UMTHETHO KAMASIPALA WASETHEKWINI WOKUKHANGISA NGAPHANDLE, 2016

Waphasiswa uMkhandlu mhla ka:

UMTHETHO KAMASIPALA WASETHEKWINIWOKUKHANGISA NGAPHANDLE, 2016

Wokuhlinzekela ukulawula ukukhangisa ngaphandle; wokuhlinzekela ukukhangisa ngaphandle ezindaweni zikaMasipala kanye nakulezo okungezona ezikaMasipala; wokuhlinzekela ngezindlela zokuqinisekisa impilo nokuphepha komphakathi kanye nokuvikela indawo; ukuhlinzekela ngamacala kanye nezinhlawulo; wokuhlinzekela ukuchithwa kanye nokugcinwa kwemithetho; kanye nokuhlinzekela ezinye izindaba ezihambisana nalokhu.

ISENDLALELO

NJENGOBAuMasipala azi ukuthi uneqhaza elibalulekile okumele alibambe ebhizinisini lezokukhangisa ngaphandle kanye nasekusingatheni imicimbi;

NJENGOBAuMasipala azi ukuthi ukulawula ukukhangisa ngaphandle kubalulekile ukuze–

(a) adayise isithombe esihle sikaMasipala;

(b)adayise ukuziqhenya kwakhe;

(c) aqinisekise ukusetshenzisa ngendlela indawo yemvelo kaMasipala;

(d) akhuthaze indawo enempilo nephephile; futhi

(e) avikele izindawo ezingena ngaphansi kolawulo lukaMasipala;

NJENGOBA uMasipala enomsebenzi ngokweNgxenye B ka Sheduli 5 woMthethosisekelo weRiphabhlikhi yaseNiningizimu Afrika, 1996 maqondana nalezo zindaba eziqondene nokulawula ukukhangisa ngaphandle;

FUTHI NJENGOBA uMkhandlu kaMasipala waseThekwini unomsebenzi ngokweSigaba 156(2) soMthethosisekelo weRiphabhlikhi yaseNiningizumu Afrika, 1996 wokushaya iMithetho kaMasipala ukuze asingathe ngendlela esebenzayo izindaba anelungelo lokuzisingatha;

MANJE NGALOKHUuMkhandlu kaMasipala waseThekwini, usebenza ngokweSigaba 156 sifindwa neNgxenye B ka Sheduli 5 weRiphabhlikhi yaseNiningizumu Afrika,1996 futhi

ufundwa neSigaba 11 soThetho Wohulumeni Basekhaya: uMthetho Wezinhlelo Zomasipala, 2000 (uMthetho No. 32 ka 2000), ngalokhu ushaya lo Mthetho kaMasipala olandelayo:

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ISAHLUKO 1
UKUHUNYUSHWA

Izincazelo

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

“Umthetho Wokubuyekezwa Kwezinhlawulo” kushiwo uMthetho Wokubuyekezwa Kwezinhlawulo, 1991 (uMthetho No. 101 ka 1991);

“isikhangiso”kushiwo noma yini–

(a) ebonakalao noma elalelwayo engama–

(i) gama noma izifingqo zakho;

(ii) gama noma izifingqo zakho;

(iii) lewuhlamvu;

(iv) isithombe;noma

(v) i-objekthi;

(b) uphawu noma isimboli; noma

(c) ukukhanya okungenzelwe nje ukukhanyisa kuphela noma ukwexwayisa ngengozi,

Okubonalayo kunoma iyiphi indawo yomphakathi futhi okuhloswe ngakho ukukhangisa izindaba eziphambili noma nanoma iliphi ibhizinisi, umkhiqizo, umuntu, umcimbi, umhlangano, ukhethonoma ongenele ukhetho, noma okwenzekayo;

“ukukhangisa”kusho isenzo noma iqubo yokuveza isikhangiso kanye kanti igama elithi **“khangisa”** linencazelo efanayo nale;

“imoto ekhangisayo”kushiwo imoto eyakhelwe noma eguqulelwe ukuba ikhombise uphawu lesikhangiso saphandle, kanti kungaba noma yini enanyathiselwe kuleyo moto ngenhloso yokukhangisa;

“ukukhangisa emoyeni”kusho noma iluphi uphawu lokukhangisa olukhonjiswe emoyeni okungaba ibhalunde, ikhayithi, okufuthiwe, ibhanoyo kanye nanoma iyiphi enye indlela;

“ukuguqula”kushiwo noma iluphi uguquko–

(a) ophawini, isakhiwo, ubukhulu noma ukukhanya kophawu lokukhangisa phandle, noma lolo hlaka olwesekile; noma

(b) bobuso;

“ukukhangisa okugqanyisiwe”kushiwo isikhangiso okugqanyisiwe ukubonakala kwaso ngokufaka izinto ezizenza silokhu sihamba ngenxa yokusebenza izinto ezisenza sinyakaze, amalambu agqamukayo, ugesinoma imiyalezo ehamba ngogesi noma okunye okufuze lokhu;

“umfakisicelo”kushiwo noma imuphi umuntu ofaka isicelo sokuvunyelwa ukuba akhombise noma aguqule isikhangiso;

“ukufaneleka”kushiwo ukuthi indawo, ubukhulu, ukufakwa, impahla esetshenzisiwe kanye nesakhiwo sokweseka uphawu lokukhangisa phandle kufanele ngazo zonke izimo ngokubona kukaMasipala;

“umhubhe”kusho indlela yabahamba ngezinyawo embozekile, noma ngabe ingaphansi komhlaba noma cha, yonke noma ingxenye yayo edlula ebhilidini futhi umphakathi okwazi ukuyisebenzisa njalo ngaphandle kwemikhawulo;

“indawo elawulwayo”kushiwo ubungako bokulawulwa kokukhangisa okumele kusebenze kuleyo ndawo ethile ngokuhambisana nokucabangela ukuma kwaleyo ndawo, izimo zokuphepha kokuhamba kwezimoto futhi kufaka–

(a) izindawo ezilawulwa kakhulu;

(b) izindawo ezilawulwa kancane;

(c) izindawo ezilawulwa ngokungagcwele;kanye

(d) nezindawo zokukhangisa okuyisipesheli;

“indawo elawulwa kakhulu”kushiwo indawo ezwela kakhulu ekukhangiseni futhi okusetshenziswa kuyo amazinga okulawula ukukhangisa aphezulu kakhulu;

“indawo elawulwa kancane”kushiwo indawo engazweli kakhulu ekukhangiseni futhiokusetshenziswa kuyo amazinga okulawula ukukhangisa aphansi;

“indawo elawulwa ngokungagcwele” kushiwo indawo ezwela kancane ekukhangiseni futhi okusetshenziswa kuyo amazinga okulawuka ukukhangisa aphakathi nendawo

"**isisebenzi esigunyaziwe**" ngumuntu ogunyazwe ukulandela ukuthotshelwa kwezihlinzeko zalo mthetho wedolobha okufaka kodwa okungagcini ku:-

(a) isikhulu somthetho njengoba sichazwe esigabeni 334 soMthetho weNqubo yamaCala, 1977 (uMthetho No. 51 ka 1977);

(b) iphoyisa likaMasipala noma loMkhandludolobha njengoba lichazwe eMthethweni wamaPhoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); kanye

(c) nalowo msebenzi, i-ejenti, abaqokiwe, izithunywa nabahlinzeka ngezidingo kumasipala njengoba bengagunyazwa uMasipala mayelana nalokhu: Ngaphandle uma kunezinjongo zokusesha nokubamba, lapho umuntu engeyena umsebenzi wezokuthula, lowo muntu kufanele aphelezelwe umsebenzi wezokuthula;

“ibhena” kushiwo isiqephu sekhanivasi noma indwangu, PVC noma impahla efuze le okuvezwe kuyo isikhangiso ngendlela edala ukuba sibonakale ezimweni ezingenawo umoyo futhi enanyathiselwe esigxotsheni ngentambo eyodwa noma ngaphezulu, izigxobo noma okwamaflegi noma enanyathiselwe ebhilidini noma isakhiwo, kepha okungaphezulu kwebhena ephathwa njengengxenye yonhlabaluhide noma njengophawu oluflethi;

“ibhilbhodi” kushiwo noma isiphi isikrini, ibhodi, ibhodi elikhulu, uthango, udonganoma isakhiwo esizimele okusetshenziswe noma okuhlose ukuba kusetshenziselwe ukukhombisa noma iluphi uphawu lokukhangisa phandle lomunye umuntu futhi olungekho ngaphezu kuka 36m^2ubukhulu;

“ibhithi” kushiwo iyunithi yokukala ubudle bomyalezo wokukhangisa kanti kungafaka izinhlamvu, izinombolo, izimpawu, iziqophasikhungo, imidwebo noma izifingqomagama kanti kulo Mthetho kaMasipala, ubukhulu bamabhithi kuyobalwa ngale ndlela elandelayo:

Amagama anezinhlamvu ezifika kwezintathu	0.5 bit

Amagama anezinhlanvu ezine kuya kweziyisishiyagalombili	1.0 bit
Amagama anezinhlamvu ezingaphezu kweziyisishiyagalombili	2.0 bits
Izinombolo ezifika kwezintathu	0.5 bit
Izinombolo ezisuka kwezintathu kuya kwezisiyishiyagalombili	1.0 bit
Izinombolo ezingaphezu kweziyisishiyagalombili	2.0 bits
Iziqophasikhungo kanye nezimpawu	0.5 bit

“ikhanophi” kushiwo into ecishe ibe wuphahla engumpotsho odongeni lwebhilidi;

“ukushintshwa kobusa” kushiwo ukuguqulwa kokoqukethwe uphawu lokukhangisa ngaphandle ophawuni lokukhangisa ngaphandle lomunye umuntu;

“iciti-lite” kushiwo ibhilbhodi ezimeleme engekho ngaphezu kuka 18m^2futhi efakwe imibala egunyazwe nguMasipala ngaphezulu;

“uphawu oluxubile” kushiwo uphawu olufakwe izinto ezincane eziningi, izimpawu zabantu abehlukene, oluvame ukukhombisa imikhiqizo noma imisebenzi eyehlukene, olubekwe lwancikana nezinye esakhiweni esisodwa oluvame ukuba lwenzelwe ukuba lufake uphawu lokukhangisa olungaphezu kolulodwa;

“usonkontileka” kushiwo umuntu ohlinzeka ngomsebenzi wezandla, impahla yokwakha, ukulungisa, ukuvuselela kanye nokwenza noma yimuphi omunye umsebenzi wokwakha;

“ibhodi likasonkontileka” kushiwo uphawu lokukhangisa ngaphandle olubekwe okwesikhashana endaweni okwenziwa noma okuqhubeka kuyo umsebenzi wokwakha, wokulungisa noma wokuvuselela futhi olukhangisa igama,imininingwane yokuxhumana kanye nohlobo lomsebenzi noma umkhiqizo ohlinzekwa yilowo sonkotileka kanye nesikhathi sobude benkontileka, kanti kufaka namabhodi osonkontileka abancane abangena ngaphansi kwaleyo enkulu;

“Umthethosisekelo” kushiwo uMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, 1996;

“Umkhandlu” kushiwo uMkhandlu kaMasipala waseThekwini, umkhandlu kamasipalaokukhulunywe ngawo esigabeni 157(1) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, 1996;

“Ikhathileji” iyo yonke indawo engena ngaphansi kwemingcele noma kwendawo ehlukanisiwe eyakha isiza okumiswe kuso ibhilidi;

“izinsuku” kushiwo uma noma isibalo sezinsuku esibekiwe ukuba kwenziwe noma isiphi isenzo, noma esibekelwe enye inhloso, lokhu kuyothathwa ngokuthi kushiwo usuku lokuqala kanye nolokugcina, ngaphandle uma usuku lokugcina luba ngoMgqibelo, iSonto noma iholide, kanti uma kunjalo lezo zinsuku ziyothathwa ngokuthi zifaka usuku lokuqala kanjalo nosuku lokugcina lwalowo Mgqibelo, iSonto noma iholide;

“indawo eklanyiwe” kushiwo indawo eklanywe kanjalo ngokweSigaba 37 salo Mthetho kaMasipala;

“ibhodi lentuthuko” kushiwo uphawu olubekwe endaweni oluchaza uhlobo lwentuthuko eyenziwa kuleyo ndawo okwakhiwa kuyo kanti lungafaka isithombe saleyo ntuthuko ehlongozwayo; noma isithombe salowo msebenzi ohlinzekwayo, kepha akufaki ibhodi likasonkontileka owenza amaphrojekthi okwakha noma obunjiniyela okumele afakwe ngomthetho we-Architectural Profession Act, 2000 (uMthetho No. 44 ka 2000);

“uphawu lwezinkombandlela” kushiwo noma iluphi uphawu olukhomba indlela olunezinkomba, imicibisholo noma olukhombisa ibanga eliya endaweni noma emcimbini othile;

“ukubeka/ukuveza” kushiwo ukumisa noma ukubeka noma ingayiphi indlela uphawu lokukhangisa ngaphandle olubonakalayo emehlweni omphakathi;

“uphawu lokukhangisela ukhetho” kushiwo uphawu lokukhangisa ngaphandle olusetshenziselwa noma iluphi ukhetho, ukhetho lwesihlalo esisodwa noma ireferendamu kazwelonke, yesifundazwe noma kamasipala;

“uphawu lokukhangisa ngaphandle lukagesi” kushiwo noma iluphi uphawu lokukhangisa ngaphandle olusebenza ngogesi, olukhanyayo nolwenza ukuba isikhangiso sikwazi ukushintsha noma sigqame ngezindlela eziningi;

“unjiniyela” kushiwo umuntu obhalise ezingeni elifanele noMkhandlu waseNingizimu Afrika Wezobunjiniyela njengo professional engineers, noma njenge professional engineering technologist, professional certified engineer nomanjenge professional engineering technician ngaphansi koMthetho we-Engineering Profession Act, 2000, (uMthetho No. 46 ka 2000);

“umdayisi wezindlu/umhlaba” kushiwo umdayisi wezindlu/umhlaba njengoba echazwe kuMthetho we-Estate Agents Act, 1976 (uMthetho No. 112 ka 1976);

“ibhodi lomdayisi wezindlu/umhlaba” kushiwo uphawu lokukhangisa ngaphandle olubekwe okwesikhasha ukukhangisa lowo mhlaba, indawo, intuthuko noma okunye okungasuseki okudayisayo, okuqashisayo noma okukhangiswayo noma osekudayisiwe;

“umcimbi” kushiwo noma imuphiumcimbi ohlelelwe umphakathi;

“uphawu lokukhangisa ngaphandle olungadingi mvume” kushiwo uphawu okukhulunywe ngalo eSigabeni 6 salo Mthetho kaMasipala;

“uphawu olungu fifty-fifty” kushiwo uphawu lokukhangisa ngaphadle izinto ezixubile, olunezikhangiso ezimbili ezikhombisa imikhiqizo noma imisebenzi emibili eyehlukene;

“iflegi” kushiwo isiqephu sekhanivasi, indwangu, PVC noma impahla efuze le okuvezwe kuyo isikhangiso futhi enanyathiselwe ngentambo eyodwa, eboshelwe esigxotsheni noma eflegini ngendlela edala ukuba sibonakale ezimweni ezingenawo umoya;

“uphawu lokukhangisa ngaphandle oluphayizayo” kushiwo isikhangiso sikagesi esilokhu sivela siphinde sicishe;

“uphawu oluflethi” kushiwo uphawu olunanyathiselwe odongeni olungaphandle kodwa hhayi odongeni lophahla, ugange noma izinsimbi zikaveranda noma ibhalkhoni yebhilidi elisetshenziselwa ukuqhuba ubhizinisi, amahhovisi noma ukungcebeleka futhi olungacijile ukwedlula u 300mm ukusuka kulolo donga futhi olungafaka iphaneli noma ishidi noma izinombolo, izinhlamvu noma izimpawu ezizimele;

“amaphosta” kushiwo amaphosta noma izingqhwembe ezinanyathiselwe odongeni kepha angasetshenzisiwe njengezimpawu zokukhangisa ngaphandle;

“uphawu lwaphansi” kushiwo noma iluphi uphawu olumbekwe phansi futhi lwangananyathiselwe kunoma iliphi ibhilidi;

“iNhloko” kushiwo iNhloko yalowo mnyango kaMasipala othintekayo ebehekene nomsebenzi wokulawula ukukhangisa ngaphandle;

“ipheshana” kushiwo noma iliphi ipheshana eligayiwe lasatshalaliswa ngezandla;

“uphawu lokukhangisa ngaphandle olunomthelela ophezulu” kushiwo noma iluphi uphawu lokukhangisa ngaphandle olunomthelela omkhulu uma ulubuka, emphakathini noma kwezokuphepha emgaqweni kuleyo ndawo;

“uphawu lokukhangisa ngaphandle olugqanyisiwe” kushiwo uphawu lokukhangisa ngaphandle olugqaniyisiwe, ngamandla kagesi noma ngenye indlela, futhi kufaka, kepha kungagcini kumaleyza;

“impambanomigwaqo” kushiwo impambanomigwaqo njengoba kuchaziwe kwimithethonqubo eyaphasiswa ngokoMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996);

"ikhebhulayini" kushiwo indawo ephakathi kwendawo yokuma kanye naseceleni komgwaqo; noma uma ingekho indawo yokuma, ingxenye ephakathi konqenqema kanye naseceleni komgwaqo njengoba kuchaziwe esigabeni 1 soMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996);

“uphawu lokukhangisa ngaphandle olukhomba indawo” kushiwo uphawu lokukhangisa ngaphandle olukhombisa umphakathi indawo ethile, ibhizinisi noma

okwenzekayo ngenhloso yokuveza ukuthi lokho kukuyiphi indawo, kanti lolu phawu lokukhangisa ngaphandle alumufaki umuntu wesithathu;

“uphawu lokukhangisa gaphandle olunomthelela ophansi” kushiwo uphawu lokukhangisa ngaphandle olunomthelela omcane uma ulubuka, emphakathini noma kwezokuphepha emgaqweni kuleyo ndawo;

“uphawu lokukhangisa ngaphandle olunomthelela ophakathi nendawo” kushiwo uphawu lokukhangisa ngaphandle olunomthelela ophakathi nendawo uma ulubuka, emphakathini noma kwezokuphepha emgaqweni kuleyo ndawo;

"**uMasipala**" kushiwo uMasipala waseThekwini, umasipala ongaphansi kwesigaba A njengoba kuchaziwe ngokukwesigaba 155(1) soMthethosisekelo futhi owakhiwe ngokweSaziso Somphakathi esinguNombolo 43 sika 2000 (KZN);

“Indawo kaMasipala” kushiwo noma iyiphi indawo okungekaMasipala, ayiqashile noma engaphansi kolawulo lukaMasipala, kanti kufaka nezindawo zomphakathi;

"Imithethonqubo kaZwelonke Yezokwakha kanye noMthetho Wamazinga Okwakha" kushiwo Imithethonqubo kaZwelonke Yezokwakha kanye noMthetho Wamazinga Okwakha, ka 1977 (uMthetho ongunombolo 103 ka 1977), kanti **“iMithethonqubo kaZwelonke Yezokwakha”** iyona nencazelo efanayo;

“Umthetho kaZwelonke Wezimigwaqo” kushiwo uMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996);

“uphawu lokukhangisa ngaphandle olungakhombi indawo” kushiwo uphawu lokukhangisa ngaphandle olugabisa ngomkhiqizo, indawo, ibhizinsi, umsebenzi noma okwenzekayo okungekho noma okungahlinzekwa kuleyo ndawo;

“uhlupho” kushiwo noma yini engadala noma edala ubungozi kwimvelo, ukuhamba kwezimoto inhlalo kanye nokubonwayo;

“uhlaka lukahulumeni” kushiwo noma imuphi umnyango kahulumeni owengenyelwe ezingeni likahulumeni kazwelonke, wesifundazwe noma wendawo;

“uphawu lokukhangisa ngaphandle” kushiwo noma isiphi isikrini, uthango, udonga,noma isakhiwo noma i-obhjekthi noma idivaysi, okuzimele noma qha, okunanyathiselwe kunoma iluphi olunye udonga noma isakhiwo noma emoyeni,okuhloswe ngakho ukuba kukhonjiswe isikhangiso ngenhloso yokudlulisa ulwazi ngaphandle, kanti igama elithi **“uphawu”** liyoba nencazelo efanayo;

“umnikazi” kushiwo umuntu igama lakhe elibhalwe phansi ehhovisi lamatayitela elifanele noma umuntu ophethe noma olawula umhlaba noma indawo–

(a) uma kuyi thrasti, kushiwo abaphatheli baleyo thrasti;

(b) umnikazi obhalisiwe sezindlu ezakhiwe ndawonye, lapho kukhishwe ubunikazi bengaphakathi laleyo ndlu;

(c) abaphatheli bebhodi elengamele, lapho kukhishwa amatayitela obunikazi kubantu abaningi abehlukene abahlala ndawonye;

(d) abaphathi bebhodi elangemele lapho kukhishwa khona amatayitela kubantu abaningi abahlala ndawonye futhi bengekho abaphatheli abaqokiwe bebhodi elangemele;

(e) umabi wefa, lapho─

(i) umnikazi webhilisi engasekho emhlabeni futhi ibhilidi lingakadluliselwa kwizindlalifa zongasekho; noma

(ii) umcebo wongasekho udliwa;

(f) umbheki, lapho umnikazi emenyezelwe yinkantolo njengomuntu ongakwazi ukuziphathela izindaba zakhe noma osaphaza imali;

(g) umphathi, lapho umnikazi webhilidi esebenzisa isikhungo sabagula ngokomqondo njengoba kuchaziwe esigabeni 1 seMental Health Act, 2002 (uMthetho No. 17 ka 2002);

(h) umhlakazi, lapho umnikazi webhilidi engumuntu uqobo noma ithrasti ihlakaziwe;

(i) amalungu amadala ebhodi elangemale elalibhalisiwe abasanomthwalo oqhubekayo njengoba kuchaziwe esigabeni 26 se Close Corporations Act, 1984 (uMthetho No. 69 ka 1984), ufundwa nezigaba 83(2) no (3) be Companies Act, 2008 (uMthetho No. 71 ka 2008);

(j) umhlanguli webhizinisi, lapho umnikazi webhizinisi esefakwe ngaphansi kohlelo lokuhlangula amabhizinisi;

(k) i-ejenti ephethe, lapho umnikazi webhilidi engekho kwiRiphabhlikhi yaseNingizimu Afrika noma lapho uMasipala, emva kokwenza imizamo efanele, ehluleka ukuthola ukuthi ukuphi umnikazi; noma

(l) wonke umuntu onelungelo lokuhlala noma lokusebenzisa ibhilidi noma ohlala noma osebenzisa ibhilidi, lapho–

(i) umnikazi webhilidi engekho eNingizimu Afrika;

(ii) uMasipala, emva kokuba esenze yonke imizamo, ehluleka ukuthola umnikazi webhilidi; futhi

(iii) ingekho ne-ejenti ephethe;

“imvume” kushiwo isigunyazo esibhalwe phansi esinikwe umfakisicelo sokukhombisa uphawu lokukhangisa ngaphandle;futhi sifaka nesikhathi avunyelwe ngaso ukuba akhombise lolo phawu kanye nanoma imiphi imibandela ebekiwe;

“umninimvume” kushiwo umuntu igama lakhe elivele kwimvume ekhishwe nguMasipala ukuba akhombise ngophawu lokukhangisa ngaphandle;

“umuntu” kushiwo umuntu ngokomthetho, futhi kufaka nezinhlaka zikahulumeni;

“ibhodi eliphathekayo” kushiwo noma iluphi uphawu lokukhangisa ngaphandle olukwazi ukuzimela ngokwalo, olusanhlamvukazi A noma esinye isakhiwo esigoqekayo esingambelwe phansi, futhi esikwazi ukuba siphatheke kalula;

“iphosta” kushiwo noma iluphi uqwembe okuhloswe ngalo ukuba lubekwe okwesikhasha endaweni yomphakathi njengesimemezelo sokhetho, umhlangano noma umcimbi;

“izindawo” kushiwo noma iliphi ibhilidi, kanye nomhlaba okulo;

“okumisiwe”kushiwo lokho okunqunywe nguMkhandlu izikhathi ngezikhathi;

“uphawu olungumfuziselo” kushiwo umfuziselo noma ukwakhiwa komkhiqizo noma objekthi, noma idivaysi esetshenziselwe ukukhangisa engazimela ngokwayo noma inanyathiselwe ohlakeni noma odongeni;

“uphawu olijile” kushiwo noma iluphi uphawu olunyanyathiselwe odongeni lwebhilidi elisetshenziselwa ukuqhuba ibhizinisi, amahhovisi, izimboni noma yokungcebeleka futhi okuthi noma ingasiphi isikhathi lucije ibanga elingekho ngaphezu kuka 300

mmukusuka odongeni futhi lungabi ngaphezu kuka 1.2 mubude kanti ukusuka phandi kwalo akumele kube ngaphansi kuka 2.4 m;

“iGazethi yesiFundazwe” kushiwo iGazethi yesiFundazwe esemthethweni eqondene naleso sifundazwe;

“indawo yomphakathi”kushiwo–

(a) umgwaqo womphakathi;

(b) noma iyiphi indawo yokupaka, iskwe, ipaki, inkundla yokungcebeleka, inkundla yemidlalo,ichibi lokubhukuda, indawo yangasese, indawo evulekile, ibhishi, indawo yezitolo esemhlabeni kamasipala, umhlaba kamasiapala ongakhiwe noma ongasetshenziswa noma amathuna okuthi–

(i) ngokuhambisana nanoma ikuphi ukwahlukaniswa komhlaba noma ukuma kwendawo engu erven, isiza, iklanywe yabekwa njengendawo ezosetshenziswa ngumphakathi noma abanikazi noma abahlali bakuleyo ndawo noma isiza beyikhombisa noma bengayikhombisi eplanini ejwayelekile, eplanini yokwahlukanisa umhlaba noma kudwebo;

(ii) nganoma isiphi isikhathi ibekelwe umphakathi;

(iii) kade isetshenziswa ngumphakathi ngaphandle kokuphazamiseka isikhathi okungenani esiyiminyaka engamashumi amathathu emva komhla ka 31 Disemba 1959; noma

(iv) okwathi nganoma isiphi isikhathi yamenyezelwa noma yabizwa kanjalo nguMasipala noma olunye uhlaka;

(c) imoto ethutha umphakathi; noma

(d) iyiphi imuphi umhlaba, indawo noma isikhungo sikamasipala omphakathi okwazi ukukusebenzisa,kepha okungafaki umhlaba kamasipalaoqashisiwe noma edayiswe nguMasipala;

"umgwaqo womphakathi" kushiwo noma yimuphi umgwaqo, isitaladi noma indawo yokudlula noma-ke enye indawo esetshenziswa kakhulu umphakathi noma lapho umphakathi unelungelo lokuhamba khona ngezimoto, futhi kubandakanya–

(a) umugqa womgwaqo, indawo ewumgwaqo, izindawo okungakhiwa kuzo imigwaqo, isiqhingi sasemgaqweni, unqenqema, lwanoma imuphi umgwaqo, isitaladi noma indlela;

(b) noma yiliphi ibhuloho, inqola noma okokuthwala okuhanjwa ngako kulowo mgwaqo, isitaladi noma indlela;

(c) noma iyiphi ingxenye yalowo mgwaqo, isitaladi noma indlela ebekelwe lokho, elungiselwe noma ejwayele ukusetshenziswa ngabahamba ngezinyawo;

"izindawo zomgwaqo" kushiwo ububanzi obuphelele bomgwaqo womphakathi kubandakanya nonqenqema, ihlombe kanye nendlela yomgwaqo kanye nanoma iziphi ezinye izindawo ezisemngceleni wendawo yomgwaqo;

“uphawu lomgwaqo” kushiwo noma iluphi uphawu lomgwaqo njengoba kuchaziwe kuMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996) noma namiphi eminye imithetho esebenzayo;

"indlela yomgwaqo" kushiwo ingxenye yomgwaqo, isitaladi noma indlela elungisiwe, eyakhiwe noma okuhloswe ukuba ibe ngeyezimoto futhi ephakathi nonqenqema lwendlela yomgwaqo, njengoba kuchaziwe esigabeni 1 soMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996);

“uphawu lophahla” kusho uphawu olusophahleni lwebhilidi elisetshenzisela ibhizinisi, amahhovisi, imboni noma ukungcebeleka;

"ihlombe" kushiwo leyo ngxenye yomgwaqo, isitaladi noma indlela ephakathi konqenqema lendlela yomgwaqo kanye nomugqa womgwaqo, njengoba kuchazwe kuMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996);

“indlela/uphevumenti” kushiwo ingxenye yonqenqema olwakhelwe ukuhamba ngezinyawo njengoba kuchaziwe esigabeni 1 soMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996);

“uphawu lwesibhakabhaka” kushiwo uphawu olukhonjiswe ngaphezu kwebhilidi elinezitezi ezingaphezu lweziyi 15;

“indawo yokukhangisa eyisipesheli” kushiwo indawo engena kulezo zindawo ezilawulwa kakhulu, ngokuvamile okungeke kwavunyelwa ukuba kukhangiswe kuzo, kepha ngenxa yentuthuko ethile eyezeka kuleyo ndawo, bese kuvunyelwa;

“uphawu lwamagama omgwaqo” kushiwo noma iluphi uphawu lokukhangisa ngaphandle oluxube namagama emigwaqo;

“uhlaka lokweseka” kushiwo noma iyiphi i-obhjekthi, efaka, kepha engagcini nje, ngodonga noa ibhilidi,okufakwe kukho uphawu lokukhangisa ngaphandle, noma okweseke lolo phawu,okufaka nanoma yini eyeseke, yabamba, yakinatelanoma yabophela ukuqinisa lolo hlaka;

“uphawu lwesikhashana lokukhangisa ngaphandle” kushiwo noma iluphi uphawu lokukhangisa ngaphandle olubekwe isikhashana esithile, futhi kufakwa kepha kungagcini ngamaphosta, amabhena, amaflegi, amabhodi osonkontileka, amabhodi entuthuko kanye namabhodi abadayisi bezindlu/bomhlaba;

“uphawu lokukhangisa ngaphandle lomuntu wesithathu”kushiwo noma iluphi uphawu lokukhangisa ngaphandle olungelona uphawu lokukhangisa ngaphadle olukhomba indawo;

“uveranda” kushiwo isakhiwo esinophahla esinanyathiselwe futhi saqhosha ngaphambi kwebhilidi futhi olwesekwe izigxobo ezizimele emaceleni;

“unqenqema”kushiwo ingxenye yomgwaqo, noma indlela okubalwa nephevumenti, okungeyona eyezimoto futhi engelona ihlombe longwaqo, njengoba kuchaziwe esigabeni 1 soMthetho kaZwelonke Wezemigwaqo, 1996 (uMthetho No. 93 ka 1996);

“umklamo”kushiwo indawo ekhonjiswe ebalazweni ngenhloso yokukhombisa imikhawulo ebekwe ngokohlelo lukaMasipala lokusetshenziswa komhlaba maqondana nokumiswa noma ukusetshenziswa kwamabhilizi noma izakhiwo noma ukusetshenziswa komhlaba.

Ukuhunyushwa koMthetho kaMasipala

2.Uma kwenzeka kuba khona ukushayisana ekuhunyushweni kwalo Mthetho kaMasipala phakathi kalowo obhalwe ngeSingisi nalowo ohunyushiwe, obhalwe ngeSingisi yiwo oyosebenza.

Izinhloso zoMthetho kaMasipala

3.Izinhloso zalo Mthetho kaMasipala ukulawula ukukhangisa kanye nokusetshenziswa kwezimpawu ngendlela–

(a) edayise isithombe esihle sikaMasipala;

(b) edayise ukuziqhenya kwakhe;

(c) eqinisekise ukusetshenzisa ngendlela indawo yemvelo kaMasipala;

(d) ekhuthaze indawo enempilo nephephile; futhi

(e) evikele izindawo ezingena ngaphansi kolawulo lukaMasipala;

(f) ekhuthaza ubunjalo bendawo engena ngaphandi kwemingcele kaMasipala;futhi

(g) evumela izinhlawulo ezifanele uma kwenzeka ungathotshelwa lo Mthetho kaMasipala.

Ukusebenza koMthetho kaMasipala

4. Lo Mthetho kaMasipala uyisebenza kuzo zonke izindawo ezingaphansi kwemingcele kaMasipala waseThekwini futhi ubophezela bonke abantu ngokusebenza kwawo.

ISAHLUKO 2
IZIMVUME KANYE NEZIMPAWU ZOKUKHANGISA NGAPHANDLE EZINGAYIDINGI IMVUME

Imvume edingekayo

5.(1)Akukho muntu–

(a) ongabeka uphawu lokukhangisa ngaphandle;noma

(b) aguqule uphawu olukhona lokukhangisa ngaphandle,

ngaphandle kwemvume ekhishwe nguMasipala.

(2) Uphawu lokukhangisa ngaphandle lungakhonjiswa noma luguqulwe kuphela ngokuhambisana nemibandela ebekwe kwimvume kaMasipala, yilo Mthetho kaMasipala noma imiphi eminye iMithetho kaMasipala esebenzayo.

(3) Izihlinzeko zesigatshana (1) azisebenzi kunoma iluphi uphawu lokukhangisa ngaphandle olungayidingi imvume njengoba kuchaziwe esigabeni 6 salo Mthetho kaMasipala.

Izimpawu zokukhangisa ngaphandle ezingayidingi imvume

6.Ayikho imvume edingekayo ngalezi zimpawu ezilandelayo zokukhangisa ngaphandle:

(a) noma iluphi uphawu lokukhangisa ngaphandle olubekwe ngokwanoma imuphi umthetho osebenzayo;

(b) uphawu lomgwaqo;

(c) ibhodi likasonkontileka owenza iphrojekthi yokwakha noma yobunjiniyela ngokoMthethonqubo kaZwelonke Yezokwakha;

(d) uphawu olugama lebhizinisi kuphela futhi elibekwe ngaphandle kwehhovisi noma lendawo yalelo bhizinisi: Ngaphansi kokuthi lolo phawu lokukhangisa ngaphandle–

(i) alweqile ku 0,6m^2;

(ii) olugamanxele kunoma impuphi umgaqo; futhi

(iii) aligqanyisiwe.

(e) uphawu olufakwe ebusweni bebhilidi futhi oluyingxenye ebalulekile yalelo bhilidi;

(f) uphawu lokukhangisa ngaphandle olubekwe emhubheni futhi olungabekelwe abasebenzisi bomgwaqo;

(g) uphawu lokukhangisa ngaphandle olubekwe ngaphakathi ebhilidini oluyimitha elilodwa noma amabili ukusuka ewindini noma kwenye indawo evulekile;

(h) ithikithi lenani yephahla ebekwe ewinidini lesitolo: Ngaphansi kokuthi ithikithi lelo lingaphansi kuka 0,5m^2;

(i) uphawu lokukhangisa ngaphandle olubekwe enkundleni yezemidlalo olungabonakali uma uhamba ngaphandle kwaleyo nkundla noma engwaqweni womphakathi; kanye

(j) nemoto eqoshiwe, eveza imikhiqizo yenkampani: Ngaphansi kokuthi inkampani leyo angeke iveze inani noma imali ebiza leyo mikhiqizo.

ISAHLUKO3
IZICELO NOKUGUNYAZWA KWAZO

Izicelo

7.(1)Noma iluphi umuntu ofisa–

(a) ukubeka uphawu lokukhangisa ngaphandle; noma

(b) ukuguqula uphawu olukhona lokukhangisa ngaphandle,

Ngale kophawu lokukhangisa ngaphandle olungayisingi imvume, kumele afake isicelo esibhalwe phansi asithumele kuMasipala ukuze athole imvume yokubeka noma ukuguqula uphawu lokukhangisa.

(2) Isicelo semvume esibhalwe phansi okukhulunywe ngaso kwisigatshana (1) kumele –

(a) sifakwe gokugcwalisa ifomu elibekiwe elihamba ngambili;

(b) sifake izidingo zohlobo lophawu lokukhangisa ngaphandle olufakelwa isicelo;

(c) sifake imali ebekiwe, kuthi lapho kufanele, kukhokhwe idiphozi ebekiwe;

(d) sifake iplani yendawo ekhombisa lapho kuzobekwa khona uphawu lokukhangisa ngaphandle;

(e) sifake imidwebo yokwengeza, umbiko wokuhlola umthelela kwimvelo, izithombe kanye namaplani aphasisiwe ebhilidi abonakala ebalulekile ngokukaMasipala ukukhombisa ukuqiniso nobukhulu obuphelele besicelo;

(f) sifake noma ikuphi ukuhlola, imvumenoma isigunyazo esingadingwa nguMasipala maqondana nesicelo leso;

(g) sifake nanoma imiphi eminye imibhalo, izitifiketi noma ulwazi olungadingeka ngenhloso yokucubungula isicelo sokufaka uphawu lokukhangisa ngaphandle;

(h) sifake ubufakazi bokuthobela noma imuphi umthetho osebenzayo;

(i) sifake isigunyazi esiphuma ohlakeni lukahulumeni, noma ebhizinisini likahulumeni uma sidingeka ngokohlobo lwalolo phawu;

(j) lapho kufanelekile, sifake ikhophi yetayitela laleyo ndawo okubekwa kuyo uphawu;

(k) sifake ikhophi yakamuva ye-akhawunti kamasipala yomfakisicelo;

(l) sifake ikhophi yanoma isiphi isivumelwano sokuqashiselana esikhona;kanye

(m) nekheli okungathunyelwa kulo izaziso, okubala nekheli lendawo youhlala, inombolo yefeksi noma ikheli lonyazi.

(3) Zonke izicelo kufanele lapho kudingeka khona, zifake imvumeebhhalwe phansi yomnikazi wendawo okuzofakwa kuyo uphawu lokukhangisa ngaphandle, kanjalo nemvume ebhalwe phansi yomnikazi yokuzibophezela ukuthi uzothobela lo Mthetho kaMasipala futhi uyawuhlangula uMasipala ecaleni uma kwenzeka engawuthobeli lo thetho kaMasipala.

(4) UMasipaa kumebe abheke lokhu okulandelayo uma ecebungula isicelo semvume–

(a) uhlobo lophawu lokukhangisa ngaphandleoluzofakwa;

(b) izihlinzeko zalo Mthetho kaMasipala;

(c) noma iyiphi imephu yokulawula ukukhangisa, akanye nesheduli ehambisana nemibandela, ekhishwe nguMasipala ngokwalo mthetho kaMasipala;

(d) noma imuphi omunyeumthetho osebenzayo; kanye

(e) nanoma iyiphi imvume nomaisigunyazo esingase sidingwe wuhlaka lukahaulumeni, ibhizinisi likahulumeni noma umnyango othintekayo kaMasipala.

(5) UMasipala ngesikhathi ecubungula isicelo sokukhipha imvume yokubeka noma yokuguqula uphawu lokukhangisa ngaphandle–

(a) angasivuma kepha abeke noma imiphi imibandela okufaka, kepha kungagcini, ngesikhathi sokusebenza kwemvume;

(b) angacela ukuba anikwe olunye ulwazi lokwengeza noma noma izichibiyelo ezithile ngesikhathi esithile asibekile; noma

(c) angasenqaba isicelo.

(6) Isicelo sokuthola imvume uMasipala acele kuso ulwazi lokwengeza noma acele izichibiyelo ezithile, kumele sithathwe ngokuthi senqatshiwe uma–

(a) lolo lwazi lokwengeza lungathunyelwe; noma

(b) lezo zichibiyelo ezidingekayo zingenziwe ngendlela egculisa uMasipala,

ezinsukwini ezingu 90 kusukela ngosuku okwacelwa ngalo lolo lwazi lokwengeza noma lezo zichibiyelo ezidingekayo.

(7) Umfakisicelo angasithumela kabusha isicelo sakhe zingakapheli izinyanga ezingu 12 kusukela osukwini afaka ngalo isicelo sokuqala.

(8) UMasipala kumele zingakapheli izinsuku ezingu 21kusukela osukwini athatha ngalo isinqumo ngokwesigatshana (5) abhalele umfakisicelo incwadi emazisa ngesinqumo sakhe futhi ahlinzeke nangezizathu ezibhalwe phansi zesinqumo sakhe uma esethole isicelo esibhalwe phansi somfakisicelo.

(9) UMasipala kumele agcine kumarekhodi akhe zonke izicelo, amaplani, imidweno kanye namona imiphiimibhalo eyathunyelwa ngokwesigatshana (2) ngokuhambisana noMthetho kaZwelonke Wokugcinwa Kwamarakhodi iNational Archives and Records Service of South Africa Act, 1996(uMtheetho No. 43 ka 1996)kanye nangokuhambisana nanoma imuphi omunye umthetho noma inqubomgomo eqondene nokugcinwa kwamarekhodi.

Ukuhlangula ecaleni

8.Umuntu ofaka isicelo sokubeka noma sokuguqula uphawu lokukhangisa ngaphandlekumele–

(a) ahlangule uMasipala ecaleni lanoma ikuphi ukufaka isibizo okungenzeka ngenxa yokubela lolo phawu lokukhangisa ngaphandle; futhi

(b) lapho kufakwe isicelo sokubeka uphawu lokukhangisa ngaphandleesiphumela ngaphandle kwemingcele yanoma imuphi umgwaqo noma indawo yomphakathi,ngaphezu kwalokhu aphinde ahlangule uMasipala ecaleni maqondana nanoma isiphi isibizo esingafakwa maqondana nalokho kungena kuleyo ndawo.

Imali nentela yesicelo

9.(1)UMasipala unelungelo lokukhokhisa imali yokufaka isicelo noma imuphi umuntu ofaka isicelo sokubeka noma sokuguqula uphawu lokukhangisa ngaphandlengesikhathi ethumela isicelo ngasinye kanjengokuba engabeka.

(2) UMasipala angahlinzekela uhlelo lokuhlaziya indawo okuyothi ibhalasi yemali yesicelo ikhokhwe kuphela emva kokuba isicelo sokufaka uphawu lokukhangisa ngaphandle olungakhombi indawo sesivunyilwe kuqala nguMasipala.

(3) Zonke izimpawu ezigunyaziwe ukuba zifakwe endaweni okungeyona ekamasipala ziyokhokhiswa intela yonyaka ngokuhambisana namatharifu, kanti leyo ntela iyonqunywa ngesinqumo esiyokwenziwa nguMkhandlu.

(4) Izimpawu ezigunyaziwe endaweni kamasipala ziyokhokhiswa ilevi enqunywe ngokuhambisana namatharifu, kuphi lapho kufanele, ngokwesivumelwano esibhalwe phansi esiphakathi kukaMasipala nenkampani leyo.

Ukubekwa kophawu lokukhangisa ngaphandle olugungayizwe

10.(1)Umuntu angeke akwazi ukubeka noma ukuguqula uphawu lokukhangisa ngaphandleuma lungahambisani nalo Mthetho kaMasipala kanye nanoma imiphi imibandela ebekwe nguMasipala kuleyo mvume.

(2) Umnikazi wendawo kanye nomnikazi wemvume bobabili banomthwalo wokuzibophezela kanye nokuphothula, ngezikhathi ezinqunyiwe kuleyo mvume, ukubeka uphawu lokukhangisa ngaphandleolugunyaziwe kanye nohlaka lokuleseka.

(3) Noma imuphi umuntu obeka uphawu olugunyaziwe kumele azise uMasipala zingakapheli izinsuku ezingu 14 efake lolo phawu.

(4) Uma uphawu olugunyazwe ngokwesigatshana (2) lungafakiwe ngalesi sikhathi esinqunyiwe kwimvume, kanye nanganoma isiphi esinye isikhathi uMasipala asinwebe ngomusa esibhalwe phansi, ukugunyazwa kwemvume kuphelelwa isikhathi bese kudingeka ukuba kufakwe isicelo esisha.

Ukuchitshiyelwa kwemibandela kanye nokumiswa noma ukuhoxiswa kwemvume

11.(1)UMasipala angayihoxisa imvume,noma abeke eminye imibandela maqondana nokubekwa kophawu lokukhangisa ngaphandle, uma uphawu luba uhlupho, lucasula noma luthikameza ukuphepha kwabantu noma kwempahla.

(2) Uma uMasipala ebona ukuthi kunezizathu ezizwakalayo, okufaka nanoma ikuphi ukwaphulwa kwemibandela ebekiwe maqondana nemvume,zokumisa noma ukuhoxisa imvume yokubeka uphawu lokukhangisa ngaphandle,noma zokubeka eminye imibandela

maqondana nokubekwa kophawu lokukhangisa ngaphandle,kumele kulandelwe le nqubo elandelayo:

(a)uMasipala kumele anike umnini wemvume kanye nomnikazi wendawo isaziso esibhalwe phansi sezinsuku ezingu 21 okungenani, esibazisa ngenhloso kaMasipala yokumisa noma ukuhoxisa imvume;

(b) isaziso okukhulunywe ngaso endimeni(a) kufanele sifake–

(i) isitatimende esibeka uhlobo lwesinyathelo esihlongozwayo;

(ii) isizathu saleso sinyathelo esihlongozwayo;

(iii) isimemo sokwenza izethulo ezibhalwensi ngalolu daba ngesikhathi esibekiwe;

(iv) ikheli okumele kuthunyelwe kulo izethulo; kanye

(v) nosuku, isikhathi sokulalelwa kwecala, esingeke sibe ngaphansi kwesinsuku ezingu 15 kusukela osukwini okwakhishwa ngalo isaziso, okucutshungulwa ngako udaba lokumisa noma ukuhoxiswa, kanye nokusho ukuthi umninimvume kanye nomnini wendawo bangathumela izethulo futhi bavele kulowo mhlangano wokuqula icala.

(3) Umninimvume kanye nomnikazi wendawo kumele banikwe ithuba, lokuba ngokwabo noma ngokuthumela umuntu ogunyazwe yibo, bavele phambi kwaleso sigcawu ukuze benze izethulo zabo.

(4)Uma umninimvume noma umnikazi wendawo befisa ukuvela enkundleni kanye nokuphikisa leso sinyathelo esihlongozwayo, kumele zingapheli izinsuku eziyisikhombisa ethole isaziso noma ngaleso sikhathi esengeziwe esingavunyelwa nguMasipala, athumele izethulo zakhe kulelo kheli elibhalwe esazisweni.

(5)UMasipala kumele athathe isinqumo sokuthi uyayimisa noma uyayihoxisa imvume, noma ubeka eminye imibandela, futhi kumele anike umninimvume noma umnikazi wendawo izizathu ezibhalwe phansi zesinqumo sakhe zingakapheli izinsuku ezingu 14kusukela osukwini aphothule ngalo ukulalela lelo cala.

Imvume ayedluliselwa komunye umuntu

12.(1) Imvume yokubeka noma yokuguqula uphawu lokukhangisa ngaphandle ayedluliselwa komunye umuntu futhi akuvumelekile ukuba iqashiswa, ayidayiswa, kushintshwane ngayo noma ichithwe noma ingayiphi indlela.

(2) Ngale kwesikhathi esebekwe ukusebenza ngaso leyo mvume, imvume iyophelelwa isikhathi uma umninimvume eyeka ukusebenzisa leyo ndawo, noma ukuqhuba ibhizinisi noma okunye okwenziwayo kuleyo ndawo eqondene naleyo mvume.

(3) Umninimvume kanye nomnikazi wendawo kumele banikwe ithuba, lokuba ngokwabo ngoma ngokuthumela umuntu ogunyazwe yibo, bavele phambi kwesigcawu futhi benze izethule phambi kukaMasipala, futhi lapho kufanele,kumele bazise uMasipala zingakapheli izinsuku ezingu 14 kusukela osukwini ayeka ngalo ukusebenzisa noma ukuba ngumnikazi noma ukuqhuba ibhizinisi noma owenziwayo kuleyo ndawo eqondene nemvume.

Ukuphelelwa isikhathi kwemvume

13. Imvume yokubeka noma yokuguqula uphawu lokukhangisa ngaphandleiphelelwa isikhathi uma uphawu lokukhangisa ngaphandleolugunyaziwe–

(a) lungabekiwe ezinyangeni eziyisithupha kusukela osukwini olwagunyazwa ngalo, ngaphandle uma umninimvume enza isicelo esibhalwe phansi sokunwetshelwa leso sikhathi, esingase sigunyazwe ngesinye isikhathi esiyizinyanga eziyisithupha; noma

(b) luguqulwa noma lwengezwa ngaphandle kokuthola enye imvume kuMasipala: Ngaphansi kokuthi uMasipala angagunyaza izinguquko ezincane ezingenziwa esicelweni sokuqala.

Ikomidi Eleluleka Kwezokukhangisa

14.(1) INhloko ingakha iKomidi Eluleleka Kwezokukhangisa elakhiwe ngabasebenzi ukuba licubungule futhi lenze izincimi ngalezo zicelo ezifikile zokubeka uphawu lokukhangisa.

(2)INhloko iyoqoka uSihlalo kanye nePhini likaSihlalo walelo wekomidi.

(3) Amalungu amathathu eKomidi Eleluleka Kwezokukhangisa kumele abe khona ukuze umhlangano ukwazi ukuqhubeka.

(4) IKomdi Eleluleka Kwezokukhangisa kumele lihlangane kangangoba kudingeka ukuze lenze imisebenzi namajoka alo.

(5) INhloko iyonquma Imibandela Yokusebenza kwekomidi

ISAHLUKO 4
IZIMPAWU ZOKUKHANGISA EZINGAVUMELEKILE

Izimpawu zokukhangisa ezingavumelekile

15.(1) Lezi zimpawu zokukhangisa ezilandelayo azivumelekile:

(a) Nanoma uluphi uphawu lwangaphandle–

(i) olungahambisani nemibandela yemvume, yalo Mthetho kaMasipala, yomthetho osebenzayo noma yomhlaba ongaphansi kukaMasipala;

(ii) olufiphalisa, oluvimbezela noma oluphazamisa nanoma uluphi uphawu lwezomgwaqo noma uphawu olulawula ukuhamba kwezimoto;

(iii) oluthikameza, oluvimbezela noma oluphazamisa ukuphepha kwezimoto emgwaqeni, abantu abahamba ngezinyawo, ukuphepha kwezindiza noma ukuphepha komphakathi wonkana;

(iv) oluvimbezela nanoma imuphi umgwaqo, izindlela zokuphuma uma kunemililo, izindlela zokuphuma, amawindi, iminyango nanoma iyiphi indawo evulekile esetshenziselwa ukungena nokuphuma noma esetshenziselwa ukukhipha umoya, indlela engasetshenziswa izicishamlilo noma engaba nobungozi bokuqubula umlilo ngokubona kukaMasipala;

(v) oluhlambalazayo, oluyichilo, oluphoxayo noma olufana nalokhu ngokubona kukaMasipala;

(vi) uma lupendelwe noma lufakwe nganoma iyiphi indlela esihlahleni, ezitshalweni, edwaleni noma kunoma isiphi isibonakaliso semvelo;

(vii) olukhangiswe ezingqwembeni, kumabhena nasemafulegini ezakhiweni zikaMasipala zomsebenzi ngaphandle kwemvume kaMasipala;

(viii) olunyakazayo noma olunezinto ezinyakazayo;

(ix) oluphazamisa, noma ngayiphi indlela, noma iluphi uphawu lokukhangisa ngaphandle olubekwe ngokusemthethweni;

(x) olwenziwe ngendlela enobungozi noma oluyingozi kunoma imuphi umuntu noma isakhiwo njengoba kubaluliwe kuMthethonqqubo kaZwelonke Yezokwakha;

(xi) olweqa umugqa womngcele waleso sakhiwo olufakwe kusona; noma

(xii) olungalimaza imvelo lapho lubekwe khona ngokwesisindo, ubukhulu, ukukhanya noba indlela olwenziwe ngayo;

(b) izikhangiso zangaphandle eziphezu kompheme noma uvulandi ngaphandle uma lesi sikhangiso sinalokhu–

(i) amagama asikwe ngawodwana ngokwamabhokisi noma indwangu angeqi ubude obubekiwe; futhi

(ii) kungabibikho izimpawu ezingaphezu kwezimbili ezingaphezu kwemitha elilodwa ubude futhi zimiswe ngokuhlukana emagameni;

(c) noma isiphi isikhangiso sangaphandle esigqame ngendlela ethikameza abantu;

(d) noma iluphi uqwembe noma okusetshenziselwa ukuqhakambisa umkhiqizo othile;

(e) noma ngabe iziphi izingqwembe eziphaphathekayo;

(f) noma imaphi amafulegi ngaphandle uma egunyazwe uMasipala kanti futhi−

(i) ehambisana nomcimbi oqhubekayo noma ozayo futhi ekhangiswe eduze noma endaweni lapho kwenzelwa khona imicimbi;

(ii) ekhangiswe ngesikhathi kwenziwa imicimbi futhi luhambisana nayo leyo micimbi;

(iii) kuyifulegi lesizwe elingahambisa nesikhangiso esithile;

(iv) kuyifulegi eliphathwa uma kuholwa imashi; noma

(v) esendaweni yebhizinisi futhi ekhangisa lelo bhizinisi;

(g) noma ngabe isiphi isikhangiso esisebhodini eliphathekayo elibekwe endaweni yomphakathi noma ebonakalayo kuleyo;

(h) noma ngabe isiphi isikhangiso sophahla endaweni esemafemini, emtateni noma esikhumulweni sezindiza; Ngaphandle uma uMasipala amukela isikhangiso sophahla esifanelekile kunoma iyiphi indawo engezansi kwemigwaqo;

(i) noma ngabe isiphi isikhangiso esixhophayo;

(j) noma ngabe isiphi isikhangiso esinyakazayo;

(k) noma ngabe ikuphi ukukhangisa kwabanye abantu kumakhonteyina;

(l) noma ngabe imaphi amafulegi alengayo;

(m) noma ngabe isiphi isikhangiso esingagunyaziwe sasemotweni;

(n) izikhangiso ezihambayo noma zamabhodi amasamishi; kanye

(o) Izimpawu ezikhomba indlela: Ngaphandle uma ibhodi labadayisi bezindlu libhalwe ukuthi “ziyaboniswa” kanye nezinye izimpawu zesikhashana zomcimbi othile zingavunyelwa.

ISAHLUKO 5
IZINDAWO EZILAWULWAYO

Izindawo ezilawulwayo

16.(1) Ngokwezinhloso zalo Mthetho kaMasipala, kunalezi zindawo ezilawulwayo:

(a) izindawo ezilawulwa kakhulu;

(b) izindawo ezilawulwa kancane;

(c) izindawo ezilawulwa ngokungagcwele; kanye

(d) nezindawo ezikhethekile zokukhangisa.

(2) Izindawo ezilawulwayo lapho kungabekwa khona izimpawu zokukhangisa zihlonziwe njengob kubekwe kuSheduli 19 walapha.

Amamephu okulawula ukukhangisa

17.(1) UMkhandlu ungamukela iMephu yokuLawula ukuKhangisa ezokhombisa lokhu–

(a) Imingcele yezindawo ezilawulwa kakhulu, ezilawula kancane kanye nezilawulwa ngokungagcwele ezingena ngaphansi kwemingcele kaMasipala;

(b) izinhlobo zezimpawu ezingavumelekile kulezi zindawo ezibalulwe esigabeni (a); kanye

(c) nezinhlobo zezimpawu ezivumelekile ezindaweni ezibalulwe esigabeni (a) kanye nemibandela engabekelwa zona.

(2) IMephu yokuLawula ukuKhangisa kumele ihambisane nemigomo yalo Mthetho kaMasipala kanye neminye imithetho esebenzayo.

Ukubamba iqhaza komphakathi

18.(1) UMasipala kumele axhumane nalabo abanothando kanye nabathintekayo, osomamabhizinisi kanye nezakhamuzi kunoma iyiphi indawo abayicabangayo ngaphambi kokuba bafake iMephu yokuLawula ukuKhangisa.

(2) Uhlelo lokuxhumana nomphakathi njengoba kubaluliwe esigatshaneni (1) kumele lulandelwe njengoba kubaluliwe kwizigatshana (3) kuya (10).

(3) UMasipala kumele–

(a) aqophe iMephu yokuLawula ukuKhangisa; futhi

(b) ashicilele isaziso ngendlela efanelekile futhi nehlelekile–

(i) azise umphakathi ukuthi iMephu yokuLawula ukuKhangisa itholakala endaweni ethile lapho umphakathi uzokwazi khona ukuyifunda uyihlolisise ngezikhathi ezibekiwe; futhi

(ii) uMasipala amukele iziphakamiso ezisokwenziwa umphakathi ngosuku olubekiwe kungakapheli izinsuku ezingu -30 sishicileliwe isaziso.

(4) Isaziso esibalulwe esigatshaneni (3) kumele–

(a) sibe namaphuzu abalulekile eMephu yokuLawula ukuKhangisa ehlongozwayo; futhi

(b) sishicilelewa emaphephandabeni amabili endawo, noma ephephandabeni lomphakathi elitholakala mahhala uma likhona, singashicilelwa ephephandabeni lomphakathi kanye nasephephandabeni lendawo elilodwa eliphuma nsukuzonke.

(5)UMasipala angacela umhlangano womphakathi futhi lo mhlangano kumele ubanjwe zingakapheli izinsukueziyisikhombisa noma ezingu-60 kusukela osukwini lokuqala kushicilelwa isaziso esibalulwe esigatshaneni (3).

(6) Emhlanganweni womphakathi obalulwe esigatshaneni (5), uMasipala kumele–

(a) athule futhi achaze leMephu yokuLawula ukuKhangisa ehlongozwayo;

(b) aphendule imibuzo mayelana nale Mephu yokuLawula ukuKhangisa;

(c) anikeze labo abanothando nabathintekayo, osomabhizinisi kanye nezakhamuzi ithuba lokufaka imibono futhi bakwazi nokuphikisa okuthile; futhi

(d) athathe amaminithi omhlangano.

(7) UMasipala kumele acubungule yonke imibono neziphakamiso zokuphikisa ezifakwe umphakathi mayelana neMephu yokuLawula ukuKhangisa ehlongozwayo.

(8) Ngemumva kokucubungula zonke iziphakamiso, ngesikhathi esifanelekile kusukela kwaqala uhlelo lokuxhumana nomphakathi, uMasipala–

(a) angamukela iMephu yokuLawula ukuKhangisa ehlongozwayo

(b) angachibiyela futhi amukele iMephu yokuLawula ukuKhangisa ehlongozwayo; noma

(c) achithe iMephu yokuLawula ukuKhangisa elongozwayo.

(9) Ngale kwezihlinzeko zesigaba 59 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMththo No. 32 ka 2000) uMkhandlu awukwazi ukudlulisa amandla okuthatha izinqumo njengoba kubaluliwe esigatshananeni (8).

(10) Esimweni lapho uMkhandlu wamukela iMephu yokuLawula ukuKhangisa, kumele kushicilelwe isaziso ngendlela ebalulwe esigatshaneni (4), kanye *nakwiGazethi yesiFundazwe*–

(a)esiqinisekisa ukuthi iMephu yokuLawula ukuKhangisa yamukeliwe;

(b) esinika isaziso sosuku lokuqala ukusebenza kweMephu yokuLawula ukuKhangisa;

(c) esifinqa izigaba ezibalulekile zeMephu yokuLawula ukuKhangisa; kanye

(d) nesiqinisekisa ukuthi iMephu yokuLawula ukuKhangisa iyatholakala kwabafisa ukuyihlola kuleyo ndawo ebaluliwe kanye nangesikhathi ezibaluliwe.

Ukuchitshiyelwa, ukuchithwa kanye nokubuyekezwa kwamaMephu okuLawula ukuKhangisa

19.UMkhandlu–

(a) ungachibiyela noma uchithe isinqumo sokwamukelwa kweMephu yokuLawula ukuKhangisa ngokuhambisana nemigomo yomthetho we-Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000):Ngaphansi kokuthi uMkhandlu uzolandela inqubo yokubandakanya umphakathi ebekwe esigabeni 18; futhi

(b) kumele ubuyekeze iMephu yokuLawula ukuKhangisa noma inini lapho uMkhandlu ubona kunesidingo.

Izindawo ezilawulwa kakhulu

20. Ezindaweni ezilawulwa kakhulu–

(a) kuyovunyelwa kuphela izikhangiso zangaphandle ezinomthelela omncane ezingangeneleli, ziqonele nomazehlinze nganoma iyiphi indlela ubunjalo noma izinga lemvelo, okubalwa ukubukela, inhlalo kanye nokuphepha emigwaqeni; futhi

(b) ukukhangisela umuntu wesithathi akuvumelekile.

Izindawo ezilawulwa ngokungagcwele

21. Ezindaweni ezilawulwa ngokungagcwele–

(a) kuyovunyelwa izikhangiso zangaphandle ezinomthelela ophakathi nendawo, kuqashelwe umthelela kwimvelo okublwa izinto ezibonakalayo, ihlalo nokuphepha emgwaqeni;

(b) ukukhangisela umuntu wesithathu kungavunyelwa kumabhilbhodi azakhiweni/emhlabeni kaMasipala kanye nasezimpawini zokukhangisa ezingeqileku-18m^2, nokwenziwa ngokuhambisa nobungako bophawu, indawo ekulo kanye nesibalo sezimpawu; futhi

(c) amabhilbhodi afakwa odongeniangavunyelwa kepha angeke amboze indawo engu-50% yodonga noma ugange lolo.

Izindawo ezilawulwa kancane

22. Ezindaweni ezilawulwa kancane, kuvumeleke izimpawu zokukhangisa ngaphandle ezinomthelela omkhulu kanti izimpawu zokukhangisela umuntu wesithathu zivumelekile, kodwa zibe nemikhawulo ethile maqondana nobukhulu, indawo ezikuyo kanye nesibalo seikhangiso.

ISAHLUKO 6
AMABHODI ABADAYISI BEZINDLU KANYE NAMABHODI OSONKONTILEKA

Ukubhalisa kwabadayisi bezindlu kanye nosonkontileka

23.(1) Umdayisi wezindlu noma usonkontileka ngeke akwazi ukukhangisa ibhodi lakhe ngaphandle uma–

(a) efake isicelo sokwenza lokhu kuMasipala; futhi

(b) sekukhishwe incwadi yemvume yokukhangisa amabhodi omdayisi wezindlu noma kasonkontileka.

(2) Ngokwabadayisi bezindlu–

(a) umdayisi ngamunye kumele abe necwadi yakhe yemvume; futhi

(b) akwanele ukuthi inhlangano noma umfelandawonye lapho abadayisi bezindlu besebenzela khona kube iyona kuphela enencwadi yemvume.

(3) Isicelo sokuthola semvume yokukhangisa ibhodi labadayisi bezindlu noma likasonkontileka kumele sifakwe kuMasipala ngefomu elikhethekile futh kukhokhwe nemali ebekiwe.

(4) Imvume ekhishwe ngokwesigatshana 1-

(a) iyosebenza isikhathi esiyizinyanga ezingu-12;

(b) iyosebenza kuwo wonke amabhodi abadayisa ngezindlu noma amabhodi osonkontileka abekwe ngumuntu onemvume ngesikhathi okusebenza ngaso leyo mvume.

(5) UMasipala, ngokwencwadi yemvume ebalulwe esigatshaneni (1), angakhipha imvume noma anqabe ukukhipha imvume.

(6) Uma uMasipala ebona ukuthi kunezizathu zokumisa noma ukuhoxisa incwadi yemvume ebalulwe esigatshaneni (1) eyanikezwa umdayisi wezindlu noma usonkontilea, kuzothathwa lezi zinyathelo ezilandelayo:

(a) UMasipala kumele anikeze umdayisi wezindlu noma usonkontileka isaziso esibhaliwe sezinsuku ezingu-21 esisho ukuthi uhlose ukumisa noma ukuhoxisa incwadi yemvume; futhi

(b) lowo onencwadi yemvume kanye nomnikazi kumele banikezwe ithuba, ngokwabo noma lowo ogunyazwe yibo ukuba abamele, ukuba bafike ecaleni bazokwenza izethulo ngaphambi kokuba uMasipala amise nona ahoxise imvume yabo.

(7) Isaziso esibalulwe phansi okukhulunywe ngaso kwisigatshana (6) kumele sibe nalokhu−

(a) isitatimende esichaza kabanzi ngohlobo kanye nangesinyathelo esihlongozwayo;

(b) izizathu zaleso sinyathelo esihlongozwayo;

(c) isimemo sokuthumela izethulo ezibhalwe phansi ngalolu daba;

(d) ikheli lapho kungathunyelwa khona izethulo; kanye

(e) nosuku, isikhathi kanye nendawo yokuqulwa kwalolu daba, futhi akufanele kube isikhathi esingaphansi kwezinsuku ezingu-15 kusukela osukwini lokukhishwa kwesaziso, ukuze kucutshungulwe ukumiswa noma ukuhoxiswa futhi kumele kucaciswe ukuthi umdayisi wezindlu noma usonkontileka othintekayo angakwazi ukuthumela izethulo futhi avele ekuqulweni kwalolu daba.

(8) Esimweni lapho umdayisi wezindlu noma usonkontileka efisa ukuvela uekuqulweni kwalolu daba futhi aphikisane nalesi sinyathelo esihlongozwayo, kumele zingakapheli izinsuku eziyisikhombisa ethole isaziso noma ngesikhathi esengeziwe esingagunyazwa nguMasipala, athumele izethulo ezibhalwe phansi azibhekise kuleli kheli elibhaliwe esazisweni.

(9) UMasipala kumele akhiphe isinqumo sokuthi uyayimisa noma uyayihoxisa incwadi yemvume futhi anikeze umdayisi wezindlu noma usonkontileka othintekayo izizathu zalesi sinqumo kungakapheli izinsuku ezingu-14 luphothuliwe lolu daba.

Isimiso samabhodi omdayisi wezindlu kanye nawosonkontileka

24.(1) Ibhodi lomdayisi wezindlu kumele, lapho kufanele khona, kumele likhombise lokhu:

(a) igama lenkampani esetshenzelwa umdayisi wezindlu;

(b) uphawu lwenkampani;

(c) amagama aphelele omdayisi wezindlu;

(d) imininingwane yokuxhumana nomdayisi wezindlu; kanye

(e) nenombolo yokubhalisa yomdayisi wezindlu eyanikezwa inkampani ngesikhathi enikwa incwadi yemvume nguMasipala.

(2) Uma ibhodi lomdayisi wezindlu likhombisa ukuthi indlu/umhlaba usudayisiwe noma usuqashisiwe, lelo bhodi kumele likhombise usuku okwadayiswa noma okwaqashiswa ngalo, kanti umdayisi wezindlu kumele alikhiphe ngemumva kwezinsuku ezingu-30 kudayisiwe noma kuqashisiwe.

(3) Umdayisi wezindlu kumele azise uMasipala ngokudayiswa noma ukuqashiswa kwendawo kungakapheli izinsuku eziyishumi futhi uma eceliwe ahlinzeke uMasipala ngobufakazi balokho kudayisa noma ukuqashisa.

(4) Ibhodi likasonkontileka kumele likhombise lokhu:

(a) igama likasonkontileka, uma kufanelekile, igama lebhizinisi noma lokusebenza;

(b) imininingwane yokuxhumana kasonkontileka;

(c) Uma kudingeka kuMasipala, incazelo emfushane, ezokwanelisa uMasipala, ngomsebenzi, mayelana nohlobo lomsebenzi noma umkhiqizo owenziwa usonkontileka; kanye

(d) nenombolo yokubhalisa eyanikwa usonkontileka ngesikhathi ethola incwadi yemvume ephuma kuMasipala.

(5) Eminye imininingwane eyengeziwe ingadingeka ukuba ifakwe ebhodini lomdayisi wezindlu noma likasonkontileka kodwa kumele igunyazwe nguMasipala kuqala.

(6) Ibhodi likasonkontileka kumele likhangiswe ngaphakathi noma kumngcele wesakhiwo.

ISAHLUKO 7
IZIDINGO EZEJWAYELEKILE

Indawo eyakhele

25. Uphawu lokukhangisa ngaphandle angeke lwadicilela phansi imvelo noma izinsiza zokuphila kwabantu ngenxa yobukhulu, umumo, umubala, ubunjalo, izinga lokugqama, indlela oludizaynwe ngayo noma impahla eyakhiwe ngalo kanye nanganoma isiphi esinye isizathu.

Ubuhle

26.(1) Uphawu lokukhangisa ngaphandleangeke lwadicilela phansi indawo eyakhiwe noma imvelo, luphazamise izakhiwo noma isimo sazo semvelo, luphazamisa ukuhambisana okukhona kwimvelo noma luphazamise izidingo ezejwayelekile zaleyo ndawo.

(2) Uphawu lokukhangisa ngaphandlekumele–

(a) luhambisane nemvelo yaleyo ndawo oluzofakwa kuyo;

(b) lufakwe ngendlela efanele ukuze kungabi khona ukuminyana;

(c) lwakhiwe, lufakwe futhi luphothulwe ngendlela efanele ukuze uhlaka kanye nokuqukethwe kwidizayni yalo kube nobunono; futhi

(d) lwakhiwe ngemapahla ehlalayo nefanele lowo msebenzi, njengoba uphawu lokukhangisa ngaphandle luhlala isikhathi eside.

Ukuphepha

27.(1) Uphawu lokukhangisa ngaphandlekumele luthobele izimiso zoMthetho kaZwelonke Wezemigwaqo kanye neminye imithetho esebenzayo.

(2) Uphawu lokukhangisa ngaphandleangeke lwabekwa lapho lungadala ingozi, ukuphazamisa noma uhlupho kunoma imuphi umuntu, noma lulimaze noma isiphi isakhiwo/umhlaba noma imvelo, okufaka nemigwaqo kanye nezindlela zabahamba ngezinyawo.

(3) Okungavumelekile okukhulunywe ngako endimeni (2) kufaka kodwa kungagcini kulokhu–

(a) ukuthikameze noma iluphi uphawu lomgwaqo;

(b) ukuvimba ukubonakala kwanoma iyiphi indlela yabahamba ngezinyawo noma yabashayeli;

(c) ukuvimba ukufinyelela kunoma imuphi umgwaqo; kanye

(d) nanoma iluphi uhlupho oludalwa ukukhanya.

(4) Uphawu lokukhangisa ngaphandleolubekwe eduze komgwaqo futhi oluhloselwe abasebenzi bomgwaqo, kufanele–

(a) lube lufishane futhi lufundeke;

(b) lube nombhalo omncane; futhi

(c) luhambisane nemihlahlandlela yokulawula amabhithi kanye nobukhulu bolwazi njengoba kubekwe kulo Mthetho kaMasipala.

(5) Uphawu lokukhangisa ngaphandlekumele luthobele imibandela nemigomo yezokuphepha ebekwe kulo Mthetho kaMasipala.

Ukugqama

28.(1) Uphawu lokukhangisa ngaphandleangeke lweqe emkhawulweni ophezulu wamazinga okugqama ngeskwemitha ngasinye njengoba kubekwe eThebhuleni elingezansi:

Indawo egqanyisiwe	**Umkhawulo ophezulu**
Engaphansi kuka 0,5 m²	1000 candela per m²
0,5 - 2,0 m²	800 candela per m²
2,0 - 10 m²	600 candela per m²
10 m² noma ngaphezulu ezindaweni ezibonakalayo	350 candela per m²
10 m² noma ngaphezulu kwezinye izindawo	400 candela per m²

(2) Uphawu lokukhangisa ngaphandlelukagesi nomaolugqanyisiwe akumele lufakwe noma iyiphi into ephazamisa noma ekhubaze ukuqaphela kwabashayeli ngendlela engaholela ekutheni kube nezimo zokushayela ezingadala ingozi.

(3) Uphawu lokukhangisa ngaphandlelukagesi noma olugqanyisiwe kumele lufakwe ngendlela ezoqinisekisa ukusabalale okufanele kokukhanya kanye nangendlela ezonciphisa ukumosheka noma ‘ukukapaka’ kokukhanya.

(4) Uphawu lokukhangisa ngaphandleangeke lwagqanyiswa emgaqweni onguthelawayeka,ngale kokuthi leyo ndawo ilawulwa kangakani, ngaphandle uma lowo mgwaqo onguthelawayeka ukhanyiswe ngamalambu omgwaqo kulo lonke lelo banga okubonakala kulo leso sikhangiso emgaqweni onguthelawayeka.

(5) Ubungako bokugqanyiswa kophawu lokukhangisa ngaphandleangeke kwadala ukungakhululeki, ukulimala noma ubungozi kunoma yimuphi umuntu.

(6) Umthombo wokukhanya ovela kumalambu ohlobo olubizwa ngamafloodlights angeke wabonakala ezimotweni ezihamba nxazonke.

(7) Amafloodlight ayofakwa ngendlela ezoqinisekisa ukusabalala okufanele futhi enciphisa ukumosheka ‘nokukapaka’kokukhanya.

(8) Maqondana nemigwaqo engothelawayeka amadolobheni, ngale kwezinga lokulawulwa kwendawo, amabhilibhodi,izikhangiso zesikhashana, imifuziselo yemikhiqizo noma izimpawu ezinxantathu,izimpawo ezisophahleni, izimpawu eziflethi, izimpawu ezopendwe ezindongeni noma ophahleni, izimpawu ezifakwe emabhilidini, ukukhangisa kwimibhoshongo, amabhuloho kanye nakumapylons, izikhangiso ezisodongeni noma ogangeni lwesiza sokwakha, izimpawu ezihamba emoyeni,inqola ekhangisayo angeke kwagqanyiswa nganoma iyiphi indlela ngaphandle uma umgwaqo onguthelawayeka ukhanyiswe ngamalambu omgwaqo kulo lonke ibanga okubonakala kulo uphawu lokukhangisa kulowo mgwaqo onguthelawayeka.

Umthelela kwezemvelo

29.(1) Uphawu lokukhangisa ngaphandlekumele ludidiyelwe kwimvelo ngendlela egculisayo ukuze kuqinisekiswe ukuthi ezokuvakasha nentuthuko kuMasipala kuba sezingeni eliphezulu ngokwezokukhangisa.

(2) Ukuma, ubukhulu, ukudizaynwa, ukwakhiwa kanye nokuqukethwe kuzo zonke izimpawu kumele kucabangele izinga eliphezulu, umlando, ukugcineka nokuzwela kwemvelo kwezindawo ezivulekile.

(3) Uphawu lokukhangisa ngaphandlealuvumelekile ukuba lulimaze imvelo.

Ukuma kophawu lokukhangisa ngaphandle

30.(1) Ukuma kophawu lokukhangisa ngaphandlekumele kuhambisane nezihlinzeko zoMthetho weNational Road Traffic Act, lo Mthetho kaMasipaa kanye nanoma yimuphi omunye umthetho osebenzayo.

(2) Uphawu lokukhangisa angeke−

(a) lubekwe esiqhingini somgaqo noma or road medianngaphandle uma kuwuphawu legama lomgwaqo;

(b) lulenge ngokuvunda emgwaqweni ngaphandle kwezimpawu ezivumeleke kmamabhuloho emigwaqo ethile emadolobheni noma kweminye imigwaqo engothelawayeka noma ehamba phezulu, emibhoshongweni yokukhangisa, kumabhuloho noma kumapylonskanjalo namabhena alengiswe avundla umgwaqo emigwaqweni yasemadolobheni ngaphandle uma kwemigwaqo engothelawayeka futhi njengengxenye yephrojekthi yokuhlobisa umgwaqo; noma

(c) lufakwe noma lulengiswe ngaphezu kwendawo yomgwaqo noma endaweni esetshenziselwa okuncane engaphandle kwendawo engumngcele womgwaqonoma umgwaqo onguthelawayeka.

(3) Amaphrojekthi axhasiwe esiminyaminya emigaqweni, izimpawu zezokuvakasha, izimoto zokukhangisa kanye nakumabhodi ohlobo lweciti-litesangeke kwavunyelwa ukuba kubekwe endaweni yomgwaqo ngaphandle uma kugunyazwe nguMasipala.

(4) Izikhangiso zesikhashana njengamabhodi amaphrojekthi aqondene nokwakhiwa komgwaqo angavunyelwa ukuba abekwe kuzo zonke izindawo zomgwaqo.

(5) Amaphosta nezikhangiso ezibekwe kwifenisha yomgwaqo, amabhena namaflegi, isikhangiso segama lendawo, izimpawu ezicijile, uveranda, ibhalkhoni, ikhanophi kanye nezimpawu ezingaphansi kwemipheme kanye nezikhangiso zokusebenza kwezinhlaka zikahulumeni noma amabhizinisi kahulumeni zingavunyelwa kuzo zonke izindawo zomgwaqo emadolobheni kanye nakweminye imigwaqo engothelawayeka.

(6) Ukukhangisa kwesikhasha okufana namaphosta kanye nezaziso,izikhangiso zamagama emigwaqo, kanye nezimpawu ezisemabhulohweni zingavunyelwa ukuba zingene endaweni yomgwaqo ngaphandle komgwaqo onguthelawayeka, kepha lokhu kungenzeka kuphela ezindaweni ezisemadolobheni ezinezinga lokulawula eliphakathi nendawo noma elincane.

(7) Izimpawu zabaqaphi bendawo kanjalo nezimpawu ezifana nalezi zingavunyelwa ukuba zingene endaweni yomgwaqo ngaphandle komgwaqo onguthelawayeka ezindaweni zasemadolobheni, emakhaya, kanye nasezindaweni zemvelo emva kokuba zingunyazwe nguMasipala.

(8) Izimpawu eziflethi, izimpawu ezicijile, kanye noveranda, ibhalkhoni kanye nezimpawu ezingaphansi kompheme, zingavunyelwa endaweni esetshenziswa kancane eseceleni komgwaqo onguthelawayeka uma ibhilidi elikhulu elinebhizinisi lisendaweni engangamamitha angu 50 kusukela emngceleni wendawo yomgwaqo onguthelawayekafuthi uma ingekho ngempela enye indlela efanele yokukhombisa lelo bhizinisi ebheke komunye umgwaqo womphakathi odlula izimoto.

(9) UMasipala kungathi ezindaweni ezibonakalayo, maqondana nemikhawulo ebekelwe ukukhangisa emigwaqweni engothelawayeka edolobheni, akhombe izindawo lapho engavumela khona ukuxegisa imikhawulo ukuguqula izinga lokulawulwa laleyo ndawo ebonakalayo, futhi kulezo zimo, uMasipala angaphinde abeke noma imiphi imigomo nemibandela ayibona ifanele.

(10) Izimpawu zokukhangisa angeke zavunyelwa ezindaweni ezinemikhawulo emakhoneni emigwaqo yasedolobheni, ngaphandle kophawu lwesikhasha olufakwa ewindini, isikhangiso segama lomgwaqo, uphawu oluflethi, uphawu olucijile, uveranda, ibhalkhoni kanye nezimpawu ezingaphansi kompheme, izimpawu zasemawindini,izimpawu ezifakwe ebhilidini uqobo kanye nezimpawu ezigqanyisiweezisendaweni enemikhawulo ezikhonjiswe emakhoneni omgwaqo, futhi lolo phawu lube nobude obucacile okungenani obungu 6m uma lolo phawu lunemibala obomvu, oluhlaza noma othi awube phuzi.

Uphawu lokukhangisa ngaphandle lwesikhashana

31.(1) Umuntu ofisa ukubeka uphawu lokukhangisa ngaphandlelwesikhashana kumele afake isicelo kuMasipala ukuze athole imvume yokubeka uphawu lwesikhashana.

(2) Uphawu lokukhangisa ngaphandle lwesikhasha lungasetshenziswa kuphela uma kunomcimbi.

(3) Uphawu lokukhangisa ngaphandlelwesikhashana lungabekwa ngaleso sikhathi esinqunywe nguMasipala kuphela kwimvume futhi kumele lususwe ngalesi sikhathi esinqunyiwe emva kokuba umcimbi usudlulile.

(4) Uphawu olukhomba indlela akumele ludidwe njengalolo olunguphawu lomgwaqo ngenxa yanoma ikuphi kulokhu okulandelayo−

(a) noma iluphi uhlobo lomcibisholo noma okunye kokukhomba indlela;

(b) noma iluphi uphawu, ilogo noma okunye okusetshenziswa ezimpawini zomgwaqo;

(c) ukusebenzisa ingxube yemibala esetshenziselwa izimpawu zomgwaqo; noma

(d) izitatimende ezicela abashayeli ukuba bashintshe umzila abebehamba ngawo noma ukuba baphenduke phakathi nomgwaqo.

Ukugcinwa esimweni esifanele

32.(1) Umnikazi wendawo kanye nomninimvume, bobabili banomsebenzi wokugcina esinweni esifaneleuphawu lokukhangisa ngaphandle, kanjalo nohlala lokweseka uphawu, futhi kuhlale kubukeka kahle ngokwesakhiwo nangobuhle.

(2) Uphawu lokukhangisa ngaphandle, kanjalo nohlaka lokweseka, kumele–

(a) kungabi nerasti futhi kupendwe;

(b) kuhlanzwe njalo;

(c) kugcinwe kusesimweni esifanele nesilungisiwe njalo, futhi kusesimweni esiphephile,kusezingeni eliphezulu maqondana nezingaqophelo lohlaka lokweseka, ukunamathisela kanye nokuqukethwe ngokuhambisana neMithethonqubo kaZwelonke Yezokwakha kanye neminye imithetho esebenzayo;futhi

(d) kudizaynwe bese kubekwa, lapho kungenzeka, ngendlela egwema ukulinyazwa kwalo.

Izidingo zikagesi nokugwema umlilo

33.(1) Uphawu lokukhangisa ngaphandle lukagesi nolugqanyisiwe,okufaka nohlaka lokuseseka kumele konke kwakhiwe ngempahla engeke ishe noma ibambe igesi futhi kumele lufakwe ngokuhambisana nezimiso zoMthetho kaMasipala oqondene nogesi kanye nokuphakwa kwawo, iNqubo Enhle yokuxhuma ugesi endaweni ngokuhambisana ne South African Bureau of Standards (SABS), nanoma imuphi omunye umthetho osebenzayo kanye nanoma iyiphi inqumogomo eyamukelwa uMkhandlu maqondana nezidingo zikagesi nezimpawu ezigqanyisiwe.

(2) Uphawu lokukhangisa ngaphandle lukagesi nolugqanyisiwe kumele–

(a) lube namakhebula kagesi,nokunye okudonsa ugesi,abekwe ngendlela yokuthi anganyakazi ukuze angabukeki kabi;

(b) lufakwe into yokwenza ukuthi amelane nesimo sezulu futhi okufinyeleleka kalula kuyo ibanga layo lokuphakama elingu 3mukusuka phansi lapho kuxhunywe khona ugesi oya esikhangisweni ukuze kube lula ukucishwa;

(c) lube namabhithi olwazi nangeqile kwayisithupha avela ngesikhathiesisodwa;

(d) umkhawulo wokuphakama kwaso ube ngu 500mm; futhi

(e) lube nesikhala esingenalutho ngaphansi kwaso esingu 2.2m lapho uphawu lungaphezu kwendlela yabahamba ngezinyawo.

(3) Ukufakwa nokugcinwa esimweni esifanele kophawu lokukhangisa lukagesi nolugqanyisiwe kungenziwa kuphela ngumfakigesi obhalisiwe okuyothi ngokucela komnikazi wendawo noma uMasipala akhiphe isitifiketi sakhe esiqinisekisa ukuthi uqinisekisiwe njengomontu ofaka izintambo zikagesi kanye nokuxhuma ugesi ngokuhambisana nezihlinzeko zayo yonke imithetho esebenzayo.

(4) Uma uphawu lokukhangisa ngaphandleluzofakwa endaweni engase ibe nobungozi njengoba kuchaziwe ku SANS 10108 noma endaweni okukhiqizwa noma kugcinwe kuyo ngaphandle uketshezi oluvutha kalula noma isisi esivutha kalula, umnikazi wendawo kanye nomninimvume kumele baqinisekise ukuthi bathobela iSANS 10108.

(5) akukho ukunyakaza kobuso bophawu lukagesi okuvumelekile ngaphandle uma kushintsha umyalezo ovelayo kanti isikhathi sokuvela komyalezo ngamunye angeke sibe ngaphansi kwemizuzwana engu 30.

Izidingo zokwakhiwa kophawu

34.(1) Uphawu lokukhangisa ngaphandle kumele–

(a) lwakhiwe futhi lufakwe ngendlela efanele;futhi

(b) luqine, lunganyakazi futhi luboshelwe,

Ngendlela eyogculisa unjiniyela obhekele ukudizaynwa, ukusuphavayza kanye nokuqinisekisa ukubekwa kwalolo phawu.

(2) Uphawu, okubalwa nohlala lokuleseka, kumele lwakhiwengempahla engashi, ehlala isikhathi eside futhi ephephile,efanele lolo hlobo lokudizayna ngokuhambisana nemithetho esebenzayo.

(3) Zonke izimpawu zokukhangisa ngaphandle kumele zihlinzekwe ngezinto zokudreyna ezanele.

(4) Uhlaka lokweseka noma iluphi uphawu kumele lwakhiwe, ludizaynwe futhi lusaphavayzwe ngonjiniyela njengengxenye ebalulekile yedizayini yophawu, lucashiswe emehlweni abantu ngendlela eyogculisa uMasipala.

(5) Akukho phawu lokukhangisa ngaphandleoluzimele oluyokweqa ngaphezu kuka 3.4mubude olungakhiwa ngaphandle kokuqinisekiswa ngunjiniyela ukuthi uphawu luzinze ngokwanele futhi luphephile.

(6) UMasipala nganoma isiphi isikhathi angadinga ukuba unjiniyela aqinisekise ukuthi–

(a) ukudizaynwa kophawu lokukhangisa kanye nohlala lokulweseka kuzinzile futhi kuphephile;futhi

(b) uphawu lokukhangisa lulonke seluqediwe kanjalo nohlala lokulweseka kuzinzile futhi kuphephile.

(7) Uhlaka lokweseka lungafakwa kuphela uma uMasipala esekugunyazile ukufakwa kwalo nophawu ngokweMithethonqubo kaZwelonke Yezokwakha.

ISAHLUKO 8
IZIMPAWU EZISENDAWENI KAMASIPALA

Izimpawu ezisendaweni kaMasipala

35.(1) Umuntu angeke abeka noma aguqule uphawu lokukhangisa ngaphandlenoma adale noma avumele noma iluphi uphawu lokukhangisa ngaphandleukuba lubekwe noma luguqulwe endaweni kaMasipa, ngaphandle kwemvume ebhalwe phansi kaMasipala.

(2) Lapho umuntu efaka isicelo sokubeka ibhilbhodi endaweni kamasipala,uMasipala uyobheka kuphela izicelo zokubeka noma zokuguqula ibhilbhodi engekho ngaphezu kuka 36m^2ubukhulu.

(3) Ukubeka noma ukuguqula noma iluphi uphawu lokukhangisa ngaphandle, ngale kwebhilbhodi okukhulunywe ngayo kwisigatshana (2), endaweni kaMasipala kuyolawulwa ngokeNqubomgomo kaMasipala Yokuthengisela kanye nangezinhlelo zokuthengiselana.

(4) Umuntu ofisa ukubeka uphawu lokukhangisa ngaphandleendaweni kaMasipala kufanele–

(a) enze isicelo esibhalwe phansi semvume kuMasipala; futhi

(b) akhokhe imali enqunyelwe lokho nguMasipala.

ISAHLUKO 9
IZINHLOBO NAMAZINGA EZIMPAWU

Izinhlobo zezimpawu

36.(1) Ukugunyazwa nokubekwa kwesikhangiso sangaphandle sohlobo oluthile lophawu kumele kwenziwe ngokuhambisa nalo Mthetho kaMasipala kanye neminye imithetho esebenzayo, ngaphezu kwalokhu, kweyame kwezinye izidingo zokwengeza eziqondene nalolo hlobo oluthile lophawu njengoba kubekiwe kumasheduli okukhulunywa ngawo kwisigatshana (2).

(2) Amasheduli aqondne nezinhloo ezithile zezimpawu yilawa:

(a) Amabhilbhodi: uSheduli 2;

(b) Izimpawu ezigxinyekwe phansi: uSheduli 3;

(c) Izimpawu eziflethi: uSheduli 4;

(d) Izimpawu ezicijile: uSheduli 5;

(e) Izimpawu ezisophahleni: uSheduli6;

(f) Izimpawu ezisesibhakabhakeni: uSheduli7;

(g) uVeranda, iBhalkhoni, iKhanophi kanye nezimpawu ezingaphansi kompheme: uSheduli8;

(h) Amaphosta, amabhena kanye anamaflegi (Izimpawu zesikhashana): uSheduli9;

(i) Ukukhangisa okuhamba phezulu:uSheduli10;

(j) Ukukhangisa ezimotweni: uSheduli 11;

(k) Amaflegi asendaweni (indawo enomniniyo ozimele): uSheduli 12;

(l) Amabhodi abadayisi bezindlu/umhlaba kanye nawosonkontileka:uSheduli 13;

(m) Izimpawu zama Community Policing Forum (CPF) nezokongiwa kwemvelo: USheduli 14;
(n) Izimpawu ezinkundleni zemidlalo: uSheduli 15;
(o) Izimpawu ezikoleni: USheduli 16;
(p) Izimpawu ebhizinisini lasekhaya: uSheduli 17; and
(q) Izimpawu ezisonge ibhilidi: uSheduli 18.

(3) AmaSheduli okukhulunywe ngabo kwisigatshana (2) aqukethe ezinye izidingo, indlela yokufaneleka, imibandela kanye namazinga aphansi okumele wonke umuntu akuthobele ngalolo nalolo hlobo lophawu.

Amabhilidi abaluleke ngokwezomdwebo

37.(1) UMasipala izikhathi ngezikhathi angahlonza izakhiwo azibona zibalulekile ngokomdwebo, indawo, ukudala kanye nanoma yini enye ezenza zibaluleke.

(2) Noma isiphi isicelo semvume yokukhangisa ngaphandle esithinta ibhilidi elibalulekile ngokwezomdwebo kumele sihambisane nemvume ebhalwe phansi ekhishwe uMnyango kaMasipala waseThekwini wakwa Architecture.

(3) Ibhilidi lingamenyezelwa njengelibalulekile ngokwezomdwebo kuphela ngokwesinqumo soMkhandlu futhi emva kokulandela uhlelo olufanele lokubamba iqhaza komphakathi.

Izindawo eziklanyiwe

38.(1) UMasipala angahlonza futhi aklame izindawo lapho ukukhangisa ngaphandle kungavumelekile khona noma kumenikhawulo, kanti lezo zindawo zingamenyezelwa njengezinjalo kuphela ngokwesiqumo soMkhandlu.

(2) Noma ikuphi ukukhangisa ngaphandle ezindaweni eziklanyiwe kungaba nemikhawulo ngoko–

(a) hlobo lophawu olubekwayo;
(b) isikhathi esivunyelwe sokubekwa kophawu;
(c) okuqukethwe uphawu; kanye
(d) nanganoma yimuphi omunye umbandela engabekwa nguMasipala.

(3) Noma iluphi uphawu lokukhangisa ngaphandleolusendaweni eklanyiwe lungakhangisa kuphela umcimbi ozokwenziwa kuleyo ndawo eklanyiwe.

ISAHLUKO 10
UKUPHOQELELWA KOMTHETHO

Imiyalelo esemthethweni

39.(1) Ukwehluleka ukuthobela isicelo esisemthethweni sesisebenzi esigunyaziwe, esikhiphe ngokuhambisana nokubalulwe kuloMthetho kusho ukuphambana naloMthetho.

(2) Isisebenzi esigunyaziwesingangena nomaphi emva kokunika isaziso esifanele nangesikhathi esifanele ukuze senze umsebenzi wokuphenye odingekayo ukuze kuphoelelwe ngendlela umthetho kanye nalo Mthetho kaMasipala.

(3) Uma kubekwe isikhangiso somcimbi ozokwenzeka endaweni okungeyona ekamasipala, umnikazi noma loyo ophethe kuleyo ndawo kumele ahlinzeke ngalokhu okulandelayo uma kucela isisebenzi esigunyaziwe:

(a) igama lomhleli womcimbi; kanye

(b) nanoma imiphi imininingwane yokuxhumana nomhleli womcimbi.

(4) Ukwehluleka komnikazi wendawo noma ophethe ukuthi ahlinzeke ngokubalulwe kwisigatshana (3) kuyoholela ekutheni umnikazi wendawo noma ophethe abe necala.

Isaziso sokulungisa noma sokususa uphawu

40.(1) Uma isikhangiso sangaphandle siphambana–

(a) nokuhlinzekwe ilo Mthetho;

(b) nanoma imuphi umbandela wemvume yokubeka noma ukuguqula isikhangiso sangaphandle;

(c) iMephu Elawula Ukukhangisa noma isheduli yemibandela ehambisana nayo engakhishwa ngokwaloMthetho kaMasipala,

uMasipala kufanele anikeze umnikazi wendawo noma umninimvume isaziso sokwephula umthetho.

(2)Lesi saziso sokwephulwa komthetho kufanele siyalele umnikazi wendawo noma ophethe, ngesikhathi esiyobekwa uMasipala, ukuba ayeke ukubeka ngokungemthetho isikhangiso, futhi kungaba nomyalelo wokuba −

(a) abhidlize noma asuse noma isiphi isakhiwo esingagunyaziwe noma uphawu lapho kunesidingo ukuze kubuyele leyo ndawo esimweni ebiyiso phambilini; noma

(b) alethe isicelo semvume ngokwaloMthetho kaMasipala zingakapheli izinsuku ezi-30 sikhishiwe lesi saziso sokwephula umthetho futhi akhokhe inhlawulo yokwephula umthetho.

(3) Uma kwenzeka kufakwa lesi sicelo esibalulwe kwisigatshana 2(b) bese senqatshwa, umnikazi wendawo noma ophethe kufanele abhidlize noma asuse isakhiwo esingagunyaziwe noma uphawu singakadluli isikhathi esibekiwe.

(4) Isaziso sokwephulwa komthetho esibalulwe kwisagatshana (1)kufanele−

(a) sigagule umuntu esibhekiswe kuye;

(b) sihlinzeke ngencazelo yesakhiwo lesi sikhangiso esikuyo;

(c) sisho ukuthi ingabe imvume iphumile noma ayiphumanga yokuba kubekwe lolophawu;

(d) sisho ukuthi ukubekwa kwalolo phawu akukho emthethweni futhi sisho ukuthi imuphi umthetho, umbandela noma okunye okwephuliwe ngenxa yalolo phawu;

(e)sisho izinyathelo ezimelwe ukuthathwa onikwe isaziso kanjalo nesikhathi okumele athathe ngaso lezo zinyathelo;

(f) sicacisele loyo esiya kuye lokhu okulandelayo:

(i) ukuthi angashushiswa aphinde alahlwe yicala lokwephula umthetho;

(ii) ukuthi uma elahlwa yicala uyobe esenomthwalo wokukhokha izinhlawulo njengokubabekwa kwazo; futhi

(iii) ukuthi ngaphezu kokulahlwa yicala nokuhlawuliswa, loyo muntu angakhishelwa umyalelo wenkantolo wokuba abhidlize noma asuse isakhiwo noma uphawuolungekho emthethweni kuthi lapho kufanele khona, kuvunyelwe uMasipala ukuba angene esakhiweni ukuze abhidlize noma asuse isakhiwo noma uphawu olumiswe ngokungemthetho; futhi

(g) lapho kufakwe isicelo sokugunyazwa kophawu njengoba kubaluliwe esigabeni 2(b), izinhlawulo zokwephula umthetho ezibandakaya nanoma iziphi ezinye izindleko zikaMasipala ziyobizwa.

(5) Uma kwenzeka etholwa enecala inkantolo ngalokho okubalulwe kwisigaba 45 salo Mthetho kaMasipala, kungathi–

(a) ngesicelo esibhalwe phansi sikaMasipala esifuna kafushane ukuthola inani lemali ayenzileo lowo muntu ngokwenza lelo cala; futhi

(b) ngaphezu kokuhlawuliswa noma ukuboshwa okukhunywe ngakho esigabeni 46 salo Mthetho kaMasipala,

kuphume umyalelo okhuluma ngomonakalo, izinxephezelo noma inhlawulo engadluli kule mali eyobe itholwe ngokwephula umthetho, okumele kuhanjswe kuMasipala.

(6) Ngale kwezihlinzeko zesigaba 40(1), uma kwenzeka isikhangiso sangaphandle −

(a) sibonakala singaletha ubungozi kwimpilo yemvelo, ukuphepha nempilo enhle kubantu, isakhiwo noma umphakathi;

(b) ngokubonakukaMasipala, asihloniphekile, siyahlambalaza, sinenhlamba, asamukelekile, noma

(c) sichonywe endaweni kaMasipala futhi ingaphumanga imvume,

uMasipala angasusa ngokushesha noma asilungise isikhangiso ngaphandle kokumazisa umniniso.

(7) Izisombululo ezikhishwe iloMthetho kaMasipala zingeza phezu kwanoma imuphi omunye uMthetho noma izisombululo ezikhona kuMasipala.

(8) UMasipala angabiza amarates esakhiwe achitshiyelwe uma kuvela isiqiniseko sokwephulwa kwaloMthetho kaMasipala.

Ukuqoqwa kwezindleko

41.(1) Lapho uMasipala esuse noma elungise isikhangiso noma enza okokulungisa, umnikazi wesikhangiso nama ophethe bayothwala izindleko zikaMasipala ngokuhlanganyela ngokwenze njalo.

(2) Ukuqoqwa kwalezi zindleko okubalulwe kwisatshana (1) kuyobe kwengeza kwezinye izinhlawulo ezizobe zinikwe loyo ophanyeke isikhangiso.

(3) Akekho umuntu oyofanelwa isinxephezelo ngokulahlekelwa noma ukonakalelwa impahla okuyokwenzeka ngenxa yesinqumo sikaMasipala noma sanoma isiphi esinyeisisebenzi esigunyazwe ngokwaloMthetho kaMasipala.

Ukususwa kwezikhangiso nokudunwa kwazo

42.(1) Isisebenzi esigunyaziwe singasusa futhi sidune isikhangiso sangaphandle esingekho emthethweni njengokusho kwesigaba 40(6) saloMthetho noma ngokomyalelo wenkantolo.

(2) Ukususwa nokudunwa kwesikhangiso sangaphandle ngokwesigatshana (1) kungenziwa noma ngabe isikhangiso singesomunye noma silawulwe omunye ongeyena umnikazi wendawo ngaleso sikhathi.

(3) Uma kwenzeka ukuthi impahla okumele idunwe ixhumekeke kwindawo noma isakhiwo esinganyakazi, umsebenzi onikwe ugunya angakhipha umyalelo kunoma kubani obonakala engolawula indawo noma isakhiwo esinganyakaziseki ukuba asuse leyo mpahla ezodunwa nguMasipala.

(4) Uma umuntu okukhulunywa ngaye kwisagatshana (3) alanoma ehluleka ukuthobela uMthetho–

(a) uyothweswa icala ; futhi

(b) isisebenzi esigunyeni singazisusela sona impahla.

(5) Noma isiphi isisebenzi esigunyaziwe esiyosusa noma sidune impahla ngokwesigatshana (1) kofanele sinike umnikazi wemvume noma umnikazi wendawo irisidi eyoba ─

(a) negama eligcwele, inombolo kamazisi nemininingwane yokuxhumana naloyo muntu;

(b) ibalule isahluko soMthetho esifanele esiphuliwe;

(c) ibhalwe futhi kuchazwe impahla ezosuswa futhi idunwe;

(d) ihlinzeke ngekheli lapho impahla ezobe idunelwe khona;

(e) ibalule isikhathi esodunwa sona impahla;

(f) isho imigomo nemibandela okumele ithotshelwe ukuze kukhululwe impahla eduniwe;

(g) isho inhlawulo yokudunwa kwempahla nokudedelwa kwayo;

(h) isho imigomo nemibandlela emayelana nokuyokwenziwa ngempahla eduniwe yangalandwa ukuthi iyodayiswa noma isuswe kanjani;

(i) ihlinzeke ngegama nekheli lomsebenzi kamasipala oqondene nalolo daba lokudunwa kwempahla kanye nesikhathi nosuku okungaxoxiswana ngalo;

(j) ibe nesiqinisekiso esisayiniwe noma samakwa umuntu oqinisekisa ukuthi −

(i) okubhalwe erisidini kuyikho;

(ii) uchazeliwe ngokubhalwe erisidin; futhi

(iii) uyaqonda imiphumela yokudunwa nezidingo zokudedelwa kwempahla eduniwe; futhi

(k) iqukathe igama lesisebenzi esigunyaziwe nosuku nesikhathi okudunwe ngaso impahla.

(6) Isisebenzi esigunyaziwe kumele, ngokushesha, emva kokususa impahla, siyihambise endaweni ekudunelwa kuyo impahla ebhalwe erisidini enikwe umuntu ngokwesigatshana (5).

(7) UMasipala kumele −

(a) agcine irejista yempahla eduniwe kuzo zonke izindawo okunelwa kuzo impahla;

(b) ngokushesha kubhalwe kwirejista lokhu −

(i) imininingwane yomnikazi wemvume noma umnikazi wendawo;

(ii) imininigwane yempahla esuswayo nezodunwa kanye nesimo leyo mpahla ekuso;

(iii) indawo impahla esuswe kuyo;

(iv) igama lesisebenzi esigunyaziwe esibhekane nodaba lokususwa nokudunwa kwempahla; futhi

(v) isikhathi nosuku lokususwa nokudunwa kwempahla,

ngesikhathi kufika lempahla endaweni ekudunelwa kuyo.

(8) Impahla egodliwe ingakhululwa emva kwenkokhelo yokugodlwa kwempahla nokugciwa kwayo.

(9) Impahla eduniwe ingachithwa nguMasipala uma umniniyo engakwazi noma ehluleka ukukhokha inhlawulo yokudunwa kwempahla zingakapheli izinsuku ezi-30 kusukela osukwini eyadunwa ngalo impahla.

(10) Uma impahla eduniwe ichithwa nguMasipala ngokwesigatshana (9), uMasipala angakhokhela umnikazi wempahla imali ayithole ngokuyidayisa, asuse imali yokuyiduna nokuyigcina.

(11) emva kokudlula kwesikhathi esiyizinsuku ezi- 30 esishiwo isagatshana (9), uMasipala kumele anike isaziso kuloyo oqondene nodaba esimazisa ukuthi −

(a) UMasipala uhlose ukudayisa impahla yakhe eduniwe ngenxa yokwehluleka kwakhe ukukhipha leyo mpahla singakashayi isikhathi esibekiwe;

(b) iluphi usuku nesikhathi angeza ngalo ukuze kuxoxiswane mayelana nokuthi kungani uMasipala engedayise impahla yakhe; futhi

(c) iluphi usuku nesikhathi okuyodayiswa ngalo impahla uma kwenzeka izingxoxo zingamvuni umnikazi wesikhangiso ngokundima(b).

Oyothathwa njengophule umthetho

43.(1) Lapho kube khona ukwephulwa kwalo Mthetho kaMasipala noma umbandela wemvume yokubeka noma ukuguqula uphawu lokukhangisa ngaphandle, umnikazi wendawo okufakwe kuyo isikhangiso, ophethe imvume noma umnikazi wesikhangiso nguye oyothathwa njengophule umthetho ngaphandle uma anelisa inkantolo ngobufakazi bokuthi wathatha izinyathelo ezizwakalayo ukuvimba ukwephulwa komthetho.

(2) Ukuthi umnikazi wendawo, ophethe imvume noma umnikazi wesikhangiso esigatsheni (1) wakhipha umyalelo kumsebenzi noma ommele, uvimba ukwephulwa komthetho, akuyikuzwakala njengobufakazi obanele bokuthathwa kwezinyathelo ezizwakalayo.

Ukukhishwa kwezazizso

44.(1) Uma kunesidingo sokuba umuntu anikwe isaziso ngokwaloMthetho kaMasipala, kuyothathwa njengasinikwe ngendlela uma –

(a) eletheliwe uqobo lwakhe isaziso;

(b) isaziso sishiywe endaweni ahlala kuyo noma ebhizinisini elikwiRiphabhlikhu yaseNingizimu Afrika, sishiywe kumuntu owevile eminyakeni eyi 16 ubudala;

(c) siposiwe sagxivizwa, saposelwa ekhelini lalapho ehlala khona elaziwayo noma ekhelini lebhizinisi elikwiRiphabhlikhi yaseNingizimu Afrika, kuphinde kutholakale nobufakazi bokuposwa kwaso

(d) ikheli kakhe lakwiRiphabhlikhi yaseNingizimu Afrika lingaziwa, uma sesihanjisiwe isaziso kommele okwiRiphabhlikh yaseNingizimu Afrika ngendlela ebalulwe kumabinzana (a), (b) noma (c); noma

(e) uma ikheli lakhe nelommele kwiRiphubhlikhi yaseNingizimu Afrika lingaziwa isaziso siyobekwa endaweni ecacile esakhiweni.

(2) Usuku lokukhishwa kwesaziso ngokwaloMthetho kaMasipala luyoba–

(a) ngosuku lwesine emva kosuku olugxivizwe yiposi uma kutholakala irisidi eposini;

(b) usuku lokudiliva, uma kunikwa umuntu uqobo lwakhe;

(c) usuku okwashiywa ngalo isaziso endaweni yomuntu noma ebhizinisini eliwkiRephabhlikhi yaseNiningizimu Afrika noma kumuntu oneminyaka evile kweyishumi nesithupha;

(d) usuku okwadluliswa ngalo isaziso safika kahle nge feksi noma nge imeyili, usuku okwaphanyekwa ngalo isaziso;

(e) usuku okwaphanyekwa ngalo isaziso endaweni ecacile, nosuku okwalethwa ngalo isaziso; noma

(f) usuku okwanikwa ngala umuntu osemthethweni, ekhelini elibhalisiwe noma indawo yebhizinisi.

Amacala

45. (1) Umuntu uyobe enze icala uma–

(a) ephambana nanoma ikuphi–

(i) okuhlinzekwe iloMthetho kaMasipala;

(ii) okuwumbandela wemvume anikwe yona; noma

(iii) okuhlinzekwe iMephu eLawula iZikhangiso ngokwaloMthetho kaMasipala;

(b) ehluleka ukuthobela noma imuphi umyalelo osemthethweni noma isaziso esikhishwe ngokwaloMthetho kaMasipala;

(c) esabisa, egoloza noma egxambukela noma evimba noma isiphi isisebenzi esigunyaziwe esenza imisebenzi esemthethweni ngokwaloMthetho kaMasipala; noma

(d) ngamabomu enikezela ngolwazi olungamanga noma oluholela ophathe isisebenzi esigunyaziwe.

(2) Umuntu owenza icala eqhubeka –

(a) emva kokunikwa isaziso ngokwaloMthetho kaMasipalaesicela ukuba ayeke ukwenza lelo cala; noma

(b) eqhubeka nokwenza icala emva kokuba selimlahlile.

Izinhlawulo

46.(1) Noma imuphi umuntu olahlwe yicala ngokwalo Mthetho kaMasipala angahlawuliswa noma aboshwe isikhathi esingadluli eminyakeni enga 20, noma kokubili, inhlawulo nokuboshwa.

(2) Uma kwenzeka kuqhubeka ukwenziwa kwecala, kuyongena inhlawulo ngaphezulu noma ukuboshwa isikhathi esingadluli ezinyangeni ezintathu, ngosuku ngalunye kusukela ngesikhathi okuqala ngalo icala noma kokubili, inhlawulo nokuboshwa kuyokwenzeka.

Ukucabangela

47. Noma imuphi umuntu othweswe icala ngokwaloMthetho kaMasipala **-–**

(a) eyedwa noma ngokuhlanganyela nomunye umuntu, othweswe umthwalo wokuhlela noma alawule noma imuphi umhlangano, umsebenzi noma umcimbi oqondene nokufakwa kwaleso sikhangiso uyothathwa njengofake azi ukuthi akukho emthethweni ukufakwa kwaleso sikhangiso ngaphandle uma engaveza ubufakazi obuphikisa lokho;

(b) igama lomuntu elivela esikhangisweni esifakwe ngokungekho emthethweni noma okukhangiswe imikhiqizo noma umsebenzi wakhe loyo, uyothathwa njengovumele ukufakwa kwaleso sikhangiso ngaphandle uma engaveza ubufakazi obuphikisa lokho;

(c) umnikazi wanoma imuphi umhlaba noma isakhiwo okufakwe kuwo isikhangiso esingekho emthethweni uyothathwa njengovumele ukufakwa kwaleso sikhangiso ngaphandle uma engaveza ubufakazi obuphikisa lokho;

(d) ophethe izikhangiso ezifanayo, ngesandla, eziyishumi nangaphezulu endaweni yomphakathi uyothathwa njengobeziphethe lezi zikhangiso, ngaphandle uma engaveza ubufakazi obuphikisa lokho; futhi

(e) umnikazi wemoto ekhangisayo epake endaweni enomniniyo kodwa ibonakala emphakathini uyothathwa njengobeke ngokwazi leso sikhangiso seoto, ngaphandle uma kungavela ubufakazi obuphikisa lokho.

ISAHLUKO 11
IZIHLINZEKO EZEJWAYELEKILE

Ukwedluliswa kwamandla

48.(1) NgokoMthethosisekelo neminye imithetho kazwelonke nesifundazwe, noma imaphi–

(a) amandla, ngaphandle kwamandla abalulwe esahlukweni 160(2) oMthethosisekelo;

(b) umsebenzi; noma

(c) isibopho,

esikhishiwe ngokwaloMthetho, eMkhandlwini, noma isiphi esinye isigungu sikaMasipala sezepolitiki, abasemahhovisi, amakhansela noma abasebenzi banganikwa umsebenzi uhlaka lwezepolitiki, osehhovisi lezepolitiki, ikhansela noma umsebenzi ohlakeni olungaphakathi noma umsebenzi oqashwe nguMasipala.

(2) Izithunywa ezibalulwe esigatsheni (1) komele ziqale ukusebenza ngendlela ezihlelelwe ngayo, kwamukelwa eMkhandwlini kuhambisane nesigaba 59(1) soMthetho Olawula uKusebenza koMasipala, ka 2000 (Act No.32 of 2000), uma kuhlangatshezwe izimiso zesahluko 59(2) zaloMthetho.

(3) Noma imuphi umsebenzi ohlinzekwe ngokwalesi sahluko kufanele uqoshwe Kwirejista Yemisebenzi , okufanele iqukathe lemininingwane–

(a) yohlaka noma umuntu okhipha umsebenzi noma umsebenzana;

(b) owemukela loyo msebenzi no amsebenzana; kanye

(c) nmibandela exhumekeke kumsebenzi noma umsebenzana.

Ukwedlulisa izinqumo

49.(1) Uma isinqumo esenziwe uMasipala sithikameza amalungelo omuntu ngokwalo Mthetho, loyo muntu angafaka isicelo esiyinothisi ebhalwe phansi ebalula izizathu kwi Menenja kaMasipala zingakapheli izinsuku ezinga-21 azwile ngesinqumo esithathiwe.

(2) IMenenja kaMasipala inesibopho sokuhambisa isicelo, ngesikhathi esifanele, kwabasegunyeni lokucubungula izicelo.

(3) Abasegunyeni lokucubungula izicelo kuyomele basicubungule engakapheli amasonto ayisithupha sifakiwe leso sicelo futhi bathathe isinqumo ngesikhathi esizwakalayo.

(4) Abasegunyeni lokucubungula izicelo kufanele baqinisekise, baguqule noma baphikise isinqumo esithathwe uMasipala, kepha lokho kuguqula noma ukuphikisa akufanele kucekele phansi amalungelo abuyiseliwe ngenxa yaleso sinqumo.

(5) Abasegunyeni lokucubungula isicelo komele bakhiphe izizathu ezibhalwe phansi mayelana nezinqumo zabo ngazo zonke izicelo.

(6) Zonke izicelo ezifakwayo ziyofakwa ngokoMthetho i-Municipal Systems Act.

(7) Lapho owephule umthetho elahlwe icala, kwaqinisekiswa inkantolo esemthethweni, efisa ukufaka isicelo sokubuyekwezwa kwesinqumo, isicelo kuyomele senziwe ngokwenqubo yezicelo zenkantolo, hhayi ngokwezigatshana (1) kuya (5).

Ukuchithwa kwemithetho

50.(1) Imithetho ebalulwe kwikholamu yokuqala neyesibiliyeSheduli yaloMthetho kaMasipala iyachithwa, indawo yayo izobe isithathwa okubhalwe kwikholamu yesithathu yale Sheduli.

Izihlinzeko zesikhahana

51. (1) Noma imuphi umuntu owagunyazwa ukuba afake isikhangiso wathola nemvume, wangena nasesivumelwaneni noMasipala noma uhlaka lwendawo olwalufanele ukwenza lowo msebenzi ngaleso sikhathi engakashayi umhla lu 1 Januwari 2010 kumele enze isicelo kuMasipala zingakapheli izinyanga eziyisithupha uqalile ukusebenza loMthetho kaMasipala, uma kungenjalo lelo gunya liyophela.

(2) UMasipala kufanele ashicilele isaziso emaphephandabeni endawo amabili endawo engaphansi kukaMasipala anxenxe ukuthotshelwa kwezimiso zalo Mthetho kaMasipala.

(3) Bonke abanikazi bendawo okufakwe izimpawu zokukhangisa ezindaweni zabo ingekho imvume esemthethweni ungakaqali ukusebenza loMthetho kaMasipala, futhi kuwuphawu lo Mthetho ongavumi ukuba lukhangiswe, kumele lususwe zingakapheli izinsuku ezinga- 90 uqalile ukusebenza loMthetho kaMasipala.

(4) Lapho isikhangiso simiswe khona simisiwe ungakaqali ukusebenza loMthetho kaMasipala ngaphandle kwemvume esemthethweni kaMasipala, umnikazi wesikhangiso kumele afake isicelo kuMasipala, ecela imvume zingakapheli izinsuku ezinga- 90 uqalile ukusebenza loMthetho kaMasipala, uma ehluleka lesi sikhangiso kuyomele sisuswe ngokushesha.

Isihloko esifingqiwe nokuqala ukusebenza kwalo Mthetho kaMasipala

52. LoMthetho kaMasipaa ubizwa ngoMthetho kaMasipala Wokukhangisa Ngaphandle ka 2015, kanti uyoqala ukusebenza ngosuku okuyoshicilelwa ngalo kwiGazethi yesiFundazwe noma ngalolo suku olubalulwe esazisweni.

ISHEDULI 1:

IMITHETHO ECHITHWAYO

Inombolo nonyaka womthetho	***Isihloko***	***Ingxenye echithwayo***
Isaziso sesiFundazwe No. 87 sika 1953 esamukelwa Isaziso SesiFundazwe No. 219 sika 1956 se Borough of Kingsburg	Standard By-law	Izahluko 357 - 364
Isaziso sesiFundazwe No. 39 sika 1968 saseLokishini laseLovu	General Regulations By-law	Isahluko VIII
Isaziso sesiFundazwe No. 328 sika 1958 esamukelwa yiSaziso sesiFundazwe No. 436 sika 1979	General By-law, Windenham Health Committee	Isahluko VIIIA
Isaziso sesiFundazwe No. 287 sika 1963 selokishi lase- Verulam	General By-law	Isahluko XX, Izahluko 4, 15 no 16
Isaziso sesiFundazwe No. 528 sika 1973	General By-law, Assagay Health Committee	Isahluko VIII
Isaziso sesiFundazwe No. 397 sika 1955 esemukelwa iSaziso sesiFundazwe No. 267 sika 1961	General By-law, Cato Ridge Health Committee	Isahluko VIII*bis*
Isaziso seiFundazwe No. esemukelwa yiSaziso sesiFundazwe No. 728 sika 1970	General By-law, Drummond Health Committee	Isahluko IX
Isaziso sesiFundazwe No. 79 sika 1945 esemukelwa	General By-law, Hillcrest Health Committee	Izikhangiso, izimpawu ,

yiSaziso sesiFundazwe No. 539 sika 950		nezimpawu zasemoyeni
Isaziso sesiFundazwe No. 82 sika 1932 esalungiswa iSaziso seiFundazwe No. 281 sika 1984 se borough of Durban	Building By-law	Isahluko IV

ISHEDULI 2:

AMABHILBHODI

Indawo elawulwayo

1. Amabhilbhodi angavunyelwa ezindaweni zasemadolobheni ezilawulwa kancane nezindawo zasemadolobheni ezilawulwangokungagcwele.

Ukuhlola umthelela kwezemvelo

2. Noma isiphi isicelo esilethwayo sokufaka noma ukuguqula ibhilbhodi kumele siphelezelwe umbiko wokuhlola Umthelela Kwezemvelo.

Ubude nokuphakama

3. Ibhilbhodi akufanele ibe—

(a)nobude obudlula amamitha ayisikhombisa uma ime ngecala noma amamitha ayi-12 uma iqondile ngaphezu kwendawo esukela phansi; futhi

(b) ithathe indawo engama 36m² uma igxinyekwe phansi.

Ukufakwa

4.(1) Ibhilbhodi kumele–

(a) ibe, okungenani nga 120m; 200m noma 300m ukuqhela emgwaqweni noma umgwaqo onguthelawayeka, lapho umkhawulo wesivinini ungaphansi kwama 60km/h, phakathi 61-80km/h noma ngaphezu 81km/h ngokunjalo;

(b) ingamiswa eduze ngama50 m kusukela onqenqemeni lempambanomgwaqo emgwaqeni owehlilenaseduze ngama 100m kusukela onqenqemeni oluseduze nempambanomgwaqo yomgwaqo omatasa;

(c) ingamiswa eduze nga 100m; 200 m, 250mnoma300m ekuphumeni komgwaqo kulayini ophuzi noma lapho kuphambana imigwaqo lapho umkhawulo wesivinini ungu noma ungaphansi kwa 60km/h; phakathi, 61-80km/h; phakathi81-100km/h noma ngaphezu 100km/h ngokunjalo; futhi

(d) lingamiswa eduze ngama 50m; 100mnoma 200m kusukela kunoma iluphi uphawu lomgwaqo olubalula umkhawulo wesivinini esilingana noma singaphansi kwa 60km/h; phakathi 61-80km/h noma ngaphezu 81km/h ngokunjalo.

(2) Akuvumelekile ukubeka ibhilbhodi eceleni komgwaqo.

Isikhathi sokusebenza kwemvume

5.(1) Ibhilbhodi ingavunyelwa ukuba ifakwe isikhathi esiyiminyaka engu 5 ezindaweni ezisemadolobheni ezilawulwe kancane nakulezo ezilawulwe ngokungagcwele, inqobo uma ithobela imibandela ebekwe uMasipala.

(2) Uma kuphela isikhathi semvume enikeziwe ngokubeka ibhilbhodi, umnikazi wemvume unikwe izinyanga ezintathu singakapheli isikhathi semvume ukuba afake isicelo esisha sokufaba ibhilbhodi.

Ukuphepha

6. Noma iyiphi ibhilbhodi efakiwe noma yaguqulwa kumele–

(a) ithobele neminye imithetho eyithintayo;

(b) ingacekeli phansi imvelo ekulo ngenxa yobukhulu bayo, ngendlela eyakheke ngayo, yadwebeka noma yagqanyiswa ngayo;

(c) ingasithi ingxenye noma sonke esinye isikhangiso esimisiwe nesisemthethweni phambilini;

(d) ingabi nobungozi kubantu noma isakhiwo;

(e) ingangeneli ngale kwemingcele yendawo efakwe kuyo;

(f) ingangafakwa uma ngokubona kohlaka lukahulumeni ingaba isithikamezo kubashayeli, abashovi bamabhayisikili, abahamba ngezinyawo noma ingaholela ezimweni ezingaphephile kwezomgwaqo;

(g) ingabi nemibala ebomvu, esawolintshi noluhlaza satshani njengemibala egqamile uma isendaweni enamarobhothi;

(h) ingaphazamisi noma isithe uphawu lomgwaqo noma irobhothi;

(i) ingabi ingozi kwezokuphepha emgaqweni, futhi

(j) ingavimbi ukuhamba kahle kwezimoto emigaqweni emikhulu ngesikhathi beyifaka noma beyigcina esimweni, ngaphandle uma kutholakale imvume kuMasipala kwase kwathathwa nezinyathelo ezifanele zokulungiselela lokhu.

Okunye

7.(1) Ibhilbhodi ingaba nemininingwane yolwazi engamabhithi angeqile kwayishyagalolumbili kanye nezinhlamvu zamagama ubude bazo obungekho ngaphansi kuka 500 mm.

(2) Inombolo yesicelo sebhilbhodi kumele ibekwe endaweni ecacile yebhilbhodi

(3) Ibhilbhodi engakhombi indawo kumele ibhalwe ngokucacile ukuthi ingekabani.

(4) Ibhilbhodi, lapho kufanelekile, kumele ikhombise igama lenkampani ekhangisayo okuyiyoeqashe indawo okuphanyekwe kuyo ibhilbhodi.

ISHEDULI 3:

IZIMPAWU EZIBEKWE PHANSI

Indawo elawulwayo

1. Izimpawu zaphansi zingabekwa kuzo zonke izindawo ezilawuliwe.

Ubukhulu nokuphakama

2.Uphawu olukude, olungakhombi indawo futhi olubekwa phansi olungadluli ku 7m ubude ukusuka phansi, futhi izinhlangothi zalo ezidlula u 6m ubude no 3m ukuphakama, bese lithatha indawo engu 18m² ingaphambili lalo, luyothathwa njengolunobukhulu obufanele.

Ukuma nesibalo sezimpawu

3.(1) Kuyovunyelwa uphawu olulodwa olusendaweni futhi oluzimele uma–

(a) lubalulekile ukuze lukhombise indawo ibhizinisi ekulo noma ukungena endaweni yebhizinisi;

(b) kungenzeki ukuthi kuphanyekwe izimpawu esakhiweni;

(c) indawo yebhizinisi isemuva ngakho ukubeka izimpawu esakhiweni ngeke kusize; noma

(d) ubukhona kophawu oluzimele kuzovimba ukuqubuka kwezinye izimpawu eziningi.

(2) Uphawu olusendaweni, olukhomba indawo futhi oluzimele ngokwalo oluwuphawu lwebhizinisi noma olubekwe embhoshongweni lungavunyelwa ngokoMthethonqumo kaZwelonke Yezokwakha kanye neminye imithetho esebenzayo, inqobo uma lezo zimpawu zingeke –

(a) zedlule ngama7m ngobude obuphelele;

(b) zibe nesikhala esingenalutho ezingaphansi kwama 2,4m, zingabalwa izimpawu zezikhungo nalezo ezizimele;

(c) zedlule ku 12m² (kukalwe njengobude obuphelele x ububanzi obuphelele besikhangiso) uma lolo phawu luxubile;

(d) zibe ilolo phawu kuphela kuleyo nlowo mgwaqo ngamunye ngaphandle uma kuphume imvume ngokubona kukaMasipala; futhi

(e) ziqukathe okokukhangisa okungaphathelene nokukhomba indelala endaweni eyeqile kuma 50% ophawu.

(3) Uphawu lwaphansi olunezinhlangothi ezevile kulezi ezibalulwe kwisigatshana (2) aluvunyelwe ukubekwa ngaphandle uma, ngokubonakukaMasipala, lolo phawu luzophazamisa okunye okukuleyo ndawo ngokuba khona kwalonoma ukusetshenziswa kwazo lezo zinto ezikuleyo ndawo.

Isikhathi semvume

4.(1) Uphawu olungakhombi indawo oluyibhilbhodi lungafakwa isikhathi esifinyelela eminyakeni emi 5.

(2) Uphawu olukhomba indawo lungafakwa isikhathi esibhalwe kwimvume.

Okunye

5.(1) Lolu hlobo lophawu lubandakanya izimpawu zemisebezi, njengalezo ezibhalwa emagalaji.

(2) Noma iyiphi indawo ephakathi nophawu nolayini womgwaqo iyotshalwa utshani noma ihlotshiswe ngezindleko omfakisicelo futhi ngendlel eyogculisa uMasipala.

(3) Izimpawu zaphansi zibandakaya amabhodi amaphrojekthi nawemisebenzi yentuthuko.

Amabhodi okwakha

6. (1) Amabhodi okwakha angaba—

(a) ubukhulu obungeqile ku 18m^2; futhi

(b) abekwe isikhathi esingeqile ezinyangeni ezingu 24.

(2) Uma umsebenzi wokwakha uthatha isikhathi esedlula ezinyangeni ezingu 24 ukuphela, kuyomele kufakwe isicelo esisha sokufaka ibhodi.

(3) Lemininigwane elandelayo kufanele ivele okungenani kuhhafu webhodii lomsebenzi wokwakha bese omunye uhhafu uveze isithombe sesakhiwo −

(a) igama nohlobo lwentuthuko;

(b) imininingwane yomakhi;

(c) usuku lokuvula;

(d) imininigwane yomdayisi wesakhiwo; kanye

(e) nemininigwane yokubukwa kwesakhiwo.

ISHEDULI 4:
IZIMPAWU EZIFLETHI

Indawo elawulwayo

1. Izimpawu eziflethi zivumelekile kuzo zonke izindawo ezilawuliwe.

Ukuhlola umthelela kwezemvelo

2.(1) Izicelo zezimpawu ezikude eziflethi ezeqe ku 36m^2 kumele ziphelezelwe isitifiketi sokuhlolwa komthelela kwezemvelo neplani egunyaziwe yokwakha isakhiwo.

Ubukhulu nobude

3.(1) Ubukhulu bophawu oluflethi kumele kube u 180mm lapho ingaphansi lophawu lukalwa luba ngaphansi kwa 2,4m ukusuka endleleni yezinyawo engezansi kwalo, kuthi ukucija kwalo kube u 300mm lapho ingaphansi libe lalolo phawu likalwe laba ngaphezulu kuka 2,4m ngaphezu kwendlela yezinyawo noma ukusuka phansi.

(2) Uphawu oluflethi angeke lwadlula ku 54m² indao yalo lonke noma lweqe ngo 50% wodonga olubonakalayo olufakwe, lwananyathiselwa noma lwapendwa kulo.

Ukuma

4.(1) Uphawu oluflethi olusendaweni, olukhomba indawo luyovunyelwa ukube luxhunywe ngaphambili, eceleni nasezindongeni zangemuva zesakhiwo.

(2) Uphawu oluflethi olungakhombi indawo luyovunyelwa kuphela uma luzofakwa ezindongeni zasemaceleni nasemuva zebhilidi ezingagcini umsebenzi wengaphambili lebhilidi.

(3) Uphawu oluflethi olungakhombi indawo lungavunyelwa kuphela ezindongeni ezimnyama nezangemuva ezingenazo izingxenye ezingavulekayo noma eziphamzamisanoma yini egqamike kwezokudwetshwa kwamabhilidi kwalelo bhilidi.

(4) Uphawu oluflethi aliyukudlula lapho kugcina khona udonga elinamatheliswe kulo nanganoma iyiphi indlela.

(5) Uphawu oluflethi aluvumelekile ukuba lemboze amafasitela noma ezinye izindawo ezivulekile zangaphandle noma lusithe ukubonakala kwalezi zindawo esakhiweni.

Isibalo

5. UMasipala angavemela uphawu olulodwa vo lwebhisinisi elilodwa futhi ngodonga ngalonuye.

Isikhathi semvume

6.(1) Uphawu olungakhombi indawo okuthi uma seluhloliwe kwatholakala ukuthi liyibhilbhodi, lungafakwa isikhathi esiyiminyaka engu 5.

(2). Uphawu olukhomba indawo kungafakwa isikhathi esibaluliwe kwimvume.

Okuqukethwe uphawu

7. Uphawu olukhomba indawoaluvumelekile ukuqukatha okukhangisayo okungaphathelene nokukhomba indlela ngaphezu kohhafu webhodi nakunoma iyiphi enye indawo ebonakalayo.

Okunye

8. Uphawu oluflethi oluphanyekwe ezindaweni zasemadolobheni ezilawulwa ngokungagcwele kuya kwezilawulwa kakhulu akuvumelekile zithathe ngaphezu kukahhafu wendawo ezikuyo.

ISHEDULI5:

IZIMPAWU EZIPHUMELE NGAPHANDLE

Indawo

1.Izimpawu eziphumele ngaphandle zivunyelwe ezindaweni ezilawulwa ngokungagcwele kanye nakulezo ezilawulwa kancane.

Ubukhulu nobude

2.(1) Izimpawu eziphumele ngaphandle zingaba wugqinsi olungadluli ku 300mm.

(2) Kusuka phansi kumele kube nesikhala okungenani sama 2,4m.

Indawo

3.(1) Izimpawu eziphumele ngaphandle azivumelekile ukwedlula lapho kugcina khona izindonga ezixhumekeke kuzo.

(2) Izimpawu eziphumele ngaphandle kumele zibe kude ngo 450mm nonqenqema lomgwaqo kanye nango 1,5m kunoma iziphi izintambo noma amakhebula kagesi ahamba phezulu.

(3) Ukuphumela ngaphandle kophawu okuvunyelwe kungaba−

(a) u 1,5mophawu oluphumele ngaphandle olunobude obucacile obunhu 7,5m; noma

(b) u 1mlapho uphawu lunobude obungaphansi kuka 7,5m.

(4) Izimpawu eziphumele ngaphandle kumele zifakwe zime ngendlela fanele zibheke phambili emgwaqeni noma zibheke izimoto ezizayo.

(5) Uphawu oluphumele ngaphandle aluvumelekile ukuba kuphanyekwe eduze ngo 5m kolunye uphawu olusesakhiweni esisodwa.

Isibalo

4.Kuvunyelwe kuphela uphawu olulodwa oluphumele ngaphandle olubheke emgwaqeni.

Isikhathi zokusebenza kwemvume

5.(1) Uphawu oluphumele ngaphandle luvunyelwe inqobo uma lisekhona lelo bhizinisi.

(2) Akuvunyelwe ukuba uphawu luqhubeke nokuba khona ibhizinisi lingasekho kuleyo ndawo.

Okunye

6.(1) Zonke izimpawu eziphumele ngaphandle kumele zibopheke endaweni.

(2) Izimpawu eziphumele ngaphandle akuvumelekile ukuba zikhombise okukhangiswayo okuthatha isikhala esingaphezu kohhafu wazo.

(3) Imibhalo esophawini oluphumele ngaphandle kumele ibhalwe ishone eceleni.

ISHEDULI 6:

IZIMPAWU ZASOPHAHLENI

Indawo

1. Izimpawu ezisophahleni zivunyelwe kuphela esikhumulweni semikhumbi nasezindaweni zezimboni nezindawo zohwebo ezingezansi komgwaqo.

Ubukhulu nokuphakama

2. Ubukhulu obuvunyelwe bophawu lophahla kuyoncika endaweni ekhona kulolo phahla, isimo sesakhiwo nokubheka uhlobo lwendawo nomgwaqo wonkana.

Indawo

3. Izimpawu zophahla kumele zibekwe ngendlela yokuthi azivimbi amanzi emvula ekutheni ageleze ngendlela ophahleni lwesakhiwo.

Ukudweba nokwakhiwa

4.(1) Izimpawu zophahla kufanele ziqongqothelwe, zifakwe ngendlela ephephile esakhiweni bese kuthi yonke impahla yokuzifaka idluliselwe kwabakhayo ngaphandle kokusebenzisa izintambo nokunye kokuzidlulisa.

(2) Uphawu lophahla noma oluhamba phezulu, kubandakanya nakho konke okokuleseka, kumele lwakhiwe ngempahla engokheleki evunyelwe uMasipala futhi uma kungolukhanya ngogesi lungabekwa ophahleni ngaphandle uma lwenziwe ngempahla engokheleki.

Okunye

5. (1) Izimpawu zendawo zingavunyelwa ngemvume kaMasipala.

(2) Izimpawu zophahla azivunyelwe ukuvimba ukubona noma zivimbe izimpawu zesinye isakhiwo.

(3) Izimpawu zophahla zendawo akuvunyelwe ukuba zibe nesikhangiso esidlula uhhafu walo. Uphawu lophahla lwendawo aluvunyelwe ukuba nesikhangiso esithatha indawo edlula uhhafu walo.

(4) Uphawu lophahla aluvunyelwe ukuba lusetshenziswe omunye ukukhangisa.

ISHEDULI 7:

IZIMPAWU ZAPHEZULU

Indawo

1. Uphawu lwaphezulu lungabekwa ezindaweni ezilawulwe ngokungagxwele noma kancane nasezindaweni zokukhangisa eziyisipesheli zikaMasipala.

Indawo

2.(1) Uphawu lwaphezulu aluvunyelwe ukuba luputshuke ngaphambi kodonga lwesakhiwo kuze kudlule uphahla lwaleso sakhiwo.

(2) Uphawu lwaphezulu aluvunyelwe ukuba luvimbe ukubonakala kwesinye isakhiwo.

(3) Uphawu lwaphezulu lufanele lubekwe ngendlela yokuthi lungavimbi amanzi emvula ekutheni ageleze kahle ophahleni lwaso.

Isibalo

3.Akuvunyelwe ukuba kubekwe esinye isikhangiso esifana nalesi sophawu lwaphezulu oseluthole imvume.

Isikhathi sokusebenza kwemvume

4. Uphawu lwendawo lungaphanyekwa isikhathi esibalulwe kwimvume.

Ukuphepha

5. Uphawu lwaphezulu kufanele lufakwe lugxile esakhiweni olufakwe kuso kuthi yonke impahla esetshenziswayo ukulufaka idluliswe ngokuphepha ngaphandle kokusebenzisa izintambo nokunye.

Ukudweba nokwakha

6.Uphawu lophahla noma oluhamba phezulu, kubandakanya nakho konke okokuleseka, kumele lwakhiwe ngempahla engokheleki evunyelwe uMasipala futhi uma kungolukhanya ngogesi lungabekwa ophahleni ngaphandle uma lwenziwe ngempahla engokheleki.

Okubhaliwe

7.Okubhaliwe ophawini lwaphezulu kumele kube maqondana negama lebhizinisi hhayi imikhankaso yokukukhangisa.

Okunye

8.(1) Zonke izicelo zokuphanyekwa kwezimpawu zaphezulu kumele ziphelezelwe isitifiketi sikanjiniyela.

(2) Isitifiketi sikanjiniyela kumele silethwe kuMasipala zingakapheli izinsuku ezinhlanu luphelile ukwakhiwa uphawu.

ISHEDULI 8:

IZIMPAWU EZIKUVERANDA, IBHALKHONI, IKHENOPHINEMIPHEME

Indawo

1. Izimpawu ezikuveranda, ibhalkhoni, ikhenophi nemipheme zivumeleke kuyo yonke indawo elawuliwe.

Ubukhulu nophakama

2. Uphawu olusemphemeni olufakwe ngaphansi kophahla lukaveranda, ikhenophi noma ibhalkhoni kumele -

(a) lube u-1,8m ubude, 610mm ukuphakamano 300mm wogqinsi;

(b) lube wugqinsi okungenani olungu 100mm; futhi

(c) lube nobude okungenani obungu 2,4m ngaphezu kophevumenti, indlela yezinyawo noma umgwaqo.

Indawo

3.(1) Uphawu lungaxhunywa lube yisibaca odongeni olupendiwe ezindongeni ezinhlobonhlobo zoveranda noma ibhalkhoni.

(2) Aluvunyelwe uphawu ukuba luhambe ngaphezu kwezakhiwo, noma luvimbe amafasitela noma luvimbe ukubukeka noma luphazamise noma yini yesakhiwo.

(3) Uphawu okukhulunywe ngalo ku 3 (1) aluvunyelwe−

(a) ukudlula u1m ubude;

(b) luputshukele ngale kwendawo eliphanyekwe kulo;

(c) lubonakale ngaphezu kuka 300mm ngaphambili endaweni eliphanyekwe luyo, futhi

(d) ledlule ngama 450mm onqenqemeni lomgwaqo ngaphandle uma liphakeme ngo 3.7m.

Isibalo

4.Kuvunyelwe ukuba kuphanyekwe uphawu olulodwa ngendawo ngayinye.

Isikhathi sokusebenza kwemvume

5.Kuvunyelwe uphawu olulodwa ngebhizinisi ngalinye emgwaqeni ngamunye.

Okunye

6.Izimpawu zizovunyelwa inqobo nje uma ibhizinisi lisekhona.

Ukudweba nokwakha

7.(1) Noma iluphi uphawu oluxhumekeke esakhiweni oluphakeme njengokubalula kwekholamu 1 kwiThebula 1 ngezansi, luyobekwa ngendlela yokuthi ukujula lwalo kungadluli kokushiwo kwiKholamu 2. Ngenxa yaleli Thebula ukuphakama kwesakhiwo kuyokalwa njengokuphakama okuya phezulu kusukela phansi lapho uphawu luyofakwa khona.

ITHEBULA 1	
Ikholamu 1	**Ikholamu 2**
Ukuphakama kwesakhiwo	**Ukujula okuphezulu kophawu**
Kungadluliku 17m	9m
Kudluleku 17m kodwa kungadluli 34 m	12m
Kudlule ku 34m kodwa kungadluli 43 m	14m
Kudlule 43m	15m

(2) Uma kubalwa ukujula kwanoma iluphi uphawu ngokwaleli Thebula elingenhla, izimpawu ezibekwe zagibelana ngokuya eceleni esakhiweni esisodwa noma ingxenye yaleso sakhiwo ziyothathwa njengophawu olulodwa, noma ngabe lolophawu lunomnikazi oyedwa noma cha noma lunezimvume ezimbili noma cha.

Okunye

8.(1) Uphawu olungaphansi komphame ngaphansi kophahla loveranda, ikhenophi noma ibhalkhoni kumele −

(a) lube u1,8m ubude, 610mm ukuphakamano 300mm ububanzi, kube nobubanzi obuncane okungenani obungu 100mm;

(b) kube nokuphakama okungenani obungu 2,4m ngaphezu kukaphevumenti, indlela yezinyawo noma umgwaqo;

(c) lube semakhoneni empambanomgwaqo;

(d) lube phakathi kobubanzi boveranda noma ikhanophi exhumekeke kuyo;

(e) zivunyelwe ukuqhelelana ngo 3m phakathi naphakathi kwezimpawu;

(f) lube nokukhangisayo okungathathi isikhala esidlula kuhhafu wophawu; futhi

(g) ludwetshwe, luqashwe futhi lugxivizwe unjiniyela.

(2) Umpheme kumele wakhiwe igxiliswe ngendlela yokuthi ungehliseki wedlule u 2,2m ngaphezu kwendlela yezinyawo noma uphevumenti ongaphansi kwawo. Lezo zimpawu kumele ziqondane nesakhiwo zingaphazamisi ukuhamba kwabantu nezimoto, amarobhothi nezimpawu zomgwaqo.

(3) Uphawu akumele luphanyekwe ngaphezu konqenqema olungezanzi lefasitela elisesitezi sesibili sesakhiwo.

ISHEDULI 9:

AMAPHOSTA, IZINGQWEMBE NAMAFULEGI (IZIMPAWU ZESIKHASHANA)

Indawo

1.Amaphosta, izingqwembe namafulegi kuvunyelwe kuzo zonke izindawo ezilawuliwe.

Ubukhulu

2. Noma ubani ophanyeka iphosta, uqwembe noma ifulegi eliyisikhangiso kumele aqinisekise ukuthi −

(a) noma isiphi isikhangiso esiphathelene nokhetho, umhlangano, noma umcimbi kumele −

(i) kube ubukhulu obufika ku A1;

(ii) kuphakame kucace okungenani ngo 2,4m; futhi

(iii) kunamatheliswe kugxile ebhodini eliqinile. Noma ibhodi lokubeka eligunyaziwe noma ifremu evunywe uMasipala; futhi

(b) uma kuyindawo enomniniyo, lapho umcimbi uzoba khona, ubukhulu boqwembe bungafika ku 6m².

Indawo

3.(1)Kufanele kube nesikhala esingu 120m phakathi kwamaphosta omcimbi owodwa.

(2) Akuvumelekile ukuphanyeka amaphosta emabhulohweni, emarobhothni, ezimpawini zomgwaqo (kanye nalokho okumise lezi zimpawu), izindawo zemvelo, izihlahla, umgwaqo owuthelawayeka, maphakathi nomgwaqo nemigwaqo emikhulu.

(3) Awavunyelwe amaphosta ukuba aphanyekwe emigwaqeni enomkhawulo wesivinini o>60km/h.

(4) Noma isiphi isikhangiso esikhuluma ngokhetho, umhlangano, umcimbi akuvumelekile ukuthi sibhalwe ngendlela eneminingwane eqhubekayo ezikhangisweni ngokuphanyekwa kwazo.

(5) Ukubekwa kwamaphosta ezigxotsheni zikagesi kunebandela.

(6) Izikhangiso zesikhashana azivunyelwe emigwaqeni emikhulu, emincane nengothelawayeka kanye nezinye izindawo ezingabalulwa nguMasipala ngokuhamba kwesikhathi.

Isibalo

4.(1) Noma ubani ophanyeka iphosta ephathelene nokhetho, umhlangano noma umcimbi uyovunyelwa iphosta eyodwa ngesigxobo sikagesi esisodwa.

(2) Kuvunyelwe amaphosta amabili kuphela emicimbi, uqwembe olulodwa noma kuvunyelwe iphosta eyodwa ngepali ngalinye emicimbi eminye.

Isikhathi sokusebenza kwemvume

5.(1) Iphosta akuvunyelwe ukuba iphanyekwe kudlule ezinsukwini ezingu 14 ungakenzeki umcimbi futhi kufanele isuswe ngesikhathi esishiwo yiphemithi.

(2) Okushiwo kwisigatshana (1) akuwafaki amaphosta okhetho.

Okunye

6.(1) Wonke umuntu ohlose ukuphanyeka noma afake isikhangiso noma uphawu lwesikhashana, uma esetholile imvume ebhalwe phansi kaMasipala, kuyomele abhale isicelo esiqondiswe kuMasipala esiphelezelwa yilokhu -

(a) ubufakazi besikhangiso isicelo esikhuluma ngaso, singakagaywa, no

(b) hla lwemigwaqo ekuzosatshalaliswa, kuphanyekwe isikhangiso.

(2) Ukukhangisa kwamabhizinisi ephosteni akuvumelekile ukuthatha indawo edlula ku 10% ephosta futhi kumele kubhalwe ezansi kwephosta.

(3) Wonke amaphosta athole imvume ayoba nophawu lukaMaspala olubonakalayo noma umdwebo futhi uMasipala unelungelo lokugcina leyo phosta ukuze ukwazi ukuhlonza.

(4) Amaphosta afakwe ezigxotsheni zikagesi kungenzeka asuswe uma kwenziwa umsebenzi kagesi ngaphandle kokukhishwa kwesaziso.

(5) Noma imuphi umuntu onikwe imvume yokuphanyeka amaphosta kufanele akhokhe idiphozi ebekiwe kuMasipala: Leyo diphozi ngeke abuyiselwe yona uma ehlulekile ukususa amaphosta emva kwesikhathi asinqunyelwe ukuwasuswa kwawo emva komcimbi.

ISHEDULI 10:
IZIKHANGISO ZASEMOYENI

Indawo

1.Izikhangiso zasemoyeni zivumeleke kuyo yonke indawo elawuliwe.

Ubukhulu

2. Isikhangiso sasemoyeni asivumelekile ukweqa ku 36m² ubukhulu.

Ukuphakama

3.Akuvumelekile ukundizisa isikhangiso sasemoyeni ngo 45mkusuka phansi.

Isibalo

4.Kuvunyelwe isikhangiso esisodwa somoya ngomcimbi ngamunye.

Isikhathi sokusebenza kwemvume

5.Isikhangiso sasemoyeni singakhushulwa ngesikhathi somcimbi kuphela.

Ukuphepha, ukwakhiwa nokudwetshwa

6.(1) Unjiniyela kumele akhiphe isitifiketi sokuthi lesi sikhangiso sikufanele ukundiziswa emoyeni.

(2) Isitifiketi sikanjiniyela oshiwo kwisigatshana (1)kumele siphelezele isicelo salowo ofaka isicelo sokukhangisa.

Okunye

7.(1) Noma isiphi isicelo esibhaliwe sokukhangisa emoyeni kufanele siphelezelwe ilokhu okulandelayo, la kungena khona −

(a)imininingwane yokuzobe kubhaliwe neyezinhlangothi zesikhangiso sasemoyeni kanye nokuzosetshenziswa ukusindizisa;

(b) imininingwane ngempahla ezosetshenziswa ukusakha nokusiqinisa;

(c) imininingwane yendawo okuhloswe ukubekwa kuyo isikhangiso ngenkathi sisakhandwa futhi siqiniswa neminingwane yezintambo zocingo nogesi nezinye izakhiwo obude bazo bungu 30m, noma ikuphi okukhulu;

(d) igama nekheli lomuntu/ abantu noma osonkontileka abazokhangisa kanye negama nekheli lonolwazi ngesikhangiso kanye nelomnikazi;

(e) ubude nesikhathi ekuhlelelwe ngaso isikhangiso;

(f) uma ofaka isicelo kungeyena umnikazi wendawo kuyodingeka imvume yomnikazi wendawo;

(g) ubufakazi bomshini ozokhipha umoya esikhangisweni;

(h) umshwalense owanelisa uMasipala uma kwenzeka umonakalo;

(i) imvume neminye imigomo nezimfuno zeNhlangano Eyengamele Ezokundiza; kanye

(j) nesitifiketi sikanjiniyela.

(2) Izikhangiso ezihamba emoyeni uma kunemicimbi yezemidlalo, yomphakathi, ezamasiko noma ezepolitiki zikhangiswa kuphela endaweni kaMasipala kubandakanye umgwaqo noma indawo yomphakathi.

ISHEDULI 11:
IZIKHANGISO ZEZIMOTO

Indawo

1.Izikhangiso zezimoto zivunyelwe kuzo zonke izindawo ezilawuliwe, ngaphandle kwezindawo eziseNkabeni Yedolobha.

Ubukhulu nokuphakama

2.Uhlangothi oluzoba nesikhangiso kumele lube u 18m² ngephaneli ngayinye, kuvunyelwe amabhithi ayisishiyagalombili iphaneli ngayinye.

Indawo

3. (1) Imoto ekhangisayo akuvumelekile ukuthi ipakwe kunoma iyiphi indawo ngendlela ebonakalayo endaweni yomphakathi.

(2) Imoto ekhangisayo epakwe endaweni enomniniyo ngoba ibekwa khona kumele ibekwe ngendlela engabonakali emphakathini.

(3) UMasipala angahlonza indawo lapho imoto ekhangisayo ingavunyelwa ukuba ime kuyo.

Isikhathi sokusebenza kwemvume

4.Imvume yokukhangisa ingaba ngeyesikhathi esiyiminyaka emibili.

Ukuphepha

5.Imigomo yokuphepha equkethwe iSigaba 27 saloMthetho iyona esebenzayo.

Okunye

6.(1) Zonke izicelo zokuphanyeka isikhangiso semoto kumele ziphelezelwe ilokhu −

(a) Imininingwane yempahla ezokwenziwa ngayo, izinhlangothi zayo nendlela ezokwenziwa ngayo nokuthi izonamatheliswa kanjani kahle emotweni;

(b) igama, ikheli nenombolo yocingo yomnikazi wemoto uma umnikazi ehlala noma indawo yakhe yebhizinisi ingaphandle kwemingcele kaMasipala weTheku, noma imininingwane yomuntu olawula imoto zikhathi zonke;

(c) ikhophi yelayisensi yemoto yamanje nesitifiketi sokubhalisa esikhishelwe izimoto ezinjalo njengokwezimfuno zomthetho i-Road Traffic Act, kanye

(d) no

mshwalense oyosiza uMasipala okungenani kube ngowezigidi ezi R2,5.

ISHEDULI 12:

AMAFULEGI ENDAWO (INDAWO ENOMNINIYO)

Indawo

1.Isicelo samafulegi asendaweni enomniniyo angabekwa ezindaweni ezilawulwe kancane noma ingxenye.

Ubukhulu nokuphakama

2.Ubukhulu bafulegi okungenani mabube ngangokwezimiso zikazwelonke zamafulegi kazwelonke asemapalini.

Indawo

3.(1) Amafulegi asendaweniangaxhumekeka esakhiweni noma odongeni elingumngcele kodwa lingakapakeli endaweni kaMasipala.

(2) Ubude bepali elixhumekeke esakhiweni alivumelekile ukudlula ngamamitha amabili ngobude.

(3) Ifulegi elisendaweni elixhumekeke endukwini yefulegi kumele iphakame kusuka phansi okungenani ngamamitha a 2,5m futhi upali akumele ledlule ama 4m ubude.

Isibalo sezimpawu

4.Kuvunyelwe ukuphanyekwa kuze kufike emafulegini amane aveza igama lebhizinisi elibheke emgwaqeni.

Isikhathi sokusebenza kwemvume

5.Imvume ikhishelwa isikhathi esibhalwe kuyo.

Ukuphepha, ukudweba nokwakhiwa

6.(1) Amafulegi kumele enziwe nge PVC eqinile kuthi induku yefulegi ingabi erastayo nehhadlazekayo.

(2) Ingaphambili lawo wonke amafuleki kumele liboshwe liqine ukuze lingapheshulwa ngumoya.

ISHEDULI 13:

AMABHODI ABADAYISA IZINDLU NAWOSONKONTILEKA

Indawo

1.Amabhodi abadayisa izindlu avunyelwe kuzo zonke izindawo ezilawuliwe**.**

Indawo

2.Amabhodi abadayisa izindlu kumele abekwe aqhele ngo 15cm ukusuka emngceleni wendawo noma othangweni nangale kothango noma umngcele wesakhiwo.

Isibalo sezimpawu

3.(1) Isibalo samabhodi abadayisa izindlu simi kanje:

(a) indawo elawulwa kakhulu ngengxeye- kuvunyelwe izimpawu ezifika kwezimbili ngendawo yokuhlala ngayinye lapho kudayisa noma kurentisa i-ejenti evile kweyodwa.;

(b) indawo elawulwangokungagcwele (yohwebo) kuvumeleke izimpawu ezingafika kwezintathu ngesakhiwo sohwebo ngasinye nalapho kune-ejenti eyevile kweyodwa edayisa noma erentisa leso sakhiwo; kanye

(c) nendawo elawulwa kancane (yezimboni) i-ejenti ngayinye ivunyewe ibhodi elilodwa othangweni lomngcele nalapho kunongaphezu koyedwa odayisa noma orentisa ngesakhiwo.

(2) Endaweni yokuhlala loyo odayisa izindlu uvunyelwe ukubeka amabhodi amabili ngesakhiwo ngasinye uma libhalwe u “For Sale/For Rent” uma kunabadayisi abevile koyedwa.

(3) Kungabekwa amabhodi afike kwayisithupha ama-ejenti ukuze kukhonjiswe umkhondo wendawo yokuhlala “ebukiswayo”.

(4) Ibhodi elibhalwe “on show” lingakhishwa kusukela ngo 13h00 ngoMgqibelo asuswe lingakashayi u 09H00 ngloMsombuluko olandelayo.

(5) Kuvunyelwe amabhodi afinyelela kwamane ngesakhiwo ngasinye.

Isikhathi semvume

4.Ibhodi lomdayisi kumele lisuswe zingakapheli izinsuku ezing 30 kusukela ngosuku okwaqalwa ngalo ukudayiswa kwayo.

Okunye

5.(1) Abadayisi bezindlu kumele babhalise ne Development Management’s General Advertising Branch njengokusho kwalo Mthetho.

(2) Ibhodi lodayisayo lingabhalwa kuphela ukuthi “For Rent”, “To Let” noma “For Sale”.

(3) Ibhodi lendawo yohwebo lingafinyelela kuphela ku 2m² ubukhulu.

(4) Ibhodi lendawo yokuhlala lingaba u 0.552m² ubukhulu, kuphela.

(5) Ibhodi likasonkontileka alivunyelwe ukuba ngaphansi kuka 0.9m² noma ledlule u 1.5m² ubukhulu.

Okubhaliwe nendawo

6.(1) uphawu oluphansi oluphanyekwe odayisa izindlu akumele −

(a) ludlule u 4m ubude;

(b) ludlule u 3m² ubukhulu;

(c) lubekwe emhlabeni ongenalutho ngaphandle kwemvume eyisipesheli etholwe osegunyeni ehhovisi labadayisa izindlu;

(d) lube nezithombe ze-Ejenti; kanye

(e) nokuthi lube ngaphandle kwemingcele yomhlaba ongenalutho odayisayo.

(2) Odayisayo angafaka ibhodi elilodwa emgwaqeni ngamunye.

ISHEDULI 14:

IZIMPAWU ZESIGUNGU SABAQAPHA UMPHAKATHI (CPF)NABEZEMVELO

Indawo

1.Izimpawu zesiGungu Sabaqapha Umphakathi nabeZemvelo zivunyelwe kuzo zonke izindawo ezilawulwayo eduze noma esiTeshini samaPhoyisa**.**

Ubukhulu nobuphakama

2.(1) Ukuphakama kophawu kusukela phansi kungaba kuphela ngu 4m kuthi ingaphambili lophawu lube u 1.5m x 1m kuphela.

Indawo

3.(1) Amabhodi e-CPF angafakwa endaweni kaMasipala.

(2) Izingqwembe namafulegi avunyelwe kuphela ngaphakathi kothango lwendawo ngosuku lomhlanganowe-CPF noma abeZemvelo futhi abakhokhi izimali zokufaka isicelo.

Isibalo

4.Uphawu lwaphansi lwe CPF noma abezemvelo luvunyelwe ukuba lube lunye ngomgwaqo ngamunye.

Isikhathi sokusebenza kwemvume

5.(1) Imvume yophawu lwe –CPF noma abezemvelo ikhishwa kuze kufike emnyakeni emihlanu.

Ukuphepha, ukudweba nokwakha

6.isimo nengaphambili lophawu akuvumelekile ukuthi kukhanye sagesi.

Okunye

7.(1) Isicelo semvume yokuphanyeka uphawu lwe-CPF noma abeZemvelo kumele senziwe usihlalo we-CPF noma abeZemvelo, futhi isicelo kumele sibe −

(a) nencwadi yokugqugquzela kasihalo;

(b) incwadi evela kuMphathi siTeshi woMbutho WamaPhoyisa eNingizimu Afrika noma incwadi eqinisekisa isimo seZemvelo evela kwiPhini leNhloko: Environmental Management; kanye

(c) Nendawo ehlongozwayo evunywa uMnyango weZokuthutha KaMasipalaweTheku.

(2) Kungasebenza kuphela u 30% webhodi lophawu ukukhombisa abaxhasi.

(3) Ophawini kufanele kubonakale inombolo yocingo, igama nekheli le website yeCPF noma abeZemvelo.

ISHEDULI 15:

IZIMPAWU EZISEZINKUNDLENI ZEMIDLALO

Indawo

1.Izimpawu zendawo zivunyelwe kuzo zonke izindawo ezilawuliwe.

Ubukhulu nenhlobo

2.Ubukhulu nenhlobo yezimpawu ezivunyelwe ezinkundleni zemidlalo kuyoncika emtheleleni kwezemvelo njengezimoto, ukusebenza komhlaba nomthelela obonakalayolapho inkundla yezemidlalo ikhona.

Indawo

3.Ukufaneleka kwendawo kuyobonwa ngomthelela wophawu kwezemvelo nezimiso zoMthetho.

Isibalo

4.Kuvunyelwe uphawu olulodwa olubheke umgwaqo.

Isikhathi sokusebenza kwemvume

5. (1) Izimpawu ezisezinkundleni zemidlalo zingaphanyekwa isikhathi esibaluliwe kwimvume.

(2) Uphawu lwesikhashana lungaphanyekwa uma abaphathi benkundla bethole imvume ebhalwe phansi evela kuMasipala futhi lezo zimpawu zingaphanyekwa kuphela ngesikhathi somcimbi.

Ukuphepha

6.Imigomo yokuphepha iqukethwe iSigaba 27 saloMthetho.

Okunye

7.(1) Lezi zinhlobo zezimpawu ezilandelayo zingavunyelwa ezinkundleni zemidlalo:

(a) izimpawu zaphansi emabaleni;

(b) izimpawu zezindonga;

(c) izimpawu zemibhalo; kanye

(d) namafulegi ezemidlalo nezinhlangano zezemidlalo.

(2) Izimpawu zesikhashana zingabhekwa ukuze zisetshenziswe ngaphakathi ngesikhathi kuqhubeka umcimbi lokhu kubandakanya izimpawu ezifuthekayo, izingqwembe , amafulegi nokunye.

ISHEDULI 16:
IZIMPAWU EZISEZIKOLENI

Indawo

1. Izimpawu ezikoleni zivunyelwe kuzo zonke izindawo ezilawuliwe.

Ubukhulu nombhalo

2.(1) Isikole kumele sithumele isicelo kuMasipala sisho ukuthi sihlose ukuphanyeka uphawu kuphi uma uphawu luzothatha ngaphezu kuka 12m^2.

(2) Imibhalo emayelana nabaxhazi ayivumelekile ukuthatha izikhala ezingaphezu kuka 50% wophawu olubhalwe igama lesikole.

Indawo

3.Indawo efanele okungama kuyo uphawu iyoshiwo uMasipala futhi lokho kuyoba umbandela wokuthola imvume**.**

Isibalo

4.(1) Kuvunyelwe uqwembe olulodwa, obukhulu balo obungu 18m^2ngesifundo ngasinye ngokwezimfuno zokuphanyekwa koqwembe.

(2) Kuvunyelwe uphawu olulodwa lwaphansi ngomgwaqo ngamunye.

Isikhathi sokusebenza kwemvume

5. Zonke izimpawu ezixhasiwe zivunyelwe iminyaka efinyelela kwemi 5.

Ukuphepha

6.(1) Okweseke izimpawu kumele kufakwe okuthofozelayo kusuke phansi ngo 3m.

(2) Kuvunyelwe ukuthi kungene izikhangiso kokuthofozelayo okubalulwe kwisgatshana (1).

Ukudweba nokwakha

7.Zonke izimpawu eziphanyekiwe kumele zicwetshezeliswe ngokwezimfuno zikaMasipala.

Okunye

8.(1) Isicelo sokuphanyeka uphawu ezikoleni kumele sisayinwe uSihlalo weSigungu Esilawula Isikole.

(2) Izimpawu zabaxhasi eziveza imibhalo yomxhasi kuphela, kumele zibheke indawo yesikole.

(3) Isicelo sokuphanyeka uphawu lomxhasi kumele siphelezelwe ikhophi yesivumelwano phakathi kwesikole nomxhasi.

(4) Isikole singafaka isicelo sokufaka uphawu lohlobo lwe ‘fifty-fifty’ odongeni lapho imvume ingakwazi ukuvuselelwa njalo emva kweminyaka emihlanu.

(5) Isikole esiphanyeka izimpawu ngokwemvume ekhishiwe uMasipala asizikhokhi izimali zaminyaka yonke.

ISHEDULI17:
IZIMPAWU ZAMABHIZINISI ASEKHAYA

Indawo

1.Izimpawu zamabhizinisi asemakhaya zivunyelwe kuzo zonke izindawo ezilawuliwe**.**

Ubukhulu nokuphakama

2.(1)Kuvumeleke uphawu olulodwa ngaphambili kwendawo lapho kwenziwelwa khona ibhizinisi obukhulu balo obungafika ku 0,6 m^2.

(2) Uphawu lwebhizinisi lasekhaya aluvumelekile ukuba nombhalo osagesi.

Indawo

3.Uphawu lwebhizinisi lasekhaya kumele lungadluli imngceleni wendawo yalo.

Isibalo

4.Kuvunyelwe uphawu olulodwa naphambili komgwaqo walapho ibhizinisi likhona.

Isikhathi sokusebenza kwemvume

5.Imvume isebenza ngesikhathi sokuba khona kwemvume evela eMnyangweni wakwa Development Planning Department.

Ukuphepha

6. Imigomo yokuphepha esebenzayo ileyo eseSigabeni 27 salo Mthetho**.**

Ukudweba nokwakhiwa

7.UMasipala ungasibheka isicelo sophawu lebhizinisi lasekhaya ukuba lupendwe ezindongeni zalo kodwa kulandelwe imibandela.

Okunye

8.(1) Amabhizinisi asekhaya kumele afune imvume yokusebenza eMnyangweni kaMasipala wakwa Development Planning Department ngaphambi kokuphanyeka izimpawu emakhaya.

(2) Uphawu ngalunye lungaba negama lebhizinisi, ikheli neminingwane yokuxhumana neminye imininingwane engedlule kweyisishiyagalombili ivunyelwe.

(3)Izinhlobo ezilandelayo zezimpawu azivunyelwe−

(a) izimpawu ezime gelekeqe;
(b) izimpawu eziyimibhalo esagesi ;
(c) izimpawu ezinokunyakazayo;
(d) izimpawu zikagesi;
(e) izingqwembe;
(f) amafulegi;
(g) izimpawu eziputshukile;
(h) izimpawu ezingaphansi kwamakhenophi;
(i) izimpawu eziwugqinsi;
(j) izimpawu ezifuthekayo; kanye
(k) nokugoqwa kwezihlahla ezisendaweni kaMasipala.

ISHEDULI 18:

IZIMPAWU EZISONGE ISAKHIWO

Indawo

1. Uphawu olusonge isakhiwo luvunyelwe endaweni elawulwe kancane nelawulwe ngokungcwele.

Ubukhulu nobude

2. UMasipala uyena oyonquma ngomumo, ubukhulu kanye nendawo ngodaba ngalunye.

Isikhathi sokusebenza kwemvume

3. Imvume yophawu olusonge isakhiwo ingakhishwa isebenze iskhathi esiyizinyanga ezi 12.

Okunye

4. UMasipala angavuma ukuthi uphawu olusonge isakhiwo luqhanyiswe ngogesi.

SHEDULI 19:

IZINDAWO EZILAWULWAYO

OKUKHULU			UNGAGCWELE	OKUNCANE
Indawo eyimvelo	Indawo yasemakhaya	Indawo yasedolobheni	Indawo yasedolobheni	Indawo yasedolobheni
Amapaki kazwelonke Iziqiwi Amahlathi Izindawo eziyimvelo	Amapaki kamasipala Izindawo zabemvelo Indawo enomniniyo	Umasipala omkhulu Uhlelo lwezindawo ezivulekile Izindawo	Inkaba yedolobha Izingxenye zezindawo zamabhizinisi/zamah	Indawo esenkabeni yebhizinisi izixhumanisa nezindawo

	evulekile	ezinabaniniyo	hovisi/ izingxenye	zikaloliwe/
Izindawo zamanzi		ezivulekile	zezindawo	zezimboni
Amabhishi no	Indawo	Izindawo	amabhizinisi	
Gu	yomphakathi	zomphakathi	endaweni yokuhlala	Izindawo
Ulwandle	evulekile	ezivulekile	Izindawo	zezimboni
		Izindawo zabahamba	zamabhizinisi	Izizinda
Ulimo olukhulu	Izindawo	ngezinyawo	nentuthuko	zezimboni
	zasemakhaya	zokuthenga		
	Indawo yolimo	Izitolo zabahamba n	Izindawo zika	Izindawo
Imigwaqo ebukekayo	olukhulu	gezinyawo	Masipala/Hulumeni	zezithuthi
Imihlobiso ebukekayo		Izindawo		Imigudu yezithuthi
	Izindawo	zomphakathi	Izindawo	
Imigudu yemifula	ezibukekayo uma		zokungcebeleka	Lapho kuba
ebukekayo	uhamba ngemoto	Izindawo	Izikhungo zemfundo	khona izithuthi
Amaxhaphozi	Imizila ekubekayo	zasemadolobheni	Izinkundla zemidlalo	
Izindawo ezivulekile	Izindawo	ezisamapulazi	ezisetshenziselwa	
	ezibukekayo	Zonke izindawo	okwehlukahlukene	
	Izindawo	zokuhlala		
	ezisondelene		Izindawo	
	nedolobha	Izindawo	ezibukekayo uma	
	nezindawo	ezibukekayo	uhamba emigwaqeni	
	zendabuko	Izindawo	yasedolobheni	
	izindawo ze-ITB	ezibukekayo uma		
		uhamba ngemoto		
		Izindlela ezingenayo		
		Imigudu yemifula		
		Amaxhaphozi		
		Izindawo zezemvelo		
		Izindawo zamagugu		
		izinkundla zeziMpi		
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