ISAZISO SOBURHULUMENTE BASEMAKAHAYA

UMASIPALA WANGQUSHWA

IMITHETHO YEDOLOPHU EPHATHELELE KWIMPAWU ZENTENGISO

uManejala kaMasipala wenza upapasho, ngokuphathelele kwicandelo 13 loburhulumente basemakhaya. Umthetho wenkqubo kaMasipala 2000 (Umthetho ongunombolo 32 ka 2000) funda kunye necandelo 162 lomgaqo-siseko yeRiphabliki yaseMzantsi Afrika, 1996 (Umthetho ongu No.108 ka 1996) Umthetho wedolphu ophathelele kwimpawu zentengiso

Injongo zalomthetho wedolophu

Injongo yalomthetho wedolophu kukuwisa umthetho ophathelele okukhuthazeni ucoceko lwendawo zokuhlala nokhuseleko loluntu, nokunika imigaqo, inkqubo nendlela ekothi ngazo ukwakhiwa okanye ukuxhonywa kwempawu zentengiso, zibe phantsi kolawulo

1. **Inkcazelo** – Kulo mthetho wedolophu amagama asetyenziswe kwisini samadoda kubandakanya abesetyhini isinye sibandakanya isininzi kwangokujalo kwaye ngaphandle xa lukhona utshintsho

   '**Uphawu olusemoyeni'** kuthetha naluphina uphawu olubotshelelwe kwikayiti kwibhaloni kwinqwelomoya nezinye izinto ezibhabha emoyeni kummandla ongentla kolawulo lukaMasipala

   'Umphakamo' wophawo othetha umgama ukuphakama phakathi kumzantsi wophawu olo nendawu ophezulu ngasentla komhlaba

   'Usuku' luthetha usuku lwenyanga oko kwakubandakanya umgqibelo, icawa nosuku lweholide

   'Ubunzulu bophawu' kothetha umgama wokuphakama phakathi kwendawo ephesulu nendawo ezezantsi yophawi

   'Umboniso wophawu' kothetha ukwakhiwa kwento ukubainto leyo ilungeselelwe ukuxhasa uphawu olo nentheho ethi ukubonsa uphawu iyakuba nentsingiselo efanayo

   'Uphawu oludanyazaya' ukukhanya akusayi kufana kangayi kuvela ngexesha elinye

   'Uphawu olumcaba' luyakuthetha uphawu olanyisiwe kwi okanye luzotyelwe eludogeni, olungabonakali kangange 250mm uphawu olo –

(a) Olungadlulanga kwi 0,80m^2

(b) Ejikelezwe yifreyimu

(c) Igcinwe icocekile ngamaxesha onke

'Udonga' lwesakhiwo lakuthetha naluphina udonga olungaphandle kwisakhiwo kodwa alubandakanyi udonga olwahlulayo nepali zeverabda okanye ibhalikhoni

'uMasipala' kusingisele kuMasipala waseNgqushwa osekwe ngokuphathelel kwiCandelo 12 lobuRhulumente basemakhaya, umthetho wamisebenzi kaMasipala 1998 (Umthetho 117 ka 1998), kwaye ubandakanya nawuphina na umbuthe wezopolitiko, umsebenzi okwi-ofisi yezopolitiko, uceba, isebeelinikwe igunya ngoko, kulungiselelwe nawuphina umsebenzi osebenza ngokuphathelele kuli mtheo wedolophu ngokwegcunya likaMasipal nelimiselwe lo msebenzi nguMasipala.

'Uphawu olutsha' kuthetha uphawu olubonisiwa okokuqala emva kokuphunyezwa komthetho wedolophu

'Inkathazo' ibhekisa kwisenzo okanye impazamo ubume bemeko

(a) Ephazamisa nekhubekisa, ize nengozi kuluntu ngokubanzi okanye;

(b) Ebanga ukuphazamiseka kwemo eqhelekileyo neyonwabisayo kwizakhiwo nempahla yoluntu

'Umphakamo' wophawu uthetha ukuphakama komgama ukusuka ezantsi ukuykuma phezelu

'umntu'ngokubhekisele ekuboniseni okanye ekuguquleni okanye ekudibaniseleni uphawu lobandakanya –

(a) Umntu ekugaye okubonisa ukuguqula okanye okongeza

(b) Umntu ompahla izinto inkonzo intshukumo nomhlaba ekubhekuswa kuye luphawu

'Umbonisi' kuthetha naluphina uqweqwe apho kubhalwa intengiso okanye isaziso

'**Uphawu oluveleleyo'** kuthetha uphawu oluncanyathiselwe eludongeni oluthi luvele kanagange 250mm ngaphambi kudonga

'**indlela yoluntu'** ithetha indlela esetyenziswa luluntu –

(a) Umhlaba, indlela eyenziwe ngawo okanye apho indlela iqabela khona

(b) Nantonina okulomhlaba eyinxalenye yendlela

(c) Umhlaba obekelwe ukwakhiwa koqhagamishelwano phakathi kwendlela yeSezwe nenye

'Ukukhanya okujikelezayo' kuthetha icandelo lophawu okuhlobo lwento ekhanyisayo,, ukukhanya okutshintshayo kusohluka ngamxesha ngamaxesha ukunika umbono wokukhanya okuhambayo okanye okushukumayo

'Uphawu' luthetha naluphina uphawu, ibhodi enophawu, ukukhanya, okanye nayiphina into esetyenziswa kwintengiso okanye isaziso esiboniswayo

'Uphawu oluphezulu' luthetha naluphina uphawu olayanyaniswe ngaphezukwesakhiwo okanye iveranda luyakubandakanya omgca omnye wamagama

'Okwexeshana' ithetha into eyayaniswe ngesincamathelisi, yaye ingenakudlula kwisithuba sentsuku ezimashumi mathathu

'ububanzi' ububanzi bophawu okuveleleyo kothetha ukuveleka kolophawau xa layanyiswe elundongeni.

2. **Ukonakaliswa**

(a) Akukho namnye umntu onokuthi ngenxa yempawu onakalise indlela, udonga, uthango umhlaba, ilitye, umthi okanye nayiphi into yendalo okanye uphahla lwezakhiwo owenza njalo wofunyaniswa enetyala

(b) uMasipala elawulwa zimeko angamnika imvume umntu ofuna ekubonisa ngophawu iziganeko ezibalulekileyo njengelonyulo

3. **Ukungeniswa nokuphunyezwa kwizecelo zokubonisa ngophawu**

(1) Njengoko icandelo 22(2) wonke ofuna ukubonisa ngophawu olutsha okanye aguqule uphawu okanye ongeze kuphawu osele lukhona wokwenza isicelo ngokubhaliweyo kuMasipala ngefomu abandakanya isicwangciso gokwalendlela –

(a) Ucwangciso laku –

(i) Zotywa nge inko emnyama kwilaphu eliphumelayo okanye kwiphepha lokuzoba okanye lenziwe kwikhopyutha kwiphepha elimhlophe

(ii) Ingeniswe inekopi

(iii) Linomhla laye lisayinwe ngulowo wenza isicelo

(b) Apho uphawu luzakoyanyiswa kwisakhiwo iplani mayibandkanye –

(i) Umphakamo, kumphambili nakwiphahla lesakhiwo kuzotywa ngesikali 1:100

(ii) Kuboniswe uphawu oluzakufakelwa ngokwecandelwano ukubonisa indawo uphawu oluzakuba kuyo

(iii) Indawo uphawu olukuyo ukususka emhlabeni

(iv) Umgca apho kunemfuneko

(c) Apho uphawu lungayanyiswanga kwisakhiwo indawo olukuyo ukususela emhlabeni mayibe ngokwesikali 1:100

(d) Inkcukacha eziphelelelyo ngokwalomba njegoko zichaziwe kwicandelo 6 mazihambisane nomthetho wedolophu

(e) Iplani iyakubonisa inkcukacha zasakhiwo esixhosa uphawu izotywe ngokwesikali 1:20

(f) Iplani mazibandakanye isiza esizotywe ngokwesikali u 1:200, ibonisa cacileyo indawo yophawu kwisakhiwo ukuba kuyenzeka nalo kdawo uphawu uzakoyanyiswa khona ngokubhekiselele kwimida yesiza, igama lesitalalo nomgama ukuya apho izitalato zidibana khona luboniswa icala langasentla

(g) Iplani mayibonise oku –

(i) Izixhobo ezizakusetyenziswa ukwakha uphawu

(ii) Amagama

(iii) Umbala ozakusetyenziswa

(iv) Ingaba uphawu luzakukhanyisa

(v) Ukuba luzakukhanyiswa ingaba luzakuba luphawu oledanyazayo

(vi) Ukuba luzakudanyaza uphawu lokwenza kangaphi oko okanye nguqulelo zini kwinkangeleko emazilindeleke

(2) Ngokwecandelwana u1 kwakuba semthethweni ukubonisa ngophawu olulingana nophawu olutshintshiweyo ukuze kungabikho mfuneko yemvume kaMasipala

(a) Luboniswe –

(i) Kumboniso bhanyabhanya

(ii) Iqonga lemidlalo

(iii) Nayiphina enye indawo yolonwabo

(b) Yayanyiswe ethangweni elakhiwe ngokomyalelo kaMasipala

(c) Ibomva njyngokophawu olumeaba

(3) uMasipala uyakuthi ngentsuku ezimashumi nathathu emva kokufumana ifomu neplani ekubhekiswa kulo kwicandelwana 1 ekhangele ukungahambisani nomthetho wedolohu kwesicelo eso ukuba uyabona ayibuyisele ifomu neplani ilumceli

(4) Xa ifomu zihamba ngokomthetho uMasipala uyakusiphumeza athumele ikope kumceli

(5) Mayiphina imvume eyenziweyo ngokwecandelwana (4) ayiswayi kusenbenza ukuba uphawu alugqitywanga kwisithuba senyanga ezi12 ukususelwa ngomhla wokuphunyezwa kwesicelo

4. **Impawu esele zikkho ezhambelana nomthetho wedolophu**

(1) Lonke uphawu osele lukho ngomhla wokusekwa komthetho wedolophu luyakwenziwo ukuba uhambelane nomthetho wedolophu kwisithuba sonyaka ukusuka kumhla wokubekwa komthetho. Apho lunghambi ngokomthetho emva konyaka luyakususwa

(2) Apho naluphina uphawu lungahambelani nomthetho wedolophu lwaza alwenziwe lahambelana nomthetho kwisithuba sonyaka okanye uphawu lwakhiwa alwahambelana nomthetho uMasipala uyakunika umyalelo wokuba lususwe ukuba umnini phawu akalususi uMasipala uyakulususa ngokwakhe

(3) Ngenxa yotshintso lubunikazi lomhlali okany ukutshintsha kohlobo loshshino ebeluqhuba kumhlaba okanye indawo uphawu olutsha loyeka ukuhambisana nomthetho phawu olo okunyazeleke ukuba lisuswe okanye liguqulwe ngummi omtsha ukuze luhambelane nomthetho.

5. **Isinyanzeliso**

(1) Nawuphina umntu oxhoma okanye ozama ukuxhoma uphawo olutsha okanye wongeza kuphawu olusele lukho ngaphandle kwemvume kaMasipala ngokwecandelo 3 wofunyanwa enetyala

(2) Nawuphina umntu olohlobo emva kokufumana umyalelo kuMasipala ngembalelwano makayeke kwangoko umsebenzi wokumisa uphawu olutsha okanye wokuguqula okanye wokongeza kuphawu esele lukukho, lowo ungaphumeleliyo ukuthobela umyalelo wofunyanwa enetyala.

(3) Nawuphina umntu ofumene imvume naze akenze nto ngokubhekiselel kuphawu wofunyanwa entyala.

(4) Nawuphina umntu olohlobo emva kokufumana umyalelo kuMasipala ngembalelwano

(5) Nawuphina umntu onjalo emva kokufumana kuMasipala umyelelo obhaliweyo waze akayeka, umntu onjalo wofunyanwa enetyala, nokuba umyalelo uthunyelwe ngokwecandelwana u(2) no (4) uMasipala usenokuthumela umyalelo ngembalelwano emyalela ukuba ususe uphawu okanye ayeke nantoni na ebisele iphunyeziwe nguMasipala ngokwecandelwana u3, agqibezele ukususa ngomhla omisiweyo umyalelo.

(6) Apho umntu ebonisa uphawu esophula umthetho wedolophu ekungeyiyo imicimbi ekuthethwa ngayo kwicandelwana u(11) no (3) uMasipala womthumela isaziso gembalelwane awothi umntu ethabathe amanyathelo ahambisane nomthetho

(7) Nawuphina umntu ongahambisamyo nomyalelo ngokwecandelwana 5 okanye nemiba yesaziso ekubhekiswa kulo licandelwana 6 wofunyanwa enetyala aze uMasipala anyanzelise ngokwesazisi

6. **Imiba wemphawu**

(1) Akukho phawu nakweyiphina indawo elakuba namagama amanani limifanekiso okanye onobumba, ngaphandle kokuba inxenge yalomba uyenye yezizinto zilandelayo –

(a) Igama, Idelisi, inombolo yalondawo uphawu luzakuma kuyo

(b) Igama lomhlali lwendawo

(c) Ikcazelo yodidi lorhwebo ushishio okanye ubizo

(d) Naziphinia inkcukacha ezibhekiselele

(i) Kwimpahla ezenziwayo ngokusemthethweni ezingcinwayo okanye ezithengiswwayo

(ii) Neziphina inkonzo ezifumanekayo ngokusemthethweni

(iii) Ukutyisa, ukunwabia, ezenkcubeko ezifumaneke kwezo ndawo

Ngaphandle kokuba elicandelwanaa alithathawa njengelivumela nawuphina umba ngokwemnono kaMasipala liphuma bucala kwinjongo zecandelwana

(2) Xa kuyindawo esetyenziswa ngokuzeleyo njengendawo yokuhlale akukho phawu luyakuboniswa ngaphandle kwegama lendawo ngaphandle kokuba indawo leyo inamalungelo ezoshishino

(3) Eli candela alibhekisi kwimpawu exikhankanywe kumacandelwana (a), (b), (c), (d), (e) ,(f), (g), (h), (i), (j), (k), (o) okanye u(p) zecandelo 22 (2)

(4) Apho iimphawu zoboniswa nghlobo lwesixhobo, impawu zoboniswa ngokulandelelana –

(i) Akukho phau kololuhlu ingelulo uphawu oluvunyelwelwe ngokwecandelwana u1, eliyakuboniswa nagaliphina ithuba kwixesha lemizuzwana eyi20

(ii) Uphawu ngalunye luboniswa ngokulandelelana kwsithuba semizuzu emihlanu kodwa ziyakohluka enye nenye

(iii) Apho kukho isixhobe ezikwaziyo ukubonisa indaba okanye zibonisa ulonwabo ayisayi kusetyenziswa kwindawo apho uMasipala acinga ukuba kukho uxmano lwemoto konye lwabahambi ngenyawo

(iv) Akukho sixhobo sinjalo esakusetyenziswa nakweyiphina indawo esiya kuphazamisa izinto zolunto olungabamelwane

(v) Akukho phawu oluya kuba nomphakamo ongaphantsi kwe 5m

(b) uMasipala angayalela ukususwa kophaqa xa umboniso walo uchasana necandelwano uA

(5) Apho uMasipala anesaziso ezibhaliweyo eyalela nawuphina umntu asuse uphawu ngokukuyalela kwecandelwana u(P0(6) umntu lowo woyeka ngoko nangoko uubonisa ngophawu yaye asisue isixhobo sokwenza njalo ngokomhla omisiweyo

(6) Nawuphini umntu ongaphumeleliyo ukuhambisana nesaziso ekubhekisa kuso kwicandelwana (5) wotunyanwe enetyala, uMasipala ngokwakhe wothumela isaziso.

7. **Iimpawu ezivumelekileyo kwizakhiwo**

Ezi mpawu zilandelayo ingezizo ezinye ziyaka ncayatheliswa okanye zizotyelwe kwizakhiwo ukuba uMasipala uvala ukwkhiwa kwempawu ezingezantsi okanye ukusetyenziswa kwemibala ethile

(a) Impawu ezimcaba

(b) Impawu ezneleleyo

(c) Impawu eziphezulu

(d) Impawu ezincnyatheliswe everanda

(e) Impawu ezincatheliswe ezifestileni

(f) Impawu ekubhekiswa kuzo kumacandelwana (a), (b), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) no (p) wecandelo 22(2)

8. **Impawu ezimcaba**

(a) Impawu ezimcaba azisayi kudlula ku40m^2 okanye ikota yodanga apho zincanyatheliswa khona okanye ziztyelwe khona

(b) Akukho mpawu imcaba iyakudlla ngaphezi wedonga okanye kumocala odonga

9. **Impawu eziveleleyo**

(1) Akukho ndwao yophawu oluveleleyo eyakudlula kumphambili wedonga –

(a) 1.5m ukuphakama okanye 7,5m

(b) 1m kwezinye impawu

(i) Nayiphina indawo yophawu engkho ngaphezule kuno 600mm ubunzulu yovelela njengoko imele ukuba yi1m kodwa ingedluli ku 1,5m ibe nomgama ongekho ngaphantsi ko3,6m phakathi lwendawo ezimbini

(ii) Naluphina uphawu olungekho ngaphezu ko 600mm ubunzulo linokuvela kude kube ngumgama oyi 1m kodwa ingedluli ku 1,5 ube nomgama ongekho mncinane kuno 3,6m phakathi kwempawu

(2) Akukho phawu luveleleyo oluyakuba ngaphezulu womphezulu wedonga oncamatheliswe kulo.

(3) Ubunzulu bophawu oluveleleyo alusayi kudlula kumaxesha ayi 1¼ ngaphezu kokuphakama kophawu

(4) Uphawu oluveleleyo alusayi kudlula 600mm ububanzi

10. **Impawu eziphezulu**

(1) Ubunzulu bophawo oluphezulu alusayi kudlula 1.6 kumphakam.

(2) Akukho phawu oluphezulu olusaya kuvelela umphambili wedonga lesakhiwo okanye ngaphaya kwephahla lesakhiwo

(3) Ubude bophawu oluphezulu alusayi kudlula –

(a) 14m ubunzulu bophawu oluphezulu aluyikudlula i4,5m

(b) 18m ukuba ubunzulu bophawu oluphezulu ludlula i4,6m

(4) uMasipala angaluvumela uphawu oluphezulu ludlule kwi 18m ubude nanini na isitalato isengaphambili kwisiza sidlula 55m, ukuba

(a) Olophawu luphezulu luyakuba ngumgca omnye oluzimelelyo elinemibhalo

(b) Ubude bophawu oluphezulu abusayi kugqitha kwi 1/3 yobude yomphambili wesitatalo kwisiza

(c) Uphawu oluphezulu lokwakhiwa ngokujongene nomphambili wendlela kwisiza

(d) Ukuba ngenxa yomphambili wendlela isiza sibuchtheka uphawu oluphezulu alusayi kuhambisana nemiba yechandelawana ummi wesosiza uyakulususa uphawu okanye aluguqule ukuze luhambisane nemiba yecandelo

11. **Impawu ezikwiveranda nebhalikhoni**

(1) Ezei mpawu zilandelayo ingezizo ezinye zinokuxhonywa okanye zipeyitelwe eziveranda okanye kwikhalikhoni –

(a) Impawu ezixhonywe okanye zapeyintelwa eludengeni olwahlulwayo okanye ezipalini zeveranda okanye ibhalkhoni;

(b) Impawu ezijingswa ngaphantsi kophahla lweveranda okanye umphatsi webhalikhoni

(2) Akukho phawu ohexhonywe kwidonga oluhlulayo okanye ipali zeveranda oluyakudlula ubunzulu obuyi 1m okanye luphokele ngaphezu okanye ngezantsi okanye ngaphay kwesiphelo sedonga okanye lephokele ngaphaya kwe250mm ngaphambi lodonga

(3) Akukho phawu luxhonywe kwiveranda okanye ibhalikhona oluyakudlula ubunzulu 600mm okanye luphokele ngaphaya okanye ngezantsi kwesiphelo somphambili okanye luphokele ngaphezu kwe 250mm ngaphambi kwesiphelo. Apho kukho uphawu olwayane kwisakhiwo ngaphantsi kophahla lweveranda okanye umpantsi webhalikhoni olo phawu alusayi kudlula ku 1,8m ubude

(4) Akukho phawu liyingiswa ngaphantsi kophahla lweverand okanye kwumganagatho webhalikhoni luyakudlula 1,8m ubude okanye 600mm ubunzulu. Uphawu ngalunye olunjalo luyakungqamana nesakhiwo

(5) Kungabandakanyi oku kungasentla, kuya kuvumeleka ukwakha uphawu kuphahla lweveranda okanye ibhalihonki xa ezi meko zilandelayo ziqwalaselwe –

(a) Olo phau luyyakwakhiwa ngongca omnye ozimeleyo nangonobumba

(b) Uphawu olunjalo lakuba ngaphantsi kophahla

(c) Umba okuphawu uyakuphelel kuphela kwi candela 6(1) no

(d) Ubunzulu bophawu abusayi kudlula 600mm

(6) Kungabhekisanga kwincandelo 17 (1) kuyakungaphantsi kophahla lweveranda okanye kumgangatho webhalikhoni ukuba ubabanzi ngu75mm

12. **Impawu ezingaphezu kwendlela yenyawo nezinye indlela**

(1) Naluphina uphawu oliyinga phezu kwendlela yenyawo alusayi kuba ngaphanstsi kuno 2,4m ukuphakama ukuba uphawu olumcaba lobinsa impahla umphokelo awusayi kudlula 50mm ngaphezu kwendlela yenyawo leyo ukuba ububanzi bayo ngi1,5m

(2) Naluphina uphawu oluphokeleyo ngaphezu ko 150mm ngasentla apho abantu bahamba khona , ukuba indawo leyo ayiyondlela yentawo ayisayi kubangaphantsi ko 2,1m ukuphakama

(3) Ukuko candela lophawu oluphokeleyo ngaphezu kwendlela yenyawo oluyakuba kufutshane nge 300mm kwisiphelo sendlela

(4) Apho indlela ingahambi Bantu impawu singaphokela kodwa zingabi ngaphantsi ko 6m umphakamo

(5) Akukho nto ibandakanyiweyo kwelicandelo eyakungahambisani nomthetho iAdvertising on Road and Ribbon Development Act, 1940 (Act No.21 of 1940 the South African National Roads Agency lImited and National Roads Act, 1998 (Act No.7 of 1998)

13. **Impawu ezingavumelekanga**

(1) Kungabandakanyeki nanye ekumthetho wedolophu ezi mpawu zilandelayo azivumelekile –

(a) Impawu ezisemoyeni nezinye impawu ezingabethelwanga ngaphandle zivunyelwe nguMasipal ngokubhaliweyo

(b) Ipowusta ngaphandle –

(i) Ebhekisa kwicandelo 3(2) lomthetho wedolophu

(ii) Uphawu olubhekisa kwumcandelwana (a), (b), (c), (d), (e), (f), (g), (j), (o) no (p) kwicandelo 22(2) lomthetho

(c) Naluphina uphawu olubekwe lwaphazamisa okanye lwasitha luphazamisa ukusebenza kuphawu lwezendlela

(2) Akukho mntu uyakubonisa ngophawu kwindwo yoluntu eyakuphazamisa ukubonakala kwezinto nokuba luphawu lwentengiso, umfanekiso umzobo okanye ifoto.

(3) Nawuphina umntu ongathobeli icandelwana (2)woba wetyala

14. **Impawu eziselundongeni, ezintangweni nakwizakhiwo**

(1) Ngokubhekislele kwicandelo 22, akukho phawu oluyakufakwa kupeyintelwe eludongeni, ithango okanye isakhiwo ngaphandle uthango, udonga okanye isakhiwo eso –

(a) Lulungiselelwe ukugquma imo engafanelkanga

(b) Lufakwe okomzuzwana ukukhusela isakhiwo esichithwayo

(2) Ukunkezwa kwemvume ngokwecandelo 3 lokufankela okanye ukupeyintelwa kophawu uMasipala wonika ixeshana lokwenza njalo

(3) Uphawu olumiselwe okanye lapeyintelwa ngokwecandelo eli liyakuhambisana nexi mfuno zilandelayo –

(a) Akukho luphawu oluyakudlula ku3m ubunzulu okanye 4,3m ukuphakama

(b) Impawu zepowusta ziyakujikelezwe ngamcala angumliniselo ofanaya

15. **Impawu ezisezipalini nakwezinye izinto**

(1) Ngokubhekiselele kwicandelo 22 akukho phawu emalifakwe okanye lipeyintelwe epalini okanyenantoni na engesosakhwio, udonga nothanga

(a) Uphawo olo lubandakanya injongo leyo olufakelwe yona

(b) (i) akukulungelanga ukubonisa uphawu ngendlela efanelekileyo

(ii) uMasipala ukholelwa ukuba uphawu olufakwe epalini okanye kwenye into aluyikuphazamisana nezinto ezisetyenziswa luluntu okanye lithobe ixabiso lempahla elifakwe kuyo

(2) Apho uMasipala anembono ethi; ubunzima bubakho xa uluntu lusiya kwindawo zemveliso, kungoko uMasipala eyinikezela imvume yokufakwa kwenpawu kufutshane nendawo leyo

(a) Akukho mpawu zingaphezu lwesinye emazifakwe kwisiza ngasinye

(b) Umba okwimpawu wophelela kuphela kumagama lawo endawo zokuvelisa, namagama abemi abakuzo

(c) Onobumba ababhaliweyo abasayi kudlula kwi100m ubude

(3) uMasipala anganika imvume yokufakwa kwebhodi zempawu kwindawo ezingenanato ezilokishini ngenjongo yokubonisa amagama ezitalato kunye namagama nedilest zabanikazi. Ibhode zemapwu ezo azisayi kudlula ku 3,6m^2 yaye nonobumba abasetyenzisiweyo abasayi kudlula kwi100mm ukuphakama

(4) Ekunikezelweni kwenvume ngokwecandelo xa kuboniswa uphawu ngokuba kuchazwa kumacandelwana (1), (2) okanye (3) uMasipala angayinikezela imvume yethutyana

16. **Impawu ezibhalwe kwizithtuthi nezo zithwelwe ezitalatweni**

(1) Akukho mntu oyakthwala okanye abange ukuthwalwa kwempawu kwindlela zikawonkewonke ukuba oko kophazamisana nabasebenzisi bendlela

(2) Akukho mntu woqhuba okanye abange ukuqhutywa kwezi thuthi kwindlela zikawonkewonke ezinempawu zentengiso ukuba oko kuphazamisana nabasenzisi bendlela -

(3) Nabanina owuphula umthetho kumacandelwana 1 no 2 wofunyanwa enetyala

17. **Impawi ezikhanyiswayo**

(1) Akukho phawu ludanyazayo oluya kuba ngaphantsi kwe 5m ukuphakama yaye akukho mpawu zikhayiswayo ezakuboniswa ngendlela enokubanga ingozi kwizithuthi okanye zenze ombhodamo kwimpawu zendlela

(2) Akukho phawu lukhanyiswayo eliyakuqaqamba de lubange inkarthazo

18. **Imfuno zokwakhiwa kophawu**

(1) Uphawu ngalunye –

(a) Luyakufakelwa kwisakhiwo ngokomeleleyo

(b) Luyakumiliselwa emhlabeni lomele

(2) Uphawu nook kuluxhasayo nasakhiwo okanye iqonga elimisiwe kulo malube namandla athelekelelwa ku4 kube noxinezeleo 1.5 kpa

(3) Zonke impawu nezixhaso zazo ezayanyiswe kwizitena kosetyenziswa izikhonkwane ezingekho ezikumlinganiso we12mm

(4) Lonke uphawu uluncanyatheliswe kwisakhiwo okanye udonga loxhaswe kane ngezigobo ezilungiselelwe oko

(5) Intsimbi evelileyo kuphawu okanye eluxhansayo mayipeyintwe okanye ikhuselwe ekuboleni. Uphawu olufekwe kumthi mawuqatywe ngesixhobo esikhusela ukubola

(6) Nawuphina umntu obonisa ngophawu wokwenza uphawu olo nook kuluxhasayo lugcinwe lukwimeko akhuselekileyo, owophula umthetho kwelicandelwana wofunyanwa enetyala

19. **Ukusetyenziswa kweglasi**

(a) Yonke iglasi esetyenziswa kwiphawu iyakuba ngu5mm ububanzi

(b) Icandelwana u(a) ngasentla aluti kubhekisa kwimibhobho yeglasi esetyenziswe kwimpawu ezikhanyiswayo

20. **Ukulumkela umlilo**

Ngaphandle koko kukwicandelo 22 xonke impawu ezikhanyiswayo nezixhoso zazo zokwenziwa ngempahla engatshiyo ngaphandle kweno yokuba uMasipala uyakuvumela oko ngokwecandelo u15 no 14 naso nasiphina isixhaso sophawu lube yinto esthayo

21. **Imfuneko zombane**

(a) Akukho phawu eliyakhukhanyiswa ngaphandle kombane osuka kuMasipala xa ukhona

(b) Lonke uphawu ngokubhekiselele kumandla omabne lofakelwe isiqhobosho sangaphandle sombane ukuze lucinywe ngaso.

22. **Okungabandakanyekiyo**

(1) Lo mthetho awubhekisa kwimpawu ezingaphkathi kwizakhiwo ngaphandle kwezo zisezifestileni

(2) Ezi mpawu aziyikubandakanyeka kwimfuno zamacandelo 3, 14, 15 no 20 –

(a) Naluphina uphawu oloubonisiwa nguMasipala okanye aboshishino lezithuthi olubekwe kwipali ngemvume ebhaliweyo kaMasipala

(b) Naluphina uphawu ngaphakathi kwefestile yevenkile

(c) Nayiphina intengiso ekwiphephandaba nakwamanye amaphepha

(d) Naluphina uphawu lwexeshana –

(i) Unyulo neziganekeno ezibalekileyo

(ii) Nakweliphi na itheko lasekuhlaleni apho uMasipala anokusebenzisa umthetho wakhe

(e) Naluphina uphawu olubhekwe kwisithuthi esikwidlela yoluntu

(f) Naluphina uphawu olungakhanyiswayo, lungaphokelanga ngaphezu kwendlela yoluntu yaye lungagqithaga ku 0,60 m^2, lubonisa ukuba indawo leyo iyathengiswa ngosuku olumisiweyo okanye impahala yangaphakathi izakuthengisw kulo ndawo ngosuku olumisiweyo

luyakubalunye uphawu oluvumelekileyo lumiswe ngaphambi kwendawo leyo nelothi lisuswe kwintsuku ezisixhenxe emva komhla omisiweyo

(g) Naluphina uphawu olungakhayiswanga olungaphokelanga ngaphezu kwendlela yaye lundadluli ku 0,60m^2 lubonisa ukuba umhlaba lowo uphantsi kwentengiso iyokuba luphawu olunye kuphela oluvumelekileyo kwical lendlela

(h) Naluphina uphawe olungkhanyiswanga olungavelelanga ngaphezu kwendlela yaye lungadlula 1,2m^2, luphelele kwigama, idilesi kwanenombolo zefowini zomnini mhlaba, kuphela xa uphawu lulunye kwicala lestalato

(i) Naluphina uphawu olungakhanyiswanga olungavelelanga ngaphezu kwendlela yaye lungadlulang ku 0,20m^2 ududi loshishino okanye imveliso yommi womhlaba lowo, igama lommi nenombolo zefowuni nomathuba okungena kuphela xa kuthe kanti uphawe luyakuba lunye phambi kwicala lesitalato.

(j) Naluphina uphawu olungakhanyiswanga noluungavelelanga ngaphezu kwesitalato lungedlulnga ku 0,60m^2, lusenza intengiso yesiganeko esibalulekileyo ngosuku olumisiweyo kulo ndawo olufkwe kuo ukuba –

(i) Isiganeko eso asenzeki kwindawo yoshishino lomntu bucala

(ii) Umhla lowo awudlulanga kwinyanga enye emva komhla lwamiswa uphawu olo

(iii) Uphawu loba lunye oloboniswa phambi kwendlela

(iv) Uphawi losuswa kwintsuku ezisixhenxe emva komhla omisiweyo

(k) Naluphina uphawu olungakhanyiswayo olungavelelanga ngaphezu kwendlela, lusebenza njengesaziso okanye isiboniso sendlela ngokunxulumene nomhlaba okanye nendaawo apho lukhoyo

(l) Naluphina uphawu olupeyintelwe eludongeni lwesakhiwo

(m) Naluphina uphawu olupeyintwe lafakwa kwiglasi yefestile

(n) Naluphina uphawu olupeyintwe kwiveranda okanye ibhalikhoni ngokwecandelo 11

(o) Naluphina uphawu ulufanele ukuboniswa ngokomthetho

(p) Naluphina uphawu kwindawo apho kwakhiwa khona, ngaphandle kokuba uphawu olo luzakususwa emva kokuba ulwakhiwo lugqitwe.

23. Ulondozolo

Kungabandakanyi nanye into ekumthetho wedolophu njengento enokwenza namalungelo okanye umsebenzi kamasipala negunya elibekwe kuye lobunikazi bendlela nezakhiwo kwindawo yolawulo lwakhe.

24. **Ukubekelwa bucala kwemigaqo**

(e) uMasipala angazibekela bucala imfuno zomthetho wedolophu kuphela xa athe amalungelo omntu akahlonelwa

(f) kwimeko nganye xa kuzakubekelwa bucala imigaqo yomthetho, uMasipala wobhala isaziso ecacisa lo migaqo ebandakanyekayo. Kunyazelekile ukuba uMasipala agene ikcukacha nkopi yesaiziso

25. **Ukophulwa komthetho**

Nabanina owaphula umthetho okanye ongathobeli umthetho wedolophu wofunyanwa enetyala agwetywe –

(a) Intlawulo engedlulange kuR60 000 okanye avalelwe isithuba esingedlulange kwinyanga eziyi12 okanye intlawulo okanye okuvalelwa okanye zombini intlawulo novaleleo olo;

(b) Xa kuthe waqhuba ukona intlawulo eyongezelelweyo eyiR600 okanye ixesha elongezelelweyo lovalelo olusuku okanye intlawulo eyengezelelweyo okanye uvalelo olongezelelweyo okanye zombini intlawulo eyongezelelweyo novalela ngosuku ngalunye ulophulomthetho luqhuba.

(c) Intlawulo eyongezelelweyo elingana nenkcutho efunyaniswe yinkundle uMasipala ayenzileyo ngenxa yolusphulomthetho olo.

26. **Imigaqo**

uMasipala angenza imigaqo ehambisana nomthetho wedolophu ichaza –

(a) Nawuphina umba okhankanywe ngokomthetho wedolophu

(b) Nawuphina umba olungiselela ukusetyewiswa komthetho wedolophu

27. **Ukurhoxisa umthetho wedolophu**

Nawuphina umthetho wedolophu ophathelele kwi mpawu zentengiso, owamkelweyo nguMasipala okanye nayiphina iKansile kaMasipala equlathe icandelo lolawulo lukamapala, uza kurhoxiswa kususela kumhla lomthetho obhengezwe ngawo

28. **Itayitile emfutshane**

Lo mthetho wedolophu ubizwa ngouba ngumthetho wedolophu ophathelela kwimpawu zentengiso, 2004, usebenza ngomhla ogqitywe nguMasipala ngokuchazwa kwiGazethi yePhondo.