ISAZISO SAMAGUNYA ANGAPHAKATHI

UMASIPALA WASENGQUSHWA

UMTHETHO WEDOLOPHU OPHATHELELE KULAHLO LWENKUNKUMA

UManejala kaMasipala wenza isibhengezo, ngokuphathelele kwiCandelo 13 likaMasipala wasemaKhaya: kuMthetho weNkqubo kaMasipala, 2000 (uMthetho onguNombolo 32 ka2000), funda ndawonye neCandelo 162 loMthetho okuMgaqo-siseko weRiphabliki yaseMzantsi Afrika, 1996 (uMthetho onguNombolo.108 ka1996), uMthetho wedolophu oPhathelele kuLahlo lweNkunkuma eQinileyo.

Injongo yaloMthetho weDolophu

Injongo yalo mthetho wedolophu kukuphakamisa ummandla okhuselekileyo nococekileyo ukuze kuxhamle uluntu oluhlala kwimida kamasipala, nokulungiselela ngemisebenzi neenkqubo ezifaka umthetho wokulahlwa kwenkunkuma eqinileyo.

ISAHLUKO 1

INKCAZELO

1. **Inkcazelo** – Kulo mthetho wedolophu, amagama asetyenzisiweyo kwisini samadoda abandakanya nabafazi, isinye sibandakanya isininzi ngokufanayo, kanajalo, kuphela xa kubhalwe njalo.-

   "**umsebenzi**" kusingisele kumqeshwa, isebe okanye ukontraktha kamasipala onikwe uxanduva lolawulo lwesiza sokulahla inkunkuma;

   "**isikhuseli somgqoma lwemigqoma**" kusingisele kwisingxobo seplastiki, njengoko kuchaziwe ngumasipala, esokufaka ngaphakathi;

   "**inkunkuma yomakhi**" kusingisele kuyo nayiphi na inkunkuma ekhutshwa kwindawo ekwakhiwayo kuyo, ekuvuselelwa isakhiwo okanye esitshatyalaliswayo

   "**Inkunkuma esisambuku**" kusingisele kuyo nayiphi na inkunkuma ephuma kwizakhiwo, ekuthi ngenxa yobuninzi nobunzima bayo, ingabinako ukulahlwa ngemigqomo;

   "**Intlawulo**" kusingisele kwintlawulo ebizwa ngumasipala ngokwezigqibo ezensiwe yikansile;

"**Isikhongozelo**" kusingisele kuhlobo olululo lwesikhongozelo senkunkuma esamkelekileyo kumasipala;

"**Usuku**" kusingisele kusuku lwekhalenda, kubandakanya uMgqibelo, iCawa kunye neeholide zoluntu;

"**Usiza sokulahla inkunkuma-itiphu**" kusingisele kwisiza esisetyenziselwa ukufumba inkunkuma, ngeenjongo zokulahla, okanye zokusebenza ngenkunkuma enjalo;

"**Inkunkuma yasekhaya"** kusingisele kuyo nayiphi na inkunkuma ephuma kwiindawo zokuhlala zoluntu, njengoludwe lwezindlu, iihotele, izindlu zokubhoda, iikhefu, izindlu zabahambi, izibhedlele, iinkundla zamatyala, izikolo, ii-ofisi zikarhulumente, iivenkile, amakhaya abadala, amashishini, kodwa kungabandakanyi izitena, amatye, umhlaba, igrabile, amanzi, imicimbi yangasese, imizi-mveliso, okanye inkunkuma yabakhi.

"**Inkunkuma yasesitiyeni**" kusingisele kuyo nayiphi na inkunkuma ephuma xa kusetyenzwa esitiyeni njengokusikwa kwengca, amagqabi, imithi, izityalo, iintyatyambo, ukhula, nemveliso yezinto ezikrukrwayo;

"**Umphathiswa**" kusingisele kuMphathiswa weMicimbi yeMimmandla noKhenketho;

"**Umasipala**" kusingisele kuMasipala waseNgqushwa, oqulunqwe ngokuphathelele kwiCandelo 12 lobuRhulumente basemaKhaya; uMthetho wemiButho kaMasipala, 1998 (Act No. 117 ka1998), kwaye kubandakanya nawuphi na umbutho wezopolitiko, umphathi kwi-ofisi yezopolitiko, uceba, isebe eligunyazisiweyo, umsebenzi osebenza ngokomthetho awunikwe ngumasipala wanikezelwa kumbutho wezopolitiko, kumphathi we-ofisi yezopolitiko, uceba, isebe kunye nomsebenzi;

"**Inkonzo kamasipala**" kusingisele, ngaphandle xa kuchaziwe, ulungiselelo lweenkonzo zolawulo lwenkunkuma kunye nokulahlwa kwenkunkuma eqinileyo;

"**Inkathazo**" kusingisele, ngaphandle kokuthintela ukunaba kwale ntsingiselo, umsebenzi, ukukhutshelwa ecaleni, imeko okanye imicimbi ethi –

(a) Ithintele, icaphukise, ibenobungozi okanye ixakekise uluntu ngokubanzi, okanye;
(b) Iphazamisane nezinto ezisetyenziswayo zingasebenzi njengokuqhelekileyo kwisakhiwo sabucala;

"**Umhlali**" kusingisele, ngenjongo, kumntu olawula kwaye ohlala, okanye olawula ngenye indlela, izixhobo ezihanjiswayo, kubandakanya abahlali ndawonye;

"**Umba ocaphukisayo**" kusingisele kumba, obandakanya izinto ezimanzi, ezingabalwa ngolo hlobo ngamaxesha athile;

"Umnini-**sakhiwo**" kusingisele, kwaye kubandakanya –

(a) Umntu okanye abantu ekubhaliswe ngabo itayitile kwisakhiwo esimileyo;
(b) Umntu olawula umhlaba njengemgcini wawo, umabi welifa, ummeli, umphathiswa okanye umntu okulawulo onikezelwe itayitile yesakhiwo esimileyo ongenakuhlawula amatyala akhe, obhubhileyo okanye ongekho sezingqondweni;
(c) Isebe okanye abantu abafumanaimali yerhafu yesakhiwo apho umntu obhalisiweyo ongumnini-sakhiwo ongekhoyo; okanye
(d) Umntu oxhamla ilifa lesakhiwo okanye ovumelekileyo ukuba asisebenzise; okanye
(e) Umsebenzisi wesakhiwo sikamasipala

"**Inkunkuma yomzi-mveliso''** kusingisele nakuyiphi na into esetyenziselwa urhwebo, njengoko kuqulunqwe ngumasipala kwavisiswana nomnini-sakhiwo okanye umhlali;

"**Isitishi sokuthumela**" kusingisele nakusiphi na isiza esibekwe bucala ngumasipala, sokugcina inkunkuma okwexeshana, ngelixa ingekasuswa okanye igekalahlewa kwisiza sokulahla inkunkuma.

"**Inkunkuma**" kusingisele nakuyiphi na into, nokokuba iyigesi, ingamanzi, iqinile okanye ihlanganisene ngoko, ekuthi ngamaxa athile imiselwe nguMphathiswa ngesaziso kwiGazethi njengengafanelekanga okanye enobungozi, efanele ukulahlwa, iyinkunkuma okanye intsalela kwinto ebisenziwa, nanjengoko kuchaziwe kwiCandelo 1 loMthetho woLondolozo lweMimmandla, Environment Conservation Act, 1989 (Act No.73 ka1989).

ISAHLUKO 2

UTHUTHO NOKULAHLWA KWENKUNKUMA

2. Uthutho lwenkunkuma

(a) Umasipala uza kulungiselela ngeenkonzo zikamasipala njengoko kuchaziwe, kuxhomekeke koko kulungiswe kumthetho wesizwe nokuchaphazela oku.

(b) Intlawulo eyenziwa kumasipala kulungiselelo lweenkonzo ezinjalo zikamasipala, kwakunye nemali emayifakwe kumasipala nanguye nawuphi na umntu osebenzisa ezi nkonzo zikhankanyiweyo zikamasipala, iza kuqulunqwa ngumasipala ngamaxesha athile.

3. **Ukusetyenziswa kweenkonzo zikamasipala kusisinyanzelo ngokuphathele kwinkunkuma ezindlwini**

(1) Nawuphi na umnini-ndawo okanye umhlali uza kusebenzisa iinkonzo zikamasipala ngokuphathelele kwinkunkuma yonke ephuma kwizakhiwo ezimileyo okanye kwisakhiwo sikamasipala lowo.

(2) Xa kuthe kwenzeka okokuba kungabikho zinkonzo zikamasipala ezifumanekayo okanye eziziswa kwisakhiwo eso simileyo kuphathelelel kuso, umnini-sakhiwo okanye umhlali uza kuthabatha amanyathelo afunekayo ukuqinisekisa okokuba inkunkuma leyo

(a) Iyasuswa rhoqo, ukuze ingakhathazi abamelwane okanye abahlali

(b) Ilahlwe kwisiza sokulahla inkunkuma.

4. **UMasipala uza kuyisusa ngokwakhe inkunkuma**

(1) Ngokuphathelele kwicandelwana (2), akukho mntu unelungelo lokususa inkunkuma yesakhiwo okanye yesakhiwo sikamasipala nangayiphi na indlela.

(2) Umntu anganako ukususa inkunkuma kwisakhiwo esinjalo okanye ayilahle kuphela xa kuthe –

(a) Akwabikho zinkonzo ziziswa ngumasipala kweso sakhiwo okanye kwisakhiwo sikamasipala ekubhekiselelwe kuso, njengoko kuchazwe ngokuphathelele kwicandelo elingaphambili;

(b) Umntu onjalo ufumana igunya elibhalwe phantsi kumasipala lokuqhuba lo msebenzi wokuthutha okanye wokulahla inkunkuma.

5. **Ukufunjwa nokuthuthwa kwenkunkuma**

(1) Ngokuphathelele kulungiselelo lwecandelwana (6), umasipala angafuna umnini-sakhiwo okanye umhlali ukuba azise imigqomo emikhulu emlinganiselo ukwiilitha eziyi85, eyenziwe ngesixhobo

esamkelekileyo kumasipala evalekayo nenomqheba wokubamba ukuze kugcinwe kuyo inkunkuma.

(2) Ukuba umasipala ucinga okokuba kumele kongezelelwe imigqomo ukuze kulondolozwe inkunkuma, kufaneleke kube njalo, nto leyo iza kubangela okokuba umnini-sakhiwo okanye umhlali azongeze.

(3) Ukuba imigqomo leyo esetyenziswa ngumnini-sakhiwo okanye umhlali ayihambelani neemfuno zikamasipala, ngoko ke umasipala angayalela umnini-sakhiwo lowo okokuba afumane okanye asebenzise imigqomo efanelekileyo njengoko kuyimfuneko.

(4) Umasipala angenza oku kulandelayo, xa abona kufanelekile, okanye kuyimfuneko azise imigqomo kubantu abathile okanye kwizakhiwo ezithile, okanye kwiindawo ezithile, apho iindleko zazo zingahlawulwa ngabahlali abo baziselwe imigqomo.

(5) Yonke imigqomo iza kuthuthwa ngezixhobo ezilungiswe ngumasipala, ngaphandle kokuba umasipala angabona ngengeye indlela.

(6) Umasipala angakhupha imiyalelo kubanini-sakhiwo okanye abahlali ngokuphathelele ngendlela inkunkuma yasezindlwini ilahlwe ngayo, ngokuthi ifakwe kwiiplastiki, ibotshwe, ibekwe okanye ilahlwe ngeeplastiki kwaye xa umyalelo lowo ungakhange uhlonitshwe, umntu lowo uyakube wophule umthetho wedolophu.

(7) Akukho sixhobo, kubandakanya amanzi, ekunokuthi ngenxa yobunzima bayo ibenobungozi kubasebenzi bakwamasipala abathutha loo nkunkuma.

(8) Xa kuthe umhlali weso sakhiwo akabi nguye umnini-sakhiwo, umasipala, uza kubeka ityala lolwaphulo-mthetho wedolophu kumnini-sakhiwo endaweni yomhlali,

(9) Nangasiphi na isizathu, apho umhlali engasinguye umnini-sakhiwo, umasipala uza kuthwalisa uxanduva umnini-sakhiwo lokujongana netyala xa umthetho wedolophu waphuliwe.

(10) Xa kuthe kwenzeka okokuba, ngenxa yezizathu ezithile, kwabakhona iimfuno ezithile ezibekwe ngumasipala, ngaphandle komba womgqomo oziilitha ezingama85, ngokuthuthwa okanye ukulahlwa kwenkunkuma yasemakhaya, umnini-sakhiwo okanye umhlali uza kubanoxanduva lokuba ahambisane nalo mthetho wedolophu ubekwe ngumasipala.

6. **Imigqomo ebekelwe ukufumba inkunkuma**

(a) Ngokwecandelwana (b) umnini-sakhiwo okanye umhlali wesakhiwo kufuneka aqinisekise okokuba yonke inkunkuma ifakwe kwimigqomo leyo ngokuphathelele kwicandelo elibekiweyo.

(b) Xa kuthe azabikho iinkonzo zikamasipala ezilungiselelweyo zokuthutha imigqomo, umnini-sakhiwo okanye umhlali unelungelo lokuyifumba kwimigqomo ngaphandle koko bekuchazwe kwicandelwana(a) elingaphambili, kuphela xa imigqomo leyo ingasayikuze ibangele inkathazo kubamelwane.

7. **Inkunkuma yesitiya/yasegadini**

(1) Inkunkuma yegadi okanye yesitiya iza kuthuthwa kwisakhiwo eso apho ifunjwe khona, ngokuphathelele kulungiselelo olwenziwe ngumhlali okanye umnini-sakhiwo eso asenze kunye nomasipala okanye nekontraki.

(2) Xa inkunkuma efunjwe apho egadini okanye esitiyeni ingathuthwanga ngexesha elifanelekileyo, kananjalo xa inkunkuma ibangela inkathazo okanye inobungozi kwimpilo yoluntu, okanye ingaphemba umlilo kwisakhiwo eso, umasipala uza kuyalela umnini-sakhiwo okanye umhlali okokuba ngembalelwano, ayithuthe ngexesha elimisiweyo, kungadlulanga iintsuku ezili14 kususela kumhla obekiweyo.

(3) Apho kuyimfuneko, kwaye kuxhomeke ekufumanekeni kwezixhobo kwanemijelo, umasipala anganako, ngokokubona kwakhe, ngokwesicelo somnini-ndawo, ayisuse inkunkuma efunjiweyo ngokwemigaqo equlunqwe ngumasipala.

(4) Akukho nkunkuma yesitiya ingalahlwa, igcinwe okanye ifunjwe kwipavumente okanye ebaleni.

8. **Uthutho lwenkunkuma esisambuku okanye yomzi-mveliso**

(1) Umnini-sakhiwo okanye umhlali okanye umnini-sakhiwo onenkunkuma efumbileyo kufuneka aqinisekise okokuba ilahlwa ngkuphathelele kulo mthetho wedolophu ngexesha elimisiweyo, kungadlulanga isithuba seentsuku ezili14.

(2) Inkunkuma efumbileyo, iza kuthi xa ithe yathuthwa kweso sakhiwo ekuso, ilahlelwe kwisiza sokulahla inkunkuma elolo hlobo.

(3) Ukulahlwa kwenkunkuma esisambuku yemizi-mveliso kungenziwa ngumasipala, kuphela xa kuthe –

(a) Umnini-sakhiwo okanye umhlali lowo efake isicelo kumasipala, ahlawule iindleko eziqulunqwe ngumasipala; ahambisane nemigaqo kwaneemfuno zikamasipala

(b) Akukho siza sokulahla inkunkuma esikude kwesi sakhiwo silungiselelwe ukulahlwa kwenkunkuma enjalo.

(4) Umasipala akabophelelekanga ngokuphathelele wedolophu wokulahlwa kwenkunkuma esisambuku okanye yemizi-mveliso.

9. **Inkunkuma yomakhi**

(a) Inkunkuma yomakhi efunjwe ngethuba kusakhiwa, kutshintshwa isakhiwo, okanye kusidilizwa isakhiwo iza kususwa kweso sakhiwo, ngokuphathelele kumalungiselelo enziweyo ngumnini-sakhiwo okanye umhlali walapho kumasipala.

(b) Ukuba kuye kwakhona ukulibaziseka kokuthuthwa kwalo nkunkuma emva kokuba kugqityiwe ukwakhiwa, umasipala angayalela ngokubhala incwadi eya kumni-ni sakhiwo okanye umhlali, okokuba inkunkuma leyo yomakhi mayisuswe kweso siza sokulahla inkunkuma, kwisithuba sexesha elimisiweyo, kungadlulanga iintsuku ezili14 kususela kumhla weso saziso.

10. **Inkunkuma yemizi-mveliso**

Umasipala angenza isigqibo kunye nomnini-mzi okanye umhlali waso nasiphi na isakhiwo, ngothutho lwenkunkuma yemizi-mveliso ngumasipala, ngemali yentlawulo emiswe ngumasipala.

11. **Izinto ezilahliweyo**

Nayiphi na into, engaphandle kwenqwelo ebonakala ishiywe yodwa okanye ilahliwe naphi na ngokuphathelele kuMthetho woLawulo lwezeNdlela kwiSizwe, 1996 (uMthetho onguNombolo 93 ka1996), engathatyathwa ngumasipala njengelahliweyo, ingasuswa ilahlwe ngumasipala, nangayiphi na indlela abona kufanelekile.

12. **Ukusetyenziswa kwezinto ezilahliweyo**

(1) Umasipala uza kuqulunqa iimfuno zokusetyenziswa kwenkunkuma elahliweyo.

(2) Akukho nkunkuma ingagcinwa nakuyiphi na indawo, ngeenjongo zokuphinda isetyenziswe, apho ugcino lwenkunkuma enjalo kungadala inkathazo kubanini-zakhiwo okanye abahlali abangabamelwane.

(3) Nangona ulungiselelo ngokwecandelwana(2), lusithi nawuphi na umntu obandakanyekayo ekusebenziseni izinto ezilahliweyo uza kufanela okokuba ahambisane nomthetho wesizwe ngalo mba.

ISAHLUKO 3

IZIZA ZOKULAHLA INKUNKUMA KUNYE NEZITISHI ZOKUKHUPHELA INKUNKUMA

13. **Iziza zokulahla inkunkuma kunye nezitishi zokuyikhuphela**

(1) Umasipala uza kuqulunqa, alungiselel okanye asebenzise iziza zokulahla inkunkuma nezokuyikhuphela, nalapho inkunkuma iza kukhutshwa, ilahlwe okanye ishiywe.

(2) Nawuphi na umntu oshiya okanye alahle inkunkuma nakuyiphi na indawo kunaleyo iqulunqwe yalungiselelwa ngumasipala uza kubekwa ityala, kuphela kuxa inkunkuma ibekwe, ilahlwe okanye ishiywe kwindawo esemthethweni ngumntu onelungelo ngokwemvume ekhutshwe ngeCandelo 20 loMthetho woLondolozo lwemiMmandla, uMthetho nguNombolo 73 ka1989).

(3) Umasipala anganako, ngamaxesha athile, ukuqulunqa uluhlu lwerhafu ngokulahlwa, ukubekwa okanye ukuthuthwa kwenkunkuma kwisiza sokulahla inkunkuma okanye kwesokuyikhuphela.

14. **Umnini-nkunkuma**

Yonke inkunkuma ethuthwa ngumasipala, kunye nayo yonke inkunkuma ekwiziza zenkunkuma, okanye kwizitishi zenkunkuma ezikulawulo likamasipala, iza kuba luxanduva lukamasipala, akukho mntu unelungelo engakhange anikwe elo gunya ngumasipala lokuthutha inkunkuma, okanye aphazamise kuloo nkunkuma.

15. **Iimfanelo**

(1) Apho kukho nayiphi na into esusiweyo yalahlwa ngumasipala ngokuphathelele kwicandelo 17, umntu ekuyeyakhe into leyo onoxanduva ngayo, kuza kufaneleka okokuba enze intlawulo yayo kumasipala yokuyisusa , ukuyithutha okanye ngokugcinwa kwayo.

(2) Ngesizathu secandelwana(1) umntu oboxanduva lwalo msebenzi uza-

(a) Umnini-nto leyo, kubandakanya nawuphi na umntu onebango layo ngokuyiqesha okanye ngesivumelwano sokuyiqeshisa, ngethuba ibithatyathwa okanye ibekwa, ngaphandle kokuba angabonakalisa ukuba ubengazi okokuba ilahlwe apho; okanye

(b) Nawuphi na umntu obeka into kwindawo enjalo; okanye

(c) Nawuphi na umntu owaziyo ngokulahlwa okanye ngokubekwa kwento kwindawo leyo ikhankanyiweyo.

16. **Ulawulo lweziza zokulahla inkunkuma nezokuthuthwa kwayo**

(a) Umasipala uza kulawula nasiphi na isiza ngokuphathelele xa kukuba unemvume yaso ngokuphathelele kwiCandelo 20 loMthetho woLondolozo lweNdalo (uMthetho No.73 ka1989).

(b) Ngangona icandelwana(a), umasipala angenza isivumelwano nomntu lowo sokulawula isiza senkunkuma okanye isitishi sokuthuthwa kwayo kumasipala kuphela xa isivumelwano eso singophuli umthetho wemvume ekubhekiselelwe kuwo kwicandelwana(a) ekubhekiselelwe kulo okanye nawuphi na umthetho.

17. **Ukufikelela kwisiza sokulahla inkunkuma okanye kwisitishi sokuyilahla**

(1) Akukho mntu uvumelekileyo ukuba angene kwisiza sokulahla inkunkuma, okanye esokuyithutha, kuphela kwiintsuku nakumaxesha amiswe ngumsipala ngamaxesha ahlukeneyo.

(2) Umasipala afake isaziso esicacileyo ekungeneni kwesango esibonisa iintsuku neeyure zokuvulwa kweziza apho kubekwa okanye kuthuthwa inkunkuma.

(3) Umasipala angafaka umda wexesha elimisiweyo lokungena kwabantu abanephepha-mvume lokungena elikhutshwe ngumasipala, elibanika ilungelo lokulahla inkunkuma kwezi ziza bachole izinto ezlihliweyo.

(4) Nangona kunjalo, okuchasene nalo mthetho wedolophu, umsebenzi wakwamasipala, okanye umntu onegunya alinikwe ngumasipala, angangena nangaliphi na ixesha eze kusebenza.

(5) Nawuphi na umntu ongena kwesi siza sokulahla inkunkuma okanye sokuthutha inkunkuma, uza kukwenza oko kuphela ngomngcipheko wakhe, kwaye umasipala akazi kubanaxanduva xa ethe wavelelwe yingozi okanye kwabakhona umonakalo omehleleyo, ngelixa elapho.

(6) Nawuphi na umntu ongena kwisakhiwo sokulahla inkunkuma okanye kwisitishi sokulahla inkunkuma, okanye ofunyaniswe ephazamisana nomthetho wedolophu uza kubekwa ityala.

18. **Ukothulwa kwenkunkuma**

(a) Nawuphi na umntu onqwenela ukulahla okanye ukubeka inkunkuma kwisiza sokulahla inkunkuma uza kukwenza oko kwimida yendawo leyo echaphazelekayo njengoko akuxelelwa ngumntu obekiweyo kuloo ndawo.

(b) Nawuphi na umntu odelela imiyalelo yalowo ubekwe kuloo ndawo uza kubekwa ityala.

19. **Uthintelo lokulahlwa, ukubekwa kwenkunkuma kulityala**

Umasipala unegunya lokuthintela ukulahlwa, ukubekwa nokushiywa kwenkunkuma kwisiza sokulahla okanye sokuthutha inkunkuma, nto leyo ilityala.

ISAHLUKO 4

ULUNGISELELO JIKELELE

20. **Amatyala kunye nezohlwayo**

Nawuphi na umntu owaphula, ongawuthobeliyo lo mthetho wedolophu, uza kubekwa ityala aze emva kokutshutshiswa ngokusemthethweni anikwe isohlwayo –

(a) Isohlwayo semali eyiR60 000, okanye avalelwe isithuba esiziinyanga ezili12, okanye avalelwe ngaphandle kokubizwa intlawulo, okanye intlawulo nokuvalelwa

(b) Xa ityala liqhubeka, imali iza kongezelelwa ibe yiR600, okanye kongezelelwe usuku lokuvalelwa ngaphandle kokubizwa intlawulo eyongezelelweyo kususela kumhal athe wenza ityala ngawo kwaye

(c) Kongezelelwe imali elingene iindleko kunya nenkcitho efunyenwe yinkundla, ndleko ezo zogakwe ngumasipala ngenxa yolawphulo-mthetho olo;

21. **Imithetho**

(1) Umasipala angafaka imithetho ngokuphathelele kwimiba apho –

(a) umasipala alungiselela inkonzo yothutho lwenkunkuma okanye ukulahlwa kwayo, njengoko kuchazwe ngokuphathelele kumacandelo 2, 3, 4 kunye no 5, kubandakanya -

(i) ulwakhiwo, umlinganiselo kunye nenani lemigqomo yokulahla inkunkuma yezindlu

(ii) imigqomo ibekwe ngokwendlela abantu abahlala ngayo okanye izakhiwo ezimi ngayo;

(iii) ulwakhiwo nomlinganiselo wemigqomo ekrozileyo kunye

(iv) ulungiselelo oluphathelele ekusetyenzisweni lwemigqomo, kunye nokulahlwa kwenkunkuma ukuze ithuthwe ngumasipala;

(b) uhlenga-hlengiso lokuthuthwa nokulahlwa kwenkunkuma -

(i) inkunkuma yesitiya/yasegadini njengoko kuchaziweyo kwicandelo 7(3);

(ii) inkunkuma yomakhi, njengoko kuchaziweyo ngokwecandelo 9(a);

(iii) inkunkuma ephuma kwimisebenzi yorhwebo njengoko kuchazwe kwicandelo 10.

(c) iimfuno zokusetyenziswa kwenkunkuma, njengoko kuchaziwe ngokwecandelo 12;

(d) ukuqokelelwa kweendleko zohlelo lwerhafu kunye nemirhumo, njengoko kubejwe kumacandelo 2(b), 7(3), 8(3)(a), 9(a), 10, 13(3), 15(1) kunye no 17(3);

(e) uqulunqo lwemali yoluhlu lwerhafu kunye neentlawulo, njengoko

(f) ukuthuthwa nokulahlwa kwezinto ezilahliweyo, njengoko kuchaziwe ngokuphathelele kwicandelo 11;

(g) imiqathango neemeko zaso nasiphina isivumelwano ekugqitywe ngaso ngumasipala kunye nawuphi na umntu ukulawula nokuphatha izitishi zokulahla inkunkuma, njengoko kuchaziwe ngokuphathelele kwicandelo 16 (b) –

(h) ukufikelela kwiziza zokulahlwa kwenkunkuma okanye izitishi zokuthuthwa kwenkunkuma, njengoko kuchaziwe ngokuphathelele kwicandelo 17, kubandakanya –

(i) iintsuku kunye namaxesha ekuvunyelwe ukungena ngawo;

(ii) ulwakhiwo kunye nokuqulathwe kwisaziso esifunekayo ukubonisa iintsuku kunye namaxesha okungena;

(iii) iimeko kunye nemiqathango zesivumelwano esityikitywe sakhutshwa ngumasipala sokumisa umda wexesha lokungena ngokwecandelo 17(3);

(i) (i) uqingqo lwamatyala esigwebo kwabo bophule umthetho njengoko kuchazwe ngokuphathelele kwicandelo 20; kunye

(ii) ulungiso lwamatyala anjalo njengoko kuchazwe amaxesha amaninzi;

(j) nawuphi na umba ongaqingqwa ngokuphathelele kulo mthetho wedolophu, kunye nawuphi na umba ongalungiselela ukusebenza kwalo mthetho wedolophu.

(2) (a) UMasipala uza kuthi kwisithuba esingekho ngaphantsi kwenyanga phambi kokumiswa (promulgating) umthetho ngokuphathelele kwicandelwana (1), ayile umthetho ozakwaziswa kuluntu ngaphakathi upapashwe ngokuphathelele kwiCandelo 21 kunye no 21A lobuRhulumente basemaKhaya: uMthetho weNkqubo kaMasipala, 2000 (uMthetho onguNombolo 32 ka2000) ndawomye nesaziso esochaza iinjongo zikamasipala zokukhupha umthetho onjalo nokwenza isimemo sokuhlaba amadlala okanye seziphakamisa.

(b) Ukuba uMasipala ugqiba kwelokuba atshintshe umthetho oyiliweyo ngenxa yezimvo zoluntu okanye iimbono ezivele emva kwesimemo eso, emva koko akuyikubaluleka ukunxibelelana nokwazisa uhlenga-hlengiso phambi kokwaziswa koyilo olutshintshiweyo njengomthetho.

22. **Ukurhoxisa umthetho wedolophu**

Nawuphi na umthetho wedolophu ophathelele kulahlo lwenkunhuma, owamkelweyo ngumasimapala okanye nayiphi ikansile kamasipala equlathe icandelo lolawulo lukamasipala, uza kurhoxiswa kususela kumhla lo mthetho obhengezwe ngawo**.**

23. **ITayitile emfutshane**

Lo mthetho wedolophu ubizwa ngokuba nguMthetho weDolophu oPhathelele kulahlo lwenkunkuma, 2004, usebenza ngomhla ogqitywe ngumasipala ngokuchazwa kwiGazethi yePhondo.