

UMASIPALA WASETHEKWINI: UMTHETHO KAMASIPALA WEZAMAFILIMU, KA-2018



Uphasiswe uMkhandlu mhla ka: 2018-06-28

UMTHETHO KAMASIPALA WEZAMAFILIMU, 2018

Wokuhlela nokulawula ukuqoshwa kwamafilimukuMasipala waseThekwini, wokuhlinzekela umhlahlandlela wazo zonke izinhlobo zokuqoshwa kwamafilimu ezingenzeka endaweni engaphansi kukaMasipala waseThekwini kanye nokuhlinzekela okunye okuphathelene nakho.

ISENDLALELO

NJENGOBA uMasipala unegunya elisemthethweni, futhi enelungelolokulawula izindaba zohulumeni basekhayaezibalulwekwiNgxenywe B kaSheduli 4 no-5 eziphathelene nezokuvakasha kumasipala, izakhiwo zikamasipala, izindawo zomphakathi kanye nokulawula izinto eziwuhlupho emphakathini;

NJENGOBA uMasipala ulihlonipha iqhaza elibanjwe imboni yezamafilimu emnothweni waseThekwini;

NJENGOBA uMasipala ulemukela uhlelo lokuthuthukiswa kwezamafilimu ngendlela ehlelekile ezindaweni ezingaphansi kukamasipala, kumele kuphinde kubhekelelwe –

- (a) ukugqugquzelwa kokuthuthukiswa komphakathi nezomnotho;
- (b) ukukhuthazwa kwezindawo eziphephile nezinempilo;
- (c) ukuhlela kukamasipala;
- (d) ukufunda nokuthuthukisa amakhono abantu; kanye
- (e) nokuphathwa kwezindawo zomphakathi nemigwaqo yomphakathi;

NJENGOBA uMasipala ubona kunesidingo sokuba kugqugquzelwe ukukhula kukaMasipala waseThekwini njengesikhungo ezinezihlelo ezinhlobonhlobo, esiqhamuka namasu amasha nesinokonga ezinhlelweni zaso ezahlukahlukene eziphathelene nezobumnandi nezokusakaza, lapho umkhakha wezamafilimu nezokusakaza uyoba negalelo elibonakalayo emnothweni nasekugqanyisweni kukaMasipala waseThekwini nezakhamuzi zawo emhlabeni jikelele;

NJENGOBA uMasipala uzibophezele ukuhlelela ukucutshungulwa kwezicelo zezimvume zokuqopha amafilimu ezindaweni zikamasipala; nokuqinisekisa ukuthi lokho kuhlela kwenzeka eHhovisi laseThekwini Lezamafilimu elingaphansi koMnyango wakwa Economic

Development Investment Promotion ongena ngaphansi kweKlasta yakwa Sustainable Development and City Enterprise,

NJENGOBA uMasipala usibona isidingo sokwakha ubambiswano nokusebenzisana phakathi kwabantu ababambe iqhaza kule mboni abakumasipala nabasemhlabeni jikelelenokuxhumanisa kanjalo nokwakha ubudlelwano phakathi kwezinhlelo zesifundazwe nezikazwelonke;

NJENGOBA uMasipala ehlose nokuqhubeka ngokuhlinzeka ngezinsiza, esebenzisa iHhovisi laseThekwini Leazamafilimu, ukusebenza izicelo zokwenza amafilimu, futhi ebe ezama ukusebenza ngaphansi kwezimiso zoMthethosisekelo kanye neminye imithetho esebenzayo;

NANJENGOBA uMasipala ehlose ukuqhubeka nokuhlinzeka ngosizolokufakwa kwezicelo zokuqopha amafilimu, ngesikhathi esifanayo kulandelwa imigomo yoMthethosisekelo neminye imithetho esebenzayo njengamanje;

MANJE NGAKHO-KE, uMkhandlu kaMasipala waseThekwini, ngokwesigaba 156 sifundwa noSheduli 4 iNgxenywe B no 5 iNgxenywe B zoMthethosisekelo weRiphabhlikhiyaseNingizimu Afrika, futhi sifundwa nesigaba 11 soMthetho Wohulumeni Basekhaya Wezihlelo Zomasipala, 2000 (uMthetho No. 32 ka 2000), ushaya lo Mthetho kaMasipala olandelayo:

OKUQUKETHWE

1. Izincazelo
2. Ukuhunyushwa koMthetho kaMasipala
3. Ukusebenza koMthetho kaMasipala
4. Ukulawulwa kokuqoshwa kwamafilimu
5. Isicelo sokuqopha ifilimu
6. Ukuqopha ifilimu emigwaqeni
7. Izingane ekuqoshweni kwamafilimu
8. Inqubo yokusebenzisa izilwane ekuqoshweni kwamafilimu
9. Izithombe zokuzakhela
10. Ukuqopha ifilimu ezindaweni ezizwelayo ngokwemvelo
11. Ukuhlolwa Komthelela Emvelweni

12. Ukusetshenziswa kwamasevisikaMasipala
13. Ukusetshenziswa kwempahla kaMasipala
14. Ijokalomnikazi wemvume umenenja wendawo noma oqokiwe onegunya
15. Umshwalense
16. Okungavunyelwe
17. Isaziso sokuthobela umthetho
18. Ukukhokhiswa izindleko
19. Ilungelo Lokungena Nokuhlola
20. Amacala
21. Izinhlawulo
22. Ukudluliselwa kwamandla
23. Ukudluliswa kwecala
24. Isihloko esifingqiwe nokuqala kokusebenza komthetho kamasipala

ISheduli A: Izikhathi

Izincazelo

1.Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

“**umsebenzi ogunyaziwe**”kushiwo umuntu ogunyazwe ukuba aqinisekise ukulandelwa kwezinhlinzekozalo Mthetho kaMasipala, okubandakanya phakathi kokunye –

- (a) iphoyisa lomthethookukhulunywe ngalo esigabeni 334 soMthetho Wenqubo Yokuqulwa Kwamacala Obugebengu, 1977 (uMthetho No. 51 ka 1977);
- (b) iPhoyisa loMkhandlu noma likaMasipala njengoba kuhlinzekwe eMthethweni Wamaphoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); kanye
- (c) nalabo basebenzi, ama-ejenti, okudluliselwe kubo amandla, izithunywa kanye nabaqashwe ngumasipala njengoba besuke begunyazwe umasipala ukwenza lokhu: Kuncie ekutheni uma inhloso kungukusesha noma ukushaqa impahla, uma lowo muntu engelona iphoyisa lomthetho,kumele lowo muntu aphekezelwe yiphoyisa lomthetho;

"ingane"kushiwo noma yimuphi umuntu oneminyaka engaphansi kweyi-18 kanti igama**"izingane"**linencazelo efanayo;

"ingane engumlingisi"kushiwo ingane eneminyaka engaphansi kweyi-18 eqashiwe noma enenkontileka yokulingisa noma yokucela kumabonakude noma emdlalweni

wasetyetha, noma emsakazweni noma emdlalweni kamabonakude noma emdlalweniothi mawube njalo oyisikhangiso;

“indawo esogwini” kushiwoizindawo ezisogwini kumasipala osogwini lolwandle;

“UMthethosisekelo”kushiwo uMthethosisekelo weRiphabliki yaseNingizimu Afrika ka 1996;

“DMOSS” kushiwoiDurban Metropolitan Open Space System, uhlelo lwezindawo ezivulekile ezifaka nezindawo zezinga eliphezulu lokubaluleka kwempilokwahlukana kwemvelo(ezinabanikazi noma ezomphakathi) okuhlala izinhlobo ezahlukene zemvelo ezihlanganiswe indawo evumela inhlaliswanobudlelwane enhle;

“IHhovisi LaseThekwini Lezamafilimu”kushiwo ihhovisi likaMasipala waseThekwini elingaphansi kweCluster Yokuthuthukiswa Komnotho futhi elibhekele izinto ezithinta ezamafilimu kanye nokuqoshwa kwamafilimu kanti igama **“IHhovisi Lezamafilimu”** linencazelo efanayo;

“ukuhlola umthelela kwezemvelo” kusho uhlelo lokuhlonza, ukuhlaziya kanye nokubika umthelela kwezemvelo ohambisana nalowo msebenzi wentuthuko ehlongozwayo;

“uhlelo lokusingatha ezemvelo” kusho uhlelo olunikeza incazelo yezindlela nezinqubo zokubhekana kanye nokwalusa imithelela, futhi oluqukethe izinhloso namathagethi ezemvelo adingekayo ukunciphisa noma ukuqedanya imithelela emibi kwezemvelo;

“izindawo ezizwelayo ngokwemvelo” kusho izindawo ezingumhlaba namanzi ezinemvelo engathunazekile noma ezinomsebenzi osemqoka kwezemvelo nokuphilisana kwayo, kanye nezakhiwo nomhlaba obaluleke kakhulu ukuba ungavikelwa ukuze kusizakale isizukulwane esizayo sabantu nemvelo kuMasipala waseThekwini, futhi zifaka: -

- (a)Izindawo ezivulekile ezingena kwi DMOSS, ezibonakala njengezisemqoka emvelweni nempilokwahlukana kwayo;
- (b)Amaxhaphozi;
- (c)Imifulanotshalovikelo lwezindawo;
- (d)Izinkwazi;

- (e) Izizalo zemifula;
- (f) Uhlelo lwezindunduma zasogwini, usebe olunamatshekanye nezindawo ezicashe emagagasini;
- (g) Izindawo zikaMasipala ezongiwe; kanye neziza ezisemqoka ngokomlando namasiko kuMasipala waseThekwini; kanye
- (h) Nezisa ezisemqoka emlandweni nasemasikweni kuMasipala waseThekwini.

“ukuqopha ifilimu”kushiwo ukuqopha izithombe ezinyakazayo noma ezimile, kungaba yifilimu noma ividiyo, ngedijithali nanoma yiziphi ezinye izindlela, kanye nazo zonke izinto ezithinta amafilimu kodwa akubandakanyi—

- (a) ukuqoshwa kwevidiyo yomshado noma eminye imicimbi yangasese okwenziwa kuyo ividiyo yalabo ababambe iqhaza kuphela;
- (b) ukuqopha izingxoxo emgwaqeni, imibuthano yabemithombo yezindaba noma ukuqopha izindaba ezenzekayo ezizosakazwa okubandakanya izintatheli, abathatha izithombe bephephandaba, abezindaba noma abamaphephandaba, abashicileli noma abasakazayo nabacoshela izindaba ezithinta bona, izigemegeme ezisezindabeni nalezo ezithinta umphakathi;
- (c) amavidiyo emindeni;
- (d) ukuqopha ifilimuyasestudiyo; kanye
- (e) nokuqopha ifilimu, okungaba izithombe ezinyakazayo noma ezimile, okwenziwaezindaweni ezizimele, noma emabhilidini azimele, okubandakanya izindawo ezivulekile okungadingeki indawo yokupaka noma amasevisi kahulumeni,

kanti amagama **“ukuqoshwa kwefilimu”** noma **“umsebenzi wokuqoshwa kwefilimu”** anencazelo efanayo;

“imisebenzi ephathelene nezamafilimu”kushiwoyonke imisebenzi ehambisana nokuqoshwa kwamafilimu ebandakanya phakathi kokunye –

- (a) ukuphazamiseka kokuhamba kwezimoto emigwaqeni yomphakathi, ezindawenizokupaka zomphakathi noma zabahamba ngezinyawo onqenqemeni lwemigwaqo ngenhloso yokuqopha ifilimu;
- (b) ukunqamulisa izintambo zikagesi noma amakhebuli onqenqemeni lomgwaqo noma emigwaqeni yomphakathi ngenhloso yokuqopha ifilimu;
- (c) okwenziwa emabhishi, esihlabathini solwandle nasezindaweni okuqoshelwa kuzo ezisogwini, izindawo zomphakathi, izindawo zezimoto, izinkundla zezemidlalo ngenhloso yokuqopha ifilimu;

- (d) ukusebenzisa amajeneretha, izitende zamakamera noma onodoli onqenqemenilomgwaqo lapho kuhamba khona abantu, emigwaqeni yomphakathi noma ezindaweni zokupaka zomphakathi ngenhloso yokuqopha ifilimu;
- (e) imisebenzi ephazamisa izindawo zokupaka zomphakathi kanye nezindawo zomphakathi ezivulekile nezindawo ezivikelelwe zemvelo ngenhloso yokuqopha ifilimu;
- (f) ukuqopha ifilimu ezoba nomsindo nokungcoliseka komoya;
- (g) ukusebenzisa izilwane lapho kuqoshwa ifilimu;
- (h) ukuqoshwa kwefilimu okuzoba nomthelela empahleni kamasipala; kanye
- (i) nanoma yikuphi okunye uMasipala anganquma ukuthi kwenziwa ngenhloso yokuqopha ifilimu;

“imvume yefilimu”kushiwo imvume ekhishwa ngokwesigaba 5 salo Mthetho kaMasipala;

“indlela yokuziphatha endaweni yokuqopha”kushiwoimikhombandlelaebophezela futhi esebenza kuwona wonke umuntu oyingxenywe yokuqoshwa kwefilimu eqoshwayo endaweni ethile kuMasipala waseThekwini;

“imenenja yendawo yokuqopha”kushiwo ilungu labaqophi befilimu elinejoka–

- (a) lokuthola nokuqinisekisa ukutholakala kwezindawo ezizosetshenziswa;
- (b) lokuthola zonke izimvume zokushisaumlilo, zamaphoyisa nezinye izimvume zikahulumeni; kanye
- (c) nokudidiyela zonke izidingo ukuze kuqoshwe ngempumelelo ifilimu, futhi elingubuso bokuqoshwa kwefilimu emphakathini futhi okuyilo eliyobhekana nakho konke ukukhuluma okungavela ngenxa yomthelela wokuqopha emphakathini;

“umkhandlu kamasipala” noma**“umkhandlu”**kushiwo umkhandlu kamasipala waseThekwini, umkhandlu kamasipala okukhulunywe ngawo esigabeni 157(1) soMthethosisekelo;

“impahla kamasipala”kushiwo impahla eqashiswa, elawulwa noma okungekaMasipala;

“uMasipala”kushiwo uMasipala waseThekwini, uMasipala oseMkhakheni A njengoba kuvela esigabeni 155 (1) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika;

“incwadi yesaziso”kushiwo incwadi ekhishwe umnininmvume noma inkampani eqophayoayinikezaizakhamizi noma abamabhizinisi endaweni lapho kuzoqoshwa khona ifilimu, ebazisa ngenhloso yokuzoqopha ifilimu kanti “incwadi yokubambisana” inencazelo efanayo;

“umnininmvume”kushiwo lowo onikwe imvume yokuqopha ifilimu ngokwalo Mthetho kaMasipala;

“umuntu”kushiwo umuntu phaqa noma umuntu ngeso lomthetho, kubandakanya uhlaka lombuso;

“imali enqunyiwe”kushiwo izimali ezikhokhwayo noma amatharifuanqunywe noma abekwenguMasipala akhokhelwa ukuqoshwa kwamafilimu ngokoMthetho Wohulumeni Basekhaya Wezinhlaka Zomasipala, 2000 (uMthetho No. 32 ka 2000);

“inkampani eqophayo”kushiwo inkampani eyenza imisebenzi yokuqopha emikhakheni ehlukeni njengakumafilimu, umabonakude, umsakazo, imidlalo yasesitejinakwezobuciko bekhompyutha kanti igama**“inkampani eqopha ifilimu”** linencazelo efanayo;

“indawo yomphakathi”kushiwo noma yisiphi isigcawu, ipaki, inkundla yokuzithokozisa, inkundla yezemidlalo, umzila noma indawo evulekile –

- (a) uma umhlaba usikwe noma ukudwetshwe waba yiziza, ohlinzekelwe noma obekelwe ukusetshenziswanguumphakathi, ngabanikazi bawo nomangabanelungelo lokuwusebenzisa, kungakhathalekile ukuthi ukhonjisiwe epulani eyejwayelekile, ipulani yokusikwa iziqephu komhlaba noma kwibalamdwebo;
- (b) enikelwe ukuze isetshenziswengumphakathi nganoma yisiphi isikhathi;
- (c) ekade isetshenziswa umphakathi ngaphandle kokuphazamiseka esikhathini esiyiminyaka engama-30; noma
- (d) nganoma yisiphi isikhathi emenyezelwe noma ekhishwe uMasipala noma abanye abanegunya;

“izithombe ezinongiwe”kushiwo izithombe ezingelona iqiniso ezakhelwe ifilimu ngemidwebo yokuzakhela, amakamera noma ezakhiwe kwikhompyutha;

“isigemeleme”kushiwo isenzo esingejwayelekile nokungelula ukusenza noma isenzo okudingeka ikhono elithilelobuciko ikakhulukazi kumabonakude, ethiyetha esinema noma kwifilimu; futhi

“izicelo ezingajwayelekile”kushiwo ukufaka isicelo semvume yokuqopha ifilimu esingale kwendlela ejwayelekile yokuqopha ifilimu esizodinga ukubonisana okwengeziwe neminyango kahulumeni, imiphakathi kanye nemikhombandlela elawulayo.

Ukuhunyushwa koMthetho kaMasipala

2. Uma kuba nokushayisana kokushiwo ngumbhalo ohunyushiwe walo Mthetho kaMasipala nowesiNgisi, kuyosebenza owesiNgisi.

Ukusebenza koMthetho kaMasipala

3.(1) Lo Mthetho kaMasipala usebenza kukho konke ukuqoshwa kwamafilimu okwenziwa endaweni engaphansi kukaMasipala waseThekwini.

(2) Uma ukuqopha ifilimu noma imisebenzi ephathelene nezamafilimu kwenziwa yinkampani eqophayo endaweni engena ngaphansi kweNgonyama Trust Board, inkampani eqophayo kumele yazise iNkosi yakuleyo ndawo ukuze ithole imvume kuyo.

(3) Imvume okukhulunywa ngayo esigatshaneni (2), kumele yaziswe iHhovisi laseThekwini Lezamafilimu kusasele izinsuku ezintathu ngaphambi kokuba kuqale ukuqoshwa kwefilimu.

Ukulawulwa kokuqoshwa kwamafilimu

4.(1) Akukho muntu oyoqopha ifilimu endaweni kamasipala noma endaweni yomphakathi–

(a) ngaphandle kwemvume esemthethweni ekhishwe yiHhovisi laseThekwini Lezamafilimu nome ekhishwe egameni likaMasipala;

(b) ngaphandle kokulandela noma yimuphi umthetho osebenzayo;

(c) nangaphandle uma enza ngokulandela imigomo nemibandela, eyobekwa nguMasipala kuncike esigatshaneni(2).

(2) Okushiwo yisigatshana (1) kuyasebenza futhinasemisebenzini ephathelene nokuqoshwa kwamafilimu endaweni kamasipala noma endaweni yomphakathi ngisho lapho kuqoshwa ifilimu endaweni okungeyona ekamasipala noma eyomphakathi.

(3)UMasipala ungasebenzisa amandla akhe okungena noma okungenelela ngesikhathi kuqoshwa ifilimu uma kunesimo esiphuthumayo.

Ukufaka isicelo sokuqopha ifilimu

5.(1) Noma ngubani ofisa ukuqopha ifilimu kuMasipala waseThekwini kumele afake isicelo eHhovisi LezamaFilimuLaseThekwini.

(2) Isicelo sokuqoshwa kwefilimu kumele sifake phakathi kokunye, le mininingwane engezansi:

- (a) ifomu lesicelosemvume yokuqopha ifilimu;
- (b) umshwalense wezindleko ezingadaleka emphakathini;
- (c) ifomu elinquma ingcuphe elindelekile;
- (d) ikhophi esayiniwe yendlela yokuziphatha endaweni yokuqopha;
- (e) ifomu lokuzihlangula;
- (f) isaziso esikhishelwe izindawo ezingomakhelwane;
- (g) ubufakazi bokukhokhwa kwemali okukhulunywe ngayo esigatshaneni (3) uma kudingekile; kanye
- (h) nanoma yimiphi eminye iminingwane noma ulwazi olungadingwa yiHhovisi LezamaFilimu LaseThekwini kuye ngobunjalo bokuqopha.

(3) iHhovisi laseThekwini LezamaFilimulingacela noma ubani ofisa ukuqopha ifilimu endaweni kamasipala noma yomphakathi ukuba akhokhe imali ethile ukuze akwazi ukwenza lokho kuqopha kuMasipala waseThekwini.

(4) Isiphi isicelo sokuqopha ifilimu okukhulunywe ngaso esigatshaneni (1) esifakwa yinoma imuphi umuntu, kumele sihanjiswa kumsebenzi ogunyaziwe ngokulandelaizikhathi ezibekwe kuSheduli A walo Mthetho kaMasipala.

(5) Inkampani eqophayoinejoka lokufaka isicelo sezimvume, ukugunyazwa namaphemithi okuyodingeka ngokuhambisana nazo zonke –

- (a) izivumelwano zomhlaba lapho izwe eliyilungu elisayinile khona;
- (b) imithetho kazwelonke;
- (c) imithetho yesifundazwe;
- (d) nemithetho kamasipala.

(6) Uma selamukele isicelo semvume, iHhovisi laseThekwiniLezamafilemu kumele libuyiseleimpendulo ebhalwe phansi yokuthi lisamukele isicelo engakedluli amahora angu-48 ejwayelekile okusebenza;

(7) IHhovisi laseThekwini Lezamafilemu kumele–

- (a) ucele noma ngubani ofisa ukuqopha ifilimu ukuba anikeze abamabhizinisi, abahlali, izakhamuzi, abadayisi noma abasendaweni engomakhelwaneincwadi yesazisoebazisa ngokuzokwenziwa; bese
- (b) eyalela lowo muntu ukuba alethe ubufakazi bokuthi izincwadi zesaziso uzihambisile kubo bonke abathintekayo kanye nabamabhizinisi.

(8) Izincwadi zesazisookukhulunywe ngazo esigatshaneni 7, kumele zibhalwe –

- (a) imininingwane egcwele yegama, ikheli, umsebenzi kanye nemininingwane yomninimvume.
- (b) imininingwane egcwele yalowo oyoqopha ifilimu, uma lowo muntu kungeyena umfakisicelo;
- (c) imininingwane ephelele yalezo zindawo okuhlelwe ukuba kuqoshwe kuzo ifilimu, izikhathi okuhlelwe ukuba kuqalwe nokuzoqedwa ngazo kanye nesibalo sabantu, izimoto, nokunye okuzosetshenziswa;
- (d) nemininingwane ejwayelekile –
 - (i) yezinto ezizokwenziwa lapho kuqoshwa ifilimu;
 - (ii) imigwaqo noma amanye amasevisi kamasipala azovalwa okwesikhashana ngesikhathi kuqoshwa;
 - (iii) nemininingwane yokuxhumana yeHhovisi Lezamafilemu LaseThekwini uma kukhona isidingo sokubuza ngefilemu.

(9) Zonke izicelo zokuqopha ifilimu zingagunyazwa yiHhovisi laseThekwini Lezamafilemukuncike ekutheni ngezanhloboni, ingcuphe kanye nobungako befilemu njengoba kunqunyiwe ngokukaSheduli A.

(10) IHhovisi laseThekwini Lezamafilimulingashintsha isikhathi sokucubungula nokuphendula isicelo sokuqoshwa kwefilimu njengoba kubekiwe kuSheduli A walo Mthetho kaMasipala, uma uhlobo lwesicelo luhlanganisa nezicelo 'ezingejwayelekile'.

(11) iHhovisi laseThekwini Lezamafilimu kumele lazise lowo ofake isicelo semvume yokuqopha ifilimu uma izikhathi zokucutshungulwa nokuphendulwa kwesicelo sakhe seziguquliwe njengoba kushiwo esigatshaneni 10.

(12) UMasipala kumele ucubungule noma yisiphi isicelo sokuqopha ifilimu futhi –

- (a) ungasivuma ngaphansi kwemibandela ethile;
- (b) ungacela ukuthi kulethwe olunye ulwazi olwengeziwe, ngesikhathi esibekiwe; noma
- (c) usichithe isicelo bese unikeza nezizathu zalokho.

Ukuqopha ifilimu emigwaqeni

6.(1) Noma ngabe ubani ofisa ukusebenzisa imigwaqo Kazwelonke noma yeziFundazwe engaphansi kukaMasipala ukuqopha ifilimu, kumele afake isicelo eMnyangweni Wezokuthutha nakwa-South African National Roads Agency Limited ukuze sicutshungulwe, semukelwe bese sigunyazwa.

(2) Noma isiphi isicelo okukhulunywe ngaso lapha ngokwesigatshana (1), uma sesigunyaziwe yilezo zinhlaka ezifanele kumele sithunyelwe eThekwini Metropolitan Police Service uma lokho kugunyaza kwalezo zinhlaka kungaphazamisa ukuhamba kwezimoto kumasipala.

(2) Isicelo semvumeyokuqopha ifilimu emigwaqeni kaMasipala, kumele sihanjiswe eThekwini Metropolitan Police Service futhi kumele sifake lokhu okulandelayo:

- (a) uhlelo oluhlongoziwe kanye nomdwebo oveza lokho okuzokwenziwa yinkampani yezamafilimu ukwehlisa ingcuphe kubasebenzisi zimoto kanye nokuhamba kwezimoto;
- (b) ubunjalo nobungako bokulawulwa kwezimoto obudingekayo;
- (c) ukuveza okucacile ngomthelela ekuhambeni kwezimoto;
- (d) imizila okuyochezukelwa kuyo;
- (e) umthelela kubahlali;
- (f) umthelela emabhizinisini;
- (g) nosuku nesikhathi okuzoqalwa ngaso ukuqoshwa kwefilimu.

Izingane Efilimini

7. (1) Noma ngabe ubani ofisa ukusebenzisa ingane ukulingisa efilimini kumele–

(a) ahloniphe uMthetho Wemigomo Ejwayelekile Yokusebenza, 1997 (uMthetho 75 ka 1997); futhi

(b) athole imvume uma kudingeka.

(2) Noma ngabe ubani onikwe imvume nguMnyango Wezabasebenzi Kazwelonke yokusebenzisa ingane njengomlingisi efilimini kumele –

(a) anamathisele leyo mvume encwadini yesicelo sokuqopha ifilimu; bese

(b) eveza njengobufakazi, imvume yabazali bengane noma yombheki wengane osemthethweni.

Inqubo yokusebenzisa izilwane efilimini

8..(1) Noma ngabe ubani ofisa ukusebenzisa izilwane ekuqopheni ifilimu kumele athobele nemithetho kanye nemithethonqubo ephathelene nokugcina kanye nokusebenzisa izilwane.

(2) UMasipala angacela usizo lwezinhlangano zendawo ezibhekelele inhlalakahle yezilwane ukuba zizobheka uma kuqoshwa ifilimu ebandakanya ukusetshenziswa kwezilwane uma kunesidingo.

Izithombe ezinongiwe

9.(1) Inkampani eqophayo kumele yazise iHhovisi laseThekwini Lezamafilimu nganoma yiziphi izithombe ezinongiwe, izigemezime neziklwibhisi ezizosetshenziswa ngesikhathi kuqoshwa ifilimu.

(2) Incwadi yemvume ekhishwa yi-South African Police Service yokusebenzisa izibhamu, izithunyisi, iziqhumane, uketshezi olunga noma okuhambisana nalokhu kumele ihanjiswa eHhovisi laseThekwini Lezamafilimu yinkampani eqophayo ngesikhathi ifaka isicelo semvume.

(3) Umnikazi wemvume kumele aqinisekise ukuthi kunephoyisa le-South African Police Service, umsebenzi we-Emergency Medical Rescue Services kanye nomsebenzi ogunyaziwe ovela eMnyangweni Wezemililo, uma kuqoshwa izithombe ezinongiwe, izigemezime noma ngezibhamu.

(4) Noma ngabe ubani ohlela ukusebenzisa iziklwibhisi uma kuqoshwa ifilimu kumele athole imvume ye-Chief Inspector of Explosives of the South African Police Service bese ehlonipha zonke izidingo ezibekwe ngokoMthetho Weziqhumane ka1956 (uMthetho No.26 ka 1956) kanye neminye imithetho kaMasipala elawula ukusetshenziswa kweziklwibhisi.

(5) Noma ngabe imuphi umuntu ofisa ukusebenza indiza elawulwa ngerimothi ngesikhathi eqopha ifilimu noma isikhangiso, kumele abhalise leyo ndiza kwa South African Civil Aviation Authority futhi athobele ingxenye 101 yeSouth African Civil Aviation Regulations, 2011.

Ukuqopha ifilimu ezindaweni ezizwelayo ngokwemvelo

10.(1) IHhovisi laseThekwini LezamaFilimu lingacela ukuba inkampani eqophayo ihlole umthelela kwezemvelo noma ihlanganise futhi isebenziswe Uhlelo Lokusingatha Ezemvelo uma uMasipala ebona sengathi ukuqoshwa kwefilimu kungase kube nomthelela omubi kwezemvelo.

(2) Lo Mthetho kaMasipala awugunyazi inkampani eqophayo ukuba ingathobeli noma imiphi eminye imithetho yezemvelo kazwelonke noma yesifundazwe.

(3) Noma imuphi umuntu ofisa ukuqopha ifilimu lapho noma maqondana noma eduze kwendawo ezwelayo ngokwezemvelo kungadingake ukuba –

- (a) ahlanganise futhi asebenzisa Uhlelo Lokwengamela Ezemvelo, uma lokho kuqopha ifilimu kusezingeni elincanyana, elincane noma eliphakathi nendawo; noma
- (b) Ahlole Umthetho Kwezemvelo (EIA), lapho lokho kuqopha ifilimu kusezingeni elikhudlwana noma elikhulu kakhulu.

(4) Uhlelo Lokwengamela Ezemvelo noma Ukuhlola Umthelela Kwezemvelo okukhulunywe ngakho esigatshaneni (3), kumele kuthunyelwe kuMasipala waseThekwini, emnyangweni wakwa- Environmental Planning and Climate Protection ukuze balugunyaze.

(5) Lapho kudingeka igunya ngokwezemvelo ngokuhambisana noMthetho kaZwelonke Wokusingatha Ezemvelo, uNational Environmental Management Act, 2007 (Act No. 7 ka 2007), iMithethonqubo yawo Yokuhlola Umthelela Kwezemvelo kanye nezaziso ezifanele noma imithetho ethile yokusingatha ezemvelo, indawo yalokhu ingathathwa umbiko wokuHlola Umthelela Kwezemvelo noma Uhlelo Lokusingatha Ezemvelo ngokwalo Mthetho kaMasipala.

(6) UMasipala angadinga ukuba kuthotshelwe noma imaphi amazinga namaqophelo okuqopha ifilimu ezindaweni ezizwelayo ngokwemvelo.

(7) UMasipala angavimba ukuqopha ifilimu ezindaweni ezithile zokongiwa kwemvelo ezisemqoka ngokwemvelo nempilokwahlukana kwayo.

Ukusetshenziswa kwamasevisi kaMasipala

11.(1) IHhovisi laseThekwini Lezamafilemu noma inkampani eqophayoingacela usizo kule Minyango elandelayo kaMasipala–

- (a) owakwaDisaster Management;
- (b) owakwaHealth;
- (c) owakwaMetro Police;
- (d) owakwaFire;
- (e) owakwaCleaving and Solid Waste;
- (f) nanoma yimuphi omunye umnyango othintekayo.

(2) IHhovisi laseThekwini Lezamafilemu linganquma imali ebizwayo noma itharifu ngokusebenzisa amasevisi kaMasipala njengoba kuhlinzekelwe esigatshaneni (1) kanti leyo mali ebizwayo noma itharifu iyokhokhwa yinkampani eqophayo.

Ukusetshenziswa Kwezindawo zikaMasipala

12.Noma ngubani ohlela ukusebenzisa amabhilidi nezakhiwo zikamasipala ukuqopha ifilimu angakwenza lokho ngokulandela umthetho kaMasipala olawula ukusetshenziswa kwezindawo zikamasipala.

Amajokaomnimume, imenenja yendawo noma umuntu oqokiwe

13.(1) Umnimume, imenenja yendawo (noma umuntu oqokiwe) kumele –

- (a) abe khona zikhathi zonke lapho kuqoshwa khona;
- (b) akhiphe imvume yefilimu uma ifunwa yiHhovisi Lezamafilemu LaseThekwini noma umsebenzi ogunyaziwe;
- (c) aqinisekise ukuthi kuba nokuphazamiseka okuncane emabhizinisini, kubahlali nasezikhungweni ngesikhathi kuqoshwa ifilimu;
- (d) aqinisekise ukuvikeleka nokuphepha kwendawo;
- (e) aqinisekise ukuthi udoti owakheke kuqoshwa uyaqoqwangokuhambisana noMthetho kamasipala wokuqoqwa kukadoti;

- (f) azise iHhovisi laseThekwini Lezamafilimuigama, isikhundla, inhlango, ikheli, inombolo yocingo, inombolo yefeksi kanye ne-imeyili yemenenja yendawo yokuqopha uma kwenzeka kuba khona ushintsho kule mininingwane njengoba ibhaliwe kwimvume yokuqopha ifilimu;
- (g) aqathe izimvume ezidingekayo zezempilo nezokuphepha;
- (h) aqinisekise ukuthi uma sekuqedwe indawo ishiywa ihlanzekile; futhi
- (i) aveze uma kuba khona ushintsho noma ukuchezuka kwimibandela yokuqopha ifilimu ekhishelwe imvume.
- (j) aqinisekise ukuthi bonke abayingxanye yefilimu bathobela lo Mthetho kaMasipala ngaso sonke isikhathi.

Umshwalense

14.(1) Inkampani eqophayo kumele ihlinzeke ubufakazi ngendlela egculisa uMasipalabokuthi

–

- (a) kunekhava yomshwalense wesimangalo esifakwa wumuntu wesithathu; kanye
- (b) nomshwalense wengcuphe obandakanya ikhava yawo wonke umsebenzi nezimangalo ezingaba khona, lapho kukhavwa isigemeleme, izithombe ezinongiwe, izigamekonezinye izenzo ezingabeka umphakathi engozini.

(2). UMasipala angeke athwale izindleko zokulimala noma zokunxephezela kwanoma yini engenzeka ngesikhathi kuqoshwa ifilimu noma kwenziwa imisebenzi ephathelene nezamafilimu okwenziwa yinkampani eqophayo kanye nanoma yini enye eyenziwe ngokusemthethweni noma ngesihe nguMasipala noma omunye umsebenzi ogunyaziwe kaMasipala ngakwalo Mthetho kaMasipala.

Okungavunyelwe

15.(1) Umnikazi wemvume akumele enze noma avumele noma yini –

- (a) ezokuba wuhlupho;
- (b) ezolimaza noma iyiphi impahla;
- (c) ezolimaza abahlali bezindawo ezingomakhelwane noma ezincikene; kanye
- (d) nezokwephula noma yimuphi umthetho kamasipala noma eminye imithetho yanoma yibaphi abasemagunyeni okubandakanya leyo ephathelene nemicimbi ekhethekile, ezamapaki, amathuna, ezemigwaqo, izimpawu, ezokupaka nomsindo.

(2) Imvume yefilimu ayedluliselwa isuka—

- (a) komunye umuntu iya komunye;
- (b) komunye umcimbi iya komunye;
- (c) kolunye usuku nesikhathi iya kolunye; noma
- (d) kwenye indawo iya kwenye,

ngaphandle kwemvume ebhalwe phansi evela kuMasipala.

(3) Noma iyiphi imvume yefilimu ekhishwe ngokwalo Mthetho kaMasipala isebenza kuleyo filimu kuphela futhi iyophelelwa yisikhathi njengoba kuyobe kubekiwe kuleyo mvume ekhishiwe.

Isaziso sokuthobela umthetho

16.(1) UMasipala ungakhipha isaziso sokuthobela umthetho uma kunezinsolo eziqinile zokuthi lokho okushiwo yilo Mthetho kaMasipala kungenzeka kungalandelwa umnikazi wemvume noma ngumuntu obhekelele ukuqoshwa kwefilimu noma kungephulwaimibandela okungaholela ekwepfulweni kwalo Mthetho kaMasipala.

(2) Isaziso sokuthobela umthetho okukhulunywa ngaso esigatshaneni (1) kumele—

- (a) sisho lowo muntu esibhekiswe kuye;
- (b) siveze umyalelo woMthetho kaMasipala owephuliwe noma ozokwepfulwa uma isimo sivunyelwa ukuqhubeka;
- (c) sisho izinyathelo lowo muntu okumele azithathe kanye nesikhathi okumele zithathwe ngaso yilowo muntu ukulungisa leso simo; futhi
- (d) sikhumbuze lowo muntu lokhu okulandelayo:
 - (i) ukuthi umuntu angashushiswa futhi alahlwe yicala; futhi
 - (ii) uma elahlweyicala, lowo muntu uyohlawuliswa njengoba kuhlinzekiwe.

(3) Uma umuntu onikezwe isaziso ngokwesigatshana (1), ehluleka ukuthobela okushiwoyisaziso, kumele uMasipala—

- (a) umise ngokushesha ukuqoshwa kwefilimu noma wenze kungabe kusaqhutshekwa;
- (b) ubeke icala umnikazi wemvume noma obhekelele ukuqoshwa kwefilimu ngokwesigaba 19 salo Mthetho kaMasipala; futhi
- (c) kushaqwe impahla esetshenziselwa ukuqopha ifilimu ngokulandela uMthetho Wenqubo Yokuqulwa Kwamacala Obugebengu ka 1977(uMthetho No. 51 ka 1977).

Ukukhokhiswa Izindleko

17. (1) Uma umnikazi wemvume ephula noma yikuphi okushiwo yilo Mthetho kaMasipala futhi ehluleka noma enqaba ukukuyeka lokho, noma ukuthatha izinyathelo zokulungisa lesi simo, iHhovisi laseThekwini Lezamafilimu yilona eliyothatha lezo zinyathelo bese libiza izindleko zalokho kumnikazi wemvume.

(2) Izindleko okukhulunywe ngazo esigatshaneni (1) zingaphezu kwenhlawulo engakhokhiswa umnimumvume.

(3) IHhovisi laseThekwini Lezamafilimu uma lithatha isinyathelo ngokwesigatshana (1) linelungelo lokuzinqumela futhi kuncika –

(a) kulelo nalelo cala lokungathotshelwa komthetho; kanye

(b) nokuthi unazo yini izinsiza ezidingekayo ukuze kulungiswe lesi simo,

:Kuncike ekutheni isigatshana (1) asithwesi uMasipala ijoka lokuthi kumele usukumele lesi naleso sigameko sokungathotshelwa komthetho.

Ilungelo Lokungena Nokuhlola

18.(1) Umsebenzi ogunyaziwekaMasipala, ngenhloso yokuqinisekisa ukuthotshelwa kwalo Mthetho kaMasipala, noma yingasiphi isikhathi futhi ngaphandle kokubikezela, angangena endaweni yomphakathi noma noma ezimele –

(a) lapho kuqoshwa khona ifilimu; noma

(b) uma enezinsolo ezinqala zokuthi kunefilimu eqoshwayo,

ukuze akwazi ukuhlola, buze imibuzo noma aphenye uma ebona kufanele.

Amacala

19.(1) Umuntu wenza icala uma–

(a) ephula izinhlinzeko zalo Mthetho kaMasipala;

(b) ekhansela noma eyekelela umshuwalense uze uphelelwe yisikhathi noma ehluleka ukwazisa uMasipala ukuthi lowo mushuwalense usekhona yini njengoba kudingekangokwesigaba 14 salo Mthetho kaMasipala;

(c) enikeza umasipala ulwazi olungamanga;

(b) ephula noma yimiphi imibandela, izivimbelo noma okwenqatshelwe okubekwe ngokwalo Mthetho kaMasipala;

(c) ephazamisa, evimba noma ethikameza nganoma iyiphi indlela umsebenzi ogunyaziwe owenza umsebenzi wakhe ngokwalo Mthetho kaMasipala; noma

(d) ehluleka ukuthobela noma yimuphi umyalelo osemthethweni noma okuthiwa makakwenze ngokwalo Mthetho kaMasipala.

Izinhlawulo

20.(1) Noma ngubani olahlwa yicala ngaphansi kwalo Mthetho kaMasipala uyohlawuliswa imali engeqi ku-R100 000 noma agwetshwe agqunywe ejele isikhathi esingeqi eminyakeni emihlanu, noma kokubili inhlawulo nejele.

(2) Esimweni secala eliqhubekayo, kuyokwengezwa inhlawulo engeqi ku-R500.00 noma izinsuku ejele ezingeqi kweziyishumi, kulolo nalolo suku okuqhubeka ngalo icala noma kokubili inhlawulo nejele.

Ukudluliselwa kwamandla

21.(1) Kuncike kuMthethosisekelo kanye nemithetho kazwelonke neyesifundazwe esebezayo, noma yimaphi –

- (a) amandla, ngaphandle kwamandla okukhulunywe ngawo esigabeni 160(2) soMthethosisekelo;
- (b) umsebenzi; noma
- (c) amajoka,

ngokwalo Mthetho kaMasipala, okunikwe uMkhandlu noma uhlaka lwezepolitiki lukaMasipala, abasezikhundleni zepolitiki, amakhansela noma abasebenzi angadluliselwa yilolo hlaka lwezepolitiki, abasezikhundleni zezepolitiki, yikhansela, noma umsebenzi, ohlakeni noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla ngokwesigatshana (1) kumele kwenziwe ngokuhambisana nohlelo lokudluliselwa kwamandla olwemukelwanguMkhandlu ngokuhambisana nesigaba 59(1) soMthetho Wezinhlelo Zomasipala Wohulumeni Basekhaya ka 2000 (uMthetho No.32 ka 2000), kuncike kwinqubo ebekwe esigabeni 59(2) salo mthetho.

(3) Noma yikuphi ukudluliselwa kwamandla okukhulunywe ngakho kulesi sigaba kumele kuqoshwe kuRejista Yokudluliselwa Kwamandla, okumele ibe nalolu lwazi–

- (a) uhlaka noma umuntu odlulisela amandla;
- (b) okudluliselwa kuyena amandla; kanye
- (c) imibandela ehambisana nokudluliselwa kwamandla.

Ukwedluliswa kwamacala

22.(1) Umuntu omalungelo akhe aphuliwe ngesinqumo esithathwe ngumsebenzi ogunyaziwe ngokwalo Mthetho kaMasipala angadlulisa icala mayelana naleso sinqumo ngokwezinhlinzeko zokudluliswa kwamacala eziqukethwe uMthetho Wezinhlelo Zomasipala Wohulumeni Basekhaya ka 2000 (uMthetho No. 32 ka 2000) ngokubhala isaziso sokwedlulisa icala kanye nezizathu asibhekise kwimenenja kamasipala ezinsukwini ezingu-21 kusukela osukwini aziswe ngalo ngesinqumo.

(2) Uma kuyinkantolo yomthetho elahle lowo muntu ngecala futhi efuna ukudlulisa icala ngesinqumo senkantolo, kumele kulandelwe uhlelo lokudluliswa kwamacala lwasenkantolo.

Isihloko esifingqiwe nokuqala kokusebenza koMthetho kaMasipala

23.Lo Mthetho kaMasipala ubizwa ngokuthi uMthetho kaMasipala waseThekwini WezamaFilimu ka 2016 futhi uqala ukusebenza emuva kwezinyanga eziyisithupha kusukela ngosuku oyoshicilelwa ngalo noma nganoma iluphi usuku olungaphambi kwalokhooluyonqunywangokuthi kushicilelwe isaziso kwiGazethi yesiFundazwe.

ISHEDULI A

IZIKHATHI ZOKUFAKA, UKUHLOLA NOKUPHENDULAISICELO SEMVUME

Uhlobo	Ubungako	Izikhathi zokuhlola nokuphendula
Ifilimuencane kakhulu	abalingisi nabasizi abayi -8noma ngaphansi, izimoto eziyi 1 -3 awukho umngenelelo wokuhamba kwezimoto odingekayo,	Amahora angama -24 noma ngaphansi
Ifilimuencane	4kuya ku-6 wezimoto kanye no-9 -15 wabalingisi nabasizi, awukho umngenelelo wokuhamba kwezimoto odingekayo	Amahora angama -24 noma ngaphansi
Ifilimuephakathi	11 - 30wezimonto kanye no-16 – 30 wabalingisi nabasizi,	Amahora angama -48
Ifilimu enkulu	16-30 wezimoto kanye no-31 – 60wabalingisi nabasizi,	Amahora angama -48
Ifilimu enkulu kakhulu	Izimoto ezingaphezu kwama-31 kanye nabalingisi nabasizi abangaphezu kwama-60	Amahora angaphezu kwangama -48