(*d*) nenombolo yekhowudi yomatshini.

(4) Akukho mntu uvumelekileyo ukuba ayeke isithuthi sakhe simise kwindawo oqala uhlawule ze ubone ixesha emva kokuphela kwexesha lokuphuma elibonakaliswe kwelo tikiti.

10. Ubungqina bomhla nexesha lokuhamba
Ixesha lokuqalisa ukupaka elibhaliswe neliboniswe kumatshini nelijongwe ligosa eligunyazisiweyo, lenzelwe iinjongo zale mithetho kamasipala yaye kuzo naziphi iinkqubo ezivela ngokumiselwa kwale mithetho kamasipala, iya kuthatyathwa njengeyinxalenye yobungqina bayo ekuqaleni kwexesha lokupaka.

ISAHLUKO 6

IZITHUTHI

11. Izithuthi ezishiyiweyo
(1) Nasiphi na isithuthi esishiywe kwindawo enye kwibala lokupaka ixesha eliqhubekayo leentsuku ezingaphezu kwezilishumi elinesine , ngaphendle kokuba ugunyaziswe liBhunga, kufuneka sisuswe kwangelo xesha ligosa eligunyazisiweyo.

(2) IBhunga kuyimfuneko ukuba lithathe onke amayathelo afanelekileyo ukulanda umkhondo womnini weso sithuthi sisusiweyo ngokwemigaqo yecandelwana (1) yaye ukuba, emva kokuphela kwexesha leentsuku ezingamashumi alithoba ukususela ngomhla wokususwa kwaso, umnini okanye umntu onelungelo kweso sithuthi akafumaneki, eso sithuthi, ngokuxhomekeke kwimiqathango yecandelwana (3), masithengiswe liBhunga kwinkqubo yefandesi.

(3) Kufuneka iBhunga, kwiintsuku ezilishumi elinesine phambi komhla wentengiso yefandesi echazwe kwicandelwana (2), libhengeze isaziso ubuncinane kumaphephandaba amabini ezijikelezisw kummandla wolawulo lukamasipala weBhunga: ukuba eso sithuthi asinakho ukuthengiswa kwifandesi–

(*a*) ngalo naliphi na ixesha phambi kokuba sithengiswe isithuthi eso, umnini waso okanye nawuphi na umntu ogunyaziswe ngumnini okanye onelungelo ngokusemthethweni, ukubanga isithuthi eso; yaye

(*b*) nawuphi na umrhumo omisiweyo omele ukuhlawulwa ngokuphathelene nemigaqo yale mithetho kamasipala echazwe kwicandelwana (4) mayihlawulwe kwiBhunga.

(4) Inzuzo yentengiso eyenziweyo ngokwemigaqo yeli candela mayisetyenziswe kuqala ekuhlawulweni komrhumo wokuqala ochazwe kwicandelwana (3) yaye ihlawulwe ngolu hlobo:

(*a*) iinzuzo ezenziwe kwiinzame zokulanda umkhondo womnini ngokwemigaqo yecandelwana (2);

(*b*) iindleko zokususwa kwesithuthi kunye nokumiselwa kwentengiso yeso sithuthi;

(*c*) iindleko eziphathelene nokubhengezwa kwentengiso ngokwemigaqo yecandelwana (3), kuthathelwa ingqalelo inani lezithuthi eziza kuthengiswa kwifandesi; kunye

(*d*) neendleko zokugcina isithuthi kwisikiti nekuyimfuneko ukuba zibalwe ngeqondo elichaziweyo.

(5) Nayiphi na intsalela yenzuzo echazwe kwicandelwana (4), mazihlawulwe kumnini wesithuthi okanye nakubani na onelungelo lokuyifumana othi unelungelo laso ngokwanelisa iimfuno zeBhunga yaye ukuba kuthe akwenziwa bango kwisithuba sonyaka omnye ukususela ngomhla wentengiso, imali esaleyo iya kungena kwingxowa yeBhunga.

12. Izithuthi ezingaphezu komlinganiselo wesiqhelo

(1) Ngaphandle kokuba umqondiso wezithuthi zendlela oboniswa kwindawo yokungena ubonakalisa ngolunye uhlobo, akukho sithuthi ndawonye nomthwalo waso, esingaphezu kweemitha ezintlanu ngobude, kuvumelekileyo ukuba ipake kwindawo yokupaka.

(2) Akukho mntu uvumelekileyo ukuba apake isithuthi esimlinganiselo uwonke ongaphezu kweekhilogremu ezingamawaka amathathu namakhulu amahlanu, okanye isikhotshi esinobunzima obungaphezu kwewaka leekhilogremu, kwindlela yoluntu okanye kumhlaba obekelwe indlela kummandla wolawulo loMasipala oMbaxa wase-Kokstad okanye kwipropati yoMasipala oMbaxa wase-Kokstad, ixesha elingaphezu kweeyure ezimbini, ngaphandle–

(*a*) kokuba ukhutshelwe iphepha-mvume lokupaka lethutyana eso sithuthi okanye isikhotshi nguMasipala; okanye

(*b*) eso sithuthi okanye isikhotshi sipakwe kwibheyi yokupaka elungiselelwe ukupaka ezo zithuthi okanye izikhotshi.

(3) Akukho mntu uya kupaka ikharavani kwindlela yoluntu okanye kumhlaba ogcinelwe indlela kummandla wolawulo loMasipala oMbaxa wase-Kokstad, ixesha elingaphezu kweeyure ezingamashumi amabini anesine.

(4) UMasipala xa kufakwe isicelo, uya kukhupha iphepha-mvume lokupaka lethutyana ukuze kupakwe izithuthi nezikhotshi, ekumele ukuba zipakwe amaxesha athile kwiindlela zoluntu okanye kwimihlaba egcinelwe iindlela, ngenxa yemisebenzi yolimo.

(5) Nabani na owaphula imiqathango yalo mthetho kamasipala uya kuba netyala lolwaphulo-mthetho yaye uya kuba noxanduva xa egwetyiwe lokuhlawulwa isohlwayo esingadlulanga kwi-R1, 000.00 (iwaka leerandi).

13. Ukupaka emva kwexesha lokupaka

Akukho mntu uvumelekileyo ukuba apake isithuthi okanye abangele ukuba okanye avumele ukuba kupakwe isithuthi kuyo nayiphi na indawo yokupaka phambi kokuqala okanye emva kokuphela kwexesha lokupaka elimiselwe lo ndawo yokupaka ngaphandle kokuba lo mntu unetikiti elikhutshwa ngokwemigaqo yalo mthetho kamasipala elimgunyazisela ukwenza oko.

14. Izithuthi ezonakeleyo

Akukho mntu uvumelekileyo ukuba apake okanye abangele okanye avumele ukuba kupakwe nasiphi na isithuthi okanye sime kuyo nayiphi na indawo yokupaka esonakeleyo ngaso nasiphi na isizathu esingakwaziyo ukuzihambela ngaphandle kokuba eso sithuthi, emva kokuba sipakwe kulo ndawo yokupaka, sithe sonakalela apho nto leyo ebangela ukuba umntu lowo usijongileyo abonise ubungqina bokuba ukhe wathatha amanyathelo afanelekileyo ukwenza ukuba silungiswe okanye sisuswe ngexesha elifanelekileyo.

15. Ukupaka isithuthi kwindawo yokupaka

Akukho mntu uvumelekileyo ukuba apake okanye abangele okanye avumele ukuba kupakwe nasiphi na isithuthi ngaphandle kwesithuthi esichazwe kuMthetho kaZwelonke olawula iZithuthi zeNdlela, 1996 (uMthetho onguNomb. 93 ka-1996), eya kupakwa okanye imiswe kuyo nayiphi indawo yokupaka.

16. Ukuhlanjwa nokulungiswa kwezithuthi

Akukho mntu uvumelekileyo ukuba kwindawo yokupaka acoce, ahlambe, asebenze okanye alungise isithuthi ngaphandle kokulungisa izinto ezingephi ezingxamisekileyo, ngaphandle kokuqala afumane imvume ebhaliweyo kwiBhunga.

17. Ukubhucabhuca izithuthi nokuvala indlela

(1) Akukho mntu uvumelekileyo kuyo nayiphi na indawo yokupaka ngaphandle konobangela ovakalayo okanye ngaphandle kolwazi nemvume yomnini okanye umntu olawula eso sithuthi ngokusemthethweni, angene okanye akhwele kweso sithuthi okanye afake umatshini kuso sihamba okanye abhucabhuce okanye aphazamise oomatshini besithuthi okanye inxalenye yaso, izixhbo ezincedisayo okanye izinto eziqulethwe kuso.

(2) Akukho mntu uvumelekileyo kwindawo yokupaka ukuba–

(*a*) apake nasiphi na isithuthi ukuze inxalenye yaso iwele ngaphesheya komngca omhlophe oyinxalenye yomda webheyi yokupaka okanye ekwimida yalo bheyi; okanye

(*b*) ukwenza nasiphi na isenzo okanye ukuveza nantoni evala okanye enokuthi ivale ukuhamba kwabantu okanye kwezithuthi.

18. Ukupaka emva kwexesha lokupaka

Akukho mntu uvumelekileyo ukupaka isithuthi okanye ukubangela okanye ukuvumela ukuba kupakwe isithuthi kuyo nayiphi indawo yokupaka ngaphambi kokuqala okanye emva kokuphelelwa kwexesha lokupaka elimiselwe kwindawo yokupaka ngaphandle kokuba lo mntu unalo itikiti elikhutshwe ngokwemigaqo yale mithetho kamasipala elimgunyazisela okwenza njalo.

ISAHLUKO 6

IZINTO NGEZINTO

19. Ukwalelwa ukungena

Igosa eligunyazisiweyo linakho ukwalela ukungena nasiphi na isithuthi kwibala lokupaka ngenxa yobude baso, ububanzi okanye umphakamo sinokubangela ukonzakala kubantu okanye umonakalo kwiipropati okanye ivale indlela okanye kudale uphazamiseko okungathandekiyo okanye ngokwemigaqo yecandelo 6 okanye le-16 akuvumelekanga ukuba zipakwe kwelo bala lokupaka.

20. Amatikiti enziwe ngobuqhetseba nonakalisiweyo

Akukho mntu uvumelekileyo ukuba ngenjongo enze ubuqhetseba kwiBhunga, enze isingatikiti, onakalise imbonakalo, amoshe, atshintshe okanye enze naluphi na uphawu kulo naliphi itikiti elikhutshwe ngokwemigaqo yale mithetho kamasipala.

21. Iimvume yoogqirha

Ugqirha onyangayo ukhululelwe ukuba angayihlawuli imirhumo emiselweyo, ngeli xesha eso sithuthi sisetyenziswa ngulo gqirha sipakwe kwindawo yokupaka ukumvumela ukuba enze umsebenzi wakhe wobungcali kuyo nayiphi na indawo kwi-ofisi kagqirha okanye kwindawo efana naleyo, ngokuxhomeke ekuveliseni istika okanye naluphi na uxwebhu olukhutshwa liBhunga loNyango eMzantsi Afrika olubekwa kwifestile yesithuthi eso ngohlobo lokuba sibonakale ngaphandle kweso sithuthi.

22. Imiyalelo yokupaka

(1) Akukho mqhubi okanye umntu olawula isithuthi uvumelekileyo ukuba apake eso sithuthi okanye abangele isithuthi sipakwe–

(*a*) kwibheyi yokupaka ephawuliweyo ngaphesheya komgca opeyintiweyo ophawule lo bheyi yokupaka okanye ngendlela ebangela ukuba sonke eso sithuthi singangeni kulo ndawo iphawulweyo;

(*b*) kwibheyi ephawulweyo yokupaka esekukho isithuthi kuyo okanye kwinxalenye yaso ekukho isithuthi;
(*c*) kwindawo ephawulelwe iinjongo zokothula imithwalo yorhwebo, ngaphandle kokuba oko kwenziwa ngokusemthethweni ngeenjongo zokothula izinto zorhwebo.

(2) Umntu okanye umqhubi ophethe eso sithuthi uvumelekile ukuba apake eso sithuthi kwibheyi ephawulweyo yokupaka–
(*a*) ukuba indawo yokupaka ephawulweyo inxusene nomqukumbelo okanye nendledlana esecaleni kwendlela yezithuthi zoluntu, ngendlela yokuba ijonge kwicala elihamba izithuthi zoluntu jikelele ngakwicala lendlela apho isithuthisipakwe khona ukuze amavili angasekhohlo ame ngokunxusene nayo kumgama weemililitha ezingamakhulu amane anesihlanu kumqukumbelo ongasekhohlo: Kwimeko apho kwisitalato esiya kwicala elinye kwindawo yokupaka ephawulweyo indawo yokupaka ikwicala lasekunene lendlela kuya kwenziwa okufanayo kumavili angasekunene nakumqukumbelo wendlela ongasekunene; yaye
(*b*) ukuba indawo yokupaka ephawulweyo ikwikona yomqukumbelo okanye kwindlela esecaleni kwendlela kwindlela yoluntu, ngendlela yokuba ijonge kwicala ekuhamba kuyo izithuthi zoluntu kwicala lendlela apho eso sithuthi sipakwe khona.

(3) Kwimeko apho ngokobude besithuthi eso, isithuthi eso asinakho ukupakwa ngokupheleleyo kwindawo yokupaka ephawulweyo, kuya kuba semthethweni ukupaka eso sithuthi ngokungenelela kwindawo yokupaka ephawulweyo emelene nendawo yokupaka ekhankanywe ekuqaleni, ukuba kulo meko, nabani na opake apho uya kuba noxanduva lokuhlawula iindleko zokupaka eziphathelene nezo ndawo zombini zokupaka.

23. Amatyala nezohlwayo
Nabani na–
(*a*) owaphula okanye ongaphumeleli ukuthobela imiqathango yale mithetho kamasipala;
(*b*) ongaphumeleli ukuthobela nayo nawyiphi imiqathango yesaziso ekhutshwe ngokwemigaqo yale mithetho kamasipala; okanye
(*c*) ongaphumeleli ukuthobela nawuphi na umyalelo osemthethweni okhutshwa yile Mithetho kaMasipala; okanye
(*d*) ovala okanye othintela nawuphi na ummeli ogunyazisiweyo okanye umsebenzi weBhunga ekwenzeni umsebenzi wakhe phantsi kwale mithetho kamasipala, unetyala lolwaphulo-mthetho yaye esakohlwaywa uya kuba noxanduva lokuhlawula isohlwayo esingadlulanga kwi-R1,000.00 (iwaka leerandi) okanye ukuvalelwa ixesha elingadlulanga kwiinyanga ezintathu.

24. Amatikiti enyanga
(1) Nangona kukho inkcaso echasene neenkcukacha eziqulethwe kule Mithetho kaMasipala, iBhunga linakho ngokuphathelele kwindawo yokupaka elawulwa ngokukhutshwa kwamatikiti, ukukhupha itikiti lomrhumo omisiweyo elivumela eso sithuthi ukuba sipakwe kulo ndawo inyanga enye okanye elingaphantsi kwelo lichaziweyo, ngamaxesha achazwe kwelo tikiti, ukuba ikho indawo yokupaka.

(2) IBhunga linakho ukukhuphela nawuphi na kubasebenzi balo itikiti elivumela lowo unetikiti, xa esebenzisa isithuthi ngokuphathelene nomsebenzi weBhunga, ukuba asipake kwindawo yokupaka echazwe kwitikiti, ukuba ibheyi yokupaka ikho kulo ndawo yokupaka.

(3) Itikiti likhutshwa ngokwemigaqo yecandelwana (1) okanye (2), yaye akuvumelekanga ukuba lidluliselwe kuye nabani na okanye lisetyenziswe kuso nasiphi na isithuthi ngaphandle kwesithuthi esichazwe kwelo tikiti, ngaphandle kokuqala afumane imvume ebhaliweyo kwiBhunga.

(4) Itikiti elikhutshwe ngokwemigaqo yecandelwana (1) okanye (2), malincanyathiselwe ngumnini wetikiti elo kwisithuthi elikhutshelwe sona ngohlobo nakwindawo eyenza ukuba iinkcukacha ezibhaliweyo okanye ezishicilelweyo zibonakale ngokucacileyo ngaphandle kwisithuthi eso.

25. Ukuvalwa kweendawo zokupaka

Nanangona kukho inkcaso echasene nantoni na equlethwe kule mithetho kamasipala, iBhunga linakho ngalo naliphi na ixesha ukuvala nayiphi indawo yokupaka okanye inxalenye yayo okwethutyana okanye umphelo yaye kufuneka ubonise ulwazi oluyinene kunye nexesha lokuvalwa kwalo ndawo ngomqondisowezithuthi zendlela obekwa kwisango/kwindawo yokungena kwindawo yokupaka evaliweyo okanye inxalenye yalo ndawo ivaliweyo nokuba yiyiphi.

26. Ukupaka ngokomyalelo

Akukho mntu uvumelekileyo kuyo nayiphi indawo yokupaka ukuba apake isithuthi ngaphandle kokuthobela umyalelo okanye okucaziweyo, ukuba ikho, onikwe igunya ligosa eligunyazisiweyo okanye angenise okanye asuse isithuthi kwenye indawo ngaphandle kwakwindawo yokungena okanye yokuphuma ephawulelwe lo njongo.

27. Izithintelo eziphathelene neemitha zokupaka

Akukho mntu uvumelekileyo–

(*a*) ukufaka okanye ukuzama ukufaka kwimitha yokupaka imali ezinkozo okanye nantoni na ngaphandle:

(*i*) kwemali eziinkozo eluhlobo lwaseMzantsi Afrika ngokwenani elichaziweyo; okanye

(*ii*) nantoni na emiselwe njengenye indlela yentlawulo echazwe kwicandelo 8(1);

(*b*) afake okanye azame ukufaka kwimitha yokupaka nayiphi na imali ezinkozo eyinkohliso okanye nantoni na engavumelekanga;

(*c*) ukubhucabhuca, ukonakalisa, ukonakalisa imbonakalo okanye ukuvala imitha yokupaka;

(*d*) nangayiphi na indlela enokubangela okanye enokuzama ukuba imitha yokupaka ixesha lokupaka elingelilo ngokufaka ukhozo lwemali okanye nayiphi na enye into;

(*e*) ukuxhuzula, ukunkqonkqa, ukushukumisa okanye ukuphazamisa imitha yokupaka engasebenzi kakuhle okanye engasebenziyo ukuyenza ingasebenzi ngaso nasiphi na isizathu; okanye

(*f*) ukusitha imitha yokupaka okanye inxalenye yayo okanye ukususa okanye ukuzama ukuyisusa epalini okanye kwesinye isakheko encanyathiselwe kuso.

28. Izithintelo eziphathelene noomatshini oqala uhlawule ze ubone ixesha lokupaka

Akukho mntu uvumelekile–

(*a*) ukufaka okanye ukuzama ukufaka kumatshini oqala uhlawule ze ubone ixesha lokupaka, imali eziinkozo okanye nantoni na engenye engeyoyenyaniso okanye eyinkohliso okanye nantoni ngaphandle kwemali eziinkozo yoMzantsi Afrika okanye enye into;

(*b*) ukuxhuzula, ukunkqonkqa, ukushukumisa okanye ukuphazamisa nangayiphi na indlela, okanye ukonakalisa umatshini oqala uhlawule ze ubone ixesha lokupaka; okanye

(*c*) ukususa okanye ukuzama ukususa umatshini oqala uhlawule ze ubone ixesha lokupaka okanye nayiphi inxalenye yaso kulo nto uxhonywe kuyo.

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OJONGENE NEENDAWO ZOKUPAKA

ISAHLUKO 7

IMIQATHANGO JIKELELE

29. Imiqathango

Umasipala unakho ukumisela imiqathango engangqinelaniyo nalo mthetho kamasipala, emisela -

(a) nawuphi na umcimbi okanye ekumele ukuba umiselwe ngokwemigaqo yalo mthetho kamasipala; kunye

(b) nawuphi na umcimbi onokuquqzelela ukumiselwa kwalo mthetho kamasipala.

30. Ukubhangiswa kwemithetho kamasipala

Nayiphi na imithetho kamasipala ephathelene neeNdawo zokuPaka okanye naliphi na elinye ibhunga likamasipala ekungoku nje eliquka icandelo lolawulo kumasipala iya kubhangiswa ngomhla wokubhengezwa kwalo mthetho kamasipala.

31. Isihloko esifutshane nokumiselwa komthetho kamasipala

Lo mthetho kamasipala ubizwa ngokuba nguMthetho kaMasipala ojongene neeNdawo zokuPaka, 2008, yaye uya kuqalisa ukusebenza ngomhla oya kumiselwa ngumasipala ngokuwubhengeza kwiPhepha-ndaba lakwaRhulumente.

No. 17 26 kuMasingana 2011

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OJONGENE NEZIKITI

UMTHETHO KAMASIPALA OJONGENE NEZIKITI

Kuwiswe ngokomthetho weBhunga loMasipala oMbaxa wase-Kokstad, yaye kwamkelw liLuntu leSigqeba seBhunga elinjongene nobuRhulumente beNgingqi ngokwemigaq yeCandelo 156 loMthetho ojongene noMagaqo-siseko weRiphabliki yoMzantsi Afrik onuNomb. 108 ka-1996, ofundwa necandelo 11 loMthetho olawula iiNkqubo zikaMasipal kubuRhulumente beNgingqi, onguNomb. 32 ka-2000, ngolu hlobo:

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UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OJONGENE NEZIKITI

1. Iinkcazelo

Kule mithetho kamasipala, ngaphandle kokuba akungqinelani nomxholo –

"isilwanyana" kuthethwa yonke into enjengehashe okanye enjengenkomo okanye nayiphi idonki, igusha, ibhokhwe, ihagu okanye inciniba elulanyisiweyo, okanye ibhastile iezo zilwanyana, okanye nayiphi na eyinkukhu;

"iBhunga" kuthethwa ibhunga loMasipala oMbaxa wase-Kokstad;

"isilwanyana esithinjiweyo" kuthethwa nasiphi isilwanyana esifunyenwe esikiti njengoko kuchaziwe kwicandelo 5;

"umnini" ngokuphathelene nasiphi isilwanyana kuqukwa i-arhente yomnini okanye nabani omnye umntu obambe ngokusemthethweni eso silwanyana;

"umnini" ngokuphathelene nomhlaba kuqukwa umnini obhalisiweyo, umntu oqeshe umhlaba naye nawuphi umntu ohlala ngokusemthethweni kulo mhlaba;

"isikiti" kuthethwa nayiphi indawo ekuvulwe kuyo isikiti libhunga okanye egameni lalo ngeenjongo zokubamba izilwanyana phantsi kwale mithetho kamasipala; yaye

"umphathi wesikiti" kuthethwa umntu oqoshwa ngamaxesha athile liBhunga ukulawula isikiti esivulwe liBhunga naye nawuphi umntu oqeshwe ngulo mntu ukuba asebenze endaweni yakhe ngexesha angekhoyo esikiti.

"indawo yoluntu" nayiphi indawo ekuvumelekileyo ukuba uluntu lungene kuyo, kuqukwa kodwa kungalinganiselwanga kuquko lolwai olungaphambili, naliphi ibala, ipaki, ibala lemidlalo, ibala lezemidlalo, ibala elivulekileyo, ulwandle, iziko lodederhu lweevenkile elikumhlaba kamasipala, umhlaba kamasipala ongasetyenziswanga/ongenanto okanye indawo yamangcwaba; kunye

"indlela yoluntu" kuthethwa ibala loluntu njengoko kuchaziwe phantsi kweCandelo 1 loMthetho ojongene neZithuthi zeNdlela, 1996 (uMthetho onguNomb. 93 ka-1996).

2. Ukuvulwa kwesikiti

(1) IBhunga linakho ukuvula isikiti kuyo nayiphi indawo elungele lona kummandla wolawulo lwayo, nokuba iBhunga liyibona lo ndawo kufanelekile, lingasibhangisa eso sikiti.

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OJONGENE NEZIKITI

(2) IBhunga liya kukhupha isaziso ngokuvulwa kwesikiti, okanye ukuvalwa kwaso, ngokubhengeza isaziso ubuncinane kumaphephandaba amabini elijikeleziswa kummandla weBhunga.

3. Ukubanjwa nokukhutshwa kwezilwanyana

(1) Nasiphi na isilwanyana –

(a) esifunyenwe singena ngaphandle kwemvume kumhlaba; okanye
(b) esibhadula okanye esihamba-bamba singajongwanga kwindlela yoluntu okanye kwenye indawo yoluntu,

singabanjwa sikhutshwe kwisikiti ngumnini walo mhlaba, igosa leBhunga, ilungu leeNkonzo zamaPolisa oMzantsi Afrika okanye ngumphathi wesikiti.

(2) Nabani na othe wabamba isilwanyana ngenjongo yokusivalela uya kuthi -

(a) asikhuphe eso silwanyana kweso sikiti kwiiyure ezingama-24 emva kokuba sibanjiwe; yaye
(b) aqinisekise ukuba kuthathwa inkathalo efanelekileyo kwizilwanyana de ezo zilwanyana zifakwe esikiti.

4. Ukuthathwa kwezilwanyana

(1) Nabani othatha isilwanyana kwisikiti kuyimfuneko ukuba abonelele umphathi wesikiti ngezi nkcukacha-

(a) igama lakhe nedilesi yendawo esigxina;
(b) ixesha nendawo ekubanjwe isilwanyana eso; kunye
(c) nesikhundla asibambe ngaso eo silwnyana.

(2) Umphathi wesikiti uya kuthi, ekufumaneni kwakhe isilwanyanna -

(a) abhale iinkcukacha ezigcinwe ngokwemigaqo yecandelo 4(1) afake ezi nkcukacha zifanayo kwincwadi egcinelwe le njongo;
(b) abhale iinkcukacha zomntu oze kuthatha isilwanyana nerisithi ebonisa –
  (i) igama lakhe;
  (ii) inkcaza yesilwanyana; kunye
  (iii) nomhla nexesha lokufunyanwa kwesilwanyana esikiti; yaye
(c) agcine ikopi yerisithi nganye ekhutshwa ngokwemigaqo yecandelo 4(2)(b).

(3) Akukho mntu uvumelekileyo ukuba akhuphe okanye azame ukukhupha, ngaphandle kokungqinelana nale mithetho kamasipala, nasiphi na isilwanyana esifunyenwe esikiti.

(3) Umphathi wesikiti kuyimfuneko ukuba athobele zonke iimfuno ezimiselwe nguMthetho ojongene nokuKhethwa kweZilwanyana, 2002, noMthetho ojongene noKubiwa kweMfuyo, 1957, nayo nayiphi eminye imiqathango ephathelene noku.

5. Ukukhathalelwa kwezilwanyana

(1) Umphathi wesikiti kuyimfuneko ukuba akhathelele ngenyameko nasiphi na isilwanyana ngokwemigaqo yale mithetho kamasipala.

(2) Umphathi kamasipala akavumelekanga ukuba asebenzise okanye abangele okanye avumele ukusetyenziswa kwezilwanyana ezibanjiweyo ngokwemigaqo yale mithetho kamasipala.

(3) Kwimeko yokonzakala okanye yokufa kwaso nasiphi isilwanyana esibanjiweyo, umphathi wesikiti kuyimfuneko abhale unobangela walo ngozi okanye ukufa yaye kuyimfuneko ukuba agcine nasiphi isiqinisekiso sogqirha wemfuyo esikhutshiweyo.

(4) Umphathi wesikiti kuyimfuneko ukuba agcine iinkcukacha zazo naziphi iindleko ezenziweyo ngokuphathelene nesilwanyana esibanjiweyo, kodwa kungalinganiselwanga koko, nokondliwa nokunyangwa kweso silwanyana.

6. Ukukhutshwa kwezilwanyana

Umphathi wesikiti kuyimfuneko ukuba akhuphele nasiphi isilwanyana esibanjiweyo kuye nabani –

(1) owanelisa iimfuno zomphathi wesikiti okanye kumnini wesilwanyana esibanjiweyo;

(2) ahlawule iindleko zokuthuthwa nokubanjwa ezimiselwe ngokwesigqibo sebhunga liBhunga ngokuhamba kwexesha; yaye

(3) ahlawule naziphi iindleko zikagqirha okanye ezinye iindleko ezenziwe ekubanjweni kwesilwanyana.

7. Ukukhutshwa kwezilwanyana

(1) Umphathi wesikiti unakho ukuthengisa kwifandesi yoluntu ngentlawulo naso nasiphi isilwanyana esibanjiweyo esingekathathwa ngumni waso kwiintsuku ezingama-30 sibanjiwe eso silwanyana, nangokuphathelene –

(a) iBhunga lithathe onke amanyathelo afanelekileyo okufuya nokwazisa umnini;
(b) umnini akafunyanwanga okanye, nangona enikwe isaziso seentsuku ezili-10, asiphumelelanga ukukhupha eso silwanyana sibanjiweyo; yaye
(c) kukhutshwe isaziso ngaphambi kweentsuku ezili-10 ngentengiso ecetywayo ngokwemigaqo yecandelo 7(2).

(2) Intengiso yesilwanyana esibanjiweyo siya kubhengezwa ngokuthi kukhutshwe isaziso kwibhodi yezaziso zoluntu kwindawo emiselwe liBhunga ngalo njongo –

(a) achaze isilwanyana, isini saso, ubudala baso ngokwengqikelelo kunye nohlobo lwaso okanye uphawu; kunye
(b) ukuchaza ukuba isilwanyana eso siya kuthengiswa kwifandesi yasesidlangalaleni ukuba asithathwanga kwiintsuku ezili-10.

(3) Inzuzo yeyo nayiphi intengiso iya kusetyenziselwa ukuhlawula iindleko nenkcitho echazwe kwicandelo 6 yaye nayiphi imali eseleyo, ukuba ikho, iya kutshona kwiBhunga ukuba ayithatyathwanga kwisithuba seenyanga ezintathu ngumntu ochaza ngokwanelisa iimfuno zomphathi wesikiti ukuba ungumnini wesilwanyana esibanjiweyo.

(4) Ukuba umphathi wesikiti ngaso nasiphi isizathu akanakho ukuthengisa isilwanyana esibanjiweyo okanye ukuba, ngokoluvo lomphathi wesikiti isilwanyana eso siyingozi kakhulu, sinengcwangu, sinezifo okanye sigula kakhulu okanye ngendlela yembonakalo yayo enyanzelisa ukuba sibulawe, umphathi wesikiti unakho ukubangela ukuba isilwanyana sibulawe ngokwemigaqo yawo nawuphi umthetho ophathelene nokukhuselwa kwezilwanyana okanye ukuzilahla ngendlela eyamkelweyo liBhunga.

(5) Intsilelo kwinzuzo yentengiso, ukuba ikho, neendleko nenkcitho echazwe kwicandelo 6, okanye iindleko zokubulawa kweso silwanyana ezichazwe kwicandelo 7(4), zinokuthatyathwa liBhunga kumnini waso.

8. Ukungachatshazelwa ngamabango

IBhunga, umphathi wesikiti okanye naliphi igosa, umsebenzi, i-arhente okanye uceba weBhunga akasayi kuba naxanduva lokuhlawula amabango okufa okanye okonzakala kwaso nasiphi isilwanyana ngexesha sibanjiweyo, ukubanjwa okanye ukukhutshwa kwaso, okanye ngexesha sibanjiweyo.

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OJONGENE NEZIKITI

9. Amatyala nezohlwayo

Nawuphi na umntu owaphula umthetho okanye ongaphumeleliyo ukuthobela nayiphi imiqathango yale mithetho kamasipala uya kuba netyala lolwaphulo-mthetho yaye uya kuba noxanduva lokuhlawula isohlwayo esingadlulanga kwi-R2 000 okanye ukuvalelwa ixesha elingadlulanga kwiinyanga ezimbini okanye zombini isohlwayo nokuvalelwa.

10. Imiqathango

Umasipala unakho ukumisela imiqathango engangqinelaniyo nalo mthetho kamasipala, emisela -

(a) nawuphi umbandela ekuyimfuneko ukuba umiselwe ngokwemigaqo yalo mthetho kamasipala; yaye

(b) nawuphi umbandela onokuququzelela ukumiselwa kwalo mthetho kamasipala.

11. Ukubhangiswa kwemithetho kamasipala

Nayiphi na imithetho kamasipala ephathelene neZikiti ephunyezwe ngumasipala okanye naliphi na elinye ibhunga likamasipala ekungoku nje eliquka icandelo lolawulo kumasipala iya kubhangiswa ngomhla wokubhengezwa kwalo mthetho kamasipala.

12. Isihloko esifutshane

Lo mthetho kamasipala ubizwa ngokuba nguMthetho kaMasipala ojongene neZikiti, 2008, yaye uya kuqalisa ukusebenza ngomhla oya kumiselwa ngumasipala ngokuwubhengeza kwiPhepha-ndaba lePhondo.

No. 18 26 kuMasingana 2011

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OLAWULA UNGENELELO

UMTHETHO KAMASIPALA OLAWULA UNGENELELO

Lo mthetho uwiswe ngokomthetho liBhunga loMasipala oMbaxa wase-Kokstad, yaye wamkelwe liLungu leBhunga leSigqeba elinoxanduva lolawulo kurhulumente wengingqi ngokwemigaqo yeCandelo 156 loMthetho weRiphabhliki yoMzantsi Afrika Nomb. 108 ka-1996, ofundwa necandelo 11 loMthetho olawula iiNkqubo zikaMasipala kubuRhulumente beNgingqi, Nomb. 32 ka-2000, ngolu hlobo:

ISALATHISI

ISAHLUKO 1:

1. Iinkcazelo
2. Imvume yeBhunga efunekayo
3. Imigaqo yokwakhiwa kwezakheko ezingenelelayo
4. Iintsika
5. Iibhalkhoni namagolonxa eefestile
6. Iziseko zentsika, iintsika ezibamb'udonga, izixhasi nezihombiso ezingumqukumbelo
7. Iiveranda ezijikela iikona
8. Imingxuma kwiipavumente
9. Isakheko esingenelelayo esokhiwe ngaphambili kwisakhiwo
10. Ulondolozo, ukususwa nokuqeshwa kwezinto ezingenelelayo
11. Izakheko ezingenelelayo
12. Amatyala nezohlwayo
13. Ukubhangiswa kweMithetho kaMasipala ekhoyo
14. Imiqathango
15. Isihloko esifutshane nokumiselwa komthetho

ISAHLUKO 1

IINKCAZELO

1. Iinkcazelo

Kule Mithetho kaMasipala, naliphi igama elichazwe kuMthetho weSizwe ojongene neMiqathango yeZakhiwo kunye neMigangatho yeZakhiwo, 1977 (uMthetho onguNomb. 103 ka-1977) linalo ntsingiselo yaye, ngaphandle kokuba umxholo ubonisa ngolunye uhlobo –

"IBhunga" kuthethwa iBhunga loMasipala oMbaxa wase-Kokstad;

"Ipropati yebhunga" kuthethwa nayiphi ipropati, kuqukwa kodwa kungalinganiselwanga kwiindlela zoluntu –

(a) eziphantsi kolawulo lweBhunga;
(b) iBhunga elinolawulo kuzo; okanye
(c) ekunikwe ilungelo lokusebenzisa ipropati ekumhlaba womnye umntu okanye ilungelo kwenye ipropati elibhaliswe kwiBhunga;

"ungenelelo" kuthethwa nayiphi into ebonakalayo engenelela kwipropati yeBhunga;

"emiselweyo" kuthethwa emiselwe ngokwesigqibo seBhunga esenziwa ngokuhamba kwexesha;

"umrhumo omiselweyo" kuthethwa umrhumo omiswe liBhunga ngokwesigqibo ngokuhamba kwexesha;

"indlela yoluntu" kuthethwa nayiphi indlela, isitalato okanye ecanda phakathi kwezindlu okanye nakuyiphi enye indawo (nokuba kukwindlela ecanda phakathi kwendlela okanye hayi) esetyenziswa luluntu okanye naliphi icandelo elilapho lo propati ekulo okanye inxalenye ethile apho uluntu lunelungelo lokungena kuyo, yaye kuqukwa –

(a) umqukumbelo walo ndlela, isitalato okanye indlela ecanda phakathi kwezindlu;

(b) ibhulorho, intsimbi yokuwela okanye ibhulorhwana ephantsi enqumlwe yindlela, isitalato okanye indlela ecanda phakathi kwezindlu; kunye

(c) nawo nawuphi umsebenzi okanye into eyinxalenye okanye eqhagamshelwe okanye eyeyendlela, isitalato okanye indlela ecanda phakathi kwezindlu.

2. Imvume efunekayo yebhunga

(1) Akukho mntu uvumelekileyo, ngaphandle kokuqala afumane imvume ebhaliweyo yebhunga, ukuba enze okanye okhe nasiphi na isakheko esingenelela kuyo okanye ngaphezulu okanye ngaphantsi kwepropati yeBhunga.

(2) IBhunga linakho -

(a) ukungavumi ukunika imvume efunwayo ngokwemigaqo yecandelwana (1); okanye

(b) ukunikezela imvume ngaphandle kwemiqathango okanye ngokwemiqathango nangokuxhomekeke ekuhlawulweni komrhumo omisiweyo ngonyaka okanye ekwenzeni umsebenzi othile okanye iinkonzo eziya kumiselwa liBhunga kwimeko nganye.

(3) Imirhumo emisiweyo echazwe kwicandelwana (2) imele ukuhlawulwa kwangaphambili ekuqaleni konyaka ngamnye neya kubalwa ukususela ngomhla wokwamkelwa okanye ngexesha elimiselwe liBhunga, yaye umnini unoxanduva lokuhlawula imirhumo emiselweyo ngokwemigaqo yale mithetho kamasipala ejongene nongenelelo.

(4) Umnini waso nasiphi isakhiwo kwisithuba seenyanga ezintathu emva komhla wokumiselwa kwale mithetho kamasipala makenze isicelo kwiBhunga kuxwebhu olumisiweyo semvume yokuqhubeka engenelea kumhlaba webhunga ngokwemigaqo yale mithetho kamasipala.

3. Imigaqo yokwakhiwa kwezakheko ezingenelelayo

(1) Uyilo, ucwangciso nokwakhiwa kweeveranda, iibhalkhoni, amagolonxa eefestile, okanye ezinye izakheko ezingenelela kwipropati yeBhunga, ngokunjalo nepavumente, umqukumbelo nomjelo, mazenziwe ngokwanelisa iimfuno ezamkelwe liBhunga.

(2) Ukuba kusetyenziswe icangci ukogquma iveranda, amacala avelileyo makapeyintwe.

(3) Iveranda ejinga phezu kwendela mayingqale ifane, ngomphakamo nangeempawu zeeveranda ezikufuphi.

4. Iintsika

(1) IBhunga linakho ukumisela iindawo kwimida kamasipala apho kungavumelekanga mntu ukuba amise iintsika zeeveranda phezu kwayo nayiphi indlela yoluntu okanye ipavumente.

(2) Akukho mntu uvumelekileyo ukokha nayiphi intsika yeveranda -

(a) ukuba lo pavumente ingaphantsi kwe-2,6 m ububanzi;
(b) ingaphezu kwe-3 m ukusuka kumda weskhiwo esilinganiswa kumphandle wentsika okanye ngaphantsi kwe-3 m kumbindi ukuya komnye umbindi;
(c) phezu kwepavumenye kwikona yendlela yoluntu engaphaya kwemilinganiselo yemida yesakhiwo; kunye
(d) nakumgama ongaphantsi kwe-600 mm ngasemva ukususela kumphetho wawo nawuphi umqukumbelo ongaphambili.

(3) Akukho mntu uvumelekileyo ukuba okhe iveranda ezingambini okanye ezihamba ngambini phezu kwayo nayiphi indlela yoluntu okanye kwipavumente.

(4) Apho iiveranda zixhaswa ziintsika-

(a) iintsika akuvumelekanga ukuba zibe namalengalenga azizikwe;
(b) akuvumelekanga ukuba isiseko sivelele ngaphezu kwe-50 mm ngaphaya komjikelo osezantsi wentsika; yaye
(c) ubukhulu bomjikelezo othe ngqo ngokumileyo kweso siseko mabungodluli kuma-350 mm.

(5) Kwimeko apho intsika iyeyodidi oluphezulu, isikhondo masibe nentasis efanelekileyo nesivalo nesiseko ngemilinganiselo efanayo.

(6) Iintsika, kuquka nesivalo nesiseko, mazingabi ngaphantsi kwe-3 m okanye ngaphezu kwe-3,6 m ngomphakamo yaye zingabi ngaphezu kwe-4,5 m kuqukwa nesiseko sentsika.

(7) Ubuncinane bomphakamo ukusuka kwindlela yeenyawo okanye kwindlela esecaleni kwendlela ukuya kwicala eliphezulu ukuya kwinstika yeveranda ephezulu nganye okanye kumphambili ibe yi-3 m.

(8) Isihombiso esingumqukumbelo wodonga, uluhlu lwezixabo okabo okanye lweentsika ezitsolo, ukuba zikho, mazingavelell ngaphantso kwe-750 mm nangaphezu kwe-1,05 m phezu komgangatho webhalkhoni.

(9) Nakukho nto kule kule mithetho kamasipala ithintela –

(a) ukokhiwa nokusetyenziswa kwentsika elicala kwiiveranda ezimbini ezidibeneyo ukuba intsika leyo imi kwelinye icala kumda owandisiweyo weepropati ezimbini okanye iyazidibanisa; okanye

(b) kwimeko yeeveranda ezidibeneyo, ukufakelwa kwayo nayiphi intsika kwisihombiso esingumqukumbelo wodonga ukuba kuyimfuneko ukuba zilungelelaniswe nayo yonke imiqathango yale mithetho kamasipala iyajongwa.

5. Iibhalkhoni namagolonxa eefestile

(1) Iibhalkhoni, amagolonxa eefestile okanye ezinye izakheko ezingenelelayo ezifana nezi akuvumelekanga ukuba–

(a) zijinge phezu kwendlela yoluntu ukuba zinomphakamo ongaphantsi kwe-3 m phezu kwepavumente;

(b) zingenelele ngaphezu kwe-1,35 m phezu kwendlela yoluntu; okanye

(c) zingenelele ngaphezu kwe-900 mm phezu kwendlela yoluntu.

(2) Umlinganiselo wobude obuthe tyaba begolonxa lefestile kuwo nawuphi umgangatho ophezu kwendlela yoluntu akuvumelekanga ukuba ibe ngaphezu kwesinye esithathwini kumphambi wesakhiwo esikulo ndlela.

(3) Nayiphi ibhalkhono eyenziwe yavelela phezu kweveranda kufuneka sibuyiselwe umva ubuncinane nge-1,2 m ukusuka kumda walo veranda.

(4) Akukho nxalenye yebhalkhoni encanyathiselwe kwiveranda, ekuvumelekile ukuba ibe nomphakamo ongaphezu kwemigangatho emibini phezu kweveranda ngaphandle kokuba, apho inxalenye yebhalkhoni yogqunywe ngekhonkrithi eyenziwe umgangatho osicaba, iintsimbi ezitsolo ezingekho ngaphezu kwe-1 m ngobude phezu komgamgatho osezantsi.

(5) Naluphi udonga lwebhalkhoni phezu kwendlela yoluntu akuvumelekanga ukuba yodlule 1 m ngomphakamo okanye ama-225 mm ngobukhulu.

(6) Ibhalkhoni ejinga phezu kwendlela yoluntu mayingabi kuphela kwendlela yokungena kulo naliphi igumbi okanye amagumbi adibeneyo.

(7) Akukho mntu uvumelekileyo ukuba abeke okanye abangele ukuba kubekwe nantoni na kwibhalkhoni ephezu kwendlela yoluntu, ngaphandle kwezityalo ezikwiingqayi zazo, iitafile, izitulo, iikhethini eziziseyile nezikhuselo zeseyile zingasetyenziswa njengemiqondiso okanye njengezibhengezo-ntengiso.

(8) Kwimeko apho uphahla lwesakhiwo lusetyenziswa njengendawo yokupaka izithuthi amagolonxa eefestile kumgangatho osezantsi akuvumelekanga ukuba ajinge phezu kwendlela yoluntu ngaphezu kwe-1,35 m kubude obupheleleyo bomphambili wesakhiwo esikulo ndlela.

6. Iziseko zentsika, iintsika ezibamb'udonga, izixhasi nezihombiso ezingumqukumbelo

(1) Akukho ziseko zentsika, iintsika ezibamb'udonga, izixhasi nezihombiso ezingumqukumbelo okanye ezinye izakheko ezingenelela ngaphaya kwemida yesakhiwo enyuselwa kumgangatho osezantsi ekuvumelekile ukuba ingenelele kwindlela yoluntu.

(2) Isiseko sentsika, intsika ebamb'udonga okanye uphawu loyilo lwesakhiwo ubuncinane obuyi-3 m ngaphezu komgangatho akuvumelekanga ukuba ingenelele ngaphezu kwalo mgangatho kwindlela yoluntu:

(a) isiseko sentsika: 450 mm ngomlinganiselo opheleleyo ophambili akuvumelekanga ukuba wodlule isinye kwisihlanu kumphambili wesakhiwo yaye amagolongxa eefestile kumgangatho omnye mazibandakanywe kubalo lomlinganiselo wobude wamagolonxa eefestile;

(b) isivalo esibunjiweyo esingangeni mlilo phezu kocango: 600 mm nakuyo nayipho indawo ingabi ngaphantsi kwe-2,75 m ngomphakamo kwindlela yeenyawo okanye kwipavumente;

(c) intsika ebamb'udonga eyi-1,05 m engekho ngaphezu kwe-10,5 m phezu kwendlela yeenyawo okanye yepavumente nesinye eshumi ngomphakamo ukusuka kwindledlana yeenyawo okanye kwipavumente ukuba ingaphezu kwe-10,5 m ngobukhulu be-1,8 m.

7. Iiveranda ezijikela iikona

Kwimeko apho iiveranda zokhiwa ngokujikele zeendlela zoluntu mazondlalwe ngokukuko okanye ngokujikeleza amagophe emiqukumbelo wezakhiwo.

8. Imingxuma yepavumente

(1) Akukho mngxuma wepavumente uvumelekile ukuba –

(a) ube kuphela kwendlela yokungena kulo naluphi uphahla olulugophe okanye igumbi eliphantsi komhlaba; yaye

(b) malivelele ngaphezu kwe-1,2 m ngaphaya komda wesakhiwo.

(2) Apho kuvunyelwe ukuba kubekho amaphikwana kwimingxuma yepavumente akuvumelekanga ukuba ibe ngaphezu kwe-0,75 yezkwemitha ngokobukhulu yaye mazivulekele phezulu yaye ngeli xesha zivuliwe, mazibonelelwe ngamaqoqo eentsimbi agadileyo neentsika.

(3) Amaphikwana avulekileyo makavulwe asetyenziselwe kuphela ngenjongo yokuhlisa nokunyuka impahla yaye mazigcinwe zivaliwe ngaphandle kokuba kuhliswa okanye kothulwa impahla.

(4) Udonga olungaphambili okanye udonga olumelene nomqukumbelo kumngxuma ngamnye mawokhiwe ngentsimbi enkulu ngokwanelisa iimfuno zeBhunga.

(5) Akukho mngxuma osepavumenteni omawogqunywe ngentsimbi okanye ngezixwexwe zentsimbi okanye ngokhuni.

9. Isakhiwo esingenelelayo esokhiwe phambi kwesakhiwo

Apho kokhiwe isakheko esingenenelelayo okanye esimisw phambo kwaso nasiphi isakhiwo, umnini ngezakhe iindleko kufuneka –

(1) agangathe yonke indlela yeenyawo okanye ipavumente ephantsi kongenelelo okanye ephambi kwesakhiwo ekufakelwe kuso umngxuma kwipavumente; yaye

(2) makondlalwe umqukumbelo wendlela nomjelo phambi kwesakhiwo kububanzi bonke baso kwindledlana yeenyawo okanye kwipavumente.

10. Ukulondolozwa, ukususwa nokuqeshwa kwezinto ezingenelelayo

(1) Umnini wendawo engenelelayo makayilondoloze rhoqo indawo leyo ingenelelayo ayigcine ilungile ibukeka.

(2) Imingxuma ekwipavumente, izibane zepavumente, iindonga ezilapho neendonga ezisezantsi mazenziwe zigcinwe zingangeni manzi ngumnini wendawo.

(3) Umnini wayo nayiphi indawo engenelelayo, phantsi okanye phezu kwendlela yoluntu okanye kwipavumente, okanye kumqondiso okanye nasiphi isakheko esiphezu kwendlela yoluntu, ithatyathwa njengendawo eqeshiweyo ngokubhekiselele kungenelelo, kumqondiso okanye kwisakheko yaye, ukuba iBhunga lifuna ukuba zisuswe zonke okanye inxalenye yazo kubuyiselwe indlela yoluntu okanye ipavumente kwimeko yangaphambili, yaye makwenziwe oko ngexesha elifanelekileyo.

11. Ungenelelo

(1)(a) Nabani na ngaphandle komnini wendawo onqwenela ukokha indawo eveleleyo okanye esinye isakheko kwindlela ngaphantsi okanye phezu kwendlela yoluntu, okanye kwipropati engenakususwa elo lungelo leleBhunga, makwenziwe isicelo kwiGosa loLawulo lweZakhiwo kuxwebhu olubonelelwa liBhunga ngalo njongo.

(b) Kwimekp apho ngokoluvo lweGosa loLawulo lweZakhiwo lifuna imizobo ukuze kuphethwe isivumelwano songenelelo, kumele ukuba kuhlawulwe umrhumo omiselweyo ngaphezu kweminye imirhumo kwiBhunga.

(2) Umnini wesakhiwo esinxulumene nongenelelo olukhoyo okanye oluza kubakho, okanye oluphakanyisiweyo –

(a) makuhlawulwe naziphi iindleko ezenziwe ngokuphathelene neentambo okanye nepropati yeBhunga;

(b) makuvunyelwe iBhunga ukuba lokhe, okanye kuncanyathiselwe isakheko esiveleleyo okanye esincanyathiselweyo okanye nantoni efunekayo ngokunxulumene neentambo zombane neminye imisebenzi.

12. Amatyala nezohlwayo

Umntu owaphula nayiphi kule mithetho kamasipala unetyala lolwaphulo-mthetho yaye uya kuba noxanduva xa egwetyiwe lokuhlawula isohlwayo esingadlulanga kuma-R5000.00 okanye ukuvalelwa ixesha elingadlulanga kwiinyanga ezi-6 okanye zombini isohlwayo nokuvalelwa.

13. Imiqathango

Umasipala unakho ukwenza eminye imiqathango engangqinelaniyo nalo mthetho kamasipala emisela -

(a) nawuphi umcimbi ekumele ukuba umiselwe ngokwemigaqo yalo mthetho kamasipala; kunye

(b) nawo nawuphi umcimbi onokuququzelela ukumiselwa kwalo mthetho kamasipala.

14. Ukubhangiswa kwale mithetho kamasipala

Nayiphi imithetho kamasipala ephathelene nokuNgenelela kwiiPropati owamkelwe ngumasipala okanye lilo naliphi na ibhunga lomasipala odlulileyo ekungoku nje eliquka icandelo elilawulayo lomasipala iya kubhangiswa ukususela ngomhla wokubhengezwa kwalo mthetho kamasipala

15. Isihloko esifutshane nokumiselwa komthetho

Lo mthetho kamasipala ubizwa ngokuba nguMthetho kaMasipala ophathelene nokuNgenelela kwiiPropati, 2008, yaye uya kuqalisa ukusebenza ngomhla wokumiselwa kwawo ngumasipala ngokuthi ubhengezwe kwiPhephandaba lakwaRhulumente.

No. 19 26 kuMasingana 2011

UMTHETHO KAMASIPALA OJONGENE NEERHAFU

Lo mthetho uwiswe ngokomthetho liBhunga loMasipala oMbaxa wase-Kokstad, ngokwemigaqo yeCandelo 156 (2) loMgaqo-siseko ka-1996, ofundwa necandelo 11 (3)(m) loMthetho olawula iiNkqubo zikaMasipala kubuRhulumente beNgingqi, 2000 (uMthetho onguNomb. 32 ka-2000, necandelo 6 loMthetho ojongene neeRhafu zeePropati zikaMasipala kubuRhulumente beNgingqi, 2004 (uMthetho onguNomb. 6 ka-2004) ngolu hlobo:

UKUCWANGCISWA KWAMACANDELO

Icandelo

1. Iinkcazelo

2. Umgaqo-nkqubo weerhafu

3. Iinqobo

4. Iindidi zeepropati

5. Iindidi zabanini beepropati

6. Iipropati ezisetyenziselwa iinjongo ezininzi

7. Ukurhafiswa ngokweenkonzo ezohlukileyoDifferential rating

8. Iirhafu ezikhululelweyoExemptions

9. Izaphulelo

10. Iirhafu ezithotyiweyo

11. Iipropati ezisetyenziselwa iinjongo zolimo

12. Inkqubo yokunikezela irhafu ekhululelweyo, izaphulelo nerhafu ethotyiweyo

13. Ukonyuswa kwemirhumo

14. Isihloko esifutshane

15. Ukumiselwa

Iinkcazelo

1. Kule mithetho kamasipala, ngaphandle kokuba umxholo ubonisa ngolunye uhlobo –

"Injongo yolimo", ngokuphathelene nokusetyenziswa kwepropati, ngaphandle kokusetyenziswa kwepropati ngenjongo yokhenketho ukubuka izinto eziphilileyi nendawo eziphila kuyo okanye ukurhweba okanye ukuzingelwa kwezilwanyana;

"udidi" –

a. ngokuphathelele kwipropati, kuthethwa udidi lweepropati ezimiselwe ngokwemigaqo yecandelo 4 lale mithetho kamasipala;
b. ngokuphathelele kubanini beepropati, kuthethwa udidi lwabanini beepropati ezimiselwe ngokwemigaqo yecandelo 5 lale mithetho kamasipala;

"ukukhululelwa", ngokuphathelene nentlawulo yerhafu, kuthethwa imvume yokukhululelwa enikezelwa ngokwemigaqo yecandelo 8 lale mithetho kamasipala;

"Ilungelo lokuqeshwa umhlaba" kuthethwa ilungelo lomyalelo wangaphambili okanye lamalungelo akhayo njengoko kuchaziwe kwicandelo 1 loMthetho ojongene naMalungelo oMhlaba oLuntu

"Iinjongo ezininzi", ngokuphathelele kwipropati, kuthethwa ukusetyenziswa kwepropati kwiinjongo ezingaphezu kwenye;

"ibhunga lomasipala" okanye **"ibhunga"** kuthethwa ibhunga lomasipala;

"umasipala" kuthethwa uMasipala oMbaxa wase-Kokstad

"umnini" –

(a) ngokuphathelele kwipropati echazwe kumhlathi (a) wenkcazelo "yepropati", kuthethwa umntu igama lakhe elibhaliswe njengomnini wepropati leyo;

(b) ngokuphathelene nelungelo elichazwe kumhlathi (b) wenkcazelo "yepropati", kuthethwa umntu igama lakhe elibhaliswe njengonelungelo kuyo;

(c) ngokuphatheleke kwingqeshiso yomhlaba ilungelo elichazwe kumhlathi (c) lenkcazelo "yepropati", kuthethwa umntu igama lakhe

elibhaliswe njengonelungelo kuyo okanye onikwe ilungelo ngokwemigaqo yomthetho, okanye

(d) ngokuphathelene nezibonelelo zeenkonzo zoluntu ezichazwe kumhlathi (d) wenkcazelo "yepropati", kuthethwa isebe likarhulumente elilawula izibonelelo zenkonzo zoluntu njengoko kuchaziwe kwinkcazelo "elawulwa ngurhulumente",

ukuba lo mntu uchazwe ngezantsi apha ngeenjongo zalo mthetho kamasipala uthatyathwa ngumasipala ngokuba ngumnini wepropati kwezi meko zilandelayo –

i. umphathiswa, kwimeko yepropati kwimanyano ngaphandle komhlaba okulawulo lukarhulumente;
ii. umabi-mafa okanye umlawuli wamafa, kwimeko yepropati umnini wayo obhubhileyo;
iii. umabi-mafa okanye abathengisa impahla yeshishini elitshonileyo, kwimeko yepropati umnini otshonileyo ngokwezimali;
iv. umphathi wenkundla, kwimeko yepropati yomntu ophathi kolawulo lwenkundla;
v. umgcini-mafa, kwimeko yepropati eselungelweni lomntu ophantsi kwemeko yokugcinelwa ilifa;
vi. umntu owenza inzuzo kwipropati yomnye okanye omnye umntu ipropati ekwenziwa inzuzo esegameni lakhe, kwimeko yepropati ekwenziwa kuyo inzuzo ngomnye umntu okanye esetyenziselwa ezinye iinjongo eziselungelweni;
vii. umntu oqeshe ipropati, kwimeko yepropati ebhaliswe egameni lomasipala neqeshwe nguye; okanye
viii. umthengi, kwimeko yepropati ethengiswe ngumasipala yaye ulawulo lwayo okanye ubunini bubhaliswe egameni lomthengi lowo;

"Imisebenzi evunyenweyo", ngokuphathelene nepropati, kuthethwa iinjongo ezilinganiselweyo enokusetyenziselwa zona ipropati ngokwemigaqo –

(a) yazo naziphi izithuntelo ezimiselweyo –

i. kumqathango wetayitile;
ii. ubonelelo ngesicwangciso sedolophu okanye inkqubo yosetyenziso-mhlaba; okanye
iii. nawuphi umqathango oetyenziswa kwipropati ezithile okanye kwiipropati; okanye

(b) nakuphi ukucuthwa kwezithintelo;

"Ipropati" kuthethwa –

(a) ipropati engenakususwa ebhaliswe egameni lomntu othile, kuqukwa, kwimeko yenkqubo yetayitile yolwahlulelwano, iyunithi yetayitile yolwahlulelwano ebhaliswe egameni lalo mntu;

(b) ilungelo elibhaliswe kwipropati engenakususwa egameni lomntu othile, ngaphandle kwesivumelwano yokubambisa kulo propati;

(c) ilungelo lokuqesha umhlaba obhaliswe egameni lomntu othile okanye elinikezelwe kulo mntu ngokwemigaqo yomthetho; okanye

(d) izibonelelo zenkonzo yoluntu.

"ummandla okhuselweyo" kuthethwa ummandla odweliswe kuvimba ochazwe kwicandelo 10 loMthetho ojongene neNdawo eziKhuselweyo: kwimeko-bume esiNgqongileyo kwiSizwe, 2003 (uMthetho onguNomb. 57 ka-2003);

"elawulwa ngurhulumente" kuthethwa ipropati elawulwa okanye ephantsi kolawulo lwesebe likarhulumente, kuqukwa –

(a) isebe likarhulumente elidweliswe kuMthetho woLawulo lweZimali zikaRhulumente, 1999 (uMthetho onguNomb. 1 ka-1999);

(b) umasipala; okanye

(c) iqumrhu elizimleyo likamasipala elichazwe kuMthetho olawula iiNkqubo zikaMasipala kubuRhulumente beNgingqi, 2000 (uMthetho onguNomb. 32 ka-2000);

"izibonelelo zeenkonzo zikarhulumente" kuthethwa izibonelelo eziphantsi kolawulo lukarhulumente ezizezi ntlobo zilandelayo:

(a) kuzwelonke, kwiphondo okanye ezinye iindlela zoluntu apho kuhanjiswa khona impahla, iinkonzo okanye abasebenzi kwimida yonke kamasipala;

(b) imibhobho ehambisa amanzi okanye yogutyulo, imijelo okanye eminye imisele, amadama, amachibi abonelela ngamanzi, amaziko ekucocwa kuwo amanzi amdaka okanye imibhobho yamanzi eyinxalenye yenkqubo yobonelelo lwamanzi okanye yogutyulo olunikezelwa uluntu;

(c) izikhululo zamandla ombane, izikhululwana zombane okanye iintambo zombane eziyinxalenye yenkqubo yonikezelo ngombane eluntwini;

(d) amaziko obonelelo ngegesi okanye ngezibaso ezilulwelo imizi yokucokisa izibaso okanye imibhobho yegesi okanye yezibaso ezilulwelo, eziyinxalenye yenkqubo yothutho ezifana nezibaso;

(e) imizila yoololiwe eyinxalenye yenkqubo yoololiwe kuzwelonke;

(f) iimpondo zonxibelelwano, iimasti, oomatshini bokujika unxibelelwano okanye iintambo eziyinxalenye yenkqubo yonxibelelwano ezilungiselelwe uluntu;

(g) umgaqo wenqwelo-moya okanye amabala anomphezulu oqinileyo kwizikhululo zenqwelo-moya zesizwe okanye zamaphondo;

(h) izithintelo zamanzi, iindonga zolwandle, imijelo, iindawo zokudada, izithulelo zenqanawa, iibhulorho ezingena elwandle, iindlela, izibonelelo zoololiwe ezisetyenziselwa ukubonelela ngamanzi, izibane, umbane, ugutyulo neenkonzo ezifana nezi kumazibuko, okanye izixhobo zoncedo lokuqhutywa kweenqanawa eziquka isakhiwo esiphakamiseleyo esinesibane esikhanyisela iinqanawa, izixhobo zoonomathotholo ezincedisa iinqanawa, imiqondiso yengozi edadayo, iibhakana okanye ezinye izixhobo okanye iinkqubo ezisetyenziselwa ukunceda kukhuseleko nokuqhutywa kakuhle kweenqanawa;

(i) naziphi ezinye izibonelelo eziphantsi kolawulo lukarhulumente ngokumiselweyo; okanye

(j) amalungelo okungena, izixhobo ezincedisayo okanye amalungelo okusebenzisa ipropati ezithile ngokuphathelene nezibonelelo ezichazwe kwimihlathi (a) ukuya ku-(i).

"irhafu" kuthethwa irhafi kamasipala kwipropati echazwe kwicandelo 229(1)(a) loMgaqo-siseko, 1996;

"ipropati erhafelwayo" kuthethwa ipropati anokuthi umasipala ngokwemigaqo yecandelo 2 loMthetho werhafu, ngaphandle kwepropati engabandakanywanga kwiqondo lerhafu ngokwemigaqo yecandelo 17 loMthetho;

"isaphulelo", ngokuphathelene nerhafu emele ukuhlawulwa kwipropati, kuthethwa isaphulelo kwixabiso lerhafu elimele ukuhlawulwa kwipropati esinikezelwa ngokwemigawo yecandelo 9 lale mithetho kamasipala;

"irhafu ethotyiweyo", ngokuphathelene nerhafu emele ukuhlawulwa kwipropati, kuthethwa ukuthotywa kwexabiso elithile lepropati

ebekelwe ixabiso neqondo lerhafu yepropati ngelo xabiso lithotyiweyo elinikezelwe ngokwemigaqo yecandelo 10 lale mithetho kamasipala;

"Ipropati eyindawo yokuhlala" kuthethwa ipropati ebandakanywe kuluhlu loqingqo-maxabiso ngokwemigaqo yecandelo 48(2) loMtehtho njengendawo yokuhlala;

"Inkqubo yetayitile yolwahlulelwano" kuthethwa inkqubo echazwe kwicandelo 1 loMthetho weeTayitile zoLwahlulelwano;

"Iyunithi yetayile yolwahlulelwano" kuthethwa iyunithi echazwe kwicandelo 1 loMthetho weeTayitile zoLwahlulelwano

"uMthetho waMalungelo oMhlaba woLuntu" kuthethwa uMthetho wamalungelo oMhlaba woLuntu, 2004 (uMthetho onguNomb. 11 ka-2004);

"uMthetho weMibutho yeePropati zoLuntu" kuthethwa uMthetho weMibutho yeePropati zoLuntu, 1996 (uMthetho onguNo. 28 ka-1996);

"uMthetho woBonelelo ngeMihlaba noNcedo " kuthethwa uMthetho woBonelelo ngeMihlaba noNcedo, 1993 (uMthetho onguNomb. 126 ka-1993);

"uMthetho wokuBuyiselwa kwaMalungelo eMihlaba" kuthethwa uMthetho wokuBuyiselwa kwaMalungelo eMihlaba, 1994 (uMthetho onguNomb. 22 ka-1994);

"uMthetho weeTayitile zoLwahlulelwabo" kuthethwa uMthetho weeTayitile zoLwahlulelwano, 1986 (uMthetho onguNomb. 95 ka-1986);

"uMthetho" kuthethwa uMthetho ojongene neeRhafu zeePropati zikaMasipala: kubuRhulumente beNgingqi, 2004 (uMthetho onguNomb. 6 ka-2004);

"umhlaba ongenanto" kuthethwa umhlaba apho kungenziwanga phuhliso olungenakususwa kuwo.

UMgaqo-nkqubo weeRhafu

2.(1) Ibhunga likamsipala kufuneka ngokwesigqibo lamkelwe umgaqo-nkqubo wokuhlawuliswa kweerhafu kwiipropati zikamasipala.

(2) Umgaqo-nkqubo weerhafu owamkelwe libhunga ngokwemigaqo yecandelo 2(1) mawuthobele imiqathango yoMthetho.

(3) Umasipala makahlawulise iirhafu ngokungqinelana noMthetho, le mithetho kamasipala nomgaqo-nkqubo werhafu mayamkelwe ngumasipala

ngokwemigaqo yecandelo 2(1).

Iinqobo

3. Umgaqo-nkqubo weerhafu owamkelwe libhunga lomasipala mawungqinelane nezi nqobo zilandelayo –

(a) Bonke abarhafi abakudidi oluthile, njengoko kumiselweyo libhunga lomasipala ngokuhamba kwexesha, mabaphathwe ngobulungisa.

(b) Makusetyenziswe inkqubo yobulungisa nengenamfihlo yokukhululela intlawulo, yezaphulelo nokuthotyelwa irhafu ze imiselwe ngumasipala.

(c) Amanyathelo oncedo ngokuphathelene nentlawulo yemirhumo ase nokunganikezelwa kubantu abantu abathile, ngaphandle kwangendlela yokukhululelwa ukuhlawula irhafu, yesaphulelo okanye yokuthotyela irhafu.

(d) Ukukhululelwa intlawulo, izaphulelo nokuthityelwa irhafu makusetyenziselwe ukucutha umthwalo weerhafu –

(i) kubantu abahluphekileyo;

(ii) kwimibutho eyinzuzo eluntwini; kunye

(iii) nakwizibonelelo zenkonzo yoluntu.

(e) Makwenziwe izicwangciso kulungiselelwa ukukhuthaza uphuhliso lwengingqi, lwentlalo nolwezoqoqosho.

Iindidi zeePropati

4.(1) Ngenjongo yokurhafisa iirhafu ezohlukeneyo kwiindidi ezohlukeneyo zeepropati, ibhunga lomasipala kufuneka –

(a) limisele iindidi ezohlukeneyo zeepropati; okanye

(b) libonelele ngenkqubo yokumiselwa kweendidi ezohlukeneyo zeepropati.

(2) Iindidi ezohlukeneyo zeepropati zimiselwa libhunga likamasipala ngokwemigaqo yecandelo 4(1)(a), okanye ngokwenkqubo yokumiselwa kweendidi ezohlukeneyo zeepropati libhunga lomasipala ngokwemigaqo yecandelo 4(1)(b) yaye masichazwe kumgaqo-nkqubo wemirhumo owamkelwe libhunga lomasipala ngokwemigaqo yecandelo 2(1).

(3) Iindidi ezohlukeneyo zeepropati ezimiselwe libhunga likamasipala ngokwemigaqo yecandelo 4(1)(a) zingaquka, kodwa azilinganiselwanga, kwezi zichazwe ngezantsi apha -

(a) iipropati zeendawo zokuhlala;

(b) iipropati zemizi-mveliso;

(c) iipropati zorhwebo;

(d) iiprpati zeefama ezisetyenziselwa iinjongo zolimo;

(e) iipropati zolimi ezisetyenziselwa iinjongo zorhwebo;

(f) iipropati zeefama ezisetyenziselwa iinjongo zendawo zokuhlala;

(g) iipropati zeefama ezisetyenziselwa naziphi ezinye iinjongo;

(h) iipropati zeefama ezingasetyenziselwa njongo;

(i) iipropati zikarhulumente:

(i) iipropati zikarhulumente ezinikezela ngeenkonzo kwingingqi;

(ii) iipropati zikarhulumente ezinikezela iinkonzo kwisithili;

(iii) iipropati zikarhulumente ezinikezela iinkonzo kwinqila;

(iv) iipropati zikarhulumente ezinikezela ngeenkonzo kwiphondo; okanye

(v) iinkonzo zikarhulumente ezinikezela ngeenkonzo kwisizwe;

(j) iipropati zikamasipala;

(k) izibonelelo zeenkonzo zoluntu;

(l) iidolophu ezilawulwa bucala;

(m) iindawo zentlalo ezimiselekileyo nezingamiselenganga;

(n) umhlaba woluntu njengoko kuchaziwe kuMthetho wamalungelo oMhlaba woLuntu;

(o) umhlaba wemanyano yabarhwebi bakarhulumente;

(p) iipropati ezifunekayo ngokwemigaqo yoMthetho woBonelelo ngoMhlaba noNcedo;

(q) iipropati ezifunyenwe ngokwemigaqo yoMthetho wamalungelo okuBuyiselwa koMhlaba;

(r) iipropati eziphantsi koMthetho weMibutho yoLuntu;

(s) iindawo ezikhuselweyo;

(t) iindawo zezikhumbuzo zesizwe;

(u) ipropati esetyenziselwa imisebenzi ethile elungiselelwe uluntu

(v) iipropati zemisebenzi emininzi; okanye

(w) umhlaba ongenanto

(4) Inkqubo yokumisela iindidi ezohlukeneyo zeepropati ezibonelelwa libhunga lomasipala ngokwemigaqo yecandelo 4(1)(b) inokuquka okua, kodwa ingalinganiselwanga, kwezi zichazwe apha ngezantsi –

(a) eyona nto isetyenziselwa yona ipropati;

(b) umsebenzi ovunyiweyo wepropati;

(c) ubukhulu bepropati;

(d) ummandla ngokwendawo ekuyo ipropati leyo; okanye

(e) ubukhulu bepropati kuluhlu loqingqo-maxabiso eepropati.

Iindidi zabanini propati

5.(1) Ngenjongoyokuhlawuliswa kwemirhumo yeendidi ezohlukeneyo zeerhafu zepropati okanye ngenjongo yokukhululela intlawulo, izaphulelo okanye irhafu ezithotyiweyo, ibhunga likamasipala kufuneka –

(a) limisele iindidi ezohlukeneyo zabanini beepropati; okanye

(b) libonelele ngenkqubo yokumisela iindidi ezohlukeneyo zabanini beepropati.

(2) Iindidi ezohlukeneyo zabanini beepropati ezimiselwe libhunga likamasipala okanye inkqubo yokumisela iindidi ezohlukeneyo zabanini beepropati ebonelelwa libhunga likamasipala mazicaciswe kumgaqo-nkqubo werhafu owamkelwe libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(3) Iindidi ezohlukeneyo zabanini bepropati ezimiselwe libhunga likamasipala ngokwemigaqo yecandelo 5(1)(a) zinokuquka, kodwa azilinganiselwa, kwezi ndidi zilandelayo –

(a) abanini propati abasweleyo;

(b) abanini propati abaxhomekeke kwimihlala-phantsi okanye kwizibonelelo zoncedo zentlalo ukuze baphile;

(c) abanini propati abangasebenzi okwethutyana;

(d) abanini propati ezimi kwiindawo ezichaphazeleka kwiintlekele okanye kuzo naziphi ezinye iimeko zentlalo okanye zoqoqosho ezingalunganga;

(e) abanini beepropati zokuhlala ixabiso lazo lemarike elingaphantsi kwexabiso elibonakaliswe kumgaqo-nkqubo ojongene neerhafu zikamasipala phambo kwezo zokuqala zixabiso i-R15 000 ezisuswe ngabom; okanye

(f) abanini beepropati zolimi abangamafa *enene*.

(4) Inkqubo yokumisela iindidi ezohlukeneyo zeepropati ezibonelela ngeenkonzo zebhunga likamasipala ngokwemigawo yecandelo 5(1)(b) zinokuquka, kodwa azilinganiselwanga, kule nkqubo ilandelayo –

(a) ingeniso yomnini propati;

(b) umthombo wengeniso yomnini propati;

(c) umsebenzi womnini propati;

(d) ixabiso lemarike lepropati;

(e) umsebenzi wepropati; okanye

(f) iintlekele okanye ezinye iimeko ezingalunganga zentlalo okanye zoqoqosho.

Iipropati ezinemisebenzi emininzi

6.(1) Ibhunga likamasipala kuyimfuneko ukuba limisele inkqubo ngokuphathelene nokuba ziziphi iipropati zemisebenzi emininzi ezimele ukurhafiswa.

(2) Inkqubo emiselwe libhunga likamasipala ngokwemigaqo yecandelo 6(1) mayijoliswe ngokomgaqo-nkqubo weerhafu owamkelwa libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(3) Inkqubo emiselwe libhunga likamasipala ngokwemigaqo yecandelo 6(1) kufuneka –

(a) ibe yeyemisebenzi evunyelweyo yalopropati;

(b) ibe yeyeyona misebenzi yenziwa kulo propati; okanye

(c) ibe yeyemisebenzi eyohlukeneyo yalo propati

(4) Ukuba inkqubo echazwe kwicandelwana 3(c) yamkelwe libhunga likamasipala, iirhafu ezihlawuliswa kwiipropati zemisebenzi eyohlukeneyo mazimiselwe –

(a) ngokwaba ixabiso lemarike lalo propati kwiinjongo ezohlukeneyo esetyenziselwa zona ipropati leyo; kunye

(b) nangokuthelekisa ixabiso lesenti elifanelekileyo kwixabiso lemarike elabiwe ngokungqinelana neli.

Iirhafu ezixhomekekayo

7.(1) Ngokuxhomekeke nangokuthobela uMthetho, umasipala unakho ukuhlawulisa iirhafu ezohlukeneyo kwiipropati ezikwiindidi ezohlukeneyo.

(2) Ukuba umasipala ukhetha ukurhafisa imirhumo eyohluekeneyo kwiindidi ezohlukeneyo zeepropati, kuyimfuneko ukuba kusetyenziswe la magunya ngokungqinelana nenkqubo emiselwe ngumasipala ngokwemigaqo yecandelo 3(3)(b)(i) loMthetho.

(3) Inkqubo emiselwe ngumasipala ngokwemigaqo yecandelo 3(3)(b)(i) loMthetho malichazwe kumgaqo-nkqubo owamkelwe libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(4) Inkqubo emele ukumiselwa libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(i) loMthetho linokuquka, kodwa alilinganiselwanga, kwezi zichazwe ngezantsi –

(a) ubume bepropati;

(b) udidi lwerhafu emele ukuhlawuliswa kule propati;

(c) ubungakanani bepropati ethe yaphuhliswa; okanye

(d) ukuxhaswa kophuhliso lwentlalo noqoqosho.

(5) Ukuba ibhunga likamasipala likhetha ukurhafisa imirhumo eyohlukeneyo kwiindidi ezohlukeneyo zeepropati, makumiselwe inkqubo ngokwemigaqo yemirhumo eyohlukeneyo eya kuhlawuliswa kwiindidi ezohlukeneyo zeepropati.

(6) Inkqubo emiselwe libhunga likamasipala ngokwemigaqo yecandelo 7(5) mayisekelwe kwenye yezi nkqubo zimiselwe apha ngezantsi–

(a) ukumisela ixabiso elohlukeneyo leesenti kwiRandi kudidi ngalunye lweepropati;

(b) ukunikezela izaphulelo kwiindidi ezohlukeneyo zeepropati; okanye

(c) ukunikezelwa irhafu ethotyiweyo kwiindidi ezohlukeneyo zeepropati.

(7) Inkqubo emiselwe libhunga lomasipala ngokwemigaqo yecandelo 7(5) no-(6) mayichazwe kumgaqo-nkqubo wemirhumo owamkelwa libhunga

likamasipala ngokwemigaqo yecandelo 2(1).

Iirhafu ezikhululelweyo

8.(1) Ngokuxhomekeke nasekuthotyelweni koMthetho, umasipala unakho ukukhululela –

(a) abanini balo naluphi udidi lwepropati; kunye/okanye

(b) naluphi udidi oluthile lwabanini bepropati,

ekuhlawuleni iirhafu.

(2) Ukuba umasipala ukhetha ukukhululela abanini bodidi oluthile lwepropati ekuhlawuleni irhafu zobuhlali, la magunya makasetyenziswe ngokungqinelana nenkqubo emiselwe libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(ii) loMthetho.

(3) Inkqubo emiselwe libhunga likamsipala ngokwemigaqo yecandelo 3(3)(b)(ii) loMthetho mayichazwe kumgaqo-nkqubo wemirhumo libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(4) Inkqubo emayimiselwe libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(ii) loMthetho inokuquka, kodwa ingalinganiselwanga, kuleyo ichazwe apha ngezantsiw –

(a) ubudala bomnini wepropati;

(b) ingeniso yomnini propati;

(c) umthombo wengeniso yomnini propati;

(d) imeko yezoqoqosho, ebonakalayo neyentlalo yepropati;

(e) izibonelelo zenkonzo yoluntu;

(f) ipropati isetyenziselwa iinjongo zemisebenzi yoluntu; okanye

(g) ixabiso lemarike lepropati.

Izaphulelo

9.(1) Ngokuxhomekeke nasekuthotyelweni koMthetho, umasipala unakho ukunikezela isaphulelo –

(a) kubanini bodidi oluthile lwepropati; kunye/okanye

(b) kudidi oluthile lwabanini bepropati,

kwirhafu ezimele ukuhlawulwa ngokuphathelene neepropati zabo.

(2) Ukuba umasipala ukhetha ukunikela isaphulelo kudidi oluthile lwabanini beepropati okanye kudidi oluthile lwabanini beepropati ekuhlawuleni irhafu, makusetyenziswe eli gunya ngokungqinelana nenkqubo emiselwe ngumasipala ngokwemigaqo yecandelo 3(3)(b)(iii) loMthetho.

(3) Inkqubo eya kumiselwa libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(iii) loMthetho macaciswe kumgaqo-nkqubo werhafu owamkelwe libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(4) Inkqubo emayimiselwe libhunga likamsipala ngokwemigaqo yecandelo 3(3)(b)(iii) loMthetho inokuquka, kodwa ingalinganiselwa, kuleyo imiselwe apha ngezantsi –

(a) ubudala bomnini wepropati;

(b) imeko yempilo yomnini propati;

(c) ubume bepropati;

(d) ubunini bepropati;

(e) ixabiso lemarike lepropati;

(f) le propati isetyenziselwa ezi njongo zoluntu zilandelayo:

(i) intlalo-ntle,

(ii) impilo, okanye

(iii) imfundo;

(g) ubungakanani ekubonelelwa iinkonzo zikamasipala kwipropati; okanye

(h) ubungakanani bepropati ebonelelwa ngeenkonzo zikamasipala eluncedo ngayo eluntwini lwengingqi, kwintlalo nakuphuhliso loqoqosho.

Iintlawulo ezithotyiweyo

10.(1) Ngokuxhomekeke kwimiqathango nasekuthotyelweni koMthetho, umasipala unakho ukunika intlawulo ethotyiweyo:

(a) kubanini bepropati abakudidi oluthile; kunye/okanye

(b) kulo naluphi udidi lwabanini bepropati,

kwiirhafu ezimele ukuhlawulwa ngokuphathelene neepropati zabo.

(2) Ukuba umasipala ukhetha ukunikezela isaphulelo kudidi oluthile lwabanini propati okanye kudidi oluthile lwabanini bepropati ekuhlawuleni irhafu, makusetyenziswe eli gunya ngokungqinelana nenkqubo emiselwe libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(iii) loMthetho.

(3) Inkqubo eza kumiselwa libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(iii) loMthetho malichzwe kumgaqo-nkqubo werhafu owamkelwa libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(4) Inkqubo emayimiselwe libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(iii) loMthetho inokuquka, kodwa ingalinganiselwanga, kuleyo ichazwe apha ngezantsi –

(a) umlilo;

(b) iimpuphuma;

(c) umbane;

(d) izitshi;

(e) ezinye iintlekele ezenziwa ngabantu okanye zendlalo; okanye

(f) naziphi ezinye iimeko ezingathandekiyo okanye zooqosho.

Ipropati esetyenziselwa iinjongo zolimo

11. Xa kuqwalaselwa inkqubo emayisetyenziswe ngokuphathele nakuphi ukukhulelwa intlawulo, yezaphulelo okanye intlawulo ethotyiweyo kwiipropati ezisetyenziselwa ulimo, inkqubo engezantsi apha mayithathelwe ingqalelo –

(a) ubungakani beenkonzo ezinikezelwa ngumasipala ngokuphathelene nezo propati;

(b) igalelo lezolimo kuqoqosho lwengingqi;

(c) ubukhulu boncedo olwenziwa lulimo ekuhlangabezaneni nonikezelo lweenkonzo neemfuneko zophuhliso zomasipala; kunye

(d) negalelo lolimo kwintlalo-ntle nakuqoqosho lwabasebenzi basefama.

Inkqubo yokunikezelwa kokhululelo, izaphulelo neentlawulo ezithotyiweyo

12.(1) Izicelo zokukhululelwa intlawulo, izaphulelo neentlawulo ezithotyiweyo mazijongwe ngokungqinelana neenkqubo ezimiselwe libhunga lomasipala.

(2) Iinkqubo ezimiselwe libhunga lomasipala ngokwemigaqo yecandelo 12(1) mayichazwe kumgaqo-nkqubo wemirhumo owamkelwa libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(3) Umasipala unelungelo lokusikhaba isicelo sokukhululelwa ukuhlawula, sesaphulelo okanye serhafu ethotyiweyo ukuba iinkcukacha ezinikezelwe ngokuxhasa eso sicelo aziphelelanga, azichanekanga okanye azinabunyani.

Ukonyuswa kweerhafu

13.(1) Ngokuxhomekeke nangokuthobela imiqathango yoMthetho, umasipala unakho ukuzonyusa iirhafu azihlawulisa kwiipropati zikamasipala.

(2) Ukuba umasipala ukhetha ukuzonyusa irhafu azihlawulisa kwiipropati zikamasipala, makusetyenziswe elo gunya ngokungqinelana nenkqubo emiselwe libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(iv) loMthetho.

(3) Inkqubo emiselwe libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(iv)loMtehtho mayichazwe kumgaqo-nkqubo weerhafu owamkelwe libhunga likamasipala ngokwemigaqo yecandelo 2(1).

(4) Inkqubo emayimiselwe libhunga likamasipala ngokwemigaqo yecandelo 3(3)(b)(iv) loMthetho ingaquka, kodwa ayilinganiselwanga, kuleyo ichazwe ngezantsi apha –

(a) kwimisebenzi ephambili kamasipala echazwe kwiSicwangciso esiHlangeneyo soPhuhliso;

(b) kwiimfuno zengeniso zikamasipala;

(c) kwimfuneko yolawulo ziimeko ezingalindelekanga zeerhafu; okanye

(d) ukufikeleleka kwentlawulo yeerhafu ngabarhafi.

Isihloko esifutshane nokumiselwa komthetho

14. Le mithetho kamasipala iya kubizwa ngokuba yiMithetho kaMasipala oMbaxa wase-Kokstad, 2008 yaye iya kuqalisa ukusebenza yaye iya kunyanzeliswa ngoomhla wokubhengezwa kwayo kwiPhephandaba lePhondo.

No. 20 26 kuMasingana 2011

ISIBHENGEZO ESILUNGISIWEYO – IPHEPHA-NDABA LAKWARHULUMENTE ELINGAQHELEKANGA KWAZULU NATAL
ISIBHENGEZO ESINGUNOMB. 173 SE-19 SEPTEMBA 2008 NESAZISO ESINGUNOMB. 115 SE-18 JUNI 2008

1. ISAZISO ESINGUNOMB. 173 SE-19 SEPTEMBA 2008

1.1 Naziswa ukuba amacandelo achazwe apha ngezantsi ayebhengezwe ngaphambili kwiSaziso esingasentla yaye ngoku alungiswe ukuze afundeke ngolu hlobo:

(Iphepha 127) Icandelo 2. Ukuqokelelwa nokuthuthwa kwenkunkuma

(2) IBhunga liya kuyiqokelela ze liyithuthe inkunkuma ngomrhumo omiselwe *kwiirhafu zalo* -

(Iphepha 134, Icandelo 22. Ukubhangiswa kwemithetho kamasipala

Nayiphi imithetho kamasipala ephathelene nokuThuthwa nokuLahlwa kweNkunkuma eyamkelwe ngumasipala okanye lilo naliphi na ibhunga lomasipala odlulileyo ekungoku nje eliquka icandelo elilawulayo lomasipala iya kubhangiswa ukususela ngomhla wokubhengezwa kwalo mthetho kamasipala

1.2 Ukumiselwa kwale mithetho kamasipala ilandelayo iya kuba ngumhla we-19 Septemba 2008 njengoko kubhengeziweyo kwiPhepha-ndaba lakwaRhulumente Nomb. 173 we-19 Septemba 2008:

i. Umthetho kamasipala ojongene neZibhengezo-ntengiso eziNgaphandle nemiqondiso
ii. Umthetho kamasipala ophathelene neMiqondiso neeMbasa zeMbeko, nemicimbi ephathelene nale
iii. Umthetho kamasipala olawula iiNdawo zamangcwaba nezokuTshiswa kwezidumbu
iv. Umthetho kamasipala ojongene nokuFuywa kwezilwanyana
v. Umtehtho kamasipala olawula iZikiti
vi. Umthetho kamasipala ophathelene neeRhafu zobuhlali
vii. Umthetho kamasipala ojongene nokuthuthwa nokulahlwa kwenkunkuma
viii. Umthetho kamasipala wothintelo lwemililo
ix. Umthetho kamasipala olawula iindawo zokupaka; kunye
x. Nomthetho kamasipala olawula ukungenelela kwipropati.

2. ISAZISO ESINGUNOMB. 115 SE-18 JUNI 2008

Ukumiselwa kwale mithetho kamasipala ilandelayo iya kuba ngumhla we-18 Juni 2008 njengoko kubhengeziweyo kwiPhepha-ndaba lakwaRhulumente Nomb. 115 we-18 Juni 2008:

2.1 Umthetho kamasipala woLawulo lwaMatyala nokuqokelelwa kwaMatyala
2.2 Umthetho kamasipala oPhathelene noLuhlu lwamaxabiso kaMasipala
2.3. Umthetho kamasipala ophathelene noBonelelo ngoMbane
2.4. Umthetho kamasipala ophathelene nolawulo lweNkathazo kwiiNdawo zoLuntu
2.5. Umthetho kamasipala weeRhafu; kunye
2.6. Nomthetho kamasipala ophathelene namaZiko kamasipala namaZiko aluncedo oLuntu

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OLAWULA UKUTHUTHWA
NOKULAHLWA KWENKUNKUMA

IMITHETHO KAMASIPALA ELAWULA UKUTHUTHWA NOKULAHLWA KWENKUNKUMA

Lo mthetho uwiswe ngokomthetho liBhunga loMasipala oMbaxa wase-Kokstad, ngokwemigaqo yeCandelo 156 loMthetho weRiphabhliki yoMzantsi Afrika Nomb. 108 ka-1996, ofundwa necandelo 11 loMthetho olawula iiNkqubo zikaMasipala kubuRhulumente beNgingqi, Nomb. 32 ka-2000, ngolu hlobo:

ISALATHISI

Icandelo 1: Iinkcazelo
Icandelo 2 : Ukuqokelelwa nokuThuthwa kweNkunkuma
Icandelo 3 : Imigqomo yeNkunkuma
Icandelo 4 : Uxanduva loMnini okanye lomntu oHlala kwipropati
Icandelo 5 : Ukuqokelelewa nokuThuthwa kweNkunkuma
Icandelo 6 : Ukungeka kwipropati
Icandelo 7 : UkuFunjwa kweNkunkuma
Icandelo 8 : UkuThuthwa nokuLahlwa kweNkunkuma yaseGadini, eYodwa nenguMthamo
Icandelo 9 : Uxanduva lobo bathutha iNkunkuma yaBakhi
Icandelo 10 : UkuLahlwa kweNkunkuma yaBakhi
Icandelo 11 : Amanyathelo awodwa okuQokelelwa, ukuGcinwa nokuLahlwa kwenkunkuma
Icandelo 12 : UkuThuthwa kweNkunkuma okanye iZinto eziMdaka ecaleni kwesitalato
Icandelo 13 : Isaziso sokuDaleka kweNkunkuma yeMizi-mvela ethile
Icandelo 14 : UkuGcinwa kweNkunkuma yeMizi-mveliso ethile
Icandelo 15 : UkuThuthwa kweNkunkuma yeMizi-mveliso ethile
Icandelo 16 : INkunkuma eluLwelo
Icandelo 17 : Indlela yokuziphatha kwiSiza sokulahla inkunkuma
Icandelo 18 : Uxanduva lomnini wenkunkuma
Icandelo 19 : Amatyala neZohlwayo
Icandelo 20 : Ukubhangiswa kweMithetho kaMasipala
Icandelo 21 : Isihloko esifutshane nokumiselwa komthetho 14

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OLAWULA UKUTHUTHWA
NOKULAHLWA KWENKUNKUMA

Icandelo 1 : Iinkcazelo

1. Ngeenjongo zale mithetho kamasipala, ngaphandle kokuba umxholo ubonisa ngolunye uhlobo:

"igosa eligunyazisiweyo" kuthethwa naliphi igosa leBhunga eligunyaziswe liBhunga ukuze lilawule, limisele okanye linyanzelise imiqathango yale mithetho kamasipala;

"inkunkuma yabakhi" kuthethwa inkunkuma eyenzwe kukuchithwa, ukugrunjwa okanye imisebenzi yokwakha kulo ndawo;

"iBhunga" kuthethwa ibhunga loMasipala oMbaxa wase-Kokstad;

"iziko lokulahla inkunkuma" kuthethwa isiza sokulahla inkunkuma esiphantsi kolawulo lweBhunga okanye esamkelelwe lo njongo liBhunga;

"inkunkuma yasekhaya" kuthethwa inkunkuma eluhlobo olwenzeka okanye oluveliswa kwiindawo zokuhlala, kodwa akuqukwa intlabathi, umhlaba, izinto ezingamanzi, inkunkuma yasegadini okanye imizimba yazo naziphi izilwanyana ezifileyo okanye inkunkuma ethile yasekhaya;

"inkunkuma yasegadini" kuthethwa inkunkuma engephi edaleka ngenxa yemisebenzi yesiqhelo yokulima kuyo nayiphi indawo, kuqukwa kodwa kungalinganiselwanga kulwazi oluqukayo lwezi zingaphambili eziziqwenga zengca, amagqabi, izityalo, iintyantyambo, ukhula, iziqwenga zothango olutyaliweyo okanye amagqabi emithi;

"inkunkuma yemizi-mveliso" kuthethwa inkunkuma eqinileyo eyenzeke ngenxa yemisebenzi yokuvelisa kwimizi-mveliso kodwa ayiquki inkunkuma yabakhi, inkunkuma ethile yemizi-mveliso okanye inkunkuma yamashishini;

"umntu ohlalayo" kuqukwa nabani na ohlala kwindawo ethile kungajongwa ukuba itayitile iphantsi kwegama likabani na, ukuba ikho;

"umnini" kuthethwa -
(a) umntu othi ngokuhamba kwexesha anikwe itayitile esemthethweni yendawo ethile;

(b) kwimeko yokuba umntu onikwe ilungelo letayitile esemthethweni abe utshonile ngokwezimali okanye ubhubhile, okanye uvaliwe ngokusemthethweni okanye ngenye indlela, umntu onikwe ilungelo lokulawula ipropati yakhe njengomngcini wezinto zakhe, umphathi, umabi welifa, umlawuli, umphathi wasenkundleni, igosa elithengisa impahla yomntu otshinileyo okanye ummeli wasemthethweni:

(c) kwimeko apho ibhunga lingenakho ukumisela ukuba ngubani lo mntu, umntu onelungelo lokuxhamla ekusebenziseni lo ndawo okanye isakhiwo okanye izakhiwo;
(d) kwimeko yokuba lo ndawo iqeshe isithuba seminyaka engama-30 okanye ngaphezulu, lowo uqeshe indawo;
(e) ngokuphathelene -

(i) isiqwenga somhlaba eboniswe ngomzobo kwisicwangciso sesahlulo esibhaliswe ngokwemigaqo yoMthetho weeTayitile zeZahlulo, 1986 (uMthetho onguNomb. 95 ka-1986), umphuhlisi okanye iqumrhu loshishino elisebenza kulo propati idityanelweyo; okanye
(ii) icandelo elichazwe kulo Mthetho, umntu ebhaliswe egameni lakhe incwadi yetayitile yesahlulo, yaye kuqukwa i-arhente enyulwe ngokusemthethwe yalo mntu;

"umgqomo wenkunkuma" kuthethwa umgqomo ingesuso isiqulathi senkunkuma nokuba unamavili okanye ulolunye uhlobo, olungiselelwe ukugcina inkunkuma okwethutyana nokuthuthwa kwenkunkuma obonelelwa liBhunga ngokwemigaqo yecandelo 3(4) okanye ngunokontraka owamkelweyo ngokwemigaqo yecandelo 2(3);

"isiqulathi senkunkuma" kuthethwa isiqulathi esithobela imiqathango yeMigangatho yeMimiselo yoMzantsi Afrika (South African Bureau of Standards) 493-1973: iMigqomo yeNkunkuma seNtsimbi okanye 1310-1980: iMigqomo yeNkunkuma zoHlobo lwe-Polymeric, eyabhengezwa kwiSaziso soLuntu Nomb. 463 we-9 Julayi 1982;

"indawo yokuhlala" kuthethw aindawo ekuhlalwa kuyo ngenjongo zendawo yokuhlala abantu, kodwa akuqukwa indawo esekwe ngokuchazwe kwicandelo 1 loMthetho weeHotele, 1965 (uMthetho 70 ka-1965);

"inkunkuma ethile yasemakhaya" kuthethwa inkunkuma elahlwe kwindawo zokuhlala engenakho ngenxa yimthamo wayo, ubume, ubukhulu okanye ubungakananu bayo ukgcinwa kakuhle kumgqomo wenkunkuma okanye

kwisiqulathi;

"inkunkuma ethile yemizi-mveliso" kuthethwa inkunkuma, equka ulwelo okanye udaka, oluvele kwimisebenzi yakwimizi-mveliso engenakulahlelwa kwimijelo yamanzi amdaka;

"umrhumo oyirhafu" kuthethwa umrhumo ofanelekileyo omiselwe kwimirhumo yerhafu eyamkelwe ngokwesigqibo seBhunga ngokuhamba kwexesha; yaye

"inkunkuma yamashishini" kuthethwa inkunkuma edaleke ngexesha lokuqhutywa koshishini kodwa akubandakanywa inkunkuma yemizi-mveliso.

Icandelo 2 : Ukuqokelelwa nokuthuthwa kwenkunkuma

2.(1) Umntu ohlala kuyo nayiphi indawo ekudaleka kuyo inkunkuma okanye, kwimeko yendawo ekuhlala kuyo abantu abaninzi, umnini walo ndawo, kuya kwenziwa amalungiselelo endawo yokugcina yethutyana, ukuqokelelwa nokuthuthwa kwalo nkunkuma nokuba liBhunga okanye ngunokontraka othutha inkunkuma.

(2) IBhunga liya kuqokelela ze lithuthe inkunkuma ngaphandle kwentlawulo –
(a) inkunkuma yasemakhaya; kunye
(b) nenkunkuma yamashishini.

(3) IBhunga linakho ukuthi, ngokokubona kwalo, nangokuxhomekeke kumrhumo omiselwe kwimirhumo yerhafu, kuqokelelwe ze kuthuthwe –
(a) inkunkuma yabakhi;
(b) inkunkuma yemizi-mveliso;
(c) inkunkuma ethile yemizi-mveliso; kunye
(d) nenkunkuma ethile yasemakhaya.

(4) Ukuba iBhunga lithe alavuma ukuqokelela nokuthuth nayiphi inkunkuma echazwe kwicandelwana (3), umnini okanye lowo uhlala kwindawo makenze izicwangciso ezifanelekileyo zokuqokelela, ukuthuthwa nokulahlwa kwalo nkunkuma.

(5) Umnini okanye lowo uhlala kulo ndawo angazithuthela okanye abangele ukuba kuthuthwe inkunkuma kulo ndawo isiwe kwisiza sokulahla inkunkuma, ukuba oko kuthuthwa nokulahlwa kwenkunkuma kwenziwa ngendlela esemthethweni.

(6) Wonke umntu ohlala kwindawo entsha apho kwenziwa inkunkuma yasemakhaya okanye yamashishini, okanye kwimeko apho lo ndawo kuhlala abantu abaninzi, umnini

walo ndawo, phambi kokuqliswa kokwenziwa kwenkunkuma, makazise iBhunga ngembalelwano -

(a) ukuba kukho abantu kule ndawo; kunye
(b) nokuba inkunkuma yamashishini okanye yasemakhaya okanye zombini zenziwa kulo ndawo.

Icandelo 3 : Imigqomo yenkunkuma

1) Ngokuxhomekeke kwimiqathango yecandelwana (4), wonke umnnini wendawo ochazwe kwicandelo 2(1) makabonelele kwindawo yakhe yokuhlala nenani lemigqomo elungele ukusetyenziselwa ukugcina inkunkuma yethutyana, ngaphandle kwenkunkuma yasegadini, inkunkuma ethile yasemakhaya neyemizi-mveliso, enokwenziwa kulo ndawo de ithuthwe ngokwemigaqo yale mithetho kamasipala.

(2) Umntu ohlala okanye umnini ochazwe kwicandelwana (1) uya kuqinisekisa ukuba yonke imigqomo ebonelelwe nguye yenkunkuma okanye ngokungqinelana necandelwana eli igcinwa ikwimeko elungileyo yaye iyacocwa ilungiswe yaye imigqomo engasenakusetyenziswa ityatshintshwa nguye.

(3) Nanini xa iBhunga libona ukuba ubani akayithobeli imiqathango yecandelo uya kubangela ukuba kuthunyelwe isaziso esibhaliweyo kulo mntu enyanzeliswa ukuba athobele lo miqathango ngelo xesha lichazwe kwisaziso.

(4) IBhunga linakho ukuba ngokoluvo lwalo libonelele ngomgqomo wenkunkuma kwindawo iBhunga elibona ukuba iyafuneka lo migqomo yenkunkuma ngenjongo yokugcinwa nokuthuthwa kwenkunkuma ngokuxhomekeke –

(a) kumthamo wenkunkuma eyenziweyo kulo ndawo kuthethw angayo;
(b) ukufaneleka kokugcinwa kwalo nkunkuma kwezo ziqulathi; kunye
(c) nokufikeleleka kwendawo ekugcinwe kuyo inkunkuma zizithuthi eziqokelela inkunkuma zeBhunga.

(5) Imigqomo yenkunkuma ebonelelwa liBhunga ngokwemigaqo yecandelwana (4) –

(a) mayingasetyenziselwa enye injongo ngaphandle kokugcina inkunkuma yamashishini, yasemakhaya, yemizi-mveliso okanye yasegadini;
(b) iya kuhlala iyipropati yeBhunga yaye nanini na inokususwa okanye ithathwe lilo; yaye
(c) le migqomo iluxanduva lomnini okanye lalowo uhlala kulo ndawo, ngokwemeko leyo noya kuba noxanduva kwiBhunga ukuba ithe yalahleka okanye umonakalo kuyo, ngaphandle kokuba oko kubangelwe ngabasebenzi beBhunga.

UMASIPALA OMBAXA WASE-KOKSTAD
UMTHETHO KAMASIPALA OLAWULA UKUTHUTHWA
NOKULAHLWA KWENKUNKUMA

Icandelo 4 : Uxanduva lomnini okanye lo mntu ohlala kulo ndawo

Wonke umntu ohlala kwindawo, okanye kwimeko yendawo ekuhlala kuyo abantu abaninzi, umnini walo ndawo, uya kuqinisekisa ukuba-

(a) yonke inkunkuma yasemakhaya neyamashishini eyenziwe kulo ndawo ibekwa okanye igcinwa emigqomeni, kwiziqulathi zenkunkuma okanye kwiiplastiki ezilahlwayo okanye kwiingxowa zokulahla inkunkuma;
(b) inkunkuma yabakhi, inkunkuma yasegadini, inkunkuma yemizi-mveliso, inkunkuma ethile yemizi-mveliso nenkunkuma ethile yasemakhaya igcinwe ngokufanelekileyo yaye kuboniswe oko;
(c) akuvumelekanga ukufaka uthuthu olushushu, iingceba zeglasi ezingasongelwanga okanye enye inkunkuma enokonakalisa imigqomo yenkunkuma, kwiziqulathi zenkunkuma okanye kwiingxowa zeplatiki ezilahlwayo, okanye enokubangela umonzakalo kubantu okanye kwizithuthi eziqeshelwe ukuthutha inkunkuma kulo ndawo, xa ifakwa emigqomeni yenkunkuma okanye kwiziqulathi zenkunkuma phambi kokuba kuthathwe amanyathelo afanelekileyo ukuthintela umonakalo okanye ukonzakala;
(d) akuvumelekanga nto, kuqukqa nayiphi into elulelwelo (engamanzi), ngesizathu sobunzima bayo okanye ezinye iimpawu enokuthi yenze lo migqomo yenkunkuma okanye iingxowa zeplatiki zokulahla inkunkuma zibe nzima ngokungaqhelekanga ukuba abasebenzi beBhunga baziphakamise okanye bazifake emgqomeni;
(e) umgqomo ngamnye wenkunkuma nesiqulathi senkunkuma kwipropati mayibekwe yogqunywe kakuhle kusetyenziswa isiciko okanye enye into yokogquma enikezelwe nawo ukuthintela nayiphi na inkathazo okanye ubungozi kwimpilo yoluntu;
(f) umgqomo okanye isiqulathi senkunkuma ngasinye masigcinwe sicocekile sikwimeko esempilweni; yaye
(g) yonke into enobungozi okanye eyityhefu mayiphathwe kakuhle ngendlela eyanelisa iBhunga.

Icandelo 5 : Ukuqokelelwa nokuthuthwa kwenkunkuma

(1) IBhunga ngokuhamba kwexesha liya kumisela usuku okanye iintsuku eya kuthi ithuthwe ngazo inkunkuma liBhunga ngokwemigaqo yale mithetho kamasipala yaye iya kuthuthwa kwiindawo ezohlukeneyo eziphantsi kolawulo lwalo.

(2) Ngosuku okanye ngeentsuku ezimiselwe ngokwemigaqo yecandelwana (1) kwindawo ethile umnini ngamnye okanye umntu ohlala kulo propati, ngokwekeo yalo ndawo, ekummandla webhunga makakhuphe imigqomo yakhe yenkunkuma, iziqulathi zenkunkuma okanye iingxowa zeplastiki zenkunkuma ezinenkunkuma kwangoko

ngaphakathi kwimida yalo propati nakufuphi nendlela yabahambi ngeenyawo okanye kwindlela yezithuthi esuka esitalatweni.

(3) Akuvumelekanga ukuba umnini okanye umntu ohlala kulo propati, ngokwemeko leyo, kuyo nayiphi indawo, ngaphandle kokugunyaziswa ngokubhaliweyo liBhunga, ukuba alahle okanye avumele ukuba kulahlwe inkunkuma ngaphandle kwenkunkuma yasekhaya okanye inkunkuma yamashishini kuwo nawuphi umgqomo okanye isiqulathi senkunkuma izinto ezinokuthuthwa simahla liBhunga.

(4) Umnini okanye umntu ohlala kulo ndawo apho kuveliswa, kugcinwa okanye kufunjwa inkunkuma engumthamo nokuba yeyaluphi uhlobo, xa kunokuba yimfuneko ngokwesaziso esibhaliweyo seBhunga, makayibophe ngokukhuselekileyo okanye ayalele ukuba ibotshwe ibe yimiqulu okanye izithungu ezibukhulu bufanelekileyo.

Icandelo 6 : Ukungena kwipropati

Umntu ohlala okanye umnini wepropati apho ibhunga libonelela ngenkonzo yokuthutha inkunkuma, ngokwemeko leyo, makavumele ibhunga lingene ngokufanelekileyo kulo ndawo ngenjongo yokuqokelela nokuthutha inkunkuma yaye makaqinisekise ukuba akukho nto ingumqobo, ikhathaza okanye iphazamisa iBhunga nabasebenzi balo ekwenzeni le nkonzo.

Icandelo 7 : Ukufunjwa kwenkunkuma

7. Apho kuthe kwafunjwa inkunkuma eninzi kulo ndalo kangangokuba ide ibe yinkathazo okanye ibangele inkathazo kulo ndawo, iBhunga linakho ukwenza amalungiselelo okuthuthwa kwalo nkunkuma ngokukhethekileyo yaye umnini okanye umntu ohlala kulo ndawo uya kuba noxanduva ngokuphathelene nokususwa ngokukhethekileyo kwenkunkuma lokuhlawula umrhumo okhethekileyo walo nkonzo.

Icandelo 8 : Ukuthuthwa nokulahlwa kwenkunkuma yasegadini, inkunkumaethile yasemakhaya nengumthamo

(1) Umntu ohlala kulo ndawo okanye, kwimeko yendawo ekuhlala kuyo abantu abaninzi, umnini walo ndawo apho kukho inkunkuma yasegadini, ethile yasekhaya okanye inkunkuma engumthamo makaqinisekise ukuba lo nkunkuma ilahlwa ngokwemigaqo yeli candela ngexesha elifanelekileyo emva kokuba yenzekile; ukuba lo nkunkuma yasegadini inokugcinwa kulo propati ngenjongo yokwenza isivundiso.

(2) Nabani na othutha ze alahle inkunkuma yasegadini ngokwakhe, inkunkuma ethile yasekhaya nenkunkuma engumthamo.

(3) Inkunkuma yasegadini, inkunkuma ethile yasekhaya nenkunkuma engumthamo xa sele ithuthiwe kulo propati ebiyenziwe kuyo, mayisuswe ilahlwe kwisiza esimiselwe

njengesiza sokulahla inkunkuma liBhunga xa kuhlawulwe umrhumo ofanelekileyo woko.

(4) Ngokwesicelo somnini okanye somntu ohlala kulo propati, iBhunga linakho ukuthutha inkunkuma yasegadini, inkunkuma ethile yasekgaya nenkunkuma engumthamo ngomrhumo omiselweyo.

Icandelo 9 : Uxanduva lokujonga inkunkuma yabakhi

Umnini wendawo apho kudalwa inkunkuma yabakhi makainisekise ukuba lo nkunkuma iyahlwa ngokwemigaqo yecandelo 11 ngexesha elifanelekileyo emva kokuba idalekile.

Icandelo 10 : Ukulahlwa kwenkunkuma yabakhi

(1) Ngokuxhomekeke kwimiqathango yecandelwana (2) elilapha yonke inkunkuma yabakhi mayilahlwe kwiziza zokulahla inkunkuma zeBhunga yaye umntu olahla lo nkunkuma uya kuba noxanduva lokuhlawula umrhumo woko.

(2) Inkunkuma yabakhi kuvumelekile ukuba, ngokuqala ufumane imvume ebhaliweyo kwiBhunga, ilahlwe kwindawo engezizo iziza zokulahla inkunkuma zeBhunga ngenjongo zokubuyiselwa komhlaba.

(3) Nayiphi imvume efunyenwe ngokwemigaqo yecandelwana (2) iya kuxhomekeka kwimiqathango eya kubonwa ifanelekile liBhunga ngokuxhomekeke -

(a) kukhuseleko loluntu;
(b) imeko-bume engoqnge eso siza siphakanyisiweyo sokulahla inkunkuma;
(c) ukulungela kwalo ndawo kuquka nemisele yamanzi amdaka;
(d) indlela namaxesha alindelweyo okulahlwa kwenkunkuma kweso siza;
(e) ukugangathwa kwesiza;
(f) ukulawulwa kothululi; kunye
(g) nezinye izinto eziphathelene noku.

Icandelo 11 : Amanyathelo athile okuqokelelwa, ukugcinwa nokulahlwa kwenkunkuma

(1) Ukuba iBhunga linoluvo lokuba, ngenjongo yokuthintela ingozi kwimpilo okanye ukuvela kwenkathazo, malimisele amanyathelo athile okuqokelelwa, ukugcinwa okwethutyana okanye ukulahlwa kwenkunkuma okanye lo nkunkuma mayiphathwe ngendlela ekhethekileyo ukuze ingabinabungozi okanye ingakhathazi ngokwempilo, iBhunga malithumele isaziso esibhaliweyo kulowo uhlala kwipropati okanye kwimeko apho ingumhlaba ongenanto, kumnini walo ndawo, ukuze kuthatyathwe amanyathelo afanelekileyo angasentla ngexesha elifanelekileyo.

(2) Umnini okanye umntu ohlala kulo propati uya kuthi, emva kokuthunyelelwa isaziso

ngokwemigaqo yecandelwana (1)-

(a) ayisuse lo nkunkuma enokuba yinkathazo okanye enobungozi kwimpilo kulo ndawo ze ayilahle ngendlela enokumiselwa kweso saziso; okanye
(b) xa kuvunyelweyo ngokwemigaqo yesi saziso, lo nkunkuma ilungiswe kulo propati ukuze ingabinabungozi yaye ingaphazamisi ukuze kuthintelwe ukuba izaliswe ziimpukane, iingcongconi, iimpuku nezinye izilwanyana ezikhathazayo.

(3) Umnini okanye lowo uhlala kulo propati ongavumiyo ukuthatha amanyathelo achazwe kwisaziso amiselwe phantsi kweli candela okanye ongaphumeleliyo ukuyithobela ngexesha elimiswe kwisaziso uya kuba netyala lolwaphulo-mthetho yaye iBhunga lingathatha amanyathelo okuba wenziwe lo msebenzi ngeendleko zalo mntu ebethunyelelwe isaziso.

Icandelo 12 : Ukuthuthwa kwenkunkuma okanye kwezinto ezimdaka ezingathandekiyo ngasesitalatweni

12. (1) Nabani na osusa okanye othutha inkunkuma okanye nantoni na emdaka engathandekiyo okanye inkunkuma yabakhi makayisuse esebenzisa isithuth esokhiwe ngokufanelekileyo nesivalelekileyo ngendlela eya kuthintela ukuba kungadaleki inkathazo ekuthuthweni okanye ukuwa kwezinto ezilapho.

(2) IBhunga linakho ukuthumela isaziso kumntu ithintela okanye omisela iindlela emayisetyenziswe neyamkelweyo echazwe ngamaxesha okuthuthwa kwenkunkuma idluliswa kuso nasiphi isitalato okanye indawo yoluntu ukuba iBhunga linoluvo lokuba ukuthuthwa kwalo nkunkuma kunokungamkelwa okanye kungabangela inkathazo. Nabani ongaphumeleliyo ukuthobela iimfuno zecandelwana (1) leli candela okanye naso nasiphi isaziso esikhutshwe phansti kweli candelwana uya kuba netyala lolwaphulo-mthetho.

Icandelo 13 : Isaziso sokudaleka kwenkunkuma ethile yemizi-mveliso

(1) Umntu ohlala kwipropati apho kudaleka inkunkuma yemizi-mveliso makazise iBhunga ngembalelwano ngokudalwa kalo nkunkuma, umthamo odaliweyo, indlela egcinwa ngayo, nendlela nexesha nokuba ngubani yaye iza kuthuthelwa kuyiphi na indawo lo nkunkuma.

(2) Ukuba ngokwemfuneko yeBhunga isaziso ekubhekiselelwe kuso kwicandelwana (1) maliqinisekiswe ngohlolo oluqinisekiwe ngokufanelekileyo ngunokhemisti wemizi-mveliso okufundeleyo oku.

(3) Naliphi na igosa okanye umsebenzi weBhunga naye nabani na ogunyaziswe

ngokusemthethweni liBhunga linakho ukungena kuyo nayiphi ipropati ngexesha elifanelekileyo ukuqondisisa ukuba lo nkunkuma yemizi-mveliso idalwa kulo ndawo yaye athathe iisampuli avavanye nayiphi inkunkuma efunyenwe kulo ndawo ukuqondisisa ukuba idalwe phi na.

Icandelo 14 : Ukugcinwa kwenkunkuma ethile yemizi-mveliso

(1) Umntu ohlala kulo ndawo ekudalwa kuyo inkunkuma ethile yemizi-mveliso makaqinisekise ukuba inkunkuma ethile yemizi-mveliso edalwe klo ndawo igcinwa apho ngokwemigaqo yecandelwana (2) de ithuthwe kulo ndawo ngokwemigaqo yecandelo 15.

(2) Inkunkuma ethile yemizi-mveliso egcinwe kulo ndawo mayigcinwe ngendlela engayi kuba yinkathazo okanye ingcolise imeko-bume esingqongileyo.

(3) IBhunga linakho ukuyalela ngembalelwano umntu ochazwe kwicandelo 14(1) ukuba ayisuse inkunkuma ethile yemizi-mveliso ngexesha elimisiweyo yaye, ukuba emva koko lo nkunkuma ayisuswanga ngelo xesha, iBhunga linakho ukuyisusa ngokwalo okanye ngokuqesha unokontraka ukuba ayithuthe ngeendleko zalo mntu okanye umnini wepropati, ngokwemeko leyo.

Icandelo 15 : Ukuthuthwa kwenkunkuma ethile yemizi-mveliso

15. Akukho mntu uvumelekileyo ukuba athuthe inkunkuma ethile yemizi-mveliso kwindawo ethile apho beyenziwe khona ngaphandle kokuba lo nkunkuma ithuthwa ngokusemthethweni yaye iye kulahlwa kwisiza sokulahla inkunkuma ngumntu onobuchule bokwenza oko ngezixhobo ezifanelekileyo zokuthutha inkunkuma ethile yemizi-mveliso.

Icandelo 16 : Inkunkuma elulwelo/engamanzi

(1) Akukho mntu uvumelekileyo ukuba athuthe okanye alahle inkunkuma kwisiza sokulahla inkunkuma nayiphi inkunkuma engamanzi okanye abangele ukuba kwenziwe njalo, ngaphandle kokufumana kuqala imvume ebhaliweyo kwiBhunga nangokungqinelana nemiqathango eya kumiselwa lilo.

(2) Naziphi iindleko ezenziwe liBhunga ekulungiseni umonakalo okanye ukucutha inkathazo ebangelwe kukulahlwa kwenkunkuma angamanzi kwisiza sokulahla inkunkuma ngokuchasene nemiqathango yale mithetho kamasipala okanye nayiphi eminye imiqathango emiselweyo nentlawulo yezomtehtho okanye iindleko ezenziwe liBhunga ngokuphathelene nalo naliphi ibango elinokudalwa yilo nkathazo ziya kuhlawulwa yaye zifunyanwe kumnini walonkunkuma.

Icandelo 17 : Indlela yokuziphatha kwisiza ekulahlwa kuso inkunkuma

(1) Nabani na, ngenjongo yokulahla inkunkuma othi angene kwiziko lokulahla inkunkuma elilawulwa liBhunga, uya kuthi -

(a) angene kwiziko lokulahla inkunkuma kwindawo yokungena egunyazisiweyo eboniselwe oko;
(b) avelise inkunkuma ukuze iveyishwe ngendlela efunwa ligosa leBhunga elilawula kweso siza;
(c) anike elo gosa zonke iinkcukacha ezifunwayo ngokuphathelene nokudalwa kwalo nkunkuma;
(d) athobele yonke imiyalelo ayinikwayo ngokuphathelene nokungena kweyona ndawo yokulahla inkunkuma, indawo nendlela emayilahlwe ngayo inkunkuma; yaye
(e) makabonelele igosa elikhankanyiweyo ngeenkcukacha ezizeleyo ngomntu onoxanduva lokuhlawula umrhumo wenkunkuma elahliweyo ukuze ityala lithunyelwe kuye, ukuba imiqathango yomhlathi (b), (c) no-(e) engasentla ayijoliswanga kulo mntu, othe ngokwemigaqo yecandelo 9(3) abe ungene kwisiza sokulahla inkunkuma ngenjongo yokulahla inkunkuma yasegadini.

(2) Akukho mntu uvumelekileyo ukuza notywala obunxilisayo kwisiza sokulahla inkunkuma esiphantsi kolawulo lweBhunga.

(3) Akukho mntu uvumelekileyo ukungena kwisiza sokulahla inkunkuma esiphantsi kolawulo lweBhunga ngenjongo engeyiyo yokulahla inkunkuma ngokwemigaqo yale mithetho kamasipala yaye ngamaxesha athile kuphela naphakathi kwamaxesha aya kumiselwa iBhunga ngokuhamba kwexesha.

Icandelo 18: Ubunini benkunkuma

Yonke inkunkuma ethuthwe liBhunga nayo yonke inkunkuma ekwiziza zokulahla inkunkuma eziphantsi kolawulo lweBhunga mayibe kwipropati yeBhunga yaye akukho mntu ongagunyaziswanga ngokusemthethweni liBhunga ukuba enze oko uya kuthutha okanye aphazamise lo msebenzi.

Icandelo 19: Amatyala nezohlwayo

(1) Nabani -

(a) owaphula umthetho okanye ongaphumeleliyo ukuthobela imiqathango yale mithetho kamasipala; okanye
(b) owaphula umthetho okanye ongaphumeleliyo ukuthobela nayiphi imiqathango emiselwe ekunikezelweni kwesicelo, imvume, ulwamkelo, ilungelo, umtyhi, iphepha-mvume okanye igunya ngokwemigaqo yale mithetho kamasipala; okanye
(c) ongaphumeleliyo ukuthobela imigaqo yaso nasiphi isaziso esikhutshelwe

yena ngokwemigaqo yale mithetho kamasipala,

uya kuba netyala lolwaphulo-mthetho yaye uya kuba noxanduva lokuhlawula isohlwayo esingadlulanga kuma-R30 000 okanye ukuvalelwa isesha elingadlulanga kwiminyaka emibini okanye zombini isohlwayo nokuvalelwa.

21. Imiqathango

Umasipala unakho ukumisela imiqathango engangqinelaniyo nalo mthetho kamasipala, emisela -

(a) nawuphi na umbandela omawumiselwe ngokwemigawo yalo mtehtho kamasipala; kunye

(b) nawo nawuphiumbandela onokuququzelela ukumiselwa kwalo mtehtho kamasipala.

22. Ukubhangiswa kwemithetho kamasipala

Nayiphi imithetho kamasipala ephathelene nokuThuthwa nokuLahlwa kweNkunkuma eyamkelwe ngumasipala okanye lilo naliphi na ibhunga lomasipala odlulileyo ekungoku nje eliquka icandelo elilawulayo lomasipala iya kubhangiswa ukususela ngomhla wokubhengezwa kwalo mthetho kamasipala.

23. Isihloko esifutshane nokumiselwa komthetho

Lo mthetho kamasipala ubizwa ngokuba nguMthetho kaMasipala ophathelene nokuThuthwa nokuLahlwa kweNkunkuma, 2008, yaye uya kuqalisa ukusebenza ngomhla wokumiselwa kwawo ngumasipala ngokuthi ubhengezwe kwiPhephandaba lakwaRhulumente.

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