UMTHETHO KAMASIPALA WETHEKU WEZIMAKETHE ZOKUDAYISA, 2014

Wemukelwe uMkhandlu mhla ka:

Wamiswa mhla ka:

UMTHETHO KAMASIPALA WEZIMAKETHE ZOKUDAYISA, 2014

Wokuhlinzekela ukuphathwa nokulawulwa kweziMakethe Zokudayisa eziphethwe noma ezilawulwa uMasipala; ukuhlinzekela ukuchithwa kwemithetho nokuhambisana nayo; kanye nokuhlinzekela izindaba eziphathelene nalokho.

ISENDLALELO

NJENGOBA kunesidingo sokuthi uMasipala ushaye imithetho futhi ulawule ukusebenza kweziMakethe Zokudayisa eziphethwe noma ezilawulwa uMasipala;

NJENGOBA uMasipala unamandla ngokwesigaba 156(2) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika okusungula nokushaya imithetho kamasipala ukuze ulawule ngendlela efanele izindaba onelungelo lokuzilawula;

NANJENGOBA kubalulekile kuMasipala ukuthi ugcine amazinga namaqophelo empahla edayiswa ezimakethe zawo ephezulu;

MANJE NGAKHO-KE uMkhandlu kaMasipala weTheku, usebenza ngaphansi kwesigaba 156 sifundwa neNgxenye B kaSheduli 5 woMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, siphinde sifundwe nesigaba 11 soMthetho Wezinhlelo Zomasipala: Ohulumeni Basekhaya ka-2000 (uMthetho No. 32 ka-2000) ngalokhu umisa lo Mthetho kaMasipala olandelayo:

OKUQUKETHWE

ISAHLUKO 1
UKUHUNYUSHWA NOKUSEBENZA KOMTHETHO

1. Izincazelo
2. Ukuhunyushwa kwalo mthetho
3. Izinhloso zalo mthetho
4. Ukusebenza kwalo mthetho

ISAHLUKO 2
UKUPHATHA NOKULAWULA

5. Amandla okuphatha
6. Ukuhamba kwezimoto

ISAHLUKO 3
UKUHWEBA NEMINYE IMISEBENZI EHAMBISANA NAKHO

7. Izinkukhu nezinyoni
8. Imvume yokuba netafula
9. Izimali ezibizwayo nezikhokhwayo
10. Ukwehluleka ukukhokha imali yetafula
11. Ukwabiwa kwamatafula
12. Imisebenzi yabahwebi nabanikazi bamatafula
13. Ukungena nokuphuma emakethe yokudayisa
14. Isikhathi sokuvala
15. Ukuchonywa kwezaziso

ISAHLUKO 4
IZINDLELA ZOKUQAPHA NEMIKHAWULO YOKUBA NECALA

16. Ukuba khona nokubeka iso
17. Ukuthwala icala lomunye umuntu

18. Ukuhlolwa kwempahla
19. Umasipala awuhlangene nokulahlekelwa
20. Ukuziphatha okungavumelekile

ISAHLUKO 5
OKUYINGXUBEVANGE

21. Ukudluliswa kwamandla
22. Ukudluliswa kwezinqumo
23. Amacala Nezinhlawulo
24. Ukuchithwa kwemithetho nokuhambisana nayo
25. Isihloko esifingqiwe nokuqala kokusebenza komthetho

ISHEDULI
IMITHETHO ECHITHIWE

ISAHLUKO 1

UKUHUNYUSHWA NOKUSEBENZA KOMTHETHO

Izincazelo

1. Kule Mithetho kaMasipala, ngaphandle uma ingqikithi isho okunye -

"isisebenzi esigunyaziwe" kushiwo umuntu ogunyazwe ukusebenzisa izihlinzeko zalo Mthetho kaMasipala, okubandakanya phakathi kokunye –

(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 waseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995);

"umthengi" kushiwo noma imuphi umuntu ongena ezakhiweni zemakethe ngenhloso yokuyothenga isivuno esisha nanoma yini enye edayiswayo emakethe yinoma imuphi umuntu i-ejenti yezimakethe emdayisele ngqo impahla egameni lomdayisi;

"IsiKhulu esiPhezulu kwezeziMali" kushiwo umuntu oqashwe uMasipala ngokwesigaba 57 soMthetho weziNhlelo zoMasipala osebenza njengesiKhulu esiPhezulu kwezeziMali kuMasipala, futhi kubandakanya noma imuphi umuntu okudluliselwe kuye amandla, amajoka noma imisebenzi yesiKhulu esiPhezulu kwezeziMali ngokuhambisana nohlelo lokudluliselwa kwamandla olusungulwe yiMenenja kaMasipala ngokwesigaba 59 soMthetho weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000);

"uMthethosisekelo" kushiwo uMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, 1996;

"umlimi" usho noma ngubani ogunyazwe yiNhloko ngokubhaliwe ukuba adayise emakethe yokudayisa, noma imiphi imikhiqizo yolimo ekhiqizwe yilowo muntu;

"itafula lomlimi" lisho indawo eklanywe yabiwa yiNhloko yabe isinika umlimi endaweni yabalimi yasemakethe ngenhloso yokudayisela kuyo impahla egunyaziwe;

"isivuno esisha" kushiwo noma imuphi umkhiqizo wezolimo ogunyazwe yiNhloko ukuze udayiswe emakethe;

“iNhloko” kushiwo iNhloko yezimakethe kanye nanoma ngubani –

(a) obambe kuleso sikhundla noma;
(b) ngubani iNhloko edlulisele kuye amandla, umsebenzi namajoka ngokuhambisana nezinhlelo zokudluliswa kwamandla ezimiswe yiMenenja yeDolobha ngokweSigaba 59 soMthetho Wezinhlelo Zomasipala, 32 ka 2000.

"umkhiqizi" kushiwo noma imuphi umuntu odayisa emakethe, ngobhasikidi leyo mpahla ekhiqizwe nguye uqobo, kanjengoba kungagunyaza iNhloko;

"imakethe" kushiwo iMakethe Yokudayisa yaseThekwini, kubandakanya indawo, isakhiwo noma izakhiwo ezingaphansi noma ezilawulwa uMasipala lapho kuqhutshwa khona ibhizinisi lezimakethe ngokuhambisana nezihlinzeko zalo Mthetho kaMasipala;

"uMthetho Wokuphathwa Kwezimali Zomasipala" kushiwo uMthetho woHulumeni baseKhaya: Wokuphathwa Kwezimali Zomasipala ka 2003 (uMthetho No. 56 ka 2001);

"uMkhandlu kaMasipala" noma **"uMkhandlu"** kushiwo uMkhandlu kaMasipala waseThekwini, umkhandlu kamasipala okukhulunywe ngawo esigabeni 157(1) soMthethosisekelo;

“uMasipala" kushiwo uMasipala waseThekwini, umasipala osemkhakheni A njengoba kuchazwe esigabeni 155(1) soMthethosisekelo waseNingizimu Afrika wase usungulwa ngokweSaziso soMphakathi No. 343 sika 2000 (KwaZulu-Natali);

“imenenja yedolobha” kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho weziNhlelo zoMasipala njengenhloko yezokuphatha yomkhandlu kaMasipala;

"umuntu" kushiwo umuntu owejwayelekile noma umuntu ngokomthetho;

"imvume" kushiwo incwadi esemthethweni ekhishwe yiNhloko egunyaza ukuqashwa kwanoma imuphi umuntu ukuba asebenze njengomdayisi emakethe;

“inqubomgomo yokwaba” isho yinqubomgomo eyemukelwe nguMasipala ukulawula ukwabiwa kwamatafula emakethe yokudayisa;

"incwadi yokungenisa umkhiqizo" kushiwo incwadi esemthethweni ekhishwa yiNhloko inikezwe umlimi ngaphambi kokuba lowo mlimi angene emakethe equkethe ulwazi olunganqunywa yiNhloko izikhathi ngezikhathi;

"indawo yokubeka imigqomo izibi" isho indawo yokubeka imigqomo yezibi, okungaba indawo edwetshiwe noma eklanyelwe ukuba kubekwe kuyo imigqomo yezibi;

“umdayisi” usho umlimi noma umkhiqizi njengoba kuchazwe kulesi sigaba;

"itafula" lisho noma iyiphi indawo eklanywe yiNhloko yayabela umhwebi engxenyeni yabahwebi emakethe ngenhloso yokudayisa izimpahla ezingavunywa yiNhloko ukuba zidayiswe ngokwalo Mthetho kaMasipala;

"umnikazi wetafula labahwebi" usho umnikazi –

(a) wephemithi esebenzayo ekhishwe yiNhloko evumela umuntu ukuba abe netafula engxenyeni yabahwebi emakethe; kanye
(b) nelayisense yokuhweba nokudayisa impahla evumelekile;

"umnikazi wetafula labalimi" usho umlimi woqobo ogunyazwe ukuba asebenzise itafula ngokwalo Mthetho kaMasipala;

"izimali zamatharifu" kushiwo izimali zamatharifu abizwayo, izimali ezikhokhwayo, nokunye okukhokhelwa uMasipala mayelana nempahla edayisiwe nemisebenzi eyenziwe emakethe, njengoba enqunyiwe ngokweMithetho kaMasipala yamaTharifu nangokwanoma iyiphi enye inqubomgomo ekhona;

"umhwebi" usho noma ngubani odayisa engxenyeni yabahwebi noma isiphi isivuno esitshalwe nguye;

"uMthetho Wezinhlelo Zomasipala" kushiwo uMthetho woHulumeni baseKhaya: uMthetho Wezinhlelo Zomasipla, 2000 (uMthetho No. 32 ka 2000);

Ukuhunyshwa kwalo Mthetho kaMasipala

2. Uma kunokushayisana phakathi kokuhunyushwa kombhalo wesiNgisi nalowo ohunyushiwe, umbhalo wesiNgisi iwona oyothathwa njengosebenzayo.

Izinhloso zalo Mthetho kaMasipala

3. Izinhloso zalo Mthetho kaMasipala–

(a) ukuqinisekisa ukuphathwa ngendlela efanele kwezimakethe zikaMasipala futhi ezilawulwa nguye;
(b) ukuqondisa ukuziphatha okufanele kwabantu ngaphakathi kwemakethe;

(c) nokuhlinzekela izindaba ezihambisana nalokho.

Ukusetshenziswa kwalo Mthetho kaMasipala

4. Lo Mthetho kaMasipala usebenza kuzo zonke izimakethe zokudayisa zikaMasipala futhi ezilawulwa nguye noma ngabe zikuyiphi indawo.

ISAHLUKO 2

UKUPHATHA NOKULAWULA

Igunya lokuphatha

5. iNhloko, emelwe isisebenzi esigunyaziwe, inomsebenzi wokuphatha nokulawula ukusebenza nokwenzeka ezimakethe.

Ukuhamba kwezimoto

6. (1) INhloko inamandla okulawulwa nokushaya imithetho mayelana nomthamo wezimoto kanjalo nokuhamba kwezimoto ezingena ezakhiweni zemakethe, kubandakanya –

(a) ukuklama nokwaba izindawo zokupaka;

(b) ukunquma nokubiza izimali zamatharifu mayelana nezindawo zokupaka; kanye

(c) nokuhlawulisa abephula umthetho wezimpawu zomgwaqo nemithetho ngaphakathi ezimakethe, kanjalo nokuqoqa lezo zinhlawulo.

(2) Ngokwenhloso yalesi sigaba, umnikazi obhalisile wanoma iyiphi imoto kuyothathwa ngokuthi uyena obeshayela leyo moto kuze kuqinisekiswe ukuthi ibishayelwa ngomunye umuntu.

(3) Noma iyiphi imoto esetshenziswe kwephulwa imithetho noma izimpawu zomgwaqo emakethe ingadonswa uMasipala: Kuncike ekutheni uMasipala kumele uqinisekise ukuthi abashayeli bazibona kalula izimpawu zomgwaqo nemithetho, futhi bayazi ngezinhlawulo zokuphulwa kwemithetho uma zikhona.

(4) Imoto edonswe uMasipala ngokwesigatshana (1) ingagcinwa uMasipala kuze kube kukhokhwa yonke inhlawulo enqunywe yiNhloko ukuze iyidedele, kanjalo nemali yokugcinwa kwemoto uma imoto ingalandwanga emahoreni angu-12.

ISAHLUKO 3

UKUHWEBA NOKUNYE OKUHAMBISANA NAKHO

Izinkukhu nezinyoni

7.(1) Zonke izinkukhu noma izinyoni eziphilayo ezilethwa emakethe ukuzodayiswa kufanele–

(a) ziphile saka zingabi nazifo;

(b) zibonakale kahle emabhokisini noma emakesini;

(c) umphakathi ukwazi ukuzibona kahle; futhi

(d) zingaboshwa imilenze.

(2) I-ejenti yasemakethe kufanele iqinisekise ukuthi lezo zinyoni kanye nezinkukhu zinikwa ukudla namanzi ngendlela nangezikhathi ezinqunywe yiNhloko.

(3) Ukudayiswa kwezinkukhu nezinyoni emakethe kumele kwenziwe ngendlela enqunywe yiNhloko.

(4) Ngemuva kokudayisa, izinkukhu nezinyoni akufanele zishiywe emabhokisini noma emakesini isikhathi eside kunesidingekayo ukuba zidilivelwe umthengi wazo: Ngaphansi kokuthi iNhloko ingayalela i-ejenti yasemakethe ukuba izisuse izinkukhu noma izinyoni ngokushesha emva kokuba sezidayisiwe: Nangaphansi kokuthi iNhloko ingenqaba ukudedela izinkukhu noma izinyoni uma inesizathu sokukholwa ukuthi kaziphilile, noma uma umthengi ehlulekile ukuthobela noma imuphi umbandela wokudayisa obekwe yiNhloko.

(5) Akukho muntu ovunyelwe nganoma isiphi isizathu, ukuba ahlabe, ashabalalise, ahluthe noma uhlanze izinkukhu noma izinyoni emagcekeni asemakethe.

(6) INhloko ingathatha zonke izinyathelo ezibona zifanele ukuvimbela noma ukuqeda ubuzwiswa ubuhlungu, unya noma ukuphathwa dlakadlaka kwezinkukhu noma izinyoni.

Iphemithi yomnikazi wetafula

8. (1) Umuntu ofisa ukuba netafula emakethe kufanele–

(a) afake isicelo koyiNhloko efomini efanele yokuba nalelo tafula; futhi

(b) athole iphemithi ekhishwe yiNhloko emgunyaza ukuba abe netafula abelwe lona ukuze aqhube ibhizinisi kulo ngaphansi kwemigomo nemibandela ebekwe yiNhloko.

(2) Ukukhishwa kwephemithi yomnikazi wetafula ngokwesigatshana (1) kuyonqunywa yiNhloko kuphela, kuye ngokuthi akhona yini amatafula kanye nokufaneleka kofake isicelo ngokunquma kweNhloko.

(3) Emva kokuthobela izihlinzeko zoMthethosisekelo nemigomo yezobulungiswa, iNhloko inamandla okuhoxisa noma inini, iphemithi yanoma yimuphi umnikazi wetafula otholakala enecala lokwephula umthetho ngokwalo Mthetho kaMasipala, kanye noma imuphi omunye umthetho oqondene nokusebenza kwalowo muntu emakethe.

Izimali ezikhokhwayo nezibizwayo

9.(1) INhloko ingeke ikwazi ukukhipha iphemithi yomnikazi wetafula ngokwesigaba 8 ngaphandle uma ofake isicelo esekhokhe imali enqunyiwe kuqala wathola nerisidi elimgunyaza ukuba abe netafula lokuba asebenze endaweni anikwe yona.

(2) Umuntu onikwe irisidi kufanele aligcine sonke isikhathi sokusebenza kwayo, futhi aliveze uma kudingeka ukuba enze njalo ngaleso sikhathi, ukuze lihlolwe yiNhloko kumbe noma ngubani oqokwe yiNhloko ukuba enze lokho.

Ukungayikhokhi imali yetafula

10.(1) Uma umnikazi wetafula ehluleka ukukhokha imali ebekwe esigatshaneni 9 (1) ukuze asebenzise itafula ngaphambi noma ngosuku olunqunyiwe, ilungelo lomnikazi walelo tafula lokusebenzisa itafula lelo lingahoxiswa yiNhloko ngokumbhalela isaziso sezinsuku ezintathu sokuba asuke kulelo tafula singakapheli isikhathi esinqunywe kuleso saziso.

(2) Noma ikuphi ukwenqaba komnikazi wetafula kokuthobela isaziso esikhishwe yiNhloko ngokwesigatshana (1) kudala okunye ukwephulwa kwalo Mthetho kaMasipala, okunika iNhloko igunya lokumkhipha lowo mnikazi wetafula emakethe ngaphandle kokumnika esinye isaziso.

Ukwabiwa kwamatafula

11. Ngale kokusho okunye okuphikisana nalokho okukule Mithetho kaMasipla, ukwabiwa kwamatafula ezimakethe kufanele kwenziwe yiNhloko ngokwenqubomgomo yokwaba amatafula.

Imisebenzi yabahwebi noma abanikazi bamatafula

12.(1) Umnikazi wetafula kufanele–

(a) aqhube ibhizinisi etafuleni abelwe lona yiNhloko ngokwalo Mthetho kaMasipala;

(b) aqinisekise ukuthi noma iziphi izinkukhu ezidayiswa emakethe zidayiselwa ekesini noma ehhokweni elivunywe yiNhloko elinesitsha sokuphuza esifanele esinamanzi enele nahlanzekile: Ngaphansi kokuthi isibalo sezinkukhu esivumeleke ukuba sifakwe ehhokweni sizonqunywa yiNhloko;

(c) adayise yonke impahla ngesivumelwano sangasese; futhi

(d) agcine noma iyiphi imoto, ubhasikidi noma isikhwama afike naso emakethe ethwele impahla ayidayisayo sihlanzekile ngendlela egculisa iNhloko;

Ukungena nokuphuma emakethe yokudayisa

13. Yonke impahla engena emakethe izodayiswa kufanele ingene ngesango lalokho elihlonzwe yiNhloko.

Isikhathi sokuvala

14.(1) Ngesikhathi sokuvala kumele kukhale insimbi ngemuva kwalokho kungabe kusadayiswa emakethe bonke abahwebi nabanikazi bamatafula basuse yonke impahla emakethe. Abanikazi bamatafula bangayishiya ematafuleni abo impahla engadayiswanga ngokubona kweNhloko, kepha lokho bayokwenza ngokuthanda kwabo futhi ngeke babeke uMasipala icala nganoma ikuphi ukonakala okungenzeka empahleni yabo.

(2) Ilungu lomphakathi angeke likwazi ukungena emakethe ngemuva kwesikhathi sokuvala. Noma iliphi ilungu lomphakathi elisemakethe ngemuva kwesikhathi sokuvala kufanele liphume ingakapheli imizuzu engama-30 sishayile isikhathi sokuvala.

Ukuchoma izaziso

15. INhloko ingachoma noma isiphi isaziso esiqondene nanoma iluphi udaba oluthinta imakethe ebhodini lezaziso endaweni esobala emakethe, futhi lokho kuchoma kuthathwa njengesaziso esanele sanoma iluphi udaba noma sanoma imuphi umuntu isaziso leso esiqondiswe kuye.

ISAHLUKO 4

IZINDLELA ZOKUQAPHA NEMIKHAWULO YOKUBA NECALA

Ukuba khona nokubeka iso

16.(1) Umnikazi wetafula kufanele –

(a) abe khona etafuleni lakhe;

(b) abeke iso yena ngokwakhe emsebenzini owenziwa etafuleni lakhe ngaphandle uma eqale ngokuthola imvume ebhalwe yiNhloko evumela omunye umuntu abeke iso aqhube umsebenzi egameni lakhe; futhi

(c) agcine itafula lakhe lihlanzekile futhi liqoqekile ngendlela egculisa iNhloko.

Ukuthwala icala lomunye umuntu

17.(1) Umhwebi noma umnikazi wetafula uyothwala icala lanoma ikuphi ukuziphatha komuntu oqashwe nguye emakethe noma lowo muntu umhwebi noma umnikazi wetafula onemvume efanele evumela lowo muntu ukuba aqhubele lowo mhwebi noma lowo mnikazi wetafula ibhizinisi, futhi kumele aqinisekise ukuthi lowo muntu uthobela izimiso zalo Mthetho kaMasipala.

(2) Noma ikuphi kulo Mthetho kaMasipala lapho kukhulunywa khona ngomhwebi noma umnikazi wetafula kuyothathwa ngokuthi kufakwa nanoma ngubani oqashwe noma osiza umhwebi noma umnikazi wetafula.

Ukuhlolwa kwempahla

18.(1) INhloko ingahlola noma icele ukuba kuhlolwe noma imiphi imikhiqizo yesivuno esisha noma ukudla okudayiswayo emakethe ukuze kutholakale ukuthi ngabe kunempilo futhi akunamagciwane, akunazifo noma akunakungcola kanti futhi, uma kutholakala ukuthi imikhiqizo yesivuno esisha ayinampilo, inamagciwane, inezifo noma inokungcola, iNhloko ingathatha izinyathelo noma iyalele ukuba kuthathwe izinyathelo engabona zifanele, kubandakanya ukudliwa, ukukhishwa noma ukulahlwa kwaleso sivuno esisha.

(2) Noma isiphi isivuno esisha okudingeka ngokomthetho ukuba sikalwe izinga angeke sikhangiswe noma sidayiswe emakethe ngaphandle uma –

(a) silethwe yi-ejenti yezimakethe ethintekayo ukuba izohlolwa futhi isihloliwe njengoba kusho umthetho; futhi

(b) izinga enikezwe lona ngenxa yalokho kuhlolwa selibhalwe ngokucacile kuyona yileyo ejenti yezimakethe noma umhloli.

(3) Noma isiphi isivuno esisha okudingeka ngokomthetho ukuba sidayiswe noma sithengwe siyisamba, noma esidinga ukupakishwa, sifakwe omaka noma amazinga ngendlela enqunyiwe, angeke sidayiswe noma sithengwe noma sisuswe kwi-ejenti yezimakethe ngaphandle uma ilandela zonke izidingo ezingokomthetho: Kuncike ekutheni iNhloko, ngokubona kwayo, ingayalela ukuthi noma isiphi isivuno esisha sidayiswe uma ibona ukuthi ukwenze njalo kulungile.

UMasipala akanacala ngokulahleka kwempahla

19. INhloko kumbe uMasipala angeke abe necala ngokulahleka noma ngokonakala okudalwe ngumlilo, izikhukhula, ukwebiwa kumbe yinoma yini nje empahleni esemakethe noma ngabe ifike nobani.

Ukuziphatha okungavumelekile

20.(1) Umuntu ongena emakethe kufanele ngaso sonke isikhathi aziphathe ngendlela ethobela le Mithetho kaMasipala, kanye neminye imiyalelo engase ikhishwe yiNhloko izikhathi ngezikhathi ukuze kwenganyelwe futhi kulawulwe kahle imakethe.

(2) Ngokulandela isigatshana (1), umuntu angeke enza utho oluphazamisa noma ngokubona kweNhloko olungase luphamazise ukusebenza okwejwayelekile kwemakethe eduze noma ngaphakathi kwemakethe, okufaka nalokhu okulandelayo:

(a) ukudala isicefe noma ukuziphatha ngendlela edala isidididi noma engafanele noma ukusebenzisa ulimi olwesabisayo, olungcolile, oluhlukumezayo, olunochuku, olucasulayo noma olwenyanyekayo;

(b) ukunxenxa amakhasimende;

(c) ukugxambukela noma ukuvimba noma imuphi umsebenzi wasemakethe ekwenzeni umsebenzi wakhe;

(d) ukuhlela noma ukuba nomhlangano engathole mvume ebhaliwe koyiNhloko kuqala;

(e) ukuthinta, ukunambitha, ukuhogela, ukuphatha noma ukususa isivuno esisha esivezelwe ukudayiswa ngendlela ezosenza singcole;

(f) ukugcina noma ukuvezela ukudayisa noma iyiphi impahla engemukelekile;

(g) ukubhema noma ikuphi lapho kunesaziso esibekiwe esenqabela ukubhema;

(h) ukokhela umlilo ngaphandle kwangesikhathi nasendaweni egunyazwe yiNhloko;

(i) ukuma, ukuhlala, ukubeka noma ukweyama ngempahla noma ngokuyiqukethe;

(j) ngaphandle kwesizathu esisemthethweni ukuganga noma ukususa noma ukuthumela ukuba kususwe isivuno esisha esibekelwe ukudayiswa noma isikhwama noma umbhalo esivunweni esisha noma esikhwameni;

(k) ukwenza noma ukuvumela noma yini engavala noma idale umonakalo emapayipini ukuba ingene emapayipini noma ukuvumela ukuchitha, amafutha, amanzi angcolile nanoma yini engafanele ukuba ingene emapayipini okuhambisa amanzi emvula;

(l) ukuwasha, ukupakisha, ukubeka ngononina, ukubeka ngokwamazinga noma ukuhlanza isivuno esisha endaweni okungeyona eyalokho ngaphandle kwemvume kaMasipala;

(m) ukulahla noma ukufaka kwezinye izindawo ngale kwalezo zitsha ezihlinzekelwe lokho, noma iziphi izithelo, amakhasi nanoma yini enye yemifino noma elahlwayo;

(n) ukufika nanoma yini edakayo emakethe noma ukungena noma ukuba semakethe uphuze okudakayo;

(o) ukulimaza, ukonela phansi noma ukuganga nganoma iyiphi impahla elethwe emakethe kumbe kunoma isiphi isakhiwo esisemakethe okungekaMasipala;

(p) ukufika nemfucumfucu, izibi, namakhasi ngenhloso yokukulahla ngaphakathi emakethe.

(3).(1) Umuntu ongenamvume ebhaliwe yeNhloko kuqala angeke–

(a) asebenzise itafula emakethe ngale kwetafula alabelwe yiNhloko;
(b) afike noma abe nesandla ekufikeni nanoma isiphi isilwane emakethe sibe singadayisi;
(c) afike noma abe nesandla ekufikeni emakethe yokudayisa , noma ekudayiseni noma ekuqhakambiseni noma ekudaleni ukuba kudayiswe noma imuphi umkhiqizo wezolimo ongafikanga nalowo muntu ewuthathe kumlimi ngokwalo Mthetho kaMasipala noma ngaphansi kwemibandela ye -Early Morning Market: Ngaphandle uma lokho kunemvume

ebhalwe phansi yeNhloko, futhi lowo muntu uyokhokha u-5% wenanini lalowo mkhiqizo emva kokuba usuhlolwe yiNhloko; futhi angeke

(d) angenisa noma abe nesandla ekungeniseni noma ekudayiseni noma adale noma avumele ukuba kudayiswe noma imiphi imikhiqizo yezolimo noma izimpahla emakethe ngaphandle kwezinhlobo ezinqunywe yiNhloko ngaleso naleso sikhathi, futhi ezilandela imikhawulo yenani noma isisindo okunqunywe yiNhloko ngaleso naleso sikhathi.

(4) Inhloko, noma isisebenzi esigunyaziwe, inelungelo lokususa emakethe noma yimuphi umuntu ophuze okudakayo noma oziphatha ngendlela engafanele nengamukelekile noma odala isicefe emagcekeni asemakethe.

(5) Umuntu okhishwe emakethe ngokwesigatshana (3) akufanele abuye angene kunoma iyiphi ingxenye yemakethe ngalolo suku akhishwe ngalo.

(6) Ngale kwesigatshana (3) no (4) ngenhla, iNhloko inamandla okuvimbela noma imuphi umuntu okukhulunywe ngaye esigatshaneni (3) ukuba aphinde angene emakethe isikhathi esingeqile ezinsukwini eziyi -14.

(7) INhloko noma isisebenzi esigunyaziwe inelungelo lokubopha ngaphandle kwencwadi egunyaza lokho, noma imuphi umuntu owephula imithetho emagcekeni asemakethe kanye nanoma imuphi umuntu iNhloko noma iphoyisa abakholwa ngale kokungabaza, ukuthi wenze icala elibomvu ngokwale Mithetho kaMasipala kanye noma ngokwanoma imiphi eminye imithetho.

ISAHLUKO 5

OKUYINGXUBEVANGE

Ukudluliselwa kwamandla

21.(1) Kweyame kuMthethosisekelo nemithetho efanele kazwelonke neyesifundazwe –

(a) namaphi amandla, ngaphandle kwamandla okukhulunywa ngawo esigabeni 160(2) soMthethosisekelo;

(b) namuphi umsebenzi; noma

(c) nasiphi isibopho,

ngokwalo Mthetho KaMasipala, okunikezwe uMasipala noma naziphi ezinye izinhlaka zikaMasipala zezombusazwe, abaphathizikhundla bezombusazwe, ikhansela, umsebenzi, kungaphinde kudluliselwe yilolo hlaka lwezombusazwe, yilowo mphathisikhundla wezombusazwe, yilelo khansela, noma yilowo msebenzi esikhungweni sangaphakathi, noma kumsebenzi oqashwe wuMasipala.

(2) Ukudlulisela amandla ngokulawula kwesigatshana (1) kufanele kwenziwe ngokulandela uhlelo lokudluliselwa kwamandla olwemukelwa ngumkhandlu ngokulandela isigaba 59(1) se Local Government: Municipal Systems Act, 2000 (Umthetho Ongunombolo 32 ka 2000), nangokulandela indlela esetshenziswayo ebalulwe esigabeni 59(2) salo mthetho obaluliwe.

(3) Nakuphi ukudluliselwa kwamandla okuhlongozwa kulesi sigaba kumele kuqoshwe ohleni lwamandla adluliseliwe, okumele luqukathe ulwazi mayelana –

(a) naleso sikhungo noma lowo muntu odlulisela amandla noma odlulisa amandla adlulisiwe;

(b) nowemukela lawo mandla adlulisiwe noma odluliselwe amandla adlulisiwe; kanye

(c) nemibandela ehambisana nalawo mandla adluliselwe.

Ukudluliswa kwezinqumo

22. (1) Umuntu omalungelo akhe achashazelwe yisinqumo seNhloko yezeMpilo noma esinye isisebenzi esigunyaziwe ngokulandela lo Mthetho KaMasipala angafaka isicelo sokuphikisana naleso sinqumo ngokulandela uhlinzeko lokudlulisa isinqumo oluqukethwe eMthethweni Wezinhlelo Zomasipala: uMthetho Wohulumeni Basekhaya ka-2000 (uMthetho No. 32 ka-2000) ngesaziso esibhaliwe sokudlulisa isinqumo kanye nezizathu kwiMenenja kaMasipala zingakapheli izinsuku ezingama-21 kusukela ngosuku lwesaziso ngesinqumo.

(2) IMenenja kaMasipala kumele ngokushesha yethule lesi sicelo sokuphikisana nesinqumo kwisiphathimandla sokudluliswa kwezinqumo esifanele.

(3) Isiphathimandla sokudluliswa kwezinqumo kumele siqalise uhlelo lokudlulisa isinqumo engakapheli amasonto ayisithupha futhi sinqume ngaleso sicelo esikhathini esifanele.

(4) Isiphathimandla sokudluliswa kwezinqumo kumele sivumelane, siguqule noma sichithe isinqumo, kodwa akukho guquko noma kuchithwa kwesinqumo okungahoxisa namaphi amalungelo angabe atholakele ngenxa yaleso sinqumo.

(5) Isiphathimandla sokudluliswa kwezinqumo kumele sinikeze izizathu ezibhaliweyo ngesinqumo saso kuzo zonke izindaba ezithinta ukudluliswa kwezinqumo.

(1) Umuntu wenza icala uma enza lokhu–

(a) ephula noma yisiphi kulezi zihlinzeko zalo Mthetho kaMasipala;

(b) ephula noma yimiphi imibandela, imikhawulo noma okwenqatshiwe ebekwe ngokulawula kwalo Mthetho kaMasipala;

(c) ehluleka ukuthobela imigomo yanoma yisiphi isaziso noma uphawu olubekwe ngokulawula kwalo Mthetho kaMasipala;

(6) Zonke izicelo zokudluliswa kwezinqumo zenziwa ngokulandela uMthetho Wezinhlelo Zomasipala: uMthetho Wohulumeni Basekhaya, ka-2000 (uMthetho No. 32 ka-2000) hhayi ngokulandela lo Mthetho KaMasipala.

Amacala Nezinhlawulo

23. (1) Umuntu wenza icala uma enza lokhu–

(c) ephula noma yisiphi kulezi zihlinzeko zalo Mthetho kaMasipala;

(d) ephula noma yimiphi imibandela, imikhawulo noma okwenqatshiwe ebekwe ngokulawula kwalo Mthetho kaMasipala;

(c) ehluleka ukuthobela imigomo yanoma yisiphi isaziso noma uphawu olubekwe ngokulawula kwalo Mthetho kaMasipala;

(2) Umuntu olahlwe icala lokwephula umthetho ngaphansi kwalesi sigaba angahlawuliswa noma aboshwe isikhathi esingeqile eminyakeni emibili, noma lokhu kokubili.

(3) Ngale kwezimiso zesigatshana (2), nangaphansi kwemigomo yezobulungiswa, kanye noMthethosisekelo, iNhloko ingenza uphenyo mayelana nezinsolo zanoma ngubani

zokwephulwa kwanoma iziphi izimiso zalo Mthetho kaMasipala, lapho iNhloko ibona ukuthi lezo zinsolo azizimbi kangako ukuba zingaze zishushiswe ngokwesigatshana (2).

(4) Uma kukhishwa ubufakazi obenele obugculisa iNhloko obuthi umuntu oshiwo esigatshaneni (3) uwephulile lo Mthetho kaMasipala, iNhloko ingamthola enecala khona manjalo ngaphandle kokuqulwa kwecala ngokwenqubo emisiwe futhi imnike isijeziso esibona simfanele, ngaphansi kokuthi lowo muntu uyonikwa ilungelo lokwedlulisela phambili ukungagculiseki kwakhe ngesinqumo noma ngesijeziso seNhloko ngokwalo Mthetho kaMasipala.

Ukuchithwa kwemithetho nokusilele

24. (1) Imithetho yedolobha ebalulwe kwikhalamu yokuqala neyesibili yeshedulli yalo Mthetho kaMasipala ngalokhu iyachithwa ngendlela ebekwe kwikhalamu yesithathu yayo leyo Sheduli.

(2) Wonke amalungelo atholakele noma izibopho umuntu anazo ngaphansi kweMithetho kaMasipala echithwayo azoqhubeka nokuba khona kube sengathi leyo Mithetho kaMasipala ayikaze ichithwe.

Isihloko esifingqiwe kanye nokuqala ukusebenza komthetho

25. Lo Mthetho kaMasipala ubizwa ngokuthi uMthetho kaMasipala Wezimakethe Zokudayisa, 2014 kanti uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kwi-*Gazette Yesifundazwe* noma lokho okubekiwe kuleso saziso seGazethi.

ISHEDULI

IMITHETHO ECHITHIWE

Inombolo nonyaka womthetho	***Isihloko***	***Ingxenye echithwayo***
Isaziso sesiFundazwe No. 42 sika 1972 esashicilelwa	Indian Market Bylaw (Early Morning Section)	Wonke

kwiGazethi yesiFundazwe No. 3658 yangomhlaka 20 Januwari 1972		
iSazizo sesiFundazwe No. 298 sika 1959 esashicilelwa kwiGazethi yesiFundazwe yangomhlaka 2 Julayi 1959	Standard Bylaws (Pinetown)	Isahluko 7
iSazizo sesiFundazwe No. 287 sika 1963 esashicilelwa kwiGazethi yesiFundazwe No.3164 yangomhlaka 30 Julayi 1963	General Bylaws Chapter xiv (Verulam)	Wonke
iSazizo sesiFundazwe No. 87 sika 1953 esashicilelwa kwiGazethi yesiFundazwe No.2461 yangomhlaka 10 Mashi 1953	Standard Bylaws (Mount Edgecombe)	Isahluko 7
Isaziso sesiFundazwe No. 237 sika 1942	Regulations for the purpose of local health commission (Public Health Areas Control) Ordinance No. 20 of 1942	Wonke