ISAZISO SOBURHULUMENTE BASEMAKHAYA

UMASIPALA WASENGQUSHWA

UMTHETHO WEDOLOPHU WOLAWULO LWAMATYALA KUNYE NOKUQOKELELWA KWENTLAWULO NGOKOMTHETHO WEDOLOPHU

UManejala kaMasipala ukupapasha, ngokuphathelele kwiCandelo 13 lobuRhulumente wasemaKhaya: Umthetho weNkqubo kaMasipala, 2000 (Umthetho No.32 ka2000) funda kanye neCandelo 162 loMgaqo-Siseko weRiphabliki yaseMzantsi Afrika, 1996 (uMthetho ongu108 ka1996), uMthetho weDolophu woLawulo lwamaTyala kunye nokuQokelelwa kwawo.

Injongo yoMthetho weDolophu

Iinjongo yalo mthetho wedolophu kukunika intsingiselo kuMgaqo-nkqubo wolawulo lwamatyala kamasipala kunye noqokelelo lwamatyala kwanokufezekiswa nokunyanzeliswa ngoko ke.

ISAHLUKO 1

INGCACISO NOKWAMEKELWA KOMGAQO

1. **Intsingiselo** – Kulo mthetho wedolophu, amagama asetyenziswe kwisini samadoda kubandakanya abasetyhini, isinye sibandakanya isininzi kwangokunjalo kwaye, ngaphandle xa lukhona utshintsho –

‘**uhlenga-hlengiso’** kusingisele kwisivumelwano ekufikelelwe kuso phakathi kukamasipala kunye nalowo unetyala ngokuphathelele ekuhlawulweni kwetyala elo elingekahlawulwa nemiswe yagxininiswa;

‘**umhla wetyala’** kuthetha umhla apho ingxelo yenyanga yetyala ikhutshwayo ize itsalwe kumsebenzisi wenkonzo;

‘**isiza seshishini’** kusingisele kwisiza esisetyenziselwa injongo engaphandle kwaleyo yokuhlala, kwaye ikhuphela ngaphandle oku kulandelayo –

(a) izibhedlele, iikliniki amaziko abantu abagula ngengqondo angasetyenziselwa inzuzo yemali;

(b) imizi yogcino lwembali, igumbi lokubonisa imisebenzi yobugcisa, amathala eencwadi kunye nesitiya sezityalo ezibhaliswe ngamagama abantu babucala kwaye avulelekileyo kuluntu, nokokuba imali yokungena iyahlawuliswa okanye ayihlawuliswa;

(c) amabala ezemidlalo yebhola kulungiselela injongo yemidlalo yabo basaqalayo nezinye izinto ezonwabisayo ehlangene kunye nemidlalo enjalo;

(d) nasiphi na isakhiwo esibhaliswe egameni leziko okanye lombutho, ngokokubona ngokufaneleyo kukumasipala, iqhuba imisebenzi yokuliza abangathathi-ntweni;

(e) nasiphi na isakhiwo esinyanisekileyo secawa okanye sokuqhuba inkonzo;

`**igosa eliyintloko kwezemali'** kusingisele kwigosa elinoxanduva lokuphendula nelinoxanduva kumanejala kamasipala lokufezekisa, ukulawula nokunyanzelisa umgaqo-nkqubo wolawulo lwamatyala akwamasipala kunye nokuqokelelwa kwamatyala;

`**ulawulo lwamatyala'** kusingisele kwimisebenzi ephathelele kuqokelelo lweemali ezifanele ukuhlawulwa ngabanamatyala;

`**umsebenzisi wenkonzo'** kusingisele kumntu ohlala kwesi sakhiwo apho umasipala avume ukuzisa iinkonzo, okanye osazisa iinkonzo, okanye, xa kungekho mntu uhlala apho, kube ngumnnini-sakhiwo;

`**usuku**' kuthetha usuku lwekhalenda, kubandakanya imiGqibelo kunye neeCawa kunye neeholide zoluntu;

`**umnini-tyala'** kutsho nawuphi na umntu onoxanduva lokwenza intlawulo kwamasipala yetyala layo nayiphi na imali, kubandakanya-

(a) irhafu;

(b) intlawulo yenkonzo zakwamasipala eziziswa ngumasipala okanye elinye iziko okanye omnye umntu ngokuphathelele kwisivumelwano sokuhambisa inkonzo; okanye

(c) nayiphina enye intlawulo enokubizwa nguMasipala;

`oxhomekekileyo' kuthetha nawuphina umntu oxhomekeke komnye ngenkxasoyezemali.

‘umhla lindelekileyo’ mayela –

(a) irhafu elindelekileyo ngokunxulumene nempahla okanye izakhiwo ezingenakufuoluswa, kubhekisa kumhla wokugala kaJulayi womnyakamali lowo;

(b) intlawulo yenkonzo elindelekileyo ngokunxulumene nempahla engenakufuduswa nezakhiwo, ibhekisa kumhla wesixhenxe enyangeni ephambi kwenyanga inkonzo ezinikezwe ngayo.

ngaphandle kokuba lomhla ungoMgqibelo, iCawa okanye iholide kawonkewonke ekothi imini elandelayo ithathwe ujengomhla wentlawulo.

‘umhlaba omiweyo’ ubandakanya –

(a) indawo engohlulwanga yomhlaba omiweyo, ne

(b) naliphina ilungelo lomiwo mhlaba

‘umhlali ongakwazi kuhlawula’ oku kuthetha umntu oyintloko yekhaya osweleyo

(a) ngulowo wenza isicelo sokuzwa iinkonzo;

(b) wenza isicelo seesibonelelo ngokomthetho kaMasipala

(c) uyakuthathwa njengommeli wosapho lwakhe lonke nabangaphantsi kwakhe

‘umgaqo wesibonelelo sabasweleyo’ oko kuthetha ukhti uMasipala uyababonelela abasweleyo;

‘inkqubo yesibonelelo sabasweleyo’ ibhekisa ekuncedweni kwabaasweleyo ngokomgaqo kaMasipala

‘iyanga’ kuxelwa iyanga yonyaka

‘umyinge wenkcitho ngenyanga’ kuthetha oko kuthi kusetyenziswe ngenyanga ngokunxulumene nempahla nezakhiwo kubalwa ngokomyinge othe wasetyenziswa kwinyanga ezitandathu esidlulileyo;

‘Ityala likaMasipala’ kuthetha ityala emalibhatelawe ngokubhekiselele kwinkonzo nentlawulo ezihlawulwa ngulowo uzisebenzisayo;

‘Indawo zokuhlawula’ kuthetha nayiphinina indawo apho kukho i-ofisi zikaMasipala nendawo apho kuhlawulwa khona izivumo zamatyala okanye nayiphina indawo apho.

'Inkonzo zikaMasipala' ezi zinkonzo ezinikezwa nguMasipala okanye lowo mbutho okanye umntu ozizisayo ngokwesivumelwano ezi njengezi amanzi umbane, ugutyulo, ubutho lwenkunkuma nezinye.

'uMasipala' ubhekisa kuMasipala waseNgqushwa osekwe ngokomthetho iMunicipal Structures, 1998 (Umthetho No.117 ka 1998) ibandakanya ukusekwa ubumi bezopolitiko, ilungu likarhulumente neKansile.

'Ummi' kuthetha nabani na enelungelo lokuhlala asebenzise umhlaba xa –

(a) Athe umlingane womninindawo wahlala nomnikzi woba ngummi

(b) Bathe abamamyeneyo bahlala nadwonye babaini ngabemi

'Umnini' ngokubhekiselele kwindawo yokuhlala –

(a) Umntu ekubhalwe ngaye ngokomthetho

(i) Noba ngumntu oqashileyo kwiminyaka eseshumni ubucinane

(ii) Ummi woba ngulowo mntu owothi ngenxa yelungelo elinikwe yena abe ngumnikazi

(b) Xa athe umnikazi wasweleka athathwa amalungelo ache yinkundla ngenxa yokuthinjwa impahla yonikezelwa kulawulo lwabaseMthethwa

(c) Ukuba umnikazi akakho kwli lizwe okanye idileso yakhe ayaziwa nabani na onyuliweyo unako ukufumana imbalelwano evela kwaMasipala.

(d) Ukuba uMasipala akakwazi ukuginiseka ngomnikazi lowo uyindlalifa uvumelekile ayisebenzise impahla leyo.

'indawo' ibandakanya isiqanaqwana somhlaba esinemiba esekelwe –

(a) Iplani okanye umzono obonakalaliswa ngumthetho iLan Survey, 1997 (Umthetho No.8 ka 1997) nangokwe Deed Registries Umthetho, 1937 (Umthetho No.47 ka 1937)

(b) Iplani yendawo ebhalisiwe ngokomthetho Sectional Titles 1986 (Umthetho No.95 ka 1986)

Esekwe kulawulo lukaMasipala waseNgqushwa.

'Umntu' ubhekisa kumntu ngokwendalo nangokomthetho obandakanye urhulument namalungu oburhulumente nabameli bandphandle

'Enyuliweyo' ubhekisa kulonto inyulwe ngokomthetho

'Irhafu' ibhekisa kwirhafu kaMasipala esekelwe kwimpahla nezakhiwo ngokwenkqaku 229(1)(a) yomgaqo siseko.

'Umhlawuli werhafu' ngokubhekiselele kuMasipala lo ngumntu onoxanduva lokwenza intlawulo yerhafu yobumi.

'Umnikazi obhaliweyo' ngulowo mntu othi ngokwendalo nangokoMthetho igama lakhe libhaliswe ngokomthetho iDeeds Registries 1937

'Uhlawulo lwenkonzo' kubhekiswe kwimali ethi ibizwe nguMasipala za athe wanikeza inkonzo ngokunxulumene nomiwo mhlaba

'Izivumelwano ngohambiso nkonzo' oku kuthetha izigqibo phakathe kaMasipala nabantu ngokunxulumene nomthetho iMunicpal Systems 2000 (Umthetho No.32 ka 2000)

'Intlawulo' oku kubhekisa kwirhafu nendidi zonke zentlawulo athi uMasipala azifune ngenxa yenkonzo azinikezeleyo.

'Umgaqo ngentlawulo' oku kubhekisa kumgaqo alowulo intlawulo zikaMasipala

2. **Umgaqo ngokuphathetlele kuulawulo lwamtyala noqokelelo kwentlawulo**

   uMasipala uyakuseka umgaqo wokulawula kwaMatyala noqokelelo lwentlawulo. Oku koqinisekisa ukuba –

   (a) ulawulo lwamatyala iindlela nezixhobo

   (b) uqokelelo lwentlawulo iiindlela nezixhobo

   (c) ukulungiselela abangakwaziyo ukuhlawula ngenxa yokuswela

   (d) oku kophuhlisea ngokuthi kubandakanywe

      (i) iindlela ezizizo zogcinomali noqokelelo

      (ii) uqikelelo lwengiso ngokwanyamene nolwabiwo-mali

   (e) isohlwayo kwimali esemva

(f) ukunyenyiswa kwexesha lentlawulo

(g) ukunqunyanyiswa kwenkonso nokuphazanyiswa kwazo xa intlawulo isemva

(h) imiba enxulumene nokubiwa wokwenzakaliswa kwenkonzo

(i) ukunikezwa kwenkonzo ezintsha

(j) ukwenziwa kwesivumelwano phakathi komqeshi nomasipala ngotsalo zimali kwabatyalayo.

(k) intengiso yempahla

(l) nayiphina eminye imiba ebandakanyiweyo kwimigaqo ngokomthetho kaMunicipal Systems 2000

ISAHLUKO 2

UNIKEZELO NGENKONZO ZIKAMAIPALA

3. **Izicelo ngonikezelo lwenkonzo**

(1) Zonke izicelo ngonikezelo lwenkonzo zikaMasipala ngokubhekiselele kwezakhiwo nomhlaba ziyakwenziwa ngumnikazi ngokubhaliweyo kwifomu elungiselelwe oko

(2) Umnikazi mhlaba wongena kweisivumelwano esibhaliwe noMasipala

(3) uMasipala akusifumana isicelo angangena kwisivumelelwano nomnini mhlaba elandelisa isicelo eso

(4) Izixhobo zokubala amanzi nombane osetyenzisiweyo singafakelwa nguMasipala ngendleko zakhe kodwa zakuhlala zililungelo likaMasipala zibe phantsi kolawulo lwakhe amaxesha onke

(5) Umnini mhlaba owenze isicelo kufanele azise umphathi wezimali ngokubhaliweyo intsuku ezintlanu phambi kokub ahlale

(6) Igosa lezemali lakuginisekisa ukufandwa kwesixhobo eso nje usuko ngaphambi kokuba ummi angene

(7) Igosa lezemali lothi ngamaxesha afanelekeleyo liqinisekise ukuba abanikazi mihlaba bangene kwisiwumelwano noMasipala

(a) Igosa lezemali liye libize intlawulo yangaphambili elingana ne 1½

(8) ngokuphindiwey intlawulo yenyanga

(9) Igosa lezemali lisenokuyinyusa imali yentlawulo ebhatalwayo

(10) Ukuba igosa lezemali lifuna ukuyinyusa intlawulo yomnikazi wokhupa isaziso esinka izizathu zoko

(11) Umnini ukuba akakholisekanga kwisithuba sentsuku ezilushumi usekwenza isicelo esiphika oko

(12) uManejala kaMasipala wothi kwisithuba sentsuku ezintlanu amva kokufumana isibheno anike impendulo engenakuphikiswa

(13) Igosa lemali linokuthi ngokunxulumene nomhlaba wezaboshishino amkele itsheki eqinisekisiweyo yibanka njenge dipozithi

(14) Abanini mashishini balindela ukuba 250% njengomyinge wenyanga osesenzisiweyo xa intlawulo ingekho ngaphantsi kweR500.

(15) Umnikazi-shishini ngokunxulumene nedipositi engaphezu kweR100 000 unako –

(a) ukuhlawula 250% yonyinge woko kusetyenzisiweyo ngenyanga

(b) okulingana we 1½ yentelekelelo yenyanga yoko kusetyenzisiweyo ehlawulo ngemali ezinkozo aze athi imali eshiyekileyo asebenzise itsheki ukuyibhatala ukuba uyavumelana nesigqibo.

4. **Ilungelo lokucutha okanye lokunqumanisa unikezelo lwenkonzo**

(1) Ngokwenqaku u16 uMasipala unako ukucutha, anqumamise okanye aphelise inkonzo yombane, amanzi nezinye iinkonzo kwindawo yommi xa athe –

(a) akaphumelela ukubhatala imali ezeleyo ngomhla olindelekileyo okanye akenza nezicwangciso zokuhlawula;

(b) akaphumelela ukufezekisa izigqibo azibekelweyo nguMasipala

(c) waphazamisana nonkonzo yamanzi, umbane nezinye iinkonzo eziya kwabanye

(d) wanikela ngenkonzo kubantu abandafanelanga ukuziziza okanye wavuma ukuba oku kuqhubeke

(e) waphathepatha izixhoba zikaMasipala ngokuzama ukuzuza iinkonzo ezingahlawulelwayo

(f) wabanga imeko enokuthi ngokwembono kaMasipala ibe nobungozi okanye yophule umthetho

(g) ubekwe phantsi kolawulo lwenkundla ngenxa yomthetho iInsolvency 1936 (Umthetho No.24 ka 1936) nawuphina umthetho obandakanyyekayo

(h) ukuba isigunyaziso somthetho kaMatyi (Magistrates Court Act, 1944) sibhekisa kuye umnini-mhlaba

(2) Ilungelo likaMasipala ukunqumamisa nokuphelisa inkonzo yombane namanzi ay nakweyiphina indawo lobaphantsi kolawulo lwenkqaku 4(3) Water Services Act 1997 (Umthetho 108 ka 1997) kwanenkqaku 11 lwe Electricity Act, 1987 (Umthetho No.41 of 1987)

ISAHLUKO 3

ABAHLALI ABANGAKWAZIYO UKUHLAWULELA IINKONZO

5. Umgaqo wesibonelelo sabangahlawuliyo

(1) uMasipala woqulungqa asebenzise umgaqo woxhaso lwabo Bantu abthi ngenxa yentswelo bangakwazi ukuhlawulela iinkonzo, oku kobandakanya inkqubo

(2) Umgaqo 10 wesibonelelo ujolise ekuqinisekiseni ukuba

(a) unikezelo nkonzo elutwini lokwenzeka ngokwamandla lezemali nolawlo luukaMasipala

(b) unikezelo lolandela indlela nezikhokelo zokuncedisa abo bangakwzi ukuhlawulela iinkonzo ngenxa yentswelo

6. **Abafanele ukunika ikxaso**

(1) Ukufanele kwabantu ngokubhekisele kule nkxaso kogqityw nguMasipala ngamaxesha ngamaxesha, de athathe sigqibo simbi xa kufanele njalo. Ukunikezwa kwenkxaso kuxhomekeke kwezi meko –

(a) imivuzo nengeniso yobahlala kwelo kaya iyonke okanye abo bangaphantsi kweshumi elinesibhozo lenyaka befumana iinkonzo kuMasipala ezingadlulanga kwi-R700 ngeyanga.

(b) uMasipala makazonelise ukuba elikhaya kubhekiswa kulo ngasentla alikwazi kuzihlawulo iinkonzo

(c) eli khaya kuthethwa ngalo ngasentla malibhaliswe kuluhlu lwabobantu bafumana le nkxosa kuMasipala

(d) nawuphina ummi okwelikhaya kubhekiswa kulo ngentla apha akanayimbi indawo anayo ngaphandle kwale exhaswa ngale nkqubo.

(e) Ummi okanye umhlali okweli khaya akafumani nkxaso-mali ebhekephi nakweyi phi na inkalo.

(2) Ubungakanani belenkxaso enikezwa nguMasipala kula makhaya yoxhomekeka kwisigqibo sikaMasipala elawulwa luhlalo-lwabiwo-mali obalufumana kurhulumente. Oku koxhomekeka kubungakanani babantu obazuza olu ncedo kwezinkonzo –

(a) amanzi

(b) umbane

(c) ugutyulo

(d) ukuqokelelwa kwenkunkuma

(e) intlawulo yengqesho, ukuba ikho kwakunye

(f) nerhafu kwabo banemihlaba.

(3) uMasipala uyakumana eWenga-hlengisa inkxaso yakhe kwisithuba senyanga ezintandathu, eqinisekisa ngenani labenza izecelo nemeko yakhe yezemali

(4) Ubungakanani benkxaso enikwa nguMasipali ayisayi kudlela leyo mali ibizwa ngeyanga kwabangakwazi kuhlawula

7. **Ulwabiwo lwenkxaso kawbo baxhaswa nguMasipala**

Le nkxaso iyakwabiwa ngokwale ndlela ilandelayo

(a) Inkxaso iyakwabelwa lo makhaya enzi isicelo yaye ekufanele oko

(b) Inkxaso mayibe yeyaneleyo ukunceda loo makhaya kwinzima yokungakwazi kuhlawula iinkonzo kwixesha elo.

(c) Bonke amakhaya abhalisieyo ohlawula loo mali yenkonzo ethe yaphunyezwa nguMasipala

(d) Amatyala abo baxhamalayo kwezi sibonelel ohlawulwa ngemali yesibonelelo njengoko uMasipala agqibe njalo ngenyanga

(e) Isibonelelo soqhuba ngokweloxesha ligqitywe nguMasipala

8. **Ukwenza isicelo senkxaso yesibonelelo**

(1) Isicelo esi masenziwe kwifomu elungiselelwe oko enenzinkcukacha kuyo ziqinisekiswe ngumceli lowo

(a) isiqinisekiso sengeniso

(b) isqinisekiso sokuhlala

(c) inombolo yesazisi someeline

(d) inani namagama nenombolo zezazisi xa zifumanek zaba bahlala phantsi kwakhe

(2) Ngawo onke amathuba lowo ucela isaphulelo wonyanzeleka asihlaziye ngokwakhe xa kufuneka njalo yaye anike abungqina xa bufunwa.

9. **Iikomiti zenkxaso kwabo bangakwaziyo ukuhlawula**

uMasipala unyula ikomiti ejongene nenkxaso kwabo basweleyo ukuze iphathe le nkqubo ngale ndlela –

(a) Iphononge ngoncedo lwamalungu eKansile zonke izicelo zenkxaso;

(b) Zixhase ukuphunyezwa okanye ukukhtywa kwezicelo ngokwe nqakwana (a)

(c) Iphicothe kunye namalungu iKansiel neKomitie nabantu abachongiweyo ukuncedisa xa kusenziwa isigqibo

(d) Ikhuthaze ukwenziwa kwe nguqulelo, kwinkqubo yokubhekiselele kwizicele zenkxaso

(e) Ukwenza uphondo kukhutshwe imiyalelo ukuqinisekisa ukwazi okunyanisekileyo

(f) Ukwenza imisebenzana ngokuyalelwa yiKansile njengoko umthetho ugunyazisa.

10. **Imali eseleyo emva kwentlawulo yenkxaso**

Nayiphina imali engabhatalekanga emva kwenkxaso yobizwa kumnikazi

11. **Ukurhoxiswa kwenkxaso**

Inkxaso ayingerhoxiswa okanye iguqulwe ngokomthetho weKansile de abe umhlawuli nkonzo lowo unikwe ithuba lokuzithethelela

12. **Inxaxheba yemanijala kaMasipala**

Iyokuba ngumsebenzi wemanijala kaMasipala uku –

(a) Ukuseka nokuyigcina ikwimeko efanelekileyo incwadi enamagama oluhle lwabo bazuza inkxaso

(b) Ukubonisa imeko yabaxhaswa nguMasipala ngezimali

(c) Ukucebisa nokubanika ulwazi bonke abafumana isibonelelo

(d) Ukuchaza negmeko zonke ezinafanelekanga ngokuxhaswa kwikomiti

(e) Ukuthi gqolo kunikwa inkcazi kwikomiti ngenkqubela ekusebenzeni kwale nkqubo

13. **uhlahlo lwabiwo-mali lwenkxaso kwabo bayifneleyo**

(a) uMasipala wokwenza uhlahlo lwabiwo-mailo minyaka le ngekxaso eyakunikwa abo byicelileyo

(b) Imali eqikelelwa ngokwenqanaban (a) iyakudluliselwa kwabo benzi izicelo ngokongaqo osekiweyo

ISAHLOKU 4

IRHAFU NENTLAWULO YENKONZO

14. **Ukukhutshwa kwenkcukacha zamatyala –**

(1) uMasipala uyakukhuphela nawuphina umsebenzi wenkonzo ngamnye inkcukacha eziphathelele ngakutyalayo kwirhafu kwanenkonzo

(2) Ezi nkcukacha zikhutshwa kanye ngenyanga kwisithuba sentsuku ezimashumi mathathu

(3) Oko kutyalwayo kuMasipala kufaneleke kubhataleke ngentsuku ezimashumi mathathu ukususela mhla zakhutshwa

(4) Intlawulo engabhatalekanga de kwadlula intsuku ezimashumi mathathu yofakelwa inzala

(5) Intlawulo efike mva yileyo engafikanga ngomhla omiselweyo de kube yintsimbi yesibini

(6) Intlawulo eyenziwe ngobugcisa balamaxesha okanye eyenziwe kumameli kufuneka

(a) iumaneke ebhankini kaMasipala ngentsimbi yesine ngomhla elindeleke ngawo

(b) inkcukacha zomhlawuli zibonakale kakuhle

15. **Irhafu**

(1) uMasipala uqulunga umgaqo azakuwusebenzisa ekuqokelelweni kwerhafu kwindawo ykhe yolawulo

(2) Umthetho kaMasipala unezinkcukacha ngokubhekuselele kubahlawulli berhafu

(a) Irhafu yomhlaba nezakhiwo ekhutshwe ngomhla wokuqala kuJulayi kunyazelekile ihlawuleke ngaphambi komhla wokugqibela kuSeptemba womnyaka olandelayo

(i) umhlawuli rhafu unokwenza isicwangciso sokubhatala ngezavenge nyaga zonke

(ii) isicwangciso eso sobonisa ukuba intlawulo yokugqibela yofumaneka ngomhla wokugqibela kuJuni womnyaka olandelayo

(b) Irhafu ebhatalwa ngenyanga ngenxa yesicwangciso kufanele ifumake ngosuku lwesixhenxe nyanga zonke

(c) Umlawuli oyintloko isaziso esibhalisweyo sokhutshelwa bonke abahlawuli berhafu sibonisa iindlela zokuhlawulwa kwemali engekapheleli

(d) Xa athe umhlawuli werhafu akayihlawula imali ebekiweyo ngomhla obekiweyo igosa elinikwe elo gunya liyakukhupha incwadi egunyazisayo ngeposi yerejista igunyazisa ukuhlawulwa kwemali leyo ngentsuku ezilishumi elinesine emva kokufumaneka kwerejista leyo

(e) Ukuba le mali ayifumaneki emva kwesigunyaziso ngokwenqanabana u(d) igosa elgunya zisiwayo lothabatha amanyathelo omthetho ukubiza lo mali

(f) Nayiphina imali echithiweyo kulo nquleqhu yohlawulwa ngumhlawuli werhafu lowo.

(g) Ngokusekelwe kwinqanabana u(a)

(i) igosa eliyintloko lezemali linokubavumela abahlawuli berhafu abangakwaziyo ukuhlawula imali zonkonzo bathatale iimali ezisemva kwisithuba senyanga ezilishumi elinambini ukuba baza kuhlawula irhafu idibene wozomali bazityalayo ngomhla wezixhenxe nyanga zonke

(ii) Isohlwayo siyakukhula sidibane nenkcukacha zerhafu ngenyanga xa zither azabhataleka ngomhla wesixhenxe kwiyanga nganye

(h) Ngokubhekiselel kumhlawuli werhafu othe wenza isicwangciso sokubhatala ngenyanga –

(i) umhlawuli kufuneka ahlawule rhogo ngokwezicwangciso

(ii) ukuba umhlawuli werhafu uthe akasingciwa isigqibo sokuhlawula ngenyanga de kwadlela iinyange ezimbini konyazeleka ukuba –

(aa) isicwangciso sakuphelelwa ngoko nangoko

(bb) intlawulo esemv kofuneka ibhatalwe ngokonangoko

(i) Umhlawuli werhafu osemva okuhlawuleni ngenyanaga okangevunyelwa angene kwesinye isicwangciso de kudlule iminyaka emithathu

(j) Nasiphina isivumelwano sokuhlawula irhafu ngenyanga soqhuba isithuba sonyaka yaye siyakuphelelwa ngomhla wokugqibela kuJuni wonyaka ngamnye

(k) Umhlawuli werhafu anqwenela ukwnza isicelo sesatifikethi ngokwenqanaba 118 somthetho iMunicipal Systems ka 2000, wonganzeleka kuqala ahlawulw iintlawula ezisemva

(3) Xa inkampani isenza intlawulo kuMasipala ngemali esemva, leyo mali iykuba luxanduva lwenkampani leyo

(4) Akukho nany into abandakanya kwelinqanaba eyokweza imfuno ezikumthetho iMunicipal Property Rates, 2004 (Umthetho NO.6 ka 2004) zingabinakusetyenziswa

16. **Amanzi, umbane nezinye inkonzo zikaMasipala**

(1) Inkcukacha ngohlawulo lwamanzi nombeane nezinye iinkonzo zohlawuleka ngomhla wesixhenxe nyanga zonke

(2) Igosa eliyintloko lezemali okanye nabani na ogunyazisiweyo woqinisekiso ukuba imali engohlawulwanga ngosuku olufanelekileyo igunyaziswe ngeposi yerejista kwintsuku ezlishumi elnesine ifumanekile imbalelwano

(3) Ukuba umtyali-mali akahlawulanga de kwadlela intsuku ezilishumi elinesine kanyanzeleka –

(a) uMasipal uyakuqhubeka ngalungiselelo okuphazsmisa okanye awunqumamise umbane namanzi

(b) igosa eliyintloko okanye nabina onegunya woyalela amagqwetha athatbathe amanyethelo omthetho

(4) Ukuba imali ayihlawulekanga de kwafika umhla omiselweyo uMasipala wonyanzeleka asebenzise inqanabana (2) –

(a) xa imali ithe kanti ityalelwa umbane uMasipala unokuwuphazamis okanye awurhoxise kwesosakhiwo –

(i) ukuwunqumamisa wokwenziwa ngokususa isixhobo esidibaniso umbane okanye athabathe amanyathelo ngokusemthethweni

(ii) Nayiphina imali ethe yachithwa ekunqumamiseni umbane yohlawulelwa kumnini mhlaba

(b) xa imali ityalwa ngenxa yenkonzo zamanzi uMasipala wophazamisa okanye awanqumamise amanzi lawo -

(i) amanzi onqunyayiswa ngokuthi kuvalwe amanzi lawo ngezixhobo ezivumelekileyo

(ii) inkcitho eyenzeke ngenxa yonqumamiso olo yokuba luxanduva lomhlawuli nkonzo

(5) Xa athe ummi okanye umnikazi mhlaba wawudibanisa ngokwakhe umbane okanye amanzi –

(a) uMasipala uyankuwunqumamisa loo mbane okanye amanzi ngokupheleleyo

(b) yonke inkcitho ethe nexohlwayo ezakulandela kufuneka zibhatele ngokupheleleyo ukuze inkonzo iphinde isebenze

(6) Ngaphambi kokunqumamisa inkonzo yamanzi njengokutsho kwenqanabana u(4) uMasipala makaqinisekise

(a) umhlawuli-nkonzo wazisiwe –

(i) kwintsuku ezilishumi elinsione uyazisa ngonqumamiso lwamanzi

(ii) anikwe ithuba eloneleyo lokuyo kuqonda ngesaziso eso

(b) unqunyanyiso alufanele ukuphazamisana namalungelo omhlawuli-nkonzo kumanzi asimahla

(7) Inqanabana 6 alibanda kanyeki kwezi zinto zilandelayo –

(a) Abanye abasebenzisi zinkonzo bobandezeleka

(b) Apho imeko yonxunguphalo ikhoyo

(c) Umsebenzisi wenkonzo uphazamisene wayinqamlinkonzo yamanzi

(8) Xa kukho isizathu ngokwenqanaba u30 igosa elinyintloko lezemali linako ukungena kwisivumelwano nomhlawuli wenkonzo

(a) Intlawulo inokwenziwa ngendlela yezavenge ngokuhlawula ngotsalo-mali ezibankini

(b) Umbani okanye amanzi afumaneka

(9) Xa ungummi mhlaba ongakwazi kuhlawula –

(a) Ukuba utyala lakhe lingahlawulwanga nombane wakhe unqunyanyisiwe, igosa lezemali linako ukwenza imvumelwano naye ahlawule ngoko nangoko imali eyi 5% yola mali ayityalayo ze ayigqibezele intsalela yayo kwisithuba se nyanga ezingama 24 ze

(b) Xa ummi 10 esebenzisa umbane aze ahlawule mva

(i) Wonyazeleke enze isicelo atshintshele kumbane ohlawulelwa ngaphambili aze ahlawulele wokufakwa kwalo ndlela

(ii) Nayiphina intlawulo esemva yofakwa kwityala lakhe le akhawunti entsha

(10) Nabani na ongene kwesivumelwano noMasipala ekuhlawleni ityala waza kasigcin isivumelwano akayi kuvunyela enze esinye isivumelwano

(11) Igosa lezemali linako xa athe umntu wonqunyanyiselwa umbane okanye amanzi de kwakabanini kwisithuba senyanga ezili12 limnike isaziso ngokomthetho ngenjongo yokunyusa intlawulo yedolophu.

(12) Akukho solotya kulo mhlathi elinokwenza ukuba ezimfuno zingarhoxiswa zomthetho kwi nqaku (4)(3) Water Services, 1997 ne nqaku 11 le Electricity Act 1987. Nawuphina umgaqo oyanyiswe nayo.

17. **Ukubuyiselwa kwenkonzo**

Igosa eliyintloko lezemali linako ukugunyazisa ukubuyiselwa kwenkonzo ebezirhoxisiwe emva kokuba kuhlawuliwe ngokufanelekileyo okanye isivumelwano senziwe.

18. Ubungakanai benkonzo esetyenzisiweyo

(1) uMasipala wothabatha iziphumo ngobungaka bakusetyenziswe kwenkonzo nyanga nganye okanye ngamathuba athile

(2) Igosa eliyintloko lezemali nabinina onikwe igunya ayalela ukubalwe kwenkonzo ezisetyenzisiwe asuke ahlawulise umyinge wenkcitho kulo mzi ngokwenyanga engaphambili

(3) Ummi woqinisekisa ukuba abangaunya bayakukwazi ukufelela kwizixhobo ezifanelekileyo ngamathuba afanelekileyo

19. **Indawo nendlela zentlawulo**

(1) Intlawulo zamatyala zenziwa kwindawo zoko

(2) Igosa lezemali linako ukuthi ngamthuba afanelekileyo linyanzelise iindlela ezizezinye zentlawulo.

20. **Imibuzo nezibheno**

(1) Umhlawuli wenkonzo unako ukufaka isikhalazo kwigosa lezemali malunga nerhafu okanye ezinye iintlawulo zeenkonzo

(2) Ummi wokwenza ingcaciso ngesikhalazo sakhe

(3) Ukufakwa kwezikhalazo ngefomu yoko, ayimkhuseli ubani ekuhlawuleni intlawulo yakhe ngaphandle oko kuthe kwagunyaziswa ligosa

(4) Igosa lezemali liyakuphendula isikhalazo ngembalelwano kwisithuba sentsuku ezi14 ukususela kumhla wokungena kwaso

21. **Isicelo sonikezelo nkonzo**

(1) uMasipala angavumelana nomntu othe wenza isicelo sokunisa inkonzo okanye impahla efunwa nguMasipala. Lo mntu kufanele abe nesiqinisekiso ezivela kuMasipala esithi uyazihlawula iinkonzo

(2) Xa athe umntu akabinako ukunikezela eso siqinisekiso uMasipala wozitsala ezontlawulo zisemva kulo mali athe wambhatala yona.

(3) uMasipala xa esenza oku wolandela inkcukacha nemithetho yothengompahla.

22. **Umgaqo ngentlawulo**

(1) uMasipala woseka umgaqo ngetlawulo ezibandakanya irhafu nezinye.

(2) Umgaqo negntlwawulo wobonisa oku –

(a) Abasebenzisi benkonzo bakuhlawula ngokufanayo

(b) Intlawulo iyakusekwa ngokombungakanani bokusetyenziswa kwenkonzo

(c) Amakhaya ahluphekayo obonelelwa ngenkonzo ezibalungeleyo –

(i) Intlawulo zokulungisa nezokusebenza

(ii) Bahlawula intlawulo elungiselewe ezona nkonzo ziphambili

(iii) Kosetyenzisa inkxaso ekuncedeni abo bakwelicandelo

(d) Ezi ntlawulo zibonakalise ukuba zijolisa kwixabiso lwenkonzo lolawulo lophuculo kwanezohlwayo

(e) Intlawulo mayisekelwe kumanqanaba onke eza nemali ukuphucula nokunike iinkonzo zikaMasipala kuthatyathelwa ingqalelo yemali zenkxaso evela ngaphandle.

(f) Phantsi kwemeko ezithile kunokuvumeleka ukuba untlawulo zenkonzo zikhuliswe.

(g) Ithuba malinikwe kukhuthazwa ukukhuliswa kwezemali ngokuthi kubekho iintlawulo ezisuka kwezabanamashishini.

(h) Ukukhuthazwa koqoqosho nokusetyenziswa okukuko kwemveliso nokuciphisa imfucumfucu.

(i) Ubungakanani besibonelela sentlawulo kulo makhanya angenanto makuchazwe ekuhlemi.

23. **Iintlawulo ezijongiswe kwinkonzo zikaMasipala nendawo zoluntu.**

uMasipala unokumisela intlawulo ezijolise elutwini kijelele nemibutho kwanabo bangathabatha-ntweni xa imali ikhona –

(a) Amabala emdlalo namadama okuquba

(b) Ukhuseleko kwimililo

(c) Ezothutha

(d) Amathala ezembali

(e) Imalike

(f) Indawo zolimo

(g) Uqeshiso ngeholo ne

(h) Amangcwaba nendawo zotshiso zidumbu

24. **Ukukhuthazo ngocwaningo lophuhliso oludibenyo**

Intlawulo esekwe nguMasipala ngokomgaqo wentlawulo njengoko ubonakala kwinqaku 22 wokhuthaza injongo ngocwaningo lophuhliso oludibeneyo.

25. **Ukuphononongwa komgaqo ngentlawulo**

Umgaqo ngentlawulo osekwe nguMasipala ngokwenqanaba u22 lophononongwa nguMasipala kusuku lokugqibela lukaJanyuwari minyaka le.

26. **Imvumelwano ngenkonzo**

Apho inkonzo zikaMasipala zinikezelwa ngumntu okanye umbutho ngokwesigqibo soziso nkonzo elutwini, uMasipala woqinisekisa ukuba

isigqibo eso sinomba othe nguMasipala yedwa onako ukugqiba ngentlawulo

27. **Ukumisa kwentlawulo ngokwezigqibo**

(1) uMasipala –

(a) Womisa ixabiso lenkonzo

(i) Ngokubhekiselele kwindawo zoluntu, zolonwabo, zokubonisa, apho amxabiso abengekho

(ii) Xa benyanzelisa igunya okanye bezalisekisa umsebenzi onikwe bona ngokomthetho nalapho bekungekho xabiso limisiwayo

(b) Unoku –

(i) Xa emilisela amaxabiso unokunika ingqwalaselo kwiyantlukwano xa kufanelekile

(ii) Kumaxesha ngamaxesha awatshintshe amaxabiso

(iii) Azifuna iirhafu neentlawulo gokwamaxabiso azo

(2) uMasipala emva kokuwamisa nokuwaphonononga amaxabiso ngokwenkonzo nganye –

(a) Apapashe inguqu leyo

(b) Ukupapashwa ngokwenkqakwana u(a) kufanele abenomhla okanye iimeko utshintsho olo ezenzeka phantsi kwalo

(3) Ukuba uMasipala uteh watshintsha okanye wamisa naliphina ixabiso ngokwe nqakwana u(1) ingelilo u(2), uMasipala wopapasha emaphepheni enike isaziso sokuisa nokutshintsha nomhl kwanesizathu sokwenza njalo

ISAHLUKO 6

INTLAWULO EZISEMVA

28. **Isohlwayo kwimali engahlawulekanga**

(1) Zonke intlwulo ezingahlawulekanga zommi kwisithuba sentsuku ezingama 30 emva kokukhutshwa kwetyala zoba nesohlwayo esingangerhafu idebene 1%

(2) Akukho sohlwayo sihlawulwayo kwintlawulo esemva xa kukho isivumelwano phakathi kaMasipala nommi otyalayo

(3) Ngenjongo yeli nqaku isohlwayo sobalwa ngeya xa intlawulo isemva

29. Ukongezelelwa kwexesha lokuhlawula intlawulo esemva

(1) Nabani na otyalayo nangasiphina isizathu wonyanzeleka enze isicelo ngokubhaliweyo kwifomu efanelekileyo ayithumele kwigosa lezemali ecela ukongezelelwa ixesha lokubhatala, ukuba akanzao ezinye intlawulo ezisemva

(2) Igosa lezemali nawuphina ogunyazisiweyo wovumela ukongezelelwe kwexesha elingadlulanga kwinyanga enye

(3) Akukho kongezelelwa kwexesha xa ubani esemva ngeltlawulo yerhafu

(4) Ukuba otyalayo uthe akasigcina isvumelwano ngokwamanqakwana u(1) no (2) imali yonke idibene nesohlwayo fanele ihlawule ngoko nangoko

(5) Isicelo sokwandiswa kwexesha ngenxa yentlawulo yenkonzo esemva mayithunyelwe kwigosa lezemali eliyintloko phami kwentsuku ezilishumi iphelelwe

30. **Isicwangciso sokubhatala ngezanvenge**

(1) Otyalayo angenza isicwangciso noMasipala ukuhlawula intlawulo esemva phantsi kwezimeko –

(a) imali esemva neohlwayo sobandakanyeka kwintlawulo yenyeanga rhoqo

(b) isicwangciso sobhalwa phantsi njengesivumelwano esibhaliweyo ze sisayinwe egameni likaMasipal ligosa elinegunya

(c) Xa kukho isikhalazo ngokunxulumene nemali etyalwa ngumntu lowo, intlawulo ngokusekelw kumyinge wenyanga ezintathu ezidlulieyo konyazeleka kuhlawulwe iinyanga zonke

31. **Imvumelwano Nabaqeshi**

(1) Xa otyalayo evuma igosa lezemali longena kwisivumelwano esibhaliweyo kunye nomqeshi ekitslweni kwemali eyintsalela nyanga zonke emvuzweni wakhe

(2) Umasipala unokuthi kumaxesha ngamaxesha enze izaphulelo namathuba kumqeshi okanye kumhlawuli wenkonzo

32. **Inkqubo zokuncedisana nabasebenzi zinkonzo**

(1) Ummi okanye umhlali wofumana isaphulelo xa kuvuse amanzi –

(a) uMasipala abe wazisiwe ngokonangoko ngokuvuza oko

(b) Kwintsuku ezisixhenxe ulungisiwe umonakalo ummi wonikeza ingxelo esuka kwingcibi yemibhobho yamanzi okanye ingxelo efungelweyo evela kulowo othe wawulungisa umonakalo –

(i) Umonakalo walungisa ngawuphi umhla

(ii) Ukuvusa kwakungabonakali ngaphezulu

(iii) Ukuvuza kwakukumbhobho ovumelekileyo

(2) Ukuvuza makulungiswe kwisithuba seyure ezi48 emva kokuba kubonakelele. Ixabiso lokulungis lophumela umnikazi ndao ngaphandle kokuba igosa lezemali lingunyazise ukuhlawulwa kwayo nguMasipala

(3) Ezo ndawo zisetyenziswa ngabahlai zinako ukufumana isaphulelo serhafu njengoko inqaku 16(4) liyalela

ISAHLUKO 7

IZIBONELELO NGOKUBANZI

33. **Ukungeniswa kwentlawulo nokwamkelwa kwemali ezingeneno**

(7) Igosa lezemali eliyintloko linako ukwamkela iimali ezingeniselwe ukuhlawulwe kwenkonzo zikaMasipala ngendlela abona kulunge ngayo elandela ukulawulwa kwamatyala noqokelelo lwawo;

(8) Apho imali elindelekileyo nemayihlawulwe weMasipala ayiphelelanga ayizokuze yamkeleke njengemali epheleleyo

(9) Imibakan yenqakwanale (1) yosebenza noxa ingenono imali engenisiweyo

34. **Ingunya lokungena nokuphucotha**

(10) Ngenjongo yokufezekisa nokunyanzelisa ukusebenza komthetho igosa eligunyazisiweyo lokungena nakweyiphi indawo lifune ulwazo ngenkqubo nook kwenzekayo –

(a) ngokunxulumene nokufakelwa okanye nolkulungiswa kwezixhobo zokunika iinkonzo

(b) ngenjongo yokumisa nokunqumanisa nokudibanisa ukubakho kwenkonzo

(11) uMasipala xa efuna okuqononondisa ukwenzeka komsebenzi onikwe ilungu lakhe ngokwenqakwana u(1) ngokufezekileyo unoku –

(a) ngembalelwano wazisa umnikazi-ndawo ukuba enze akuyalelwayo ngexesha elifanelekileyo

(b) xa kunyazelekile uMasipala unokuwenza ngokwakhe lomsebenzi kodwa intlawulo iphume kumnini-mhlaba

(12) Uba lo msebenzi kwinqakwana (2)(b) uthe wafezekiswa nokuba ulwaphulo-mthetho lwenzekile uMasipala wohlawula inkcitho

35. **Igunya elinikezelweyo**

Igosa eliyintloko lilo elakubanoxanduva kuMasipala ukulawula nokunyanzelisa ukqokelelo zimali njengoko umthetho kaMasipala uyalela

36. **Izaziso**

(13) Izaziso okanye incwandana ekhutshwa nguMasipala ngokomthetho yokhutshwa xa ithe yasayinwa lilungu elinikwe igunya njengommeli kaMasipala.

(14) Ukuba isaziso eso sithunyelwe emntwini ngokomthetho inkonzo leyo iyakwenzeka –

(a) sothunyelwa isaziso kuye okanye ummeli wakhe

(b) isaziso sothunyelwa emzini wakhe okanye indawo aphangela kuyo

37. **Ukugunyaziswa kwencwadi**

(a) Nawuphina umyalelo, isaziso okanye imbalelwano efane ukugunyaziswa nguMasipala ithe yasayinwa ngumanejala kaMasipala okanye nabinina onegunya yokwamkeleka njengsemthethweni.

(b) Ukuthunyelwa kwekopi yothatyathwa njengeyamkelekileyo

38. **Ubungqina obudandalazileyo**

Isiqinisekiseo esisayinwe ngumanejala kaMasipala sibonisa imali etyalwayo ngumntu lowo bokwakeleka nakweyiphi inkundla njengobungqina obudandalazileyo.

39. **Ulwaphulo mthetho nezohlwayo**

(1) Nabanina –

(a) Ongavumeli ogunyazisiweyo angene kwindawo yakhe ngokomthetho.

(b) Onqanda avalele lowo umele uMasipala enze umsebenzi wakhe ngomthetho.

(c) Asebenzise impahla kaMasipala okanye aphazamisane nokusetyenziswa kwenkonzo.

(d) Uphatha okanye aphule izixhobo zenkonzo zikaMasipala

(e) Akavumi ukunikeza iinkcukacha nolwazi igosa elimele uMasipal xa lisenza umsebenzi walo ngokomthetho

(f) Uphazamisana angahambisani nemfuno zomthetho.

(2) Uyakuba netyala ngokophula umthetho xa athe wagwetywa lowo wophule umthetho uykujongana nentlawulo engedlulanaga kuR60 000 okanye avalelwe inyanga ezili12 okanye zombini.

40. **Ukusebenza kwalomthetho**

Lo mthetho ubophelela wonke umntu ohlala okanye ongummi kwindawo yolawulo yalo Masipal

41. **Imigaqo**

uMasipala angenza lemigaqo –

(a) Nantoni na evunyelwe okanye iqhube ngokwalo mthetho nethe

(b) Ngokubanzi yonke imiba ngokwembono zikaMasipala yafuneka ukuba ibandakanye kwenjongo zalo mthetho.

42. **Ukurhoxisa umthetho wedolophu**

Nawuphina umthetho wedolophu ophathelele kulawulo lwamatyala kunye nokuqokelelwa kwentlawulo, owamkelweyo nguMasipala okanye nayiphi iKansile kaMasipala equlathe icandelo lolawulo lukaMasipala uzakurhoxiswa kususela kumhla lomthetho obhengezwe ngawo.

43. **Itayitile emfutshane**

Lo mthetho wedolophu ubizwa ngokuba ngumthetho wedolophu ophathelele kulawulo lwamtyala nokuqokelelwa kwawo, 2004, usebenza ngomhla ogqitywe nguMasipala ngokuchazwe yiGazethi yePhondo.