ISAZISO SOBURHULUMENTE BASEMAKHAYA

UMASIPALA WASENGQUSHWA

IMITHETHO YEDOLOPHU EPHATHELELE KWINDAWO ELIVULEKILEYO ZOLUNTU

uManejala kaMasipala wenza upapasho, ngokuphathelele kwicandelo 13 loburhulumente baseMakhaya Umthetho wenkqubo kaMasipala, 2000 (Umthetho ongunombolo 32 ka 2000) funda kunye necandelo 162 lomgaqo-siseko weRiphabliki yaseMzantsi Afrika, ka 1996 (Umthetho ongu No 108 ka 1996) Umthetho wedolophu ophathelele kwindawo ezivulekileyo zoluntu.

Injongo Zalomthetho Weddophu

Injongo yalo mthetho wedolophu kukuwisa umthetho ephathelele kwindawo ezivulekileyo zoluntu, ukuqinisekisa indlela umasipala alawula ngayo ze aphuhlise ezo ndawo ngokomnqweno wabantu, aze achaze amalungelo nezibophelelo zoluntu.

ISAHLUKO 1

INGCACISO NENKQUBO

1. **Inkcazelo -** Kulomthetho wedolophu amagama asetyenzisiweyo kwisini samadodo kubandakamya abasetyhini, isinye sibandakanyo isininzi kwangokunjalo, kwaye ngaphandle xa lukhona utshintsho –

‘**umdlalo**’ kuthetha nawuphina umdlalo okanye intshukumo eyenziwa ngumntu omnye okanye abaninzi –

(a) owenzeka kwindawo evulekileyo yoluntu ingeyiyo elungiselelwe lo njongo.

(b) enokubanga inkathazo okanye ukwenzakala kubasebenzisi bayo, okanye yenzakalise utyani okanye impahla kaMasipala kulo ndawo ivulekileyo yoluntu; ne-

(c) ibandakanya kodwa ingaphelelanga kwibhola yombhoxo, iqakamba, isoka, intenetya, ibhayisekile nezinye.

‘igosa elinegunya’

(a) Igosa likaMasopala elinikwe igunya lokulawula nokusebenza ngokomthetho wedolophu;

(b) Igosa lendlela eliqeshwe ngokwecandelo 3A lomthetho iNational Road Traffic, 1996 (Act No 93 of 1996);

(c) Ilungu lezokhuseleko njengoko lichozwa kwicandelo 1 lomthetho iSouth African Police Service Act, 1995 (Act No 68 of 1995) okanye;

(d) Igosa loxolo ekkhankanywa kwicandelo 1 lomthetho iCriminal Procedure, 1977 (Act No 51 of 1977);

'umsebenzi woluntu' kubhelisa kumsebenzi owenziwa ngumntu ngokuzithandela okanye azuze umvuzo ongephi ekukhuseleni, nasekuphuculeni imeko yabantu okanye indawo abahlala keyo. Umsebenzi wokuthandela wothetha ntwinye.

'indawo ebekelwe bucala' le yindawo ebekelwe bucela ngumasipala apho imidlalo iqhutyelwa khona njengoko isahkeko sasithathu somthetho sichaza.

'okusijikelezileyo' kuthetha konke okungqonge uluntu okubandakanya –

(a) umhlaba, amanzi kwanomoya

(b) izilwanyana ezincinci, izityalo kwanezilwanyana

(c) nantomina ebandakanya konke ku (a) no (b) nonxulumano phakathi kwazi

(d) ubume benkangeleko, ucoceko, nezenkcubeko nezinye izinto ezinokuba nempembelelo empilweni yoluntu.

'amanyathelo afandekileyo' kuthetha amagunya okanye imisebenzi ebhekiselele ekuqinisekiseni ukuba –

(a) ingozi kwindalo nakwimpilo yoluntu nokhuseleko iyacutheka;

(b) amathuba ayongezeko kwindalo, kwimpilo yoluntu nokhuseleko

(c) umthetho obhekiselele kukhuseleko lwendalo nakwimpilo yoluntu nokhuseleko uyabhalwa;

‘uluntu’ ibhekisa kwiqela labantu eli –

(a) abahlali bendawo apho indawo ezivulekileyo zoluntu zikhona

(b) abahlawuli berhafu balondawo apho zikhona

(c) apho imibutho yoluntu nawaphina amaqumrhu anenxaxheba kwei ndawo

‘imanejala kaMasipala’ ibhekisa kumntu oqeshwe nguMasipala ngokweCandelo 82 lomthetho wezasemakhaya iMunicipal Structures, 1998 (Act No 117 of 1998)

‘impahla kaMasipala’ ibandakanya isakhiwo, okanye into elilungelo nesegameni likaMasipala, enokusetyenziswa kulonwabo loluntu kwindawo ezivulekileyo ezinjenge zakhiwo, izitulo, itafile, izixhobo zokudlala, amacingo, iipali, izaziso kwanempawu

‘umasipala’ kubhekiso kuMasipala waseNgqushwa, osekwe ngokuphathelele kwicandelo 12 lobuRhulumente basemakhaya, umthetho wemisebenzi kaMasipala, 1998 (Act No 117 of 1998) kwaye Ubandakanya nawuphina umbutho wezopolitiko, umsebenzi okwi-ofisi yezopolitiko, uceba, isebe elinikwe igunya ngoko, kulungiselwa nawuphi umsebenzi osebenza ogokuphathelelo kulo mthetho wedolophu ngokwegunyo lika masipala nelimiselwe lo msebenzi ngumasipala

‘isaziso’ kusingisele kwisaziso esibekwe kwindawo yokungena okanye ebonakalayo kwisakhiwo sikamasipala apho umosipala enza khona isibhengezo ngomthetho wedolophu

‘inkathazo’ ibhekisa kwisenzo okanye impazamo kubume bemeko iphazamisana –

(a) nempilo nentlalo yoluntu

(b) ekusebenzeni nakulonwabo loluntu, abahlali nempahla

(c) ekusetyenzisweni kwendawo ezivulelekileyo zoluntu

‘iqumrhu loburhumente’ kuthetha

(a) naliphina isebe okanye ulawulo likarhulumente welizwe, wePhondo nowasemaKhanya okanyo

(b) indawo-

(i) enikwa igunya ngumgaao – siseko woMzantsi Afrika 1996 (Act No 108 of 1996) okanye

(ii) esebenzisa igumya ngokwawo nawuphi na umthetho kodwa ingabandakanyi inkundla

'igosa loxolo' ithetha umntu osebenza ngokwecandeko 1 leCriminal Procedure Act 1997 (Act No 51 of 1997)

'umntu' kuthetha umntu ngokwasendalweni okanye ngokomthetho ubandakamja kwano Rhulumente

'intlawulo emisiweyo' kubhekisa kwintlawulo esekelwe kwisigqibo sikaMasipala.

'okushicelelweyo' kubandakanya iziboniso zentengiso incwadi, amaphetshana abhaliweyo.

'isenzo esingavumelekango' kubhekisa kwisenzo esingavumelekanga ngokwesahluko sesi 3 ukuba senziwe kwindawo ezivuleleketeyo zoluntu.

'iindawo evulelekilyo yoluntu' kuthetha nawuphina umhlaba –

ethe -

yabekelwa bucala ngokomthetho nongokwesicwa – ngciso sosiko mhlaba ngenjongo yokuzonwabisa nokuqoqosha nokwakha indawo zolimo okanye

ubukhulu bayo abusetyenziswango ntweni yaye abulungiselelwanga nto

yobandakanya

'isithuba esivulelekileyo sogcinondalo' oko kuthetha ukuthi yindawo elawulwa nguMasipola okanye ngegama lakhe ekulonoblozeni indalo iintaka, izilwanyana imiba yembali.

'indawo ezivulelekileyo zolonwabo' kuthetha indawo ezibekelwe bucala nezilawulwa ngumasipala ezijonge ukonwabisa unluntu, zibandakanya iindawo zokonwaba, amalwandle, amabala okudlala;

'Iindlela' kuthetha amacandelo ezitalato okanye iindlela nezondawo ziveliweyo zendlela ezilungiselehwe ukuhlemba abantu;

'indawo ezivulelekileyo zentengiso' kuthetha indawo evulelekileyo esetyenziswa nguMasipala ekunokezeni inkonzo ezifana neendawo zokuqubha ne-

nendawo esisekwe ngokomthetho okanye

ezizezika Rhulumente okanye

ziphantsi kolawulo lukamasipala ngezonjongo.

'abaniki benkonzo' oku kuthethe umntu okanye iqumshu elinikeza inkonzo zikamasipala ngokomthetho kaRhulumente wezamakhaya iMunicipal Systems Act 2000 (Act No 32 of 2000);

'isifaneko esibalulekileyo' kuthetha umngcolele, ukhuphiswano, umnyhabala, umboniso, isikhumbuzo, imibonisobhanyabhanya nolufota.

'umsebenzisi' nabanina ozonwabisayo nothabatha inxaxheba ekusetyenzisweni kwendawo ezivulelekileyo zoluntu

'isithuthu' kuthetha nasiphina isiXhobo esenziwe salungiselelwa lekuhamba ngamavili kodwa iwengabandakanywa izitulo zabakhubazokileyo-

'inkunkama' kuthetha nayiphina into athi ubani anqwenele ukuplahla njengengofunekiyo okanye eyaphukileyo engenaku sebenziseka nanopeluphina uhlobo.

'indawo zamanzi' kubhekisa kumanzi afuneka kwindawo ezivulekileyo zoluntu ezifuna namadubi, amadama, izigingqi ezinamanzi, imifula imilambo imigxobhozo, kwanendawo ezikcenkceza amanzi

'izixhobo zamanzi' zibandakanya iiphenyane inqanawa oomatrasi abavuthelwengomoya

2. Ukusebenza komthetho wedolophu

(a) Lomthetho wedolophu ubhekisa kwindawo ezvulelekileyo eziphantsi kolawulo lukaMasipala oku akubandakanyi amangcwaba

(b) Lo mthetho uyabophelela.

ISAHLUKO 2

IMPATHO NOLAWULO LWENDAWO EZIVULELEKILEYO ZOLUNTU

3. **Imigaqo yolawulo**

(1) Indawo ezivulelekileyo zoluntu maziphathe zilawulwe ngokweminqweno yoluntu ngolu hlobo

(a) Iminqweno yoluntu mayibe yethathelwa ingaqlelo ngaphezu kwaleyo yamaqela anamanye

(b) Ikamva lesizukulwana esizayo maluphunyezwe xa kuthatyathwa izigqibo

(c) Izinto eziphilayo zinelungelo kwindawo zoluntu ezivulelekileyo

(2) Indawo ezivulelekileyo zoluntu mazilawulwe ngokwemiqaathango eqinisekisa inkqubela phambili

(3) Ngokubhekiselele kwicandelwana (5) no (7) bonke abantu mabavumeleke kwindawo ezi loluhlobo ngaphandle kwengcinezelo

(4) Xa kunyanzelekile abo babekade becinezelekile makuqinisekiswe ukuba bayalifumana ithuba lokuzisebenzisa ezindawo

(5) Ukufikeleleka kwendawo ezivulelekileyo zoluntu kungaphazanyiswa okanye kungavunyelwa kodwa kungekukho ukuzama ukubandezela abantu ngokomgangatho wabo –

(a) Ukuba ukungavunyelwa kuhambisana nomthetho wedolophu, okanye -

(b) Ukuphumeza injongo zomthetho wedolophu

(6) Ulonwabo, imfundo nenkcubeko namanye amathuba indawo ezivulekileyo kuluntu eziwazisa kuluntu mawakhuseleke ukuze aphuhklise ubomi

(7) Uluntu malukhuthazwe luzibenzise yaye luzinonelele ezindawo

(8) Indalo namafa akwezi ndawo mawaqatshelwe akhuselwe ukuze uluntu luzuze kwanezizukulwana ezizayo

4. **Ukusebenza kwemigaqo**

Ukuphathwa kwezendalo kunemigaqo esekwe kwincandelo 2 lomthetho iNational Environmental Management Act 1998 (Act No.107 of 1998)

(a) Oku makuquqatshelwe nguye nabanina asebenzisa igunya ukuzalisekisa umthetho wedolophu

(b) Nalowo osebenzisa umgaqo ngokunxulumene nendawo ezivulekileyo zoluntu okanye ukwenza umsebenzi onokwenza umahluko ekusetyenzisweni kwezindawo

5. **Amagunya ngokubanzi**

uMasipala unako ngokubhekiselel nakweyiphina indawo evulelekileyo yoluntu –

(a) Unokumisela nayiphina indawo ngaphakathi kwaleyo ivulelekielyo ilungiselelwe uluntu ivulwe ngokomthetho

(b) Aphuhlise nayiphina indawo evulekilleyo yoluntu ngokwemigaqo ekwicandelo 4, kunye

(c) Asebenzise igunya lakhe ukuzalisekisa okulundelekileyo kuMasipala ngokomthetho wedolophu

6. **Intlawulo**

uMasipala angalindela intlawulo kuluntu –

(a) Intlawulo efikelelekayo xa beduna ukusebenzisa izichobo zeKansile

(b) Intlawulo efikelelekayo ekungeni kwindawo ezivulelekileyo zoluntu ukuze afumane imale yokuzingcina zisemgangathweni

(c) Intlawulo yokusebenzisa ilungelo lokuthabathaba inxaxheba

(d) Intlawulo yokusebenzisa impahla kaRhulumente ngeloxesha

(e) Idipozithi

(f) Intlawulo ukuze kuphononongwe izicelo zemvume ngokomthetho

7. **Imiqathango yokungena**

uMasipala akangekuvumeli ukungena komntu kwindawo ezivulelekileyo zoluntu ngamaxesha athile –

(a) Ukukhusela nawuphin umba wendalo kwezi ndawo

(b) Ukucutha ubundlobongelo nokwezakalisa impahla

(c) Ukuphucula ukuphathwa kwezi ndawo

(d) Ukuphujlisa indawo ezo

(e) Ukuvumela iziganeko ezithile zingabinakuphazamiseka

(f) Ukuqinisekisa ukuba kuyenzeka oko uMasipala abona kulungile

8. **Imigaqo kusetyenziso-magunya**

Xa amlungelo womntu kukhangeleka ngathi angphazamiseka ngenxa yokusetyenziswa kwamagunya nguMasipala ngokwamacandelo 5, 6 okanye 7, uMasipala wonganzeleka ngaphambi kokusebenzisa amagunya

(a) Manike isaziso ngoko afuna ukukwenza makhabhale isaziso –

(i) Sipapashwe

(aa) Kwiphephandaba lengingqi

(bb) Konomathotholo abasasaza kuMasipala lowo

(cc) Apho umanejala kaMasipala abona kufanelekile kwiGazethi yePhondo

(ii) Sibe ngelwimi zonke ezikhethewe ngoMasipala

(iii) Sixhonywe kwi-ofisi zikaMasipala

(iv) Sibe nomyealelo ocacileyo ngesigqibo

(v) Kumenywe imbono nezibheno

(a) Baziqwalesele imbono nezibheno ezijoliswe kwizaziso

9. **Amagunya amagosa**

Amagosa ngokunxulumene nendawo ezivulelekileyo zoluntu ahakho –

(a) Ukukhupha isigunyaziso phantsi kwecandelo 20;

(b) Ukuyalela nabani na aphume kwindawo ezvulelekileyo zoluntu ukube okholelwa ukuba umthetho awuthotyelwanga

(c) Lisebenziso igunya elinokisetyenziswa ligosa loxolo ngokomthetho iCriminal Procedure, 1997

10. **Okulindelekileyo ngokunxulumene nendawo ezivulelekileyo zoluntu**

(1) uMasipala makafake isaziso ngokomthetho wedolophu kule ndawo

(2) Ngokubhekiselele kwindawo zolonwabo uMasipala –

(a) Makaqinisekise ukuba zivulekile ukusuka ukuphuma kwelanga de liyokutshona

(b) Amilisele izaziso ekungeneni ezibonisa

(i) Ixesha lokuvula nokuvala lwendawo yokonwabo

(ii) Imithetho ebhekisele kule ndawo

ISHLUKO 3

ISIMO ESINGAVUMELEKANGA

11. **Izenzo ezingavumelekanga**

(1) Nabina okwenza isenzo okanye aziphathat ngohlobo olungafanelekanga phantsi kwamacandelo u12 ukuya ku20 wofunyanwa enetyala ngaphandle kokuba isenzo eso –

(a) Senzeke kwindawo elungiselelwe lonto

(b) Ivumelekile ngokwesivumelwano ngokwamacandelo 23 okanye 24, okanye

(c) Ebebonakala njengogunyazizsiweyo nguMasipala phantsi kwecandelwana (2)

(2) Ngokusingisele kwicandelwana (3) umntu ubonaka njengonesivumelwana xa enza isenzo ezingavumelekanga ukuba lomntu umyanzelekile enze isenzo esingavumelekanga –

(a) Umsebenzi ukuze enze umsebenzi wakhe uMasipala umnika imvume ngokomthetho

(b) Ukwenza umsebenzi wakhe ngokomthetho egameni likaRhulumente

(c) Ukuzalisekisa umsebenzi wakhe njengegosa elinegunya

(d) Ukufezekisa umsebenzi wakhe njengegosa loxolo.

(3) Akukho mntu wobonwa njengonesivumelwano ukwenza isenzo esingavumelekanga phantsi kwecandelo 12(a), (d), (e) okanye (f) okanye nayiphina into ayenzayo engenasivumelwano

12. **Eminye imiba**

Akukho mntu ngphakhati kwendawo evulelekileyo yoluntu –

(a) Oyakukwenza into enobungozi ebomini babatnu nempahla;

(b) Ophule nantonina ekwisaziso kwindawo leyo

(c) Enze okungekho mthethweni ngokugena kwindawo ezivulelekileyo zoluntu esphula okubhalwe kwicandelo 7

(d) Ubanga inkathazo kuluntu

(e) Uziphethe ngendlela engamkelekanga okanye

(f) Uphazamisa igosa emsebenzini walo

13. **Ukusetyenziswa**

Akukho bani ngaphakathi kwindawo evuluelekileyo yoluntu –

(a) Uyakuzihlamba, ahlambe isilwanyana okanye impahla

(b) Asebenzise isixhobo sokudada

(c) Enze, aqale umlilo

(d) Ahlale, alale kulo ndawo

(e) Asele, asile, athengise agcine nabuphina utywala

(f) Asebenzise izixhobo zezandi oko kubandakanya onomathotholo

(g) Adlale umdlalo

(h) Adudubule nanagaluphina uhlobo

14. **Inkumkuma**

Akukho mntu wothi ngaphakathi lwendawo evulelekileyo yoluntu –

(a) Alahle angcwabe inkunkuma ngaphandle kwendawo elungiselelwe oko

(b) Abanye ungcoliseko lwayo nayiphina into eyakuphazamisa ucoka lwamanzi

15. **Izithuthi**

Akukho mntu oyakuthi ngaphakathi kwendawo evulelelkileyo yoluntuu o –

(a) Ngaphandle kwamaxesha nasezindleleni ezichazwe nguMasipala aqhube okanye atsale isithuthi

(b) Aqhube, atsale, isithuthi ngesantya esidlule 60km ngeyure

(c) Amise isthuthi kwindawo ezivulelekileyo zoluntu

16. **Izilwanyana notyani**

Akukho mntu oyakuthi ngaphakathi kwendawo evulelekileyo yoluntu o –

(a) Aphazamise enzakalise, atshabalise okanye asuse utyani

(b) Atyale isityalo

(c) Aguqule imo yomhlaba okanye ukuhamba kwamanzi

(d) Azame ukkuhamba aleqe, adebule, enzakalise nayiphina intake, intlanzi nesilwanyana

(e) Aphazamise, enzakalise okanye atshabalalise inesi yentaka namaqanda

(f) Ezo nesilwanyan esingeyiyo inja ekhokela imfama

(g) Afakelele abeke nokuwuphina umthi oko kubhaliweyo

17. **Impahla kaMasipala nokumiswa kwezakhiwo**

Akukho mntu ngaphakathi kwendawo evulelekileyo yoluntu –

(a) Ayakwenzakalisa achithe okanye asuse impahala kaMasipala

(b) Aphazamise umhlaba ngokomba asuse umhlaba nangaluphina uhlobo

(c) Akhe amise nasiphina isakhiwo kubandakanya intenti, ipali, iqonga indlwana, okanye

(d) Afekele okanye amise nakweyiphina impahla kaMasipala

18. **Uthengiso neziganeko**

(1) Akukho mntu oyakuthi ngaphakathi kwendawo evulelekileyo yoluntu –

(a) Asebenzise impahla kaMasipala ngendlela aphazamisa abanye abasebenzisi bendawo ezo

(b) Athengiso, ashshine okanye abonise ngempahla nezinto ezithengiswayo

(2) Akukho mntu uyakubamba itheko kungekukho okubalwe kwisivumelwano

19. **Umsebenzi woluntu**

Akukho mntu oyakuthi ngaphakathi kwendawo enze umsebenzi woluntu nowaluphina umhlobo oyakuthi ubange ingozi kwindawo leyo

(a) Ingozi okanye ingozi eyenziwe kindawo yoluntu

(b) Enze inkathazo kubabenzisi okanye ophule umthetho wedolophu

(c) Ukophula komthetho wedolophu

20. **Imiyalelo yokuvuselela nokususa**

(1) Ngaphandle kokufumaneka kwemvumelwano ngokwecandelo 23 okanye 24 igosa elinegunya linokuyalela ukuvuselewa nokususwa kwezinto

(a) Ezenzakalisiweyo, esiphazamisiweyo, ezichithiweyo ezisusiweyo, utyani okanye impahla kaMasipala

(b) Okwakhiweyo, okumisiweyo okanye okuhlanganisiweyo

(c) Okulahliweyo okubehiweyo okanye okujuliweyo kungekho kwindawo elungiselelwe oko

(2) Uvuselelo okanye ukususwa njengoko igosa liyalele ubhekiswa kulomntu ngokwesaziso kunyazelisa –

(a) Ukuvuselela lo ndawo ibuyele esimeni sayo

(b) Ukususa isakhiwo okanye into nokuvuselela indawo leyo

ISAHLUKO 4

IMIQATHANGO YOLONDOLOZO MITHI

21. **uMasipala unokubekha imiqathango ngolondolozo lwemithi**

(1) Ukuba uMasipala ukholelwa ukuba imithi kwindwao evulelekileyo yoluntu ifanelwe ukukhuselwa unako ukukhupa umyalelo onjalo

(2) Umqathango wolondolozo lwemithi –

(a) Mawucacise uhlobo lomthi ekubhekuswa kuwo

(b) Umokuyalela ukuba umntu ongawulayo owutshabalisawyo, owuphazamisawyo, owuthengisayo, owuthengayo, ophisa ngawo, nowususayo wofunyanwa enetyala

(3) uMasipala makamisele ikope yomqathango yolondolozo mithi kwindawo ekufutshane nomthi lowo

22. **Amabakala ngokukhutshwa komqathango wolondolozo mithi**

Ngaphandle kokuba umqathango ngolondoloza mthi ufuneka ngokungxamisekileyo uMasipala ngaphambi kokuwukhupha wolandela icandelo 21 –

(a) Wonika isaziso ngenjongo yokukhuselwa komthi okanye imithi enze isimemo sovakaliso lwmbono nezikhalazo kwizehsa elinikiweyo ngokwesindululo secandelo 8(a)

(b) Azise onke amasebe kaRhulumente

(c) Ukuthabatha ungqalelo yembono nezikhalazo ezifumanekileyo ngesaziso

ISAHLUKO 5

IZICELO ZOGUNYAZISO

23. **Isicelo semvume**

(1) Nabinina ofuna ukwenza oko kungavumelekanga makabhale acele uMasipala amnike imvume yokwenza oko

(2) uMasipala unokuthi emva kokufumana isicelo eso afune inkcukacha ezifanelekileyo

(3) uMasipala unokungavumi usithathela isicelo eso de olufamane lonke ulwazi alufanyo ngokwecandelwana u(2), de ukuba kuhlawuliwe xa kufuneka kunjalo

(4) Ngokwamacandelwana 2 no 3 uMasipala nokusiqwalasela isicelo kwisithuba esifanelekileyo ukuze –

(a) Angasivumi isicelo; okanye

(b) Ayikhuphe imvume ebhaliweyo, inemiqathango enayo ngokuhambisana nomthetho, enokubandakanya intlawulo okanye idipozithi

(5) uMasipala akangeniki mvume nakubanina ukuba enze okungavunyelwayo kwicandelo 12 (a), (d), (e) okanye u(f)

(6) Wonke umntu onesicelo ngokwecandelwana (1) ovunyelweyo wocelwe ukuba asayine imvumelwano kwifomu kaMasipala

24. **Isicelo smvume yesiganeko esibalulekileyo**

(1) Isicelo semvume sokubonajwa kwesiganeko esibalulekileyo kwindawo ezivulekileyo zoluntu masenziwe kwintsuku ezimashumi mathathu phambi komhla waso

(2) Eli xesha kubhekiswa kulo kwicandelwana u(1) lisenokucuthwa nguMasipala

(3) Isicelo masiqulathe oku kulandelayo –

(a) Inkcukacha ezipheleleyo ngomceli, kubandakanya igama umbutho, idelesi, inambolo yefowuni njalonjalo

(b) Imo nenjongo yesiganeko

(c) Indawo okanye indlela eyakusetyenziswa

(d) Imvume njengoko ikhankanyiwe kwisahluko 3 somthetho wedolopohu

(4) Ngaphambi kokwamkelwa kwesicelo uMasipala angafuna intlawulo okanye idipozithi.
(5) Kuxhomekeke kwimeko ezifunwa nguMasipala, umntu ocele imvume unelungelo lokusebenzisa indawo evulelekileyo yoluntu echanziwayo kwimvume.
(6) Wonke unmtu onesicelo esifakwe ngokwecandelwana 1, saphunyezwa wozalisa infomu ayisayine.

ISAHLUKO 6

IZIVUMELWANO NGOLAWULO OLUHLANGENEYO

25. **Umasipala unokwenza izivumelwano ngolawulo olublangeneyo**

(1) Umasipala angengena kwizizvumeluano ezibhabiweyo nananye amasebe kaRhukmente, ukintu okayne imibutho okuginisekisa oku –

(a) Uphuhliso oludibeneyo nakweyephi indawo evulekekileyo yokintu okanye

(b) Ulawalo oluhlangeneyo nakweyipki na indawo evulelekulep yoluntu.

(c) Ekulawuleni instshukumo zebantu kwidawo ezivulelekileyo zoluntu.

(2) Umsaipala akangeni kwimvumelwano ngdawulo oluhlangeneyo ngokubhekiselele kwindawo ezivulelekileyo zoluntu ngaphandle isivumelwano eso siyakuphuhlisa injongo zomthetho wedolophu.

(3) Umasipala maqwalasele ukuba ngaba isivumelwano solawulo esihlangeneyou siyasebenza ukuphumezo injongo ekugqitywe kuzo.

(4) Isivumelwano solawulo esihlangeneyo singarhoxiswa ngumasipala ngokubhekisele kwisaziso esibhaliwenyou

esinikwe omnye umnty apho isivumelwano –

(a) Asikwazi kuphumeza injongo ekwakugqitywe ngayou okanye.
(b) Siyayiphazamisa impumelelo ekuzuziveni kwenjongo ngokomthetho.

ISAHLUKO 7

IMIBA NGOKUBANZI

26. **Inkqubo ngezibheno**

(1) Nabanina omakingelo okhe ochatshazelwe sisigqibo esithatyathwe ligosa elinegunya ngaphantsi komthetho wedelophic linokuthi ngentsuku ezili 14 ukususka kumhla wokwaziswa ngesigqibo libhene ngakuso isigqibo ngokubhala isaziso sokubhena linike izisathu kumanejala kamasipala.

(2) Umanejala kamasipala ngakudlulisela isibheno eso kwigosa elitavelekileyo ngengoko kukhanhanyiwe kwicandelwana (4).

(3) Igosa lezibheno lakusiphononononga isibheno eso lingqine, lithelekise okanye lisirhoxise isigqibo. Kodwa nqononondiswa kwesigqibo akuwachaphazeli amakingelo alowo ubebhena.

(4) Isibheno esifakwa ngkweicandelo siqwalaselwa nngokwendlela ecaciswe kwicandelo 62 lomthetho wasekhaya, municipal systems 2000.

27. Ulwaphulo Mthetho Nezohlwayo

(1) Nawuphina umntu –

(a) Owaphula okanye anagazalisekisi imfuno zomthetho wedolophu.

(b) Ongaphumeleliyou ukwenza ngokwesaziso esikhutshwe ngokomthetho wedolophu.

(c) Ongaphumeleliyou unkuthobela umyaleto onikwe ngokomthetho wedeolophu.

(d) Ophazamisana nelungu elinegunya ekufezekisem umsekbenzi walo ngaphantis konthetho wedelophu wofunyanwa enetyala egwetywe intlawuto engadulanga kwi R60 000 okanye ukuba akahlawulanga wovalelwa isithuba esingangenyanga ezi 12.

(2) Xa eqhuba ukona lomntu uyakufunyanure enetyala yaye agewetywe isohlwayo esongezelele – kileyo esiyi R600 okanye ixesha elongezelelwayo eluvalelweni esilusuku okunge okanye evalelo olongezelelekileyo ngaphandle kwentlawulo okanye zombini, intlawalo kwa nokuvalekwa kusulku ngolinge lisaqhuba ityala.

(3) Howo mntu nyakuba netyala agwetywe ahlawuliswe imali elingana nenkaitho ngokokufunyaniswa yinkundla ethi qadithwa ngumasipala ngenxa yolwaphulomthetho.

28. **Imigaqo**

Umasipala tlnakho ukwenza imigaqo ngakubhekiselele –

(a) Ukubeka bucala indawo apho intshukumo ezithile zokwenzela khona ngokwecandelo 5(a)

(b) Abize intlawalo skanye idipazithi ngokwama – candela 6 (a) (f), 23 (3), (4) (b) no 24 (4);

(c) Indawo, ubungakanani, inani, okuqulathwe sisaziso ngokomthetho wedolophu.

(d) Ukuthutshwa komyalelo wokususwa nokuvuselela okuchqzwe kwicandelozo lubandakanya.

(i) Ubume nokuqulathe kuyo

(ii) Izikhokelo zamaxesha okuvuselelwa nokususwa

(e) Isicelo sogunyaziso sibandakanya

(i) Amaxesha afanelekileyo – (aa) ukufakwa kwesicelo ngokwecandelo 23(1) no 24 (1) no (bb) uqivalaselo iwezicelo nokugqitywa ngazo

(ii) Isikhokelo malunga nemo echqziweyo ngaphambi kwesenzo esingavumelekanga ngokwecandelelo 23 (4) (b) no 24 (5).

(iii) Imo nokuquketheve sisvumelwano ngokwamacandelo 23 (6) no 24 (6).

(f) Inkqubo imo nokuqulathwe kwisivumelwano solavulo ngokuhlangeneyo njengakwicandelo 25.

(g) Ukukhutshwa komqathango molondolozo kvenmithi candela 21 no 22 kubandkanya –

(i) ubume nokuqulathwe ngumqathango; no

(ii) Imfuneko zopapasho lamqathango

(h) Inkqubo namaxesha abhekiselel kwisibheno njengakorhulemente basekhaya iMunicipal Systems Act 2000 njengoko kubhaliwe kwixanodelo 26;

(i) (i) Ukunikezwa kwezohlwayo xa kophukwe umthetho, inkcazo 27 no

(iii) Ukuhlaziwa kwzohlwayo kumathuba ngamathuba.

(j) Nayiphino into okanye umba ochazwe ngokomthetho wedelopha okanye unba oncedisa ekuphuhlexini umthetho wedelophu (2) (a) Umasipala nyakuyila imigaqo omayidluliswelwe kuluntu ngokwecauole 21 no 21 A wokbulumente basemakhayo I Municipal Systems Act 2000, kynye nesaziso esichaza ngenjonongo kamasipala ukukhupha imigaqo emema nembono okanye abameli kwisisthuba esingekho ngaphantsi kwenyanga ngaphambi kokwenziwa komgoqo. (b) Ukuba umasipala ugqiba ekuguquleni umgaqo oyiliweyoo ngwenxa yembono okanye abameli azifumene kwisimemo akusayi kubakho mfuneko ukuphinda achoze ngeguqu eluntiwini.

29. **Ukhurhoxisa umthetho wedelophu**

Namuphina umthetho weddophu ophathelele kwaindawo ezivulelekileyo zoluntu owamkekweyo ngumasipala okanye naqiphi ikansile kamasipala equlathe incandelo lolawulo luka masipala, uza kurhoxiswa kususela kumhlo lo mthetho obhengezwe ngawo.

30. **Itayitlile emfutshane**

Lo mthetho wedeolohu ubizwa ngokuba ngumthetho wedolophu ophathelele kwindawo ezivulelekileyo zoluntu, 2004, usebenza nogmhla oggitywe ngumasipala ngokuchazwe kwi Gazethi ye phonolo.