkonzo zamanzi komnye umntu ngokwemiqathango yesivumelwano apho unyanzeliso lonikezelo lweenkonzo zamanzi luhambelana kunye neyona njongo ingundoqo yeso sivumelwano;

**“inkqubo yonikezelo lwamanzi”** ithetha izakhiwo, imisele, imibhobho, izivalo, iimpompo, izilinganisi-manzi okanye ezinye izixhobo ezinxulumene nezozakhiwo ezisesandleni zeSixeko yaye zisetyenziselwa okanye zixhibe ukusetyenziselwa siso ngokubhekiselele kunikezelo lwamanzi, yaye zibandakanya nayiphi na inxalenye yenkqubo; kunye

**“iliso lomthombo”** lithetha umbhobho omncinane onqumlayo otsazisela kwisanti engadibananga okanye kulwakhiwo lwegrable, olunempompo eyakhelwe kumgangatho ophantsi ukuze unyuse isasaze namanzi.

## Ukusetyenziswa nenjongo

2. (1) Lo Mthetho kaMasipala usebenza kuzo zonke izakhiwo eziphantsi kolawulo lweSixeko.

(2) Ngaphandle kokuba okanye kungqiniwe, ulwaphulo lwalo Mthetho kaMasipala olwenziweyo kwizakhiwo ngokubhekiselele—

- (a) kufakelo lwamanzi, elungaphandle kwesibonelelo esinxulumene nokusetyenziswa kwamanzi kufakelo, kucingelwa njengolwaphulo lomthetho ngumsebenzisi; yaye
- (b) usebenziso lwamanzi olusuka kufakelo lwamanzi kuthathwa njengolwaphulo mthetho ngumsebenzisi wenkonzo.

(3) Akukho mnini ekufuneka ehambelane nalo Mthetho kaMasipala ngokuguqula ufakelo lwamanzi okanye inxalenye yalo olwathi lwafakelwa kuthotyelwe nawuphi na umthetho osebenzayo ngokukhawuleza phambi komhla wokuqalisa kwalo Mthetho kaMasipala ngaphandle kokujoliswe



kwimimiselo yecandelo-3(1) nombandela-15 weShedyuli-1.

- (4) Amanzi anakho ukunikezelwa kuphela kwingingqi ephantsi kolawulo lweSixeko ngokwemiqathango yezibonelelo zalo Mthetho kaMasipala.
- (5) Umlawuli unakho, ngothethwano noMlawuli Ophezulu wezeMpilo weSixeko, apho kungenakho okanye kuncitshiswa iindleko zonikezelo lwamanzi kumsebenzisi ngamnye okwizingingqi ethile, kumiselwe indlela eyenye yokunikezelwa kwamanzi.
- (6) Apho uMlawuli amisele enye indlela yonikezelo lwamanzi ngokwemiqathango yecandelwana I(5), lo Mthetho kaMasipala usebenza ekunikezelweni kwamanzi kwingingqi enjalo, kuxhonyekeke kwimiqathango enjalo njengoko enakho ukumisela.
- (7) Apho isiXeko sisebenzise umnikezeli ngeenkono zamanzi wangaphandle, lo Mthetho kaMasipala uhlala usebenza yaye iBhunga lihlala lingugunyaziwe olawulayo.

#### Amagunya oMlawuli

3. (1) Umlawuli unakho, ngesaziso esibhaliweyo, acele umnini ukuba athobele izibonelelo zalo Mthetho kaMasipala kwisithuba esichaziweyo, ukuba ngaba ufakelo lwamanzi okanye inxalenye yalo kwizakhiwo—

- lonakele;
- lukubume obubanga okanye obubonakala bungabanga inkcitho okanye ukusetyenziswa kwamanzi okungafanelekanga; okanye
- lukubume okanye kwimeko oluthi lubangele okanye lukhangeleke ngokungathi lungabanga ungcoliseko lonikezelo lwamanzi okanye impilo okanye ingozi yokhuseleko.

(2) Umlawuli kufuneka alumane indlebe noMlawuli Ophezulu weMpilo wesiXeko kuyo yonke imiba apho kungakho ingozi yempilo okanye ungcoliseko lwendalo..

(3) Ukuba ngaba uMlawuli unesizathu sokukholelwa kwinto yokuba ufakelo lwamanzi lunganokonakala ngendlela apho enokubangela okanye lungaba ingozi kwimpilo okanye kukhuseleko kubantu abahlala kwezo zakhiwo, unakho ukufuna ukuba ufakelo lwamanzi luhlolwe okanye kubulawe iintsholongwane ngendleko zomnini..

(4) Umlawuli unakho, nangayiphi na injongo enxulumene nomiliselelo okanye ukunyanzeliswa kwalo Mthetho kaMasipala, ngawo onke amaxesha afanelekileyo okanye ngexesha likaxakeka nangaliphi na ixesha—

- ukungena nakusiphi na isakhiwo;
- ukufuna ingcaciso;
- ukuqhuba uhlolo novavanyo njengoko ebona kufanelekile; yaye
- ngenjongo enjalo, asebenzise nasiphi na isixhobo samanzi esifakelweyo.

#### Amanqanaba enkonzo

4. (1) IsiXeko sinakho, kumathuba ngamathuba, yaye ngokuhambelana nomgaqo-nkqubo wesizwe, kodwa kuxhonyekeke kwimithetho-siseko yozinziso nokufikelelwa, ngesaziso esibhaliweyo, ukumisela amanqanaba enkonzo esinokuthi sibe nakho ukuwanikezela kubasebenzisi benkonzo.

(2) IsiXeko sinakho ukumisela amanqanaba enkonzo awahlukeneyo phakathi kweendidi zabasebenzisi benkonzo, ngokweengingqi nangokweengingqi zoqoqosho lwentlalo.

(3) La manqanaba alandelayo enkonzo anakho, kuxhonyekeke kwicandelwana (1), ukunikezelwa sisiXeko:

- iinkonzo zonikezelo lwamanzi olusetyenziswa ngabantu bonke—
  - ziqulunqe inqanaba eliphantsi lenkonzo enikezelwa sisiXeko;
  - zibandakanye imibhobho emileyo eyahlula-hlulweyo okanye itanki lamanzi elime ndaweni nye elisetyenziswa mhlawumbi ngombhobho othungelanayo okanye itanki lamanzi elibekwe kumgama ongahanjwa ofanelekileyo ukusuka nakuliphi na ikhaya;
  - zifakwe ngaphandle kwentlawulo;
  - zinikezelwe ngaphandle kwentlawulo kubasebenzisi benkonzo; yaye
  - zibekwa iliso sisiXeko.
- zihlanganiswe kwiyadi aziqhagamshelwanga nakuluphi na ufakelo lwamanzi—
  - equathe umbhobho omileyo ongenasilinganiso samanzi kwizakhiwo ezingaqhagamshelwanga nofakelo lwamanzi;
  - efakelwe simahla; yaye
  - igcinwe siSixeko.
- ukudityaniswa kwesilinganiso samanzi esinoxinzelelo—
  - kufakelwa kuthelekiswa nentlawulo yomrhumo ochaziweyo;
  - kunikezelwa kuthelekiswa nentlawulo yomrhumo ochaziweyo; kunye
  - nofakelo lwamanzi olugcinwa ngumsebenzisi wenkonzo.

#### Ulwabiwo lomsebenzi

5. Umlawuli okanye igosa eligunyazisiweyo linakho, kuxhonyekeke kulwamkelo nguMlawuli, ukwaba amagunya akhe okanye abele imisebenzi eyabelwe okanye ebekwe phezu kwamagxa akhe ngulo Mthetho kaMasipala nakuliphi na elinye igosa leSixeko.

#### Ukungena kumaziko eenkonzo zamanzi

6. Umntu ongena kwiziko leenkonzo zamanzi kufuneka ahambelane nemiyalelo yoMlawuli ukulungiselela ukusebenzisa imiqathango yokungena kwindawo eboniswe ngendlela yesaziso esangweni.

**Amaxesha kakakeka angathi avele kunye neemeko ezithi zifune kuthatyathwe amanyathelo ngokukhawuleza**

7. (1) UMLawuli unakho, kwimeko apho kungathi kube lixesha likaxakeka okanye kwiimeko apho ekudingeka ukuba kuthatyathwe amanyathelo ngokukhawuleza, athabatha nayiphi na imiqathango efanelekileyo ukuthintela okanye ukutshitshisa ingozi enjalo engakho okanye iimeko.
- (2) Xa kulixesha likaxakeka okanye imeko ecamngcwe kwicandelwana (1) ethe yenzeka kwisakhiwo sangasese, uMLawuli unakho—
- ngesaziso esibhaliweyo, ayalele umnini ukuba athabathe imiqathango enjalo njengoko kuyimfuneko ukuthintela okanye ukutshitshisa ingozi engavelayo okanye imeko; okanye
  - kwimeko yokokuba umnini engafumaneki okanye esilela ukuhambelana ngokukhawuleza kunye nemiyalelo yoMLawuli, ukuthabatha imiqathango enjalo njengoko kuyimfuneko yokukhusela okanye ukutshitshisa ingozi engxamileyo engakho okanye imeko..
- (3) Kwimeko apho imeko engxamileyo ivela kufakelo lwamanzi, umnini wofakelo olo lwamanzi unoxanduva lweendleko ezithwelwe sisiXeko.
- (4) Kwimeko apho kuthatyathwe amanyathelo njengoko kucamngciwe kwicandelwana (2)(b), uMLawuli kufuneka awuxele umba kuMLawuli weSixeko ngaphandle kokulibazisa.
- (5) Ukuba kufuneka kuthatyathwe amanyathelo ngokukhawuleza ukuthintela inkcitho yamanzi, umonakalo kwisakhiwo, ingozi kwimpilo okanye ungcoliseko lwamanzi, uMLawuli unakho—
- engakhange akhuphe isaziso ngaphambili, ukuvala unikezelo lwamanzi nakusiphi na isakhiwo, yaye
  - ukungena kwizakhiwo ezo aze aqhuba umsebenzi lowo ukhawulezileyo, ngeendleko zomnini, yaye ngaphezulu, ngesaziso esibhaliweyo, afune ukuba umnini enze umsebenzi ongaphezulu onjalo njengoko enokubona kuyimfuneko efanelekileyo kwisithuba esichaziweyo.

**Imisebenzi kawonke-wonke**

8. (1) Naliphi na ilungu loluntu kufuneka, xa lithe lazi ngomsebenzi okhawulezileyo, ubume obungakho obunokuthi budinge ingqwalasela ekhawulezileyo okanye imeko enokuthi ibe nokuvelisa inkcitho yamanzi okanye ungcoliseko, azise uMLawuli ngoko nangoko.
- (2) Nawuphi na umntu owazisa uMLawuli njengoko kucamngcwe kwicandelwana (1) yaye engafuni ukwaziwa, unakho ukucela ukuba ingama lakhe lingabhengezwa nakuwuphi na umsebenzi olandelayo.

**Ukufunyanwa kweendleko**

9. (1) Nawuphi na umntu owaphula izibonelelo zalo Mthetho kaMasipala unobutyala bokuba ahlawule iSixeko imbuyekezo ukulungiselela nayiphi na ilahleko okanye umonakalo ofunyenwe lilo ngenxa yolo lwaphulo lwezibonelelo.
- (2) IsiXeko sinakho ukufumana naziphi na iindleko ezifanelekileyo ezenziweyo ekuthatyathweni kwemiqathango ngokuhambelana nalo Mthetho kaMasipala nakuwuphi na umntu onoxanduva olusemthethweni lokuthabatha loo miqathango, kubandakanywa—
- umntu lowo bekunikezelwe isaziso sohambelwano;
  - umnini wesakhiwo eso sichaphazelekayo; okanye
  - umsebenzisi wenkonzo.
- (3) UMLawuli unakho ukukhupha isaziso esinyanzelisa umntu onoxanduva lokuhlulwa iindleko ezenziweyo ngokwemiqathango yecandelwana (1), ukuba ahlawule iindleko ezo ngomhla ochaziweyo kwisaziso yaye isaziso eso senza ukubungqina boluvo lokuqala besixa-mali esilindelekileyo.

**Izaziso zohambelwano**

10. (1) Xa igosa eligunyazisiweyo lifumanisa into yokokuba isibonelelo salo Mthetho kaMasipala saphuliwe yaye kukho imeko ethe yavela enekhono lokukhokhelela kulwaphulo lwalo Mthetho kaMasipala, igosa elinjalo eligunyazisiweyo linakho ukukhupha isaziso sohambelwano kumsebenzi wenkonzo okanye umnini ochaphazelekayo okanye umntu othe waphula okanye anganakho ukwaphula izibonelelo zalo Mthetho kaMasipala.
- (2) Isaziso sohambelwano esikhutshwe ngokwemiqathango yecandelwano (1) kufuneka sichaze—
- isibonelelo soMthetho kaMasipala esithe saphulwa okanye esiya kwaphulwa ukuba ngaba ubume buyavunyelwa ukuba buqhubeke;
  - imiqathango yokokuba kufuneka ithatyathwe ukulungisa ubume; yaye
  - isithuba sexesha apho isaziso esinjalo kufuneka kuhanjelwane naso...
- (3) Ukuba ngaba umntu lowo ekuthe kwathunyelwa kuye isaziso sohambelwano ngokwemiqathango yecandelwana (2) uyasilela ukuhambelana neemfuno zesaziso esinjalo, igosa eligunyazisiweyo linakho ukuthabatha amanyathelo anjalo njengoko kuyimfuneko ukulungisa ubume ngeendleko zomntu onoxanduva, okanye athabathe amanye amanyathelo abonakala eyimfuneko ukuqinisekisa ngohambelwano.

**Uxanduva lokuhambelana noMthetho kaMasipala**

11. (1) Umnini unoxanduva lokuqinisekisa ngohambelwano nalo Mthetho kaMasipala ngokubhekiselele kuyo yonke okanye nawuphi na umba onxulumene nofakelo lwamanzi nobeko lweliso ngoko.
- (2) Umsebenzisi wamanzi unoxanduva lokuhambelana nalo Mthetho kaMasipala ngokubhekiselele kwimiba enxulumene nokusetyenziswa kwawo nawuphi na amanzi.

**Isahluko SESI-2****IZIBONELELO EZINXULUMENE NONIKEZELO LWAMANZI****Ukusetyenziswa kwamanzi okungagunyaziswanga**

12. (1) Akukho mntu unokusebenzisa amanzi avela kwisixokelelwano sonikezelo lwamanzi—
- ngaphandle kokuba isivumelwano ekubhekiselelwe kuso kwicandelo le-13 okanye le-14 siqunjelwe;

- (b) ngaphandle kwamanzi avela kumbhobho wothungelwano onikezelweyo ngokwemiqathango yecandelo lama-21 okanye avela kumbhobho wamanzi wokucima umlilo ngokwemiqathango yecandelo lama-30; **okanye**
  - (c) ngaphandle kwavela kwindawo yesilinganiso samanzi sonikezelo lwamanzi esifakelwe siSixeko ukulungiselela unikezelo lwamanzi.
- (2) Apho ukubiwa kwamanzi kuthe kwaqhubeka, uMlawuli unakho-
- (a) ukuba amanzi anjalo akahambanga ngesilinganisi samanzi esifakelweyo okanye esibonelelweyo siSixeko, ukusetyenziswa kwayo nayiphi na enye indlela yokubala isithuba sokubiwa kwamanzi okungqinwayo kuthe kwenzeka; yaye
  - (b) ukuqinisekisa ngobungakanani bamanzi apho isiXeko sinokwenza ibango lembuyezelo apho ubusela obungqinwayo bamanzi buthe benzeka uMlawuli kufuneka asebenzise umlinganiselo ophezulu wokukhutshwa kwamanzi kwisilinganisi samanzi othi uhambelane nemithetho enxulumene nezilinganisi zamanzi ezipapashwe kuMthetho weTrade Metrology, we-1973 (uMthetho onguNombolo 77 we-1973), yaye olinganayo ngokwedayamitha njengombhobho apho kwatsalwa khona amanzi angagunyaziswanga.

#### **Isicelo sonikezelo lwamanzi**

- 13.** (1) Amanzi avela kwisixokelelwano sonikezelo lwamanzi awasayi kunikezelwa nakusiphi na isakhiwo esitsha ngaphandle kokuba umnini wenze isicelo kwisiXeko sonikezelo yaye isicelo esinjalo site samkelwa nguMlawuli.
- (2) Isicelo sonikezelo lwamanzi esamkelwe nguMlawuli simele isivumelwano phakathi kweSixeko nomnini yaye siqalisa ukusebenza ngomhla ekubhekiselelwe kuwo kwisicelo..
- (3) Umnini unoxanduva lwayo yonke imirhumo ngokubhekiselele kunikezelo lwamanzi olumiselwe ngokwemiqathango yoMthetho weRhafu kaMasipala de unikezelo lube luvaliwe ngesicelo somnini, okanye isivumelwano sibe sirhoxisiwe ngokwemiqathango yecandelo le-18, yaye umnini uthatyathwa njengomsebenzisi ngazo zonke iinjongo ngesithuba sesivumelwano.
- (4) Isicelo kufuneka siqulathe le ngcaciso ilandelayo:
- (a) isibhengezo sokuba umenzi wesicelo uyakwazi yaye uyakuqonda okuqulathwe sisivumelwano;
  - (b) isamkelo ngumenzi wesicelo sezibonelelo zalo Mthetho kaMasipala nesamkelo setyala leendleko zokunikezelwa kwamanzi de isivumelwano sirhoxisiwe;
  - (c) igama lomenzi sicelo kunye nenombolo yakhe yesazisi;
  - (d) idilesi okanye inombolo yesiza sesakhiwo apho kuza kunikezelwa khona ngamanzi;
  - (e) idilesi apho iikhawunti ziza kuthunyelwa khona;
  - (f) iinjongo aza kusetyenziselwa yona amanzi;
  - (g) umhla ekuvunyelwe ngawo wokuqaliswa kokunikezelwa kwamanzi; kunye
  - (h) nembophelelo eyenziwa ngumenzi wesicelo yokwazisa isiXeko ngalo naluphi na untshintsho ngokubhekiselele nakuwuphi na umba apha ngasentla.
- (5) Amanzi anikezelwa kuxhonyekeke kwizibonelelo zalo Mthetho kaMasipala kunye nemiqathango ebekwe nguMlawuli.
- (6) Apho injongo ebelucelelwe yona unikezelo lwamanzi ngokwemiqathango yecandelwana (4)(f), okanye ubungakanani bonikezelo lwamanzi buthe baguquka, umnini kufuneka ngokukhawuleza, kusongezelelwa kwisaziso sesiXeko ngontshintsho, angene kwisivumelwano esitsha kunye neSixeko.

#### **Ukutshintshelwa kobunini**

- 14.** (1) Umthengisi phambi kokuba atshintshela ubunini bepropati, kufuneka angenise isatifiketi esiphuma kumtywini ogunyazisiweyo esiqinisekisa ukuba—
- (a) ufakelelo lamanzi lungqinelana neMigaqo yeSizwe engeZakhiwo kunye nalo Mthetho kaMasipala;
  - (b) akukho mibandela yonakeleyo;
  - (c) imitha yamanzi iyabala kakuhle; kwakhona
  - (d) akukho ziphazamiso zamanzi esitshi kwisixhobo sogutyulo.
- (2) Isatifiketi esi sikhankanyiweyo kwicandelwana-(1) kufuneka sibhalwe ngokwendlela yefomu eqhotyoshelwe njengeShedyuli-4.

#### **Izivumelwano ezizodwa zonikezelo lwamanzi**

- 15.** (1) IsiXeko sinakho ukungena kwisivumelwano esisodwa sonikezelo lwamanzi kumenzi wesicelo ongaphandle kwemida yeSixeko.
- (2) Ukuba ngaba isiXeko siyavuma ukunikezela ngamanzi kumenzi wesicelo ongaphandle kwemida yeSixeko njengoko kucamngciwe kwicandelwana (1), linakho ukuvumela loo menzi wesicelo unjalo ukuba athengise loo manzi anjalo kwabanye abantu, kuxhonyekeke kwimiqathango enjalo njengoko kunokuba yimfuneko.

#### **Imibhobho esezitalatweni okanye kwiindawo zikawonke wonke**

- 16.** Akukho mntu unakho, ngenjongo zokuhambisa amanzi nokokuba avela kuwuphi na umthombo, unokufakela okanye ache umbhobho okanye inxalenye enxulumeneyo, phakathi okanye ngaphantsi kwesitalato, kwendawo kawonke wonke okanye nawuphi na umhlaba oselungelweni okanye ophantsi kolawulo lweSixeko, ngaphandle kwemvume engaphambili ebhaliweyo yoMlawuli, kuxhonyekeke kwimiqathango enjalo anokuthi abe nokuyibeka kunye nawuphi na omnye umthetho ongomnye osebenzayo.

#### **Imirhumo**

- 17.** Yonke imirhumo ehlawulwayo yaye enxulumene nonikezelo lwamanzi sisiXeko kufuneka ihambelane noMthetho kaMasipala weRhafu.

#### **Ukurhoxiswa kwesivumelwano**

- 18.** (1) Umnini unakho ukurhoxisa isivumelwano sokunikezelwa kweenkonzo zamanzi ngokuthi anike isiXeko isaziso esibhaliweyo esingekho ngaphantsi kweentsuku ezisixhenxe ngenjongo zakho zokwenza njalo.

(2) UMLawuli unakho, ngesaziso esibhaliweyo esingekho ngaphantsi kweentsuku ezili-14, azise umnini ngokurhoxiswa kwesivumelwano sonikezelo lwamanzi ukuba ngaba umnini lowo—

- (a) akawasebenzisanga amanzi kwisithuba esingaphambili seenyanga ezintandathu yaye akenzanga malungiselelo ngokukholeke kuMlawuli ukulungiselela ukuqhubeka ngesivumelwano;
- (b) usilele ukuhambelana nezibonelelo zalo Mthetho kaMasipala yaye usilele ngokunjalo ukulungisa usilelo olunjalo ukuhambelana emva kokukhutshwa kwesaziso; okanye
- (c) usilele ukuhlawula nawuphi na umrhumo ofanelekileyo nohlawulwayo ngokwemiqathango yoMthetho kaMasipala weRhafu..

(3) UMLawuli unakho ukurhoxisa isivumelwano sonikezelo lwamanzi ukuba ngaba izakhiwo ezibhekiselele kuzo ezo zivumelwano zinjalo zither zashiywa zingenamntu.

#### **Ukunqanyulelwa kwesixokelelo sonikezelo lwamanzi**

**19.** Ngaphandle kokuba kugunyazisiwe ngokwemiqathango yalo Mthetho kaMasipala, akukho mntu ngaphandle kwesiXeko onakho-

- (a) ukulawula, ukuphazamisa okanye ukonakalisa, ukusebenzisa okanye ukugcina isixhobo esisibonelelo samanzi sesiXeko ukulungiselela unikezelo lweenkonzo zamanzi; okanye
- (b) ukuphazamise uqhagamshelwano kwisixokelelwano sonikezelo lwamanzi.

#### **Uthintelo kungeno kwisixokelelwano sonikezelo lwamanzi**

**20.** Akukho mntu unokuthintela okanye anyine ilungelo lokungena lamagosa eSixeko kwisixokelelwano sonikezelo lwamanzi.

#### **Isibonelelo sombhobho onxibelelanayo**

**21.** (1) Akukho mntu unokuqalisa naluphi na uphuhlisa nakuso nasiphi na isakhiwo ngaphandle kokuba uMlawuli ufakele umbobho onxibelelanayo kunye nesilinganisi samanzi.

(2) Ukuba ngaba isivumelwano sonikezelo lwamanzi ngokubhekiselele kwisakhiwo siqunjelwe yaye akukho mbobho unxibelelanayo okanye umlinganiselo ofanelekileyo wombhobho onxibelelanayo okhoyo ngokubhekiselele kwisakhiwo, umnini kufuneka enze isicelo kwifomu echaziweyo aze ahlawule umrhumo ochaziweyo njengoko umiselwe ngokomqathango woMthetho kaMasipala weRhafu wofakelo lombobho onjalo.

(3) UMLawuli unakho ukumisela—

- (a) idayamitha yombobho onxibelelanayo ngenccaciso enikezelwe ngumenzi wesicelo ngexesha lokwenziwa kwesicelo;
- (b) indawo yombobho onxibelelanayo;
- (c) indawo yokuphela yombobho onxibelelanayo kwimida yomhlaba ophantsi kolawulo lweSixeko, apho sinelungelo lobukhoboka okanye naliphi elinye ilungelo;
- (d) uhlolo lwesidibanisi ekufuneka sisetyenzisiwe ukuqalisa ngodibaniso, yaye
- (e) nemathiriyeli apho isahlulo eso sofakelo lwamanzi phakathi kombobho onxibelelayo kunye nevalvu ezimeleyo yomnini, ekubhekiselelwe kuyo kwicandelo lama-51, kufuneka yenziwe, kunye nendlela yofakelo lwesahlulo esinjalo.

(4) Ukuba ngaba isicelo senziwe sokunikezelwa kwamanzi kwisakhiwo esakhiwe ngendlela yokuba kube yimfuneko ukwandisa isixokelelwano sonikezelo lwamanzi ukulungiselela ukunikezela ngamanzi kwisakhiwo, uMlawuli unakho ukuvumela ulwandiso kuxhonyekeke kwimiqathango enjalo njengoko enakho ukuyinyanzelisa..

(5) Ngaphandle kokuba kuchazwe enye into nguMlawuli, umnini kufuneka, ngeendleko zakhe, aqalise ngonxibelelwano phakathi kofakelo lwamanzi kunye nombobho onxibelelayo okanye imibobho engenisa amanzi kwisakhiwo.

(6) Umnini kufuneka makagcine isahlulo sofakelo lwamanzi ekubhekiselelwe kuso kwicandelwana (3)(e) ngokuchasene nokuswa.

(7) Ngaphandle kokuba kuvunyelwe nguMlawuli, mnye kuphela umbobho onxibelelayo onokunikezelwa nakuso nasiphi na isakhiwo, nokokuba lithini na inani leeyunithi zokuhlala, iyunithi zoshishino okanye abasebenzisi abahlala kweso sakhiwo.

(8) UMLawuli unokuvuma, kuxhonyekeke kwimiqathango enjalo anokuthi ayinyanzelise, kufakelo kumbobho ongundoqo ngaphandle kwalowo usoloko ufanekisa ukulungiselela ubonelelo ngonikezelo lwamanzi kwisakhiwo, ngaphandle kokuba umnini unoxanduva lwalo naluphi na ulwandiso lofakelo lwamanzi kumbobho wonxibelelwano onyuliweyo kwaza kwavunywa nguMlawuli ze awufumane ngendleko zakhe, ubukhoboka obunjalo phezu kwezinye izakhiwo njengoko kunokuba yimfuneko.

(9) Akusayi kubakho lofakelo lwamanzi luya kunikezelwa kunye namanzi ngombobho onxibelelayo owawufakelwe ukunikezela amanzi ngeenjongo zolwakhiwo de isiqinisekiso sohambelwano ekubhekiselelwe kuso kwicandelo lama-47(1)(c) sithe safunyanwa siSixeko yaye ukuba isiqinisekiso kolo fakelo lwamanzi.

(10) Ukuba uMlawuli uqwalasela into yokokuba umlinganiselo wombhobho onxibelelayo osele ukho awufanelekanga ngesizathu sobungakanani bamanzi anikezelwa kwisakhiwo, unakho ngesaziso esibhaliweyo, ukucela umnini ukuba ahlawule imirhumo echaziweyo yokususwa kombobho okhoyo onxibelelayo nokufakelwa kombobho onxibelelayo womlinganiselo ofanelekileyo.

(11) (a) UMLawuli unakho ngesaziso esibhaliweyo, apho isicelo esisesikweni secandelwana sithe sangeniswa, ukuba acele umnini wesakhiwo esiza kwahlulwa ngokweyunithi zokuhlala ezahlukeneyo, ngeendleko zakhe kwisithuba esichaziweyo kwisaziso, ukuba—

- (i) atshintsha ufakelo lwamanzi oluthululela nakuyiphi na iyunithi ukwenzela ukuba lwahlulwe, yaye luzimele, kufakelo lwamanzi oluthululeka kwenye iyunithi;
- (ii) enze isicelo sombhobho onxibelelayo ukulungiselela ukuthungela kwiyunithi nganye; ze
- (iii) aqhagamshela ufakelo lwamanzi ekubhekiselelwe kulo kumhlathi (i) kumbobho onxibelelayo ekubhekiselelwe kuwo kumhlathi (ii).

(b) UMLawuli unakho ukunika umnini weyunithi ekubhekiselelwe kuyo kwicandelwana (11)(a)(i) isaziso esibhaliweyo sokokuba ukuba kufuneka enze isicelo ngokwemiqathango yecandelo le-13 ukulungiselela unikezelo lwamanzi.

(12) Ukuba ngaba uMlawuli uxhibe ukufakela omnye umbobho onxibelelayo, kufuneka anike umnini ochaphazelekayo isaziso esibhaliweyo esingekho ngaphantsi kweentsuku zombenzi ezili-10 somhla aya kuthi ngawo aqalise unxibelelwano phakathi kofakelo lwamanzi kunye nombobho onxibelelayo omtsha ofakelweyo.

(13) Apho isakhiwo sinikezelwa ngenani lemibhobho enxibelelayo, uMlawuli unokucela umnini, ngendleko zakhe, ukunciphisa inani leendawo zofakelo aze aguqule ufakelo lwamanzi ngokufanelekileyo.

#### **Uqhagamshelwano phakathi kwezakhiwo**

22. Umnini wesakhiwo kufuneka aqinisekise ngento yokuba akukho luqhagamshelwano lukhoyo phakathi kofakelo lwamanzi kwisakhiwo kunye nofakelo lwamanzi lwesinye isakhiwo, ngaphandle kokuba umnini ufumene imvume ebhaliweyo kwangaphambili kuMlawuli waze wabe uyahambelana nayo nayiphi na imiqathango ebekwa nguMlawuli.

#### **Isibonelelo nendawo yokwahlula iivalvu**

23. (1) UMlawuli kufuneka afakele ivalvu yokwahlula phakathi kwesilinganisi samanzi ngasinye kunye nomthombo wamanzi oyintloko.

(2) Umnini kufuneka, ngendleko zakhe yaye elungiselela ukusetyenziswa nguye yedwa abonelele yaye afake ivalvu yokwahlula—

- (a) kwimeko yesilinganisi samanzi esifakwe kwisakhiwo, kwindawo efanelekileyo kwicala lakhe lesilinganisi samanzi; okanye
- (b) kwimeko yesilinganisi samanzi esifakelwe ngaphandle kwesakhiwo, kwindawo efanelekileyo kufutshane apha ngaphakathi komda wesakhiwo sakhe.

Ngaphandle kokuba uMlawuli unakho, ngokusilela komnini nangeendleko zomnini, ukubonelela nokufakela ivalvu eyahlulayo.

(3) Akukho mntu unakho ngaphandle kwemvume yoMlawuli ukuphazamisana nevalvu eyahlulayo kumbhobho onxibelelayo.

#### **Imiqathango ngokubanzi yonikezelo lwamanzi**

24. (1) Unikezelo lwamanzi siSixeko asibandakanyi isithembiso sokugcina nangaliphi na ixesha nayiphi na indawo kwisixokelelwano sonikezelo lwaso lwamanzi—

- (a) ngonikezelo lwamanzi olungaphazanyiswayo;
- (b) ngoxinzelelo oluthe ngqo okanye umlinganiselo wokuphuma kunikezelo lwamanzi; okanye
- (c) ngomgangatho othile wokulunga kwamanzi,

ngaphandle kokuba ukuba unikezelo lwamanzi kumsebenzisi luphazanyiswa ngaphezulu kweeyure ezingama-24, iSixeko siya kuzama ukubonelela ngolunye unikezelo lwamanzi lwesiseko ngokukhawuleza kangako kufanelekile.

(2) UMlawuli unakho ukuchaza umphakamo wona mkhulu apho amanzi aya kunikezelwa khona ukusuka kwisixokelelwano sonikezelo lwamanzi.

(3) Ukuba umnini udinga unikezelo olungazanyiswanga, uxinzelelo oluthile okanye umlinganiselo wokuphuma kwamanzi okanye umgangatho othile wokulunga kwamanzi kwisakhiwo, umnini kufuneka enze awakhe amalungiselelo okuhambelana neemfuno ezinjalo.

(4) Kuxhonyekwe kwizibonelelo zalo Mthetho kaMasipala, iSixeko sinakho ukuphazamisa unikezelo lwamanzi nakusiphi na isakhiwo ngaphandle kokunikezela isaziso kwangaphambili.

(5) Ukuba usetyenziso lwamanzi kwisakhiwo lunempembelelo embi kunikezelo lwamanzi kwezinye izakhiwo, uMlawuli unakho ukusebenzisa unyino olunjalo njengoko ebona kufanelekile kunikezelo lwamanzi kwisakhiwo esichazwe kuqala ukulungiselela ukuqinisekisa ngonikezelo lwamanzi olufanelekileyo kwezinye izakhiwo, yaye kufuneka azise umnini, okanye umsebenzisi ohlala apho, kwisakhiwo sokuqala esichaziweyo ngolo nyino.

(6) UMlawuli unakho ukufakela isixhobo soLawulo lwaManzi nakwesiphina isakhiwo njengenxalenye yesilinganisi samanzi/imitha yamanzi kunye nesixhobo esinxulumnene naso—

- (a) ukukhuthaza ukulawula ibango lamanzi; okanye
- (b) ukuqinisekisa ukumiselwa kwendlela efikelekayo ekuboneleleni ngeenkonzo ezingundoqo zamanzi.

(7) Apho kukho isiXhobo soLawulo lwaManzi kufakelwe nakusiphi na isakhiwo, umsebenzisi wamanzi unakho ukucela ukuba angene kwisixokelelwano kunye noMlawuli ukuba kumiliselwe unikezelo lwamanzi okusela kwisakhiwo sabo kumthamo wosuku ogqitywe kwangaphambili.

#### **Unyino okanye ukuvalwa konikezelo lwamanzi**

25. (1) Kuxhonyekwe nakuwuphi na omnye umthetho, uMlawuli wesiXeko unakho, ukuba umnini usilele ukuhlawula isixa-mali esifunekayo ngokwemiqathango yoMthetho kaMasipala weRhafu, ukumazisa ngesaziso esibhaliweyo ngenjongo yakho—

- (a) yokunyina unikezelo lwasendlwini ngomhla ochaziweyo, aze anyine unikezelo olo lunjalo ngomhla okanye emva komhla nangona engathinteli ilungelo lokufumana iinkonzo zamanzi zesiseko ; okanye
- (b) yokunyina okanye ukuvalwa ukunikezelwa kwamanzi kubo bonke abanye abasebenzisi abangengabo abasezindlwini ngomhla ochaziweyo, yaye unyino okanye ukuvalwa oko konikezelo lwamanzi ngomhla okanye emva komhla lowo.

(2) Kuxhonyekwe nakuwuphi na omnye umthetho, uMlawuli unakho, ukuba umnini waphule lo Mthetho kaMasipala yaye usilele ukulungisa ulwaphulo olo kwisithuba esichaziweyo ngesaziso esibhaliweyo esinikezelwe kuye esinicela ukuba enze njalo, ngesaziso esibhaliweyo, amazise ngenjongo yonyino okanye yokuvalwa konikezelo lwakhe lwamanzi ngomhla ochaziweyo nokunyunwa okanye ukuvalwa konikezelo lwamanzi olo ngomhla okanye emva kwaloo mhla.

(3) Umsebenzisi okanye umnini kufuneka ehlawule umrhumo wonyino okanye wokuvalwa konikezelo lwamanzi nokubuyiselwa ngokutsha konikezelo lwamanzi ngokwemiqathango yoMthetho kaMasipala weRhafu ngaphandle kokuba yonke imirhumo enjalo ihlawulwa phambi kokubuyiselwa konikezelo lwamanzi.

(4) Umsebenzisi othe ilungelo lakhe lokufumana unikezelo lwamanzi lwanyinwa okanye lavalwa, waze wahlanganisa unikezelo lwamanzi ngokungekho mthethweni uya kuthi, ngesaziso esibhaliweyo avalelwe amanzi, ayaye uya kuthwala iindleko ezenziwe siSixeko.

(5) ISixeko kufuneka siqinisekise ngento yokuba akukho msebenzisi wasendlwini uthintelwayo kwilungelo lokufumana iinkonzo zamanzi zesiseko ngokwemiqathango yalo Mthetho kaMasipala.



**Ukuphazanyiswa konikezelo lwamanzi ngesicelo somnini**

26. (1) Umlawuli unakho, ngesicelo esibhaliweyo somnini yayo ngomhla oceliweyo, ukuba ngaba isakhiwo eso asinanto okanye akuhlalwa kuso—
- ukuvala okanye ukunyina unikezelo lwamanzi kwisakhiwo; yaye
  - ukubuyisela unikezelo lwamanzi.
- (2) Umnini kufuneka ngemvume yesicelo ekucamngcwe ngase kwicandelwana (1), ahlawule irhafu echaziweyo.

**Ukususwa kufakelo lwamanzi**

27. Umlawuli unakho ukuvala ufakelo lwamanzi kumbhobho onxibelelayo ze asuse umbhobho onxibelelayo ukuba—
- isivumelwano sonikezelo lwamanzi sithe sarhoxiswa ngokwemiqathango yecandelo le-17 yaye uMlawuli akasifumananga isicelo sonikezelo lwamanzi olulandelayo kwisakhiwo esinikezelwa amanzi ngumbhobho kwisithuba seentsuku ezingama-90 kuvalo olunjalo;
  - isakhiwo esikumhlaba lowo kujoliswe kuwo sidiliziwe; okanye
  - umnini okanye umhlali uthe waphazamisana ngokungekho mthethweni komxokelelwano wonikezelo lwamanzi kwisakhiwo ekujoliswe kuso.

**Ukulunganiswa kwamanzi anikezelweyo**

28. (1) Unikezelo lwamanzi kwisakhiwo kufuneka ludlule kwisilinganisi samanzi, esifakelwe phakathi kombhobho onxibelelayo kunye nofakelo lwamanzi kwindawo emiselwe nguMlawuli, ngaphandle kokuba isilinganisi samanzi singasuswa njengemeko—
- ngokufakelwa kwesifefezi somlilo esizilawulayo;
  - ngokufakelwa komlilo ngokubhekiselele ukuba ngawaphi amanyathelo athatyathiweyo ukufumana ukutsalwa kwamanzi okungekho mthethweni ukulungiselela iinjongo ezingezizo ezokulwa umlilo;
  - ngeemeko ezimiselwe nguMlawuli; okanye
  - apho amanzi asetyenziswa ngofakelo olusebenzayo lomlilo olungenasilinganisi samanzi.
- (2) Umlawuli unakho, emva kokwazisa umnini wesakhiwo ngembalelwano ngeenjongo engofakelo olusebenzayo lomlilo olungenaso isilinganisi samanzi ze emva kwangoko kukhutshwe iakhawunti yamanzi asetyenzisiweyo ngokusetyenziswa kolo fakelo.
- (3) Isilinganisi samanzi kunye nezixhobo ezinxulumene naso sinikezelwa yaye sifakelwa siSixeko, sihala siselungelweni seSixeko yaye sinakho ukubuyiselwa xa kubonakala kuyimfuneko nguMlawuli.
- (4) ISixeko sinakho ukufakela isilinganisi samanzi nesixhobo esinxulumeneyo—
- nakuyiphi na indawo kufakelo lwamanzi olusetyenziswa kwisakhiwo; yaye
  - nakuyiphi na indawo kumbhobho onxibelelayo osetyenziswa kwisakhiwo.
- (5) Ukuba ngaba isiXeko sifakela isilinganisi samanzi kunye nesixhobo esinxulumeneyo naso kufakelo lwamanzi ngokwemiqathango yecandelwana lesi-(4)(a), umnini—
- kufuneka abonelele ngendawo yofakelo eyamkelwe nguMlawuli;
  - kufuneka aqinisekise ngento yokuba ilungelo lokungena elinganyinwanga likho kuyo amaxesha onke;
  - unoxanduva ngokhuseleko lwayo yaye unoxanduva lokuthwala iindleko ezivela kumonakalo olapho, kungabandakanywa umonakalo ovela kumonakalo kuba isixhobo sisidala;
  - kufuneka aqinisekise ngento yokuba akukho lufakelo olwenziwe kumbhobho apho kufakelwe khona isilinganisi samanzi, phakathi kwesilinganisi samanzi kunye nombhobho onxibelelayo onikezela amanzi kufakelo;
  - kufuneka enze isibonelelo sokukhupha amanzi esinokuthi sikhutshwe kumbhobho apho kufakelwe isilinganisi samanzi, ngeli thuba kwenziwa umsebenzi siSixeko kwisilinganisi samanzi; yaye
  - akanakho ukusebenzisa okanye avumele ukusetyenziswa nakuluphi na ufakelo lwamanzi, nasiphi na isifakelo, umatshini okanye isixhobo esibangela umonakalo neso singabangela umonakalo kwisixokelelwano sonikezelo lwamanzi kubandakanywa nesilinganisi samanzi.
- (6) ISixeko kuphela esinakho—
- ukuvala isilinganisi samanzi kunye nesixhobo esinxulumene naso ukusuka kumbhobho apho sifakelwe khona;
  - ukwaphula itywina kwisilinganisi samanzi; okanye
  - nangayiphi na indlela siphazamisane nesilinganisi samanzi kunye nesixhobo esinxulumene naso.
- (7) Nawuphi na umntu owaphula amacandelwana (5)(d) okanye (6) kufuneka ahlawule iSixeko iindleko somthamo wamanzi lawo njengoko enikezelwe.
- (8) Ukuba ngaba isiXeko sifakela isilinganisi samanzi kunye nesixhobo esinxulumene naso ngokuhambelana necandelwana (4)(b), umbhobho oncedisayo uyasuswa kwaye nofakelo lwamanzi luthathwa njengokuqalileyo kudityaniso lombhobho onxibelelayo, udityaniso olunjalo lwesidibanisi lube li-150mm ngaphakathi kumda kumhlaba osegunyeni lesiXeko okanye ophezu kobukhoboka okanye elinye ilungelo.
- (9) Umlawuli unakho ngendleko zomnini, ukufakela okanye afune kufakelwe isilinganisi samanzi okanye isixhobo esilawula umthamo kwicandelo ngalinye, kushishino okanye kwiyunithi yokuhlala nakusiphi na isakhiwo esilungiselelwe ukusetyenziswa ekumiseleni ubungakanani bamanzi obunikezelwa kwicandelo ngalinye, kushishino okanye iyunithi yokuhlala.
- (10) Naluphi na ugcino oluyimfuneko nakusiphi na isahlulo sombhobho oncedisayo othi wandiswe ukusuka kumbhobho onxibelelayo wesakhiwo ukuya kwisilinganisi samanzi kunye nesixhobo esinxulumene naso esikwisakhiwo esinjalo, kufuneka luqhutywe nguMlawuli, nangona eli candelo lombhobho lusenze inxalenye yofakelo lwamanzi, ngaphandle kokuba umnini kufuneka anike uMlawuli ilungelo lokungena kule ndawo inombhobho okanye isilinganisi samanzi yaye abe noxanduva lokuwubuyisela kwingingqi emva kokugqitywa kolungiso.
- (11) Umhlali kweso sakhiwo kufuneka, kwakamsinyane akufumanisa ukuvuza kumbhobho oncedisayo okanye kubuqu besilinganisi samanzi okanye isixhobo saso esinxulumene naso, azise isiXeko, apho isilinganisi samanzi esinjalo sithe safakelwa ngokuhambelana necandelwana (4)(a).
- (12) Ukuba ngaba ilungelo lokungena ngeenjongo zokufunda isilinganisi samanzi, lifakelwe ngemiqathango yecandelwana (4)(a), liyaliwa,



**uMlawuli unakho—**

- (a) ngesaziso esibhaliweyo kumnini wesakhiwo, ukumazisa ngenjongo zokufakela ngendleko zomnini, esinye isilinganisi samanzi kumbhobho onxibelelayo;
- (b) ukunikezela ngeakhawunti ngobungakanani bamanzi asetyenzisiweyo kweso sakhiwo njengoko elinganiswe kwisilinganisi samanzi esifakelweyo kumbhobho onxibelelayo; kwaye
- (c) ukufumana kumnini ndleko zesilinganisi manzi esibonwe njengesingasebenziyo.

(13) Ukuba ngaba ilungelo lokungena elilungiselelwe iinjongo zokufunda isilinganisi samanzi, elifakelwe ngokwemiqathango yecandelwana (4)(a) liyaliwa, umnini, ngesithuba solo lwaliwo, uya kuthwala indleko zamanzi abe yinkcitho xa kuthi kwavela ukuvuza kwisilinganiso eso kunye nesixhobo esinxulumene naso kunye nezidibanisi zazo okanye kubonakale kwicandelo lombhobho oncedisayo kwisakhiwo eso, yaye kulinganiswa isilinganisi esifakelweyo ngokuhambelana necandelwana (12)(a).

(14) Ukuba umnini ungenisa isicwangciso kwisiXeko ngokwemiqathango yecandelo lama-42 ukulungiselela ulwamkelo lolwakhiwo lodonga olusemdeni, ze apho kufakelwe isilinganisi samanzi ngokuhambelana necandelwana (4)(a), umnini lowo ulindeleke xa kuthe kwamkelwa isicwangciso esinjalo, enze isicelo ze ahlawule umrhumo ofanelekileyo ukulungiselela ukuba isilinganisi samanzi sisuswe kumhlaba wakhe ze kufakelwe isilinganisi samanzi esitsha kumbhobho onxibelelayo.

(15) Ukuba ngaba umnini ungenise isicwangciso ngokomqathango wecandelo lama-42 ukulungiselela ulwamkelo lotshintsho okanye ulwandiso kufakelo lomlilo osele lukho olungenaso isilinganisi samanzi, kufuneka emva kovavanyo kofakelo oluhlaziyiweyo, nasekwamkelweni kwesicwangciso eso, enze isicelo aze ahlawule irhafu efanelekileyo ukuze afumane isilinganisi samanzi njengoko ubungakanani nohlobo luchaziwe nguMlawuli, sifakelwe siSixeko njengenxalenye yodibaniso kusakhiwo eso.

(16) Ukuba ngaba umnini ungenisa isicwangciso ngokomqathango wecandelo lama-42 ukulungiselela ulwamkelo lotshintsho okanye ulwandiso kufakelo lwamanzi osele lukho olunesilinganisi samanzi, kufuneka emva kovavanyo kofakelo oluhlaziyiweyo, nasekwamkelweni kwesicwangciso enze isicelo aze kuhlawule irhafu efanelekileyo ukuze afumane isilinganisi samanzi njengoko ubungakanani nohlobo luchaziwe nguMlawuli, sifakelwe siSixeko njengenxalenye yodibaniso kwisakhiwo eso.

(17) Ukuba ngaba uMlawuli simisela into yokokuba isibonelelo masenziwe ukulungiselela udityaniso lwamanzi awahlukeneyo ukulungiselela ufakelo lwamanzi okusela kunye nofakelo lomlilo kumhlaba omnye, izilinganisi zamanzi ezisemgangathweni zinokufakelwa kwizidibanisi ezo.

(18) Ukuba ngaba uMlawuli umisela into yokokuba ufakelo lwentlanganisela yamanzi asendlwini nawomlilo ebandakanya umbhobho wamanzi okucima umlilo, kufuneka lubonelele nakusiphi na isakhiwo, isilinganisi samanzi esihlangeneyo okanye esinye isilinganisi samanzi esiyelele apho ukufumana imilinganiselo yokuphuma kwamanzi ephantsi kufuneka ifakelwe kweso sidibanisi.

(19) Umbhobho onxibelelayo owahlukeneyo kufuneka ufakwe ze usetyenziswe kuso nasiphi na isixokelelwano sofefeze esizenzekelayo.

(20) Apho umnini okanye umntu ophetheyo okanye ulawulo lwaso nasiphi na isakhiwo apho kukho iiyunithi ezininzi zokuhlala, zifuna unikezelo lwamanzi kwisakhiwo esinjalo ngenjongo yokunikezela kwiiyunithi zokuhlala ezahlukeneyo, uMlawuli unakho ukubonelela yaye afake nokokuba—

- (a) sisilinganisi samanzi esinye ngokubhekiselele kwisakhiwo ngokupheleleyo okanye naliphi inani lweeyunithi zokuhlala ezinjalo; okanye
- (b) isilinganisi samanzi esahlukeneyo, esakhelwe kumda wesakhiwo kumhlaba lowo ophantsi kolawulo lweSixeko, ukulungiselela iyunithi nganye yokuhlala okanye naliphi na inani ngoko.

(21) Apho uMlawuli afakele isilinganisi samanzi esinye njengoko kucamngcwe kwicandelwana (20)(a), umnini okanye umntu ophetheyo okanye ulawulo lwesakhiwo kufuneka lufakele yaye lugcine kwisebe ngalinye umbhobho owandiswe usuka kumbhobho onxibelelayo usiya kwiiyunithi zokuhlala ezahlukeneyo—

- (a) isilinganisi samanzi esahlukeneyo; kunye
- (b) nevalu eyahlulayo,

yaye iya kuba luxanduva lwesiXeko intlawulo yomrhumo ochaziweyo lwalo lonke unikezelo lwamanzi kwisakhiwo kusetyenziswa isilinganisi samanzi esinye, kungakhathalelwe usetyenziso lwemithamo eyahlukileyo ngabasebenzisi benkonzo abahlukeneyo ababonelelwa seso silinganisi samanzi.

**Ubungakanani bamanzi anikezelwayo**

**29.** (1) Ngenjongo yokuhlola ubungakanani bamanzi anikezelweyo ngesilinganisi samanzi ngesithuba esithile, kunyenzekile, ngaphandle kokuba okanye kunokungqinwa, into yokokuba—

- (a) ubungakanani bubonakaliswe ngomahlulo phakathi kofundo lwesilinganisi samanzi oluthatyathwe ekuqaleni nasekupheleni kwesithuba;
- (b) isilinganisi samanzi sabhalisa kakuhle ngesi sithuba; kwaye
- (c) ungeniso kwiirekhodi zeSixeko lwalwenziwe ngokulungileyo,

ngaphandle kwento yokuba ukuba amanzi ayanikezelwa okanye athathwe ngaphandle kokuba angene kwisilinganisi samanzi, uthelekelelo nguMlawuli ngobungakanani bamanzi anjalo kufuneka zithathwe njengezilungileyo.

(2) Umlawuli unakho ukuthelekelela ubungakanani bamanzi anikezelweyo ngokubhekiselele kwisithuba okanye kwizithuba kwizinqam eziphakathi kofundo olulandelelanayo zesilinganisi samanzi, yaye unakho ukukhuphela abasebenzisi iakhawunti yobungakanani bamanzi athe thelekelelwa.

**Amanzi anikezelweyo avela kwimibhobho yokucima umlilo**

**30.** (1) Umlawuli unakho ukuvumela unikezelo lwethutyana athatyathwa kumbhobho wokucima umlilo, kuxhonyekekwe kwimiqathango enjalo njengoko kunokumiselwa.

(2) Umntu ofuna unikezelo lwamanzi lwethutyana ekubhekiselelwe kuwo kwicandelwana (1) kufuneka enze isicelo ngendlela echazwe kwicandelo le-13.

**Ukuthengiswa kwakhona kwamanzi**

**31.** (1) Akukho mntu onikezelwa ngamanzi ngokwemiqathango yalo Mthetho kaMasipala unokuthengisa amanzi ngaphandle kokuba—

- (a) isibonelelo senziwe ngoko kwisivumelwano esisodwa ekubhekiselelwe kuso kwicandelo lesi-15; okanye
- (b) ufumene imvume ebhaliweyo kwangaphambili yoMlawuli.

- (2) Ukuba uMlawuli unikezela imvume ekubhekiselelwe kuyo kumacandelwana (1)(b), unakho ukumisela ixabiso eliphezulu, elingingqwe liBhunga, anokuthi amanzi athengiswe ngalo aze abeke eminye imiqathango njengoko ebona kufanelekile.
- (3) Imvume ekubhekiselelwe kuyo kwicandelwana (1)(b) inakho ukurhoxiswa nangaliphi na ixesha.
- (4) Ukuthengiswa kwakhona kwamanzi kuxhibe ukubandakanya unikezelo lwamanzi—
- Kwabanye oomasipala;
  - KuGunyaziwe weZibuko loMzantsi Afrika;
  - kwiNkampani yeeNqwelo-moya yoMzantsi Afrika;
  - kwimeko apho isiXeko singenakho ilungelo elithe ngqo lokungena kwisakhiwo;
  - apho kukho ukwanda konxibelelo lwesiXeko ukunceda isakhiwo lungenakho ukuqaliswa ngokukhawuleza; okanye
  - apho ubukhulu bomthombo budlula isakhiwo esingenakho ukubonelelwa ngomnye ugunyaziwe wenkonzo yamanzi.
- (5) Unikezelo lwamanzi ngumqeshisi kumqeshi alubandakanywa njengokuthengiswa kwamanzi kwakhona phantsi kwilao Mthetho kaMasipala.
- (6) Naziphi na indleko zamanzi afunyanwe ngumqeshisi kufuneka zihambelane, yaye akufuneki zidlule, umrhumo okhoyo weBhunga.

### **Izilinganisi zamanzi ezineziphene**

- 32.** (1) Ukuba umsebenzisi wenkonzo unesizathu sokukholelwa ukuba isilinganisi samanzi sinesiphene, unakho, ngokubhekiselele kwintlawulo yemirhumo echaziweyo, enze isicelo sokokuba isilinganisi samanzi sivavanywe.
- (2) Imirhumo echaziweyo ekubhekiselelwe kuyo kwicandelwana (1) iya—
- kugcinwa siSixeko ukuba isilinganisi samanzi sifunyaniswe ngokwemiqathango yecandelwana (3), (4) okanye (5) singenaso isiphene; okanye
  - kubuyiselwa kumenzi wesicelo ukuba isilinganisi samanzi sifunyaniswe sinesiphene.
- (3) Isilinganisi samanzi apho imithetho enxulumene nezilinganisi zamanzi ipapashwe phantsi koMtheho weTrade Metrology, we-1973 (uMthetho onguNombolo 77 we-1973) esetyenziswayo, sithathwa njengesiphene ukuba, xa site savavanywa ngokuhambelana nemithetho enjalo, ifumaneki inepesenti yesiphene kubhaliso kakhulu okanye kubhaliso olungenele ngaphezu kolo lwamkelweyo ukulungiselela isilinganisi samanzi esisetyenziswayo ngokwemiqathango yaloo mithetho.
- (4) Isilinganisi samanzi ekubhekiselelwe kuso le mithetho ikwicandelwana (3) asisebenzi sibonwa njengesinesiphene ukuba sifunyenwe sinepesenti yesiphene kubhaliso olungaphezulu okanye kubhaliso olungaphantsi olungaphezulu kolo luthe lwamkelwa yiSABS 1529:1999 iSahlulo 4 kunye neSANS 1525:1999 iSahlulo 1, okanye izilungiso zayo.
- (5) Apho site isilinganisi samanzi asasebenza yaye singabonakalisi amanzi asetyenzisiweyo, sithathwa njengesinesiphene.

### **Uqikelelo lobungakanani bamanzi anikwe umsebenzi wenkonzo ngesilinganisi samanzi esinesiphene**

- 33.** (1) Ukuba ngaba isilinganisi samanzi sifumaniseke sinesiphene ngokwemiqathango yecandelo 31(3), (4) okanye (5), uMlawuli unakho ukuqikelela ubungakanani bamanzi anikezelweyo kumsebenzisi wenkonzo ochaphazelekayo ngesi sithuba isilinganisi samanzi besinesiphene, ngokomnyinge wobungakanani bonikezelo lwamanzi emihla ngemihla—
- kwisithuba esiphakathi kofundo olubini olulandelelanayo lwesilinganisi samanzi emva kokubuyiselwa kwesilinganisi samanzi;
  - kwisithuba kunyaka ophelileyo esihambelana nesithuba apho isilinganisi samanzi sasinesiphene; okanye
  - kwisithuba esiphakathi kofundo amaxesha amathathu alandelelanayo lwesilinganisi samanzi phambi kokuba isilinganisi samanzi sibe nesiphene,

nokokuba ziyiphi na acinga uMlawuli ukuba ifaneleke kakhulu.

- (2) Ukuba ubungakanani bamanzi obunikwe umsebenzisi wenkonzo ngesithuba apho isilinganisi samanzi besinesiphene abunakho ukuqikelelwa ngokwemiqathango yecandelwana (1), uMlawuli unakho ukuqikelela ubungakanani ebuseke nakuyiphi na indlela ekhoyo.
- (3) Umsebenzisi wenkonzo kufuneka aziswe ngendlela esetyenziswe nguMlawuli ukuqikelelela ubungakanani bamanzi anikwe yena, njengoko kucamgcwiwe kwicandelwana (1) okanye (2), ze anikwe ithuba ukuba enze inkcazelo kuMlawuli ngaphambi kokuba kufikelelwe kuqikelelo lokugqibela.

### **Ulungelwaniso lobungakanani bamanzi anikezelweyo ngeli xa isilinganisi samanzi sinesiphene**

- 34.** (1) Ulungelwaniso lobungakanani bamanzi anikezelweyo kusetyenziswa isilinganisi esinesiphene kufuneka lwenziwe kwisithuba esimiselweyo ngokwemiqathango yecandelo lama-32.
- (2) Ngenjongo zolungelwaniso lobungakanani bamanzi ngokwemiqathango yecandelwana (1), kucingwa into yokokuba umlinganiso ofanayo wamanzi wanikezelwa kumathuba awahlukeneyo aziyure ezingamashumi amabini anesine ngesithuba ekubhekiselelwe kuso kwicandelwana (1).
- (3) Umnini akayi kuba nalungelo kunciphisa lwesixa-mali esihlawulelwa amanzi ayinkcitho okanye ilahleko kufakelo lwamanzi ngenxa yokuvuza okubonakalayo.
- (4) Izaphulelo zemali ziya kunikezelwa kuphela ngokuvuza okungaphantsi komhlaba, nalapho ukulungiswa koko kuvuza kuboniwe kwaqinisekiswa ligosa leSixeko.

### **Imiqathango eyodwa**

- 35.** (1) Ukuba ngaba uMlawuli ufuna, ngenjongo ezingezizo zokuhlwaluliseka amanzi asetyenzisiweyo kwisahlulo sofakelo lwamanzi, unakho ngesaziso esibhaliweyo, ukucebisa umnini ochaphazelekayo ngenjongo yakhe yokufakela isixhobo sokulinganisa nakuyiphi na indawo kufakelo lwamanzi anokuthi ayichaze.
- (2) Ufakelo lwesixhobo solinganiso ekubhekiselelwe kuso kwicandelwana (1), ukususwa kwaso, nokubuyiselwa kofakelo lwamanzi emva koko kususwa, kuya kuqhutywa ngendleko zeSixeko.

- (3) Izibonelelo zecandelo lama-28(5)(b) kunye (6) iyasebenza, kangangoko kunokuba kufanelekile, ngokubhekiselele kwisixhobo solinganiso esithe safakelwa ngokwemiqathango yecandelwana (1).
- (4) ISixeko sinakho xa sifumene isaziso esibhaliweyo esivela kumnini yaye kuxhonyekeke kumalungiselelo entlawulo yomrhumo ochaziweyo ofanelekileyo, ufundo lwesilinganisi samanzi ukuqinisekisa ngobungakanani bamanzi anikezelweyo ngexesha, okanye ngosuku, kungekuko ukufundwa kwesilinganisi samanzi okuqhele ukwenziwa.

### Isahluko sesi-3

## UNYINO LWAMANZI NOLONDOLOZO LWAMANZI

### Unyino lwaManzi

36. (1) UMLawuli unakho, ngesaziso sikawonke-wonke, ngalo lonke ixesha kukho ukunqongophala kwamanzi kuso ukulungiselela ukukhutshwa nokunikezelwa kubasebenzisi benkonzo, okanye nangaso nasiphi na esinye isizathu—

- (a) Ukuthintela okanye ukunyina ukusetyenziswa kwamanzi kwiSixeko sonke okanye kwinxalenye yaso—
    - (i) ngokubanzi okanye ukulungiselela iinjongo ezithe ngqo;
    - (ii) ngeeyure ezichaziweyo zemini okanye ngeentsuku ezichaziweyo;
    - (iii) ngendlela echaziweyo;
  - (b) ukumisela nokunyanzelisa unyino kubungakanani bamanzi anokuthi asetyenziswe kwisithuba sexesha elithile;
  - (c) ukunyanzelisa unyino okanye izithintelo ekusetyenzisweni okanye kwindlela yokusebenzisa ezinye izixhobo okanye ukulahlwa kwezixhobo ezisebenzisa amanzi okanye ukudityaniswa kwezixhobo ezinjalo kufakelo lwamanzi; lwaye
  - (d) Ukuvuselela iirhafu ezizodwa ngokubhekiselele kunyino lwamanzi, emiselwe ngokwemiqathango yoMthetho kaMasipala weRhafu.
- (2) UMLawuli unakho ukunyina ukusetyenziswa kwezibonelelo zesaziso ezicamngcwe phantsi kwecandelwana (1) kwiingingqi ezichaziweyo okanye kumacandelo abasebenzisi benkonzo, kwizakhiwo nakwimisebenzi, yaye angavumela ukunxaxha nokukhululwa, nokunyeniswa naziphi na izibonelelo ezinjalo kwimihlaba eyamkelekileyo, ngaphandle kokuba akusayi kubakho kunxaxha kwiirhafu ekubhekiselelwe kuzo kwicandelwana (1)(d).
- (3) UMLawuli unakho ukuyalela umsebenzisi wenkonzo ukuba athathe leyo miqathango, kubandakanywa ufakelo lwesilinganisi samanzi kunye nezixhobo nokunyina ukuphuma kwamanzi, njengoko kuyimfuneko ukuqinisekisa uhambelwano nesaziso esipapashiweyo njengoko kuqulunqiwe kwicandelwana (1), ngendleko zomsebenzisi wenkonzo lowo.
- (4) UMLawuli—
- (a) unakho ukuyeka ngokwesithuba anokuthi abone ukuba kufanelekile okanye anyine unikezelo lwamanzi nakusiphi na isakhiwo kwimeko yokusilela ukuhambelana ngokwemiqathango yesaziso ekubhekiselelwe kuso kwicandelwana (1); yaye
  - (b) kufuneka, apho unikezelo luthle lwayekwa ngokwemiqathango yomhlathi (a), ukuwubuyisela kuphela xa umrhumo wokuyekwa nokudibanisa kwakhona kokunikezelwa uthe wahlawulwa.
- (5) Izibonelelo zeli canelo ngokunjalo zisebenza ngokubhekiselele kunikezelo lwamanzi okuthe ngqo sisiXeko lusiya kubasebenzisi benkonzo ngaphandle kweSixeko, nangona nayiphi na into engahambelaniyo nemiqathango elawula unikezelo olunjalo, ngaphandle kuchaziwe ngenye indlela kwisaziso esipapashiweyo njengoko kuqulunqiwe kwicandelwana (1).

### Inkcitho yamanzi

37. (1) Akukho mntu unakho ngokungakhathali, ngamabom okanye ngenkcitho—

- (a) avulele amanzi kwizidibanisi ezingundoqo okanye avumele uvulelo olunjalo;
  - (b) ayeke imibhobho okanye izidibanisi zamanzi ukuba zivuze;
  - (c) asebenzise izidibanisi zamanzi ezingalungelelaniswanga ngokufanelekileyo okanye ezineziphene okanye avumele oko kusetyenziswa kwazo;
  - (d) avumele uphuphumo lwamanzi ukuba luqhubeka; okanye
  - (e) ukusetyenziswa kwamanzi ngokungafanelekanga okanye ukuvumela ukusetyenziswa kwamanzi ngokungafanelekanga ukuba kuqhubele.
- (2) Umnini kufuneka alungise okanye afakele ngokutsha naliphi na ilungu lofakelo lwamanzi elikwisimo esingenakulungiseka ekulilo elithi libe ngunobangela okanye ibe lilo elikhangeleka lingangunobangela wesihlo esidweliswe kwicandelwana (1).
- (3) Ukuba umnini uyasilela ukuhambelana necandelwana (2), uMLawuli unakho ukuthabatha amanyathelo anokuthi awabone efanelekile ukufumana indleko kwakhona kumnini.
- (4) (a) Umsebenzisi wenkonzo kufuneka aqinisekise ngento yokuba nasiphi na isixhobo okanye umashini odiyanyiswe kufakelo lwamanzi usebenzisa amanzi ngendlela esebenzayo.
- (b) Ukuba ngaba ukusetyenziswa kwamanzi nangasiphi na isixhobo kufakelo lwamanzi asisebenzi kakuhle okane sibangela inkcitho, uMLawuli unakho, ngesaziso esibhaliweyo, ukuthintela ukusetyenziswa kweso sixhobo sinjalo.
- (5) Xa ukusetyenziswa kwesixhobo kuthintelwe ngokwemiqathango yecandelwana (4)(b), isixhobo esinjalo akufuneki sibuye sisetyenziswe de ukusebenza kakuhle kwaso kube kubuyiselwe kwisimo esilungileyo yaye isicelo esibhaliweyo sokwenza njalo kuthe kwamkelwa nguMLawuli.

### Ulonolozo lwamanzi nebango lolawulo

38. Nawuphi na umnini okanye umsebenzisi wenkonzo kufuneka ahambelane nolondolozo lwamanzi kunye nemisebenzi yebango lolawulo ethiwe thaca kwiShedyuli yoku-1.

**Isahluko SESI-4**  
**ABAMELI BEENKONZO ZAMANZI**

**Ubhaliso**

**39.** IBhunga linakho ngesaziso sikawonke-wonke, lifune abameli beenkonzo zamanzi okanye amahlelo abameli beenkonzo zamanzi ukuba abhalise kwiSixeko ngendlela echazwe kwisaziso sikawonke-wonke.

**Izibonelelo zeenkonzo zamanzi**

**40.** (1) Abameli beenkonzo zamanzi kufuneka baqinisekise ngento yokuba iinkonzo zamanzi, kubandakanywa iinkonzo zesiseko njengoko zimiselwe liBhunga ziyanikezelwa kubantu ekunyanzeleke ukuba banikezwe iinkonzo zamanzi.

(2) Umgangatho ubungakanani nozinzo lweenkonzo zamanzi ezinikezelweyo ngummeli weenkonzo zamanzi kufuneka zibe kumgangatho omnye njengoko kubonelelwa siSixeko kubasebenzisi bamanzi.

**Imirhumo yeenkonzo zamanzi ezinikezelweyo**

**41.** (1) Ummeli weenkonzo zamanzi akanakho ukuhlululisa ngeenkonzo zamanzi ngexabiso elingahambelaniyo neenqobo nemigangatho enokuba isekwe nguMlawuli.

(2) Ummeli weenkonzo zamanzi kufuneka anikezele ngeenkonzo zamanzi ezisemgangathweni, njengoko zimiselwe liBhunga ngokwemiqathango yoMthetho kaMasipala woLawulo lwaMatyala nokuQokelelwa kwaMatyala ze zinikezelwe siSixeko kubasebenzisi benkonzo ngexabiso eliya kuthi lifane okanye libe ngaphantsi kwimirhumo echaziweyo esithi iSixeko sinikezele ngeenkonzo ezinjalo.

**Isahluko SESI-5**  
**ULWAMKELO LWEZICWANGCISO**

**Inkqubo yolwamkelo lwezicwangciso**

**42.** (1) Ukuba ngaba umnini uthanda ukufakela ufakelo olutsha lwamanzi, kufuneka kuqala afumane imvume ebhaliweyo yoMlawuli kwizicwangciso ezingeniweyo ukuba zihlolwe, ngaphandle kokuba ulwamkelo aludingeki xa kulungiswa okanye ukubuyiselwa ngokutsha kombhobho osele ukho okanye isidibanisi samanzi esingaphandle kwesifudumezi samanzi esisigxina kunye nezixhobo zaso zokhuseleko ezinxulumeneyo, apho kuloo meko, isaziso sokwazisa siyafuneka.

(2) Isicelo solwamkelo ekubhekiselelwe kuso kwicandelwana (1) kufuneka senziwe kwifomu echaziweyo ze sikhathshwe-

(a) ngumrhumo ochaziweyo; kunye

(b) nenombolo echaziweyo yeekopi zomzobo womsebenzi oyilwayo njengoko kubhekiselelwe kuwo kwicandelo lama-45.

(3) Izibonelelo zecandelwana (1) kunye (2) azisebenzi kunokontilaka obhalisiweyo obuyisela isifudumezi samanzi esisigxina okanye izixhobo zokhuselo ezinxulumene naso.

(4) Imvume ebhaliweyo enikezelweyo ngokwemiqathango yecandelwana (1) iya kuxhomekeka kwicandelo lama-43, ephelelwa xa kuphele isithuba seenyanga ezingama-24 emva kosuku lokuqala lenyanga elandela inyanga ekwakunikezwe ngayo ulwamkelo olubhaliweyo.

(5) Iinkcukacha ezipheleleyo zalo naluphi na ulondolozo lwamanzi olucetywayo kunye nenkqubo yebango yolawulo efana nenkqubo yamanzi ahobe, isipholisi somoya okanye nesixhobo sokukhupha kwindlu yangasese kufuneka sikhaphe izicwangciso zolwakhiwo.

**Ukwandiswa kwesithuba solwamkelo**

**43.** Umlawuli unakho kumathuba ngamathuba, ngesicelo esibhaliweyo ngumnini, phambi kokuphela kwesithuba sangaphambili ekujoliswe kuso yaye kuxhonyekeke kwintlawulo yomrhumo ochaziweyo, andise isithuba sokubasemthethweni solwamkelo esinikezelwe ngokwemiqathango yecandelo lama-42 ukulungiselela isithuba esingadlulwanga kwiinyanga ezili-12 ngexesha kuxhonyekeke kwimiqathango njengomo anokuyibona ifanelekile.

**Imizobo**

**44.** (1) Ngaphandle kokuba uMlawuli uthethe ngembalelwano wamisela enye into, imizobo kufuneka ibe kumaxwebhu ebukhulu bawo bungekho ngaphantsi kwe-A4 yaye kufuneka unike ingcaciso kwifomu efunwa liGatya 4.1.1 le SANS 10252: 2004 iSahlulo soku-1 ikopi leyo enokufunyanwa kuMlawuli.

(2) Ukuba ngaba iinkcukacha zofakelo lwamanzi kwimigangatho yesakhiwo engaphezulu komgangatho omnye ziyafana, iinkcukacha ezinjalo zinokuzotyelwa umgangatho omnye kuphela.

(3) Ukuba ngaba kuza kufakelwa ufakelo olungaphezulu kolunye kwisakhiwo, ufakelo olunjalo lungabonakaliswa kumzobo omnye, ngaphandle kokuba zahlukene ngokucacileyo.

(4) IShedyuli kufuneka inikezelwe nomzobo ngamnye okanye iiseti zemizobo zibonisa inani nganye indawo yodityaniso lwamanzi kunye nobukhulu bayo obuqhelekileyo.

**Iikopi zemizobo emazigcinwe kwisiza**

**45.** De uMlawuli afumane isiqinisekiso sohambelwano esingeniswe ngemiqathango yecandelo lama-48, iseti epheleleyo yemizobo eyamkelweyo yomsebenzi wofakelo kufuneka isoloko ifumaneka ngawo onke amaxesha kwisiza sokusebenza.

**Umsebenzi ongagunyaziswanga**

46. Ukuba ngaba umsebenzi wofakelo wenziwe kusaphulwa icandelo lama-42, uMlawuli unakho ngesaziso esibhaliweyo, acele umnini wesakhiwo ekujoliswe kuso ukuba ahambelane nelaa candela kwisithuba esichaziweyo, yye ukuba umsebenzi usaqhutywa, umsebenzi kufuneka uyekwe, yaye anathi ngaphezulu afune ukuba umnini asuse wonke loo msebenzi ongahambelaniyo nalo Mthetho kaMasipala.

**Isahluko sesi-6****UFAKELO NGABATYWINI****Abantu abavumelekileyo ukwenza umsebenzi wofakelo kunye neminye imisebenzi**

47. (1) Akukho mntu, ongenaziqinisekiso zokufundela lo msebenzi yaye engamkelwanga ngokwemiqathango yoMthetho woGunyaziwe wesiNgqiniso seMfundo soMzantsi Afrika, we-1995 (uMthetho onguNombolo 58 we-1995), unakho—

- (a) ukwenza umsebenzi wofakelo apho ulwamkelo lufunekanya ngokwemiqathango yecandelo lama-42;
- (b) ukubuyisela isifudumezi samanzi esisigxina okanye izixhobo zokhuselo ezinxulumene naso;
- (c) ukuhlola, ukubulala iintsholongwane ze avavanye ufakelo lwamanzi, ufakelo lombane okanye itanki lokugcina; okanye
- (d) ukulungisa, abuyisele ngokutsha isikhuseli sokuphuma kwamanzi ngokwemiqathango yecandelo lama-54.

(2) Umlawuli unakho ukugcina irejista yabantu abaneziqinisekiso zokuwufundela umsebenzi ekubhekiselelwe kuyo kwicandelwana (1).

**Uxanduva lomnini wesakhiwo**

48. (1) Umnini wesakhiwo kufuneka aqinisekise ngento yokuba umsebenzi wofakelo owenziweyo kwisakhiwo sakhe—

- (a) uqhutywa ngumntu okanye ngumtywini oneziqinisekiso oneziqinisekiso zokuwufundela umsebenzi okanye ovumelekileyo phantsi kweCandelo-47;
- (b) uhambelana nalo Mthetho kaMasipala; kanye
- (c) emva kokuba ugqityiwe apho, isiqinisekiso sohambelwano singenisiwe kuMlawuli.

(2) Ukuba ngaba umsebenzi wofakelo wenziwa kusaphulwa icandelo lama-47, uMlawuli unakho ngesaziso esibhaliweyo ukufuna ukua umnini wesakhiwo ochaphazelekayo awuyekise umsebenzi lowo de aqeshe umtywini onencwadi zokuwufundela lomsebenzi ukuba-

- (a) ahlole loo msebenzi aze alungise nasiphi na isahlulo esingahambelanayo nalo Mthetho kaMasipala;
- (b) avavanye yaye abulale iintsholongwane komsebenzi ngowemiqathango yecandelo lama-49; aze
- (c) aqinisekise ngento yokuba isiqinisekiso sohambelwano, esichaza into yokokuba umsebenzi oqhutyiweyo uyahambelana nalo Mthetho kaMasipala, singenisiwe kuMlawuli.

**Isahluko SESI-7****UKUBULAWA KWEENTSHOLONGWANE****Ukubulawa kweentsholongwane kufakelo lwamanzi kubandakanywa neetanki zokugcina amanzi**

49. (1) Umnini kufuneka enye ukuba ufakelo olutsha lwamanzi lube nokuthotywa ngamanzi ukusuka kwisixokelelwano sonikezelo lwamanzi de kukhutshwe amanzi acocekileyo kwisidibaniso samanzi sokugqibela.

(2) Ukuba ngaba umsebenzi wombhobho wofakelo lwamanzi oludityanise kumthombo uthe wangcoliseka, kufuneka kubulawe iintsholongwane ngokuhambelana neSANS 10252:2004 iSahlulo soku-1.

(3) Umnini wesakhiwo apho kufakelwe khona itanki lokugcina amanzi kufuneka, kungabi ngaphantsi kwexesha elinye kwiminyaka emihlanu, enze ukuba itanki elo lfunxwe, lihlolwe ze libulawe iintsholongwane, ngokuhambelana nemigangatho efanelekileyo ebekwe kwi-SANS 10252:2004 uMhlathi-1, okanye njengoko kulungisiwe.

(4) Nangona kukho izibonelelo zecandelwana (3)—

- (a) uMlawuli unakho, ukuba ngaba amanzi kwitanki yokugcina amanzi okanye kufakelo lwamanzi akhutshwa yitanki awafanelekanga ukuba asetyenziswe, ngesaziso esibhaliweyo, acele umnini ukuba enze itanki ukuba likhutshwe amanzi ngoko nangoko ze lihlolwe; kwaye
- (b) ukuba ngaba itanki liya latshona emanzini okane lithe nangayiphi na indlela lakubume obunokubangela ukuba okuqulathiweyo lube nongcoliseko, umnini kufuneka ngoko nangoko aqinisekise ngento yokuba itanki likhutshwa amanzi ze lihlolwe.

(5) Phambi kokuba itanki okanye ufakelo lwamanzi olusetyenziswayo ekubhekiselelwe kulo kwicandelwana (3) libuyiselwe ekubeni lisebenze, kufuneka licocwe yaye kubulawe iintsholongwane ngokuhambelana nemigangatho efanelekileyo ibekwe kwi-SANS 10252:2004 uMhlathi-1, okanye njengoko kulungisiwe.

**Isahluko SESI-8****iimfuno zofakelo lwamanzi ngokubanzi****Izibonelelo nogcino lofakelo lwamanzi**

50. (1) Umnini kufuneka anikezele yaye agcine ufakelo lwamanzi ngendleko zakhe, ngaphandle—

- (a) kwimeko yodityaniso kumbhobho onxibelelayo; okanye
- (b) apho kuvumelekile khona phantsi kwecandelo lesi-18, yaye



### Kufuneka kuqinisekiswa ukuba ufakelo lwenziwa kwimida yezindlu ezo.

(2) Phambi kokuba uqaliswe umsebenzi maluna nokufakelwa kwesilinganisi samanzi esimi ngaphandle komda wezindlu, umninimzi makafumane imvume ebhaliweyo esuka kuMlawuli okanye kumnini womhlaba apho isiqephu (portion) simi khona..

### Imibhobho eyamkelekileyo kunye nezifakeo zamanzi

51. (1) Akukho mntu oma kafakele okanye asebenzise umbhobho okanye isifakelo samanzi kwisilinganisi samanzi ngaphandle kokuba oko kukuluhlu, kufakelwe, kuyasetyenziswa okanye kufakelwe ngokwemiqathango emiselwe kwiShedyuli yesi-2.

(2) Nangona izibonelelo zecandelwana (1), uMlawuli unakho, ngokusetyenziselwa okuthe ngqo, kwisifakelo esithile, avumele ukufakelwa okanye ukusetyenziswa kombhobho okanye isifakelo samanzi esingekhoyo/esingabandakanywanga kwiShedyuli yesi-2.

(3) UMlawuli unakho, ngokuphathelele kuye nawuphina umbhobho okanye isifakelo samanzi esibandakanywe kwiShedyuli yesi-2 amisele loo miqathango njengoko ebona kuyimfuneko ngokumalunga nokusetyenziswa okanye indlela yoko kufakela.

(4) UMlawuli unakho, nangaliphi na ixesha, ukususa umbhobho okanye isifakelo samanzi ngokweShedyuli 2 ukuba umbhobho okanye isifakelo samanzi—

- (a) asisahambelani nemimiselo ekuxhunywe kuyo ukufakelwa kwayo; okanye
- (b) akusasilungelanga isizathu sokwamkela kwayo.

(5) UMlawuli makuqinisekise, ngeeyure zokusebenzisa ngokubonelela ngeekopi zikaShedyuli 2, njengoko zihlaziweyo phantsi koMthetho kaMasipala, kwii-ofisi zeSixeko.

(6) Umbhobho okanye isilinganisi samanzi asisayi kuqukwa kwiShedyuli 2 ngaphandle kokuba si—

- (a) nophawu lokubeka emgangathweni lwe-SABS kwinkcukacha ezifanelekileyo ze-SANS luLawulo;
- (b) inophawu lwesiqinisekiso esikhutshwe yi-SABS sokuqinisekisa ukuba umbhobho okanye isifakelo samanzi sithobela inkcukacha zoPhawu lwe-SABS, ngaphandle kokuba akukho zimpawu zinesiqinisekiso ziya kukhutshwa de kube sisithuba esigqitha iminyaka emibini/de kuphele iminyaka emibini;
- (c) iqukiwe kuluhlu lwezifakelo zamanzi olwamkelwe yi-SABS; okanye
- (d) yamkelwe nguMlawuli.

### Umgaqo/Indlela eyiliweyo yofakelo lwamanzi

52. (1) Umnini makuqinisekise ukuba—

- (a) ufakelo lwamanzi luthobele imigangatho efanelekileyo ebekwe yi-SANS 10252:2004 uMhlathi-1 okanye njengoko kwenziwe ulungiso;
- (b) ufakelo lwesilinda yamanzi ashushu luthobelana nemigangatho efanelekileyo ye-SANS 10106:1972 okanye njengoko kwenziwe ulungiso;
- (c) ufakelo lwamanzi afudunyezwa ngombane luthobelana nemigangatho efanelekileyo ebekwe yi-SANS 10106:1972 okanye njengoko kwenziwe ulungiso;);
- (d) umyinge wogcino wobungakanani bamanzi usetyenziswe ngeenjongo ezingaphandle kokulwa umlilo okanye umoya onokufudunyezwa okanye onokupholiswa uze unikezwe ngokuhambelana neTheyibhile 1 yeShedyuli 3;
- (e) umyinge wogcino wobungakanani bamanzi, usetyenziselwe ukuthoba ngamanzi kumagunjana kunye nemichamo kwizakhiwo nomhlaba zorhwebo noshishino unikwe ngokuhambiselana neTheyibhile 2 yeShedyuli 3;
- (f) uyilo lweetanki luhambelana luhambelana nemigangatho efanelekileyo ebekwe yi-SANS 10252:2004 uMhlathi-1 okanye njengoko kwenziwe ulungiso kunye necandelo-53;
- (g) ukusetyenziswa kwemibhobho enikezela amanzi nakuluphi ufakelo luhambiselana nemigangatho ebekwe yi-SANS 10252:2004 uMhlathi-1 okanye njengoko kwenziwe isilungiso kunye nangokweShedyuli-3—
- (h) apho isivalo esingajikiyo esinobukhulu obufanayo nombhobho woncedo oya ezantsi kwangoko kwesivalo esenza umsantsa, nesikhankanywe kwicandelo 28(21)(b), sifakelwe kwakhona; kunye
- (i) nalapho ukusebenza okufanelekileyo kwezivalo okanye izifakelo zamanzi ezingundoqo zingaba sengozini ngenxa yokugqitha kwezinto eziqumlayo ezinokuthintela/ezinokuvalela okanye onakalise ngokufanayo, kufakelwe isihluzo, ukuze sivumele ukugcinwa usemgangathweni ngokulula.

(2) UMlawuli unakho, ngesicelo somnini nokuhlululwa kweendleko ezimiseliweyo ngexabiso lamandla lendlela yonikezelo lwamanzi olubhekiselele kwizakhiwo nomhlaba wakhe kangangethuba anokwenza isicelo salo.

(3) Ukuba umbhobho okanye isifakelo samanzi sohlobo oluthile asifanelekanga ukua sisetyenziselwe imeko ethile, uMlawuli ngesaziso esibhaliweyo unakho kumnini—

- (a) ukuthintela ukusetyenziswa kwaso; okanye
- (b) afune kusetyenziswe imiqathango eyamkelekileyo yokhuselo.

(4) Akukho mntu unakho ukudibanisa kufakelo lwamanzi isixhobo esibangela okanye esikhangeleka singabangela umonakalo kwisixokelelwano sonikezelo lwamanzi okanye olunye ufakelo lwamanzi ngenxa yoxinxelelo oluphuma ngamandla.

(5) Ukuba isigunyaziso sanikezelwa phambi komhla wokusungulwa kwalo Mthetho kaMasipala, sokuba kuqhutywe umsebenzi wofakelelo, okanye ukuba umsebenzi ogunyazisiweyo uyaqhubeka ngaloo mhla, loo msebenzi kufuneka uhambelane nayo nayiphina imithetho elawula loo msebenzi apho ebimiseliwe/ibisetyenziswa kwisiXeko phambi kwaloo mhla.

(6) Nasiphina isivumelwano sobonelelo ngamanzi ekuthe kwagqitywa kuso phakathi kwesiXeko nomsebenzi-nkonzo lowo ungengomnini wezakhiwo ezo, phambi kokuba kuqalise ukusebenza lo Mthetho kamasipala, siya kuthi sihlale sisebenza kude kufikelelwe kwithuba lokuba—

- (a) Umsebenzisi-nkonzo lowo afuduke kwizakhiwo eso; okanye
- (b) Kude kubekho usthintsho kwitayile yomnini wesakhiwo eso,

emva koko ke isiXeko siya kuthi sense isivumelwano nomnini wesakhiwo eso.



**Amatanki okugcina/ogcino**

53. (1) Nawuphi na umntu ofakela itanki yogcino makayifake nendlela ekwindawo eya kuthi umphandle nomphakathi uhlolwe ngokulula uocwe ugcinwe usemgangathweni, ngaphandle kokuba wenziwe ichibi elenziwe ngesamente efihlakeleyo okanye elinenxalenye yalo elitshone emhlabeni kwaye libe liyiliwe, lakhiwe laze lahlolwa, apho ingumphakathi kuphela ofikelekayo ukuze kwenziwe uhlolo nococo, ngokuhambelana nemigangatho efanelekileyo ebekwe yi-SANS 10100-1 ne-SANS 1200-G okanye njengoko kwenziwe isilungiso.

(2) Akukho mntu unakho ngaphandle kwemvume ebhaliweyo yoMlawuli ukwenza okanye ukuvumela itanki, eligrunjelweyo okanye elibekwe phezu komhlaba ukuba likhongozele okanye ligcine amanzi anikezelwa siSixeko.

(3) Nawupi na umntu osebenzisa itanki lokugcina amanzi ukuba ligcine amanzi akumgangatho wokuselwa kufuneka aqinisekise ngento yokuba—

- itanki kunye nemibhobho enxulumene nalo iyilwe njengetanki itanki enesivalo sokuthintela ukungenwa zizifo yaye ngokuhambelana neemfuni zoMlawuli;
- uphuphuma kunye nentunja yokukhupha amanzi yetanki elinesivalo sokuthintela ukungenwa zizifo iyakhuselwa ukuthintela ukungena kwezimbuzane, izilwanyana kunye neminye imithombo yongcoliseko;
- itanki enesivalo sokuthintela ukungenwa zizifo kufuneka ingabi nayo enye indawo evulekileyo kumphakathi wayo ngaphandle kwecandelo lokungena kuphakathi wayo, ukulungiselela ukuqhutywa kohlolo nococo ekufuneka ibe kwinqanaba apho itanki ingenakusetyenziswa ngaphandle kokuba isiciko secandelo lokungena sibe siendaweni yaso; yaye
- itanki kunye nemibhobho enxulumene nayo icociwe yaze yagcinwa ngokwemiqathango yeSANS 10252-1.

(4) Ngaphandle kogunyaziso olubhaliweyo uMlawuli, nasiphi na isibilisi, iketile yomphunga okanye ezinye izixhobo ezivelisa umphunga, ezivelisa igesi. Injini yegesi okanye injini yeoyile okanye nasiphi na esinye isixhobo esithi okanye ekuthi, kunikezelwe amanzi ngaso siSixeko kufuneka sinikezelwe kuphela ngokusetyenziswa kwetanki enikezela ngamanzi abandayo esebenzisa isithuba sokungena komoya ukwahlula amanzi angenayo asuka kumbhobho onikezelayo ovela kokuqulathwe litanki.

**Ukhuselo loNgcoliseko lwaManzi**

54. (1) Umnini makasebenzise aze agcine ngokusemgangathweni imiqathango eyamkelwe nguMlawuli, ukukhusela ukungena kwento enokuba yingozi empilweni okanye ichaphazele ngokungalunganga ukuphathwa kwamanzi-

- kwisixokelelwana sonikezelo lwamanzi, kunye
- nayiphi na indawo yofakelo lwamanzi kwizakhiwo nomhlaba wakhe.

(2) UMLawuli makamkele umgangatho ofanelekileyo wokhuseleko lokubuyela umva (backflow) kwamanzi okufunekayo kwimeko nganye.

**Isahluko SESI-9****UFAKELO LOMLILO****Ufakelo loMlilo**

55. (1) Umlilo makaqinisekise ukuba—

- umbhobho wokuncenkceshela nofakelo lombhobho wokucima umlilo uthobelana nomgangatho onguwo obekwe yi-SANS 10252:2004 uMhlathi-1 okanye njengoko kwenziwe ulungiso; kunye
- neenkqubo zokuchela ezizisebenzela ngokwazo zithobelana nomgangatho onguwo obekwe yi-SANS 10287:2000 okanye njengoko kweniwe isilungiso. (2) UMLawuli anganika okanye ale isicelo sokudityaniswa kofakelo lwesicimi-mlilo kundoqo kamasipala.

(3) Akukho manzi ayakunikwa nakuliphi ufakelo lwesicimi-mlilo—

- ngaphandle kwesiqinisekiso esamkelwe ngokwemiqathango yecandelo 47; kwaye
- ngaphandle kokuba olo fakelo luthobelana neemfuno zalo Mthetho kaMasipala.

(4) UMLawuli usenakho xa enombono wokuba isicimi-mlilo esifakelweyo nasivumeleleyo ukuba sidityaniswe kwesikamasipala, asigcinwanga ngendlela yokusebenza eyiyo, okanye asigcinwa ngendlela efanelekileyo, okanye sisetyenziselwa iinjongo ezingezizo ezokulwa umlilo, afune ufakelo olusuka kundoqo lususwe, ngendleko yomnini.

(5) Nanini xa kufuneka kunyuswe amandla ofakelo lomlilo, umnini makafakele umbhobho osebenza kubini, osebenza ngeenjongo zokucima umlilo ize enye ibe yeyeenjono ngokubanzi zasekhaya.

(6) Yonke imibhobho nezilinganisi mazibe nakho ukuthwala amandla angaphezulu kwee-1800 kPa, xa lawo mandla enokulindleka xa ukonyuswa kusenzeka kwaye ibe nakho ukugcina imfezeko yayo xa isetyenziswe kwiimeko zomlilo.

(7) Umbhobho wokudibanisa ozimeleyo mawufakwe uze usetyenziselwe zonke inkqubo zokuchela nokuphelisa umlilo.

(8) UMLawuli angagqiba ukuba iinkqubo zokuchela ezizenzelayo zinokufakwa na isilinganisi-manzi..

(9) Akukho fakelo lomlilo, oludibeneyo lwasekhaya okanye ufakelo lomlilo omakwenziwe ngombhobho weplastiki okanye lusongelwe kaninzi ngeplastiki embhobheni phezu komhlaba.

**Isahluko se-10****INGQOKELELA YEZIBONELELE NGOKUBHEKISELELE KUMANZI ANGASELWAYO****Ukusetyenziswa kwamanzi aphuma kwimithombo ngaphandle kwamanzi anikezelwa ngumasipala**

56. (1) Akukho namnye umntu onokusebenzisa, okanye avumele ukusetyenziswa kwamanzi avela kweminye imithombo/iimvelaphi ngaphandle kwamanzi esixhobo anikezelwa ngumasipala esebenzisela izinto zasekhaya.

(2) Akukho mntu unokudibanisa unikezelo lwamanzi asuka nakweyiphi indawo ngokwenkqubo yosasazo lwamanzi ngaphandle kwasuka kwisixhobo kunikezelo lwamanzi esiXeko ngaphambi kolwamkelo olubhaliweyo loMlawuli, nangokuhambiselana nemiqathango egqitywe nguye.

(3) Nawuphi umnini wezakhiwo nomhlaba apho umthombo wamanzi, umzekelo umjelo othile, umngxunya onamanzi okanye iqula limiselwe, kufuneka umnini lwowo kwiintsuku ezili-14 abonelele ngeenkukacha zoku (imithombo yamanzi) kuMlawuli xa ayalelwe ukwenza oko xa kuyimfuneko.

(4) Umnini wezakhiwo nomhlaba owaphule icandelo (3) elingentla, makaxhobise ngeziqinisekiso zohlalutyo nophando lweentsholongwane (bacteriological) ngokubhekiselele kwimvelaphi yamanzi kwezo zakhiwo nomhlaba njengoko kunokufuneka kuMlawuli ngeendleko zakhe xa exelelwe ukuba enze njalo.

(5) Umlawuli unokurhoxisa nasiphi isivumelwano ngokubhekiselele kwicandelo (1) elingezantsi ukuba—

- (a) imeko ebekwe ngokwemiqathango yelo candela elisezantsi yophulwe; okanye
- (b) amanzi akasathobeli iimfuno ezibekwe nguMlawuli.

(6) Izibonelelo zeli candela azisusi nawuphi umntu ukuba angathobeli nezibonelelo ezikhoyo zoMthetho waManzi kaZwelonke, we-1998 (uMthetho onguNombolo 36 we-1998), okanye naliphi iqumru likazwelonke lowiso-mthetho elifanelekileyo.

#### **Imithombo, izitsala-manzi ngaphantsi komhlaba, indawo zemithombo, kunye neendawo ezigrunjiweyo**

**57.** Wonke umnini zakhiwo nomhlaba makaqinisekise ukuba nawuphi umthombo, indawo yomthombo, isitsala-manzi ngaphantsi komhlaba, kunye nendawo egrunjiweyo kwizakhiwo nomhlaba wakhe—

- (a) ikhuseleke ngokufanelekileyo ekudaleni ingxaki kwimpilo; kwaye
- (b) ayizaliswanga nangayipho indlela, zizinto ezinokudala umthombo osecaleni, isitsala-manzi ngaphantsi komhlaba okanye ukuba imvelaphi yamanzi esuka ngaphantsi komhlaba angcoliseke okanye osuleleke; okanye
- (c) akukho dityaniso lwenziweyo phakathi kwesifakelo samanzi esibonelelweyo sisuka kundoqo kunye nawuphi umthombo wobonelelo ngamanzi.

#### **Isaziso sezitsala-manzi ngaphantsi komhlaba, imithombo nendawo zemithombo ezimbiwayo**

**58.** (1) Akukho namnye ovumelekileyo ukumba/ukugrumba, okanye enze okanye avumele ukombiwa/ukugrunjwa, komthombo, indawo yomthombo okanye isitsala-manzi ngaphantsi komhlaba ngaphandle kokuba uMlawuli unikwe isaziso esibhaliweyo seentsuku ezi-14 ubuncinane senjongo yokwenza oko.

(2) Isaziso esiphulwe ngokwecandelo (1) elingentla masazise indawo eceliweyo kunye nenjongo amanzi aza kusetyenziselwa yona.

(3) Ukuba amanzi afumaneka kwisitsala-manzi ngaphantsi komhlaba okanye nakweyiphi imvelaphi yonikezelo lwamanzi nakweziphi izakhiwo nomhlaba asetyenziselwa iinjongo ezinokukhokelela ekuchithekeni kwalawo manzi okanye intsalela yawo kwisixokelelwano sogutyulo sesiXeko, umnini makafakele isilinganisi-manzi kwindawo ekhethwe siSixeko ekumbhobho lowo ukhokelela kwisitsala-manzi sangaphantsi komhlaba okanye kwenye imvelaphi yonikezelo lwamanzi kwindawo okanye kwiindawo apho isetyenziswa njalo khona.

(4) Umlawuli unakho, ngesaziso esibhaliweyo, ukufuna ukuba umnini wezakhiwo nomhlaba ongaphakathi kommandla wesiXeko apho isitsala-manzi sikhoyo, okanye ukuba umnini akahlali kwezo zakhiwo nomhlaba, umhlali azise ngokubakho kwesitsala-manzi sangaphantsi komhlaba esilolo hlobo kwezo zakhiwo nomhlaba, aze anikezele ngolwazi olubhekiselele kwisitsala-manzi phantsi komhlaba olunokufuneka.

(5) Umlawuli ukuba ubona kufanelekile, unokufuna ufundo lwenziwe ngendleko zomnini ukuze kuhlolwe nayiphi na impembelelo enokuchaphazela umphakathi kumthombo, kwindawo yomthombo okanye kwisitsala-manzi esiceliweyo.

#### **Unikezelo lwamanzi angaselwayo ngumasipala**

**59.** (1) Umlawuli angavuma unikezelo lwamanzi angaselwayo kumsebenzisi-nkonzo xa kwenziwe isicelo ngokwemiqathango yecandelo 13 nangaphantsi kokuba enokuyilungela loo miqathango..

(2) Naluphi unikezelo lwamanzi ngokwemiqathango yecandelo (1) elingentla alunakuvumela ukusetyenziselwa nawuphi umsebenzi wasekhaya okanye naziphi ezinye iinjongo, olunokwenza ubungozi empilweni.

#### **Ukuzibhekela ngokubhekiselele kubunjani bamanzi angaselwayo**

**60.** (1) Akukho siqinisekiso, esichaziweyo okanye esibekiweyo kucoco lwawo nawuphi amanzi angaselwayo anikezwe ngumasipala okanye afanele injongo unikezelo lwamanzi olwalwenzelwe yona.

(2) Ukusetyenziswa kwamanzi angaselwayo kungumncipheko womsebenzisi-nkonzo wonke, kwaye isiXeko sinamfanelo ngokusemthethweni yeziphumo eziyingozi okanye ilahleko evela ngokuthe ngoko okane ngokungekho njalo ngoko.

#### **Izaziso zezilumkiso**

**61.** (1) Umnini wezakhiwo nomhlaba, apho amanzi angaselwayo ayesetyenzisiwe, makaqinisekise ukuba zonke izilinganisi ezingundoqo zamanzi nazo zonke izixhobo ezisebenzisa okanye ezinikeza ngamanzi zinophawu olucacileyo lwesaziso esimelana nemozulu ezibonisa ukuba lawo manzi akafanelekanga kusetyenziselwa iinjongo zasekhaya.

(2) Kummandla apho umlanjana ocociweyo wamanzi amdaka usetyenziswa, umsebenzisi-nkonzo uya kumisa izaziso ezimelana nemozulu kwindawo ezibonakalayo elumkisa ukuba amanzi alolo hlobo akafanelanga kusetyenziselwa iinjongo zasekhaya.

(3) Isaziso esilumkiso ngasinye esibekwe/esenziwe ngokwemiqathango yecandelo (1) kunye (2) elingezantsi masibe ngeelwimi ezintathu ezisetyenziswa kwiPhondo.

#### **Iinkqubo zokunkcenkeshela**

**62.** Apho kukho inkqubo entsha yokunkcenkeshela, nekufuneka ifumaneka ngokuthi kusetyenziswe ngokuhlenganisa izifakeli-manzi zekhaya okanye isifakeli-manzi sokunkcenkeshela esikhoyo, xa kuthe kwafakelwa—

- (a) ubukhulu besihlanganisi esikhoyo kufuneka siphinde siqwalaselwe siSixeko; yaye
- (b) konke okusetyenziswayo makungqamane kuhambelane neemfuno nemimiselo yabakwa-SABS.

**Izibheno**

63. Umntu omalungelo akhe achaphazelekayo sisigqibo esithathwe ngokwemimiselo yamagunya okanye uxanduva olugunyazisiweyo okanye oluyaleziweyo phantsi kwalo mthetho kaMasipala, unakho ukubhena ngesigqibo esithatyathiweyo, phantsi kwecandelo lama-62 loLawulo lweeDolophu: uMthetho weeNkqubo zikaMasipala 2000 (uMthetho onguNombolo 32 we-2000).

**Amatyala kunye nezohlwayo**

64. Nawuphi umntu othe—

- (a) wophula okanye wasilela ukuthobela nawuphi kule mimiselo yalo Mthetho kaMasipala;
- (b) wasilela ukuthobela nasiphi isaziso esikhutshiweyo, okanye umyalelo osemthethweni oyalelweyo, ngokommiselo walo Mthetho kaMasipala; okanye
- (c) wathintela okanye waphithikeza nawuphi ummeli ogunyazisiweyo okanye umqeshwa weSixeko kwimisebenzi yakhe phantsi kwalo Mthetho kaMasipala, lowo wonile yaye xa efunyaniswe enetyala, unokunikwa isohlwayo sokuhlulwa okanye sokuvalelwa kungadlulwa kwiminyaka emihlanu okanye zombini, intlawulo nokuvallelwa.

**Ukukhululwa ekuthwaleni uxanduva**

65. IsiXeko asisayi kuchaphazeleka kwintlawulo yomonakalo okanye kwimbuyekezo enokuthi ivele ngesenzo esisemthethweni nesenziwe ngomoya omhle wenkolo okanye naliphi igosa okanye umsebenzi ngokwemimiselo yalo Mthetho kaMasipala.

**Ukubhangiswa**

66. IsiXeko saseKapa: uMthetho waManzi kaMasipala, 2006 kungokunje uyabhangiswa.

**Isihloko esifutshane**

67. Lo Mthetho kaMasipala uya kubizwa ngokuthi isiXeko saseKapa: uMthetho waManzi, 2010.

**ULUHLU LWENKQUBO YOKU-1****ulawulo olunyanzelekileyo lwamanzi  
(ICandelo 38)**

- 1 Akukho mntu ngaphambi kwegunya elibhaliweyo elisuka kuMlawuli oya kuthi ankcenkeshele igadi, amabala okudlala, ipaki, okanye nayiphi eminye imimandla enengca, esebenzisa amanzi okusela, phakathi kweyure ye-10:00 neye-16:00.
- 2 Apho umbhobho wokuncenkeshele usetyenzisiweyo ukuncenkeshele igadi, ipaki, okanye amabala okudlala amanzi esuka kwisiseko samanzi aselwayo isixhobo sokulawula esinje ngesitshizi sakuncanyathiselwa kwisiphelo sombhobho.
- 3 Akukho mntu ngaphandle kokuqala afumane igunya elibhaliweyo kuMlawuli oya kumanzisa umphantsi oqinileyo okanye indawo elungiselelwe ukuhamba esebenzisa amanzi okusela asuka kwisiseko samanzi sokusela.
- 4 Umbhobho wokuncenkeshele osetyenziselwa ukuhlamba imoto, isikhephe, ikharavani mawufakwe isixhobo esizilawulayo esizivala ngokwaso.
- 5 Iinkqubo zokuzalisa ezizenzelayo ezisebenzisa isivalo esijingao esizaliswa kwindawo/kwintusa yamanzi aselwayo ukusa kumachibi okudada namachibi egadi, ayivumelekanga.
- 6 Amashishini okuhlamba inqwelo zorhwebo makasebenzise iindlela zoshishino zokusebenza ezona zamkelekileyo neenqobo kusetyenziso lwamanzi ukuhlamba iinqwelo.
- 7 Izitya zokuhlamba izandla kumaziko/kwindawo zikawonke-wonke mazifakelwe uhlobo lwempompo ezizilinganiselayo.
- 8 Iishawari ezikwiindawo zikawonke-wonke mazifakelwe uhlobo lwezivalo ezizilinganiselayo.
- 9 Amanzi okusela akanakusetyenziselwa ukumanzisa Isanti yesakhiwo nezinye izixhobo zokwakha ukuzikhusela ukuba zingaphatheki..
- 10 Imibhobho emileyo etsalwa kwiimpompo mayibe nomphakamo okungenani ozii-450mm, ngokomlinganiselo womphezulu womhlaba.
- 11 Obona bukhulu bomgama wokuhamba kwamanzi nakweyiphi impompo efakiweyo kwisitya sokuhlamba izandla ayinakodlula iilitha ezi-6 ngomzuzu.
- 12 Obona bukhulu bomgama wokuhamba kwamanzi nakweyiphi intloko yeshawari ayinakodlula iilitha ezili-10.
- 13 Amagunjana etanki yamanzi akanakodlula iilitha ezili-9,5 ngomthamo.
- 14 Akukho gunjana lizenzelayo okanye itanki echithayo inokusetyenziselwa ukuhlisa umchamo.
15. Onke amagunjana azenzelayo, afakwe ukuthoba imichamo, makasuswe, kufakelwe nokuba ziinkqubo ezisetyenziswa ngezandla okanye isixhobo esingasetyenziswa ngasandla esidala ukuthotywa sisebenze kuphela emva komchamo/kokusetyenziswa ngakunye kwesixhobo kokuchama...
- 16 Izilinganisi zamanzi ezingundoqo zifakwe ngaphandle kwezakhiwo ngazinye ngaphandle kwendawo zokuhlala apho kufuneka—
  - (a) kudityanise isixhobo esizivalayo; okanye
  - (b) kubekho indawo yokubamba eshukumayo ngeenjongo zokuyisebenzisa; okanye
  - (c) ibe nakho ukutshixwa ukukhusela ukusetyenziswa okungekho mthethweni; okanye
  - (d) ibe luhlobo olunyanzelisa ukulawula ubungakanani bamanzi aphumayo ekusebenzeni kwayo ngakunye.

## 17 Uphicotho lwamanzi

- (a) Abasebenzisi kakhulu bamanzi (abo basebenzisa ngaphezulu kwama- 10 000 khilolitha ngonyaka), ngaphandle kwabo banendawo zokuhlala amaqela abantu, kufuneka benze uphicotho lwamanzi rhoqo ngonyaka. Inxelo yophicotho mayibekho zingadlulanga iiveki ezimbini uphelile unyaka-mali weSixeko. Oku kusenziwa liSebe leMicimbi yaManzi namaHlathi, yiBhodi yaManzi (apho kukho imfuneko) kunye neSixeko..
- (b) Uphicotho maluqalathe ezi nkukacha zilandelayo—
- (i) Ubuninzi bamanzi asetyenziswe ngethuba lonyaka-mali;
  - (ii) Ixabiso elihlawulelwe amanzi lonyaka-mali;
  - (iii) Inani labantu abahlala kwindawo yokuhlala engasiyo yabo okanye kwizakhiwo nomhlaba;
  - (iv) Inani labantu abasebenza isigxina kwindawo yokuhlala engasiyo yabo okanye kwizakhiwo nomhlaba;
  - (v) Uthelekiso lwale miba ingasentla naleyo bekunikwe ingxelo yayo kunyaka ngamnye kwemithathu edlulileyo (apho ikhoyo);
  - (vi) Ukwahluka ngokwamaxesha onyaka ngokwemfuno (amanani osetyenziso enyanga nenyanga);
  - (vii) Iinkukacha zeendlela zokujongwa kongcoliseko lwamanzi;
  - (viii) Iinkukacha zamanyathelo okuqala asetyenziswayo ukulawula imfuno zolawulo losetyenziso lwamanzi;
  - (ix) Iinkukacha zezicwangciso zexesha elizayo zokulawula iimfuno zabo zamanzi;
  - (x) Uthelekiso lwale miba ingasentla naleyo bekunikwe ingxelo yayo kunyaka ngamnye kwemithathu edlulileyo (apho ikhoyo); kunye
  - (xi) Uqikelelo losetyenziso lwamanzi ngezixhobo ezahlukeneyo ezisetyenzisiwayo ezinjengezixokelelwane neziqhagamshelanisi kwiitephu zamanzi.
- 18 Akukho mntu unokuvumela amanzi, asetyenziswe njengendlela yokutshintshisa ubusushu nakwesiphi isixhobo okanye umatshini odiyaniisiweyo ize inikezele amanzi kufakelo lwamanzi, isebenze ngokuhubelekayo ukonakalisa amanzi ngaphandle kokugcina umgangatho omiselweyo wamanzi aqinileyo ewonke kumatshini ojikelezayo.

**ULUHLU LWENKQUBO LESI-2****IMIBHOBHO ESETYENZISELWA UKUGQITHISA AMANZI  
(ICandelo 51)****Imibhobho yoBhedu**

UMgangatho 0 kunye noMgangatho 1 wemibhobho yobhedu awunakusetyenziswa kusetyenziso lwaphantsi komhlaba ngaphandle kokuba ikhuselwe ngokufanelekileyo kwisingxobo

UMgangatho 0 wemibhobho yobhedu ayinakugotywa, ivulwe ezantsi/idlajuzwe, okanye iziphelo zayo zandiswe ize zenziwe izingxobo ukwenzela uhlobo olutywinwa ngelotha lomthanjana.

Imibhobho yoBhedu ayinakutywinwa ngombala wobhedu omthuqwa okanye ngesinyithi sesilivere.

**Imibhobho yePlastiki (iPlastii yokusongela kungangeni manzi, i-Polyethylene, i-Polypropylene, i-Polyvinyl)**

Imibhobho yeplastiki ayinakusetyenziswa kwimililo okanye idibanise ufakelo oludibeneyo lwemililo yasekhaya kwindawo ekumhlaba ngaphezulu apha kubonelelwa khona ngofakelo olusuka kudibaniso olumileyo locimo-mlilo.

Imibhobho egqithisa amanzi okusela mayikhuselwe elangeni.

Imibhobho yeplastiki ayinakusetyenziswa kwindawo apha irhasi inokungenelwa okanye nawaphi amachiza/izinto zekhemikhali ezinokosulela amanzi agqithiswayo kuyo, ngaphandle kokuba ikhuselwe ngokufanelekileyo kwisingxobo esingenakuchukunyiswa/kungenelwa.

Apha umbhobho weplastiki usetyenziselwa ukugqithisa amanzi kumgqomo wofakelo olungasukiyo wamanzi ashushu, iimitha zokuqala eziyi-1,5 zombhobho kwicala lokuphuma lombhobho mazibe zezobhedu.

**Imibhobho eMnyama yeNtsimbi**

Umbhobho ophakathi omnyama wentsimbi kunye nezilinganisi ezihamba nawo awunakusetyenziselwa ukugqithisa amanzi kufakelo lwasekhaya, ngaphandle kokuba kucocwe ngokufanelekileyo walekiwe kumphakathi, kwaye awuzukufakelwa kufakelo lwecandelo lomlilo oludityanisiweyo, kangangendlela apha unokubeka engozini uthwalo lwamanzi kwicandelo lofakelo lwamanzi olu lolo hlobo lofakelo lomdibaniso/lwendibaniselwano.

Imibhobho ephakathi yentsimbi exonxwe ngesinyithi kunye nezilinganisi zamanzi ayinakusetyenziswa kufakelo oludityaniswe nombhobho oyintloko kamasipala, nefumana amanzi avela kuyo.

Nawuphi umbhobho ogqithisela amanzi asuka koyintloko awunakufakelwa njengowona mbhobho ungunoqo wesakhiwo okanyeufakelwe phantsi komgangatho wesamente ngaphandle kokuba ukhuselwe ngesingxobo esikhuselekileyo.

Imibhobho ephinda-phindiweyo

Le iquka, ibandakanye ekuthiwa yi-P-EX, PE-ALUMINIUM-PE kwakunye neminye equkanisiweyo yokusongela eyi-polyethylene nezixokelelwano ezikhaphukhaphu eziphinda-phindiweyo nezaziwa njenge-Multilayer Tubing systems.

Kuphela ngumbhobho ophindiweyo novunyiweyo neenkqubo zokudibanisa, izinto zokudibanisa nezixhobo zabenzi zimpahla abakuluhlu olutsha lwe-SABS lezixhobo zamanzi, abakuluhlu lwezixhobo zaanzi ezamkelekileyo, emazisetyenziswe kufakelo lwasekhaya ekuhambiseni aamanzi asuka kundoqo.

**ULUHLU LWENKQUBO YESI-3**  
**IINQOBO ZOYILO ZOFAKELO LWAMANZI**  
*(ICANDELO 52)*

**ITHEYIBHILE 1**

<b>Uhlobo lomsebenzisi wenkonzo</b>	<b>Iimfuno zokugcina</b>
Izibhedlele, iikliniki, amakhaya okonga, amakhaya abantu abadala nezinye izakhiwo apho abahlali bangenakho ukucela bakhutshwe nje xa kukho uphazamiseko lokukhutshwa kwamanzi.	Iilitha ezingama-250 ukulungiselela ibhedi nganye isakhiwo esiyilelwe ukuhlalisa abantu.
Amaziko emfundo.	Iilitha ezingama-40 ukuya kwiilitha ezingama-50 ngomntu ngamnye.
Iiyunithi zokuhlala eziphezu kwezinye ezidlula umphakamo omiselwe ngokwemiqathango yecandelo lama-24(2), okanye lidlula imigangatho emithathu, nokokuba nguwuphi na ongaphantsi.	Iilitha ezili-135 ngeyunithi yokuhlala.
Iihotele, izindlu zokubhoda neehotele.	Iilitha ezingama-90 ukulungiselela umntu ngamnye isakhiwo eso esiyilelwe ukubahlalisa kubandakanywa nabasebenzi.
Amakhitshi eendawo zokutya (kulungiselelwa isidlo esipheleleyo).	Iilitha ezisi-8 ukuya kwezili-12 ngesidlo esilungisiweyo.
Iindawo zokwenziwa kweenwele nendawo zamazinyo.	Ibango leeyure ezi-4 ngosuku.
Urhwebo (ugcino ukulungiselela iinjongo zemveliso).	Ibango leeyure ezisi-8 ngosuku.

**ITHEYIBHILE 2**

<b>Uhlobo lomsebenzisi wenkonzo</b>	<b>Iimfuno zokugcina</b>
Izakhiwo zorhwebo (kubandakanywa iivenkile kunye neeofisi)	Iilitha ezingama-70 kwiimitha ezili-100 ngesikwere zomgangatho.
Iifektri	Iilitha ezi-5 ngomntu ngamnye.
Iivenkile ezinkulu (ezifana neHypermarkets)	Iilitha ezili-125 nge-WC Pan okanye ama- 600mm zendawo yokuchamela.
Amaziko emfundo	Iilitha ezi-5 ngomntu ngamnye.

ISHEDYULI- 4

ISatifiketi esikhuthswe ngokwecandelo-14(2)



**ISHEDYULI-4**

**ISATIFIKETI SOKUTHOBELA EZOKUFAKELELWA  
KWAMANZI APHO KUYE KWATSHINTSHELWA  
UBUNINI NGOKUNGQINELANA NOMTHETHO  
KAMASIPALA ONGEZAMANZI**

**IDILESI YEPROPATI .....**  
.....  
.....

**INOMBOLO YESIZA**  
.....

**IGAMA LOMTHENGISI**  
.....

**IINKCUKACHA ZOQHAGAMSHELWANO  
ZOMTHENGISI .....**  
.....

**IGAMA LOMTHENGI .....**

Mna, ....., ongumntywini ofanelekileyo  
nogunyazisiweyo, ndiyaqinisekisa ukuba ndiye ndaluphonononga ufakelelo  
lwezotywino kule dilesi ingentla apha, kwaye ndiqinisekisa ukuba:

- 1) Imitha yamanzi iyasebenza ngokufanelekileyo,
- 2) Akukho monakalo apho lungabangela ukuba kuvuze amanzi, kwakhona and
- 3) Akukho luphazamiseko lwamanzi esitshi/emvula kwisixhobo sogutyulo.

**UTYIKITYO/USAYINO: ..... UMHLA:**  
.....

**IGAMA NGOKUPHELELEYO NEENKCUKACHA  
ZOQHAGAMSHELWANO:.....**  
.....

Ngenisa ifomu egcwalisiweyo ku: Ifeksi: 021 590 1504 okanye  
Nge-Imeyile: [WaterTOC@capetown.gov.za](mailto:WaterTOC@capetown.gov.za)



**CITY OF CAPE TOWN  
PARKING BY-LAW, 2010**

**PREAMBLE**

**WHEREAS** section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

**AND WHEREAS** Part B of Schedule 5 to the Constitution lists traffic and parking as a local government matter to the extent set out in section 155(6)(a) and (7);

**AND WHEREAS** the City of Cape Town seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the City of Cape Town, as follows—

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**Definitions**

1. (1) In this By-law, unless the context otherwise indicates:

“**animal**” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under the control of a person;

“**approved**” means approved by the City, and “approval” has a corresponding meaning;

**“authorised officer”** means an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer, and includes any other person appointed as an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996), and includes any person nominated by any organisation and authorised by the City;

**“authorised official”** means any employee of the City who is responsible for the performance of any function or the exercise of any power in terms of this by-law or any employee of the City assigned or delegated to perform any function or exercise any power in the implementation of this by-law;

**“bridge”** means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

**“bus”** means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 34 persons, including the driver, and includes a bus train;

**“bus stop”** means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

**“bus train”** means a bus which—

- (a) consists of two sections that connect to form a unit;
- (b) can swivel in a horizontal plane at the connections between such sections;
- (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) has a continuous passageway over its length;

**“caravan”** means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

**“Chief Traffic Officer”** means the Chief Traffic Officer of the City to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

**“City”** means the City of Cape Town established by Provincial Notice 479 of 2000, and includes any political structure, political office bearer, duly authorised agent thereof or any employee acting in terms of delegated or sub-delegated authority; ;

**“City bus”** means a bus forming part of a bus service operated by the City, or by a municipal entity of the City, whether so operated itself or through a service provider contracted to the City or a municipal entity of the City;

**“city card”** means any document or card, irrespective of the form thereof, issued by the City in order to be used as a method of payment for parking;

**“combined parking meter”** means an appliance in which more than one parking meter is contained;

**“coupon”** means a device, whether electronic or not, which either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, and includes any device approved by the City from time to time;

**“dealer”** means a person who, for gain, carries on the business of selling, buying, exchanging or garaging vehicles;

**“dedicated busway”** means a roadway for the exclusive use of buses and other authorised vehicles, which may be a separate facility in its own right-of-way, part of the surfaced width of a road used by general traffic and separated from general lanes by a painted line, or part of the surfaced width of a road used by general traffic and separated from general traffic by a barrier kerb or any other such physical separation;

**“driver”** means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle and **“drive”** or any like word has a corresponding meaning;

**“event”** means—

- (a) any sporting, recreational or entertainment event, including live acts;
- (b) any educational, cultural or religious event;
- (c) any business event, including marketing, public relations and promotional or exhibition events;
- (d) any charitable event, including any conference, organizational or community event,

or any similar activity hosted at a stadium, venue or along a route or its precinct that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person in his or her private capacity at any venue, or filming staged in terms of the by-law relating to Filming;

**“examiner of vehicles”** means an ‘examiner of vehicles’ as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

**“footpath”** means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

**“goods vehicle”** means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

**“heavy motor vehicle”** means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

**“holding area”**, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

**“marshal”** means a person who arranges passenger and vehicle-related procedures at taxi facilities;

**“mechanically or otherwise controlled parking ground”** means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the City in the annual schedule of tariffs;

**“metered parking bay”** means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device is used or electronic payment system has been implemented;

- “metered parking ground”** means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;
- “midi-bus”** means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 16 but less than 35 persons, including the driver;
- “mini-bus”** means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than nine but not more than 16 seated persons, including the driver;
- “minibus-taxi”** means a motor car, a midi-bus or a mini-bus with an operating licence authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;
- “Minister”** means the National or Provincial Minister of Transport;
- “motor vehicle”** means any self-propelled vehicle and—
- (a) a trailer; and
  - (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include—
    - (i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
    - (ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;
- “operate”**, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;
- “operating license”** means an operating licence contemplated by the National Land Transport Act, 2009 (Act 5 of 2009);
- “operator”** means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;
- “organization”** means a group of people, company, association or body representing parking marshals that operates a parking marshal service or a parking management service in certain geographical areas as approved by the City;
- “owner”** in relation to a vehicle, means—
- (a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;
  - (b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and
  - (c) a person who is registered as such in accordance with regulations issued under section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);
- “park”** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably 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, and **“parking”** has a corresponding meaning;
- “parking attendant”** means a person rendering a parking service for his or her own account;
- “parking marshals”** means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;
- “parking bay”** means a demarcated area within which a vehicle is to be parked in terms of this By-law, demarcated as such by the City upon the surface of a parking ground or a public road;
- “parking ground”** means any area of land or any building set aside by the City as a parking ground or garage for the parking of vehicles by members of the public, whether or not charges are prescribed by this By-law for the use thereof;
- “parking meter”** means a device commissioned in terms of this By-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the City;
- “parking period”** means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;
- “passenger”** means any person in or on a vehicle, but does not include the driver or the conductor;
- “pay-and-display machine”** means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;
- “pay-and-display parking ground”** means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;
- “pedal cycle”** means any bicycle or tricycle designed for propulsion solely by means of human power;
- “prescribed”** means determined by resolution of the City, and in relation to a fee, means as set out in the tariff policy of the City;
- “prescribed coin”** means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act 78 of 1964), of the denomination indicated on the parking meter concerned and includes debit, credit or city cards and any other method of payment as may be approved and prescribed by the City from time to time;
- “public place”** means any square, park, recreation ground, sports ground, sanitary lane or open space which has—
- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
  - (b) at any time been dedicated to the public;
  - (c) been used by the public without interruption for a period of at least 30 years; or

(d) at any time been declared or rendered as such by the City or other competent authority;

**“public road”** means any road, street, cycle path, thoroughfare, parking ground, dedicated busway, parking bay or any other similar place, and includes—

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road, which has at any time been—
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least 30 years;
  - (iii) declared or rendered as such by the City or other competent authority; or
  - (iv) constructed by a local authority; and
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on—
  - (i) any plan of subdivision or diagram approved by the City or other competent authority and acted upon; or
  - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General’s office, unless such land is on such plan or diagram described as a private public road;

**“rank access token”** means a colour-coded sticker or other means of identification issued by the City to the holder of a valid operating licence;

**“regulation”** means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

**“residence”** means a building, or part of a building, that is—

- (a) fixed to land;
- (b) designed or approved by the City, for human habitation by a single family unit; and
- (c) used for residential purposes;

**“semi-trailer”** means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by the vehicle drawing such trailer;

**“sidewalk”** means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

**“special parking place”** means a rank, stand or bus stop established by the City on a public road within the City for the parking or standing of a taxi or a bus;

**“stand”** in relation to a bus, means the place where a bus route starts or ends;

**“stop”** in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

**“stopping place”** in relation to—

- (a) a taxi, means the place designated by the City where a taxi may stop to pick up or drop off passengers; and
- (b) a bus, means a bus stop;

**“tare”** in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—
  - (i) fuel; and
  - (ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

**“taxi”** means a motor vehicle which plies for hire, is operated for reward, and includes—

- (a) a mini-bus, a midi-bus, motor tricycle or motor quadrucycle, and includes a minibus-taxi; and
- (b) a metered taxi;

**“taxi association”** means a taxi association recognized as such by the City and the Western Cape Provincial Government;

**“taxi facility”** means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the City for the exclusive use of taxis and, regarding a minibus-taxi making use of a bus stop in terms of section 5, includes a bus stop;

**“taxi operator”** means the person responsible for the use of a taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

**“taxi rank”** means a taxi facility identified by the City where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“**temporary taxi facility**” means a taxi facility contemplated in section 49(2);

“**trailer**” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

“**tri-cycle**” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“**verge**” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“**vehicle**” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device which moves solely on rails.

(2) In this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

### **Purpose**

2. The purpose of this By-law is to control parking within the area of jurisdiction of the City in order to provide a safe environment.

## **CHAPTER 1**

### **GENERAL PROVISIONS RELATING TO PARKING**

#### *Part 1: General provisions*

#### **Control of parking**

3. (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

(2) The City may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.

(3) No person may without the prior written approval of the City erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.

(4) The City may operate a parking management system in areas and during times determined by the City from time to time.

(5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

#### **Parking in a loading zone**

4. (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—

(a) between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday;

(b) between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday; or

(c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.

(2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously, except while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.

(3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously, except while the vehicle is being actually loaded or off-loaded.

(4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised officer, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

(5) A person who contravenes a provision of this section commits an offence.

#### **Parking at a bus stop or in a dedicated busway**

5. (1) No person who operates or who is in charge of a vehicle on a public road may—

(a) in the case of a vehicle other than a bus or a minibus-taxi, allow the vehicle to remain stationary at a bus stop;

(b) in the case of a vehicle other than a City bus, allow the vehicle to be driven, park or remain stationary in a dedicated busway or at the entrance to a dedicated busway or in a manner inhibiting the movement of a City bus in, into or from such busway.

(2) Subsection (1)(a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus stop is located in a driving lane of a public road, where the vehicle is kept stationary in order to comply with a traffic signal or for another reason linked to road safety; Provided that such driver or person in charge does not allow passengers to board or alight from the vehicle.

(3) A person who contravenes subsection (1) commits an offence.

#### **Parking in a public road**

6. (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

(2) No person may leave a vehicle in the same place in a parking bay for a continuous period of more than seven days.

(3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

(4) A person who contravenes a provision of this section commits an offence.

#### **Parking upon a traffic island**



7. (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised officer or unless a parking bay has been demarcated upon such traffic island.

(2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

#### **Parking by a dealer or seller of a vehicle**

8. (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.

(2) A dealer or seller who contravenes subsection (1) commits an offence.

#### **Parking of a vehicle under repair**

9. (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.

(2) A person who contravenes subsection (1) commits an offence.

#### **Parking of heavy vehicles and caravans**

10. (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area—

- (a) a motor vehicle with a tare exceeding 3500 kg;
- (b) a trailer not attached to a vehicle;
- (c) a semi-trailer, or
- (d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.

(3) A person who contravenes subsection (1) commits an offence.

#### **Exemption of medical practitioners from parking restrictions**

11. (1) (a) Registered general medical practitioners to whom a badge has been issued in terms of subsection (3)(a) are exempt from the provisions of this By-law, subject to paragraph (b), when using, on a bona fide professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) issued to him or her by the City.

(b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.

(2) (a) The badge must be a windscreen sticker badge displaying on the face thereof—

- (i) a serial number; and
  - (ii) the name of the person to whom it is issued.
- (b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.
- (c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.

(3) (a) Written application for the issue of a badge must be made to the City and if the City approves the application, it must issue a badge bearing a registered serial number to the applicant.

(b) The City must keep a register in which it records—

- (i) The badge issued by it;
- (ii) the serial number allocated to a badge; and
- (iii) the name of the holder of a badge.

(c) The City may issue a duplicate badge.

(d) Where the City has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.

(e) The City may charge a fee for the issuing of a badge or a duplicate thereof.

(f) The City may prescribe the period for which a badge will be valid.

(4) Application for a badge must be made on a form provided for this purpose by the City.

(5) A person who displays a forged badge or a badge which was not issued by the City commits an offence.

#### **Outspanning in public roads**

12. (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or off-loaded.

(2) A person who contravenes subsection (1) commits an offence.

## *Part 2: Parking permits*

### **Resident parking permit**

- 13.** (1) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—
- (a) who reside in a residence—
    - (i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;
    - (ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and
    - (iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and
  - (b) whose residence does not have and cannot reasonably provide off-street parking.
- (2) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—
- (a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and
  - (b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles, to enter and park a vehicle in such area, cordoned off or declared zone.
- (3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

### **Temporary parking permit**

- 14.** (1) Subject to any conditions the City may impose and subject to section 17(1), a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space.
- (2) A temporary parking permit may only be granted if the City is satisfied that—
- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and
  - (b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity.
- (3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

### **Work zone permit**

- 15.** (1) Subject to any conditions the City may impose and subject to section 17(1) and (3), a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the City is satisfied that—
- (a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and
  - (b) the carrying out of the building, construction or other work is lawful; and
  - (c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.
- (2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties.
- (3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

### **Municipal works parking permit**

- 16.** (1) Subject to any conditions the City may impose and subject to section 18(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—
- (a) an employee, contractor or agent of the City; and
  - (b) parking the vehicle or vehicles in the space—
    - (i) for the purpose of carrying out work for or on behalf of the City; and
    - (ii) in the course of carrying out his or her duties for or on behalf of the City.

### **Conditions and originality of parking permits**

- 17.** (1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.
- (b) The City may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the City.
- (2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—
- (i) the road adjacent to the place of residence identified in the permit; or
  - (ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and
- (b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.
- (c) A resident parking permit is not specific to any particular vehicle.
- (d) The City may only issue a maximum of one parking space per residence.

- (3) (a) A work zone permit must specify the part of the road to which the permit relates.
- (b) The holder of a work zone permit must pay the prescribed fee, as determined by the City, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.
- (c) No person may stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.
- (d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.
- (e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorised officer.
- (4) No person to whom a permit has been granted in terms of sections 13, 14, 15 and 16 may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.
- (5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

**Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups**

**18.** (1) The City may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the City, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.

- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.
- (3) Any person who contravenes subsection (2) commits an offence.

**CHAPTER 2**

**PARKING METERS AND PAYMENT FOR PARKING**

**The installation of parking meters or use of any other device to record the time parked**

- 19.** (1) The City may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—
- (a) a parking meter at a parking space demarcated as a parking bay;
- (b) a combined parking meter at a parking space demarcated as parking bays; or
- (c) any other device by which parking time can be recorded and displayed.
- (2) The City may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or a notice board.
- (4) In the instance where a meter is out of order, an authorised officer may securely place over the meter a hood carrying in legible letters the words: "Out of order" and in such instances a vehicle may be parked without payment of the prescribed amount.

**Method of parking**

- 20.** (1) No driver or person in charge of a vehicle may park the vehicle—
- (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
- (b) in a parking bay which is already occupied by another vehicle; or
- (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

**Payment for parking**

- 21.** (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must—
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay in respect of which it is installed the prescribed coin as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
- (ii) effect payment by any other means prescribed by the City irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked,

and a driver or person in charge of a vehicle who fails to do so, commits an offence.

- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—
- (i) immediately deposit or cause to be deposited in the parking meters which adjoin the parking bays in respect of which they are installed the prescribed coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
- (ii) effect payment by any other means prescribed by the City irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked,

and a driver or person in charge of a vehicle who fails to do so, commits an offence.

- (c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.
- (d) Subject to paragraph (e), a driver or person in charge of a vehicle may, without payment, park a vehicle during such time (if any) as may

be indicated on the parking meter as being unexpired from its previous use, provided that the City may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay and before the parking bay is occupied by a subsequent vehicle.

- (e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.
- (2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.
- (3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.
- (4) Subject to the provisions of section 13, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that—
- (a) the time has expired; or
  - (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter,

and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

- (5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if—
- (a) the indicator shows that—
    - (i) the time has expired;
    - (ii) the parking meter has not been set in operation; or
  - (b) a hood has been placed over the parking meter as envisaged in section 19(4),

no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

#### **Prevention of parking at a parking bay**

**22.** An authorised officer may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—

- (a) while the sign is so placed or erected; or
- (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign,

and a person who contravenes a provisions of this section commits an offence.

#### **Tampering with a parking meter or device**

**23.** (1) No person may—

- (a) misuse, damage, knock interfere with or tamper with;
- (b) attempt to misuse, damage, knock interfere with or tamper with,

the working operation or mechanism of a parking meter.

- (2) No person may, without authority from the City and subject to any other by-law of the City, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.
- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.
- (5) A person who contravenes a provision of this section commits an offence.

#### **Prescribed coin only to be deposited**

**24.** (1) No person may deposit or cause to be deposited in a parking meter anything other than the prescribed coin.

- (2) A person who contravenes subsection (1) commits an offence.

#### **Unlawful operation of a parking meter**

**25.** (1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in this By-law.

- (2) A person who contravenes subsection (1) commits an offence.

#### **Unlawful parking and clamping or removal of unlawfully parked vehicles**

**26.** (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.

- (2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.
- (3) The City may—
  - (a) attach a wheel clamp to any unlawfully parked vehicle;
  - (b) or cause an unlawfully parked vehicle to be removed to a place designated by the City; and

- (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.
- (4) A person who contravenes subsection (1) commits an offence.

#### **Exemptions**

**27.** (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

- (a) a vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
- (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
- (c) a vehicle used by a member of the South African Police Service, the Metropolitan Police Service or the Law Enforcement division of the City and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the City on a sign erected for that purpose.
- (3) A person who contravenes subsection (2) commits an offence.

### **CHAPTER 3**

#### **PARKING GROUNDS**

##### *Part 1: General provisions*

#### **The City not liable for loss or damage**

**28.** The City is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

#### **Interference with authorised officials, authorised officers and parking marshals**

**29.** (1) No person may obstruct, hinder or in any manner interfere with an authorised official, authorised officer or a parking marshal in the performance of his or her duties under this By-law.

- (2) A person who contravenes subsection (1) commits an offence.

#### **Payment of prescribed fee**

**30.** (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the City.

- (2) The City may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.
- (3) The City may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the City, to park the vehicle in a parking ground specified, if space in the parking ground is available.
- (4) A coupon issued under subsection (2) or (3)—
- (a) may not, without the prior written consent of the City—
- (i) be transferred to any other person; or
- (ii) be used in respect of any vehicle other than the specified vehicle;
- (b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle; and
- (c) will only be valid for the period stated on such coupon.
- (5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the City.
- (6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

#### **Observance of signs**

**31.** (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.

- (2) A person who contravenes subsection (1) commits an offence.

#### **Manner of parking and removal of vehicle**

**32.** (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised officer or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.

- (2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle—
- (a) in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised officer at the parking ground;
- (b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or
- (c) in a parking bay which is already occupied by another vehicle.
- (3) No person may park a vehicle on a roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.



- (5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.
- (6) A person who contravenes a provision of this section commits an offence.

#### **Abandoned vehicle**

**33.** (1) The City may remove to the City's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.

- (2) The City must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the City may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.
- (3) The City must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the City all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter 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;
  - (c) the costs of publishing the notice of the auction;
  - (d) the costs of effecting the sale of the vehicle;
  - (e) the costs, calculated at a rate determined by the City, of keeping the vehicle in the pound;
  - (f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and
  - (g) any unpaid parking fees or unpaid traffic fines in respect of such vehicle

and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

- (5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the City.
- (6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

#### **Damage to notices**

**34.** (1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the City on a parking ground.

- (2) A person who contravenes subsection (1) commits an offence.

#### **Negligent and dangerous driving and speed restriction**

**35.** (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

- (2) The City may by sign indicate the maximum speed that may be travelled in a parking ground.
- (3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

#### **Entering or remaining in parking ground**

**36.** (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to—

- (a) a person in the company of a person who is parking or removing a vehicle;
  - (b) officials of the City engaged in official activities or on instruction from the City; and
  - (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

#### **Tampering with vehicle**

**37.** (1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.

- (2) A person who contravenes subsection (1) commits an offence.

#### **Defacing coupon**

**38.** (1) No person may, in a parking ground with intent to defraud the City, forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of this By-law.

- (2) A person who contravenes subsection (1) commits an offence.

#### **Defective vehicle**

**39.** (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground.

- (2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected, or removed within a reasonable time.



(3) A person who contravenes subsection (1) or subsection (2) commits an offence.

#### **Cleaning of vehicle**

**40.** (1) No person may, without the prior approval of the City, clean or wash a vehicle in a parking ground or parking bay.

(2) A person who contravenes subsection (1) commits an offence.

#### **Refusal of admission**

**41.** (1) An authorised officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

(2) A person who disregards an authorised officer's refusal of admission commits an offence.

#### **Parking hours and classes of vehicles**

**42.** (1) The City may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.

(2) The City must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.

(3) The City may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.

(4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the City from time to time.

(5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.

(6) No person may, unless he or she is the holder of a parking coupon issued in terms of this By-law authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

(7) A person who contravenes subsection (4), (5) or (6) commits an offence.

#### **Reservation by the City**

**43.** (1) The City may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the City or vehicles used by members of its staff on the business of the City.

(2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the City or for members of the City's staff commits an offence.

### ***Part 2: Mechanically controlled parking ground***

Parking of a vehicle in a mechanically or otherwise controlled parking ground

**44.** (1) Subject to section 2, a person who—

- (a) wishes to park a vehicle;
- (b) causes or permits a vehicle to be parked; or
- (c) allows a vehicle to be parked,

in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.

(2) A person contemplated in subsection (1) may not park a vehicle—

- (a) except in a parking bay and in compliance with such directions as may be given by an authorised officer or where no such bay has been marked, except in a place indicated by the authorised officer;
- (b) after an authorised officer has indicated to the person that the parking ground is full;
- (c) after the expiry of the parking period indicated on the parking coupon; or
- (d) for a longer period than indicated as indicated by sign.

(3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the City may implement a system where payment is required at the end of the parking period.

(4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes subsection (2) or (3) commits an offence.

#### **Removal of a vehicle from a mechanically or otherwise controlled parking ground**

**45.** (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—

- (a) he or she has produced to the authorised officer a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and
- (b) he or she has paid to the authorised officer the prescribed parking fee.

(2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the City from time to time.

(3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official—

- (a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the City, which form has the effect of indemnifying the City against claims of whatever nature by a person relating to the removal of that vehicle; and
  - (b) may require the person to furnish such security as may be determined by the City.
- (4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised officer on demand.
- (5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the City is payable for the next parking period.
- (6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised officer in terms of subsection (3)(a) or (b) commits an offence.

### *Part 3: Pay-and-display parking ground*

#### **Parking of a vehicle in a pay-and-display parking ground**

**46.** (1) A person who—

- (a) wishes to park a vehicle;
- (b) causes or permits a vehicle to be parked; or
- (c) allows a vehicle to be parked,

in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

- (2) The following must be indicated on the parking coupon vending machine:
- (a) the period during which a vehicle may be parked in the pay-and-display parking ground; and
  - (b) the coin or other prescribed object or method of payment to be inserted or used in respect of the parking period into or in connection with the pay and display machine.
- (3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.
- (4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.
- (5) No person may park a vehicle, cause, permit or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.
- (6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.
- (7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.
- (8) A person who contravenes subsection (3), (4) or (5) commits an offence.

#### **Miscellaneous offences in respect of a pay-and-display parking ground**

**47.** A person commits an offence if he or she—

- (a) inserts or attempts to insert into a parking coupon vending machine—
  - (i) a counterfeit coin;
  - (ii) where another kind of object is to be used, a false object;
  - (iii) a coin which is not South African currency; or
  - (iv) any object which is not meant to be inserted into the parking coupon vending machine;
- (b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or
- (c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

## **CHAPTER 4**

### **TAXIS AND BUSES**

#### *Part 1: Special parking places for taxis*

#### **Special parking places for taxis**

- 48.** (1) The City may, subject to any other by-law of the City relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.
- (2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.
- (3) If no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

- (4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

#### **Taxi parking**

- 49.** (1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the City relating to taxis—
- (a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or
  - (b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.
- (2) In emergencies or at recreational and other similar functions, the City may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.
- (3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

#### **Use of taxi ranks**

- 50.** (1) Subject to any other by-law of the City relating to taxis, a driver—
- (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and
  - (b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—
- (a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
  - (b) move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver—
- (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;
  - (b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
  - (c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.
- (6) A person who contravenes a provision of this section commits an offence.

#### **Prohibition on parking of a taxi at no-stopping place**

- 51.** No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

#### **Servicing and washing taxis at taxi facilities**

- 52.** (1) No person may repair or maintain any motor vehicle at a taxi facility.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.
- (3) A person who contravenes a provision of this section commits an offence.

#### **Behaviour prohibited at a taxi rank**

- 53.** A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised officer.

### *Part 3: Bus facilities and permits, and operation of buses*

#### **Establishment of bus facilities**

- 54.** The provisions of section 48(1),(2) and (3) apply, with the necessary changes, to buses.

#### **Distinguishing bus stops**

- 55.** (1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.
- (2) The City may demarcate bus stops for tour buses.

#### **Destination signs and stopping or parking at bus stops**

- 56.** (1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.
- (2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.
- (3) Notwithstanding the provisions of subsection (1) a driver or person in charge of a City bus may park a City bus at a bus stop demarcated for use by a concern operating City buses, if he /she needs to do so in order to delay departure from such bus stop in order to keep to the required bus schedule.
- (4) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

- (5) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.
- (6) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.
- (7) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.
- (8) A person who contravenes a provision of this section commits an offence.

## CHAPTER 5

### MISCELLANEOUS PROVISIONS

#### **Obeying and interfering with an authorised officer**

57. (1) An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.
- (2) No person may obstruct, hinder, abuse or interfere with any authorised officer in the exercise of the power referred to in subsection (1).
- (3) A person who contravenes a provision of this section commits an offence.

#### **Appeal**

58. (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by—
  - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
  - (b) the Municipal Manager, the Executive Mayoral Committee is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

#### **Sale of impounded vehicles**

59. (1) The City must—
  - (a) within 14 days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
  - (b) in the application contemplated in paragraph (a), provide the Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.
- (2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

#### **Procedure to be followed in application to Court**

60. An application to Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

#### **Compliance notices and the recovery of costs**

61. (1) Notwithstanding any other provision of this By-law, the City may—
  - (a) where the permission of the City is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
  - (b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the City may require to rectify such contravention within the period stated in such notice.

- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the City may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

#### **Presumptions**

62. (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.
- (2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.
- (3)
  - (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
  - (b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
  - (c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.
- (4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer

is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

- (5) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

#### Penalties

63. A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to—

- (a) a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and
- (b) in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

#### Repeal of by-laws

64. The by-laws listed in the Schedule hereto and any by-law previously promulgated by the City or any of the disestablished municipalities now incorporated into City, in so far as it relates to any matter provided for in this By-law, are hereby repealed.

#### Short title

65. This By-law is called the City of Cape Town: Parking By-law, 2010.

### SCHEDULE

#### Bellville Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 852/1969	Parking meter	The whole
P.N. 1151/1971	Parking of heavy vehicles and caravans	The whole
P.N. 779/1985	Toll parking	The whole

#### Durbanville Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 286/1975	Parking of heavy vehicles, caravans and trailers	The whole

#### Cape Town Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 0519/1979	Exemption from toll parking	The whole
P.N. 0430/1983	Exemption from toll parking	The whole
P.N. 0538/1985	Exemption from toll parking	The whole

#### Brackenfell Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 737/1974	Parking of heavy vehicles and caravans	The whole

#### Goodwood Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 1044/1971	Parking meter	The whole

#### Kraaifontein Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 574/1973	Parking of heavy vehicles and caravans	The whole

**STAD KAAPSTAD  
PARKEERVERORDENING, 2010**

**AANHEF**

**AANGESIEN** artikel 156(2) en (5) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer, en om enige bevoegdheid uit te oefen met betrekking tot 'n aangeleentheid wat redelikerwys nodig is vir, of in verband met, die doeltreffende verrigting van sy funksies;

**EN AANGESIEN** Deel B van Bylae 5 by die Grondwet verkeer en parkering lys as 'n plaaslike regeringsaangeleentheid vir sover dit in artikel 155(6)(a) en (7) uiteengesit word;

**EN AANGESIEN** die Stad Kaapstad parkering binne sy regsgebied en sake bykomend daartoe wil reguleer;

**NOU DAAROM VERORDEN** die Raad van die Stad Kaapstad soos volg:—

**INHOUDSOPGAWE**

1. Woordomskrywing
2. Doel

**HOOFSTUK 1**

**ALGEMENE BEPALINGS MET BETREKKING TOT PARKERING**

*Deel 1: Algemene bepalings*

3. Beheer van parkering
4. Parkering op 'n laaiplek
5. Parkering by 'n bushalte of in 'n toegewese buspad
6. Parkering op 'n openbare pad
7. Parkering op 'n verkeerseiland
8. Parkering deur 'n handelaar of verkoper van 'n voertuig
9. Parkering van 'n voertuig wat herstel word
10. Parkering van swaar voertuie en karavane
11. Vrystelling van mediese praktisyns van parkeerbeperkings
12. Uitspan op openbare paaie

*Deel 2: Parkeerpermitte*

13. Inwonersparkeerpermit
14. Tydelike parkeerpermit
15. Werksonepermit
16. Parkeerpermit vir munisipale werke
17. Voorwaardes en oorspronklike parkeerpermitte
18. Gereserveerde parkering vir gestremdes, diplomatieke korps, Suid-Afrikaanse Polisiediens en ander geïdentifiseerde groepe

**HOOFSTUK 2**

**PARKEERMETERS EN BETALING VIR PARKERING**

19. Die installering van parkeermeters of gebruik van enige ander toestel om die geparkeerde tyd aan te teken
20. Parkeermeter
21. Betaling vir parkering
22. Parkering op 'n parkeervak verbode
23. Peuter met of belemmering van 'n parkeermeter of -toestel
24. Slegs voorgeskrewe muntstuk mag ingevoer word
25. Onwettige gebruik van 'n parkeermeter
26. Onwettige parkering en vasklamping of verwydering van onwettig geparkeerde voertuie
27. Vrystellings

**HOOFSTUK 3**

**PARKEERTERREINE**

*Deel 1: Algemene bepalings*

28. Die Stad nie aanspreeklik vir verlies of skade nie
29. Inmenging met amptenare, gemagtigde beamptes en parkeeropsigters
30. Betaling van voorgeskrewe geld



31. Nakoming van tekens
32. Parkering en verwydering van voertuig
33. Verlate voertuig
34. Skade aan kennisgewings
35. Nalatige en gevaarlike bestuur en snelheidsperke
36. Binnegaan van of bly op parkeerterrein
37. Peutering met voertuig
38. Ontsiering van koepon
39. Onklaar voertuig
40. Skoonmaak van voertuig
41. Weiering van toegang
42. Parkeertye en klasse voertuie
43. Reservering deur die Stad

***Deel 2: Meganies beheerde parkeerterrein***

44. Parkering van 'n voertuig op 'n meganies of andersins beheerde parkeerterrein
45. Verwydering van 'n voertuig uit 'n meganies of andersins beheerde parkeerterrein

***Deel 3: Betaal-en-vertoonparkeerterrein***

46. Parkering van 'n voertuig op 'n betaal-en-vertoonparkeerterrein
47. Diverse misdrywe ten opsigte van 'n betaal-en-vertoonparkeerterrein

**HOOFSTUK 4**

**TAXI'S EN BUSSE**

***Deel 1: Spesiale parkeerplekke vir taxi's, permitte en kentekenplakkers***

48. Spesiale parkeerplekke vir taxi's
49. Taxiparkering
50. Gebruik van taxistaanplekke
51. Verbod op parkering van taxi's op "stilhou verbode"-plek
52. Versiening en was van taxi's by taxifasiliteite
53. Verbode gedrag by 'n taxistaanplek

***Deel 2: Busfasiliteite en permitte, en bedryf van busse***

54. Totstandbring van busfasiliteite
55. Onderskeidende bushaltes
56. Bestemmingstekens en parkering by bushaltes

**HOOFSTUK 5**

**DIVERSE BEPALINGS**

57. Gehoorsaam van en inmenging met 'n gemagtigde amptenaar
58. Appèl
59. Verkoop van geskutte voertuie
60. Prosedure wat by 'n hofaansoek gevolg moet word
61. Voldoeningskennisgewings en die verhaling van koste
62. Vermoedens
63. Boetes
64. Herroeping van verordeninge
65. Kort titel en inwerkingtreeding

**Woordomskrywing**

1. (1) In hierdie Verordening, tensy uit die samehang anders blyk, beteken—

“**bedryf**”, met betrekking tot 'n voertuig, om 'n voertuig te gebruik of te bestuur of toe te laat dat 'n voertuig op 'n openbare pad gebruik of bestuur word, of om 'n voertuig op 'n openbare pad te hê of toe te laat;

“**bedryfslisensie**” 'n bedryfslisensie soos deur die Wet op Nasionale Landvervoer, 2009 (Wet 5 van 2009) bedoel;

“**bestuurder**” iemand wat 'n voertuig bestuur of probeer bestuur of wat op 'n trapfiets ry of probeer ry, en “**bestuur**” of enige soortgelyke woord

het 'n ooreenstemmende betekenis;

**“betaal-en-vertoonmasjien”** enige masjien of toestel wat vir die verkoop van koepons op 'n betaal-en-vertoonparkeerterrein geïnstalleer is of bedryf word;

**“betaal-en-vertoonparkeerterrein”** 'n parkeerterrein waarop 'n koepon verkry moet word by 'n masjien wat parkeerkoepens verkoop en wat op of naby die parkeerterrein geleë is;

**“brug”** 'n brug, soos in die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), bedoel;

**“bus”** 'n motorvoertuig ontwerp of wettig deur 'n geregistreerde vervaardiger ter voldoening aan die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), aangepas om meer as 34 persone, met inbegrip van die bestuurder, te vervoer, en sluit 'n bustrein in;

**“bushalte”** 'n afgebakende plek of standplaas waar passasiers op 'n bus kan klim of daarvan kan afklim wat onderskei word deur die toepaslike verkeersteken wat die tipe bus of, waar van toepassing, die naam van die onderneming wat geregtig is om van die halte gebruik te maak, aandui;

**“bustrein”** 'n bus wat—

- (a) uit twee seksies bestaan wat verbind is om 'n eenheid te vorm;
- (b) op 'n horisontale vlak by die verbindings tussen sodanige seksies kan swaai;
- (c) slegs of hoofsaaklik vir die vervoer van die bestuurder en minstens 100 ander persone ontwerp of aangepas is; en
- (d) 'n deurlopende gang oor die lengte daarvan het;

**“dier”** enige perdagtige, bees, skaap, bok, pluimvee, kameel, hond, kat of ander huisdier of voël, of enige wilde dier of reptiel wat in gevangenskap of onder die beheer van 'n persoon is, of insekte soos, maar nie daartoe beperk nie, bye wat aangehou word of onder die beheer van 'n persoon is;

**“driewiel”** 'n driewielfiets wat uitsluitlik vir die vervoer van goedere ontwerp of aangepas is, en wat slegs deur middel van mensekrag aangedryf word;

**“eienaar”**, met betrekking tot 'n voertuig—

- (a) die persoon wat die reg op die gebruik en genot van 'n voertuig ingevolge die gemenerereg of 'n kontraktuele ooreenkoms met die titelhouer van sodanige voertuig het;
- (b) iemand in paragraaf (a) bedoel, vir enige tydperk waartydens so 'n persoon versuim om ooreenkomstig die kontraktuele ooreenkoms in paragraaf (a) bedoel daardie voertuig aan die titelhouer terug te besorg; en
- (c) iemand wat as sodanig geregistreer is ooreenkomstig die regulasies kragtens artikel 4 van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);

**“gekombineerde parkeermeter”** 'n toestel wat meer as een parkeermeter bevat;

**“geleentheid”**—

- (a) enige sport-, ontspannings- of vermaakgeleentheid, wat lewende optredes insluit;
- (b) enige opvoedkundige, kulturele of godsdienstige geleentheid;
- (c) enige sakegeleentheid, wat bemaking-, openbare betrekkinge- en produkbevordering- of tentoonstellingsgeleenthede insluit;
- (d) enige liefdadigheidsgeleentheid, wat enige konferensie-, organisasie- of gemeenskapsgeleentheid insluit,

of enige soortgelyke aktiwiteit wat in 'n stadion, vergaderplek of op 'n roete of in die onmiddellike omgewing daarvan aangebied word, en wat beplan is, oor 'n duidelike program, beheer en rekenpligtigheid beskik, maar sluit 'n geleentheid uit wat deur 'n private persoon in sy of haar privaat hoedanigheid by enige vergaderplek aangebied word of verfilming ingevolge die Verordening op Verfilming;

**“gemagtigde amptenaar”** enige werknemer van die Stad wat verantwoordelik is vir die verrigting van enige funksie of die uitoefening van enige bevoegdheid ingevolge hierdie Verordening of enige werknemer van die Stad wat aangewys of gedelegeer is om enige funksie te verrig of enige bevoegdheid uit te oefen in die implementering van hierdie Verordening;

**“gemagtigde beampte”** 'n inspekteur van lisensies, ondersoeker van voertuie, toetsbeampte vir bestuurslisensies, verkeersopsigter of verkeersbeampte, en sluit in enige ander persoon wat ingevolge artikel 3A van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), as 'n inspekteur van lisensies, ondersoeker van voertuie, toetsbeampte vir bestuurslisensies, verkeersopsigter of verkeersbeampte aangestel is, en sluit in enige persoon wat deur 'n organisasie benoem en deur die Stad gemagtig is;

**“goedervoertuig”** 'n motorvoertuig, ontwerp of aangepas om goedere op 'n openbare pad te vervoer;

**“goedgekeur”** beteken goedgekeur deur die Stad, en **“goedkeuring”** het 'n ooreenstemmende betekenis;

**“handelaar”** 'n persoon wat vir gewin sake doen deur voertuie te verkoop, te koop, te ruil of te stal;

**“hoofverkeersbeampte”** die Stad se hoofverkeersbeampte aan wie enige funksie, bevoegdheid of plig gedelegeer is, en sluit in enige ander beampte onder sy of haar beheer;

**“karavaan”** enige voertuig permanent toegerus vir gebruik deur persone vir leef- en slaapdoeleindes, of sodanige voertuig 'n sleepwa is of nie;

**“koepon”** 'n toestel, hetsy elektronies of nie, wat op sy eie of saam met enige ander voorwerp die houder daarvan geregtig maak of bedoel is om die houder daarvan geregtig te maak om enige voertuig op 'n parkeervak of parkeerterrein te parkeer, en sluit enige toestel in wat van tyd tot tyd deur die Stad goedgekeur is;

**“leunwa”** 'n sleepwa wat geen vooras het nie en so ontwerp is dat minstens 15% van sy tarra op die voertuig wat so 'n sleepwa trek, rus en daardeur gedra word;

**“meganies of andersins beheerde parkeerterrein”** 'n parkeerterrein waar toegang beheer word met 'n meganisme soos 'n afsluithek wat oopmaak of met die hand oopgemaak word wanneer bewys aangebied word dat betaling gemaak is of gemaak gaan word soos deur die Stad in die jaarlikse tariefskedule vasgestel;

**“meterparkeerterrein”** 'n parkeerterrein of enige deel daarvan waar parkering deur middel van 'n parkeermeter of—meters beheer word;

“**meterparkeervak**” ’n parkeervak ten opsigte waarvan ’n parkeermeter geïnstalleer is of ten opsigte waarvan ’n handtoestel of elektroniese betaalstelsel ingestel is;

“**midibus**” ’n motorvoertuig ontwerp of wettig deur ’n geregistreerde vervaardiger ter voldoening aan die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), aangepas om meer as 16 maar minder as 35 persone, met inbegrip van die bestuurder, te vervoer;

“**minibus**” ’n motorvoertuig ontwerp of wettig deur ’n geregistreerde vervaardiger ter voldoening aan die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), aangepas om meer as nege maar nie meer as 16 sittende persone, met inbegrip van die bestuurder, te vervoer;

“**minibustaxi**” ’n motorvoertuig, ’n midi-bus of ’n mini-bus met ’n bedryfslisensie wat magtiging daaraan verleen om ’n ongeskeduleerde openbarevervoerdienst op ’n spesifieke roete of roetes, of waar van toepassing, binne ’n spesifieke gebied te bedryf;

“**Minister**” die Nasionale of Provinsiale Minister van Vervoer;

“**motorvoertuig**” enige selfaangedrewe voertuig en ook—

- (a) ’n sleepwa; en
- (b) ’n voertuig met pedale en met ’n enjin of ’n elektriese motor as ’n integrerende deel daarvan of daaraan geheg, en wat ontwerp of aangepas is om deur middel van sodanige pedale, enjin of motor, of sodanige pedale sowel as sodanige enjin of motor aangedryf te word, maar nie ook—
  - (i) ’n voertuig wat aangedryf word deur elektriese krag verkry uit opgaarbatterye en wat deur ’n voetganger beheer word nie; of
  - (ii) ’n voertuig met ’n massa van hoogstens 230 kilogram wat spesiaal ontwerp en gebou, en nie net aangepas is nie, vir gebruik deur iemand wat aan die een of ander liggaamlike gestremtheid of ongeskiktheid ly en wat uitsluitlik deur sodanige persoon gebruik word;

“**ondersoeker van voertuie**” ’n ‘ondersoeker van voertuie’ soos in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), omskryf;

“**openbare pad**” enige pad, straat, fietsrypad, deurgang, parkeerterrein, toegewese buspad, parkeervak of enige ander soortgelyke plek, en ook—

- (a) die soom van enige sodanige openbare pad;
- (b) enige voetpad, sypaadjie of soortgelyke voetgangergedeelte van ’n padreserwe;
- (c) enige brug, pont of drif waaroor of waardeur enige sodanige openbare pad loop;
- (d) enige ander voorwerp wat ’n deel uitmaak van sodanige openbare pad, wat te eniger tyd—
  - (i) vir die publiek afgesonder is;
  - (ii) vir ’n tydperk van minstens 30 jaar ononderbroke deur die publiek gebruik is;
  - (iii) deur die Stad of ander bevoegde owerheid as sodanig verklaar of beskikbaar gestel is; of
  - (iv) deur ’n plaaslike owerheid gebou is; en
- (e) enige grond, met of sonder geboue of strukture daarop, wat as ’n openbare pad aangetoon word op—
  - (i) enige onderverdelingsplan of diagram wat deur die Stad of enige ander bevoegde owerheid goedgekeur is en waarvolgens gehandel is; of
  - (ii) enige algemene plan soos omskryf in die Grondopmetingswet, 1997 (Wet 8 van 1997), wat in ’n registrasiekantoor of die Landmeter-generaalkantoor geregistreer of ingedien is, tensy sodanige grond op sodanige plan of diagram as ’n privaat openbare pad beskryf word;

“**openbare plek**” enige plein, park, ontspanningsterrein, sportterrein, steeg of oop ruimte wat—

- (a) in verband met enige onderverdeling of uitleg van grond in erwe voorsien, gereserveer of opsy gesit is vir gebruik deur die publiek, of die eienaars of okkupeerders van sodanige erwe, hetsy dit op ’n algemene plan, onderverdelingsplan of diagram getoon word of nie;
- (b) te eniger tyd vir die publiek afgesonder is;
- (c) vir ’n ononderbroke tydperk van minstens 30 jaar deur die publiek gebruik is; of
- (d) te eniger tyd deur die Stad of ander bevoegde owerheid as sodanig verklaar of beskikbaar gestel is;

“**operateur**” ’n openbarevervoeroperateur soos omskryf in die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), synde ’n persoon ’n openbare passasierspadvervoerdienst bedryf;

“**organisasie**” ’n groep mense, maatskappy, vereniging of liggaam wat parkeeropsigters verteenwoordig wat ’n parkeeropsigtersdiens of ’n parkeerbestuursdiens in sekere geografiese gebiede lewer soos deur die Stad goedgekeur;

“**parkeer**” om ’n voertuig, met of sonder insittendes, langer te laat stilhou as wat redelikerwys nodig is om persone of goedere werklik op of af te laai, maar nie ook die stilhou van ’n voertuig weens ’n rede buite die beheer van die persoon in beheer van daardie voertuig nie, en “**parkering**” het ’n ooreenstemmende betekenis;

“**parkeermeter**” ’n toestel wat ingevolge hierdie Verordening in werking gestel is en wat die parkeertyd registreer en sigbaar aanteken, hetsy deur middel van ’n meter wat aan die toestel aangebring is of op ’n parkeermeterkaartjie wat deur die toestel uitgereik is, of enige ander toestel waardeur parkeertyd aangeteken kan word, hetsy dit deur ’n gemagtigde amptenaar of ’n diensverskaffer wat deur die Stad goedgekeur is, bedryf word;

“**parkeeropsigter**” ’n persoon in diens van ’n organisasie wat ’n parkeerbestuursdiens aan bestuurders in ’n openbare plek of op ’n openbare pad lewer;

“**parkeerterrein**” ’n stuk grond of ’n gebou wat deur die Stad opsy gesit is as parkeerterrein of parkade vir die parkering van voertuie deur lede van die publiek, of gelde vir die gebruik daarvan deur hierdie Verordening voorskryf word of nie;

“**parkeertydperk**” die maksimum aaneenlopende tydperk, soos aangedui deur ’n padverkeersteken, waartydens ’n voertuig toegelaat word om op ’n parkeerterrein of parkeervak te parkeer;

“**parkeervak**” ’n afgebakende gebied waarbinne ’n voertuig ingevolge hierdie Verordening geparkeer mag word, as sodanig deur die Stad op die oppervlak van ’n parkeerterrein of openbare pad afgebaken;

“**parkeerwag**” ’n persoon wat ’n parkeerdienst vir sy of haar eie rekening lewer;

“**passasier**” enige persoon in of op ’n voertuig, maar sluit nie die bestuurder of kondukteur in nie;

“**regulasie**” ’n regulasie kragtens die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);

“**sleepwa**” ’n voertuig wat nie selfaangedrewe is nie en wat ontwerp of aangepas is om deur ’n motorvoertuig getrek te word, maar nie ook ’n syspan wat aan ’n motorfiets geheg is nie;

“**soom**” die gedeelte van ’n pad, straat of deurgang, met inbegrip van die sygaardjie, wat nie die ryvlak of die skouer is nie;

“**spesiale parkeerplek**” ’n staanplek, standplaas of bushalte wat deur die Stad op ’n openbare pad in die Stad ingestel is waar ’n taxi of ’n bus kan parkeer of staan;

“**toegewese buspad**” ’n pad vir die uitsluitlike gebruik van busse en ander gemagtigde voertuie, wat ’n afsonderlike fasiliteit in sy eie reg-van-weg, deel van die bedekte breedte van ’n pad wat deur algemene verkeer gebruik word en deur ’n geveerde streep van algemene bane geskei word, of deel van die bedekte breedte van ’n pad wat deur algemene verkeer gebruik word en deur ’n sperrandsteen of enige ander sodanige fisiese skeiding van algemene verkeer geskei word, kan wees;

“**staanplek-toegangsbewys**” ’n kleurkodeerde plakker, of soortgelyke identifiseringsmetode wat deur die Stad uitgereik word aan die houër van ’n geldige bedryfslisensie;

“**Stad**” die Stad Kaapstad ingevolge Provinsiale Kennisgewing 479 van 2000 ingestel, en sluit in enige politieke struktuur, politieke ampsdraer, behoorlik gemagtigde agent daarvan of enige werknemer wat uit hoofde van gedelegeerde of subgedelegeerde gesag handel;

“**Stadbus**” ’n bus wat deel uitmaak van ’n busdiens wat deur die Stad bedryf word, of deur ’n munisipale entiteit van die Stad, hetsy dit alleen of deur ’n gekontrakteerde diensverskaffer aan die Stad of ’n munisipale entiteit van die Stad bedryf word;

“**stadskaart**” enige dokument of kaart, ongeag die vorm daarvan, wat deur die Stad uitgereik is ten einde as ’n metode van betaling vir parkering gebruik te word;

“**standplaas**”, met betrekking tot ’n bus, die plek waar ’n busroete begin of eindig;

“**stilhou**”, met betrekking tot ’n taxi wat op ’n stilhouplek op ’n openbare pad stilhou, om ’n taxi, met of sonder insittendes, nie langer te laat stilstaan as wat redelikerwys nodig is om persone of goedere werklik op of af te laai nie, maar nie ook stilhou weens ’n rede buite die beheer van die bestuurder van sodanige taxi nie;

“**stilhouplek**” met betrekking tot—

- (a) ’n taxi, ’n plek wat deur die Stad aangewys is waar ’n taxi mag stilhou om passasiers op of af te laai; en
- (b) ’n bus, ’n bushalte;

’n motorvoertuig of ’n kombinasie van motorvoertuie waarvan die bruto voertuigmassa van sodanige voertuig of kombinasie van voertuie 3,500 kg oorskry;

“**sygaardjie**” die deel van ’n openbare pad tussen die buitengrens van die ryvlak van ’n pad en die grenslyne van aanliggende eiendom of geboue wat vir gebruik deur voetgangers bedoel is;

“**tarra**”, met betrekking tot ’n motorvoertuig, die massa van so ’n voertuig wanneer dit gereed is om op ’n pad te gaan, en ook die massa van—

- (a) enige noodwiel en van alle ander toebehore en toerusting wat deur die vervaardigers as standaard vir die besondere model van die betrokke motorvoertuig verskaf word;
- (b) enigiets wat ’n permanente deel van die struktuur van so ’n voertuig is;
- (c) enigiets wat aan so ’n voertuig geheg is sodat dit ’n struktuurverandering van ’n permanente aard uitmaak; en
- (d) die opgaarbatterye, indien so ’n voertuig deur elektriese krag selfgedrewe is, maar nie ook die massa nie van—
  - (i) brandstof; en
  - (ii) enigiets wat aan so ’n voertuig geheg is en nie van die aard is wat in subartikel (a) of (b) bedoel word nie;

“**taxi**” ’n motorvoertuig wat te huur is, wat teen beloning bedryf word, en ook—

- (a) ’n minibus, ’n midibus, motordriewiel of motorvierwiel, en sluit ’n minibus-taxi in; en
- (b) ’n metertaxi;

“**taxifasiliteit**” ’n waggied, spesiale parkeerplek, stilhouplek, staanplek, terminus en enige ander fasiliteit wat spesifiek deur die Stad geïdentifiseer en aangewys is vir die uitsluitlike gebruik van taxi’s en, rakende ’n minibus-taxi wat gebruik maak van ’n bushalte ingevolge artikel 5, insluitend ’n bushalte;

“**taxifasiliteitbeampte**” ’n persoon wat passasiers en voertuigverwante prosedures by taxifasiliteite reguleer;

“**taxi-operateur**” die persoon wat verantwoordelik is vir die gebruik van ’n taxi, met dien verstande dat ingevolge Hoofstuk IV van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), dit beteken die persoon wat as die operateur van so ’n voertuig geregistreer is;

“**taxistaanplek**” ’n taxifasiliteit wat deur die Stad geïdentifiseer is as ’n plek waar ’n taxi kan staan om gehuur te word of om passasiers op te laai om teen beloning te vervoer;

“**taxivereniging**” ’n taxivereniging wat as sodanig deur die Stad en die Wes-Kaapse Provinsiale Regering erken word;

“**trapfiets**” ’n fiets of driewiel wat ontwerp is om uitsluitlik deur middel van mensekrag aangedryf te word;

“**tydelike taxifasiliteit**” ’n taxifasiliteit in artikel 49(2) bedoel;

“**voertuig**” ’n toestel ontwerp of aangepas om hoofsaaklik op wiele, buitebande of rusperbande te loop en ook so ’n toestel wat met ’n trekstang aan ’n teëspoedwa verbind is en gebruik word as deel van die sleptoerusting van ’n teëspoedwa om enige of al die asse van ’n motorvoertuig wat geberg word, te ondersteun, behalwe so ’n toestel wat uitsluitlik op spore beweeg;

“**voetpad**” dié gedeelte of sykante van die openbare pad wat, hoewel dit nie werklik afgebaken of gemaak is nie, gereeld deur voetgangers as sypaadjie gebruik word;

“**voorgeskrewe**” bepaal deur ’n besluit van die Stad, en met betrekking tot gelde, soos uiteengesit in die tariefbeleid van die Stad;

“**voorgeskrewe muntstuk**” ’n muntstuk van die Republiek van Suid-Afrika, synde ’n wettige betaalmiddel ingevolge die Wet op die Suid-Afrikaanse Munt en Munte, 1964 (Wet 78 van 1964), met die waarde wat op die betrokke parkeermeter aangedui word, en sluit debiet-, krediet- en stadskaarte en enige ander betaalmetode in wat van tyd tot tyd deur die Stad goedgekeur en voorgeskryf word;

“**waggebied**” met betrekking tot ’n taxi, ’n ander plek as ’n staanplek, waar ’n taxi bly totdat daar plek daarvoor op ’n staanplek of stilhouplek is;

“**woning**” ’n gebou, of deel van ’n gebou, wat—

- (a) vas op die grond is; en
  - (b) ontwerp of deur die Stad goedgekeur is vir menslike bewoning deur ’n enkele gesinseenheid; en
  - (c) vir residensiële doeleindes gebruik word.
- (2) In hierdie Verordening het ’n woord of uitdrukking wat in die Nasionale Padverkeerwet, 1996 (Wet 93 van 1996), omskryf word, daardie betekenis, tensy uit die samehang anders blyk.

## Doel

2. Die doel van hierdie Verordening is om parkering binne die regsgebied van die Stad te beheer ten einde ’n veilige omgewing te verskaf.

## HOOFSTUK 1

### ALGEMENE BEPALINGS MET BETREKKING TOT PARKERING

#### *Deel 1: Algemene bepalinge*

#### Beheer van parkering

3. (1) Wanneer die publiek of ’n aantal persone daarop geregtig is of toegelaat word om ’n stuk grond as parkeerplek te gebruik, met inbegrip van grond wat nie deel van ’n openbare pad of ’n openbare plek is nie, kan ’n gemagtigde beampte in noodgevalle of wanneer dit in die openbare belang wenslik is, die verkeer daarop reël en reguleer.
- (2) Die Stad kan parkering bestuur en enige gelde met betrekking tot parkering invorder of ’n diensverskaffer aanstel om parkering te bestuur en om enige gelde met betrekking tot parkering in te vorder.
- (3) Niemand mag sonder vooraf skriftelike goedkeuring van die Stad ’n teken of kennisgewing in enige posisie of plek oprig op plaas wat aandui dat parkering op enige parkeervak vir ’n persoon of vir ’n klas persone gereserveer is nie.
- (4) Die Stad kan in gebiede en gedurende tye wat van tyd tot tyd deur die Stad bepaal word, ’n parkeerbestuurstelsel bedryf.
- (5) ’n Persoon wat ’n opdrag van ’n gemagtigde beampte ingevolge subartikel (1) verontagsaam of wat ’n teken of kennisgewing in stryd met subartikel (3) oprig of plaas, of wat subartikel (4) oortree, begaan ’n misdryf.

#### Parkering op ’n laaiplek

4. (1) Niemand wat ’n voertuig op ’n openbare pad bedryf of wat in beheer van ’n voertuig op ’n openbare pad is, mag, behoudens subartikels (2) en (3), toelaat dat ’n voertuig op ’n laaiplek bly staan nie—
- (a) tussen die ure 07:00 en 18:00 op Maandae tot Saterdag, behalwe as so ’n dag ’n openbare vakansiedag is;
  - (b) tussen die ure 07:00 en 14:00 op Sondag, behalwe as so ’n dag ’n openbare vakansiedag is; of
  - (c) tussen ander beperkte ure wat ten opsigte van ’n bepaalde laaiplek deur middel van ’n padverkeersteken of merkteken gespesifiseer word.
- (2) Niemand wat ’n voertuig op ’n openbare pad bedryf of in beheer van ’n voertuig op ’n openbare pad is, mag ’n voertuig, behalwe ’n goederevoertuig, toelaat om vir langer as vyf minute aaneenlopend op ’n laaiplek te staan nie, behalwe wanneer persone of goedere werklik op- of afgelaai word en terwyl ’n gelisensieerde bestuurder by die voertuig aanwesig is.
- (3) Niemand wat ’n voertuig op ’n openbare pad bedryf of in beheer van ’n voertuig op ’n openbare pad is, mag ’n goederevoertuig toelaat om vir langer as 30 minute aaneenlopend op ’n laaiplek laat staan nie, behalwe wanneer die voertuig werklik gelaai of afgelaai word.
- (4) Die bestuurder van ’n voertuig, behalwe ’n goederevoertuig, wat op ’n laaiplek staan, moet die voertuig onmiddellik van die laaiplek verwyder as ’n gemagtigde beampte opdrag gegee dat dit gedoen moet word, selfs al het die voertuig nie langer as die maksimum toegelate tyd vir ’n voertuig van die betrokke klas daarop gestaan nie.
- (5) Iemand wat ’n bepaling van hierdie artikel oortree, begaan ’n misdryf.

#### Parkering by ’n bushalte of in ’n toegewese buspad

5. (1) Niemand wat ’n voertuig op ’n openbare pad bedryf of in beheer van ’n voertuig op ’n openbare pad is, mag
- (a) in die geval van ’n voertuig as ’n bus of ’n minibustaxi, toelaat dat die voertuig by ’n bushalte bly staan nie;
  - (b) in die geval van ’n ander voertuig as ’n Stadbus, toelaat dat die voertuig in ’n toegewese buspad of by die ingang van ’n toegewese buspad of op so ’n wyse dat die beweging van ’n Stadbus in, na of van so ’n buspad belemmer word, bestuur of geparkeer word of bly staan nie.
- (2) Subartikel (1)(a) is nie van toepassing op ’n bestuurder of persoon in beheer van ’n voertuig wat toelaat dat sodanige voertuig stil bly staan by ’n bushalte waar daardie bushalte geleë is in ’n bestuursbaan van ’n openbare pad nie, waar die voertuig stilstaan ten einde ’n verkeersteken te gehoorsaam of om ’n ander rede met padveiligheid skakel; mits sodanige bestuurder of persoon in beheer nie toelaat dat passasiers die bus bestyg of afklim nie.
- (3) Iemand wat die bepalinge van subartikel (1) oortree, begaan ’n misdryf.

**Parkering op 'n openbare pad**

6. (1) Niemand wat 'n voertuig op 'n openbare pad bedryf of in beheer van 'n voertuig op 'n openbare pad is, mag die voertuig op enige openbare pad in die munisipale gebied vir 'n langer tydperk parkeer as wat op 'n padverkeerstekens van toepassing op die bepaalde gebied aangedui word nie.
- (2) Niemand mag 'n voertuig vir 'n aaneenlopende tydperk van meer as sewe dae op dieselfde plek in 'n parkeervak laat nie.
- (3) Niemand mag 'n swaar motorvoertuig wat vir die vervoer van goedere ontwerp, aangepas of gebruik word, êrens in die munisipale gebied parkeer nie, behalwe op privaat grond of in daardie gebiede waar padverkeerstekens opgerig is wat sodanige parkering reguleer.
- (4) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

**Parkering op 'n verkeerseiland**

7. (1) Niemand mag 'n voertuig op 'n verkeerseiland parkeer nie, tensy 'n gemagtigde beampte hom of haar beveel of magtig om dit te doen nie of tensy 'n parkeervak op so 'n verkeerseiland afgebaken is.
- (2) Iemand wat 'n voertuig in stryd met subartikel (1) op 'n verkeerseiland parkeer of wat versuim om aan 'n opdrag of bevel van 'n gemagtigde beampte te voldoen, begaan 'n misdryf.

**Parkering deur 'n handelaar of verkoper van 'n voertuig**

8. (1) Geen handelaar of verkoper van 'n voertuig mag 'n voertuig wat as te koop of te huur aangebied word, op die soom van 'n openbare pad binne die munisipale gebied parkeer of toelaat dat dit daar parkeer word nie, hetsy dit as sodanig geadverteer word of nie.
- (2) 'n Handelaar of verkoper wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

**Parkering van 'n voertuig wat herstel word**

9. (1) Niemand wat verantwoordelik is vir die beheer van 'n besigheid wat voertuie insleep of herstel mag enige voertuig wat onklaar is en wat in sy of haar sorg geplaas is in die loop van die besigheid van voertuie insleep of herstel, op enige openbare pad of openbare plek binne die munisipale gebied parkeer of laat parkeer of toelaat dat dit daar parkeer word nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

**Parkering van swaar voertuie en karavane**

10. (1) Niemand mag vir 'n ononderbroke tydperk van langer as twee ure, behalwe op plekke wat vir die parkering van swaar voertuie gereserveer is, die volgende op 'n openbare pad binne die munisipale gebied parkeer nie—
- (a) 'n motorvoertuig met 'n tarra van meer as 3 500 kg;
- (b) 'n sleepwa wat nie aan 'n voertuig geheg is nie;
- (c) 'n leunwa; of
- (d) 'n karavaan wat nie aan 'n voertuig geheg is nie.
- (2) Wanneer 'n voertuig in stryd met subartikel (1) geparkeer is, word daar geag dat die eienaar daarvan sodanige voertuig geparkeer het, tensy die teendeel bewys word.
- (3) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

**Vrystelling van mediese praktisyns van parkeerbepelings**

11. (1) (a) Geregistreeerde algemene mediese praktisyns aan wie 'n kenteken ingevolge subartikel (3)(a) uitgereik is, is vrygestel van die bepalings van hierdie Verordening, behoudens paragraaf (b), wanneer hulle op 'n bona fide professionele huisbesoek 'n motorvoertuig gebruik waarop 'n kenteken vertoon word wat aan die vereistes van subartikel (2) voldoen wat deur die Stad aan hom of haar uitgereik is.
- (b) 'n Persoon in paragraaf (a) bedoel is nie vrygestel van 'n bepaling wat die stilhou of parkeer van 'n voertuig by 'n bushalte of voor 'n ingang verbied nie.
- (2) (a) Die kenteken moet 'n voorruitplakkerkenteken wees wat die volgende op die voorkant vertoon:
- (i) 'n reeksnommer; en
- (ii) die naam van die persoon aan wie dit uitgereik is.
- (b) Die kenteken moet op die linkerkantste onderste hoek van die voorruit vertoon word en moet 'n sakkie hê waarin die persoon in subartikel (1) beoog 'n wit kaartjie plaas wat die adres toon waar die houer van die kenteken werklik 'n professionele huisbesoek doen terwyl die motorvoertuig waarop dit aangebring is, geparkeer is, en die adres wat op die kaartjie getoon word, moet maklik van buite die voertuig gelees kan word.
- (c) Die adres in paragraaf (b) bedoel, moet in dieselfde straat of 'n straat aanliggend en naby die plek wees waar die voertuig geparkeer is.
- (3) (a) Skriftelike aansoek om die uitreiking van 'n kenteken moet by die Stad gedoen word, en as die Stad die aansoek goedkeur, moet 'n kenteken waarop 'n geregistreeerde reeksnommer verskyn, aan die aansoeker uitgereik word.
- (b) Die Stad moet 'n register hou waarin hy die volgende aanteken:
- (i) Die kentekens wat hy uitgereik het;
- (ii) die reeksnommer wat aan 'n kenteken toegeken is; en
- (iii) die naam van die houer van 'n kenteken.
- (c) Die Stad kan 'n duplikaatkenteken uitreik.
- (d) Waar die Stad rede het om te glo dat enige houer van 'n kenteken 'n voorreg misbruik wat deur die kenteken verleen word, kan hy die kenteken van die houer terugtrek, en die voorregte wat die kenteken inhou, hou dan op bestaan.
- (e) Die Stad kan 'n geld vir die uitreiking van 'n kenteken of 'n duplikaat daarvan hef.



- (f) Die Stad kan die tydperk voorskryf waarvoor 'n kenteken geldig sal wees.
- (4) Aansoek om 'n kenteken moet gedoen word op 'n vorm wat die Stad vir hierdie doel verskaf.
- (5) Iemand wat 'n vervalste kenteken of 'n kenteken wat nie deur die Stad uitgereik is nie, vertoon, begaan 'n misdryf.

#### **Uitspan op openbare paaie**

12. (1) Niemand mag enige voertuig wat deur diere getrek word op enige openbare pad of openbare plek uitspan of toelaat dat dit uitgespan word nie of enige sleepwa, karavaan of voertuig wat nie selfaangedrewe is nie, op enige openbare pad of openbare plek afhaak of laat nie; hierdie bepaling geld egter nie waar so 'n voertuig gelaai of afgelaai word nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

#### ***Deel 2: Parkeerpermitte***

#### **Inwonersparkeerpermit**

13. (1) Onderworpe aan enige voorwaardes wat die Stad wat stel en behoudens artikel 17(1) en (2), kan 'n inwonersparkeerpermit toegestaan word aan persone—
- (a) wat woon in 'n woning—
- (i) geleë aan 'n gedeelte pad in omstandighede waar parkering onmiddellik langs die woning deur tyd gereguleer word;
- (ii) in omstandighede waar nie meer as een persoon wat in die woning woon, die houër van 'n geldige permit is nie; en
- (iii) geleë aan 'n gedeelte pad in omstandighede waar die uitreiking van die permit nie die verkeersvloei, hetsy op die pad of in die gebied, onbehoorlik sal belemmer nie; en
- (b) wie se woning nie parkering van die straat af het nie en wat dit nie redelikerwys kan voorsien nie.
- (2) Onderworpe aan enige voorwaardes wat die Stad kan stel en behoudens artikel 17(1) en (2), kan 'n inwonersparkeerpermit toegestaan word aan persone—
- (a) wat woon in 'n woning geleë in 'n gebied in die omgewing van 'n sportstadion, veld of fasiliteit, of enige veld of fasiliteit waar 'n geleentheid aangebied word; en
- (b) in omstandighede waar so 'n gebied afgesper word of verklaar word tot 'n gebied waar toegang aan voertuie geweier word, om sodanige gebied, afgesperde of verklaarde gebied met 'n voertuig binne te gaan en daar te parkeer.
- (3) Iemand wat 'n voertuig in stryd met subartikel (1) parkeer, begaan 'n misdryf.

#### **Tydlike parkeerpermit**

14. (1) Onderworpe aan enige voorwaardes wat die Stad kan stel en behoudens artikel 17(1), kan 'n tydelike parkeerpermit toegestaan word om die houër van die permit toe te laat om een of meer voertuie op 'n aangewese parkeerplek te parkeer vir 'n tydperk wat op die permit gespesifiseer word, ondanks 'n amptelike verkeerstekens tot die teendeel en ondanks die feit dat betaalde parkering andersins op die parkeerplek van toepassing is.
- (2) 'n Tydelike parkeerpermit kan slegs toegestaan word as die Stad oortuig is dat—
- (a) die aansoeker met 'n tydelike aktiwiteit besig is wat 'n perseel onmiddellik aanliggend aan die aangewese parkeerplek waarop die aansoek betrekking het, raak; en
- (b) dit nie redelikerwys vir die aansoeker prakties is om die aktiwiteit te probeer verrig nie tensy die aangewese parkeerplek waarop die aansoek betrekking het, vir die duur van die aktiwiteit vir die uitsluitlike gebruik van die aansoeker toegewys word.
- (3) Iemand wat 'n voertuig in stryd met subartikel (1) parkeer, begaan 'n misdryf.

#### **Werksonepermit**

15. (1) Onderworpe aan enige voorwaardes wat die Stad kan stel en behoudens artikel 17(1) en (3), kan 'n werksoneparkeerpermit toegestaan word vir bestuur, parkeer- en bou- of konstruksiedoeleindes op 'n parkeervak of parkeerterrein of op die soom van 'n pad of elders op 'n openbare pad as die Stad oortuig is dat—
- (a) die deel van die pad of ander gebied in subartikel (1) bedoel waarop die aansoek betrekking het, langs of by die terrein van voorgestelde bou-, konstruksie- of ander werk is; en
- (b) die verrigting van die bou-, konstruksie- of ander werk wettig is; en
- (c) dit, met inagneming van die aard van die bou-, konstruksie- of ander werk en die eienskappe van die werk, nie redelikerwys prakties is om alle werkaktiwiteite, wat die voertuig behels, insluitende die laai en aflaai en gepaardgaande voertuigbewegings, tot die perseel self of tot naby gebiede waar parkering toegelaat word, te beperk nie.
- (2) Houers van werksonepermitte mag sodanige permitte slegs vir die parkeer van 'n voertuig in die uitvoering van hulle pligte gebruik.
- (3) Iemand wat 'n voertuig in stryd met subartikel (1) parkeer of wat 'n werksonepermit gebruik terwyl hy of sy nie sy of haar pligte uitvoer nie, begaan 'n misdryf.

#### **Parkeerpermit vir munisipale werke**

16. (1) Onderworpe aan enige voorwaardes wat die Stad mag stel en behoudens artikel 18(1), kan 'n parkeerpermit vir munisipale werke toegestaan word om 'n persoon toe te laat om een of meer voertuie op 'n aangewese parkeerplek te parkeer vir 'n tydperk wat op die permit gespesifiseer word, ondanks 'n amptelike verkeerstekens tot die teendeel en ondanks die feit dat betaalde parkering andersins op die parkeerplek van toepassing is, as die persoon—
- (a) 'n werknemer, kontrakteur of agent van die Stad is; en
- (b) die voertuig of voertuie op die parkeerplek parkeer—
- (i) met die doel om werk vir of namens die Stad te verrig; en

- (ii) in die loop van die uitvoering van sy of haar pligte vir of namens die Stad.

#### **Voorwaardes en oorspronklike parkeerpermitte**

17. (1) (a) Die houer van 'n parkeerpermit moet die oorspronklike permit op die voorruit van die voertuig wat op die permit geïdentifiseer word, aanbring sodat dit na buite wys en so na as prakties moontlik aan die registrasieskyf van die voertuig is.
- (b) Die Stad mag 'n vervangingspermit slegs uitreik nadat die permithouer 'n verklaring oor die feite en omstandighede van 'n verlies, vernietiging of beskadiging van die oorspronklike permit tot voldoening van die Stad afgelê het.
- (2) (a) 'n Inwonersparkeerpermit mag slegs gebruik word ten opsigte van die parkeer van 'n voertuig op die plek wat op die permit geïdentifiseer word, wat—
- (i) die pad langs die woonplek moet wees wat op die permit geïdentifiseer word; of
- (ii) een of meer segmente van die pad naby die woonplek moet wees wat op die permit geïdentifiseer word.
- (b) Die houer van 'n inwonersparkeerpermit mag die permit slegs gebruik terwyl die houer by die woonplek bly woon wat op die permit geïdentifiseer word.
- (c) 'n Inwonersparkeerpermit word nie vir 'n bepaalde voertuig toegestaan nie.
- (d) Die Stad mag 'n maksimum van slegs een parkeerplek per woning toestaan.
- (3) (a) 'n Werksonepermit moet die deel van die pad spesifiseer waarop die permit betrekking het.
- (b) Die houer van 'n werksonepermit moet die voorgeskrewe geld betaal, soos deur die Stad vasgestel, vir die installering van amptelike pad-verkeerstekens of ander tekens of merktekens om die grense van die werksone te identifiseer wat op die permit geïdentifiseer word.
- (c) Niemand mag materiaal van watter aard ook al op die pad of voetpad binne of buite 'n werksone pak, plaas of andersins daar laat nie.
- (d) Niemand mag 'n voertuig parkeer, laai of aflaai of enige ander werksaamheid verrig op 'n wyse wat voetgangerbeweging op 'n voetpad binne of langs 'n werksone belemmer nie; en
- (e) Die houer van 'n werksonepermit moet die permit op die perseel hou en dit op versoek van 'n gemagtigde beampte toon.
- (4) Niemand aan wie 'n permit ingevolge artikels 13, 14, 15 en 16 uitgereik is, mag 'n voertuig te eniger tyd in 'n aangewese parkeerplek stilhou, parkeer of laat nie, tensy die voertuig 'n oorspronklike parkeerpermit vertoon.
- (5) 'n Persoon wat enige bepaling van hierdie artikel oortree, of wat 'n afdruk van 'n parkeerpermit vertoon, begaan 'n misdryf.

#### **Gereserveerde parkering vir gestremdes, diplomatieke korps, Suid-Afrikaanse Polisiediens en ander geïdentifiseerde groepe**

18. (1) Die Stad kan parkeergebiede vir gestremdes, die diplomatieke korps, Suid-Afrikaanse Polisiediens en enige ander groepe reserveer wat deur die Stad geïdentifiseer word, en kan sodanige gebiede deur middel van 'n kennisgewing of padtekens aanwys en voorwaardes met betrekking tot die spesiale parkeerfasiliteitpermitte stel.
- (2) Niemand mag te eniger tyd met 'n voertuig, behalwe 'n voertuig wat 'n aangewese parkeerpermit vertoon, op 'n aangewese parkeerplek stilhou of parkeer of die voertuig daar laat nie.
- (3) Iemand wat die bepalings van subartikel (2) oortree, begaan 'n misdryf.

### **HOOFSTUK 2**

#### **PARKEERMETERS EN BETALING VIR PARKERING**

##### **Die installering van parkeermeters of gebruik van enige ander toestel om die geparkeerde tyd aan te teken**

19. (1) Die Stad kan die volgende op 'n openbare pad of plek in die munisipale gebied installeer of bedryf of laat bedryf—
- (a) 'n parkeermeter by 'n parkeerplek wat as 'n parkeervak afgebaken is; of
- (b) 'n gekombineerde parkeermeter by 'n parkeerplek wat as 'n parkeervak afgebaken is; of
- (c) enige ander toestel waarmee parkeertyd aangeteken en vertoon kan word.
- (2) Die Stad kan 'n parkeermeter in subartikel (1) beoog op die randsteen, voetpad of sypaadjie langs die parkeervak ten opsigte waarvan dit geïnstalleer is of op enige ander plek in die nabyheid van die parkeervak installeer of bedryf.
- (3) In die geval waar 'n parkeermeter nie outomaties deur die invoering van 'n voorgeskrewe muntstuk geaktiveer word nie, moet 'n kennisgewing wat aandui watter stappe gedoen moet word om die meter in werking te stel nadat die voorgeskrewe muntstuk ingevoer is, duidelik op die parkeermeter of 'n kennisgewingbord vertoon word.
- (4) In die geval waar 'n meter buite werking is, kan 'n gemagtigde beampte 'n mus waarop die woorde “Buite werking” in leesbare letters aangebring is, oor die meter trek, en in sodanige gevalle mag 'n voertuig geparkeer word sonder om die voorgeskrewe bedrag te betaal.

##### **Parkeermetode**

20. (1) Geen bestuurder of persoon in beheer van 'n voertuig mag die voertuig—
- (a) op 'n parkeervak oor 'n geveerde streep wat die parkeervak merk of in so 'n posisie parkeer dat die voertuig nie heeltemal binne die gebied is wat as parkeervak afgebaken is nie;
- (b) op 'n parkeervak parkeer wat reeds deur 'n ander voertuig beset word nie; of
- (c) op 'n parkeervak parkeer in stryd met 'n padverkeersteken wat die parkeer of stilhou van voertuie op die openbare pad of gedeelte van die betrokke openbare pad verbied nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

**Betaling vir parkering**

21. (1) (a) Wanneer 'n voertuig op 'n parkeervak geparkeer word, moet die bestuurder of persoon in beheer van die voertuig—
- (i) onmiddellik die voorgeskrewe muntstuk soos aangedui op die meter vir die tydperk wat hy of sy sy of haar voertuig op die parkeervak wil parkeer, in die parkeermeter wat langs die parkeervak is ten opsigte waarvan dit geïnstalleer is, invoer of laat invoer en, waar van toepassing, die meter in werking stel deur óf die voorgeskrewe muntstuk in die toepaslike gleuf van die parkeermeter in te voer óf, waar van toepassing, die aanwysings te volg wat op die parkeermeter verskyn; of
  - (ii) betaling doen op enige ander wyse wat deur die Stad voorgeskryf word, ongeag die toestel wat gebruik word om die parkeertyd aan te teken en ongeag of die betaling vereis word aan die begin of einde van die tydperk wat aldus geparkeer word,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat versuim om dit te doen, begaan 'n misdryf.
- (b) Wanneer 'n voertuig of 'n voertuig en 'n sleepwa se afmetings sodanig is dat dit meer as een meterparkeervak in beslag neem, moet die bestuurder of persoon in beheer van die voertuig—
- (i) onmiddellik die voorgeskrewe muntstukke soos aangedui op die meter vir die tydperk wat hy of sy sy of haar voertuig op die parkeervak wil parkeer, in die parkeermeters wat langs die parkeervakke is ten opsigte waarvan hulle geïnstalleer is, invoer of laat invoer en, waar van toepassing, die meters in werking stel deur óf die voorgeskrewe muntstuk in die toepaslike gleuf van die parkeermeters in te voer óf, waar van toepassing, die aanwysings te volg wat op die parkeermeter verskyn; of
  - (ii) betaling doen op enige ander wyse wat deur die Stad voorgeskryf word, ongeag die toestel wat gebruik word om die parkeertyd aan te teken en ongeag of die betaling vereis word aan die begin of einde van die tydperk wat aldus parkeer word,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat versuim om dit te doen, begaan 'n misdryf.
- (c) Wanneer die stappe wat in paragrawe (a) en (b) beskryf word, afgehandel is, mag die meterparkeervak wettig deur 'n voertuig beset word vir die tydperk wat in die parkeermeter aangedui word.
- (d) Behoudens paragraaf (e), kan 'n bestuurder of persoon in beheer van 'n voertuig 'n voertuig sonder betaling parkeer vir sodanige tyd (indien enige) wat op die parkeermeter as onverstreke van die vorige gebruik aangetoon word, met dien verstande dat die Stad enige betaalde tyd wat op die meter oor is, kan kanselleer nadat 'n voertuig waarvoor die parkering betaal is, die parkeervak ontruim het en voordat die parkeervak deur 'n volgende voertuig beset word.
- (e) Subartikel (d) geld nie vir 'n parkeervak waar onverstreke tyd nie sigbaar vertoon word nie.
- (2) Behoudens die bepalings van subartikel (3), kan die bestuurder of persoon in beheer van 'n voertuig onmiddellik, ongeag of die gemagtigde parkeertyd verstryk het of nie, die parkeermeter in werking stel soos in subartikel (1)(a) uiteengesit word, en nadat die meter in werking gestel is, kan die voertuig die parkeervak wettig beset vir die verdere tydperk wat op die parkeermeter aangedui word.
- (3) Niemand mag 'n voertuig wat op 'n parkeervak geparkeer is, vir 'n aaneenlopende tydperk wat die maksimum toegelate parkeertyd oorskry soos op die meter of ander toestel aangetoon laat nie, en iemand wat 'n voertuig op 'n parkeervak geparkeer laat vir 'n aaneenlopende tydperk wat die maksimum toegelate parkeertyd oorskry soos op die meter of ander toestel aangetoon word, begaan 'n misdryf.
- (4) Behoudens die bepalings van artikel 13, mag geen bestuurder of persoon in beheer van 'n voertuig veroorsaak, toelaat, veroorloof of duld dat die voertuig op 'n parkeervak geparkeer bly terwyl die aanwyser van die parkeermeter of enige ander toestel toon dat—
- (a) die tyd verstreke is; of
  - (b) die meter nie in werking gestel is nie, hetsy deur die voorgeskrewe muntstuk in te voer of, waar van toepassing, die aanwysings te volg wat op die parkeermeter verskyn,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat 'n bepaling van hierdie subartikel oortree, begaan 'n misdryf.
- (5) Behoudens subartikel 1(a), waar 'n parkeermeter nie in werking gestel kan word nie ondanks voldoening of gepoogde voldoening aan die prosedure wat in subartikel (1)(a)(i) voorgeskryf word, mag geen bestuurder of persoon in beheer van 'n voertuig veroorsaak, toelaat, veroorloof of duld dat die voertuig op die parkeervak geparkeer bly vir 'n aaneenlopende tydperk wat die parkeermeter aangetoon is toe so 'n voertuig op genoemde parkeervak geparkeer was nie; indien—
- (a) die aanwyser egter toon dat—
    - (i) die tyd verstreke is;
    - (ii) die parkeermeter nie in werking gestel is nie; of
  - (b) 'n mus oor die parkeermeter geplaas is soos in artikel 20(4) beoog,
- mag geen bestuurder of persoon veroorsaak, toelaat, veroorloof of duld dat die voertuig op die parkeervak geparkeer bly nie,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat 'n bepaling van hierdie subartikel oortree, begaan 'n misdryf.

**Parkering op 'n parkeervak verbode**

22. 'n Gemagtigde beampte kan, wanneer dit ook al nodig of gerade is om dit in belang van die beweging of beheer van verkeer te doen, 'n verkeerstekens of -tekens wat lui "Stilhou verbode" of "Parkering verbode" by 'n parkeervak of -vakke plaas of oprig, en niemand mag op so 'n parkeervak stilhou of 'n voertuig parkeer of laat stilhou of parkeer nie—
- (a) terwyl die teken aldus geplaas of opgerig is; of
  - (b) gedurende enige tydperk wat die stilhou of parkeer van 'n voertuig op die betrokke openbare pad of gedeelte van die openbare pad ingevolge so 'n verkeerstekens verbode is nie,
- en iemand wat 'n bepaling van hierdie subartikel oortree, begaan 'n misdryf.

### **Peuter met of belemmering van 'n parkeermeter of -toestel**

23. (1) Niemand mag—

- (a) 'n parkeermeter misbruik, beskadig of stamp of daaraan peuter of torring nie;
- (b) probeer om die werking of meganisme van 'n parkeermeter te misbruik, te beskadig, te stamp of daaraan te peuter of te torring nie.
- (2) Niemand mag, sonder magtiging van die Stad en onderworpe aan enige ander verordening van die Stad, 'n plakkaat, advertensie, kennisgewing, lys, dokument, bord of voorwerp op 'n parkeermeter aanbring of probeer aanbring of plaas nie.
- (3) Niemand mag 'n parkeermeter verf, daarop skryf of dit ontsier nie.
- (4) Niemand mag sonder die toestemming van 'n parkeeroersigter enige toestel in besit van so 'n parkeeroersigter uit sy besit verwyder of daaraan peuter nie.
- (5) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

### **Slegs voorgeskrewe muntstuk mag ingevoer word**

24. (1) Niemand mag enigiets anders as die voorgeskrewe muntstuk in 'n parkeermeter invoer of laat invoer nie.

(2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

### **Onwettige inwerkingstelling van 'n parkeermeter**

25. (1) Niemand mag 'n parkeermeter in werking stel of probeer in werking stel op enige ander wyse as wat in hierdie Verordening voorgeskryf word nie.

(2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

### **Onwettige parkering en vasklamping of verwydering van onwettig geparkeerde voertuie**

26. (1) Niemand mag veroorsaak, toelaat veroorloof of duld dat 'n voertuig op 'n parkeervak geparkeer word nie, behalwe soos toegelaat deur die bepalings van hierdie Verordening.

(2) Wanneer daar gevind word dat 'n voertuig in stryd met hierdie Verordening geparkeer is, word dit geag geparkeer te wees, of veroorsaak om geparkeer te wees, of toegelaat om geparkeer te wees deur die persoon op wie se naam die voertuig geregistreer is, tensy en totdat hy of sy bewys tot die teendeel voorlê.

(3) Die Stad mag—

- (a) 'n wielklamp aan enige onwettig geparkeerde voertuig aanbring;
- (b) of 'n onwettig geparkeerde voertuig laat verwyder na 'n plek wat deur die Stad aangewys is; en
- (c) 'n geld hef vir die verwydering van die wielklamp wat ingevolge subartikel (3)(a) aangebring is of vir die vrystelling van 'n voertuig wat ingevolge subartikel (3)(b) verwyder is, welke gelde by die verwydering van sodanige wielklamp of die vrystelling van sodanige voertuig betaalbaar sal wees.

(4) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

### **Vrystellings**

27. (1) Ondanks enige andersluidende bepaling in hierdie Verordening, mag die bestuurder of persoon in beheer van die volgende voertuie, behoudens die bepalings van hierdie artikel, op 'n meterparkeervak parkeer sonder om die voorgeskrewe geld te betaal—

- (a) 'n voertuig wat as ambulans gebruik word, en op daardie tydstip gebruik word om aan 'n lewensbedreigende situasie aandag te skenk;
- (b) 'n voertuig wat deur 'n brandweer gebruik word om brande te bestry, en wat op daardie tydstip deur die brandweer gebruik word om 'n brand te bestry; en
- (c) 'n voertuig wat deur 'n lid van die Suid-Afrikaanse Polisiediens, die Metropolitaanse Polisiediens of die Wetstoepassingsafdeling van die Stad gebruik word, en wat op daardie tydstip gebruik word in verband met 'n misdad wat gepleeg word of in verband met die insameling of beskerming van getuieis na afloop van 'n misdad.

(2) Onderworpe aan enige tydsgrense of -bepelings met betrekking tot die stilhou of parkeer van voertuie soos deur enige ander wet, regulasie of verordening voorgeskryf, mag 'n parkeervak sonder betaling beset word gedurende die tye wat die Stad aandui op 'n teken wat vir daardie doel opgerig is.

(3) Iemand wat die bepalings van subartikel (2) oortree, begaan 'n misdryf.

## **HOOFSTUK 3**

### **PARKEERTERREINE**

#### ***Deel 1: Algemene bepalings***

#### **Die Stad nie aanspreeklik vir verlies of skade nie**

28. Die Stad is nie aanspreeklik vir verlies van of skade aan enige voertuig of persoon of enige toebehore of die inhoud van 'n voertuig wat op 'n parkeerterein geparkeer was nie, hoe dit ook al veroorsaak is.

#### **Inmenging met gemagtigde amptenare, gemagtigde beamptes en parkeeroersigters**

29. (1) Niemand mag 'n gemagtigde amptenaar, gemagtigde beampte of 'n parkeeroersigter in die uitoefening van sy of haar pligte kragtens hierdie Verordening dwarsboom, hinder of op enige manier met hom of haar inmeng nie.

(2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

**Betaling van voorgeskrewe geld**

- 30.** (1) 'n Persoon wat van 'n parkeerterrein of parkeervak gebruik maak, moet, waar gelde ten opsigte van die parkeerterrein of parkeervak vasgestel is, die voorgeskrewe geld betaal op enige manier en in enige formaat wat deur die Stad voorgeskryf word.
- (2) Die Stad kan, ten opsigte van 'n parkeerterrein wat deur die uitreiking van koepons beheer word, teen die voorgeskrewe geld 'n koepon uitreik wat die houer geregtig maak om vir een kalendermaand of enige korter tydperk wat op die koepon vermeld word, op die tye wat op die koepon vermeld word 'n voertuig op die terrein te parkeer, as 'n parkeervak beskikbaar is.
- (3) Die Stad kan aan enige van sy amptenare 'n koepon uitreik wat die houer daarvan geregtig maak om, wanneer 'n voertuig vir sake van die Stad gebruik word, die voertuig op 'n gespesifiseerde parkeerterrein te parkeer, as daar plek op die parkeerterrein beskikbaar is.
- (4) 'n Koepon wat kragtens subartikel (2) of (3) uitgereik is—
- (a) mag nie, sonder vooraf skriftelike toestemming van die Stad—
- (i) aan enige ander persoon oorgedra word nie; of
- (ii) ten opsigte van enige ander voertuig as die gespesifiseerde voertuig gebruik word nie;
- (b) moet deur die houer van die koepon op so 'n wyse en plek op die voertuig ten opsigte waarvan dit uitgereik is, aangebring word dat die geskrewe of gedrukte teks op die koepon maklik van buite die voertuig gelees kan word; en
- (c) sal slegs geldig wees vir die tydperk wat op die koepon vermeld word.
- (5) Aansoek om toestemming wat in subartikel 4(a) beoog word, moet gedoen word op 'n vorm wat die Stad vir hierdie doel verskaf.
- (6) Iemand wat die bepaling van subartikel (1) oortree, of wat 'n parkeerterrein of parkeervak gebruik nadat die tydperk waarvoor 'n koepon ingevolge subartikel (2) uitgereik is, verstreke is, of wat 'n bepaling van subartikel (4) oortree, begaan 'n misdryf.

**Nakoming van tekens**

- 31.** (1) 'n Persoon op 'n parkeerterrein moet enige verkeers- of ander teken, kennisgewing of oppervlakmerkteken wat op die parkeerterrein geplaas is of vertoon word met die doel om voertuie te reël en te reguleer wat die parkeerterrein of die ingang na en die uitgang uit die parkeerterrein gebruik, nakom en daaraan voldoen.
- (2) Iemand wat die bepaling van subartikel (1) oortree, begaan 'n misdryf.

**Parkering en verwydering van voertuig**

- 32.** (1) Niemand mag 'n voertuig op 'n parkeerterrein op 'n ander manier parkeer as ter voldoening aan 'n bevel of opdrag wat deur 'n gemagtigde beampte gegee is of soos deur middel van 'n teken aangedui word, of 'n voertuig inbring of verwyder op 'n ander manier as by wyse van 'n ingang tot of uitgang uit die parkeerterrein wat vir daardie doel afgebaken is nie.
- (2) Waar parkeervakke op 'n parkeerterrein afgebaken is, mag niemand in beheer van 'n voertuig die voertuig parkeer—
- (a) op 'n plek op die parkeerterrein wat nie 'n afgebakende parkeervak is nie, tensy hy of sy bevel word om dit te doen deur die gemagtigde beampte by die parkeerterrein;
- (b) op 'n parkeervak oor 'n geveerde streep of in so 'n posisie dat die voertuig nie heeltemal op die gebied is wat as parkeervak afgebaken is nie; of
- (c) op 'n parkeervak wat reeds deur 'n ander voertuig beset word nie.
- (3) Niemand mag 'n voertuig op 'n ryvlak binne 'n parkeerterrein of op 'n sypaadjie of op 'n manier wat voetgangerbeweging op 'n sypaadjie beperk, parkeer nie.
- (4) Niemand mag 'n voertuig op 'n parkeerterrein parkeer op 'n wyse wat ander gebruikers van die parkeerterrein versper of verontrief nie.
- (5) Niemand mag 'n voertuig, behalwe 'n voertuig soos omskryf in die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), op 'n parkeerterrein parkeer of veroorsaak of veroorloof om daar te wees of te bly nie.
- (6) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

**Verlate voertuig**

- 33.** (1) Die Stad kan 'n voertuig wat vir 'n aaneenlopende tydperk van meer as sewe dae op dieselfde plek op 'n parkeerterrein gelaat is, na die Stad se skut verwyder.
- (2) Die Stad moet alle redelike stappe doen om die eienaar op te spoor van 'n voertuig wat ingevolge subartikel (1) verwyder is, en indien die eienaar van die voertuig of die persoon geregtig op besit van die voertuig nie binne 'n tydperk van 90 dae nadat die voertuig verwyder is, opgespoor kan word nie, kan die Stad, behoudens subartikel (3) en artikels 59 en 60, die voertuig op 'n openbare veiling verkoop.
- (3) Die Stad moet 14 dae voor die veiling wat in subartikel (2) beoog word, 'n kennisgewing van die veiling publiseer of laat publiseer in minstens twee koerante wat binne die munisipale gebied versprei word; indien die eienaar of persoon geregtig op besit van die voertuig die voertuig egter opeis voordat die veiling begin, mag die voertuig nie op die veiling verkoop word nie en moet die persoon alle voorgeskrewe gelde wat ingevolge hierdie Verordening betaalbaar is en die toepaslike koste ingevolge subartikel (4) betaal.
- (4) Die opbrengs van 'n verkoop wat ingevolge hierdie artikel aangegaan word, moet eers aangewend word om die gelde te betaal wat in subartikel (3) bedoel word, en daarna om die volgende te delg:
- (a) die koste wat aangegaan is om die eienaar ingevolge subartikel (2) te probeer opspoor;
- (b) die koste daarvan om die voertuig te verwyder;
- (c) die koste daarvan om die kennisgewing van die veiling te publiseer;
- (d) die koste daarvan om die verkoop van die voertuig te bewerkstellig;
- (e) die koste daarvan, bereken teen 'n tarief wat deur die Stad vasgestel word, om die voertuig in die skut te hou;
- (f) die toepaslike parkeergelde vir die voertuig wat in die parkeerterrein gelaat is soos in subartikel (1) beoog; en
- (g) enige onbetaalde parkeergelde of onbetaalde verkeersboetes ten opsigte van so 'n voertuig;
- en die saldo, as daar is, van die opbrengs moet, as dit geëis word, aan die eienaar van die voertuig of die persoon geregtig op die voertuig betaal word as die persoon sy of haar reg op die voertuig kan bewys.



- (5) Indien daar binne een jaar na die verkoopdatum geen eis ingestel word nie, word die saldo in subartikel (4) bedoel aan die Stad verbeur.
- (6) Niemand mag 'n voertuig vir 'n aaneenlopende tydperk van meer as sewe dae op dieselfde plek op 'n parkeerterrein laat nie, en iemand wat dit doen, begaan 'n misdryf.

#### **Skade aan kennisgewings**

34. (1) Niemand mag 'n kennisgewing, kennisgewingbord, teken of ander voorwerp wat deur die Stad op 'n parkeerterrein geplaas is, verwyder, skend, verberg of op enige ander manier beskadig of daaraan peuter nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

#### **Nalatige en gevaarlike bestuur en snelheidsperke**

35. (1) Niemand mag 'n voertuig op 'n parkeerterrein nalatig of op 'n wyse bestuur wat gevaarlik vir die publiek of 'n ander voertuig is nie.
- (2) Die Stad kan deur middel van 'n teken die maksimum snelheid aandui waarteen daar op 'n parkeerterrein gery mag word.
- (3) Iemand wat die bepalings van subartikel (1) oortree en iemand wat die maksimum snelheid oorskry wat ingevolge subartikel (2) voorgeskryf word, begaan 'n misdryf.

#### **Binnegaan van of bly op parkeerterrein**

36. (1) Niemand mag 'n parkeerterrein binnegaan, daarop bly of daar wees nie behalwe met die doel om 'n voertuig op die parkeerterrein te parkeer of om 'n voertuig ten opsigte waarvan hy of sy die voorgeskrewe parkeergeld betaal het, uit die parkeerterrein te verwyder; hierdie artikel is egter nie van toepassing nie op—
- (a) 'n persoon in die geselskap van iemand wat 'n voertuig parkeer of verwyder;
- (b) amptenare van die Stad wat met amptelike aktiwiteite besig is of in opdrag van die Stad daar is; en
- (c) iemand in diens van 'n aangestelde parkeerbestuursdiensverskaffer wat met die uitvoering van sy of haar pligte besig is.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

#### **Peutering met voertuig**

37. (1) Niemand mag op 'n parkeerterrein sonder redelike oorsaak of sonder die wete of toestemming van die eienaar of persoon wettig in beheer van 'n voertuig op enige wyse toring of peuter met die masjinerie, toebehore, onderdele of inhoud van die voertuig, of in of op die voertuig klim, of die masjinerie van die voertuig aan die gang sit nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

#### **Ontsiering van koepoon**

38. (1) Niemand mag, met die bedoeling om die Stad te bedrieg, op 'n parkeerterrein 'n parkeerkoepoon wat ingevolge hierdie Verordening uitgereik is, vervals, namaak, ontsier, skend, wysig of 'n merk daarop maak nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

#### **Onklaar voertuig**

39. (1) Niemand mag 'n voertuig wat meganies onklaar is of om enige rede nie kan beweeg nie, op 'n parkeerterrein parkeer of veroorsaak of veroorloof dat dit daar geparkeer word of bly nie.
- (2) Indien 'n voertuig, nadat dit op 'n parkeerterrein geparkeer is, 'n defek ontwikkel wat dit onbeweeglik maak, moet die persoon in beheer alle redelike stappe doen om die voertuig te laat herstel indien geringe noodherstelwerk gedoen kan word, of dit binne 'n redelike tyd laat verwyder.
- (3) Iemand wat die bepalings van subartikel (1) of (2) oortree, begaan 'n misdryf.

#### **Skoonmaak van voertuig**

40. (1) Niemand mag sonder vooraf goedkeuring deur die Stad 'n voertuig op 'n parkeerterrein of parkeervak skoonmaak of was nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

#### **Weiering van toegang**

41. (1) 'n Gemagtigde beampte kan weier om toegang tot 'n parkeerterrein te gee aan 'n voertuig wat tesame met sy vrag langer as vyf meter is, of wat vanweë die breedte of hoogte daarvan waarskynlik skade aan persone of eiendom sal veroorsaak, of wat 'n versperring of oormatige ongerief sal veroorsaak.
- (2) Iemand wat 'n gemagtigde beampte se weiering van toegang verontagsaam, begaan 'n misdryf.

#### **Parkeertye en klasse voertuie**

42. (1) Die Stad kan, onderworpe aan die bepalings van hierdie Verordening, parkering op 'n parkeerterrein toelaat gedurende die ure wat die parkeerterrein oop is vir parkering van sodanige klasse voertuie soos wat hy kan bepaal.
- (2) Die Stad moet, in 'n kennisgewing wat by die ingang van die parkeerterrein aangebring word, die klasse motorvoertuie wat op die parkeerterrein geparkeer mag word en die oop- en toemaaktye van die parkeerterrein uiteensit.
- (3) Die Stad kan, ondanks 'n kennisgewing wat ingevolge subartikel (2) aangebring is, deur middel van 'n kennisgewing wat op 'n parkeerterrein vertoon word, die parkeerterrein of 'n gedeelte van die parkeerterrein permanent of vir 'n tydperk wat in die kennisgewing vermeld word, vir die parkering van voertuie sluit.
- (4) Niemand mag 'n voertuig parkeer of toelaat om geparkeer te bly op 'n parkeerterrein of gedeelte van 'n parkeerterrein wat ingevolge subartikel (3) gesluit is nie, of op enige ander tyd as gedurende die tye vir die parkeer van voertuie op die parkeerterrein soos wat tyd tot tyd deur die Stad bepaal.
- (5) Niemand mag 'n voertuig op die parkeerterrein parkeer wat nie van die klas of klasse is wat die parkeerterrein vir parkering mag gebruik soos uiteengesit in die kennisgewing wat by die ingang van die parkeerterrein aangebring is nie.
- (6) Niemand mag, tensy hy of sy die houër van 'n parkeerkoepoon is wat ingevolge hierdie Verordening uitgereik is en wat hom of haar magtig om dit te doen, 'n voertuig op 'n parkeerterrein parkeer of laat parkeer of veroorloof om daar te parkeer voor die aanvang of na die verstryking van die parkeertydperk wat vir die parkeerterrein vasgestel is nie.



(7) Iemand wat die bepalings van subartikel (4), (5) of (4) oortree, begaan 'n misdryf.

#### **Reservering deur die Stad**

- 43.** (1) Die Stad kan, deur middel van 'n kennisgewing wat op die parkeerterrein vertoon word, 'n gedeelte van die parkeerterrein reserver vir die parkeer van voertuie wat aan die Stad behoort of voertuie wat deur lede van sy personeel vir stadsake gebruik word.
- (2) Iemand wat 'n voertuig parkeer op 'n gedeelte wat vir die parkeer van voertuie wat aan die Stad behoort of vir lede van die Stad se personeel gereserveer is, begaan 'n misdryf.

#### *Deel 2: Meganies beheerde parkeerterrein*

#### **Parkering van 'n voertuig op 'n meganies of andersins beheerde parkeerterrein**

**44.** (1) Behoudens artikel 2, moet iemand wat—

- (a) 'n voertuig wil parkeer;
- (b) veroorsaak of veroorloof dat 'n voertuig geparkeer word; of
- (c) 'n voertuig toelaat om geparkeer te word;

op 'n meganies of andersins beheerde parkeerterrein, wanneer die parkeerterrein binnegegaan word en nadat die voertuig tot stilstand gebring is, en ooreenkomstig die aanwysings wat op of naby die parkeerkoeponverkoopmasjien vertoon word, 'n parkeerkoepon verkry wat deur die masjien uitgereik word.

(2) Iemand in subartikel (1) beoog mag nie 'n voertuig parkeer nie—

- (a) behalwe op 'n parkeervak en ter voldoening aan sodanige aanwysings as wat deur 'n gemagtigde beampte gegee kan word of, waar daar nie so 'n parkeervak gemerk is nie, op 'n plek wat deur die gemagtigde beampte aangewys word;
- (b) nadat 'n gemagtigde beampte aan die persoon te kenne gegee het dat die parkeerterrein vol is;
- (c) na die verstryking van die parkeertydperk wat op die parkeerkoepon aangedui word; of
- (d) vir 'n langer tydperk as wat deur die teken aangedui word.

(3) 'n Parkeerkoepon wat ingevolge subartikel (1) verkry word, is geldig tot die verstryktyd daarvan soos op die koepon aangedui, en 'n persoon mag nie toelaat dat die voertuig op die parkeerterrein bly na die verstryking van die parkeertydperk nie, met dien verstande dat die Stad 'n stelsel kan implementeer waarvolgens betaling aan die einde van die parkeertydperk vereis word.

(4) Iemand wat nie 'n koepon in ooreenstemming met subartikel (1) verkry nie, of wat die bepalings van subartikel (2) of (3) oortree, begaan 'n misdryf.

#### **Verwydering van 'n voertuig uit 'n meganies of andersins beheerde parkeerterrein**

**45.** (1) Niemand mag 'n voertuig uit 'n parkeerterrein verwyder of die verwydering daarvan veroorsaak of veroorloof nie, tensy Å

- (a) hy of sy aan die gemagtigde beampte 'n koepon getoon het wat hom of haar magtig om op die parkeerterrein te parkeer en wat by die binnegegaan van die parkeerterrein deur die parkeerkoeponverkoopmasjien aan hom of haar uitgereik is; en
- (b) hy of sy die voorgeskrewe parkeergeld aan die gemagtigde beampte betaal het.

(2) Indien iemand versuim om 'n koepon te toon wat hom of haar magtig om op die beheerde parkeerterrein te parkeer, sal daar geag word dat hy of sy die voertuig geparkeer het van die begin van 'n tydperk wat die parkeerterrein vir parkering oop is tot die tyd wat hy of sy die voertuig wil verwyder, en hy of sy sal 'n geld gevra word soos van tyd tot tyd deur die Stad vasgestel.

(3) Niemand mag, nadat hy of sy versuim het om 'n koepon te toon, 'n voertuig wat op die parkeerterrein geparkeer is, verwyder veroorsaak of veroorloof dat dit verwyder word nie, totdat hy of sy aan 'n gemagtigde beampte ander bewys gelewer het van sy of haar reg om die voertuig te verwyder, en die gemagtigde beampte—

- (a) moet van die persoon vereis om bewys van identiteit te toon en om 'n vrywaringsvorm in te vul en te onderteken wat deur die Stad verskaf word, welke vorm die uitwerking het dat die Stad teen enige eise van watter aard ook al deur 'n persoon met betrekking tot die verwydering van die voertuig gevrywaar word; en
- (b) kan van die persoon vereis om sodanige sekuriteit te verskaf wat die Stad kan bepaal.

(4) Subartikel (1)(a) is nie van toepassing waar voorgeskrewe parkeergelde by die binnegegaan van die parkeerterrein betaal is en die persoon wat sodanige gelde betaal het, die vereiste koepon op aanvraag aan die gemagtigde beampte getoon het nie.

(5) Waar 'n voertuig nie teen die einde van die parkeertydperk waarvoor die voorgestelde geld betaal is, uit 'n parkeerterrein verwyder is nie, is 'n verdere heffing, wat die Stad van tyd tot tyd kan vasstel, vir die volgende parkeertydperk betaalbaar.

(6) Iemand wat die bepalings van subartikel (1) oortree, of wat 'n voertuig in stryd met subartikel (3) verwyder of veroorsaak of veroorloof dat dit verwyder word, of wat nie voldoen aan 'n versoek wat 'n gemagtigde beampte ingevolge subartikel (3)(a) of (b) rig nie, begaan 'n misdryf.

#### *Deel 3: Betaal-en-vertoonparkeerterrein*

#### **Parkering van 'n voertuig op 'n betaal-en-vertoonparkeerterrein**

**46.** (1) Iemand wat—

- (a) 'n voertuig wil parkeer;
- (b) veroorsaak of veroorloof dat 'n voertuig geparkeer word; of
- (c) toelaat dat 'n voertuig geparkeer word;

op 'n betaal-en-vertoonparkeerterrein, moet onmiddellik, wanneer die parkeerterrein binnegegaan word, ooreenkomstig die aanwysings wat op of in die nabyheid van die parkeerkoeponverkoopmasjien op die parkeerterrein vertoon word, 'n koepon koop wat deur die masjien uitgereik word, en iemand wat nie aan hierdie subartikel voldoen nie, begaan 'n misdryf.

- (2) Die volgende moet op die parkeerkoeponverkoopmasjien aangedui word:
- die tydperk wat 'n voertuig op die betaal-en-vertoonparkeerterrein geparkeer mag word; en
  - die muntstuk of ander voorgeskrewe voorwerp of metode van betaling wat in die betaal-en-vertoonmasjien ingevoer moet word of in verband daarmee gebruik moet word ten opsigte van die parkeertydperk.
- (3) Die persoon moet die koepon vertoon deur dit aan die binnekant van die voorruit van die voertuig aan die bestuurder se kant aan te bring op so 'n wyse en plek dat die inligting wat deur die betaal-en-vertoonmasjien op die koepon gedruk is, maklik van buite die voertuig gelees kan word.
- (4) Niemand mag toelaat dat 'n voertuig na die verstryking van die vertrektyd wat op die parkeerkoepon getoon word, op 'n parkeer-en-vertoonparkeerterrein bly nie en, tensy bewys tot die teendeel gelewer word, word die datum of dag en tyd van vertrek soos deur 'n parkeerkoeponverkoopmasjien aangeteken, op die oog af geag die korrekte bewys van datum of dag en tyd te wees.
- (5) Niemand mag 'n voertuig op 'n betaal-en-vertoonparkeerterrein parkeer of veroorsaak, veroorloof of toelaat dat 'n voertuig geparkeer word as 'n parkeerkoepon nie van die parkeerkoeponverkoopmasjien verkry kan word nie of as 'n kennisgewing wat op die masjien vertoon word, aantoon dat dit buite werking is.
- (6) Indien 'n voertuig uit 'n betaal-en-vertoonparkeerterrein verwyder en binne die tydperk wat die parkeerkoepon geldig is na die parkeerterrein teruggebring word, is die koepon steeds geldig.
- (7) Die besit van 'n geldige parkeerkoepon ten opsigte van 'n voertuig wat nie op 'n parkeervak is nie, waarborg nie die beskikbaarheid van 'n onbesette parkeervak nie.
- (8) Iemand wat die bepalinge van subartikel (3), (4) of (5) oortree, begaan 'n misdryf.

#### **Diverse misdrywe ten opsigte van 'n betaal-en-vertoonparkeerterrein**

47. Iemand begaan 'n misdryf as hy of sy—

- die volgende in 'n parkeerkoeponverkoopmasjien invoer of probeer invoer—
  - 'n vervalste muntstuk;
  - waar 'n ander soort voorwerp gebruik moet word, 'n vals voorwerp;
  - 'n muntstuk wat nie 'n Suid-Afrikaanse betaalmiddel is nie; of
  - enige voorwerp wat nie bedoel is om in die parkeerkoeponverkoopmasjien ingevoer te word nie;
- 'n parkeerkoopmasjien of toebehoorsel daarvan ruk, stamp, skud of op enige ander wyse daaraan torring of peuter of dit beskadig of skend, of 'n teken, plakkaat, advertensie, kennisgewing, lys, dokument, bord of voorwerp aan 'n parkeerkoopmasjien aanbring of probeer aanbring, of daarop verf of skryf of dit ontsier; of
- 'n parkeerkoopmasjien of enige deel van die masjien van sy montering verwyder of probeer verwyder.

### **HOOFSTUK 4**

#### **TAXI'S EN BUSSE**

##### *Deel 1: Spesiale parkeerplekke vir taxi's*

#### **Spesiale parkeerplekke vir taxi's**

48. (1) Die Stad kan, behoudens enige ander verordening van die Stad met betrekking tot taxi's, spesiale parkeerplekke tot stand bring vir gebruik deur taxi's of die parkeer van 'n taxi wat behoort aan 'n persoon aan wie 'n staanplek-toegangsbewys om die parkeerplek te gebruik of 'n taxi te parkeer, uitgereik is.
- (2) 'n Staanplek-toegangsbewys kan uitgereik word waarvolgens 'n bepaalde spesiale parkeerplek of onderverdeling van 'n spesiale parkeerplek aan 'n bepaalde persoon of motorvoertuig toegewys word vir sy, haar of die voertuig se uitsluitlike gebruik.
- (3) Indien daar op 'n bepaalde tyd nie ruimte op 'n spesiale parkeerplek beskikbaar is vir die parkeer van 'n taxi deur 'n houder van 'n staanplek-toegangsbewys of vir 'n taxi waarop die staanplek-toegangsbewys betrekking het nie, moet die taxi op 'n waggebied geparkeer word wat gespesifiseer word deur 'n behoorlik aangestelde taxifasiliteitsbeampte wat by die spesiale parkeerplek werksaam is, soos in artikel 49 beoog, totdat die taxifasiliteitsbeampte of enige ander behoorlik aangestelde persoon die persoon ontbied en toestemming gee dat die taxi op die spesiale parkeerplek geparkeer kan word.
- (4) Geen persoon of motorvoertuig behalwe die persoon of motorvoertuig wat in subartikel (2) bedoel word, mag, behalwe uit hoofde van 'n staanplek-toegangsbewys, die spesiale parkeerplek of sy onderverdeling gebruik of daarop geparkeer word nie, en iemand wat hierdie bepaling oortree, of iemand wat 'n motorvoertuig op 'n ander waggebied parkeer behalwe die een wat in subartikel (3) beoog word, begaan 'n misdryf.

#### **Taxiparkering**

49. (1) 'n Bestuurder mag, behoudens subartikel (2) en artikel 48 en behoudens aan enige ander verordening van die Stad met betrekking tot taxi's—
- 'n taxi slegs op 'n spesiale parkeerplek of taxiwaggebied parkeer, en slegs met die doel om sake te doen wat regstreeks met die taxi verband hou; of
  - slegs op 'n spesiale parkeerplek of 'n taxistilhouplek wat voorsien is, te huur wees of passasiers op- of aflaai.
- (2) In noodgevalle of by ontspannings- en ander soortgelyke funksies kan die Stad tydelike taxifasiliteite opsy sit wat deur die hoofverkeersbeampte as geskik vir die parkeer en stilhou van taxi's geïdentifiseer is.
- (3) Iemand wat die bepalinge van subartikel (1) oortree, of wat 'n taxi parkeer of daarmee stilhou op 'n ander plek as 'n tydelike taxifasiliteit in subartikel (2) beoog, begaan 'n misdryf.

#### **Gebruik van taxistaanplekke**

50. (1) Onderworpe aan enige ander verordening van die Stad met betrekking tot taxi's—
- kan 'n bestuurder, behoudens subartikel (3), 'n taxi parkeer op die taxistaanplek wat op die staanplek-toegangsbewys spesifiek vir daardie taxi uitgereik, gespesifiseer word, as daar plek beskikbaar is, en slegs met die doel om sake te doen wat regstreeks met die taxi verband hou; en

- (b) moet 'n bestuurder, as daar geen plek beskikbaar is nie, die taxi verwyder en dit op 'n waggebied parkeer in ooreenstemming met die bepalings van artikel 48.
- (2) Die bestuurder moet, wanneer hy of sy te huur op 'n taxistaanplek is, in 'n tou staan, en moet—
- (a) sy of haar taxi op die eerste beskikbare vakante plek in die tou onmiddellik agter die taxi plaas wat reeds voor staan; en
- (b) sy of haar taxi vorentoe beweeg na gelang die tou vorentoe beweeg.
- (3) Wanneer 'n taxi op 'n taxistaanplek te huur is—
- (a) moet die bestuurder van 'n taxi wat die eerste, tweede of derde posisie van die voerpunt van die tou beklee, naby sy of haar taxi bly terwyl dit in daardie posisie is;
- (b) mag 'n bestuurder nie sy of haar taxi voor enige taxi plaas wat voor hom of haar aangekom het en 'n posisie in die tou ingeneem het nie; en
- (c) kan 'n bestuurder, as sy of haar taxi die eerste taxi in die tou is, op die versoek van iemand reageer, tensy die persoon duidelik sy of haar voorkeur te kenne gee vir 'n taxi wat nie voor in die tou is nie.
- (4) Niemand mag 'n taxi wat nie in 'n behoorlik werkende toestand is soos deur die Wet vereis word, op 'n taxistaanplek parkeer of veroorsaak of veroorloof dat die taxi in 'n staanplek bly nie.
- (5) Niemand mag 'n voertuig op 'n taxistaanplek parkeer of toelaat dat 'n voertuig daar staan nie, behalwe 'n taxi in besit van 'n geldige bedryfslisensie en waarvoor 'n staanplek-toegangsbewys, wat die staanplek spesifiseer, vir die betrokke jaar uitgereik is, soos in hierdie Deel van Hoofstuk 4 beoog.
- (6) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

#### **Verbod op parkering van taxi's op "stilhou verbode"-plek**

51. Geen taxibestuurder mag 'n taxi op 'n "stilhou verbode"-plek parkeer nie, en 'n taxibestuurder wat dit doen, begaan 'n misdryf.

#### **Versiening en was van taxi's by taxifasiliteite**

52. (1) Niemand mag 'n motorvoertuig by 'n taxifasiliteit herstel of versien nie.
- (2) Niemand mag 'n motorvoertuig by 'n taxifasiliteit was nie, behalwe by 'n wasplek by die fasiliteit wat spesiaal vir hierdie doel gebou is.
- (3) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

#### **Verbode gedrag by 'n taxistaanplek**

53. Iemand wat 'n steurnis veroorsaak of op 'n oproerige of onbetaamlike wyse optree, begaan 'n misdryf ingevolge hierdie Verordening en kan deur enige gemagtigde beampte uit 'n tou, taxistaanplek of die omgewing van 'n taxifasiliteit verwyder word.

### *Deel 3: Busfasiliteite en -permitte, en bedryf van busse*

#### **Totstandbring van busfasiliteite**

54. Die bepalings van artikel 48(1), (2) en (3) is, met die nodige veranderinge, op busse van toepassing.

#### **Onderskeidende bushaltes**

55. (1) Elke bushalte moet deur die toepaslike verkeersteken onderskei word om die soort bus of minibus-taxi of, waar van toepassing, die naam van die instansie wat daarop geregtig is om die bushalte, aan te dui.
- (2) Die Stad kan bushaltes vir toerbusse afbaken.

#### **Bestemmingstekens en stilhou of parkering by bushaltes**

56. (1) Geen bestuurder of persoon in beheer van 'n bus of minibus-taxi mag so 'n voertuig by 'n bushalte parkeer of toelaat dat so 'n voertuig by enige bushalte geparkeer word nie.
- (2) Geen bestuurder van of persoon in beheer van 'n minibus-taxi mag so 'n voertuig stilhou of parkeer by enige afgebakende toerbus-bushaltes, of dit toelaat, nie.
- (3) Ondanks die bepalings van subartikel (1) kan 'n bestuurder of persoon in beheer van 'n Stadbus 'n Stadbus by 'n bushalte wat afgemerk is vir 'n onderneming wat Stadbusse bedryf, parkeer indien hy of sy dit moet doen om die vertrek van so 'n bushalte af te vertraag ten einde by die vereiste busrooster te hou.
- (4) 'n Bestuurder of persoon in beheer van 'n bus of minibus-taxi moet aan enige verkeersteken, kennisgewing of padmerk wat by 'n bushalte voorkom of vertoon word, gehoor gee.
- (5) Waar 'n verkeersteken 'n bushalte identifiseer of 'n ander teken by die bushalte vertoon word wat die naam van 'n onderneming aandui, mag geen bestuurder of persoon in beheer van 'n bus of minibus-taxi wat deur of namens 'n ander onderneming as die onderneming wat op die teken aangedui word, bedryf word, so 'n voertuig stop of 'n passasier toelaat om by so 'n bushalte in die voertuig te klim of daar af te klim nie.
- (6) 'n Bestuurder of persoon in beheer van 'n bus moet toesien dat 'n bestemmingsteken in die bus vertoon word.
- (7) Geen bestuurder of persoon in beheer van 'n bus of minibus-taxi mag toelaat dat die enjin van so 'n bus wat toegelaat word om by enige bushalte stil te hou, langer as 20 minute nadat die bus stilgehou het, loop nie.
- (8) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

### **HOOFSTUK 5**

#### **DIVERSE BEPALINGS**

#### **Gehoorsaam van en inmenging met 'n gemagtigde beampte**

57. (1) 'n Gemagtigde beampte mag alle verkeer deur middel van sigbare of hoorbare tekens reël, en niemand mag sulke tekens verontagsaam nie.
- (2) Niemand mag 'n gemagtigde beampte in die uitoefening van die bevoegdheids in subartikel (1) bedoel, dwarsboom, hinder, beledig of met hom of haar inmeng nie.
- (3) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

### Appel

58. (1) 'n Persoon wie se regte aangetas word deur 'n besluit wat ingevolge hierdie Verordening geneem is en in die geval waar die mag of plig om 'n besluit te neem aan die besluitnemer gedelegeer of gesubdelegeer word, kan teen sodanige besluit appelleer deur die munisipale bestuurder binne 21 dae na die datum van die kennisgewing van die besluit skriftelik van die appel en die redes daarvoor kennis te gee.
- (2) Die appèlgesag moet die appel oorweeg en die besluit bevestig, verander of herroep, maar sodanige verandering of herroeping mag nie afbreuk doen aan enige regte wat as gevolg van die besluit toegeval het nie.
- (3) Wanneer daar geappelleer word teen 'n besluit wat geneem is deur—
- 'n ander personeellid as die munisipale bestuurder, is die munisipale bestuurder die appèlgesag; of
  - die munisipale bestuurder, is die uitvoerende burgemeesterskomitee die appèlgesag.
- (4) Die appèlgesag moet binne ses weke met 'n appel begin en die appel binne 'n redelike tyd afhandel.

### Verkoop van geskutte voertuie

59. (1) Die Stad moet—
- binne 14 dae nadat 'n voertuig geskut is, by die hof aansoek doen vir magtiging om die voertuig te verkoop; en
  - in die aansoek in paragraaf (a) beoog, aan die hof bewys lewer dat hy of sy 'n staat soos in subartikel (2) beoog, aan die eienaar besorg het.
- (2) Die staat in subartikel (1)(b) beoog moet die gelde en koste insluit wat ingevolge hierdie Verordening verskuldig is.

### Prosedure wat by 'n hofaansoek gevolg moet word

60. 'n Hofaansoek vir die verkoop van 'n geskutte voertuig ingevolge hierdie Verordening moet voldoen aan die prosedure beoog in artikel 66 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), en reël 41 van die Hofreëls gemaak deur die Reëlsraad vir Geregshowe ingestel deur artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet 107 van 1985), en gepubliseer kragtens Goewermentskennisgewing R.1108 in Regulasiekoerant No. 980 van 21 Junie 1968, soos van tyd tot tyd gewysig, gelees met die nodige veranderinge.

### Voldoeningskennisgewings en die verhaling van koste

61. (1) Ondanks enige andersluidende bepaling van hierdie Verordening, kan die Stad—
- waar die Stad se toestemming nodig is voordat 'n persoon 'n bepaalde handeling kan verrig of enigiets mag bou of oprig en sodanige toestemming nie verkry is nie; en
  - waar enige bepaling van hierdie Verordening oortree word in omstandighede waar die oortreding deur die verwydering van enige struktuur, voorwerp, materiaal of middel beëindig kan word,
- 'n skriftelike kennisgewing aan die eienaar van die perseel of die oortreder, na gelang van die geval, beteken om sodanige oortreding te staak of om die struktuur, voorwerp, materiaal of middel te verwyder, of om sodanige stappe te doen wat die Stad kan vereis om sodanige oortreding reg te stel binne die tydperk wat in sodanige kennisgewing vermeld word.
- (2) Iemand wat versuim om aan 'n kennisgewing ingevolge subartikel (1) te voldoen, begaan 'n misdryf, en die Stad kan, met voorbehoud van sy bevoegdhede om teen die oortreder op te tree, die nodige stappe doen om sodanige kennisgewing op koste van die eienaar van die perseel of die oortreder, na gelang van die geval, ten uitvoer te bring.

### Vermoedens

62. (1) Vir die doel van hierdie Verordening word die persoon op wie se naam 'n geparkeerde voertuig op 'n parkeerterrein gelisensieer is, geag die persoon in beheer van die voertuig te wees, tensy en totdat hy of sy die teendeel bewys.
- (2) 'n Motorvoertuig wat op 'n taxifasiliteit of bushalte gevind word of wat op 'n taxifasiliteit of bushalte tot stilstand gebring is, word geag te huur te wees, tensy die teendeel bewys word.
- (3) (a) Waar dit by enige vervolging ingevolge die gemenerereg met betrekking tot die bestuur van 'n voertuig op 'n openbare pad, of ingevolge hierdie Verordening, nodig is om te bewys wie die bestuurder van so 'n voertuig was, word daar, by gebrek aan bewys tot die teendeel, vermoed dat so 'n voertuig deur die eienaar daarvan bestuur is.
- (b) Wanneer 'n voertuig in stryd met enige bepaling van hierdie Verordening geparkeer word, word daar, by gebrek aan bewys tot die teendeel, vermoed dat so 'n voertuig deur die eienaar daarvan geparkeer is.
- (c) Vir die doeleindes van hierdie Verordening word daar, by gebrek aan bewys tot die teendeel, vermoed dat, waar die eienaar van die betrokke voertuig 'n regs persoon is, so 'n voertuig deur 'n direkteur of dienaar van die regs persoon in die uitoefening van sy of haar bevoegdhede of in die uitvoering van sy of haar pligte as sodanige direkteur of dienaar of ter bevordering van die belange van die regs persoon bestuur of parkeer is.
- (4) By enige vervolging ingevolge hierdie Verordening is die feit dat 'n persoon voorgee of voorgegee het om as 'n verkeersbeampte of vredesbeampte op te tree prima facie-bewys van sy of haar aanstelling en gesag om so op te tree; hierdie artikel is egter nie van toepassing op vervolging op 'n klag van identiteitsbedrog nie.
- (5) Iemand wat passasiers met 'n motorvoertuig vervoer, word vermoed sodanige passasiers teen huur of beloning te vervoer het, en so 'n voertuig word vermoed 'n taxi te wees, tensy die teendeel bewys word.
- (6) 'n Dokument wat voorgee 'n kwitansie van vooraf betaalde geregistreerde pos, 'n telefaktransmissieverslag of 'n ondertekende erkenning van handaflewering te wees, is by voorlegging deur 'n persoon wat ingevolge hierdie Verordening vervolgd word, toelaatbare getuienis en prima facie-bewys dat dit sodanige kwitansie, transmissieverslag of erkenning is.

### Boetes

63. Iemand wat 'n misdryf ingevolge hierdie Verordening begaan het, is by skuldigbevinding, en onderworpe aan boetes wat in enige ander wet voorgeskryf word, strafbaar met—
- 'n boete, of by wanbetaling, met gevangenisstraf, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met sowel sodanige boete as sodanige gevangenisstraf; en
  - in die geval van 'n agtereenvolgende of voortdurende misdryf, met 'n boete vir elke dag wat sodanige misdryf voortduur, of by wanbetaling, met gevangenisstraf.

**Herroeping van verordeninge**

64. Die verordeninge wat in die Bylae hierby gelys word en enige verordening wat voorheen afgekondig is deur die Stad of enige van die ontbinde munisipaliteite wat nou by die Stad ingelyf is, word, in soverre dit met enige aangeleentheid verband hou waarvoor daar in hierdie Verordening voorsiening gemaak word, hiermee herroep.

**Kort titel**

65. Hierdie Verordening word die Stad Kaapstad: Parkeerverordening, 2010, genoem.

**BYLAE**

## Bellville Munisipaliteit

Provinsiale Kennisgewing no.	Titel	Omvang van herroeping
P.K. 852/1969	Parkeermeter	Die geheel
P.K. 1151/1971	Parkering van swaar voertuie en karavane	Die geheel
P.K. 779/1985	Tolparkering	Die geheel

## Durbanville Munisipaliteit

Provinsiale Kennisgewing no.	Titel	Omvang van herroeping
P.K. 286/1975	Parkering van swaar voertuie, karavane en sleepwaens	Die geheel

## Kaapstad Munisipaliteit

Provinsiale Kennisgewing no.	Titel	Omvang van herroeping
P.K. 0519/1979	Vrystelling van tolparkering	Die geheel
P.K. 0430/1983	Vrystelling van tolparkering	Die geheel
P.K. 0538/1985	Vrystelling van tolparkering	Die geheel

## Brackenfell Munisipaliteit

Provinsiale Kennisgewing no.	Titel	Omvang van herroeping
P.K. 737/1974	Parkering van swaar voertuie en karavane	Die geheel

## Goodwood Munisipaliteit

Provinsiale Kennisgewing no.	Titel	Omvang van herroeping
P.K. 1044/1971	Parkeermeter	Die geheel

## Kraaifontein Munisipaliteit

Provinsiale Kennisgewing no.	Titel	Omvang van herroeping
P.K. 574/1973	Parkering van swaar voertuie en karavane	Die geheel

**ISIXEKO SASEKAPA  
UMTHETHO KAMASIPALA WOKUPAKA, 2010**

**IMBULAMBETHE**

**NJENGOKO** iCandelo 156(2) no-(5) loMgaqo-siseko linikezela ukuba umasipala angenza aphinde alawule imithetho kamasipala kulawulo olusebenzayo lwemiba apho anelungelo khona ukuba alawule, aphinde asebenzise nawaphina amagunya ngokunxulumene nombona onentsingiselo efanelekileyo, okanye ohambisana nenkqubela-phambili kumsebenzi wakhe;

**NANJENGOKO** iSigaba B seShedyuli 5 kuMgaqo-siseko sidwelisa izihamba-ndlela nokupaka njengomba karhulumente wengingqi kangangoko kuchaziwe kwiCandelo 155(6) (a) no-(7);

**NANJENGOKO** isiXeko saseKapa sifuna ukulawula ukupaka ngaphakathi kommandla waso wolawulo nemiba ehambelana noku;

**NGOKU KENGOKO, OWISWA NGOKUSEMTHETHWENI** liBhunga lesiXeko saseKapa, ngolu hlobo lulandelayo—

**ULUHLU LWEZIQULATHO**

1. INkcazelo
2. Injongo

**ISIAHLUKO 1**

**AMALUNGISELELO JIKELELE ANXULUMENE NOKUPAKA**

*ISigaba soku-1: Amalungiselelo jikelele*

3. Ulawulo lokupaka
4. Ukupaka kwindawo yokothula nokulayisha izinto
5. Ukupaka kwindawo yokumisa ibhasi okanye indawo emiselwe indlela yebhasi
6. Ukupaka kwindlela kawonke-wonke
7. Ukupaka kwisiqithi sezihamba-ndlela (traffic island)
8. Ukupaka ngakwindawo ethengisayo okanye umthengisi wesithuthi
9. Ukupaka isithuthi esilungiswayo
10. Ukupaka izithuthi ezinzima neekharavani
11. Ukhululo lwabasebenzi bezonyango kwizithintelo zokupaka
12. Ukukhulula (outspanning) kwiindlela zikawonke-wonke

*ISigaba sesi-2: Iipemethe zokupaka*

13. Iipemethe yokupaka yomhlali
14. Iipemethe yokupaka yexeshana
15. Iipemethe yezowuni yomsebenzi
16. Iipemethe yokupaka yemisebenzi kamasipala
17. Iimeko nemvelaphi yeepemethe zokupaka
18. Iindawo zokupaka ezigcinelwe abakhubazekileyo, oonozakuzaku bamanye amazwe, iiNkonzo zamaPolisa oMzantsi Afrika kunye namanye amaqela aphawuliweyo.

**ISIAHLUKO 2**

**IIMITHA ZOKUPAKA NENTLAWULO YOKUPAKA**

19. Ukufakelwa kweemitha zokupaka okanye ukusetyenziswa kwaso nasiphina isixhobo esingisinye sokugcina ixesha ekupakwe ngalo
20. Indlela yokupaka
21. Intlawulo yokupaka
22. Uthintelo lokupaka kwindawo emiselwe ukupaka
23. Ukubhucabhuca okanye ukuphazamisana nemitha yokupaka okanye isixhobo esithile sokupaka
24. Ikhoyini emiselwe ukuyifaka kuphela
25. Ukusetyenziswa okungekho mthethweni kwemitha yokupaka
26. Ukupaka okungekho mthethweni nokubamba okanye ukususa izithuthi ezipakwe ngokungekho mthethweni
27. Ukhululo

**ISIAHLUKO 3**

**IMIHLABA YOKUPAKA**

*ISigaba soku-1: Amalungiselelo jikelele*

28. IsiXeko asinokubekwa tyala kwilahleko okanye umonakalo
29. Ukuphazamisana nabasebenzi abagunyazisiweyo, namagosa agunyazisiweyo okanye iimashali zokupaka



30. Intlawulo yomrhumo omiselweyo
31. Ukuqwalaselwa kweempawu
32. Indlela yokupaka nokususwa kwesithuthi
33. Isithuthi esishiywe sodwa
34. Umonakalo kwiinotisi
35. Ukuqhuba ngokungakhathali nangokuyingozi nezithintelo zesantya
36. Ukungena okanye ukuhlala kumhlaba wokupaka
37. Ukubhucabhuca isithuthi
38. Ukonakalisa itikiti
39. Isithuthi esinesiphene
40. Ukucoca /ukuhlamba isithuthi
41. Ukungavunyelwa ukungena
42. Iiyure zokupaka neendidi zezithuthi
43. Ugcino olwenziwa sisiXeko

***ISigaba sesi-2: Umhlaba wokupaka olawulwa ngokusebenzisa oomatshini***

44. Ukupaka isithuthi kumhlaba osebenzisa oomatshini okanye okungokunye
45. Ukususwa kwesithuthi kumhlaba osebenzisa oomatshini okanye okungokunye

***ISigaba sesi-3: Umhlaba wokupaka ongu-Bhatala-ubonise***

46. Ukupaka isithuthi kumhlaba wokupaka ongu-bhatala-ubonise
47. Izohlwayo ezingezinye ezinxulumene nomhlaba wokupaka ongu-bhatala-ubonise

**ISIAHLUKO 4**

**IITEKSI NEEBHASI**

***ISigaba soku-1: Iindawo ezizodwa zokupaka iiteksi***

48. Iindawo ezizodwa zokupaka iiteksi
49. Ukupaka kweeteksi
50. Ukusetyenziswa kweerenki zeeteksi
51. Uthintelo lokupakwa kweeteksi kwiindawo ezingamelanga kumisa kuzo
52. Ukuseiswa nokuhlanjwa kweeteksi kwizibonelelo zeeteksi
53. Indlela yokuziphatha engavunyelwanga kwirenki yeeteksi

***ISigaba sesi-2: Izibonelelo zebhasi neepemethe nokusebenza kweebhasi***

54. Ukusekwa kwezibonelelo zebhasi
55. Ukwahluka kweendawo nezokumisa iibhasi
56. Iimpawu zeendawo ekuyiwa kuzo nokupaka kwiindawo zokumisa iibhasi

**ISIAHLUKO 5**

**AMALUNGISELELO ANGAMANYE**

57. Ukuthobela nokuphazamisana negosa eligunyazisiweyo
58. Isibheno
59. Intengiso yezithuthi ezithinjweyo
60. Inkqubo ekufuneka ilandelwe kwisicelo senkundla
61. Iinotisi zokuthobela nokufumanisa kwakhona amaxabiso
62. Ukucingela (Presumptions)
63. Izohlwayo
64. Ukurhoxiswa komthetho kamasipala
65. Itayitile emfutshane noqaliso

**Iinkcazelo**

1. (1) Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo ubonisa ngenye indlela:

“**isilwanyana**” sithetha nasiphina isilwanyana esinjengehashe, njengenkomo, igusha, ibhokhwe, iinkukhu, inkamela,inja, ikati okanye ezinye izilwanyana zasekhaya okanye intaka, okanye nasiphina isilwanyana sasendle, okanye isilwanyana esirhubuluzayo (reptile) esikugcino okanye esiphantsi kolawulo lomntu, okanye izinambuzane ezinjengeenyosi ezigciniweyo okanye eziphantsi kolawulo lomntu;

“**kwamkelwe**” kuthetha ukwamkelwa sisiXeko, luze ”ulwamkelo” lube nentsingiselo ekwafana nale;

“**igosa eligunyazisiweyo**” lithetha umhloli weelayisensi, umvavanyi wezithuthi, iwadeni yezihamba-ndlela okanye igosa lezihamba-ndlela ngokweCandelo 3A le-National Road Traffic Act, 1996(uMthetho 93 ka-1996), kukwaquka nawuphina umntu owonyulwe nguwo nawuphina umbutho nogunyaziswe sisiXeko;

“**umsebenzi ogunyazisiweyo**” uthetha nawuphina umntu oqeshwe sisiXeko onoxanduva lokwenziwa kwawo nawuphina umsebenzi okanye ugunyaziso lwamagunya phantsi kwalo mthetho kamasipala okanye nawuphina umntu osebenzela isiXeko omiselwe okanye ugunyaziselwe ukwenza nawuphina umsebenzi okanye omiselwe ukugunyazisa nawuphina amagunya kuzalisekiso lwalo mthetho kamasipala;

“**ibhulorho**” ithetha ibhulorho, njengoko kumiswe njalo kwi-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

“**ibhasi**” ithetha isithuthi esiyilelwe okanye esamkelwe ngokusemthethweni ngumvelisi obhalisiweyo ngokuthobelana ne-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ukuba ithwale abantu abangama-34, ukuquka nomqhubi, kwaye oku kuquka nebhasi enguloliwe;

“**indawo yokumisa ibhasi**” ithetha indawo engumda okanye isiza apho abakhweli banokukhwela okanye behle ebhasini nebonakaliswa luphawu olufanelekileyo lwezihamba-ndlela ekuboniseni udidi lwebhasi okanye, apho kufaneleke khona, igama lalowo unelungelo lokusebenzisa indawo leyo yokuma;

“**ibhasi enguloliwe**” ithetha ibhasi—

- (a) equlathe amacandelo amabini adibanayo ukuze abe ziyunithi;
- (b) ingajikajika kwindawo ethe tyaba kuthungelwano phakathi kwalo macandelo;
- (c) iyilelwe okanye yamkelwe iyonke okanye ikakhulu ekuhambiseni umqhubi kunye nabanye abantu abali-100 ubuncinane; kwakunye
- (d) nokuba inendlelana eqhubekayo kubude bayo;

“**ikharavani**” ithetha nasiphina isithuthi esifakelwe ngokusisigxina ukuba sisetyenziswe ngabantu kwiinjongo zokuhlala nokulala kuso, nokuba eso sithuthi sisisikhoji okanye asisiso;

“**IGosa eliyiNtloko leziHamba-ndlela**” lithetha iGosa eliyiNtloko leziHamba-ndlela lesiXeko nalapho nawuphina umsebenzi, amagunya nokusebenza kunikezelwe kuye, kukwaquka nalo naliphina igosa elingelinye eliphantsi kolawulo walo;

“**IsiXeko**” sithetha isiXeko saseKapa esisekwe yiNotisi yePhondo 479 ka-2000, kwaye siquka naluphina ulwakhiwo lwezopolitiko, umthwali we-ofisi yezopolitiko, naliphina igosa eligunyazisiweyo okanye nawuphina umsebenzi obambeleyo phantsi kweziphatha-mandla ezigunyazisiweyo;

“**Ibhasi yesiXeko**” ithetha ibhasi eyinxenye yenkonzo yebhasi esetyenziswa sisiXeko, okanye isibonelelo esithile sikamasipala wesiXeko, nokuba bayazenzela okanye iqhutywa ngumnikezeli wenkonzo onesivumelwano okanye ikhontrakthi yesiXeko okanye nesibonelelo sikamasipala wesiXeko;

“**ikhadi lesiXeko**” lithetha naluphina uxwebhu okanye ikhadi, nokuba loluphina uhlobo, elinikezelwe sisiXeko ukuze lisetyenziswe njen- gendlela yokubhatalela ukupaka;

“**imitha edityanelweyo yokupaka**” ithetha isibonelelo esiqulathe ngaphezulu kwemitha enye yokupaka;

“**itikiti**” lithetha isixhobo, nokuba sesombane okanye akunjalo, nesiyakuthi ngokunokwaso okanye ngokusidibanisa nenye into sivumele okanye senze ngathi sivumela umnikazi ukuba apake nasiphina isithuthi kwindawo yokupaka okanye umhlaba wokupaka, kwaye kukwaquka nasiphina isixhobo esinikezelwa sisiXeko kumaxesha ngamaxesha;

“**umrhwebi**” uthetha umntu othi ukuze afumane inzuzo, aqhube ishishini lokuthengisa, ukuthenga, ukutshintshisa okanye ukufaka egaraji izithuthi;

“**Indawo emiselwe ibhasi**” ithetha indawo endleleni emiselwe ukuba isetyenziswe ziibhasi kuphela kunye nezinye izithuthi ezigunyazisiweyo, nesenokuba sisibonelelo esohlukileyo ngokwelungelo laso, inxenye yomphezulu obanzi wendlela esetyenziswa zizihamba-ndlela jikelele nowahluliweyo kwiileyini jikelele ngomgca opeyintiweyo, okanye inxenye yomphezulu obanzi wendlela osetyenziswa zizihamba-ndlela jikelele nowahlulwe kwizihamba-ndlela jikelele sisithinteli esilngumda okanye nakuphina ukwahlulwa okubonakalayo okunjalo;

“**umqhubi**” uthetha nawuphina umntu oqhuba okanye ozama ukuqhuba nasiphina isithuthi okanye oqhuba okanye ozama ukuqhuba nayiphina into esebenzisa imicephe yokunyova “**ayiqhube**” okanye njengalo naliphina elinye igama elinentsingiselo ehambelana nale;

“**isiganeko**” sithetha—

- (a) nawuphina umdlalo, ulonwabo okanye isiganeko sokuzonwabisa, ukuquka imidlalo yeqonga;
- (b) nasiphina isiganeko semfundo, esenkubeko okanye esenkolo;
- (c) nasiphina isiganeko sezoshishino, ukuquka iziganeko zokushishina, unxulumano nabantu kunye neziganeko zentengiso okanye imi- boniso; okanye
- (d) nasiphina isiganeko sesisa, ukuquka inkomfa, isiganeko sombutho okanye esoluntu kummandla,

okanye nawuphina umsebenzi ofanayo obanjelwe kwibala lezemidlalo, kwindawo ethile okanye kwindlela ethile okanye icandelo layo elicwangcisiweyo, elinenkqubo ecacileyo, ulawulo noxanduva lokunika inkcaza, kodwa ngaphandle kwesiganeko esiququzelelwa ngumntu wabucala kwisikhundla sakhe abucala kuyo nayiphina indawo, okanye ukwenziwa kwefilimu ngokunxulumene nomthetho kamasipala onxulumene nokwenziwa kwefilimu;

“**umvavanyi wezithuthi**” uthetha ‘umvavanyi wezithuthi’ njengoko kuchaziwe kwiCandelo 1 le-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

“**indlela yeenyawo**” ithetha ela candelo okanye amacala akude kwindlela kawonke-wonke, nethi nangona ingachazwanga okanye yenziwe, isetyenziswa ngabahambi-nyawo njengepevemente;

“**izithuthi ezifanelekileyo**” zithetha isithuthi esiyilelwe okanye esamkelwe njengesithuthi sokuhambisa izinto kwindlela kawonke-wonke;

“**izithuthi ezinzima**” kuthetha isithuthi okanye izithuthi zidibene ezinobunzima bubonke besithuthi obungaphezulu kwama-3,500kg;

“**indawo yokulinda**”, ngokunxulumene neteksi, ithetha indawo engeyiyo irenki, apho iteksi ilinda khona de kufumaneka indawo yayo eren- kini okanye kwindawo yokumisa;

**“imashali”** ithetha umntu owenza amalungiselelo nezinye iinkqubo ezinxulumene nesithuthi kwizibonelelo zeeteki;

**“umhlaba wokupaka olawulwa ngoomatshini okanye okungokunye”** uthetha umhlaba wokupaka apho isango lokungena lilawulwa ngoomatshini onjengebhumi (boom), ezivulayo okanye evulwa ngesandla xa unikezele isiqinisekiso sokuba kukho intlawulo eyenziweyo njengoko kumiswe njalo sisiXeko kwishedyuli yeerhafu zonyaka;

**“indawo yokupaka enemitha”** ithetha indawo yokupaka apho kufakelwe khona imitha yokupaka okanye apho isixhobo esibanjwa ngesandla sisetyenziswa okanye apho kuzalisekiswa inkqubo yentlawulo ngekhompyutha;

**“umhlaba wokupaka onemitha”** uthetha umhlaba wokupaka okanye nayiphina indawo engenye apho ukupaka kulawulwa ngemitha yokupaka okanye iimitha;

**“i-midi-bus”** ithetha isithuthi esiyilelwe okanye esamkelwe ngokusemthethweni ngumvelisi obhalisiweyo ngokuthobelana ne-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ukuba silayishe abantu abangaphezulu kwe-16 kodwa abangaphantsi kwama-35, ukuquka nomqhubi;

**“i-mini-bus”** ithetha isithuthi esiyilelwe okanye esamkelwe ngokusemthethweni ngumvelisi obhalisiweyo ngokuthobelana ne-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ukuba silayishe abantu abangaphezulu kwethoba kodwa abangekho ngaphezulu kwe-16, ukuquka nomqhubi;

**“i-minibus-teksi”** ithetha imoto, i-midi-bus okanye i-mini-bus enelayisensi yokusebenza eyigunyazisela ukuba isebenzise inkonzo yezithuthi zikawonke-wonke engamiselwanga xesha kwindlela okanye iindlela ezithile, okanye apho kufaneleke khona, ngaphakathi kummandla othile;

**“uMphathiswa”** uthetha uMphathiswa wezoThutho kuZwelonke okanye kwiPhondo;

**“isithuthi”** sithetha nasiphina isithuthi esiqhutywayo kunye—

- (a) nesikhoji; kunye
- (b) nesithuthi esineepedali ne-enjini okanye isithuthi sikagesi njengenxeny ebalulekileyo okanye edityanisiweyo kuso nesiyilelwe okanye esamkelwe ukuba siqhutywe ngalo micephe, i-enjini okanye imoto, okanye zombini, iiphedali ne-enjini okanye imoto, kodwa asibandakanyi-
  - (i) isithuthi esiqhutywa ngombane osuka kwiibhetri ezigciniweyo nesilawulwa ngumhambi ngeenyawo; okanye
  - (ii) isithuthi esinobunzima obungekho ngaphezulu kwama-230 kilograms nesiyilwe futhi sakhiwa ngokukodwa, kodwa singamkelwanga ukuba sisetyenziswe nangabanina onesifo esithile sasemzimbeni okanye ukukhubazeka kwaye sisetyenziswe ngulo mntu kuphela;

**“ukusebenza”**, ngokunxulumene nesithuthi, oku kuthetha ukusebenzisa okanye ukuqhuba isithuthi, okanye ukuvumela isithuthi ukuba sisetyenziswe okanye siqhutywe kwindlela kawonke-wonke, okanye ukuba nepemethe okanye kuvunyelwe isithuthi kwindlela kawonke-wonke;

**“ilayisensi yokusebenza”** ithetha ilayisensi yokusebenza emiswe phantsi kwe-National Land Transport Act, 2009 (uMthetho 5 ka-2009);

**“umsebenzisi”** uthetha umsebenzisi wezithuthi zikawonke-wonke, njengoko kuchaziwe kwi-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ungumntu oqhuba ushishino lwenkonzo yezothutho kwindlela yabahambi bakawonke-wonke;

**“umbutho”** uthetha iqela labantu, inkampani, umbutho okanye iqumru elimele iimashali zokupaka ezinikezela inkonzo yobumashali ekupakeni okanye inkonzo yolawulo lokupaka kwimimandla ethile kwimida, njengoko kwamkelwe oko sisiXeko;

**“umnini”** ngokunxulumene nesithuthi uthetha—

- (a) umntu onelungelo lokusebenzisa nokonwabela isithuthi ngokomthetho ongabhalwanga okanye ikhontrakthi yezivumelwano nomnikazi wetayitile kwisithuthi esinjalo;
- (b) umntu ekuthethwa ngaye kumhlathi (a), kulo naliphina ixesha ethe umntu onjalo akaphumelela ukubuyisela isithuthi esinjalo kumnini wetayitile ngokuhambelana nekhontrakthi yesivumelwano ekuthethwa ngayo kumhlathi (a); nokuba
- (c) umntu obhaliswe njalo ngokuhambelana nemimiselo enikezelwe phantsi kwecandelo 4 le-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

**“ukupaka”** kuthetha ukugcina isithuthi, nokuba sinomntu okanye asinamntu, simile kangangexesha elide elingaphezulu kwelo lifunekayo ekothuleni umthwalo okanye ukwehlisa umntu okanye iimpahla, kodwa kungabandakanyi ugcino olunjalo lwesithuthi ngesizathu esinunobangela ongaphaya kolawulo lomntu olawula eso sithuthi, aze u- **“paka”** abe nentsingiselo ehambelana noku;

**“umqwalaseli wokupaka”** uthetha umntu onikezela inkonzo yokupaka ngokuzenzelayo;

**“iimashali zokupaka”** zithetha umntu oqeshwe ngumbutho othile ekunikezeleni inkonzo yolawulo lokupaka kubaqhubi kwindawo kawonke-wonke okanye kwindlela kawonke-wonke;

**“indawo emiselwe ukupaka”** ithetha indawo engumda ngaphakathi apho isithuthi kufuneka sipakwe khona ngokwalo Mthetho kaMasipala, umda omiswe sisiXeko kwindawo engumhlaba wokupaka okanye kwindlela kawonke-wonke;

**“umhlaba wokupaka”** uthetha nayiphina indawo emhlabeni okanye nasiphina isakhiwo esibekelwe bucala sisiXeko njengomhlaba wokupaka okanye igaraji yokupaka izithuthi ngamalungu asekuhlaleni, nokuba kukho okanye akukho mirhumo emiselweyo ngulo Mthetho kaMasipala kusetyenziso lwawo;

**“imitha yokupaka”** ithetha isixhobo esigunyaziswe phantsi kwalo Mthetho kaMasipala, esibhalisayo nesishicilela ngokubonakalayo ixesha lokupaka nokuba kungemitha efakelwe kwisixhobo okanye kwitikiti lokupaka lemitha elinikezelwe sisixhobo, okanye nasiphina isixhobo esingeyinye nalapho ixesha lokupaka linokushicilelwa nokuba ngokusetyenziswa ligosa eligunyazisiweyo okanye umnikezeli wenkonzo owamkelwe sisiXeko;

**“ixesha lokupaka”** lithetha ixesha lilonke eliqhubekayo apho isithuthi sivumelekile ukuba sipake kumhlaba okanye indawo emiselwe ukupaka njengoko kubonisiwe luphawu lwezihamba-ndlele endloleni;

**“umhambi”** uthetha nawuphina umntu ongaphakathi okanye okwisithuthi kodwa oko kungaquki umqhubi okanye umnqomfi-matikiti;

**“umatshini ongu-bhatala-ubonise”** uthetha nawuphina umatshini okanye isixhobo esifakelweyo okanye esisebenza kumhlaba wokupaka ongu-bhatala-ubonise wokuthengisa amatikiti;

**“umhlaba wokupaka ongu-bhatala-ubonise”** uthetha umhlaba wokupaka apho itikiti lokupaka kufuneka lifumanekile kumatshini wentengiso yamatikiti okupaka nome ngaphakathi okanye kufutshane nomhlaba wokupaka;

**“i-pedal cycle”** ithetha nayiphina ibhayisekile okanye i-tricycle eyilelwe ukuqhutywa ngokusebenzisa amandla omntu;

**“okumiselweyo”** kuthethwa okumiselwe ngesisombululo sesiXeko, nangokuhambelana nomrhumo, kuthetha njengoko kuchaziwe kumgaqo-nkqubo werhafu yesiXeko;

**“ikhoyini emiselweyo”** ithetha ikhoyini yeRiphabhlikhi yoMzantsi Afrika neyithenda esemthethweni ngokwe-South African Mint and Coinage Act, 1964 (uMthetho 78 ka-1964), kudidi oluboniswe kwimitha yokupaka ekuthethwa ngayo nokubandakanya amakhadi edebhithi, khredithi namakhadi esixeko kwakunye nayiphina indlela engenye yokuhlawula eyamkelweyo nemiselweyo sisiXeko kumaxesha ngamaxesha;

**“indawo kawonke-wonke”** ithetha nasiphina isikwere, ipaki, umhlaba wolonwabo, umhlaba wezemidlalo, ileyini yococeko okanye indawo evulekileyo e—

- (a) nokuthungelana naliphina icandelo elingaphantsi okanye uyilo lomhlaba ekubeni lube sisiza, olunikezelweyo, olugciniweyo okanye olubekwe bucala ukuze lisetyenziswe luluntu jikelele, okanye abanini, okanye abahlali kwisiza esinjalo, nokuba sibonisiwe okanye asibonisiwanga kwisicwangciso jikelele, isicwangciso solwahlulo olungaphantsi okanye kumzobo;
- (b) ngalo naliphina ixesha elimiselwe uwonke-wonke;
- (c) esetyenziswe nguwonke-wonke ngaphandle kokuphazamiseka kangangexesha elingangeminyaka engama-30 ubuncinane; okanye
- (d) nangaliphina ixesha elimiselwe okanye elinikezelwe njalo sisiXeko okanye esinye isiphatha-mandla esigunyazisiweyo;

**“indlela kawonke-wonke”** ithetha nayiphina indlela, isitalato, indlela yebhayisekile, indlela yeenyawo, umhlaba wokupaka, indawo emiselwe ukupaka iibhasi okanye nayiphina indawo efana noku, nekwabandakanya—

- (a) umphetho wayo nayiphina indlela kawonke-wonke;
- (b) nayiphina indlela yeenyawo, indlela esecaleni kwendlela okanye isigaba esifanayo sabahambi ngeenyawo sogcino lwendlela;
- (c) nayiphina ibhulorho, iferi okanye idrifti enqamleza nayiphina indlela kawonke-wonke;
- (d) nayiphina enye into eyeyendlela kawonke-wonke, nethe ngaliphina ixesha—
  - (i) yamiselwa uwonke-wonke;
  - (ii) yasetyenziswa ngaphandle kophazamiseko nguwonke-wonke kwixesha eliyiminyaka engama-30;
  - (iii) emiselwe okanye enikezelwe njalo sisiXeko okanye nasiphina isiphatha-mandla esingenesinye;
  - (iv) yakhiwe ziziphatha-mandla zengingqi; kwakunye
- (e) nawuphina umhlaba, onezakhiwo okanye ongenazo izakhiwo, noboniswa njengendlela kawonke-wonke—
  - (i) kulo naliphina icandelo elingaphantsi okanye umzobo owamkelwe sisiXeko okanye isiphatha-mandla esingenesinye kwaze kwathathwa inyathelo; okanye
  - (ii) nasiphina isicwangciso jikelele njengoko kuchaziwe kwi-Land Survey Act, 1997 (uMthetho 8 ka-1997), obhaliselwe okanye indawo ethile kubhaliso lokwenziwa kwesigqibo okanye kwi-ofisi Jikelele kaNocanda, ngaphandle kokuba umhlaba onjalo okanye umzobo omisiweyo uchazwa njengendlela yabucala kawonke-wonke;

**“umqondiso wokungena erenkini”** uthetha isincamathelisi okanye nayiphina indlela engenye yokuzazisa enikezelwe sisiXeko kumnini welayisensi esebenzayo;

**“ummiselo”** uthetha ummiselo omiswe phantsi kwe-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

**“indawo yokuhlala”** ithetha indawo yokuhlala okanye inxenye yolwakhiwo, oko kukuthi—

- (a) idityaniswe emhlabeni;
- (b) iyilwe okanye yamkelwe sisiXeko ukuze kuhlale kuyo abantu kwiyunithi enye yosapho; kwakunye
- (c) nesetyenziswa kwiinjongo zokuhlala;

**“i-semi-trailer”** ithetha isikhoji esingena-axle yangaphambili saze sayilwa ngohlobo lokuba i-15% yobunzima baso ithwaliswa ngokubanzi ngaphakathi sisithuthi esirhuqa isikhoji esinjalo;

**“indlela yabucala”** ithetha isigaba esithile sendlela kawonke-wonke phakathi komda ongaphandle wendlela kunye nemigca yomda yeepropati ekufuphi okanye izakhiwo, nemiselwe ukuba isetyenziswe ngabahambi ngeenyawo;

**“indawo eyodwa yokupaka”** ithetha irenki, isiza okanye indawo yokumisa ibhasi emiswe sisiXeko kwindlela kawonke-wonke ngaphakathi kwisiXeko ukuze kupakwe okanye kume iiteksi okanye ibhasi;

**“isiza”** ngokunxulumene nebhasi, sithetha indawo apho kuqala khona indlela yebhasi okanye apho iphela khona;

**“indawo yokuma”** ngokunxulumene neteksi ema kwindawo yokuma kwindlela kawonke-wonke, oku kuthetha ukugcina iteksi, nokuba inabantu nokuba ayinabantu, emileyo kwixesha elithile nelingekho lide kunelo lifanelekileyo kwixesha lokothula okanye ukothula umthwalo okanye ukothula abantu okanye iimpahla kodwa akubandakanyi nakuphina ukuma okunjalo ngesizathu sikanobangela ongaphaya kolawulo lomqhubi weteksi enjalo;

**“indawo zokuma”** ngokunxulumene—

- (a) neteksi, kuthetha indawo emiselwe sisiXeko apho iteksi isenokuma okanye yehlise abantu abakhwelweyo;
- (b) ibhasi, ithetha indawo yokuma ibhasi;

**“i-tare”** ngokunxulumene nesithuthi, ithetha ubunzima besithuthi esinjalo, esilungele ukuhamba endleleni kwaye nesibandakanya ubunzima—

- (a) balo naliphina ivili elingelinye nazo zonke ezinye izinto ezincedisayo nezixhobo ezinikezelwe ngumzi-mveliso njengokufanelekile kwimodeli ethile yesithuthi eso;
- (b) bayo nayiphina into eyinxenye esisigxina kulwakhiwo lwesithuthi esinjalo;
- (c) nayiphina into edityaniswe kwisithuthi esinjalo ekuyileni utshintsho kulwakhiwo lwesakhiwo esisigxina; nokuba

(d) iibhetri, ukuba isithuthi esinjalo ziyaziqhuba ngombane kodwa singaquki ubunzima be—

(i) petroli; kunye

(ii) nantonina edityaniswe kwisithuthi esinjalo engelo didi oluchazwe kwicandelo elingaphantsi (a) okanye (b);

**“iteksi”** ithetha isithuthi esisebenza kwingqeshiso, nesisetyenziswa ekufumaneni umvuzo sikwaquka—

(a) i-mini-bus, i-midi-bus, i-motor tricycle okanye i-motor quadrucycle ikwaquka ne-minibus-teksi; kunye

(b) iteksi enemitha;

**“umbutho wonooteksi”** uthetha umbutho wonooteksi owaziwa njalo sisiXeko kunye noRhulumente wePhondo leNtshona Koloni;

**“isibonelelo seteksi”** sithetha indawo yokulinda, indawo eyodwa yokupaka, indawo yokuma, irenki, itheminali kwakunye nasiphina isibonelelo esingezinye esiphawulwe ngokukodwa saze samiswa sisiXeko ekubeni sisetyenziswe ngokukodwa ziteksi nangokunxulumene neminibus-teksi esebenzisa indawo yokumisa ibhasi phantsi kwecandelo 5, siquka indawo yokumisa ibhasi;

**“umsebenzi weteksi”** uthetha umntu onoxanduva lokusebenzisa iteksi, enikezelwe phantsi kweSahluko IV se-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), uthetha ukuba umntu obhalisiweyo njengomsebenzisi weso sithuthi;

**“irenki yeteksi”** ithetha isibonelelo seteksi esiphawulwe sisiXeko apho iteksi ingema ukuze isebenze kwingqeshiso okanye ithuthe abasebenzi ukuze bafumane umvuzo;

**“isibonelelo sexeshana seteksi”** sithetha isibonelelo seteksi esichazwe kwicandelo 49(2);

**“isikhoji”** sithetha isithuthi esingaziqhubiyo okanye esiyilelwe okanye esamkelwe ukuba sitsalwe sisithuthi, kodwa asiquki imoto edityaniswe kwisithuthuthu;

**“i-tri-cycle”** ithetha inqwelo enamavili amathathu eyilelwe okanye elungiselelwe ukuthutha iimpahla kwaye iqhutywa ngabantu;

**“umphetho”** ithetha icandelo lendlela, isitalato okanye indlela yeenyawo, ukuquka indlela yabucala, engeyiyo indlela yezithuthi okanye umphezulu oqinileyo ecaleni kwendlela;

**“isithuthi”** sithetha isixhobo esiyilelwe okanye esamkelweyo, ikakhulu ekuhambeni ngamavili okanye iindlela zomatshini orhubuluzayo kwaye ubandakanya isixhobo esinjalo nesidityaniswe ne-draw bar kwisithuthi seenqwelo ezonakeleyo nesisetyenziswa njengenxenywe yesixhobo sokutsala kwisithuthi seenqwelo ezonakeleyo ukuxhasa nayiphina i-asi okanye zonke ii-asi zesithuthi esihlangulwayo, ingesiso isixhobo esihamba sisonke kwiireyile.

(2) Kulo Mthetho kaMasipala, igama okanye intetho echazwe kwi-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), unalo ntsingiselo, ngaphandle kokuba umxholo ubonisa ngenye indlela.

## Injongo

2. Injongo yalo Mthetho kaMasipala kukulawula ukupaka okungaphakathi kummandla wolawulo lweSixeko ekunikezeleni indawo ekhuselekileyo.

### ISAPHLUKO 1

#### AMALUNGISELELO JIKELELE ANXULUMENE NOKUPAKA

##### *ISigaba soku-1: Amalungiselelo jikelele*

#### Ulawulo lokupaka

3. (1) Nangaliphina ixesha uwonke-wonke okanye inani labantu linelungelo okanye livumelekile ukuba lisebenzise, njengendawo yokupaka, indawo ethile emhlabeni, ukuquka umhlaba ongeyoxenye yendlela kawonke-wonke okanye indawo kawonke-wonke, igosa eligunyazisiweyo, kumaxesha kakaxeka, okanye xa kufuneka njalo ngokomdla woluntu, ngokuthe ngqo futhi lilawule izihambi-ndlela.

(2) IsiXeko singalawula ukupaka futhi siqokelele nayiphina imirhumo enxulumene nokupaka okanye siqeshe umnikezeli wenkonzo ukuba alawule ukupaka ekwaqokelela nayiphina imirhumo enxulumene nokupaka.

(3) Akukho mntu onokuthi ngaphandle kolwamkelo lwangaphambili olubhaliweyo lweSixeko afakele okanye abeke naluphina uphawu okanye inotisi nangayiphina indlela okanye indawo, ebonisa ukuba ukupaka kuyo nayiphina indawo emiselwe ukupaka kugcinelwe umntu othile okanye udidi oluthile lwabantu.

(4) IsiXeko singasebenzisa inkqubo yolawulo lokupaka kwiindawo ezithile nangamaxesha athile amiswe sisiXeko, kumaxesha ngamaxesha.

(5) Umntu ongahoyi umyalelo wegosa eligunyazisiweyo ngokwecandelo elingaphantsi (1) okanye ofaka okanye abeke uphawu okanye inotisi echasene necandelo elingaphantsi (3) okanye ochasene necandelo elingaphantsi (4) wenza ityala.

#### Ukupaka kwindawo yokothula nokulayisha izinto

4. (1) Akukho mntu usebenzisa okanye olawula isithuthi esithile kwindlela kawonke-wonke oyakuthi avumele, ngokuxhomekeka kumacandelo angaphantsi (2) no-(3), isithuthi sihlale simile kwindawo yokothula nokulayisha izinto—

(a) phakathi kweyure 07:00 no-18:00 ngeMivulo ukuya kwiMigqibelo, ngaphandle kokuba usuku olunjalo luyiHolide kaWonke-wonke;

(b) phakathi kweyure 07:00 no-14:00 ngeeCawa, ngaphandle kokuba usuku olunjalo luyiHolide kaWonke-wonke; okanye

(c) phakathi kwezinye iiyure ezithintelweyo nezinokuchazwa ngokunxulumene nexesha elithile kwindawo yokothula izinto ngophawu lwezihamba-ndlela okanye ukuphawulwa nje.

(2) Akukho mntu usebenzisa okanye olawula isithuthi kwindlela kawonke-wonke onokuvumela isithuthi, ngaphandle kwesithuthi seempahla, ukuba sime kwindawo yokulayisha izinto ngaphezulu kwemizuzu emihlanu rhoqo, ngaphandle kwaxa elayisha okanye esothula abantu okanye iimpahla ngexa umqhubi onelayisensi ekhona kwisithuthi.

(3) Akukho mntu osebenza okanye onelungelo lwesithuthi kwindlela kawonke-wonke onokuvumela isithuthi seempahla ukuba sime kangangexesha elingaphezulu kwimizuzu engama-30 rhoqo, ngexa isithuthi silayisha okanye sisothula.

(4) Umqhubi wesithuthi, ingenguye umqhubi wesithuthi seempahla esimileyo kwindawo yokulayisha, kufuneka ngokukhawuleza asuse isithuthi kwindawo yokulayisha xa ethe wayalelwa njalo ligosa eligunyazisiweyo, nokuba isithuthi besingamanga apho ngaphezu kwexesha elide elivunyiweyo ngokunxulumene nesithuthi solo didi.



(5) Umntu ochasana nelungiselelo leli candelo unetyala.

**Ukupaka kwindawo yokumisa ibhasi okanye kwindawo emiselwe indlela yebhasi**

5. (1) Akukho mntu osebenzisa okanye olawula isithuthi kwindlela kawonke-wonke, angathi—

- (a) kumba wesithuthi ingenguwo owebhasi okanye i-minibus-tekisi, avumele isithuthi ukuba sime kwindawo yokumisa ibhasi;
  - (b) okanye kumba wesithuthi ingenguwo owebhasi yesiXeko, avumele ukuba isithuthi siqhutywe, sipakwe okanye sihlale simile kwindawo emiselwe indlela yebhasi okanye ekungeneni kwindlela emiselwe indlela yebhasi okanye ngendlela ephazamisana nokuhamba kwebhasi yesiXeko ekungeneni okanye ekuphumeni kwindlela yebhasi
- (2) Icandelo elingaphantsi (1)(a) alisebenzi kumqhubi okanye umntu olawula isithuthi ovumela ukuba isithuthi esinjalo sihlale simile kwindawo yokumisa ibhasi apho lo ndawo yokumisa ibhasi ibekwe kwileyini yokuqhuba kwindlela kawonke-wonke, apho isithuthi sigcinwe sime khona ukuze kuthoyelwane nophawu lwezihamba-ndlela okanye ngenxa yesizathu esingesinye esihambelana nokhuseleko ezindleleni; ngaphandle kokuba umqhubi onjalo okanye umntu olawulayo akavumeli abakhweli ukuba bakhwele okanye behle kwisithuthi.
- (3) Umntu ochasana necandelo elingaphantsi (1) unetyala.

**Ukupaka kwindlela kawonke-wonke**

6. (1) Akukho mntu osebenzisa okanye olawula isithuthi kwindlela kawonke-wonke onokupaka isithuthi kuyo nayiphina indlela kawonke-wonke kummandla kamasipala kangangexesha elingaphezulu kunelo liboniswe kuphawu lwezihamba-ndlela endleleni kwindawo enjalo eyodwa.
- (2) Akukho mntu unokushiya isithuthi kwindawo enye eyindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kweentsuku ezisixhenxe.
- (3) Akukho mntu unokupaka isithuthi esinzima esiyilelwe, esamkelwe okanye esisetyenziswa ekuhambiseni iimpahla naphina kummandla kamasipala, ngaphandle kwakumhlaba wabucala okanye kwezo ndawo apho iimpawu ezilawula ukupaka okunjalo zifakiwe.
- (4) Umntu ochasana nelungiselelo leli candelo unetyala.

**Ukupaka kwisiqithi sezihamba-ndlela (traffic island)**

7. (1) Akukho mntu unokupaka isithuthi kwisiqithi sezihamba-ndlela ngaphandle kokuba kuchazwe njalo okanye kuyalelwe njalo ligosa eligunzazisiweyo okanye ngaphandle kokuba indawo emiselwe ukupaka yahluliwe kwisiqithi sezihamba-ndlela eso.
- (2) Umntu opaka isithuthi kwisiqithi sezihamba-ndlela ngokuchasene necandelo elingaphantsi (1), okanye othi angaphumeleli ukuthobelana nomyalelo osuka kwigosa eligunzazisiweyo unetyala.

**Ukupaka ngakwindawo ethengisayo okanye umthengisi wesithuthi**

8. (1) Akukho mrhwebi okanye umthengisi wesithuthi oya kupaka, okanye avunyelwe ukuba apake kumphetho wendlela kawonke-wonke ngaphakathi kummandla kamasipala, isithuthi esithengiswayo okanye esiqeshisayo, nokuba saziswe ngokunjalo na okanye akunjalo.
- (2) Umrhwebi okanye umthengisi ochasana necandelo elingaphantsi (1) unetyala.

**Ukupaka isithuthi esilungiswayo**

9. (1) Akukho mntu unoxanduva lokulawula ushishino lolungiso lwezithuthi oya kupaka, unobangela okanye avunyelwe ukuba apake, kuyo nayiphina indlela kawonke-wonke okanye indawo kawonke-wonke ngaphakathi kummandla kamasipala, nasiphina isithuthi esilungiswayo esibekwe phantsi kolawulo lwakhe kwixesha loshishino lolungiso.
- (2) Umntu ochasana necandelo elingaphantsi (1) unetyala.

**Ukupaka izithuthi ezinzima neekharavani**

10. (1) Akukho mntu unopaka, engaphazamisekanga kangangexesha elingaphezulu kweeyure ezimbini, ngaphandle kwakwindawo ezigcinelwe ukupaka izithuthi ezinzima, kwindlela kawonke-wonke ngaphakathi kummandla kamasipala—
- (a) isithuthi esine-tare engaphezulu kwama-3500 kg;
  - (b) isikhoji esingadibenanga nesithuthi;
  - (c) i-semi-trailer, okanye
  - (d) ikharavani engadityanisiwanga nesithuthi.
- (2) Naninina xa isithuthi sipakwe ngokuchasene necandelo elingaphantsi (1), kubonwa ukuba umntu usipakile isithuthi esinjalo, ngaphandle kokuba okuchasene noku kuvunyiwe.
- (3) Umntu ochasana necandelo elingaphantsi (1) unetyala.

**Ukhululo lwabasebenzi bezonyango kwizithintelo zokupaka**

11. (1) (a) Amagosa ezonyango abhalisiweyo jikelele nanikezelwe ibheji phantsi kwecandelo elingaphantsi (3)(a) akhululwe kumalungiselelo alo Mthetho kaMasipala, ngokuxhomekeka kumhlathi (b), xa esebenzisa, kwi-bona fide elutyelelo olusisigxina, isithuthi esibekwe ibheji engqinisisa iimfuno zecandelo elingaphantsi (2) enikezwe kuye okanye sisiXeko.
- (b) Umntu ocingelwa kumhlathi (a) akhululwa kumalungiselelo amthintela ekumiseni isithuthi okanye ukupaka isithuthi kwindawo emisa iibhasi okanye ngokunqamlezayo kwindawo yokungena.
- (2) (a) Ibheji kufuneka ibe sistikha sasafestileni esibonisa ebusweni—
- (i) inombolo yesiriyali, kunye
  - (ii) negama lomntu onikezelweyo.
- (b) Ibheji kufuneka iboniswe kwikona esezantsi yefestile kwaye kufuneka ibe nepokotho nalapho umntu ocingelwa kwicandelo elingaphantsi (1) ufaka ikhadi elimhlophe elibonisa idilesi apho umntu webheji esenza utyelelo olusisigxina kwindawo yokuhlala ngexesha isithuthi efakwe kuso sipakiwe, kwaye nedilesi ebonisiweyo kwikhadi kufuneka kube lula ukuyifunda xa ungaphandle kwesithuthi.
- (c) Idilesi ekubhekiselelwe kuyo kumhlathi (b) kufuneka ibe sisitalato esinye okanye isitalato esimeleneyo futhi kufuphi nendawo apho isithuthi sipakwe khona.
- (3) (a) Isicelo esibhalisiweyo sokunikezelwa kwebheji kufuneka senziwe kwisiXeko size ukuba isiXeko siyasivuma isicelo, kufuneka sinikezele ibheji enenombolo yesiriyali yomenzi-sicelo.



- (b) IsiXeko kufuneka sigcine irejista nalapho sigcina ukuba—
    - (i) Ibheji ekhutshwe siso;
    - (ii) Inombolo yesiriyali eyabelwe kwibheji; kwakunye
    - (iii) Negama lomnini wesibambi sebheji.
  - (c) IsiXeko singanikezela ibheji efanayo.
  - (d) Apho isiXeko sinesizathu sokukholelwa ukuba nawuphina umnini webheji usebenzisa kakubi amalungelo anikezelwa yibheji, ingayirhoxisa ibheji kumnini futhi namalungelo ahamba nebheji apheliswe.
  - (e) IsiXeko singabhatalisa umrhumo othile wokunikezelwa kwebheji okanye ibheji yesibini.
  - (f) IsiXeko singachaza ixesha lokuphelelwa kwebheji.
- (4) Isicelo sebheji kufuneka senziwe kwifomu enikezelwe le njongo sisiXeko.
- (5) Umntu obonisa ibheji efojiweyo okanye engeyonene nengakhutshwanga sisiXeko unetyala.

#### **Ukukhulula (outspanning) kwiindlela zikawonke-wonke**

**12.** (1) Akukho mntu unokukhulula okanye avumele ukuba akhululwe kuyo nayiphina indlela kawonke-wonke okanye indawo kawonke-wonke nasiphina isithuthi esitsalwa zizilwanyana, okanye ahlule okanye ashiye kuyo nayiphina indlela kawonke-wonke okanye indawo kawonke-wonke nasiphina isikhoji, ikharavani okanye isithuthi esingaqhutywayo, kodwa ke, eli lungiselelo alisebenzi xa isithuthi esinjalo sisethula okanye isothulwa.

- (2) Umntu ochasana necandelo elingaphantsi (1) unetyala.

#### *ISigaba sesi-2: Iipemethe zokupaka*

#### **Iipemethe yokupaka yomhlali**

**13.** (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nokuxhomekeka kwicandelo 17(1) no-(2), ipemethe yokupaka yomhlali inganikwa umntu—

- (a) ohlala kwindawo yokuhlala—
    - (i) eme kwicandelo lendlela kwiimeko apho ukupaka ngokukhawuleza kufuphi nendawo yokuhlala kulawulwa lixesha;
    - (ii) kwiimeko apho ingengomntu ongaphezulu kwisinye ohlala kwindawo yokuhlala ongumnini wepemethe yangoku; futhi
    - (iii) eme kwicandelo lendlela kwiimeko apho unikezelo lwepemethe lungenakuthintela ukuhamba kwezithuthi nokuba kusendleleni okanye kummandla;
  - (b) nendawo yakho yokuhlala engenayo nengakwaziyo ukunikezela indawo yokupaka esitalatweni.
- (2) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nangokuxhomekeka kwicandelo 17(1) no-(2), ipemethe yokupaka yomhlali inganikezelwa kubantu—
- (a) abahlala kwindawo yokuhlala eme kwindawo ekwizingqi enebala lezemidlalo, ibala okanye isibonelelo okanye naliphina ibala okanye isibonelelo ekunokuququzelelwa kulo isiganeko esithile;
  - (b) nakwiimeko apho indawo enjalo yohlukanisiwe ngamapolisa okanye imiswe njengendawo apho ufikelelo lungavunyelwa kwizithuthi ukuba zingene zize zipake isithuthi kummandla onjalo, indawo eyohlukanisiwe ngamapolisa okanye emisiweyo.
- (3) Umntu opaka isithuthi ngokuchasene necandelo elingaphantsi (1) unetyala.

#### **Iipemethe yokupaka yexeshana**

**14.** (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nangokuxhomekeka kwicandelo 17(1), ipemethe yokupaka yexeshana inganikezelwa ukuvumela ukuba umnini wepemethe apake isithuthi esinye okanye ezininzi kwindawo emiselwe oko kangangexesha elichaziweyo kwipemethe ngaphandle kokuboniswa kuphawu olusesikweni lwezihamba-ndlela elichasana noko nangaphandle kokuba ukupaka okubhatalweyo kungasebenzisa lo ndawo.

- (2) Iipemethe yokupaka yexeshana inikezelwa kuphela ukuba isiXeko sonelisekile ukuba—
  - (a) umenzi wesicelo uthatha inxaxheba kumsetyenzana wethutyana ochaphazela amaziko asele ekufuphi nendawo emisiweyo yokupaka nalapho isicelo sinxulumene khona; nokuba
  - (b) kusenokwenzeka ukuba umenzi wesicelo enze umsebenzi ngaphandle kokuba indawo emiselwe ukupaka nenxulumene nesicelo yabelwe ukuba isetyenziswe ngokukodwa ngumenzi wesicelo kwixesha elimiselwe lo msebenzi.
- (3) Umntu opaka isithuthi ngokuchasene necandelo elingaphantsi (1) unetyala.

#### **Iipemethe yezowuni yomsebenzi**

**15.** (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nangokuxhomekeka kwicandelo 17(1), no-(3), ipemethe yokupaka yezowuni yomsebenzi inganikezelwa ekuqhubeni, ekupakeni okanye kulwakhiwo okanye kwiinjongo zolwakhiwo kwindawo emiselwe ukupaka okanye umhlaba wokupaka okanye kumphetho wendlela okanye naphina kwindlela kawonke-wonke ukuba isiXeko sanelisekile kukuba—

- (a) inxeny yendlela okanye omnye ummandla ekuthethwa ngawo kwicandelo elingaphantsi (1) nalapho isicelo esinxulumene nawo sikufuphi okanye sikwisiza solwakhiwo olucetywayo, umsebenzi wolwakhiwo okanye umsebenzi ongomnye;
  - (b) nokwenziwa kwesakhiwo, umsebenzi wolwakhiwo okanye umsebenzi ongomnye ubesemthethweni;
  - (c) nokuqaphela ubume besakhiwo, ulwakhiwo okanye umsebenzi ongomnye kwakunye neempawu zesiza somsebenzi, akunokwenzeka ukuba sikwisiza solwakhiwo okanye ukulayisha nokwehliswa kwesithuthi nokuhamba-hamba kwezithuthi okunxulumene noku kungaxiniselwa kwesi siza okanye iindawo ezikufutshane nendawo ukupaka ekuvumeleke kuyo.
- (2) Abanini beepemethe yezowuni yomsebenzi bangazisebenzisa kuphela ezi pemethe ekupakeni kwaso nasiphina isithuthi xa besenza imisebenzi yabo.
- (3) Umntu opaka isithuthi ngokuchasene necandelo elingaphantsi (1) okanye osebenzisa ipemethe yezowuni yomsebenzi ngexa angenzi imisebenzi yakhe unetyala.

### **Ipemethe yokupaka yemisebenzi kamasipala**

**16.** (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokoveliswa sisiXeko nangokuxhomekeka kwicandelo 18(1), ipemethe yokupaka yemisebenzi kamasipala inganikezelwa ukuvumela umntu ukuba apake isithuthi esinye okanye ezininzi kwindawo emiselwe ukupaka, kangangexesha elichaziweyo kwipemethe ngaphandle kokuboniswe kuphawu olusesikweni lwezihamba-ndlela oluchaseneyo nangaphandle kokuba ukupaka okubhatalelwayo kungasebenza endaweni ukuba umntu—

- (a) umsebenzi, ikhontraktha okanye i-arhente yesiXeko;
- (b) ukupaka isithuthi okanye izithuthi kwisithuba—
  - (i) ngeenjongo zokwenza umsebenzi egameni lesiXeko; nokuba
  - (ii) ngexesha lokwenza imisebenzi yakhe egameni lesiXeko.

### **Iimeko nemvelaphi yeepemethe zokupaka**

**17.** (1) (a) Umnini wepemethe yokupaka kufuneka afakele ipemethe yokuqala efestileni yesithuthi ephawulwe kwipemethe ejonge ngaphandle, kwaye kufutshane kangangoko kwileyibhile yobhaliso lwesithuthi.

- (b) IsiXeko singanikezela kuphela ipemethe engenye emva kokuba umnini wepemethe echaze imiba neemeko zelahleko, ukutshabalalisa nomonakalo wepemethe yokuqala ngokonelisayo kwisiXeko.
- (2) (a) Ipemethe yokupaka yabahlali kufuneka isetyenziswe kuphela ngokunxulumene nokupaka isithuthi kwindawo ephawulwe kwipemethe, nekufuneka—
  - (i) ibe yindlela ekufuphi nendawo yokuhlala ephawulwe kwipemethe; okanye
  - (ii) kwisahlulo esinye okanye ezininzi zendlela ekufutshane nendawo yokuhlala ephawulwe kwipemethe; nokuba
- (b) Umnini wepemethe yokupaka kwabahlali kufuneka asebenzise ngexa umnini esengumhlali kule ndawo yokuhlala ephawulwe kwipemethe.
- (c) Ipemethe yokupaka yomhlali ayimelanga ngokukodwa naso nasiphina isithuthi.
- (d) IsiXeko singanikezela kuphela indawo enye yokupaka kumhlali ngamnye.
- (3) (a) Ipemethe yezowuni yomsebenzi kufuneka ichaze ngokukodwa inxenywe yendlela ipemethe ehambelana nayo.
- (b) Umnini wepemethe yezowuni yomsebenzi kufuneka ahlawule umrhumo omiselweyo, njengoko uchaziwe sisiXeko, ekufakeleni iimpawu zezihamba-ndlela, okanye iimpawu ezingezinye ekuphawuleni imida yezowuni yomsebenzi ephawulwe kwipemethe.
- (c) Akukho mntu onokufumba, abeke okanye kungenjalo ashiye imateriyali yalo naluphina uhlobo endleleni okanye indlela yeenyawo ngaphakathi okanye ngaphandle kwezowuni yokusebenza.
- (d) Akukho mntu unokupaka, alayishe okanye othule isithuthi okanye enze nawuphina umsebenzi ngendlela engabonisi abahambi-ngenyawo kwindlela yeenyawo ngaphakathi okanye kufuphi nezowuni yomsebenzi
- (e) Umnini wepemethe yezowuni yomsebenzi kufuneka agcine esizeni aze ayibonise xa ecelwe njalo ligosa eligunyazisiweyo.
- (4) Akukho mntu onikezelwe ipemethe phantsi kwamacandelo 13, 14, 15 no-16 onokumisa, apake okanye ashiye isithuthi ngalo naliphina ixesha kwindawo emiselwe ukupaka ngaphandle kokuba isithuthi sibonisa ipemethe yokupaka yokuqala.
- (5) Nawuphina umntu ochasana naliphina ilungiselelo kweli candelo, okanye obonisa ikopi yepemethe yokupaka unetyala.

### **Iindawo zokupaka ezigcinelwe abakhubazekileyo, oonozakuzaku bamanye amazwe, iiNkonzo zamaPolisa oMzantsi Afrika kunye namanye amaqela aphawuliweyo**

**18.** (1) IsiXeko singagcina iindawo zokupaka abo bakhubazekileyo, oonozakuzaku bamanye amazwe, iiNkonzo zamaPolisa oMzantsi Afrika kunye namanye amaqela aphawulwe sisiXeko, kwaye singayaba le mimandla ngenotisi okanye iimpawu ezindleleni kwaye ingavelisa iimeko ezinxulumene nombala wepemethe zezibonelelo ezibodwa.

- (2) Akukho mntu uya kumisa, apake okanye ashiye isithuthi ngalo naliphina ixesha kuyo nayiphina indawo yokupaka ngaphandle kwesithuthi esibonisa ipemethe emiselwe ukupaka kulo ndawo.
- (3) Nawuphina umntu ochasana necandelo elingaphantsi (2) unetyala.

### **ISIAHLUKO 2: IIMITHA ZOKUPAKA NENTLAWULO YOKUPAKA**

#### **Ukufakelwa kweemitha zokupaka okanye ukusetyenziswa kwaso nasiphina isixhobo esingezinye sokugcina ixesha ekupakwe ngalo**

**19.** (1) IsiXeko singafakela okanye sibangele ukuba kufakelwe okanye sisebenzise okanye sibangele ukuba kusetyenziswe kwindlela kawonke-wonke okanye indawo kawonke-wonke kummandla kamasipala—

- (a) imitha yokupaka kwindawo yokupaka emiswe njengendawo yokupaka;
- (b) imitha yokupaka edityanelweyo kwindawo yokupaka emiselwe iindawo zokupaka; okanye
- (c) nasiphina isixhobo esingezinye esinokushicilela ixesha lokupaka size silibonise.
- (2) IsiXeko singafakela okanye sisebenzise imitha yokupaka njengoko kuchazwe kwicandelo elingaphantsi (1) kumqumbelo wendlela, indlela yeenyawo okanye indlela yabucala edibanisa indawo emiselwe ukupaka ngokunxulumene nokuba ifakelwe okanye kwenye indawo ekufutshane esebenzisana nendawo yokupaka.
- (3) Kwityeli apho imitha yokupaka ingavuleki ngokuzenzekelayo xa ufake ikhoyini emiselweyo, inotisi, ebonisa uhlobo lwenyathelo ekufuneka lithathiwe ekusetheni imitha ukuba isebenze xa ikhoyini emiselweyo ifakiwe, kufuneka kuboniswe ngokucacileyo kwimitha yokupaka okanye kwibhodi yenotisi.
- (4) Kwityeli apho imitha ingasebenzi, igosa eligunyazisiweyo lingabeka ngokuhuselekileyo kwimitha isigqubuthelo esibhalwe ngokucacileyo amagama athi: “Ayisebenzi” kwaye kumatyeli anjalo, isithuthi singapakwa ngaphandle kwentlawulo yemali emisiweyo.

#### **Indlela yokupaka**

**20.** (1) Akukho mqhubi okanye mntu olawula isithuthi oya kupaka isithuthi—

- (a) kwindawo emiselwe ukupaka ngaphaya komgca opeyintiweyo ophawula indawo yokupaka okanye indawo enjalo ukuze singabikho ngaphakathi sisonke kwindawo emiselwe ukupaka;

- (b) kwindawo emiselwe ukupaka esele kukho kuyo esinye isithuthi; okanye
  - (c) kwindawo emiselwe ukupaka ngokuchasene nophawu lwezihamba-ndlela endleleni noluthintela ukupaka okanye ukumisa isithuthi kwindlela kawonke-wonke okanye kwinxenye yendlela kawonke-wonke.
- (2) Umntu ochasana namalungiselelo ecandelo elingaphantsi (1) unetyala.

#### **Intlawulo yokupaka**

**21.** (1) (a) Xa isithuthi sipakiwe kwindawo emiselwe ukupakwa, umqhubi okanye umntu olawula isithuthi kufuneka—

- (i) ngokukhawuleza afake okanye enze ukuba kufakwe kwimitha yokupaka edibana nendawo emiselwe ukupaka ngokuhambelana noko kufakiweyo, ikhoyini emiselwe oku njengoko kubonisiwe kwimitha ubungakanani bexesha apho afuna ukupaka khona imoto yakhe kwindawo emiselwe ukupaka kwaye kufuneka, apho kufaneleke khona, asete imitha esebenzayo ngokufaka ikhoyini kwindawo efanelekileyo kwimitha yokupaka okanye apho kufaneleke khona, ngokuhambelana nemiyalelo evelo kwimitha yokupaka; okanye
  - (ii) enze intlawulo ngayo nayiphina indlela engenye emiselwe sisiXeko ngokungakhathaleli isixhobo esisetyenzisiweyo sokugcina ixesha kunye nokuba intlawulo ifuneka ekuqaleni okanye ekupheleni kwexesha ekupakwe ngalo, umqhubi okanye umntu olawula isithuthi othi angaphumeleli ukwenza njalo, unetyala.
- (b) Xa isithuthi okanye isithuthi nesikhoji sisikhulu kangangokuba sithatha ngaphezulu kwendawo enye yokupaka, umqhubi okanye umntu olawula isithuthi kufuneka—
- (i) ngokukhawuleza afake okanye enze ukuba kufakwe kwimitha zokupaka ezikufuphi neendawo ezimiselwe ukupaka ukuba zifakelwe, iikhoyini ezifunekayo njengoko kubonisiwe kwimitha, zexesha anqwenela ukupaka isithuthi sakhe kwindawo emiselwe ukupaka, aze apho kufaneleke khona, asete imitha esebenzayo ngokufaka ikhoyini emiselweyo kwindawo efanelekileyo yemitha yokupaka, okanye apho kufaneleke khona, ngokuhambelana nemiyalelo evelo kwimitha yokupaka;
  - (ii) enze intlawulo ngayo nayiphina indlela engenye emiselwe sisiXeko ngokungakhathaleli isixhobo esisetyenzisiweyo sokugcina ixesha kunye nokuba intlawulo ifuneka ekuqaleni okanye ekupheleni kwexesha ekupakwe ngalo, umqhubi okanye umntu olawula isithuthi othi angaphumeleli ukwenza njalo, unetyala.
- (c) Emva kokugqiba ukwenza amanyathelo achazwe kwimihlathi (a) no-(b), indawo emiselwe ukupaka kungangena kuyo isithuthi ngokusemthethweni kwixesha elichazwe kwimitha yokupaka.
- (d) Ngokuxhomekeka kumhlathi (e), umqhubi okanye umntu olawula isithuthi, ngaphandle kwentlawulo, angapaka isithuthi ngelo xesha (ukuba ikhona) njengoko kuzakube kubonisiwe kwimitha yokupaka njengengaphelelwanga emva kosetyenziso lwayo lwangaphambili, ngaphandle kokuba isiXeko singarhoxisa nayiphina ehlawulelwe ixesha kwimitha emva kokuba ukupaka ebekuhlawulelwe isithuthi simkile kwindawo emiselwe ukupaka nangaphambi kokuba indawo emiselwe ukupaka kungene kuyo isithuthi esilandelayo.
- (e) Icandelo elingaphantsi (d) alisebenzi kuyo nayiphina indawo emiselwe ukupaka apho ixesha elingaphelanga lingaboniswa ngokubonakalayo.
- (2) Ngokuxhomekeka kumalungiselelo ecandelo elingaphantsi (3), umqhubi okanye umntu olawula isithuthi nokuba ixesha eligunyazisiweyo lokupaka liphelile na okanye kungenjalo, ngokukhawuleza asete imitha yokupaka esebenzayo njengoko kwenziwe kwicandelo elingaphantsi (1)(a), kuze emva kokwenziwa kwemitha ukuba isebenze, isithuthi singangena ngokusemthethweni kwindawo emiselwe ukupaka kwixesha elongezisweyo elibonisiwe kwimitha yokupaka.
- (3) Akukho mntu unokushiya isithuthi sipakiwe kwindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kwelo livunyelweyo njengoko kubonisiwe kwimitha okanye isixhobo esingenyane, nomntu oshiya isithuthi sipakiwe kwindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kwelo livunyelweyo njengoko kubonisiwe kwimitha, kuphawu okanye isixhobo, unetyala.
- (4) Ngokuxhomekeka kumalungiselelo ecandelo 13, akukho mqhubi okanye umntu olawula isithuthi onokubangela, avumele, anike imvume okanye abeke isithuthi ekubeni okanye sihlale sipakwe kwindawo emiselwe ukupaka ngexa isibonisi semitha yokupaka okanye nasiphina isixhobo esingenyane sibonisa ukuba—
- (a) ixesha liphelile; okanye
  - (b) imitha yokupaka ayisetalwanga ukuba isebenze ngokufaka ikhoyini emiselweyo okanye apho kufanelekile, ngokuhambelana nemiyalelo ebonisiwe kwimitha yokupaka,

umqhubi okanye umntu olawula isithuthi ochasana nelungiselelo leli candelo elingaphantsi unetyala.

- (5) Ngokuxhomekeka kwicandelo elingaphantsi 1(a), apho imitha yokupaka ingenokusetelwa ukuba isebenze ngaphandle kokuthobelana okanye iinzame zokuthobelana nenkqubo emisiweyo kwicandelo elingaphantsi (1)(a)(i), akukho mqhubi okanye umntu olawula isithuthi onokubangela, avumele, anike imvume okanye abeke isithuthi ekubeni okanye sihlale sipakwe kwindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kwelo belibonisiwe sisibonisi semitha yokupaka ngexa isithuthi esinjalo besipakiwe kwindawo emiselwe ukupaka, kodwa ke xa—
- (a) isibonisi sibonisa ukuba—
    - (i) ixesha liphelile;
    - (ii) imitha yokupaka ayisetalwanga ukuba isebenze; okanye
  - (c) isigqubuthelo sibekwe phezu kwemitha yokupaka njengoko kuchaziwe kwicandelo 19(4), akukho mqhubi okanye umntu olawula isithuthi onokubangela, avumele, anike imvume okanye abeke isithuthi ekubeni okanye sihlale sipakwe kwindawo emiselwe ukupaka,

umqhubi okanye umntu olawula isithuthi ochasana nelungiselelo leli candelo elingaphantsi unetyala.

#### **Uthintelo lokupaka kwindawo emiselwe ukupaka**

**22.** Igosa eligunyazisiweyo lingabonisa iimpawu zezihamba-ndlela naninina xa kufanelekile okanye kuluncedo ukwenza njalo kumdlu wokulawula izithuthi, indawo okanye afake uphawu okanye iimpawu ezibonisa ukuba “Akumiwa” okanye “Akupakwa” kwindawo yokupaka, kwaye akukho mntu onokumisa okanye apake isithuthi okanye abangele okanye avumele isithuthi ukuba simiswe okanye sipakwe kwindawo emiselwe ukupaka enjalo—

- (a) ngexa uphawu lubekiwe okanye lufakiwe; okanye
- (b) ngexesha apho ukumisa okanye ukupaka isithuthi kwindlela kawonke-wonke okanye kwinxenye yendlela kawonke-wonke kungavunyelwanga ngenxa yophawulo olunjalo lwendlela,

umntu ochasana nalo malungiselelo eli candelo unetyala.

**Ukubhucabhuca okanye ukuphazamisana nemitha yokupaka okanye isixhobo esithile sokupaka**

23. (1) Akukho mntu onoku—

- (a) sebenzisa kakubi, onakalise, aphazamisane okanye abhucabhucane;
- (b) azame ukusebenzisa kakubi, onakalise, aphazamisane okanye abhucabhucane,

nendlela yokusebenza okanye umatshini wemitha yokupaka.

- (2) Akukho mntu, ngaphandle kwemvume esuka kwisiXeko nangokuxhomekeka kuwo nawuphina umthetho ongomnye kamasipala, afake okanye azame ukufaka okanye abeke isibhengezo esibhaliweyo, isibhengezo, inotisi, uluhlu, ibhodi yexwebhu okanye into kwimitha yokupaka.
- (3) Akukho mntu unokupeyinta, abhale okanye onakalise imbonakalo yemitha yokupaka.
- (4) Akukho mntu onokuthi ngaphandle kwemvume yemashali yokupaka, asuse okanye abhucabhuca nasiphina isixhobo semashali yokupaka.
- (5) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

**Ikhoyini emiselwe ukuyifaka kuphela**

- 24. (1) Akukho mntu onokufaka okanye abangele ukuba kufakwe kwimitha yokupaka nayiphina into ngaphandle kwekhoyini emiselweyo.
- (2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

**Ukusetyenziswa okungekho mthethweni kwemitha yokupaka**

- 25. (1) Akukho mntu unokusebenzisa okanye azame ukusebenzisa imitha yokupaka ngayo nayiphina indlela ngaphandle kwaleyo imiswe kulo Mthetho kaMasipala.
- (2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

**Ukupaka okungekho mthethweni nokubamba okanye ukususa izithuthi ezipakwe ngokungekho mthethweni**

- 26. (1) Akukho mntu unokubangela, avumele, anike imvume okanye abeke nasiphina isithuthi sipakwe kwindawo emiselwe ukupaka, ngaphandle kokuvunyelwe ngamalungiselelo alo Mthetho kaMasipala.
- (2) Apho nasiphina isithuthi sifunyenwe ukuba sipakwe ngokuchasene nalo Mthetho kaMasipala, iya kubonwa njengepakwe, okanye ebangele ukupakwa, okanye evunyelweyo ukuba ipakwe ngumntu onegama elibhaliswe kwesi sithuthi ngaphandle kwaye de avelise ubungqina obuchasene noku.
- (3) IsiXeko singa—
  - (a) faka isibambi-mavili kuso nasiphina isithuthi esipakwe ngokungekho mthethweni;
  - (b) okanye sibangele ukuba isithuthi esipakwe ngokungekho mthethweni sisuswe sisiwe kwindawo emiswe sisiXeko; kwaye
  - (c) isohlwayo somrhumo wokususwa kwesibambi-mavili esifakiweyo phantsi kwecandelo elingaphantsi (3)(a) okanye ukukhululwa kwesithuthi esisuswa phantsi kwecandelo elingaphantsi (3)(b), nemirhumo eya kuhlawulwa xa kususwa isibambi-mavili esinjalo okanye ukukhululwa kwesithuthi.
- (4) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

**Ukhululo**

- 27 (1) Ngaphandle kokujongela phantsi naliphina ilungiselelo kulo Mthetho kaMasipala, umqhubi okanye umntu olawulayo kwezi zithuthi zilandelayo, ngokuxhomekeka kumalungiselelo eli candelo, angapaka kwindawo yokupaka enemitha ngaphandle kwentlawulo yomrhumo omiselweyo:
  - (a) isithuthi esisetyenziswa njengenqwelo yezigulane nesithi ngelo xesha sisetyenziswe ekuqwalaseleni imeko ebeka ubomi emngciphekweni;
  - (b) isithuthi esisetyenziswa ngabacimi-mlilo ekufikeleleni kwimililo nokufika ngexesha elisetyenziswa ngabacimi-mlilo ekuleqeni umlilo;
  - (c) isithuthi esisetyenziswe lilungu leNkonzo yamaPolisa oMzantsi Afrika, iNkonzo yamaPolisa oLawulo lweNqila okanye icandelo loGun-yaziso loMthetho lesiXeko kwakunye nokufika ngexesha elisetyenzisiweyo ngokuhambelana nolwaphulo-mthetho mhlawumbi olwenzekayo okanye ngokuhambelana nokuqokelelwa okanye ukukhuselwa kobungqina emva kolwaphulo-mthetho.
- (2) Ngokuxhomekeka kumaxesha amisiweyo okanye izithintelo ezinxulumene nokuma okanye ukupaka izithuthi njengoko oko kumisiwe nguwo nawuphina umthetho ongomnye, ummiselo okanye umthetho kamasipala, indawo emiselwe ukupaka kungangenwa kuyo ngaphandle kwentlawulo ngexesha leeyure ezibhalwe sisiXeko kuphawu olufakelwe le njongo.
- (3) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (2) unetyala.

**ISIAHLUKO 3: IMIHLABA YOKUPAKA*****ISigaba soku-1: Amalungiselelo jikelele*****IsiXeko asinokubekwa tyala kwilahleko okanye umonakalo**

28. IsiXeko asinokubekwa tyala kwilahleko okanye umonakalo nokuba unjani owenzeke kuso nasiphina isithuthi okanye umntu okanye nasiphina isibonelelo esingenesinye okanye iziqulatho zesithuthi ebepakwe kumhlaba wokupaka.

**Ukuphazamisana nabasebenzi abagunyazisiweyo, namagosa agunyazisiweyo okanye iimashali zokupaka**

- 29. (1) Akukho mntu uya kunqanda, athintele okanye nangayiphina indlela aphazamisane negosa eligunyazisiweyo, umsebenzi ogunyazisiweyo okanye imashali yokupaka ekwenzeni imisebenzi yakhe phantsi kwalo Mthetho kaMasipala.
- (2) Umntu ochasana neli lungiselelo leli candelo lingaphantsi (1) unetyala.

**Intlawulo yomrhumo omiselweyo**

- 30. (1) Umntu osebenzisa umhlaba wokupaka okanye indawo emiselwe ukupaka kufuneka, apho imirhumo sele imisiwe ngokunxulumene nomhlaba wokupaka okanye indawo emiselwe ukupaka, ahlawule umrhumo omiselweyo nangayiphina indlela okanye ifomathi emiswe sisiXeko.
- (2) IsiXeko ngokunxulumene nomhlaba wokupaka olawulwa ngamatikiti, singanikezela itikiti ngomrhumo omiselweyo nobangela umnini kwinyanga enye okanye kwixesha elincinci elichazwe kwitikiti lokupaka isithuthi emhlabeni, ukuba indawo emiselwe ukupaka ikhona, kumaxesha achazwe kwitikiti.
- (3) IsiXeko singanikezela kulo naliphina kumagosa alo, itikiti elibangela umnini, xa esebenzisa isithuthi malunga noshishino lweSixeko, ukuba

lipake isithuthi kumhlaba wokupaka ochaziweyo, ukuba ikhona indawo kumhlaba wokupaka.

- (4) Itikiti elinikezelwe phantsi kwecandelo elingaphantsi (2) okanye (3)—
  - (a) alina, ngaphandle kwemvume ebhaliweyo yangaphambili yesiXeko—
    - (i) kugqithiselwa komnye umntu ongomnye; okanye
    - (ii) kusetyenziswa ngokunxulumene naso nasiphina isithuthi ngaphandle kweso sichaziweyo;
  - (b) kufuneka sifakwe ngumnini wetikiti kwisithuthi ngokunxulumene nokunikeziweyo ngendlela nendawo apho amagama abhaliweyo okanye aprintiweyo kwitikiti efundeka ngaphandle kwesithuthi;
  - (c) liya kusebenza kuphela kwixesha elichazwe kwitikiti elinjalo.
- (5) Isicelo semvume echazwe kwicandelo elingaphantsi (4)(a) kufuneka senziwe kwifomu enikezelelwa le njongo sisiXeko.
- (6) Umntu ochasana necandelo elingaphantsi (1), okanye osebenzisa umhlaba wokupaka okanye indawo emiselwe ukupaka xa ixesha lonikezelo lwetikiti phantsi kwecandelo elingaphantsi (2) liphelile, okanye ochasana nelungiselelo lecandelo elingaphantsi (4) unetyala.

#### **Ukuqwalaselwa kweempawu**

31. (1) Umntu okumhlaba wokupaka kufuneka aqwalasele kwaye athobelane nazo naziphina izihamba-ndlela okanye uphawu olungolunye, inotisi okanye uphawu olusemhlabeni nolubekwa okanye oluboniswa kumhlaba wokupaka ngenjongo yokulawula izithuthi kusetyenziswa umhlaba wokupaka okanye isango lokungena okanye lokuphuma kumhlaba wokupaka.
- (2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

#### **Indlela yokupaka nokususwa kwesithuthi**

32. (1) Akukho mntu kuwo nawuphina umhlaba wokupaka opaka isithuthi ngenye indlela ngaphandle kokuthobelana nomyalelo okanye umgaqo onikezelweyo ligosa eligunyazisiweyo okanye njengoko kubonisiwe ngophawu, okanye kwazisiwe okanye kususwe isithuthi ngenye indlela engelo sango okanye ekuphumeni kumhlaba wokupaka emiselwe le njongo.
- (2) Apho iindawo ezimiselwe ukupaka zithe zohlulwa kumhlaba wokupaka, akukho mntu onolawulo okanye olawula isithuthi onokupaka isithuthi—
  - (a) kwindawo ekumhlaba wokupaka engeyondawo emiselwe ukupaka, ngaphandle kokuba uyalelwe ukuba wenze njalo ligosa eligunyazisiweyo kumhlaba wokupaka;
  - (b) kwindawo emiselwe ukupaka kumgca opeyintiweyo ophawula indawo emiselweyo okanye kwindawo enjalo esinokuthi isithuthi singabikho sisonke kwindawo eyohlulelwe indawo yokupaka; okanye
  - (c) kwindawo emiselwe ukupaka esele kukho esinye isithuthi.
- (3) Akukho mntu unokupaka isithuthi kwindlela yezithuthi ngaphakathi kumhlaba wokupaka okanye kwindlela yabucala okanye ngendlela ethintela indlela yabahambi ngeenyawo kwindlela yabucala.
- (4) Akukho mntu onokuthi kumhlaba wokupaka apake isithuthi ngendlela ethintela okanye ephazamisa abanye abasebenzisi bomhlaba wokupaka.
- (5) Akukho mntu unokupaka, okanye abangele, okanye avumele isithuthi ingesiso isithuthi njengoko sichaziwe kwi-National Road Traffic Act, 1996 (uMthetho 93 ka- 1996), ukuba sipakwe okanye sihlale kumhlaba wokupaka.
- (6) Umntu ochasana neli lungiselelo leli candelo unetyala.

#### **Isithuthi esishiywe sodwa**

33. (1) IsiXeko singasusa sise kwisikiti sesiXeko isithuthi esishiywe kwindawo enye kumhlaba wokupaka kwixesha elilandelelanayo leentsuku ezingaphezulu kwesixhenxe.
- (2) IsiXeko kufuneka sithathe onke amanyathelo afanelekileyo ekufuneni umntu wesithuthi esisuswe phantsi kwecandelo elingaphantsi (1), kwaye ukuba umntu wesithuthi okanye umntu onelungelo kubunini besithuthi akafumaneki kwixesha leentsuku ezingama-90 emva kokususwa kwesithuthi, isiXeko, ngokuxhomekeka kwicandelo elingaphantsi (3) namacandelo 59 no-60, siyasithengisa isithuthi kwifandesi kawonke-wonke.
- (3) IsiXeko kufuneka kwiintsuku ezili-14 ngaphambi kwefandesi echazwe kwicandelo elingaphantsi (2), sipapashe okanye senze ukuba kupapashe kumaphephandaba amabini ubuncinane asasazwa ngaphakathi kummandla kamasipala, inotisi yefandesi, kodwa ke, ukuba umntu okanye umntu onelungelo kubunini besithuthi ubange isithuthi ngaphambi kokuba kuqalise ifandesi, isithuthi asisayi kuthengiswa kwifandesi, umntu lowo kufuneka ahlawule kwisiXeko yonke imirhumo ekufuneka ihlawuliwe ngokwalo Mthetho kaMasipala namaxabiso angamanye phantsi kwecandelo elingaphantsi (4).
- (4) Ukuqhutywa kwentengiso okugqitywe phantsi kweli candelo kufuneka kusetyenziswe kuqala kwintlawulo yemirhumo ekuthethwa ngayo kwicandelo elingaphantsi (3) nakamva ekuhlulweni oku kulandelayo:
  - (a) amaxabiso kwiinzame zokufuna umntu ngokwecandelo elingaphantsi (2);
  - (b) amaxabiso okususa isithuthi;
  - (c) amaxabiso okupapasha inotisi yefandesi;
  - (d) amaxabiso okuqalisa intengiso yesithuthi;
  - (e) amaxabiso, abalwe ngokwezinga elimiswe sisiXeko, okugcina isithuthi esikiti;
  - (f) imirhumo yokupaka esetyenziswayo ngokushiya isithuthi kumhlaba wokupaka njengoko kuchaziwe kwicandelo elingaphantsi (1); kunye
  - (g) nayiphina imirhumo yokupaka okanye izohlwayo ezingahlawulwanga zezihamba-ndlela ngokunxulumene nesithuthi esinjalo kunye nent-salela, ukuba ikhona, yokuqhutywa, emva kwebango, kumnini wesithuthi okanye umntu onelungelo kwisithuthi ukuba angaqinisekisa ngelungelo lakhe kwisithuthi.
- (5) Ukuba akukho bango elisekiweyo kunyaka omnye ukususela kumhla wentengiso, intsalela yokuqhutywa kokuchazwe kwicandelo elingaphantsi (4) ilahlelwa kwisiXeko.
- (6) Akukho mntu unokushiya isithuthi kwindawo enye kumhlaba wokupaka kwixesha eliqhubekayo elingaphezulu kwiintsuku ezisixhenxe, kwaye umntu owenza njalo unetyala.



**Umonakalo kwiinotisi**

34. (1) Akukho mntu unokususa, onzakalise, afihle okanye nangayiphina indlela onakalise okanye aphazamisane nenotisi, obhodi yenotisi, uphawu okanye enye into ebekwe sisiXeko kumhlaba wokupaka.

(2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala..

**Ukuqhuba ngokungakhathali nangokuyingozi nezithintelo zesantya**

35. (1) Akukho mntu, kumhlaba wokupaka, onokuqhuba isithuthi ngokungakhathali okanye ngendlela enobungozi kuluntu jikelele okanye kwesinye isithuthi.

(2) IsiXeko singathi ngophawu sibonise esona santya siphezulu esinokusetyenziswa kumhlaba wokupaka.

(3) Umntu ochasana necandelo elingaphantsi (1) nomntu oqhuba ngaphezulu kwesantya esingaphezulu ngokwecandelo elingaphantsi (2), unetyala.

**Ukungena okanye ukuhlala kumhlaba wokupaka**

36. (1) Akukho mntu unokungena, ahlale okanye abe kumhlaba wokupaka ngaphandle kweenjongo zokupaka kumhlaba wokupaka isithuthi, okanye ukususa ngokusemthethweni isithuthi kumhlaba wokupaka, ngokuhambelana nokuba ehlawule umrhumo wokupaka omisiweyo, kodwa ke, eli candelo alisebenzi ku—

(a) mntu ohamba nomntu opaka okanye osusa isithuthi;

(b) amagosa eSixeko athatha inxaxheba kwimisebenzi esesikweni okanye ayalelwe sisiXeko; kunye

(c) nomntu oqeshwe ngumnikezeli wenkonzo yolawulo lokupaka owenza umsebenzi wakhe.

(2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

**Ukubhucabhuca isithuthi**

37. (1) Akukho mntu, kumhlaba wokupaka, ngaphandle kwesizathu okanye ngaphandle kolwazi okanye imvume yomnini okanye umntu onolawulo olusemthethweni lwesithuthi, ngayo nangayiphina indlela aphazamisane okanye abhucabhucane noomatshini, izincedisi, inxenye okanye iziqulatho zesithuthi, okanye ukungena okanye ukukhwela kwisithuthi, okanye ukuseta umatshini wesithuthi ukuba uhambe.

(2) Umntu ochasana necandelo elingaphantsi (1) unetyala.

**Ukonakalisa itikiti**

38. (1) Akukho mntu, kumhlaba wokupaka ngenjongo yokwenza ubuqhetseba kwisiXeko, afoje, alinganise, onakalise inkangeleko, onzakalise, atshintshe okanye enze uphawu kwitikiti lokupaka elinikezwe phantsi kwalo Mthetho kaMasipala.

(2) Umntu ochasane necandelo elingaphantsi (1) unetyala.

**Isithuthi esinesiphene**

39. (1) Akukho mntu unokupaka, okanye abangele, okanye avumele isithuthi esinesiphene okanye ngaso nasiphina isizathu, esingakwaziyo ukushukuma, ukuba sipakwe okanye sihlale kumhlaba wokupaka.

(2) Ukuba isithuthi, emva kokuba sipakiwe kumhlaba wokupaka, sivele isiphene esinikezela ukuba singahambi, umntu olawulayo kufuneka athathe onke amanyathelo afanelekileyo ukuba kulungiswe isithuthi ukuba kungenziwa ulungiso olungephi okanye sisuswe kwixesha elifanelekileyo.

(3) Umntu ochasane necandelo elingaphantsi (1) okanye (2), unetyala.

**Ukucoca/ukuhlamba isithuthi**

40. (1) Akukho mntu ngaphandle kwemvume yangaphambili yesiXeko, uya kuhlamba isithuthi kumhlaba wokupaka okanye kwindawo emiselwe ukupaka.

(2) Umntu ochasane necandelo elingaphantsi (1) unetyala.

**Ukungavunyelwa ukungena**

41. (1) Igosa eligunyazisiweyo lingangavumi ukuvumela kumhlaba wokupaka isithuthi kunye nomthwalo waso, ukuba side ngaphezulu kweemitha ezintlanu, okanye ngenxa yesizathu sobubanzi okanye ubude baso, singenza umonakalo ebantwini okanye ipropati, okanye esinobangela isithintelo okanye ingxaki ethile.

(2) Umntu ongahoyi ukwalelwa kwakhe ukuba angene ligosa eligunyazisiweyo unetyala.

**Iiyure zokupaka neendidi zezithuthi**

42. (1) IsiXeko, ngokuxhomekeka kumalungiselelo alo Mthetho kaMasipala, singavumela ukupaka kumhlaba wokupaka ngexesha leeyure xa umhlaba wokupaka uvulekile ekupakeni kwiindidi ezinjalo zezithuthi, njengoko sinokumisa njalo.

(2) IsiXeko kufuneka kwintotisi ebekwe ekungeneni kumhlaba wokupaka, siseke iindidi zezithuthi ezinokupaka kumhlaba wokupaka, kunye nama-xesha okuvula nokuvula komhlaba wokupaka.

(3) IsiXeko, ngaphandle kokujongela phantsi inotisi ebekwe ngaphantsi kwecandelo elingaphantsi (2), ngenotisi eboniswe kumhlaba wokupaka, singavala umhlaba wokupaka okanye inxenye yomhlaba wokupaka, ngokusisigxina okanye kwixesha elichazwe kwintotisi, ekupakeni izithuthi.

(4) Akukho mntu unokupaka isithuthi okanye avumele isithuthi ukuba sihlale sipakiwe kumhlaba wokupaka ovaliweyo phantsi kwecandelo elingaphantsi (3), okanye ngalo naliphina ixesha ngexesha leeyure zokupaka izithuthi kumhlaba wokupaka njengoko kumiswe njalo sisiXeko kumaxesha ngamaxesha.

(5) Akukho mntu unokupaka kumhlaba wokupaka isithuthi esingelulo udidi okanye iindidi ezinokusebenzisa umhlaba wokupaka njengoko kuchazwe njalo kwintotisi efakwe ekungeneni kumhlaba wokupaka.

(6) Akukho mntu, ngaphandle kokuba ngumnini wetikiti lokupaka elinikezelwe phantsi kwalo Mthetho kaMasipala omgunyazisayo ukuba enze njalo, apake isithuthi okanye abangele okanye avumele isithuthi ukuba sipakwe kumhlaba wokupaka ngaphambi kokuqala okanye emva kokuphelelwa kwixesha lokupaka elimiswe kumhlaba wokupaka.

(7) Umntu ochasane neli candelo lingaphantsi (4), (5) okanye (6) unetyala.



**Ugcino olwenziwa sisiXeko**

43. (1) IsiXeko singathi ngenotisi eboniswe kumhlaba wokupaka, sigcine inxenywe yomhlaba wokupaka ukuze kupake izithuthi zeSixeko okanye izithuthi ezisetyenziswa ngamalungu abasebenzi kushishino lweSixeko.
- (2) Umntu opaka isithuthi kwinxenywe yecandelo eligcinelwe ukuba izithuthi zeSixeko okanye amalungu abasebenzi beSixeko unetyala.

***ISigaba sesi-2: Umhlaba wokupaka olawulwa ngokusebenzisa oomatshini*****Ukupaka isithuthi kumhlaba osebenzisa oomatshini okanye kungenjalo kumhlaba wokupaka olawulwayo**

44. (1) Ngokuxhomekeka kwicandelo 2, umntu—

- (a) onqwenela ukupaka isithuthi;
- (b) obangela okanye ovumela isithuthi ukuba sipakwe; okanye
- (c) ovumela isithuthi ukuba sipakwe,

kwindawo enoomatshini okanye kungenjalo kumhlaba wokupaka olawulwayo kufuneka xa engena kumhlaba wokupaka nasemva kokuba isithuthi simile, nangokuhambelana nemiyalelo eboniswe kufutshane okanye kumatshini wokuthengisa amatikiti okupaka, afumane itikiti lokupaka elinikezelwa ngumatshini.

- (2) Umntu ochazwe kwicandelo elingaphantsi (1) akanako ukupaka isithuthi—
- (a) ngaphandle kwakwindawo emiselwe ukupaka nangokuthobelana nemigaqo enjalo njengoko ibinikezelwe ligosa eligunyazisiweyo okanye apho indawo enjalo ingaphawulwanga, ngaphandle kwakwindawo eboniswe ligosa eligunyazisiweyo;
  - (b) emva kokuba igosa eligunyazisiweyo libonisile emntwini ukuba umhlaba wokupaka ugcewele;
  - (c) emva kokuphelelwa kwexesha lokupaka eliboniswe kwitikiti lokupaka; okanye
  - (d) kwixesha elide kunelo liboniswe ngophawu.
- (3) Itikiti lokupaka elifunyenwe ngokwecandelo elingaphantsi (1) liyasebenza de kufike ixesha lokuphelelwa kwalo njengoko kubonisiwe kwitikiti, kwaye nomntu akanokuvumela isithuthi ukuba sihlale kumhlaba wokupaka emva kokuphelelwa kwexesha lokupaka, ngaphandle kokuba isiXeko singazalisekisa inkqubo apho intlawulo ifuneka ekupheleni kwexesha lokupaka.
- (4) Umntu ongafumani tikiti ngokuhambelana necandelo elingaphantsi (1) okanye ochasana necandelo elingaphantsi (2) okanye (3) unetyala.

**Ukususwa kwesithuthi kumhlaba osebenzisa oomatshini okanye okungokunye**

45. (1) Akukho mntu unokususa, okanye abangele, okanye avumele ukususwa kwesithuthi kumhlaba wokupaka, ngaphandle kokuba—

- (a) uvelise kwigosa eligunyazisiweyo itikiti elimvumelayo ukuab apake kumhlaba wokupaka nelinikezelwe kuye ngumatshini wentengiso yamatikiti okupaka xa engena kumhlaba wokupaka; kwaye
- (b) uhlawule kwigosa eligunyazisiweyo umrhumo wokupaka omisiweyo.

- (2) Ukuba umntu akaphumeleli ukuvelisa itikiti elimvumelayo ukuba apake kumhlaba wokupaka olawulwayo, kuya kucingwa ukuba upake isithuthi ekuqaleni kwexesha lokuvulwa komhlaba wokupaka kwade kwalixesha apho afune ukususwa isithuthi, kwaye uya kubhatala umrhumo omiswe njalo sisiXeko kumaxesha ngamaxesha.
- (3) Umntu, emva kokuba engaphumelelanga ukuvelisa itikiti, asuse, okanye abangele okanye avumele ukususwa kwesithuthi esipakwe kumhlaba wokupaka ade avelise obunye ubungqina kwigosa eligunyazisiweyo ngelungelo lakhe lokususa isithuthi, igosa eligunyazisiweyo—
- (a) kufuneka lifune umntu ukuba avelise isiqinisekiso sesazisi aze agcwalise, asayine ifomu yokhuseleko njengoko inikezelwe sisiXeko, ifomu leyo enesiphumo sokuthintela isiXeko kumabango alulo naluphina uhlobo ngumntu onxulumene nokususwa kweso sithuthi;
  - (b) lingafuna ukuba umntu anikezele ukhuseleko olunjalo njengoko kumiswe njalo sisiXeko.
- (4) Icandelo elingaphantsi (1)(a) alisebenzi apho imirhumo emiselweyo ibihlawuliwe ekungeneni kumhlaba wokupaka kwaye umntu ohlawule imirhumo enjalo uvelise itikiti elifunekayo kwigosa eligunyazisiweyo xa lifuniwe.
- (5) Apho isithuthi singasuswanga kumhlaba wokupaka ekupheleni kwexesha lokupaka nalapho umrhumo omisiweyo uhlawuliwe, umrhumo ongomnye njengoko uya kumiswa sisiXeko uya kuhlawulelwa ukupaka okulandelayo.
- (6) Umntu ochasana necandelo elingaphantsi (1), okanye osusa okanye obangela, okanye ovumela ukususwa kwesithuthi ngokuchasana necandelo elingaphantsi (3), okanye ongathobelani nesicelo esenziwe ligosa eligunyazisiweyo ngokwecandelo elingaphantsi (3)(a) okanye (b) unetyala.

***ISigaba sesi-3: Umhlaba wokupaka ongu-Bhatala-ubonise*****Ukupaka isithuthi kumhlaba wokupaka ongu-bhatala-ubonise**

46. (1) Umntu—

- (a) onqwenela ukupaka isithuthi;
- (b) obangela okanye ovumela isithuthi ukuba sipakwe; okanye
- (c) ovumela isithuthi ukuba sipakwe,

kumhlaba wokupaka ongu-bhatala-ubonise kufuneka ngokukhawuleza xa engena kumhlaba wokupaka, athenge, ngokuhambelana nemimiselo ebhalwe kumatshini wentengiso yamatikiti okupaka, itikiti elinikezelwa ngumatshini, kwaye umntu ongathobelani neli candelo elingaphantsi unetyala.

- (2) Oku kulandelayo kufuneka kuboniswe kumatshini wentengiso yamatikiti okupaka:

- (a) ixesha apho isithuthi singapakwa khona kumhlaba wokupaka ongu-bhatala-ubonise; kwaye
- (b) ikhoyini okanye enye into emiselweyo okanye indlela yokuhlawula kufuneka ifakwe okanye isetyenziswe ngokunxulumene nexesha lokupaka kumatshini ongu-bhatala-ubonise.

- (3) Umntu kufuneka abonise itikiti ngokulincamathiselwa ngaphakathi kwicala lomqhubi kwifestile engaphambili yesithuthi ngendlela nakwindawo apho ulwazi olubhalwe kwitikiti ngumatshini ongu-bhatala-ubonise lucafile kwifestile engaphandle yesithuthi.

- (4) Akukho mntu unokuvumela ukuhlala kumhlaba wokupaka ongu-bhatala-ubonise emva kokuphelelwa kwexesha elibonise kwitikiti lokupaka kwaye, ngaphandle kokuba ubungqina kokuchasene noku buvelisiwe, umhla okanye usuku nexesha lokuhamba njengoko libonisiwe ngumatshini wokuthengisa amatikiti okupaka, kubuso bawo, bubungqina obuchanekileyo bomhla okanye usuku nexesha.
- (5) Akukho mntu unokupaka isithuthi, abangele, enze ukuba okanye avumele isithuthi ukuba sipakwe kumhlaba wokupaka ongu-bhatala-ubonise ukuba itikiti lokupaka alifumaneki kumatshini wokuthengisa amatikiti okupaka ngendlela ebonisiweyo okanye xa inotisi ibonisiwe kumatshini ebonisa ukuba awusebenzi.
- (6) Ukuba isithuthi sisusiwe kumhlaba wokupaka ongu-bhatala-ubonise size sibuyiselwe kumhlaba wokupaka ongu-bhatala-ubonise kwakwixesha elivumelekileyo letikiti lokupaka, itikiti liyaqhubekeka ukuba lisebenze.
- (7) Ukuba netikiti lokupaka elisebenzayo ngokunxulumene nesithuthi esingekho ngaphakathi kwindawo emiselwe ukupaka akuqinisekisi ubukho bendawo engenamntu yokupaka.
- (8) Umntu ochasana necandelo elingaphantsi (3), (4) okanye (5) unetyala.

#### **Izohlwayo ezingezinye ezinxulumene nomhlaba wokupaka ongu-bhatala-ubonise**

#### **47. Umntu unetyala ukuba—**

- (a) ufaka okanye uzama ukufaka kumatshini wokuthengisa amatikiti okupaka—
  - (i) ikhoyini engeyiyo evumelekileyo;
  - (ii) apho olunye udidi oluthile luza kusetyenziswa, into ebubuxoki;
  - (iii) ikhoyini engeyomali yaseMzantsi Afrika; okanye
  - (iv) nayiphina into engafanelekanga ukuba ifakwe kumatshini wokuthengisa amatikiti okupaka;
- (b) oojeke, ii-knock, ii-shake okanye nangayiphina indlela baphazamisane okanye babhucabhuze okanye bonakalise, okanye ukonakalisa inkangeleko yomatshini wokuthengisa amatikiti okupaka okanye into ehamba nenge (appurtenance) okanye ukuncamathisela okanye ukuzama ukuncamathisela okanye ukubeka uphawu, isibhengezo esibhaliweyo, isibhengezo, inotisi, uluhlu, uxwebhu, ibhodi okanye into ethile, okanye ipeyinti, ukubhala kuyo okanye ukonakalisa imbonakalo yomatshini wokuthengisa amatikiti okupaka; okanye
- (c) ususa okanye azame ukususa umatshini wokuthengisa amatikiti okupaka okanye nayiphina inxenye yomatshini ekumisweni kwawo.

### **ISIAHLUKO 4: IITEKSI NEEBHASI**

#### ***ISigaba soku-1: Iindawo ezizodwa zokupaka iiteksi***

#### **Iindawo ezizodwa zokupaka iiteksi**

48. (1) IsiXeko, ngokuxhomekeka kuwo nawuphina uMthetho ongomnye kaMasipala onxulumene neeteksi, ukumiswa kweendawo ezizodwa eziza kusetyenziswa ziiteksi okanye ukupaka kweteksi yomntu onomqondiso wokungena erenkini wokusebenzisa indawo yokupaka okanye ukupaka iiteksi.
- (2) Umqondiso wokungena erenkini unganikezelwa nowabela indawo eyodwa yokupaka okanye isahlulo esingezantsi sendawo eyodwa yokupaka kumntu othile okanye isithuthi esithile ukuze asisebenzise ngokukodwa.
- (3) Ukuba akukho ndawo efumanekayo kwindawo eyodwa yokupaka kwixesha elithile lokupaka iiteksi ngumntu womqondiso wokungena erenkini okanye kwiteksi enxulumene nomqondiso wokungena erenkini, iiteksi kufuneka ipakwe kwindawo yokulinda echazwe yimashali eqeshiweyo nesebenza kwindawo eyodwa yokupaka, njengoko kucaciswe njalo kwicandelo 49, de imashali okanye nawuphina omnye umntu oqeshiweyo ambize aze amvumele umntu ukuba apake iiteksi kwindawo eyodwa yokupaka.
- (4) Akukho mntu okanye isithuthi ngaphandle komntu okanye isithuthi esichaziweyo kwicandelo elingaphantsi (2), ngaphandle komqondiso wokungena erenkini, angasebenzisa okanye apake kwindawo eyodwa yokupaka okanye ulwahlulo lwayo, kwaye umntu ochasene neli lungiselelo, okanye umntu opaka isithuthi kwindawo yokulindela ingeyiyo indawo echazwe kwicandelo elingaphantsi (3) unetyala.

#### **Ukupaka kweeteksi**

49. (1) Umqhubi, ngokuxhomekeka kwicandelo elingaphantsi (2) necandelo 48 nangokuxhomekeka kuwo nawuphina umthetho kamasipala ongomnye weSixeko onxulumene neeteksi—
  - (a) angapaka iiteksi kwindawo eyodwa yokupaka okanye kwindawo yokulinda ngenjongo kuphela yokuqhuba ushishino olunxulumene ngqo neteksi; okanye
  - (b) asebenzele ingqesho, okanye alande okanye ahambise abahambi kuphela kwindawo eyodwa yokupaka okanye kwindawo enikezelweyo yokuma iiteksi.
- (2) Kwixesha likaxakeka okanye kulonwabo neminye imibhiyozo, isiXeko singabekela bucala izibonelelo zexeshana zeeteksi eziphawulwe liGosa eliyiNtloko leziHamba-ndlela njengezifanelekileyo ekupakeni nasekumisweni iiteksi.
- (3) Umntu ochasana necandelo elingaphantsi (1), okanye opaka okanye omisa iiteksi endaweni engesiso isibonelelo sexeshana seteksi njengoko kuchaziwe kwicandelo elingaphantsi (2), unetyala.

#### **Ukusetyenziswa kweerenki zeeteksi**

50. (1) Ngokuxhomekeka kuwo nawuphina umthetho kamasipala weSixeko onxulumene neeteksi, umqhubi—
  - (a) ngokuxhomekeka kwicandelo elingaphantsi (3), angapaka iiteksi kwirenki yeteksi echazwe komqondiso wokungena erenkini onikezelwe ngokuhambelana neteksi leyo, ukuba ikhona indawo kwaye kuphela ngenjongo yokuqhuba ushishino olunxulumene neteksi;
  - (b) kufuneka, ukuba akukho sithuba esikhoyo, asuse aze apake iiteksi kwindawo yokulinda, ngokuhambelana namalungiselelo ecandelo 48.
- (2) Umqhubi kufuneka, esebenzela ingqesho kwirenki yeteksi, enze njalo emgceni kwaye kufuneka—
  - (a) abeke iiteksi yakhe kwindawo yokuqala engenamntu emgceni ngokukhawuleza emva kwayo nayiphina iiteksi ebisele ingaphambili;
  - (b) ahambise iiteksi yakhe phambili xa umgca uhambela phambili.
- (3) Xa usebenzela ingqesho kwirenki yeeteksi, umqhubi—
  - (a) wayo nayiphina iiteksi ungena kwisikhundla sokuqala, sesibini okanye sesithathu ukusuka ngaphambili kuwo nawuphina umgca erenkini, kufuneka abe kufutshane kwaye abekho rhoqo kwiteksi yakhe oko nje ihlala ikwisikhundla esinye;
  - (b) akanokubeka iiteksi yakhe ngaphambili kwayo nayiphina iiteksi efikileyo aze athathe isikhundla emgceni ngaphambi kokuba enze njalo;

- (c) ukuba iteksi yakhe yeyokuqala emgceni, aze nokuba ngubani na umntu abize iteksi, aphenandle ubizo, ngaphandle kokuba umntu ubonise ngokuphandle ukuba ufuna eyiphi na iteksi engekho ngaphambili emgceni.
- (4) Akukho mntu ongapaka okanye amise iteksi engasebenzi kakuhle njengoko kufuneka kuMthetho, kwirensi yeeteksi, okanye abangele, okanye avumele iteksi ihlale erenkini.
- (5) Akukho mntu unokupaka isithuthi okanye avumele isithuthi ukuba sihlale simile kwirensi yeeteksi ngaphandle kweteksi enelayisensi esebenzayo yokusebenza nalapho umqondiso wokungena erenkini, ocacisa irensi, unikezelwe kunyaka lowo, njengoko kuchazwe njalo kwesi Sigaba seSahluko 4.
- (6) Umntu ochasana nelungiselelo leli candelo unetyala.

#### **Uthintelo lokupakwa kweeteksi kwiindawo ezingamelanga kumisa kuzo**

**51.** Akukho mqhubi weteksi onokupaka kwindawo ekungamiswayo kuyo, umqhubi weteksi owenza njalo, unetyala.

#### **Ukuseiswa nokuhlanjwa kweeteksi kwizibonelelo zeeteksi**

**52.** (1) Akukho mntu onokulungisa okanye agcine nasiphina isithuthi kwizibonelelo seteksi.

- (2) Akukho mntu unokuhlamba nasiphina isithuthi kwizibonelelo seteksi, ngaphandle kwakwindawo yokuhlamba kwizibonelelo esakhiwe ngokukodwa le njongo.
- (3) Umntu ochasana neli lungiselelo leli candelo unetyala.

#### **Indlela yokuziphatha engavunyelwanga kwirensi yeeteksi**

**53.** Umntu obangela ukuphazamiseka okanye oziphethe ngendlela enobundlobongela okanye engenasidima unetyala ngokwalo Mthetho kaMasipala kwaye angasuswa emgceni, kwirensi yeeteksi okanye kwindawo ejikeleze isibonelelo seteksi ligosa eligunyazisiweyo.

#### ***ISigaba sesi-2: Izibonelelo zebhasi neepemethe nokusebenza kwebhasi***

#### **Ukusekwa kwezibonelelo zebhasi**

**54.** Amalungiselelo ecandelo 48(1), (2) no-(3) asebenza, neenguqulelo ezifanelekileyo, kwiibhasi.

#### **Ukwahluka kweendawo zokumisa iibhasi**

**55.** (1) Indawo nganye yokumisa ibhasi kufuneka yohlulwe ngophawu olufanelekileyo lwezihamba-ndlela ekuboniseni udidi lwebhasi okanye i-minibus-teksi okanye apho kufaneleke khona, igama lalowo unelungelo lokumisa ibhasi.

- (2) IsiXeko singohlula iindawo zokumisa iibhasi zabatyeleli.

#### **Iimpawu zeendawo ekuyiwa kuzo nokumisa okanye ukupaka kwiindawo zokumisa iibhasi**

**56.** (1) Akukho mqhubi okanye mntu olawula ibhasi okanye i-minibus-teksi onokupaka ibhasi kuyo nayiphina indawo yokumisa ibhasi okanye avumele isithuthi esinjalo ukuba sipakwe kwindawo yokumisa ibhasi.

- (2) Akukho mqhubi okanye umntu olawula i-minibus-teksi onokumisa okanye apake isithuthi esinjalo okanye avumele isithuthi esinjalo ukuba simiswe okanye sipakwe kuyo nayiphina indawo yokumisa ibhasi emiselwe iibhasi zabakhenkethi.
- (3) Ngaphandle kokujongela phantsi amalungiselelo ecandelo elingaphantsi (1) umqhubi okanye umntu olawula ibhasi yesiXeko angapaka ibhasi yesiXeko kwindawo yokumisa ibhasi emiselwe ukuba isetyenziswe ngulowo oqhuba iibhasi zesiXeko, ukuba ufuna ukwenza njalo ngenjongo yokulibazisa ukhamba kwindawo yokumisa ibhasi enjalo ekugcineni ishedyuli efunekayo yebhasi.
- (4) Umqhubi okanye umntu olawula ibhasi okanye i-minibus-teksi kufuneka aqwalasele aze athobelane nasiphina isihamba-ndlela okanye uphawu olungolunye, inotisi okanye okuphawulwe endleleni okubekwe okanye okuboniswa kwindawo yokumisa ibhasi.
- (5) Apho uphawu lwezihamba-ndlela oluphawula indawo yokumisa ibhasi okanye uphawu olungolunye olubekwe kwindawo yokumisa ibhasi elibonisa igama lalomntu, akukho mqhubi okanye mntu olawula ibhasi okanye i-minibus-teksi esetyenziswa okanye egameni lomntu othile ngaphandle kwalowo uboniswa kuphawu, unokumisa isithuthi esinjalo okanye avumele umkhweli ukuba akhwele okanye ehle kwisithuthi esikwindawo yokuma enjalo.
- (6) Umqhubi okanye umntu olawula ibhasi kufuneka aqinisekise ukuba uphawu lwendawo eya kuyo lubonisiwe ebhasini.
- (7) Akukho mqhubi okanye umntu olawula ibhasi okanye i-minibus-teksi ongavumela i-enjini yalo bhasi ekuvumelele ukuba ime kuyo nayiphina indawo yokumisa ibhasi ukuba idume kwixesha elingaphezulu kwemizuzu engama-20, emva kokuba imile.
- (8) Umntu ochasana neli lungiselelo leli candelo unetyala.

### **ISIAHLUKO 5**

#### **AMALUNGISELELO ANGAMANYE**

#### **Ukuthobela nokuphazamisana negosa eligunyazisiweyo**

**57.** (1) Igosa eligunyazisiweyo lingayalela zonke izihamba-ndlela ngokusebenzisa iimpawu ezibonakalayo okanye ezivakalayo kwaye akukho mntu onokungathobeli ezo mpawu.

- (2) Akukho mntu onokunqanda, athintele, aphaathe kakubi okanye aphazamisane nalo naliphina igosa eligunyazisiweyo xa libenzisa amagunya alo achazwe kwicandelo elingaphantsi (1).
- (3) Umntu ochasane neli lungiselelo leli candelo unetyala.

#### **Isibheni**

**58.** (1) Umntu onamalungelo achatshazelwe sisigqibo esenziwe phantsi kwalo Mthetho kaMasipala nakwimiba yamagunya okanye umsebenzi wokwenza isigqibo esinjalo agunyaziswe okanye agunyazise owakhe ongaphantsi kumenzi wesigqibo, angafaka isibheni ngokuchasene nesigqibo eso ngokugqithisa inotisi ebhaliweyo yesibheni nezizathu kuManejala kaMasipala kwiintsuku ezingama-21 emva kosuku lokwaziswa kwesigqibo.

- (2) Isiphatha-mandla sesibheni kufuneka sicinge ngesibheni size siqinisekise, sitshintshe okanye sirhoxise isigqibo, kodwa akukho lutshintsho okanye lurhoxiso lwesigqibo olunokunciphisa nawaphina amalungelo akhoyo ngenxa yesigqibo.

(3) Xa isibheni sichasene nesigqibo esithatyathiweyo—

- (a) ngumsebenzi ingenguye uManejala kaMasipala, uManejala kaMasipala sisiphatha-mandla sesibheni; okanye

- (b) uManejala kaMasipala, iKomiti kaSibonda yesiGqeba esiLawulayo sisiphatha-mandla sesibheni.
- (4) Isiphatha-mandla sesibheni kufuneka siqalise ngesibheni kwiiveki ezintandathu size senze isigqibo kwixesha elifanelekileyo.

#### **Intengiso yezithuthi ezithinjweyo**

##### **59. (1) IsiXeko kufuneka—**

- (a) kwiintsuku ezili-14 zokuthinjwa kwesithuthi, sifake isicelo eNkundleni segunya lokuthengisa isithuthi;
- (b) kwisicelo esichazwe kumhlathi (a), sinikezele iNkundla ngobungqina bokuba sifake ingxelo njengoko kuchaziwe kwicandelo elingaphantsi (2) kumnini.
- (2) Ingxelo echazwe kwicandelo elingaphantsi (1)(b) kufuneka iquke imirhumo namaxabiso ekufuneka ehlawuliwe ngokwalo Mthetho kaMasipala.

#### **Inkqubo ekufuneka ilandelwe kwisicelo senkundla**

**60.** Isicelo esiya eNkundleni sentengiso yesithuthi esithinjweyo ngokwalo Mthetho kaMasipala kufuneka sithobelane nenkqubo echazwe kwicandelo 66 le-Magistrates' Courts Act, 1944 (uMthetho 32 ka-1944), noMthetho 41 weMithetho yeNkundla, eyenziwe yiBhodi yeMithetho yeeNkundla zoMthetho ngokwecandelo 6 le-Rules Board for Courts of Law Act, 1985 (uMthetho 107 ka-1985), nopapashwe phantsi Notisi kaRhulumente enguNomb. R.1108 kwiGazethe yeMimiselo enguNomb. 980 yomhla wama-21 Juni 1968, njengoko ulungisiwe kumaxesha ngamaxesha, nofundwa neenguqulelo ezifanelekileyo.

#### **Iinotisi zokuthobela nokufumanisa kwakhona amaxabiso**

##### **61. (1) Ngaphandle kokujongela phantsi nawaphina amalungiselelo alo Mthetho kaMasipala, isiXeko—**

- (a) apho imvume yesiXeko ifuneka khona ngaphambi kokuba umntu enze naliphina inyathelo okanye akhe okanye afake nantonina, nemvume enjalo ingekafumaneki;
- (b) apho naliphina ilungiselelo lalo Mthetho kaMasipala lichaswa khona phantsi kweemeko apho inkcaso inokupheliswa ngokusuka kwalo naluphina ulwakhiwo, into ethile, imateriyali okanye umba othile,
- sinikezele inotisi ebhaliweyo kumnini wamaziko okanye umoni, ukuba aphelise inkcaso enjalo okanye asuse ulwakhiwo, into ethile, imateriyali okanye umba othile, okanye athathe amanyathelo angamanye xa isiXeko sinokufuna ukulungisa inkcaso enjalo lingaphelanga ixesha elimiswe kwi-notisi.
- (2) Nawuphina umntu othi angaphumeleli ukuthobelana nenotisi ngokwecandelo elingaphantsi (1) unetyala, kwaye isiXeko, ngaphandle kwekhethe kumagunya aso sithathe inyathelo ngokuchasene nomoni, sithathe amanyathelo afanelekileyo ekuzalisekiseni inotisi enjalo ngeendleko zomnini wamaziko okanye umoni, ngokuxhomekeka kwiimeko zetyala.

#### **Ukucingela (Presumptions)**

- 62. (1)** Ngenjongo zalo Mthetho kaMasipala, umntu ekubhaliswe ngayo isithuthi kwilayisensi nesipakwe kumhlaba wokupaka ubonwa njengomntu onolawulo okanye olawula isithuthi, ngaphandle kokuba okanye avelise ubungqina obuchasene noko.
- (2) Isithuthi esifunyenwe kwisibonelelo seteksi okanye kwindawo yokumisa ibhasi okanye esimise kwisibonelelo seteksi okanye kwindawo yokumisa ibhasi sicingelwa njengesomsebenzi wengqesho, ngaphandle kokuba okuchasene noko kuqinisekisiwe.
- (3) (a) Kuso nasiphina isimangalo ngokomthetho ongabhalwanga onxulumene nokuqhutywa kwesithuthi kwindlela kawonke-wonke, okanye ngokwalo Mthetho kaMasipala, kufanelekile ukuqinisekisa ukuba yayingubani na umqhubi wesithuthi esinjalo, kucingelwa, xa kungekho bungqina ngokuchasene noku, ukuba isithuthi esinjalo sasiqhutywa ngumnini waso.
- (b) Nanini na isithuthi xa sipakwe ngokuchasene nalo naliphina ilungiselelo lalo Mthetho kaMasipala, kuya kucingelwa, xa kungekho bungqina ngokuchasene noku, ukuba isithuthi esinjalo sasipakwe ngumnini waso.
- (c) Ngokweenjongo zalo Mthetho kaMasipala, kucingelwa ukuba xa kungekho bungqina obuchasene nokuthile, apho umnini-sithuthi ukwiqumrhu loshishino, isithuthi esinjalo sasiqhutywa okanye sapakwa ngumlawuli okanye isicaka sequmrhu elo loshishino, kugunyaziso lwamagunya, sisenza umsebenzi waso njengomlawuli okanye isicaka okanye ekwandiseni, okanye ekuzameni ukwandisa umdla wequmrhu loshishino.
- (4) Kuso nasiphina isimangalo ngokwalo Mthetho kaMasipala, umba wokuba nawuphina umntu uthetha ngokungathi ukusebenza prima facie siqinisekiso okanye isigqibo sakhe negunya lokuthatha inyathelo, kodwa ke, eli candelo alisebenzi kwizimangalo zetyala lokuzenza omnye umntu.
- (5) Nawuphina umntu othi ngaso nasiphina isithuthi, ahambise abahambi uya kucingelwa njengohambise abahambi abanjalo kwingqeshiso okanye ngomvuzo othile, kwaye isithuthi esinjalo siya kucingelwa njegeteksi ngaphandle kokuba okuchasene noku kuqinisekisiwe.
- (6) Uxwebhu olungathi yirisithi yeposi esele ibhatalwe yerejista, ingxelo yogqithiso lwe-telefax okanye ulwamkelo olusayiniweyo lweposi ehanjiswa ngesandla, iya kuthi xa igqithiswa ngumntu ubanjwa phantsi kwalo Mthetho kaMasipala, yamkelwe njengobungqina prima facie nangejengesiqinisekiso sokuba yirisithi enjalo, ingxelo egqithisiweyo okanye ulwamkelo.

#### **Izohlwayo**

**63.** Umntu onetyala ngokwalo Mthetho kaMasipala ukwisigwebo kwaye ujongene nezohlwayo ezichazwe kuwo nawuphina umthetho ongomnye, ekwanemfanelo—

- (a) kwisohlwayo, okanye ukusilela kwintlawulo, okanye ukubanjwa ngaphandle kokhetho lwesohlwayo okanye zombini, isohlwayo nokubanjwa;
- (b) kumba wetyala elilandelanayo okanye eliqhubekayo, kwisohlwayo semihla ngemihla ityala elinjalo liyaqhubeka okanye ukusilela kwintlawulo, ukuya ekubanjweni.

#### **Ukurhoxiswa kwemithetho kamasipala**

**64.** Imithetho kamasipala edweliswe kwiShedyuli kunye nawuphina umthetho kamasipala owabhengezwayo ngaphambili sisiXeko okanye nabaphina oomasipala abahlukaniswayo ngoku abadityanise kwisiXeko, njengoko unxulumene nawuphina umba olungiselelweyo kulo Mthetho kaMasipala, kengoko uyarhoxiswa.

#### **Itayitile emfutshane**

**65.** Lo Mthetho kaMasipala ubizwa ngokuba, IsiXeko saseKapa: uMthetho kaMasipala wokuPaka, 2010.

**ISHEDYULI**

## UMasipala waseBellville

<b>INomb. yeNotisi yePhondo</b>	<b>Itayitile</b>	<b>Ubungakanani borhoxiso</b>
P.N. 852/1969	Imitha yokupaka	Uwonke
P.N. 1151/1971	Ukupakwa kwezithuthi ezinzima neekharavani	Uwonke
P.N. 779/1985	Irhafu yokupaka	Uwonke

## UMasipala waseDurbanville

<b>INomb. yeNotisi yePhondo</b>	<b>Itayitile</b>	<b>Ubungakanani borhoxiso</b>
P.N. 286/1975	Ukupakwa kwezithuthi ezinzima neekharavani	Uwonke

## UMasipala waseKapa

<b>INomb. yeNotisi yePhondo</b>	<b>Itayitile</b>	<b>Ubungakanani borhoxiso</b>
P.N. 0519/1979	Ukhululo kwirhafu yokupaka	Uwonke
P.N. 0430/1983	Ukhululo kwirhafu yokupaka	Uwonke
P.N. 0538/1985	Ukhululo kwirhafu yokupaka	Uwonke

## UMasipala waseBrackenfell

<b>INomb. yeNotisi yePhondo</b>	<b>Itayitile</b>	<b>Ubungakanani borhoxiso</b>
P.N. 737/1974	Ukupakwa kwezithuthi ezinzima neekharavani	Uwonke

## UMasipala waseGoodwood

<b>INomb. yeNotisi yePhondo</b>	<b>Itayitile</b>	<b>Ubungakanani borhoxiso</b>
P.N. 1044/1971	Imitha yokupaka	Uwonke

## UMasipala waseKraaifontein

<b>INomb. yeNotisi yePhondo</b>	<b>Itayitile</b>	<b>Ubungakanani borhoxiso</b>
P.N. 574/1973	Ukupakwa kwezithuthi ezinzima neekharavani	Uwonke

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