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Provincial Gazette Igazethi Yephondo Provinsiale Koerant

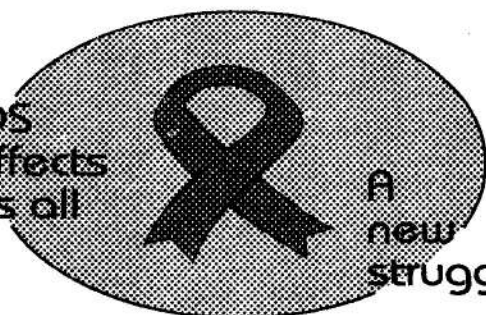
Vol. 13

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KING WILLIAM'S TOWN, 13 OCTOBER 2006

No. 1595
(Extraordinary)

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH



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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 157

QAUKENI LOCAL MUNICIPALITY

Under the provisions of section 156 of the Constitution of the Republic of South Africa 1996 (Act 108 of 1996), the Qaukeni Local Municipality enacts as follows:-

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“service” means a refuse , night-soil or conservancy tank effluent removal service as provided by the Council.

“Special Industrial refuse” means industrial refuse which requires special handling and or equipment, and

“Standard rate of interest” means the standard rate of interest referred to in Section 2 of the Act and

“trade refuse” means refuse emanating from any commercial , business or professional undertaking.

2.2 SUPPLY OF REFUSE RECEPTACLES

1. (i) The owner of any premises within the municipal area shall provide an adequate number of approved refuses bins for the storage of all refuse emanating from such premises.
- (ii) Special containers may be prescribed by the Council if, by virtue of the nature , type and / or volume of refuse emanating from the premises, and this is deemed necessary.

2.3 DEPOSITING AND STORING OF REFUSE

2. (i) The owner of any premises shall be responsible for the storing and depositing of refuse on such premises in accordance with this by-laws, except where such premises are occupied by one tenant, in which case the occupier shall be responsible.
- (ii) The owner or occupier or person in charge of any premises refuse within the Municipal Area shall ensure that all refuse generated on such premises is stored in approved bins or bulk containers.
- (iii) (a) No person shall accumulate , store , dump or deposit on any premises refuse which may cause a nuisance of whatsoever nature or an obstruction on such premises.
- (b) Where refuse referred in paragraph (a) has been allowed to accumulate on any premises, the Council may require:-

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- (1) the person directly or indirectly responsible ;
- (2) the owner of the refuse, or
- (3) the owner of the premises on which it has been accumulated,

to remove such refuse to an approved refuse disposal site within a specified time.

2.4 PROVISIONS OF A REFUSE REMOVAL AND DISPOAL SERVICES

3. (1) The provision of a refuse removal and disposal service shall be the responsibility of the Council and no service other than approved by the Council shall be allowed within the Municipality Area
- (2) The owner or occupier of premises shall avail himself of the service approved by the Council.

2.5 TARRIFS FOR THE PROVISIONS OF SERVICE

- 3A (1) The tariffs for the provision of a service contemplated in Section 3 shall be payable to the Council by the owner or occupier of premises and shall be fixed by the Council by special resolution.
- (2) The tariff's referred to in Subsection (1), are due and payable upon request at the office of the Council on or before the date indicated therefore on the account, hereinafter referred to as the due date.
- (3) If the full amount of the account referred to in Subsection (2) is not paid on or before the due date , interest on all debit balances calculated at the standard rate of interest, shall be due and payable to the Council as from the day following such due date "For the purpose of calculating interest part of a month shall be deemed to be whole month"
- (4) The owner or occupier of premises is responsible for obtaining the account referred to in Subsection (2), in order to enable them to pay such account or before the due date.

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- (5) If the owner or occupier of premises is responsible for obtaining the account referred to in Subsection (1), such owner or occupier shall not be entitled to defer payment thereof until after the due date.
4. Refuse shall be removed as often as may be approved by the Council.
5. An approved bin liner shall be fitted inside every refuse bin for the storage of domestic refuse. Bin liners shall also be fitted inside refuse bin used for the storage of trade and industrial refuse if considered necessary by the Municipal Manager or a duly authorized official of the Council.

2.6 LITTERING AND DUMPING OF REFUSE

6. No person shall-
- (a) throw, let fall, deposit or spill any refuse or waste material onto or into any public place, street, road vacant land, stream or water course;
 - (b) sweep any refuse or waste material into any street, gutter, storm-water drain, road or public place, or
 - (c) cause handbills, pamphlets or other advertising material to be distributed on any public street or place.
7. The owner or occupier of premises shall ensure that bulk refuse containers are suitably covered with a lid or approved cover at all times in order to prevent refuse from being blown out of the container by the wind onto any street, road or public or private place.

2.7 PAVEMENTS AND PARKING BAYS

8. It shall be the duty of every licensee or occupier or a shop or trader in any premises to ensure that the pavement in front, of or abutting such premises is kept clean and free of refuse or waste material emanating from such premises or resulting from the delivery of goods to such premises.
- 8.1 No person shall park his motor vehicle in a demarcated loading zone.

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2.8 PLACING REFUSE RECEPTACLES

9. (1) The owner or occupier of any premises shall provide on such premises sufficient space approved by the Council for the placing of refuse bins, bin liners or bulk containers required in terms of this By-law. Such space shall be clean and tidy at all times, and access thereto shall be kept free of obstructions at all times.
- (2) Refuse for removal by the service approved by the Council shall be placed upon the pavement adjoining the premises before 06H00 on collection days.
- (3) In the case of business premises, the Council may require a place of collection to be provided on the premises with convenient access thereto for the refuse collection vehicle.
- (4) Refuse bins, bin liners and /or bulk containers may not be sited on any premises less than 4.5m from any window or door capable of being opened.
- (5) Persons, who for health reasons cannot place their refuse as required in Subsection (2), may apply in writing on the prescribed form to the Municipal Manager to have their refuse collected from the normal situation of the bin(s) on their premises.

2.9 BURNING OF REFUSE

10. No person shall burn refuse of whatsoever nature on any premises within the Municipal Area.
11. Any person contravening any provision of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding R500-00 or in default of payment of a fine to imprisonment not exceeding 6 months.

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3. PREVENTION OF NUISANCE

3.1. DEFINITIONS

1. In this by-law

“Council” means the MUNICIPAL COUNCIL OF QAUKENI and includes any employee of the Council, exercising powers of performing duties or functions delegated to him by the Council.

“erf” means any land, whether vacant, occupied or with buildings thereon;

“Municipal Area” means the Municipal Area of Qaukeni and

“objectionable material” means garden litter, rubbish waste material, rubble scrap metal, disuse motor cars, machinery or other vehicles, as well as the disuse parts thereof, refuse from any building operations actually in progress on any land, and includes any solid or liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public.

2. Notwithstanding the provisions of any other by-law no person shall-

- (a) dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water, furrow, sewer, thoroughfare, public square or commonage except at such place or places as the Council may from time to time set aside or approve for such purposes, provided, however, that the Council may permit public garages, workshop and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the Council;
- (b) do work on any erf or use any building or land for purpose calculated to disfigure such erf or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person. Should the Council be of the opinion that this provision is being ignored, the Council may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated,
- (c) (i) carry on any trade, business or profession on any erf in the Municipal Area which may in the opinion of the Council be a source or become a source of discomfort or annoyance to the neighbourhood,

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- (ii) repair spray panel beat or perform work of whatsoever nature on vehicles on a residential erf unless such work is carried out on a vehicle which is legally registered in the name of owner or occupier of such residential erf or in the name of a member of the family of such owner or occupier.
- (d) deposit leave spill drop burn or place any fruit or vegetable peels broken bottles glass refuse or any objectionable material or thing which is offensive or likely to cause annoyance danger or injury to persons in or upon any erf, street or public place.
- (e) allow any erf to be overgrow with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the Council or any duly authorized employee of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires or cause or permit such erf any member of the community or may promote the spread of fires or cause or permit such erf any member of the community or may allow, encourage or promote the growth of bushes and weeds or the spreading of such growth to adjacent properties or which may obstruct the visibility to the driver of any vehicle;
- (f) allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs, or other insects.
- (g) Allow any building or structure or any portion thereof on any erf to fall into a dilapidated neglected or unsightly state, or fail to maintain the roof-eater disposal system, pipes sewers, drains, water fittings, waste water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair.
- (h) Use or cause or permit to be used any stoep and / or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- (i) Use or cause or permit to be used any stoep and/ or verandah of any shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing or keeping any waste material refuse, cartons crates, containers or other articles of a like nature;
- (j) Enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises, movable or immovable structures, objects articles, otherwise than by such means as the Council may approve;

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- (k) Keep on his premises any animal or bird which may cause disturbance or a nuisance to the neighbours;
- (l) Deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in proper sanitary convenience approved by the council;
- (m) Keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or is offensive or injurious or dangerous to health;
- (n) befoulf , misuse or damage any public convenience, or any convenience provided in any public building or place of public entertainment;
- (o) carry or convey , or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid , which is or may become offensive , or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of nuisance.
- (p) Bury or dispose of any dead in any authorized place;
- (q) Permit the carcasses of any animal being his property or of which he is in charge , and which has died on his premises or elsewhere in the Municipal Area, to remain unburied;
- (r) Cause or permit any stream, pool, ditch, drain, gutter, water-course, sink bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- (s) Cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade , business, manufacturing , dwelling or any other purposes, into any street or on any land;
- (t) Commit or cause or permit to be committed , any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or reserved for the use of such inhabitants;
- (u) Bathe or wash himself or any animal or article of clothing or any other article or thing in any public stream , pool or water through at any public hydrant of fountain or at any place which has not been set aside by the Council for any such purposes.

- (v) At any time of the day or night disturb the public peace in any street or public place by making unseemly noises or by shouting , insistent hooting , wrangling or quarrelling , or by collecting a crowd or by organizing any demonstration or by fighting or challenging to fight , or by striking with or brandishing or using in a threatening manner any stick, or other weapon or by any other riotous , violet or unseemly behaviour , or by gathering in crowds on pavements.
 - (w) Without the consent of the Council , advertise wares or services in any street or public place by means of any megaphone, loudspeaker or similar device or by shouting , striking of gongs, blowing of horns or ringing of bells.
 - (x) Being in or any private premises, disturb the public peace in the neighbourhood of such premises by making thereon any unseemly noises or by shouting , quarrelling , wrangling or singing or by the continuous and over-loud use of loudspeakers, radios, television sets or the like.
 - (y) In any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace.
 - (z) Solicit aims in any street or public place or endeavour by the exposure of wounds , sores, injuries or deformities or the production of begging letters to obtain aims; or
 - (za) cleanse or wash any vehicle or any offensive article or utensil in any street or public place.
3. Any material , article or thing of whatsoever nature has been accumulated , dumped, stored and deposited on any erf, or where there is an overgrowth of bush , weeds, grass or vegetation on any erf in contravention of Section 2 (a), (d) and (e) the Council may serve a notice on-
- (a) the person directly or indirectly responsible for such accumulation , dumping, storing , or depositing;
 - (b) the owner of such material , article or thing , whether or not he is responsible for such accumulation , dumping , storage or depositing;
 - (c) the owner of the erf on which such accumulation, dumping storage or depositing takes place , whether or not he is responsible thereof, or
 - (d) the owner of the erf on which there is an overgrowth or bush, weeds, grass or vegetation,

requiring such persons or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the Council with a period of fourteen days from the date of such notice or such further period as the Council may, on written application grant.

- (1). Should any person or owner fail to comply with the requirements of notice in terms of section 3 within the period stipulated by the Council, the Council may itself dispose of or destroy or remove such material, article or thing or the overgrowth from any erf at the costs of any one or more of the persons or owners mentioned in section 3 (a), (b), (c) and (d).
4. where on any erf there is a contravention of Section 2(f), (g), (h), or (1) the Council may at its discretion serve a notice on either the owner or the occupier to abate the nuisance.
5. Every person engaged in building operations, road constructions or construction work of any nature shall, when required to do so, provide adequate sanitary accommodation for himself and his employees to the satisfaction of and in accordance with any requirements specified by the Council.
6. (1). No person shall without the permission of the Council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description except on an authorized camping or caravan site controlled by the Council or otherwise licensed in terms of the Registration and Licensing of Business Ordinance, 1953, provided that a caravan, tent, or shelter parked or erected on a private residential site on which has been erected a dwelling with all the necessary ablution and toilet facilities may be used for the temporary accommodation of visitors for a period not exceeding 60 days
- (2) The Council may serve notice on any person who is occupying a caravan, tent or shelter in contravention of Subsection (1) to vacate such caravan, tent or shelter within 3 days after the service of such notice, failing which such person shall be guilty of an offence.
7. (1) The owner of every premises shall paint, colour-wash or otherwise suitably renovate any building or structure or part thereof, when so required by the Council
- (2). No more than two persons may reside in habitable room with a minimum clear floor area of 6 square metres and a minimum ceiling of height of 2.4 metres.

8. Any person contravening any provision of the foregoing sections or failing to carry out any order lawfully given there under, shall be guilty of an offence and upon conviction be liable to a fine of not more than R2000-00 or imprisonment for a period not exceeding 6 months or to both such fine and such imprisonment.

4. CONTROL OF DOGS

4.1 DEFINITIONS

1. The words and expressions used in this by-law shall have the meaning assigned thereto by the Dog Tax Ordinance 1978 (Ordinance 19 of 1978)

“beach” means any beach within the area of jurisdiction of the Council;

“Chief Officer” means the person occupying or acting in the post of Chief Officer of the Council’s Health Department and shall include any person duly authorized by him for the purposes of this by-law;

“Council” means the Municipal Council of Qaukeni

“Licence” means a licence issued in terms of Section 3, as read with Section 5, of the Dog Tax Ordinance 1978;

“Licensee” means a person who is lawfully in possession of a valid licence and metal badge;

“public street” and “public place” shall have the meanings assigned thereto by Section 2 of the Municipal Ordinance 1974

“Municipal Manager” means the person occupying or acting in the part of Municipal Manager Qaukeni Municipality and shall include any person duly authorized by him for the purposes of this by-law.

4.2 REGISTRATION AND DUPLICATE LICENCES

2. (1) Every dog shall be registered with the Council by its owner within three months of its birth or within seven days after acquisition.

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- (2) A licensee who loses the current licence or badge for a dog may, upon satisfying the Council of such loss, obtain a duplicate thereof upon payment of a fee to be determined by Council from time to time.

4.3 BREEDERS

3. (1) No person shall be recognized as a breeder unless he has been registered as such with the Councils.
- (2) An application for registration as a breeder shall be made on the prescribed form.
- (3) No person shall be registered as a breeder unless:-
- (a) he has duly completed the application form referred to in subsection (2)
 - (b) the premises where he keeps or proposes to keep the dogs are so suitable that in the opinion of the Chief Officer a nuisance or annoyance to neighbouring residents is not likely to be caused, and
 - (c) the premises are so constructed that the area where the dogs are housed is not directly visible from neighbouring properties and such housing facilities are constructed according to a plan approved by the Council.

4.4 NUMBER OF DOGS

4. No person not being a duly registered breeder or the holder of a licence to keep kennels shall keep on his premises more than two dogs, provided that a person who at the date of promulgation of this by-law kept more than two dogs may continue to keep such greater number, but shall not replace any dog in excess of two when such dogs die or disposed of.

4.5 DOGS CAUSING NUISANCE

5. It shall be an offence to keep within the municipal area dogs which :-
- (1) chase or worry an animal or person or hunt game
 - (2) by continuous barking, howling or whining cause a nuisance
 - (3) suffer from a contagious disease and are not under veterinary supervision and which are not properly isolated;

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- (4) pollute premises to such an extent that a health hazard is caused, or
- (5) stray in any public street, thoroughfare or other public place or in any private open space, private place or private premises other than of the owner of such dog, unless such dog is led by a chain or leash and accompanied by a person.

4.6 VICIOUS OR DANGEROUS DOGS

- 6. (1) If a complaint is made to the Municipal Manager or Chief Officer that a dog is vicious or dangerous and is not being kept under proper control, such Officer may cause a notice to be served on the owner or person having charge of the dog requiring the owner or such person, as the case be, to ensure to the satisfaction of the Chief Officer that such dog is being kept under proper control.
- (2) Any dog which has attacked any person in a public street or a beach or other place to which the public has access shall, for the purposes of this by-law, be deemed to be a vicious or dangerous dog until the contrary is proved.
- (3) Any person who, having been served with a notice in terms of subsection (1) and having failed to satisfy the Chief Officer as required by such Subsection, permits the dog referred to in such notice to be in a public street, on a beach or in any public place, shall be guilty of an offence.

4.7 SEIZURE, SALE AND DESTRUCTION OF DOGS

- 7.(1) If any authorized Officer has reason to believe that a dog found in a public street, on a beach or in any public place is diseased, he may seize such a dog and cause it to be detained at any pound under the control of the Council or other place set aside or hired by the Council for such a purpose.
- (2) any dog seized and detained in terms of Subsection (1) may, on the recommendation of a veterinarian be destroyed immediately in order to prevent the spread of any disease or where it appears unlikely that the dog will recover.
- (3) any bitch on heat found in a public street, on a beach or in a public place within the Municipal Area whilst under the control of a person may be seized by an authorized Officer and detained at a pound under the control of the Council or any other place set aside by the Council for such purpose.

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- (4) Any bitch seized and detained in terms of Subsection (3) may, subject to the provisions of subsection (6) and by order of the Municipal Manager be destroyed.
- (5) The destruction of any dog in terms of Subsection (2) or (4) or under any provision of Section 13(a) or (b) of the Dog Tax Ordinance, 1978 shall, subject to the provisions of Subsections (6) and (7) be by such painless method as may be approved by a veterinarian and shall take place only under the supervision of an authorized officer.
- (6) No dog may be destroyed other than under the provisions of Subsection (2) unless it has remained unclaimed by its owner for at least seven days, and in the case of a dog wearing a collar with the name and address of the owner thereon, unless such dog remains unclaimed after a notice has been served on such owner requiring him to remove the dog within seven days of the date of the notice, which the dog will be destroyed.
- (7) Instead of destroying a dog which has been seized and is being detained in terms of this by-law, other than a dog referred to in Subsection(2) the Council may sell or otherwise dispose of such dog to a person or organization approved by the Municipal Manager in consultation with the Chief Officer on payment of any tax payable in respect of such dog and of any costs, as certified by the Town Treasure, incurred by the Council as a result of the seizure and detention of such dog provided that if such dog is a bitch it shall not be handed over to the purchaser unless it has first been rendered sterile, and the cost of so rendering it sterile, shall be included in the cost of seizure and detention.
- (8) The council may fix the charge payable to it in respect of the keeping of any dog seized and detained in terms of this by-law, and the owner of such dog or the person in charge thereof shall not obtain the release of the dog unless such charge has been paid.
- (9) In no case shall any compensation be payable by the Council to any person in respect of the destruction of a dog in terms of this by-law.
- (10). The proceeds of the sale of any seized by the Council and sold shall be utilized to meet the cost of the keeping thereof in terms of Subsection (8) as well as the cost of the sale thereof, and any balance remaining shall be paid to the owner thereof, provided that such moneys be claimed within twelve months of the sale, failing which they shall be forfeited to the Council.

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4.8 CONTROL OF DOGS IN PUBLIC STREETS

8. (1) Any dog which is not controlled by means of a leash and which is found on any public street may be seized and detained by an authorized Officer.
- (2) where the name and address of the owner of a dog seized and detained in terms of Subsection (1) can be established, such owner shall be notified of such seizure and detention and shall be required to remove the costs of its seizure and detention, failing which such dog shall, subject to provisions of Section 7 (7) be sent to SPCA or auctioned.
- (3) where the name and address of the owner of a dog seized in terms of Subsection (1) cannot be established and such dog remains unclaimed for a period of seven days after seizure, it shall, subject to the provisions of Section (7) (7), be destroyed in accordance with the provision of Section 7 (2).

9. No person shall-

- (a) set any dog on any person or animal except in defence of his person or his property, or
- (b) permit or urge any dog in his custody or possession to attack or frighten any person or animal.

4.9 DOG'S COLLAR AND BADGE NOT BE UNLAWFULLY USED OR REMOVED

10. No person shall unlawfully use or destroy or remove from any dog any dog's collar or any material badge attached to any dog's collar, or has unlawful possession of or use any counterfeit of any such metal badge.

4.10 THE RESCUE OF IMPOUNDED DOGS PROHIBITED

11. No person shall by threats of violence or otherwise rescue or attempt to rescue from the person or persons in charge thereof and any dog lawfully brought to the pound, or shall rescue or attempt to rescue any dog after such dog has been lawfully impounded by the Pound Master.

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4.11 PENALTY

12. Any person who-

- (a) being the owner or person in control of any shop or other place where food is sold or exposed for sale , permits any dog to be a remain in such shop or place, or
- (b). fails to comply with a provision of this by-law or with any order or notice lawfully issued there under,

shall be guilty of an offence and liable on conviction to a penalty not exceeding R600-00 or imprisonment for a period not exceeding one 1 month.

5. STANDARD PUBLIC AMENITIES BY-LAWS

5.1 DEFINITIONS

1. In these by-laws, unless the context otherwise indicates-

“Council” means a Council of the Qaukeni Municipality-

“notice” means a clear and legible official notice drawn up by a Council in both official languages and displayed by order of the Council at every entrance to or at a conspicuous place at or on public amenity and to which the Council shall make known provisions and directions adopted by it in terms of a by-law;

“Public Amenity” means

- (a) any land, square , camping site, swimming-bath resort, recreation site, nature reserve , zoological , botanical or other garden , park or hiking trail including any portion thereof and any facility or apparatus therein or thereon , but excluding any public road or street;
- (b). any building , structure , hall , room or office including any part thereof and any facility or apparatus therein;

which is the property of , or is possessed , controlled or leased by a Council and to which the general pubic access, whether on payment of admission fees or not;

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- (c) also any public amenity contemplated in paragraphs (a) and (b) , if it is lawfully controlled and managed in terms of an agreement by a person other than the Council.

And which is situated within a declared local government area.

5.2 MAXIMUM NUMBER OF VISITORS

2. (1) A council may determine the maximum number of visitors who may be present at a specific time in or at a public amenity provided that different times may be determined in respect of different public amenities.
- (2). The numbers contemplated in Subsection (1) are made known by the Council concerned by means of a notice.

5.3 ADMISSION TO AND SOJOURN IN PUBLIC AMENITY

3. (1) A public amenity is subject to the provisions of these by-laws open to the public on the times determined by the Council concerned provided that different times may be determined in respect of different times may be determined in respect of different public amenities.
- (2). No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

The times and places contemplated in Subsections (1) and (2) shall be made known by the Council concerned by means of a notice.

5.4 ENTRANCE FEES

4. (1) A visitor to a public amenity shall pay the entrance fees determined from time to time by the Council, and such entrance fees shall be made known by means of notice.

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- (2). Different entrance fees may so be determined in respect of visitors of different ages.
- 5. No person shall perform or permit any of the following acts to be performed in or at a public amenity-
 - (a). The use of language or the performance of any other act with the purpose of disturbing the good order,
 - (b) The firing of firearms , air guns , air pistols, fireworks or the use of sling-shots or catapults;
 - (c) The burning of rubble of refuse;
 - (d). The causing of unpleasant or offensive smells,
 - (e). The production of smoke nuisance; or
 - (f). The causing of disturbances by fighting , shouting, arguing, singing or the playing of musical instruments, or the use of loudspeakers, radio reception devices, television sets, or similar equipment.

5.5 HEALTH MATTERS

- 6. No person shall in or at a public amenity-
 - (a) dump, drop or place any refuse, rubble , material or any object or thing or permit to be done, except in a container provided for that purpose in or at the amenity.
 - (b) pollute or contaminate in any way the water in any bath , swimming-bath, dam, spruit, river or water-course;
 - (c) enter any bath or swimming-bath while suffering from an infectious or contagious disease or having an open wound on his body;
 - (d) perform any act that may be detrimentally affect the health of any visitor to a public amenity.

5.6 STRUCTURES

7. No person shall, without the written consent of the Council concerned having first been obtained erect or establish in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice; provided that application for such consent shall be made to the Council on a form provided for that purpose, at least 21 days before such erection.

5.7 LIQUOR AND FOOD

8. (1). No person shall contrary to a provision of a notice , bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2). Subject to the provisions of Subsection (1) no person shall on, in or at a public amenity, contrary to a provision of a notice , cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice , provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

5.8 ANIMALS

9. (1) No person shall bring any live animal , bird, fish or poultry into a public amenity accept in accordance with the directions of the Council concerned : Provided that different directions may be so determined in respect of different public amenities and different types of animal, birds, fish, poultry.
- (2) The directions contemplated in Subsection (1), shall be made known by means of a notice.

5.9 LOITERING

10. No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in public street or on private place or who habitually begs for money or goods or persuades other to beg for money or goods on his behalf, may loiter or linger about in a public amenity.

5.10 GATHERINGS AND PROCESSIONS

11. (1) No person shall without the consent of the Council concerned , or contrary to any condition which the Council may impose when granting such consent-

- (a) arrange, present or attend any public entertainment;
- (b) collect money or any other goods for charity or any other purpose from the general public;
- (c) display, or distribute any pamphlet placard, painting , book, handbill or any other printed , written or painted work;
- (d) arrange, hold address or attend any meeting
- (e) arrange, hold or attend a public gathering or procession , exhibition or performance;
- (f) conduct any trade , occupation or business;
- (g) display , sell or rent out or present for sale or rent any wares or articles;
- (h) hold or attend an auction;
- (i) tell fortunes for compensation;

in or at a public amenity

(2). For the purposes of this by-law "public gathering or procession or gathering of 12 or more person.

(3). Consent contemplated in Subsection (1), shall be refused only if the Councils is of opinion that –

(a). it would give rise to-

- (1) public rioting
- (2) the disturbance of public peace;
- (3) the committing of an offence;

(b). it would be detrimental to the public or the users of or visitors to the public amenity or

(c). it would be detrimental to the public amenity concerned,

(4) Any person who requires the Council's written consent for any action contemplated in Subsection(1), shall apply in writing to the Council at least 21 days before such action on the form provided for this purposes.

5.11 SAFETY AND ORDER

12. (1) No person shall, subject to Subsection (2) , in or at a public amenity-

- (a) damage or disfigure anything within such amenity;
- (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
- (c) light a fire or barbecue meat, except at a place indicated for that purpose by notice
- (d) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
- (e) throw away any burning or smouldering object ;
- (f) pull out , pick or damage any tree , plant shrub, vegetation or flower;
- (g) behave himself in an improper , indecent , unruly violent or unbecoming manner;
- (h) cause a disturbance
- (i) wash, polish or repair a vehicle , provided that the foregoing provision of this paragraph shall not be applicable to the emergency repair of a vehicle;
- (j) walk, stand, sit or lie in a flower bed
- (k) kill, hurt , follow, disturb, ill-treat or catch any animal , bird or fish or displace , disturb , destroy or remove any bird nests or egg
- (l) walk , stand , sit or lie on grass contrary to the provisions of a notice
- (m) lie on a bench seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
- (n) play or sit on play-park equipment , except if the person concerned is a child under the age of 13 years; or
- (o) swim, walk or play contrary to the provisions of a notice , in a fish-pond , fountain street or pond.

(2). A council may by way of notice and subject to such conditions as the Council deems necessary and mentioned in the notice authorize any of the action contemplated in Subsection (1).

5.12 WATER

13. No person may misuse pollute or contaminate any water source or water supply or waste water in or at any public amenity.

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5.13 LAUNDRY AND CROCKERY

14. No person may in or at a public amenity wash any crockery or laundry or hang out clothes , except at places indicated by notice for that purpose.

5.14 VEHICLES

15. (1) No person may bring into a public amenity and truck, bus , motorcar, motor cycle, motor tricycle , bicycle or any other vehicle, craft or aeroplane , whether driven by mechanical , animal, natural or human power, except in accordance with the directions of the Council concerned: Provided that different directions may be determined for different public amenities and for different such vehicles , craft or aeroplanes.
- (2) The Council may determined the speed limit applicable in a public amenity: Provided that different speed limits may be determined for different public amenities and for different such vehicles craft or aeroplanes.
- (3) The directions contemplated in Subsection (1) and the speed limit contemplated in Subsection (2) shall be made known by the Council by way of notice.

5.15 GAMES

16. No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the Council and which is made known by way of notice.

5.16 IMPROPER OR INDECENT BEHAVIOUR

17. No person may in or at a public amenity-
- (a) perform an indecent act or conduct himself improperly by exposure of his person or otherwise , or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd, dirty or indecent language;

- (c) write, paint draw or in any way make a filthy or immoral figure, writing , drawing or presentation;
- (d) defecate , urinate, or undress , except in such buildings or on a premises intended or indicated by notice for such purpose or enter or use toilet facility intended or indicated as such by notice for members of the opposite sex.

18. Visitors to or a user of a public amenity at all times shall be clothed decently in public.

5.17 POWERS OF A PERSON IN CONTROL

19. A person appointed by a Council to control a public amenity may-

- (a) in a public amenity at any time enter upon any place , land , premises or building and conduct an investigation thereat in order to determine whether the provisions of these by-laws are complied with;
- (b) for the better exercising of any power or the performance of any function or duty assigned or granted to him , take along an interpreter who , while acting under the lawful order of such person shall have the same powers , functions and duties as such person.

5.18 PENALTIES

20. Any person who-

- (a) contravenes or fails to comply with a provision of these by-laws or a direction adopted by a Council under these by-laws and which has been made known by notice , or of a condition imposed under such by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere is these by-laws, or not
- (b) deliberately obstructs , hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws;

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- (c) furnishes false , incorrect or misleading information when applying for permission from a Council in terms of provision of a by-law shall be guilty of an offence and if found guilty shall be punishable with a fine of not exceeding R1000-00 or with imprisonment for a period not exceeding six months and , in the event of a continuing contravention , a fine not exceeding R150-00 or with imprisonment not exceeding ten days for each day that the contravention contravention continued.

6. BY LAW RELATING TO SEWERAGE

6.1 DEFINITIONS

1. In these regulations-

“property” means an erf , plot, lot, section, portion or farm which is set out in any Tittle Deed issued by a Deeds Registry;

“residential dwelling unit” means any building or portion of a building designed for use as a residence and includes the servants quarters and garage attached to such residence but does not include a room or suite used for the letting of accommodation with or without the provision of meals, or a flat;

“flat” means any building used by residential purposes excluding a single but shall include maisonettees, duplex flats, town, houses, group and cluster housing;

“other building” includes but is not limited to hotels , clubs , business , shops, offices, churches , halls municipal buildings, garages, factories , workshop, warehouse, caravan parks, hospital, etc.

6.2 SEWERAGE CHARGES

2. The sewerage charges as fixed by the Council by special resolution shall be payable annually to the Council by the owners of premises , with or without improvements which are connected to the Council’s sewerage system or which can reasonably be so connected.

6.3 APPLICATION OF ANNUAL CHARGES

3. (1) The annual charges shall be assessed for each calendar year in terms of regulation 2 and shall be due and payable on the first day of January in each and every year.
- (2) where premises are connected to the sewer mains during the course of a year the charges in respect of each such premises shall become payable on the last day of the month during which such premises are connected to the sewer mains; provided that during the calendar year in which the connection is made, only a proportionate share of the applicable charge shall be payable.
- (3) if any annual charge remains unpaid after 6 months from the date upon which such charge became due and payable, interest thereon calculated from the day following the expiration of such 6 months shall be charged and recovered by the Council at the standard rate of interest per annum for each month that such rate remains unpaid, and for the purposes of this sub-regulation part of a month shall be deemed to be month; provided that where the last day of the said period falls on Sunday or public holiday, such period shall be deemed not to expire until the next succeeding day which is not a Sunday or public holiday; provided further that this sub-regulation shall not apply where charges are being paid by installments in terms of sub-regulation (4).

7. BY-LAW RELATING TO FOOD HANDLERS

7.1 DEFINITIONS

1. In these regulations unless inconsistent with the context-

“authorize officer” shall mean the Medical Officer of the Department of Health of the QAUKENI LOCAL MUNICIPALITY or any other person from time to time lawfully acting in such capacity, or any Health Inspector in the employ of the Municipal Council of Qaukeni.

“approved” shall mean approved by the Medical Officer of Health;

“adequate” or “effective” as the case may be, shall mean in the opinion of the Medical Officer of Health, regard being had to the reasonable public health requirements of the particulars case.

“food” or article of food” shall include any animal product , fish fruit, vegetables , condiments, spices , bread confectionery beverages and any other article or thing whatsoever (other than a drug or water but including ice) in any form , state or stage of preparation, which is intended or ordinarily used for human consumption;

“handling” in relation to food shall mean the manufacture , preparation, sale , conveyance, delivery, storage, distribution, serving or other treatment of food.

“manager” shall mean the person in charge of the business for the time being;

“owner” and “occupier” shall have the meanings assigned to them in the Public Health Act 36 of 1919 as amended;

“premises” shall mean any premises or part thereof used for carrying on a business or used in connection with business , involving the handling of food, but where such premises form part of a building , they shall not include any part of such building which is not used for or in connection with the said business , nor shall they include warehouse that is to say , premises in which food is stored in bulk in the unopened outer container or other packing in which it was supplied by the manufacture or other bulk supplier,

“proprietor” shall mean the person in whose name the business is registered or licensed.

7.2 REQUIREMENTS FOR PREMISES

2. (1) No person shall carry on any business or occupation involving the handling of food unless the following requirements are at all times observed in respect of the premises at which such business or occupation is carried on-
- (2) The premises shall be constructed in accordance with the Council's Building Regulations and with the Regulations for the prevention of Rodent infestation of Buildings and Premises in Urban Areas, published under Government Notice R1411 of 1966, or any amendments thereto.
- (3) On expiry of the time specified in the connection notice served on an owner of premises in terms of Section 172 of Ordinance 19 of 1951, as amended , or any extension of such time as the Council may allow , the annual charge applicable to such premises shall become due and payable irrespective of whether the connection was made or not.

- (4) Every owner of premises shall, within a period of 30 days after having been called upon by notice under the hand of the Municipal Manager as may be required to make it possible for the appropriate charges under this regulation to be assessed. Failing submission within the aforesaid period of 30 days of the information required, the Council may apply such charge in accordance with foregoing scales as it may deem reasonable ;provided that the application of such charge shall not debar the Council from any right to institute a prosecution of failure to supply such information.

7.3 INSPECTION CHARGE

4. A charge of R20-00 shall be payable to the Council in advance by the owner of any premises for an inspection of a connections.

7.4 REMOVAL OF BLOCKAGES IN PRIVATE SEWERS

5. (1) The Council may upon request by the owner or occupier of any premises undertake to clear a blockage in any private sewer for which service the charges as set out hereunder shall be payable to the Council-
- (a) for the removal of any blockage from Monday to Friday R250-00
 - (b) for removal of any blockage on a Saturday, Sunday or public holiday R300-00
- (2) Whenever a request for the removal of a blockage is received in the office of the Municipal Manager during the usual office hours and before the closing hour for the receipt of cash in the office of the Municipal Manager, the prescribed charge shall be paid prior to the work being performed ; provided that where a request is received after such closing hour or on any day of which the Municipal offices are normally closed, the owner or occupier making such request shall furnish the workman in charge with a written undertaking to pay the prescribed charge within 7 days from the date on which the work is performed , and not blockages shall be removed unless and until such undertaking is first given.

6. (a) Effective artificial ventilation shall be provided where the natural ventilation of the premises does not meet the requirements of the Kata-Thermometer Standard of a Dry-Kata-Thermometer figure of 6 and a Wet-Kata Thermometer figure indoors shall be required to be higher than 1.50 below that obtained in the open air immediately outside the said premises.
- (b) The intensity of light within the premises shall be equivalent to a light-meter reading not less than 250 lux on all working surface upon which food is prepared at manufactured.
- (c) The walls of the premises shall be constructed of brick, concrete or other approved solid material, the internal surfaces of which shall be brought to a smooth finish and covered with a light-coloured washable oil-plant or effective plastic finish or otherwise be so treated that it has a smooth light-coloured impervious surface, not being a distemper or similar surface; provided that in respect of any portion or portions of the premises used for the sale of fresh meat or raw fish, the internal surface of the walls shall be effectively covered with light coloured glazed tiles or other approved impervious material to a height of not less than 2m measured from the floor.
- (d) The floor of any premises used or intended to be used for the handling of food shall be constructed of concrete or other approved solid and impervious rodent-proof material
- (e) The ceilings shall be of approved solid material finished to a smooth surface and rendered dust-proof.
- (f) There shall be provided within the cartilage of the premises and with adequate access thereto, a rodent-proof storeroom, effectively ventilated and lighted. The storeroom shall be adequate in size having regard to the quantity of bulk of the goods stored or likely to be stored therein and shall in any case have a floor area of not less than 9 square meters.
- (g) The premises shall be provided with an adequate supply of water, free from liability to pollution and derived from the Municipal water reticulation system.
- (h) No part of the premises shall communicate directly by means of any door, window, ventilator or other opening with any water-closet or urinal but shall be separated there from by means of a ventilated passage or lobby in accordance with the Council Building Regulations.

- (i) No door, window or opening or any kind in the premises shall be placed within 3m of any pail-closet or urinal chamber not connected to the Municipal sewerage system or similar approved water-borne system.
- (j) The premises shall be connected to the Council's sewerage reticulation system in accordance with the Council's Drainage Regulations in force, or, where no such sewers are available, to such other means for the disposal of soil or waste water as is approved by the Medical Officer of Health.
- (k) Adequate and approved sanitary accommodation shall be provided separately for each sex and persons employed or working on the premises. Such sanitary accommodation shall at all times be maintained in a thoroughly clean and sanitary state.
- (l) The surface of every yard shall be adequately graded to a storm water, drain, and shall be of concrete or other durable and impervious material to an extent of at least 9.25 square meters outside each entrance or exit from the premises, and where the area of a yard is less than 9.25 square meters the whole surface thereof shall be prescribed above in this paragraph. Every such yard shall have additional access thereto other than through the premises.
- (m) Where in any premises to which these regulations refer more than two persons or either self employed, there shall be provided for persons of each person, whichever shall be greater, and in respect of any category or persons for which no change-room is required in terms of these regulations metal lockers shall be provided in position approved by the Medical Officer of Health and suitable for their clothes, overalls and shoes, and no article of wearing apparel shall be hung or kept in any place within the premises except in the aforesaid change-rooms or lockers as the case may be.
- (n) The premises shall not be used for living, sleeping, nor shall they communicate otherwise than by means of an area open to the sky with any room or space used for living or sleeping.
- (o) There shall be provided a constant and wholesome supply of hot and cold running water laid over an approved sink or sinks with draining-board or draining-boards adequate for the proper washing and cleaning of all appliances, utensils, apparatus and fittings used in connection with the Council's Drainage Regulations and shall at all times be kept in a clean and sanitary state.

- (p) Wash-hand basins provided with constant and wholesome supply of running hot and cold water shall be installed for separate races in the ratio -hand basin to every fifteen persons or part thereof and the same shall be located in the approved position conveniently accessible to the persons engaged in food handling. Such sinks shall be fitted with waste pipes discharging over gullies in accordance with the Council's Drainage Regulations and shall at all times be kept in a clean and sanitary state.
- (q) The wall above and on either side of every wash-hand basin and sink with draining-board shall be covered with light -coloured glazed tiles or other approved impervious material, which covering shall extend vertically and horizontally for a distance of 300mm measured from the top and sides of such fitting.
- (r) There shall be provided on the premises an approved hot-water system capable of supplying a continuous flow of hot water at a constant minimum temperature of 76.7 degrees celcius.
- (s) There shall be provided, where cooking is carried out on the premises immediately , over every cooking stove, range, oven or similar apparatus , a hood or canopy of adequate size, having a flue at least 300mm in diameter and in addition such mechanical device as the Medical Officer of Health may consider necessary to prevent the discharge there from constituting a nuisance or an annoyance to the neighbourhood ; provided that where the Medical Officer of Health is satisfied that the purpose of ventilation will be effectively achieved , a mechanical device may be provided without the addition of the hood or canopy as aforesaid.
- (t) With the exception of tables at which person consume food or drink all tablets and all other working surfaces used in connection with the handling of food shall be constructed of stainless steel or other approved impervious material having similar non-absorbent qualities.
- (u) Where any counter or table top is used in any portion of any premises where food is prepared or manufactured or in any premises used for the sale of fresh meat or raw fish, the space between the underside of such counter or table top and the floor shall not be used for the storage of any equipment , object to thing ; provided that enclosed refrigerated counters shall be specifically excluded from this prohibition.
- (v) The premises upon which perishable , foodstuff are handled shall be equipped with adequate refrigerated storage accommodation capable of being maintained temperature not exceeding 7.2 degrees celcius.

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- (w) There shall be provided an adequate number of refuse receptacles of approved material and design.
 - (x) The owner of any premises where food is handled shall maintain such premises, yard surfaces, storm-water drains and sewers in good repair and sound condition and shall, when so required by the Medical Officer of Health, paint, lime-wash or otherwise suitably renovate the exterior part of such premises.
 - (y) The proprietor of any premises whether food is handled shall paint or otherwise renovate, in an approved manner, the internal part of such premises occupied by him, when so required by Medical Officer of Health.
- (2) Notwithstanding the provisions of Regulations 2 (1) the Medical Officer of Health may waive compliance with one or more requirements set out in the above mentioned regulation in respect of premises existing at the date of promulgation of these regulations if he satisfied that it is not reasonably practicable, by reason of the difficulty of reconstruction or the expense involved therein, to make the premises comply with any one or more of the requirements.

7.5 RESPONSIBILITY OF PROPRIETOR OR MANAGER

- (a) The following acts or omissions shall be unlawful on the part of the proprietor or manager of any business or premises in which the handling of food takes place, and it shall be unlawful for any such person to cause, permit or suffer any such act or omission to be committed or suffered by any other person.
- (b) to allow any part of the premises for which he is responsible or any utensil, vessel, container, appliance, instrument, apparatus, machinery, basket, receptacle or other equipment of any kind, or any vehicle or any fixture or fitting utilized in connection with the business to be otherwise than in good repair, in a clean and sanitary condition and free from dust, dirt filth or any other noxious matter or thing.
- (c) to have or keep on the premises or sell or supply any food or drink which is unclean, unwholesome, unsound or contaminated or effected by any disease or infection.

- (a) to handle any unwrapped cooked , prepared or ready-to-eat food otherwise than by the use of approved clean apparatus , appliances or instruments.
- (b) to use for containing any article of food any crockery , vessel , utensil, receptacle , container or any other appliance which is in an unclean and in sanitary condition or which is chipped , cracked or in any way damaged.
- (c) To use for wrapping food therein , paper or other approved material which is unclean or not free from any matter or substance which is likely to contaminate or infect or such food.
- (d) To fail to protect effectively all food from contact with dirt, dust filth, insects, rodents, vermin, or other offensive or noxious thing
- (e) To fail to ensure that no equipment ,object or thing is placed or stored in any space between the underside of any counter or table top and the floor, except as referred to in Regulation 2 (1) (v).
- (f) To provide where mineral waters and/ or cool drinks are consumed on the premises, straws or other similar device which are not separately wrapped in clean paper or other approved material.
- (g) To provide for human consumption any ice which has not been made on the premises or which , having been made on the premises, has been used for any other purpose.
- (h) To fail to provide or maintain effective measures for destroying or preventing the harbouring and/ or breeding of files cockroaches insects , rodents, or other vermin
- (i) To fail to keep at all times all food which is in the opinion of the Medical Officer of Health, likely to deteriote rapidly , in a refrigerator or cold room capable of maintaining an interior temperature of not more than 7.2 degrees Celcius, except for the purpose of handling or delivery to the purchaser, provided that for the purposes of this paragraph fruit and vegetables shall be excluded.
- (j) To keep or permit to be kept any article or wearing apparel not in use, elsewhere on the premises than in the change-room or lockers provided
- (k) To fail to provide and maintain for the use of employees engaged in the handling of food , an adequate supply of soap other approved detergent , nailbrushes and clean towels or other approved drying facilities , which shall be used only in securing their personal cleanliness

- (l) To fail to provide for the use of the persons mentioned in Regulation 3 (1) above clean and sound overalls of eight coloured material or other approved protective wearing apparel , and to fail to ensure that the same is worn by such persons when handling any food , or to fail to have such overall or protective wearing apparel maintained in a clean and sound condition.
- (m) To use or permit any change-room to be used for any purpose other than that of change-room or rest-room for employees, provided that any change -room may be used as an eating by employees , provided such change-room does not communicate directly by means of any door, window or other opening with any urinal or latrine
- (n) To sleep in or use for any domestic purpose whatsoever or permit any person to sleep in or to use for any domestic purpose whatsoever any part of the premises where food is stored, prepared or consumed , or to store or permit to be stored any article of food in any bedroom, living room or place other than an approved part of the premises.
- (o) To keep any animal or bird in, or permit any animal or bird to be introduced into, any part of the premises where food is handled or stored, excepting a guide dog accompanying a blind person and attached to a leash.
- (p) To display , exhibit or expose in any premises articles of premises articles or prepared food which are not required to be kept under refrigeration as described in Regulation 3(j) and which are not individually wrapped , otherwise than in approved impervious covers.
- (q) To display or keep outside the premises or at the entrance thereto any fruit , vegetables or other articles of food , or to place or permit to be placed any article of food so as to involved any risk of contamination of such food.
- (r) To keep elsewhere than in the store-room as provided for in Regulation 2(1)(f) any food not on display for sale or any articles or material not reasonably and immediately required or necessary for the conduct of the business
- (s) To fail to provide and maintain on the premises suitable and sufficient bandages , dressings and antiseptic for first aid in a readily accessible position , for the use of persons engaged in the manufacture or preparation of food.

- (t) To stack or store bulk goods in such a manner as to preclude the effective inspection thereof at all times.

7.6 RESPONSIBILITIES OF FOOD HANDLERS

- (b). All persons while engaged or employed in connection with any business or occupation involving the handling of food shall :-
 - (a) wear clean personal clothing and clean and sound overalls or other approved protective apparel and shall maintain themselves at all times in a state of personal cleanliness.
 - (b). keep their clothing , headgear and footwear, when not in use , in the lockers or change-room provided;
 - (c) immediately before beginning their work and immediately after any break therein likely to result in the contamination of their hands and especially after every visit to a closet , urinal or latrine , wash and scrub their hands with a nailbrush, soap and water;
 - (d) maintain scrupulous cleanliness of their hands, with finger-nails trimmed or cut short , and keep any open cuts or abrasions on any exposed part of the body covered with a suitable water-proof dressing;
 - (e) remove , their overalls and caps, before entering a water-closet, urinal or latrine;
 - (f) not smoke or use tobacco in any manner whatsoever not spit in any part of the premises in which food is handled;
 - (g) not place any food or permit it to be placed in such a way as to involved any risk of contamination.
 - (h) Not stand , sit or recline on a milk churn or milk can nor on any article of food , unless it is totally enclosed in a container or card-board, wood or metal.

7.7 SALE OF FOOD FROM FIXED PREMISES

- (c) No person shall sell any food , other than uncooked fruit and vegetables, eggs, wrapped sweets, mineral waters in sealed containers , and producer-packed or wrapped ice cream of frozen confectionary , from other than fixed premises.

Persons suffering from infectious or contagious diseases and persons likely to be infectious not to be allowed in or upon any food premises or to be employed in connection with any business involved the handling of food.

- (d) (1) No proprietor or manager of any business involving the handling of food or to whose premises these regulations apply shall permit, allow any person suffering from any infectious or contagious disease, or having any discharging ulcer or sore, or known or believed on reasonable grounds to be harbouring the infection of any infectious or contagious disease, or any person who has been in contact with any person so suffering but has not been thoroughly disinfected, to be in or upon any food premises or in any way to take part or assist in the handling of food.
- (2) All personnel employed in or upon any food-handling premises shall submit themselves at such time and place as the Medical Officer of Health may require for clinical, serological or bacteriological examination by registered medical practitioner in order that there is freedom from infectious disease or the carrier state thereof may be ascertained. They shall also submit themselves at such time and place as the Medical Officer of Health may require for radiological examination to establish their freedom from pulmonary tuberculosis.

7.8 PERSONS SUFFERING FROM ANY INFECTIOUS OR CONTAGIOUS DISEASE TO BE SUBJECT TO EXAMINATION

- (e) for the purpose of Regulation 6 the Medical Officer of Health or any registered medical practitioner deputizing for him, is hereby authorized and empowered to examine any person suspected to be suffering from or harbouring the infection of any infectious or contagious disease, or having any discharging ulcer or sore, or who has been in attendance on or in contact with any person suffering from any infectious or contagious disease, and any person refusing to allow himself to be so examined shall be deemed to be guilty of contravening this regulation.

7.9 NOTICE TO INFECTED PERSONS

- (f) whenever a written notice signed by the Medical Officer of Health is served upon any person engaging in the handling of food, notifying him that the Medical Officer

believes or suspects that such a person is harbouring or excreting or spreading any infection as referred to in the previous Regulation, such person shall forthwith cease to engage in any occupation of any kind referred to, notwithstanding the terms of any contract of employment by which he may be bound, and shall not re-engage in any such occupation until the Medical Officer of Health issues to him a certificate that he is no longer believed or suspected to be harbouring or excreting or capable of harbouring or excreting or spreading such infection.

7.10 NOTICE OF EMPLOYERS

- (g) Copies of the notices and certificates referred to in Regulation 8 shall be delivered to the employer of the person to whom they are addressed, and during such time as any such notice or certificate is operative such employer shall not cause or permit him to be engaged in the occupation of food handling.

7.11 CLEARANCE CERTIFICATE TO EMPLOYEE

- (h) No person who is suffering from enteric or typhoid fever, diphtheria, tuberculosis, venereal disease, scarlet fever, septic sore throat or dysentery shall be employed or re-employed in any occupation involving handling.

7.12 CLEARANCE CERTIFICATE TO EMPLOYER

- (i) No person shall employ or re-employ in any occupation involving the handling of food intended for sale for human consumption any person who has suffered from any of the diseases mentioned in Regulation 10, notwithstanding the terms of any contract of employment by which such person may be bound, unless and until he has received from the Medical Officer of Health a copy of the certificate to in the aforementioned regulation.

7.13 IMMUNISATION OF FOOD HANDLERS

- (j) The proprietor, manager or person in charge of any food handling business to whom this regulation applies shall, whenever called upon to so by the Medical Officer of Health employ or continue to employ in connection with the handling

of food only such persons as have been immunized against enteric or typhoid fever poliomyelitis and diphtheria, not with standing any contract of employment, and shall produce a current certificate to this effect.

8. STANDARD BY-LAW RELATING TO STREET

1. In this by-law , unless inconsistent with the context-

“local authority” means QAUKENI MUNICIPALITY COUNCIL regional services council, division council or local area as the case may be;

“sidewalk” means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

“street” has the meaning assigned thereto by Section 2 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) or Section 2 of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), or Section 2 of the Waives Bay Municipal Ordinance , 1978 (Ordinance 26 of 1978) or amendment thereto, and except where inconsistent with the context, includes a sidewalk, and

“vehicle” has the meaning assigned thereto by Section 1 of the Road Traffic Act , 1996

8.1 SIDEWALK AND ENCROACHMENTS ON STREETS

(b) No person shall-

(a) construct or lay on a sidewalk in a street

(i) except with the written permission of the local authority , or

(ii) otherwise than in accordance with the requirements prescribed by such local authority or

(b) construct a verandah, stoep , wall on a stoep , steps or other projection or erect a post in street except with the written permission of the local authority.

8.2 ADVERTISEMENTS VISIBLE FROM STREETS

3. (1) No person shall display any advertisement , placard, poster or bill in a street-
- (a) except with the written permission of the local authority, and
 - (b) otherwise than in accordance with such conditions as may be determined by such local authority.
- (2) This section shall not be applicable to signs which have been exempted under the provisions of the Standard By-Law relating to Advertising Signs and the Disfigurement of the Front of Frontage of streets, promulgated under Provincial Notice 593 dated 26 September 1958, as amended.

8.3 ANIMALS OR OBJECTS CAUSING AN OBSTRUCTION

4. No person shall-
- (a) deposit or leave any goods or articles in a street other than for a reasonable period during the course of the loading, off loading or removal thereof , or
 - (b) in any way obstruct pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any object or vehicle (other than a perambulator or wheel-chair which is being used for the conveyance of children or a disable), or
 - (c) cause or allow any blind , awning, cord or other object to project over or onto a street-
- (a) except with the written permission of the local authority,
 - (b) otherwise than in accordance with such conditions as may be determined by such local authority.

8.4 TREES IN STREETS

5. (1) No person shall-

- (a) plant a tree or shrub in a street, or in any way cut down a tree or shrub in a street or remove it there from, except with the written permission of local authority;
 - (b) climb, break or damage a tree growing in a street or attach any advertisement thereto.
- (2) Any tree or shrub planted in a street shall become the property of the local authority.

8.5 TREES CAUSING AN INTERFERENCE OR OBSTRUCTIONS

6. (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the local authority may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
- (2) Any person failing to comply with a notice issued in terms of Subsection (1) shall be guilty of an offence.
- (a) if any person fails to comply with a notice in terms of these Sections, the local authority may itself prune or remove the tree growth at the expense of the person on whom the notice was served.

8.6 REFUSE, MOTOR VEHICLE WRECKS, WASTE MATERIAL, ETC

7. No person shall-

- (a) dump, leave or accumulate any garden refuse motor vehicle wrecks, spare parts of vehicles, building or waste materials rubbish or any other waste products in any street or public place,

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- (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him;

except with the written permission of the local authority and otherwise than in accordance with such conditions as may be determined by such local authority.

8.7 PROHIBITION UPON CERTAIN ACTIVITIES IN CONNECTION WITH OBJECTS IN STREETS

8. No person shall, in a street-

- (a) effect any repairs to a vehicle , except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident or
- (b) clean a vehicle or wash clean, dry or bleach any other article or thin

8.8 PROHIBITION UPON GAMES AND OTHER ACTS IN STREETS

9. No person shall-

- (a) play any games in or across a street
- (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be nuisance, obstruction or annoyance to the public.

8.9 USE OF EXPLOSIVES

10. No person shall be explosives or undertake blasting operations-

- (a) except with the permission of the local authority, and
- (b) otherwise than in accordance with such conditions as may be determined by such local authority

8.10 CONVEYANCE OF ANIMAL CARCASSES OR OTHER WASTE PRODUCTS THROUGH STREETS

11. No person shall carry or convey through a street the carcass of an animal or any garbage, night soil, refuse litter, rubbish or manure-
- (a) unless it is properly covered and
 - (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be split in the street.

8.11 FENCES ON STREET BOUNDARIES

12. No person shall erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the local authority.

8.12 BUILDING MATERIALS IN STREET

13. No person shall -
- (a) bore or cut stone, slake or sift lime, or mix building materials in a street, and
 - (b) store or place building materials in a street or transport building material, mixed or unmixed across a street in such a way as to damage the street.

8.13 BALCONES AND VERANDAHS

14. No person shall, except with the written permission of the local authority-
- (a) use a balcony or verandah erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
 - (b) enclose or partition a balcony or verandah erected beyond the boundary line of a street or portion thereof as a living or bedroom.

8.14 DRYING OF WASHING ON FENCES ON BOUNDARIES OF STREETS

15. No person shall dry or spread washing on a fence on the boundary of a street,

8.15 OUTSPANNING IN STREETS

16. No person shall outspan or allow to be outspanned in any street and any vehicle drawn by animals or detach or leave in any street any trailer, caravan or vehicle which is not self propelled provided that this provision shall not apply to the actual loading or unloading of such vehicle.

8.16 PROTECTION OF STREET SURFACE

17. (1) No person shall-

- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street and
- (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way or while such object machine or material is in such a condition as may damage , break or destroy the surface of the street in any way.

- (2) If the local authority identifies a person who as a result of the actions referred to in Subsection (1), has damaged , broken or destroyed the surface of a street, the cost of repairs as determined by the said local authority, may be recovered from the offender.

8.17 DAMAGING OF NOTICE BOARDS

- (b) No person shall deface , damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the local authority.

8.18 STREET AND DOOR-TO-DOOR COLLECTIONS

19. No person shall-

- (a) collect or attempt to collect money in a street or organize or in any way assist the organization of such collection, except with the written permission of the local authority and otherwise than in accordance with such conditions as may be determined by such local authority, or
- (b) collect door-to-door, beg or solicit or accept aims, except with the written permission of the local authority.

8.19 EXCAVATIONS IN STREETS

20. No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street-

- (a) except with the written permission of the local authority, and
- (b) otherwise than in accordance with the requirements prescribed by such local authority.

8.20 POISON IN STREETS

21. No person shall other than an official of a local authority or an authorized person who administers legally approved weed-killers or poisons shall set or cast poison in any street.

8.21 PROCESSIONS

- (a). (1) No person shall hold , organize , initiate, control or actively participate in a procession , demonstration or gathering in a street, or dance or sign or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or shall use any loudspeaker or other device for the reproduction or amplification of sound without a written permission of the local authority in terms of Subsection (2) and (3) , and

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- (b) the permission , approval or leave of the magistrate
- (2) Any person who intends to perform or carry out any one or more of the actions described in Subsection (1) in any street shall submit a written application for permission thereto, which shall reach the local authority at least seven days before the date upon which any one or more of such actions is or are intended participating actively in a procession demonstration or gathering if the organizer promote or controller thereof has obtained the permission of the local authority, an application made in terms hereof shall contain the following :-
- (c) full details of the name, address and occupation of the application;
- (d) full details of the street where or route along which any one or more of the actions prescribed in Subsection (1) is or are intended to be performed or carried out , proposed starting and finishing times or any one or more of aforesaid actions and in the case of procession , demonstrations and gatherings , the number of person expected to attend, and
- (e) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out;
- (3) Any application submitted in accordance with Subsection (2) shall be considered by the local authority and if any one or more of the actions to be performed or carried out as proposed in such application is or not , in the opinion of the local authority , likely to be in conflict with the interests of public peace , good order or safety, the local authority shall issue a certificate granting permission and authorization for the performance or carrying out of any one or more of such actions , subject to such conditions as the local authority may deem necessary to uphold public peace, good order or safety.
- (4) the local authority may refuse to grant permission for the performance or carrying out of any one or more of the actions described in Subsection (1), if the performance or carrying out of such action or actions will, in the opinion of the local authority , be in conflict with the interest of public peace
- (5) the local authority may withdraw any permission granted in terms of Subsection (3), if as a result of further information , it is of the opinion that the performance or carrying out of the action or actions in question will be in conflict with the interests of public peace good order or safety.
- (6) The provision of this section shall not apply to religious gatherings or to wedding or funeral procession.

8.22 ROLLER-SKATING AND SKATING ON SKATE-BOARDS PROHIBITED IN STREETS

23. No person shall , except with the prior written permission of the local authority skate in a public parking area or street on roller skates or a skate-board or similar device.

8.23 PERSONS TO BE DECENTLY CLAD

24. No person shall appear in any street without being clothed in such a manner as decency demands.

8.24 OVERFLOW OF WATER INTO STREETS

25. No person shall cause or allow any water other than rainwater to flow into a street in such a manner as to cause damage to the street.

8.25 BEHAVIOUR IN STREET

26. (1) No person shall cause a nuisance to other persons by loitering , standing , sitting or lying on a street or public place.

- (2) No person shall-

- a. use abusive insulting , obscence , threatening or blasphemous language;
- b. fight or act in a riotous manner
- c. beg or ask members of the public for money or contributions;
- d. annoy or inconvenience any other person by yelling , shouting or making any noise in any manner whatsoever
- e. obey the call of nature at a place other than a sanitary convenience provided and approved for such purpose by the local authority;
- f. solicit or importune any person for the purpose of prostitution or immorality;
- g. engage in gambling;
- h. use intoxicated liquor, or
- i. spit

in a street or public place

8.26 WILD ANIMALS

27. No owner or persons in charge of any wild or ferocious animal, monkey or horned cattle shall allow such animals at any time to be insufficiently attended or at large in any street or shall keep any such animal in such a manner as to be a danger or annoyance to the public.

8.27 DISPLAY OF STREET NUMBERS OF PLACES

28. A local authority may prescribe by notice in writing that a number allocated to premises by such local authority shall be displayed on such premises, and may also prescribe the position where it is to be displayed and the owner or occupier of such premises shall within 30 days of the date of such notice, display the allocated number on the premises in accordance with such notice.

8.28 CONTROL OF STANDS AT WHICH FLOWERS AND OTHER PRODUCE ARE OFFERED FOR SALE

- 29 (1) The local authority may by resolution and by means of an advertisement in a newspaper published within its area of jurisdiction from time to time allocate and assign stands where flowers or other goods or produce may be offered for sale upon the streets; provided that the position of such stands may in the same manner be amended or abolished from time to time by resolution and advertisement.
- (2) No person shall display or offer for sale upon the streets flowers or other goods or produce except at such stands as may be prescribed by the local authority in terms of this section and unless he has received a permit from the local authority to do so provided that this section shall not apply to temporary stalls upon the streets for the sale of flowers and produce in aid of charity of public institutions, for which permission has been granted by the local authority; provided further that this section shall not apply to duly licensed hawkers and pedlars

8.29 BRIDGES AND CROSSINGS OVER GUTTERS AND SIDEWALKS

30. No private crossings, pathway bridge or culvert shall be made or built to or in front of any dwelling or other premises in any street or public place-
- a. except with the written permission of the local authority ; and
 - b. otherwise than in accordance with the requirements prescribed by such local authority.

8.30 CONTROL OF AMUSEMENT SHOWS OR DEVICES

31. (1) No person shall set up or use in any street public place any circus , whirling , roundabout or other side-show or device for the amusement or recreation of the public-
- a. except with the written permission of the local authority;
 - b. otherwise than in accordance with such conditions as may be determined by such local authority;
 - c. unless suitable sanitary conveniences for to the sexes of the staff have been provided there and
 - d. if it is in any away dangerous or unsafe for public use
- (2) An authorized official of the local authority or a member of the police force shall , for the purpose of inspection at all reasonable times have free access to such circus, whirlinging , roundabout or other sideshow or device.

8.31 CONTROL OF ANIMAL DRAWN VEHICLES

32. (1) No person shall-
- a. simultaneously drive or be in control of more than one animal drawn vehicle in a street,
 - b. drive or be in control of an animal-drawn vehicle in a street if he is under 16 years of age, or
 - c. if he is in control of animal -drawn vehicle in a street, allow a person a person under 16 years of age to drive or be in control of such vehicle.

8.32 VEHICLE TO BE ATTENDED

33. No person shall , in a street, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some stand duly allocated by the local authority.

8.33 LOCAL AUTHORITY MAY ACT RECOVER COSTS

34. (1) Notwithstanding any other provisions of this by-law , a local authority may-
- a. where the permission of the local authority is required before a person may perform a certain action or build or erect anything , and such permission has not been obtained , and
 - b. where any provision of this by-law is contrived under circumstances in which the contravention may be terminated by the removal of any structure object , material or substance

serve a written notice on the owner of the premises or the offender , as the case may be , to terminate such contravention , or to remove the structure , object , material or substance , or to take such other steps as the local authority may require to rectify such contravention within the period stated in such notice.

8.34 PENALTY

35. Any person who contravenes the provisions of the foregoing by-law shall be guilty of an offence and on being convicted shall be fined a fine not exceeding R1200-00 or in default to undergo a period of imprisonment not exceeding (6) six months.

9. STREET TRADING BY LAWS

9.1. DEFINITIONS

In these by-law , unless the context otherwise indicates

“approval” means approval by the Council and “approved” has a corresponding meaning

“authorized official” means any official of the Council who has been authorized by it to administer , implement and enforce the provisions of these by-laws;

“Council services” means any system conducted by or on behalf of a local authority , for the collection , conveyance , treatment or disposal or refuse, sewerage or storm water, or for the generation, impounding , storage or purification , or supply of water, electricity , or municipal services;

“Council service works” mean all property or works of whatever nature necessary for or incidental to any Council services’

“foodstuff” means foodstuff as defined in section of the Foodstuff Cosmetics and disinfectants Act 1972 (Act no. 54 of 1972;

“garden or park” means a garden or park to which the public has a right of access.

“goods” means any movable property and includes a living thing;

“intersection” means an intersection as defined in the regulations promulgated in terms of National Traffic Act, 1996 (Act No. 93 of 1996)

“litter” includes any receptacle , container or other matter which has been discarded , abandoned or left behind by a trader or by his or her customers;

“municipality” means the QAUKENI MUNICIPALITY and includes the Council of the municipality and any duly authorized political structure, political office bearer of official of the municipality;

“motor vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act 1996;

“prescribed” means determined by resolution of the Council from time to time ;

“property” in relation to a street trader , means any article , container , vehicle or structure used or intended to be used in connection with such business , and includes goods in which he or she trades;

“public monument” means any one of the public monuments and memorials” as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999) or any similar legislation.

“public place” means any square , park , recreation ground or open space which is vested in the Municipality or to which the public has the right to use or is shown on a general plan of a township filed in the deeds registry or a Surveyor – General’s office and has been approved for the use of the public or the owners erven in such township.

“public road” means a public road as defined in Section 1 of the National Road Traffic Act, 1996

“roadway” means a roadways as defined in Section 1 of the National Road Traffic Act 1996

“sell” includes-

- a. barter, exchange or hire out
- b. display , expose, offer or prepare for sale
- c. store on a public road or public place with a view to sell; or
- d. provide a service for reward;

and “sale” or “selling” has a corresponding meaning

“sidewalk” means as defined in Section 1 of the National Road Traffic Act, 1996

“street furniture” means any furniture installed by the Council on the street for public use;

“street trader” means a person who carries on the business of street trading and includes any employee of such person;

“street trading” means the selling of any goods or the supplying or offering to supply any service for reward , in a public road , or public place, a street trader;

“the Act” means the Businesses Act 1991 (No. 71 of 1991) and includes the regulations promulgated thereunder; and

“verge” means a verge and defined in Section 1 of the National Road Traffic Act, 1996

(b).meaning of words and expressions in Business Act incorporated in these by-laws

In these by-laws , unless the context otherwise indicates , any words or expressions to which a meaning has been assigned in the Business Act, 1991 (Act No. 71 of 1991) shall have a corresponding meaning in these by-laws.

(3) Single act constitutes street trading

For the purpose of these by-laws a single act of selling or offering or rendering of services in a public place shall constitute street trading

(4) Reference to legislation includes relations made thereunder

For the purpose of these by-laws a reference to any legislation shall be reference to that legislation and the regulation promulgated thereunder.

5). Assigning powers of a Council employee of a service provider , where a service provider has been appointed.

If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government , Municipal System Act 2000, or any other law been assigned to service provider, the reference on the service provider or, where applicable , an employee of the service provider authorized by it.

6) Prohibited conduct

[1] No person shall carry on the business of street trader-

[a] at a place or in area declared by the council in terms of Section 6A [2] {a} of the act as a place or area in which street trading is prohibited.

[b] in a garden or park to which the public has a right of access;

[c] on a verge contiguous to-

[1] a building belonging to, or occupied solely by, the state or the Council

[ii] a church or other place of worship

[iii] a building declared to be a Public monument;

[iv] an autoteller bank machine

[d] at a place where it cause an obstruction in front of-

[i] a fire hydrant

- [ii] an entrance to or exit from a building;
 - [e] at a place where it could obstruct vehicular traffic;
 - [f] at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk
 - [g] on that half of a public road continuous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorized official.
 - [h] On a stand , or in any area demarcated by council in terms of section 6A[3][b] of the Act , if he she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her;
 - (i) within (5) five meters of any intersection as defined in regulation 322 of the National Road Traffic Act 1996; and
 - (ii) on a sidewalk contiguous to a building in which business is carried on, by any person who sells goods of the same or of a familiar nature to the being sold on such sidewalk by the street trader, if the goods being sold without the prior consent of such person and an authorized official has informed the street trader that such consent does not exist.
 - (i) without a licence from the Council and/ or without having been allocated a stand by Council.
- [2] A person who has hired a stand from, or been allocated a stand by the Council in terms of Subsection [1][h], may not trade in contravention of the terms and conditions of such lease or allocation

9.2 RESTRICTED CONDUCT

A person carrying on the business of a street trader-

[a] may not sleep overnight at the place of such business

[b] may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;

[c] may not place nor sell his or her property on a public road or public place from or out of a motor or trailer whilst parked on the public road or street.

[d] must ensure that his or her property or area of activity does not cover an area of activity does not cover an area of a public road or public place which is greater in extent than six squares (with maximum length of three meters) or unless otherwise approved by the Council and which on any sidewalk leaves an unobstructed space for pedestrian traffic, length of the property or area activity, and not less than 1, 5 meters wide measured from any contiguous building to the obstructed area and unobstructed pace, the length of the property or area of activity, and not less than 0,5 meters wide, measured from the kerb of the roadway.

[e] may not trade on a sidewalk where the width of such sidewalk is less than four meters;

[f] may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to property.

[g] may not display his or her goods or other property in building without the consent of the owner, lawful occupier, or person in control of such building or property.

[h] must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such

[i] may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;

[j] may not carry on such business in such a manner as to :-

[i] create a nuisance;

- [ii] damage or deface the surface of any public road or public place, or any public or private property; or
- [iii] create a traffic and/ or health hazard , or health risk, or both
- [k] may not make an open fire on a public road or public place;
- [l] may not interfere with ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- [m] may not obstruct access to, or the use of , street furniture and any other facility for vehicular or pedestrian traffic;
- [n] may not obstruct access to, or the use of , street furniture and any other facility designed for the use of the general public;
- [o] may not obscure any road traffic sign display in terms of the National Road Traffic Act, 1996, or any marking , notice or sign displayed or made in terms of these by-laws;
- [p] may not carry on business, or take up a position , or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purpose of these by-laws;
- [q] may not , other than in a refuse receptacle approved or supplied by the Council , accumulate , dump , store, or deposit , or cause or permit to be accumulated , dumped , stored or deposited , any litter on any land or premises or any public road or public place , at the end of the day's business;
- [r] may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place , at the end of the day's business;
- [s] must on concluded business for the day remove his or her property except any structure permitted by the council , to a place which is not part of a public road or public place;
- [t] may not store his or her property in a manhole , storm water drain, public toilet, and bus shelter or in a tree ; and
- [u] may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of Section 6A[2] [a] of the Act.

9.3 CLEANLINESS

A street trader must-

- [a] keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- [b] keep his or her property in a clean , sanitary and well maintained condition;
- [c] Dispose of litter generated by his or her business in whatever receptacle is provided by the council for the public or at a dumping site of the Council;
- [d] not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- [e] ensure that on completion of business for the day , the area or site occupied by him or her for the purposes of trade is free of litter;
- [f] take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public space , or into a storm water drain, of any fat, oil or grease;
- [g] ensure that no smoke , fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
- [h] On request by an authorized official of the Council , move his or her property so as to permit the cleaning of the space of the area or site where he or she is trading, or the effecting of Council services.

9.4 SIGNS INDICATING RESTRICTED AND PROHIBITED AREA

- [a] The Council may, by resolution and in terms of section 6A [2] of the Act , declare any place in its jurisdiction to be an area in which street trading is restricted or prohibited , and must to enable compliance therewith , prescribe or make signs , marking or other devices indicating.

- [i] specified hours, places, goods or services in respect of which street trading is restricted or prohibited;
- [ii] the locations of boundaries of restricted or prohibited area;
- [iii] the boundaries of a stand or area set apart for the purposes of the carrying on the business of street trading;
- [iv] the fact that any such stand or area has been let or otherwise allocated ; and
- [v] any restriction or prohibition against street trading in terms of these by-laws;
- [b] The council may display any such sign , marking or device in a such a position and manner as will indicate any restrictions or prohibition and or the location or boundaries of the area of stand concerned.
- [c] Any sign erected in terms of these by-laws or any other law, shall serve as sufficient notice to as street trader of the prohibition or restriction of the area concerned ; and
- [d] any sign may be amended from time to time and display by the Council for the purpose of these by-laws, shall have the same effect as a road sign in terms of the National Road Traffic Act 1996.

9.5 REMOVAL AND IMPOUNDMENT

- [1] An authorized official may remove and impound any property of a street trader-
 - [a] which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading.
 - [b] which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impounded.

[2] Any authorized official acting in terms of Subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-

[i] itemise the property to be removed and impounded;

[ii] provide the address where the impounded property will be kept, and the period thereof

[iii] state the terms and conditions for the release of the impounded property;

[iv] state the terms and conditions relating to the sale of unclaimed property by public auction; and

[v] provide the name and address of a Council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.

[3] if any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply he or she shall be guilty of an offence.

[4] when any person fails to comply with an order to remove the property referred to in Subsection [3], any authorized official of the Council may take such steps as may be necessary to remove such property.

9.6 VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS

[I] When an employee of a street trader contravenes a provision of these by-laws the employer shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that-

(a) he or she neither connive at nor permitted such contravention and;

(b) he or she took reasonable steps to prevent such contravention.

[2] The fact that the employer issued instructions prohibiting such contravention shall not in itself constitute sufficient proof of such reasonable steps.

9.7 OFFENCES AND PENALTIES

Any person who-

- [a] contravenes or fails to comply with any provision of these by-laws;
- [b] fails to comply with a notice issued in terms of these by-laws; or
- [c] fails to comply with any lawful instruction given in terms of these by-laws; or
- [d] who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under these by-laws.

Is guilty of an offence and liable on conviction to a fine not exceeding a fine of R800-00 or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R1500-00 or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written Notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

10. QAUKENI MUNICIPALITY CONTAINER POLICY

10.1 BACKGROUND

In light of the fact that there numerous people who put containers and in the greater area and specific problems exist regarding the sitting of these containers the need has arisen for a policy for sitting of containers in Qaukeni Local Municipal Departments actions in dealing with issues.

10.2 NEED FOR THE SITTING OF CONTAINERS

Containers can have an important development role to play in disadvantaged areas. They can provide the necessary infrastructure for formal shops, workshops and storage facilities in area where economic opportunities and community facilities are lacking.

Containers are a common element of marginalized area through South Africa. They can provide the necessary infrastructure that they provide. They can thus make a contribution to local Economic Development in these areas.

Apart from regulating individual application for the sitting of containers a policy to facilitate and regulate containers would also assist various private social investment programmes which make converted shipping containers available to disadvantage communities.

10.3 NEED FOR THE MANAGEMENT OF CONTAINERS

When applications are received for the sitting of containers in the Town, each application should be considered by the relevant Municipal Departments to ensure that the use and sitting of the container will not have a detrimental effect on an area, or municipal services, or value of private property.

The proposed container policy for the towns of Lusikisiki and Flagstaff will set guidelines which will be followed by Municipal Departments to ensure a quick, but thorough processing of application for the sitting of containers.

This will ensure that the sitting of containers is dealt with in a professional, planned way and not on an ad-hoc manner, which could lead to future related problems.

There is a need for a policy which is lenient enough to permit the processing of a wide range of applications for the sitting of containers for various uses and on various locations.

10.4 PROPOSED LUSIKISIKI AND FLAGSTAFF CONTAINER POLICY GUIDELINES

10.4.1 USAGE OF CONTAINERS

- (a) Containers may not be used for accommodation /housing
- (b) Containers may not be used for industrial purposes where noise, get emission , fluid or liquid waste is created.
- (c) if food is to be prepared , it shall comply strictly with the requirements of the City Health Department. Waste water must be disposed of into the Municipal Sewerage reticulation system and not into storm water.
- (d) In instances where containers are used as business premises where people are employed and / or accommodation during the hours of business suitable toilet and wash hand basin facilities must be available either on site or within a reasonable distance. The container must also be adequately ventilated , where deemed necessary by the Health Department , and in the interest of the Health of the occupants, the containers must be adequately thermally insulated.
- (e) This policy does override the conditions of existing trading by-laws

10.5 LOCATION OF CONTAINERS

Applications for the sitting of containers will be considered on both public and private land.

10.5.1 ON PRIVATE LAND

- (h) No containers will be permitted on residential erven
- (i) No placement will be permitted in area where it could detrimentally effect Municipal services

- (j) Letters of no objection shall be obtained from all adjoining property owners
- (k) Strictly no containers shall be permitted within the Central Business District (CBD) Area

10.5.2 ON PUBLIC LAND

- a. Containers will only be permitted on public land in cases where it is considered that the sitting thereof will have not detrimental effect on the surrounding area.
- b. The merits of each application will be investigated
- c. No placement where traffic safety is affected e.g. where lines of sight are obstructed or where traffic signs are obscured.
- d. Placement of containers near roads or intersections to be done to the satisfaction of the town engineers.

Strictly no containers shall be permitted within the Central Business District (CBD)

In case where an application is subject to the approval of the Department of Nature Conservation Act 73 of 1989, the application will be submitted to the said Department for their consideration. CBD area must be defined and preferably be shown.

10.6 LEASE OF LAND FOR THE SITTING OF CONTAINERS

When application approved, the Applicant shall enter into a contract agreement which will be prepared by the attorneys designated by the Municipality.

10.7 GENERAL CONDITIONS TO BE COMPLIED WITH

- (a) Approval is granted for the sitting of a container on an exact location as indicated in the application , and shall not be removed from this location by the Applicant.
- (b) The containers shall be maintained in satisfactory condition at all times
- (c) Containers shall stay mobile and shall not be attached to the ground in any way.
- (d) The area around the container shall be kept in clean and sanitary condition and free of litter at all times.
- (e) The Applicant shall avail himself/ herself of a refuse collection service , the type frequency of service and applicable tariff to be determined by Cleansing Section.
- (f) The containers shall be placed in such a manner that it is not over or within two (2) meters of either side of a water main or any other service including sewerage and electricity.
- (g) Any container shall be placed in such a way that it does not cover or obstruct any gutters or storm water manholes or intakes.
- (h) In cases where containers are placed on a pavement there shall be at least three (3) meters available space (after the placement of container) on the pavement to allow unhindering pedestrian flow.
- (i) The sight distance motorist shall in no way be reduced by the placement of containers on the sidewalk.
- (j) Upon expiry of any contractual agreement , the tenant shall ensure that the area used is brought back to the original state or as agreed upon by the Council,
- (k) Location shall not hamper access to other premises/ roads or fire protection equipment.
- (l) Advertising would only be allowed if affixed to the container , meet with the approval of the City Engineer.
- (m) All costs in making the land available shall be borne by the Applicant

- (n) The municipality shall have the right at all reasonable times to inspect the land on which the container is situated as well as the container itself.
- (o) Should the Applicant not adhere to the above regulations, the approval shall be withdrawn.

10.8 PROCEDURES FOR APPLICATION

- (p) Application is to be made to the City Engineers Department (Town Planning Section).
- (q) After receipt by the Town Planning Section the application will be circulated to the relevant departments of sections.
- (r) If applicable, the application will be circulated to the Department of Nature Conversation for their consideration.
- (s) Approval is only granted if no valid objection has been received from any municipal department, adjoining property owner or the Department of Nature Conversation.
- (t) The Applicant is informed of the decision and of the fact that he/ she must sign the sundry lease agreement as administered by the Director of Legal and property services.

10.9 THE APPLICATION

Applications for the sitting of containers should include the following:-

- (u) A covering letter including
 - (i) The physical address
 - (ii) postal address
 - (iii) telephone number
 - (iv) I.D. number of Applicant

- (v) Short motivation
- (vi) Street address and/ or erf number of the relevant site
- (vii) location of the nearest toilet facilities /sewer connection point
- (aa) letters of no objection from all the adjoining property owners
- (bb) The payment of an application fee
- (cc) A map showing the exact location of the container on the site.

10.10 NOTES

- (a) Council reserves the right not to allow the sitting of a container should it be considered that the specific sitting has a negative impact on the surrounding area.
- (b) The Council does not in terms of the Policy , provide funds to assist in the provision of containers in any way to the public or to organizations.
- (c) Council reserved the right to remove any container without further notice , in cases where it does not comply to the regulations of this policy.
- (d) No compensation will be paid for any loss due to a Municipal Service Department needing to access or work on a service line.

10.11 OFFENCES AND PENALTIES

Any person who:-

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice in terms of these by-laws; or
- (c) fails to comply with any lawful instruction given in terms of these by-laws
- (d) who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under these by-laws:-

is guilty of an offence and liable on conviction to a fine not exceeding R1500-00 or in default of payment to undergo imprisonment not exceeding 6 months , and in the case of a continuing offence, to a further fine not exceeding R150-00, or in default of payment to imprisonment not exceeding one day during the continuance of such offence , after a written notice has been issued by the Council, and served on the person concerned , requesting the discontinuance of such offence.

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UKWAMKELWA KWE MIGAQO NKQUBO KAMASIPALA

INKQUBO ETHI ILANDALWE

INTSHAYELELO

Kuyimfuneko ukuze kube kho ulawulo olululo kwidolophu nganye ukuba umasipala abe nemithetho yakhe, njengoko ingalawuli nje abantu, kodwa iphinda yenze ukuba kucace ukuba yeyiphi na into evumelekileyo nengamkelekanga emphakathini.

Nangona senditshilo akufuneki ukuba Isigqeba sedolophu senze imigaqo nkqubo nangemiba engazukusentyenziswa mhlawumbi ngenxa yokungabikho komsebenzi okanye ubuchule bathi bangakwazi ukuqwalasela ukuthotyelwa kwalomigaqo.

Ukuba lemigaqo kamasipala yenziwe kuyimfuneko ukuba ithotyelwa kwaye kuqwalaselwe ukuthotyelwa kwayo ngabasemagunyeni, kuba oloqwalaselo nokokuthatyathwa kwamanyathelo kwabo bayephulayo, lonto itsho ibonakalisa nakwabo banqwenela ukuyephula ukuba iminqweno yabo yakuthi idibane nenkawu ziyosela ayinyamezeleki.

Nalapho ukuba lemigaqo ithe yathi yaqwalaselwa ngohlobo olungelulo isimo singathi singabisiso, njengoko kusenzeka komatheng'ethengisa ezidolophini ezininzi.

Kufuneka indlela eqwalaselwa ngayo lemithetho ifane, ilingane kumntu ngamnye ukuba kuthe akwabikho njalo uluntu lungathi lungahambisani nalemithetho.

Isigqeba sikaMasipala akufuneki senze umgaqo ongena njongo, kufuneka kwamkelwe imigaqo enje "Ngothintelo Lwenkathazo" ethi iqulathe izinto ezininzi ethi izilawule.

...1.

Kwananjalo lemithetho iyafuneka ukuba ihlala hlale emva kwethuba iphinde iqwalwaselwe njengokuba amaxeshe etshintsha-tshintsha.

Ngaphandle kwale mithetho ka Masipala kunzima ukulawula into ezenzeka kulodolophu. Kububuchule ukukhangela kwezinye idolophu ukuba ziyenze kanjani eyayo imigaqo nkqubo.

INKQUBO

1. Qwalasela imfuneko yomgaqo nkqubo ujonge nokuba ingakwazi na ukuba inqondiswe (ngabasebenzi abaqeqeshiweyo).
2. Ukhangela eminye imigaqo nkqubo kwabanye omasipala. Ithatyathwe inkqubo izame ukufakalelwa kwinkqubo yalo masipala, eminye imithetho ingangafaneleki kwenye idolophu kuba mhlawumbi into ethile ingekabikho kwenye idolophu njenge dami lokuqubha.
3. Kuyafuneka xa kuzotywa lemigaqo kunxityelelwane noluntu kunye nemibuthu enjengeyomathenga ethengisa xa lomthetho uzakuthi ulawule bona ukwenzele into yokuba bakwazi ukuwuxhasa.
4. Kufuneka kwenziwe inkcaza kwisigqeba sikaMasipala ebonisa imfuneko yalo mgaqo nkqubo.
5. Kuye kuthi xa lomthetho uthe wamkeleka kwisigqeba sikamasipala, ukhutshwe kwiphepha ndaba kube kanye intsuku ezingamashumi mabini ananye(21) ukwenzela ukuba abantu abanento abazichasayo benzenjalo.

...2.

6. Kuba izichaso zifumanekile, mazidluliswe kwisiqeba ukwenzela ukuba zilungiswe ukuba kukho imfuneko ukuba akukho mfuneko zichithwe.

7. Ithi ithathwe lomithetho, kunye naleyo imithe yapapashwa kwiphepha ndaba, kunye nemizuzu yesigqeba sikamasipala eyamkela lemithetho kunye naleyo ichitha izichaso, idluliselwe kumphathiswa wezoburhulumente basemakhaya. Incwadi esuka kwimibutho yase kuhlaleni kufuneka ibekho kwesisicelo.

QWALASELE: Nangona kukhona udliwo mali kulemithetho ekufuneka lwenziwe, kuyimfuneko ukuba umnyango kamantyi walodolophu kuqinisekисwe kuwo malunga nolodliwo.

...3.

UMGAQO
KWINKUKUMA

NKQUBO

NGOKUBHEKISELELE

Lamagama alandelayo athetha oku;

“Umthetho” ngulowo ukumthetho wezempilo ka 1977 (63 of 1977)

“umgqomo” ithetha lowo wamkelekileyo kumasipala lowo uyakuthi ugcine inkukuma.

“Isigqeba” sithetha isigqeba sikamasipala wase Qaukeni;

“Isivumelwano Esisodwa” seso sakuba senziwe ngumasipala;

“Inkukuma Yasemakhaya” yilonkukuma ivela kulomakhaya asetyenziselwa ukuhlala, ezicaweni, izikolo ngaphandle kwephuma ezitinyeni.

“Inkukuma yezitinyeni” yilonkukuma iqhelekileyo yasezinyeni;

“Inkathazo” iyakuba nalo ntsingiselo iyinikeziweyo emthethweni;

“Umnikazi” kunye “Nomntu onguyena ohlalayo” zakuthi zibe zizithetha ntonye;

“ isakhiwo nomhlaba waso” iyakuthetha lonto ihlala iyithetha emthethweni.

“Umgqomo wenkukuma” iyakuthi ibeyincence eqinileyo elayisha ilitha ezingamashumi asibhozo anesihlanu, enendawo zokubamba kunye nesiciko esivalekayo.

“Inkonzo” lethetha uthutho lwenkukuma, lodaka lwangasese ngetanki eyenzelwe oko;

...4.

“Inkukuma eyodwa yemizimveliso” ithetha inkukuma yemizimveliso ethi ifune ukuthuthwa ngohlobo olulodwa nangesithuthi esifanele oko;

“Inkukuma yoshishino” yinkukuma eyokuthi ivele ezivenkileni ngethuba loshishino;

UNIKEZELO NGEZINTO ZOKUQOKOLELA INKUKUMA

1. (1) Umnikazi wendawo esemhlabeni kamasipala uyakuthi abenamaphepha aneleyo avunyiweyo ngumasipala apho kongcinwa yonke inkukuma ephuma kulo ndawo
- (2) Umasipala uyakuthi akhuphe umyalelo wemigqomo eyodwa enendlela ethile eyakhiwe ngayo, nomthamo wayo ofanele inkukuma ephuma kulo ndawo.

UCHITHO NOGCINO LWENKUKUMA

2. (1) Umnikazi wendawo iyakuthi ibe nguye onoxanduva lokugcina achithe inkukuma ngendlela ehambisana nalemigaqo nkqubo, ngaphandle kokuba londawo ihlalwa ngumntu omnye, apho oloxanduva loba lolamntu.
- (2) Umnikazi okanye umhlali okanye lomntu inguye oliliso kulomhlaba usemhlabeni kamasipala nguye oyakuthi aqinisekise ukuba inkukuma ephuma apho igcinwa kwimigqomo efanelekileyo.
- (3) (a) Akukho namnye oyakuthi agcine, aqokolele, ashiye, alahle nakuwuphi umhlaba inkukuma eyokuthi yenza inkathazo nayeyaluphina uhlobo neyakuthi ibesisithintelo kolondawo.

...5.

(b) Apho kukho inkukuma efana naleyo ixeliweyo kumhlathi u (a) eyekiweyo yanda kulo ndawo, isigqeba sedolophu singafuna okukulandelayo:-

- (i) umntu oyena yena unoxanduva;
- (ii) umnikazi walonkukuma
- (iii) umnikazi walo ndawo inkukuma ikuyo,

ukuba ayisuse inkukuma kulo ndawo ayise kwindawo evumelekileyo nechithwa kuyo benikwe nexesha emabakwenze ngalo oko.

UXANDUVA LOTHUTHO NOCHITHO LWENKUKUMA

3. (1) Uxanduva lokuthutha nokuchitha inkukuma lakuba lolukamasipala kungekho nabani onokuthi aluthathele kuye ngaphandle kwemvume kamasipala.

- (2) Umnikazi okanye lowo uhlala kulondawo nguyeyakuthi avelele inkqubo evumelekileyo kumasipala.

UMGAQO WOKURHUMISA LWENKONZO ZIKAMASIPALA

- 3A (1) Uhlwawulo lwenkonzo ekujongwe kulo kwisoloty 3 luyakuhlulwa kwisigqeba sikamasipala ngumnikazi okanye lomntu uhlala kulo ndawo eyakuthi iqingqwe sisigqeba ngesivumelano esisodwa.

- (2) Oluhlulwa kujongiswe kulo kwisoloty elingu(1) zihlawulwa zakubizwa kwiofisi yesigqebe ngosuku okanye ngaphambi kosuku olubhalwe kwelo xwebhu, njengomhla ekufaneleke luhlaleke ngalo.

...6.

- (3) Ukuba intlawulo ayenziwanga ngosuku ebelutyunjiwe kulomhlathi ungentle ungo (2), inzala iyakuthi ifakelelwe xa ifakelwe intsuku zenyanga zingaphelelanda zakuthatyathwa njenge nyanga egcweleyo.
- (4) Umnikazi okanye umhlali kulondawo unoxanduva lokuba alufune alufumane ixhwebhu lwentlawulo oluxelwayo ku (2), ukwenzele bakwazi ukuhlawula ngosuku olufanelekileyo.
- (5) Ukuba umnikazi okanye umhlali nguye onoxanduva lokufumana uxhwebhu lwentlawulo oluxeliweyo kwisoloty (1) ngentla, lomnikazi okanye lomhlali akanakuthi akuxhome ukuhlawulwa kolo xhwebhu de kube semva kosuku elufanelekileyo lokuhlawula.
4. Inkukuma iyakuthi ithuthwe rhoqho ngohlobo olwamkelekileyo kwisigqeba.
5. Iphepha elifakwa ngaphakathi emgqomeni lakuhleli lingaphakathi emgqomeni osetyenziswa emakhaya. Lamaphepha ayakuthi futhi efakelwe nakwimigqomo esetyenziswa kwindawo zoshishino ukuba isigqeba umanejala kamasipala ugqibe kwelo.

UKUGCOLISEKA KUNYE NOLAHLO LWENKUKUMA

6. Akukho mntu oyakuthi:-

- (a) ajule, ayeke kuwe, achithe inkukuma okanye intshiyekela kwindawo kawonke wonke, endleleni, kumhlaba ongakhiwanga, emlanjeni okanye indawo ehamba amanzi;

...7.

(b)atshayele inkukuma intshiyekela endleleni, apho
kuhamba amanzi okanye kwindawo kawonke wonke;

© enze amaphepha entengiso azakuthi anikezelwe
kwindawo kawonke wonke.

7.Umnikazi okanye umhlali kwindawo uyakuthi agcine izinto
ezigcina inkukuma zegqunywe ngokufanelekileyo ngeziciko
zazo ukwenzela kuthintelwe inkukuma ekuphaphathekeni
nomoya igcwale indlela okanye indawo kawonke wonke
okanye imizi yabantu.

INDAWO YOKUHAMBA ABANTU KUNYE NEYOKUMA IMOTO

8. Iyakuba luxanduva lomntu onemvume okanye ongaphakathi
okanye unovenkile ukuqwalasela ukuba lendawo ihamba
abantu phambi kwesakhiwo icocekile kwaye akukho
nkukuma iphuma ngaphakathi kunye nevela xa kusethulwa
impahla.
- 8.1 Akukho namnye umntu oyakuthi amise imoto yakho
kwindawo yokulayisha.

INDLELA YOKUBEKWA KWENKUKUMA ILUNGISELELWA UKUTHATHWA NGAMAGOSA ESIGQEBA

- 9 (1) Umnikazi okanye umhlali walo ndawo nguye oyakuthi
enze kubekho indawo eyaneleyo evunywe sisigqeba
yokubeka inkukuma, iphepha lenkukuma okanye
imigqomo indawo leyo eyakuthi icoceke kwaye
kananjalo ifikelela lula kungabinaziphazamiso ngawo
onke amaxesha.

...8.

- (2) Inkukuma elungele ukuthuthwa ngalondlela ivunyiweyo sisigqeba iyakuthi ibekwe ngaphandle komzi okanye indawo le idibana nale yokuhamba abantu ngentsimbi yesithandathu ngentsuku zokuqokolela inkukuma.
- (3) Kwindawo yoshishino, isigqeba singafuna indawo yokuqokolela ibekho kulo ndawo yoshishino ibenendlela eyiyo yokufikeleleka zinqwelo eziqokolela inkukuma.
- (4) Imigqomo yenkukuma kunye nemigqomo emikhulu ayinakuthi ibekwa nakuwuphi umhlaba indawo phantsi kwefesitile okanye ecaleni komnyango umgama ongaphantsi kwe 4.5 mitha.
- (5) Abantu abathi ngenxa yezizathu zempilo bangakwazi ukubeka inkukuma njengoko kufanekile phaya kwisolotya
- (2) bayakuthi benze isicelo esibhaliweyo kuxwebhu oluvumelekileyo kuMenijala KaMasipala becele ukuba inkukuma yabo iqokolelwe ngaphakathi emihlabeni yabo.

UTSHISO LWENKUKUMA

10. Akukho mntu uyakuthi atshise inkukuma neyaluphi na uhlobo kumhlaba kaMasipala.
11. Umntu oyakuthi aphule okanye enza into enxamnye nalo mthetho uyakuthi abenetyala adliwe udliwo mali olungekho ngaphezulu kuma-R500-00 xa enganakuyihlawula adontse inyanga ezingekho ngaphezulu kwesithandathu ejele.

....9.

UKUTHINTEL WA KWENKATHAZO (NYUSENISI)

UCACISO LWAMAGAMA

1. Kulo mthetho:-

“Isigqeba” sithetha isigqeba sikamasipala wase Qaukeni, siquka nabasebenzi besigqeba, abanamagunya athile abawaphathiswe sisigqeba.

“umhlaba” ithetha nawuphi umhlaba, nokuba akukahlalwa kuwo, kuyahlalwa okanye unesakhiwo kuwo.

“Umhlaba kaMasipala” umhlaba ophantsi kukaMasipala wase Qawukeni.

“Izinto ezingavumelekanga” zithathe inkukuma ephuma ezitiyeni, incence ezindala, imoto ezilahliweyo, imatshini, inkukuma ephuma xa bekusakhiwa endibeneyo okanye engamanzi nomoya oyingozi onevumba okanye nayiphi into ephazamisana noluntu kumahlandinyuke emihla ngemihla.

2. Akukho namnye umntu oyakuthi:-

- (a) alahle, abeke okanye enze okanye avumele ukulahlwa, ukwakheleke okanye ukubekwe kwezinto ezingavumelekanga nakuwuphi na umhlaba, isitrato, indawo yakuhamba amanzi ngaphandle kokuba yindawo isigqeba esigqibe ukuba iyakusetyenziselwa oko, kuyakuxhomekeka ukuba isigqeba siyazivumela indawo zokulungisa imoto, nevenkile zemisebenzi, zilawulwa zimeko ezakubekwa sisigqeba zokugcinwa zicocekile.

...10.

- (b) enza umsebenzi emhlabeni okanye kwisakhiwo ngenjongo zokuwumosha okanye aphazamisane nokuhlala kakuhle komakhelwana okanye zibe zizinto eziza nengozi eluntwini. Xa isigqeba sibenoluvo lokuba uyephulwa lomthetho, isigqeba sakuthi siyalele into yokuba lomsebenzi uyekwe ngoko nangoko ubuyiselwe esimeni sawo.
- © (i) aqhubeke naluphi ushishino emhlabeni kaMasipala oyakuthi ngoluvo lwesigqeba lubeyinto eyokudala ukuhlala kakabi nokucaphuka komphakathi kunye nomakhelwana.
- (ii) alungise, apeyinte ngokutshiza okanye enze umsebenzi ezimotweni kumhlaba olungiselelwe ukuhlala ngaphandle kokuba lomsebenzi wenziwa emotweni ebhaliswe ngokusemthethweni egameni lomnikazi mhlaba okanye kulo mntu uhlala apho okanye kwigama lelungu losapho lwalapho.
- (d) alahle, ashiye, achithe, atshise okanye abeke isiqhamo okanye imifuno, amaxolo, ingceba zebhotile okanye izinto ezingavumelekanga okanye ekunokwenzeka zenze ingozi okanye zilimaze abantu kulomhlaba, esitratweni kwindawo kawonke wonke.
- (e) avumele kulomhlaba kukhule ukhula, ingca nemithi kude kubonakale kwisigqeba okanye kungunyazisiweyo ukuba lomhlaba ungasebenziseka nje ngesigqubu okanye indawo yemikhwa, yezilwanyana zasendle okanye iphazamisa nempilo yabantu okanye ukhuseleko loluntu okanye kwezeke nemililo okanye enze okanye avumele lomhlaba okanye zancedise ekusasazeni imililo yasendle okanye olokhula ludale ukuba abaqhubi benqwelo mafutha bangakwazi ukubona into eza ngaphambili ngenxa yokusithwa lukhula.

...11.

- (f) avumele umhlaba ube mdaka, ungahoywa okanye ungcwale inyoka, ingcongconi, impukane.
- (g) avumele nasiphi isakhiwo okanye umhlatyana ukuba ube yinto engabukelekiyo okanye ungaphatheki kakuhle ube nompopi bamanzi acocekileyo kunye namdaka.
- (h) Asebenzise izitebhisi okanye ivuranda yevenkile okanye naliphi na ishishini okanye umhlaba ongakhiwanga okufutshane nalo venkile okanye ishishini ngenjongo zokugcina, ukulahla, ukubonisa, ukuthengisa impahla.
- (i) Asebenzise okanye avumele ukusetyenziswa kwevenkile okanye indawo yoshishino okanye umhlaba ongekakhiwa okufutshane nalo venkile okanye ishishini elivumelekileyo okanye ebonakalayo kuwonke wonke ngejongo zokungcina, zokulahla izinto ezingasetyenziswayo, inkukuma, amakasi okanye nantoni nokuba yeyaluphi uhlobo.
- (j) avalele okanye enze okanye avumele ukuvaleleka kwe zitebhisi okanye ivuranda yevenkile okanye indawo yoshishino ngezinto ezinokususwa okanye ezingenokususwa ngaphandle kwendlela ethe yabe ivumelekile kwisigqeba.
- (k) Agcine nasiphi isilwanyana okanye intaka ayakuthi ibe sisiphazamisi eluntwini okanye yenza inkthazo komakhelwane.
- (l) Uchithe okanye ung cine indle(udaka lwangasese) nakuwuphi umhlaba ngaphandle kokuba lugcinwe endaweni evumelekileyo kwisigqeba.
- (m) Agcine okanye enze uluntu luphatheke kakubi yindlela yokugcina indle(udaka lwangasese) ngendlela apha enukayo okanye eyingozi eluntwini nenodala izifo ngezifo.

...12.

- (n) Asebenzise ngendlela engayiyo okanye aphule nayiphi na into eyenzelwe uwonke wonke kwisakhiwo sika wonke wonke okanye nayiphi indawo yokuzonwabisa kawonke wonke.
- (o) Uphathe okanye ulayishe okanye uvumele ukuba kuphathwe okanye kulayishe esitalatweni okanye kwindawo kawonke wonke into engavumelekanga okanye, amanzi angacocekanga anukayo ayingozi angaba nomphumela kwimpilo ngaphandle kokuba lento ingavumelekanga ithe yabe ingqunyiwe ngento ezakukhusela inkathazo.
- (p) Ungcwabe nayiphi na into efileyo kwindawo engavumelekanga.
- (q) Ukuvumela isilwanyana esifileyo esisesakhe okanye ekunguye osijongileyo esifele kumhlaba wakhe okanye nakuyiphi na indawo kamasipala ukuba sihlala singagcwatywanga.
- (r) Enze okanye avumele umlambo, umfula, indawo yokuhamba amanzi okanye indawo yokuchamele ukuba ibemdaka dekucace ukuba izakuphazamisana nempilo.
- (s) Enze okanye avumele amanzi agcolisekileyo okanye nayiphi na into engavumelekanga ukuba ibaleke okanye incenzeze isuka kumhlaba wakhe okanye ahlala kuwo, nokuba uhlala ngenjongo zokushishina, ukwakha, ikhaya, incenzezele estratweni okanye komnye umhlaba.
- (t) Enze okanye avumele ukwenziwa kwayo nayiphi na into enokudala ukugcoliseka kwamanzi asetyenziswa ngabahlali balomasipala.

- (u)Agqubhe okanye ahlambe umzimba okanye isilwanyana okanye impahla kumfula kawonke wonke, idami, umthombo indawo leyo ingabekelwanga bucala sisigqeba njengevumelekileyo yokwenza oko.
- (v)Athi nangaliphi ixesha losuku okanye lobusuku aphazamise ucwangco labahlali esitratweni okanye indawo kawonke wonke ngokwenza ingxolo okanye ngokuthi akhwaze, abethe ixilongo lemoto futhi futhi, axabane okanye aqokelele iqela labantu okanye enze itoyitoyi okanye alwe okanye afune undikho okanye abethe okanye ajiwuzise okanye esebenzisa indlela eyoyikisayo intonga okanye nasiphi isixhobo okanye aqokelele amaqela abantu kwindawo yokuhamba abantu edolophini.
- (w)Athi ngaphandle kwemvume yesigqeba, aphapashe izinto esitratweni okanye kwindawo kawonke wonke ngonomathotholo, okanye into eyenzelwe ukukhwaza, ngokubethe igqongo, avuthele ixilongo okanye ekhalisa intsimbi.
- (x)Athi ebekwindawo kawonke wonke okanye nokuba ngumhlaba wontu ngenjongo zokuphazamisa ucwangco ngokwenza ingxolo okanye ukhwaza, axabana okanye acule okanye asebenzisa into yokukhwaza ngendlela engeyiyo, unomathotholo, umabonakude.
- (y)Athi esitratweni okanye kwindawo kawonke wonke asebenzise izithuko okanye izoyikiso okanye enze nayiphi na into enenjongo zokuphazamisa ucwangco.
- (z)Athi acele amalizo esitratweni kwindawo kawonke wonke okanye eveze izilonda, amanxeba okanye ikulimala kwakhe aveze incwadi zokucela amalizo.

...14.

(za) Ahlambe okanye acoce inqwelo mafutha okanye into emdaka esitratweni okanye kwindawo kawonke wonke.

3. Nayiphi na inkukuma ethe yabe iyekiwe yaqokoleleka, yachithwa, yagcinwa okanye yalahlwa nakuwuphi umhlaba okanye apho kukho ukhula olukhule lwade lweqisa okanye ingca ngendlela eyaphula isolotya le 2 (a), (d) kunye (e) isigqeba sakuthi sibhalele:

- a. lomntu onguyena ubandakanyekayo kolochitho, olongcino okanye ololahlo lwenkukuma.
- b. Umnikazi wezozinto nokuba uyabandakanyeka okanye akabandakanyeki kologcino, chitho, nololahlo.
- c. Umnikazi wendawo apho olochitho, gcino nolahlo lwenzeke khona nokuba yena akabandakanyeki.
- d. Umnikazi walo ndawo apho kukhule ityolo, ukhula, ingca engaphaya.

ifuna abobantu okanye abanikazi ukuba balahle, batshabalalise, basuse ezozinto, basuse ukhula ngohlobo isigqeba esithanda ngalo zingaphelanga intsuku ezilisumini nane(14) ukusukela kusuku lokubhalwa kwalo ncwadi okanye ngethuba elakuthi libe longeziwe sisigqeba ngokwesicelo esithe sabe senziwe.

- (1) Ukuba uthe nawuphi umntu okanye umnikazi akakuthobele oko kuqulathwe yilencwadi ngokwesolotya lesi 3 ngelithuba lixeliweyo sisigqeba, isigqeba sakuthi ngokwaso siyitshabalalise okanye siyichithe okanye siyisuse lonto ngendleko zalomntu okanye umnikazi njengoko kutshiwo kwisolotya lesi 3 (a), (b) kunye (d)

...15.

4. Kumhlaba apho kukho ulwaphulo lomthetho 2 (f), (g), (h) okanye (1) isigqeba sakuthi sifake incwadi kulomntu uhlalayo okanye umnikazi ukuba aphelise lonkathazo.
5. Wonke umntu okulakhiwo lwezindlu, indlela uyakuthi xa kufuneka enze kubekho indlu yangasese yakhe nabasebenzi bakhe ngokwemiyalelo yesigqeba.
- 6 (1) Akukho mntu oyakuthi ngaphandle kwemvume yesigqeba ahlale okanye avumele ukuba kuhlalwe ekharavaneni, okanye nakuyiphi into efananayo ngaphandle kokuba londawo ivumelekile kwi sigqeba kwaye ilawulwa sisigqeba okanye yindawo enemvume esuka kwi Registration and Licensing of Business Ordinance, 1953, kwaye iKharaveni, intente okanye into efananayo ingxunyekwe emzini womntu apho kukho indawo yokuhlala enayo indlu yangasese kwaye isetyenziswa nje ngendawo yokuhlala yethutyana yabahambi thuba elo lingekho ngaphezulu kwentsuku ezingamashumi amathandathu (60).
- (2) Isigqeba singathi simbhalele simtyityimbisele umnwe nawuphi na umntu ohlala kwiKharavani nakwi ntente esaphula lomthethe ukhankanyiweyo ku (1) okokuba aphuma kulo kharavani okanye lontente singaphelanga intsuku ezintathu emveni kokufumana loncwadi imtyityimbisela umnwe, athe akukuba engaphumelelanga ukwenza oko afunyaniswe enetyala.
- 7(1) Umnikazi wendawo uyakuthi ayipeyinte nge peyinti ebonakalayo enze nasiphi na isakhiwo sibe semgangatweni xa isigqeba sifuna oko.
- (2) Akunakuhlala abantu abangaphezulu kwesibini kwigumbi elimgangatho ongaphantsi kwezikweri ezithantathu (6) ize ukuwenyuka ibe nekuphakama okungu 2.4 wemitha

...16.

7. Nawuphi na umntu othe wephula eziziphakamiso zalamasoloty okanye akenza ngokomyalelo osemthethweni, uyakuthi afunyaniswe enetyala agwetye umdliwo mali ongekho ngaphezulu kwa R2000-00 okanye athothoze ejele ithuba elingekho ngaphezulu kwenyanga ezintandathu (6) okanye lomdliwo mali kunye nokokuthothoza.

...17.

ULAWULO LWEZINJA

Lamagama alandelayo athetha oku

1. Amagama asetyenziswa kolomthetho ayakuthi athetha ngokufana nakumthetho Wokurafelwa Kwezinje ka 1978 (Act 19 of 1978)

“ulwandle” ithetha ulwandle olukumhlaba wesigqeba

“Usosiba” ithetha umntu owongamele isebe lesigqeba lecandelo lempilo inquka nawuphi ongunyazisiweyo ngulomntu wongameleyo.

“Isigqeba” ithetha isigqeba sika Masipala wase Qaukeni

“Imvume” ithetha imvume ngokwe soloty lezithathu lifundwa nelesihlanu kumthetho Wokurafela izinja ka 1978

“Ilayisenisi” ithetha umntu onemvume ngokusemthethweni

“Isitrato nendawo kawonke wonke” ithetha ngolohlobo lukhankanyiweyo Kumthetho ka Masipala Ka 1974

“Usodolophu” ithetha umntu odlala indima yo Mpathi ka Masipala wase Qaukeni kwaye iquka nawuphi na umntu ogunyaziswe nguye.

Owongamele isebe lezemali” ithetha umntu onguye owongamele isebe lezemali lika Masipala wase Qaukeni iquka nawuphi na umntu ongunyaziswe nguye.

UBHALISO KUNYE NEMVUME EZIPHINDIWEYO

- 2(1) Izinje zonke zakuthi zibhaliswe kwisigqeba ngabanikazi bazo zingaphelanga inyanga ezintathuinja izelwe okanye zingaphelanga intsuku ezisixhenxe umntu eyifumene.
- (2) Umntu othe wabe uyilahlile ivume yakhe okanye ibhanti lenja yakhe uyakuthi akwanelisa isigqeba ngololahleko olo, afumane ikopi yalomvume emveni kokuba ehlawule imali ethile ebekwe sisigqeba.

Breeders (abafuyi)

- 3(1) Akukho mntu uyakukwaziwa njengomfuyi ngaphandle kokuba ukubhalisele oko kwisisigqeba
- (2) Isicelo sokubhaliswa njengomfuyi sakwenziwe kuxhwebhu olwenzelwe oko.
- (3) Akukho mntu uyakubhaliswa njengomfuyi ngaphandle
- (a) kokuba ulugcwalisile uxhwebhu elukhankanyiweyo kwisolotya lwesibini (2)
- (b) indawo apho agcina okanye apho ajonge ukugcina izinja zime ngokokubona ka sosiba ngohlobo lokuba akukho nkathazo okanye ingxolo komakhelwane enokuthi yenzeke.
- © indawo leyo yakhiwe ukwenzela ukuze izinja zingabekwa kwindawo eyakuthi ibonakala kwimizi ekufutshane zibe futhi ezondawo zakhiwe ngendlela evunye sisigqeba.

...19.

Inani Lezinja

4. Akukho mntu uyakuthi engabhaliswanga njengomfuyi okanye onemvume yokugcinainja oyakuthi emhlabeni wakhe agcine izinja ezingaphezulu kwesibini, ngaphandle kokuba lomntu wayenazo ezozinja zingaphezulu kwesibini phambi kokusekwa kwalomthetho angaqhubeleka nokugcina ezo zingaphezulu kwenani eliqingqiweyo, kodwa angathi zakufa aziphetshe.

Izinja ezenza inkathazo

5. Iyakuba kukwephula umthetho ukugcina emhlabeni kamasipala izinja ezenza enye yezizinto zilandelayo:-

- (1) ezileqa okanye zikhathaze izilwanyana okanye abantu okanye ezizingelayo
- (2) ezihlala zikhonkotha, zisenza ukhulungwane okanye zikhwina zibe ngoko zenza inkathazo
- (3) ezinezifo ezasulelayo ezingekho phantsi kogqirha wemfuyo ezingagcinwanga zodwa.
- (4) Ezizula phakathi kwabantu kwindawo kawonke wonke nakwi mihlaba yabanye abantu ngaphandle kwalowo womnikazi wenja, ngaphandle kokuba lonja ikhokhelwe ngumntu ngentambo

Izinja ezinobungozi

- 6 (1) Ukuba isikhalazo senziwe ku Manekala wakwa Masipala or Usosiba sokubainja inobungozi kwaye ayigcinwanga phantsi kongcino olufanekileyo, lo sosiba angenza umyalelo ukuba usiwe kumnikazi okanye umntuinja ephantsi kwakhe emyalela ukuba lomntu enze into yokuba lonja ingcinakale.

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- (2) Nayiphi nainja eye yahlasela umntu esitalatweni okanye elwandle okanye kuyo nayiphi indawo kawonke wonke iyakuthi ithatyatwe nje ngenja enobungozi de kubekho into ephikisa oko.
- (3) Nawuphi na umntu othe wabe unikelwe umyalelo ngokwesolotya (1) abe akakhange enze ngokomyalelo njengokuba isolotya lisitsho, athi avumele inja leyo ikhankanyiweyo kumyalelo esitalatweni, elwandle kuyo nayiphi indawo kawonke wonke uyakuthi abekwe ityala.

Ukwexutha, intengiso nokutshatyalaliswa kwezinja

- 7 (1) Naliphi igosa eligunyazisiweyo elinesesizathu sokukholelwa ukuba inja ebonwa esitalatweni, elwandle okanye kwindawo kawonke wonke inesifo, angathi ayibambe lonja ayigcine kwindawo eyenzelwe oko ephantsi kwesigqeba.
- (2) Nayiphi nainja ethe yabe ithathiwe yagcinwa ngokwe solotya (1) ingathi ngokokucetyiswa ngugqirha wemfuyo itshatyalaliswe ngenjongo zokuthintela ukusasaza isifo apho kubonakalayo ukuba lonja ayinakuphila.
- (3) Nayiphi imazi yenja edumbisileyo ethe yafumaneka esitalatweni, elwandle okanye kwindawo kawonke wonke ephantsi kwa Masipala iphantsi kolawulo lomntu ingathi ithathwe lilo naliphi igosa eligunyazisiweyo igcinwe kwindawo esekelwe oko ephantsi kwesigqeba.
- (4) Nayiphi na imazi yenja ehe yabe ithathiwe yagcinwa ngokwe solotya (3) ingathi ithi ngokwesisekelo sesolotya lesi (6) ngoko myalelo we manajala ka masipala itshatyalaliswe.

...21.

- (5) Utshatylaliso lwayo nayiphiinja ngokwesolotyalesi(2) okanye lesi (4) okanye phantsi kweziphakamiso zesolotyale 13(a) okanye (b) Womthetho Worafiso Lwezinja ka 1978, iyakuthi exomekeke kwiziphakamiso zesolotyalesi (6) nele (7) ibulawe ngendlela engenabuhlungu evunyiweyo ngugqirha wemfuyo iyakuthi yenziwe phantsi kwelihlo lelogosa ligunyazisiweyo.
- (6) Akukho nja iyakuthi itshatyalaliswe ngaphandle kokuba itshatyalaliswa phantsi kweziphakamiso zesolotyale (2) ngaphandle kokuba ihleli kungekho mntu uyibangayo elingaphezu kwentsuku ezisixhenxe, apho iynja enganxibanga mxhaka enogama nadilesi yomnikazi, ngaphandle kokuba ayibangwanga emveni kokuba umyalelo ithunyelwe kumnikazi wayo emyalele ukuba ayithathe zingaphelanga intsuku ezisixhenxe, lonja iyakuthi itshatyalaliswe.
- (7) Endaweni yokuba itshatyalaliswe lonja ethe yabe ithathiwe eselugcinweni ngokwalomthetho, ngaphandle kokuba yinja ekubhekiswe kuyo kwisolotyale (2) isigqeba singayithengisa okanye sinikise ngayo emntwini okanye nakuliphi na iqumru elivumelekileyo ku Masipala ephathisene ne Gosa eliyintloko ekuhlawulweni kwerhafu ethe ibhatalelwe izinja kunye nendleko, ngokwemvume kano Dyebo wesithili, ezithe sabe isigqeba ngenxa yokuthatyathwa nokugcinwa kwalonja kuxhomekeke ekubeni lonja yinjakazi ayikuthi inikezelwe kumthengi ngaphandle kokuba ithe ibe ivaliwe ukuzala.
- (8) Isigqeba siyakuthi sibeke imali eyakuthi ihlawulwe ihlawulelwa ukugcinwa kwenja ethe yabe ithathiwe yagcinwa ngenxa yalomthetho, kwaye umnikazi wenja okanye umntuinja leyo iphantsi kwakhe ayinakukhululelwainja ngaphandle kokuba imali ihlawulwe.

- (9) Akukho ntlawulo iyakuthi ihlawulwe sisigqeba ihlawulwe nakuwuphi na umntu ihlawulelwe ukutshatyalaliswa kwenja.
- (10) Imali eyakuphuma nakuyiphi intengiso yenja ethe yabe ithathiwe sisigqeba iyakusetyenziswa ukuhlangabezana nendleko zokugcina ngokwesolotya (8) kunye nendleko zentengiso, eshiyekileyo iyakuthi inikezelwe kumnikazi, yenzeke lonto xa kuthe kanti yabe ibango lifakiwe zingaphelanga inyanga ezintandathu, ukuba akwenzekanga oko iyakutshonela kwisigqeba.

ULAWULO LWEZINJA ESITALATWENI

- 8 (1) Nayiphi nainja engangcinwanga ngentambo efunyanwa esitalatweni iyakuthi ithathwe igcinwe ligosa elivumelekileyo.
- (2) Apho igama nedilesi yomnikazi wenja ethathiweyo yagcinwa ngokwesolotya (1) isaziwa, lomnikazi uyakwaziswa ngolothatyatho nogcino anyanzeleke ukuba ahlawulwe indleko zologcino nolothatyatho, kuthi ukuba uyehlulakala lonja ibe ithunyelwa kwi SPCA okanye ithengiswa esidlangalaleni ngokweziphakamiso zesolotya 7(7).
- (3) Apho igama nedilesi yomnini wenja ethe yabe ithatyathiwe ngokwesolotya (1) ayifumaneki kwaye lonja akukho mntu uyibangayo kude kuphele intsuku ezisixhenxe kuthatyatwe ingqalelo iziphakamiso zesolotya 7(7) iyakube iyabulawa ngokweziphakamiso zesolotya 7(2).

9. Akukho mntu oyakuthi:-

- (a) afunze mntu okanye isilwanyana ngaphandle kokuba oko ukwenza ngejongo zokuzikhusela
- (b) avumele okanye akuthazeinja ephantsi kongcino lwakhe ukuba ihlasela okanye yoyikise umntu okanye isilwanyana.

IBHANTI LENJA KUNYE NOPHAWO LWENJA
AZIKUSETYENZISWA NGOKUNGEKHO MTHETHWENI
OKANYE ZIKHUTSHWE

10. Akukho mntu oyakuthi ngokungekho mthethweni asebenzise okanye atshabalalise okanye asuse enjeni ibhanti okanye uphawu olujinga enjeni, okanye afumaneke kugcino lwakhe kukho ibhanti elingekho mthethweni.

UKUTHATHA IZINJA EZISELUGCINWENI
ALUVUMELEKANGA

11. Akukho mntu oyakuthi ngezoyikiso azame ukukhululainja eselugcinweni lwegosa eligunyazisiweyo okanye kwisikiti esisemthethweni ekubeni lonja iselugcinweni lwegosa ngokusemthethweni.

ISOHLWAYO

12. Nawuphi na umntu:-

- (a) ongumnikazi okanye onguye ivenkile ephantsi kogcino lwakhe okanye nayiphi indawo apho ukutya kuthengiswa khona okanye kwenekelwe intengiso, avumeleinja ukuba ...24.

ihlale apho kulo ndawo okanye ivenkile okanye
angathobeli iziphakamiso zalomthetho okanye angathobeli
umyalelo okhutshwe ngokusemthethweni phantsi kwalo
mthetho;

uyakuthi afumaneke enetyala abe uyagwentywa udliwo olungekho
ngaphezulu kwe mali eyi R600-00 okanye adontse emjiva ithuba
elengekho ngaphezulu kwenyanga enye.

...25.

UMTHETHO WEDOLOPHU WEZINTO ZIKA WONKE WONKE ZOKUZONWABISA EZISEMGANGATHWENI

Lamagama alandelayo athetha ukuthi

1. Kulo mthetho, ngaphandle kokuba intsingiselo ithetha enye into-

“Isigqeba” sithetha isigqeba sika masipala wase Qaukeni.

“Umyalelo” uthetha umyalelo obhalwe ngokucacileyo nangokubonakalayo owenziwe sisigqeba ngawo obabini amalwimi asemthethweni othe wabe uxhonyiwe ngokokugunyazwa sisigqeba kwiminyango okanye endaweni ebonakalayo okanye kwindawo yoluntu apho isigqeba sakuphaphasha izigqibo zaso ngokuvunyelwa ngulomthetho.

“Indawo yoluntu” ithetha

- (a) nawuphi na umhlaba, indawo yentente, indawo yokugqubha, yokuzonwabisa, indawo yendalo, isitiya, kodwa ngaphandle kwendlela kawonke wonke okanye isitalato.
- (b) Nasiphi na isakhiwo, iholo, indlu okanye iofisi

Ibe leyo indawo yesigqeba okanye indawo ephantsi kolawulo lwesigqeba apho umphakathi wonke ungena nokuba ungena ngemali;

© kunye nendawo kawonke wonke ekubhekiselelwe kuyo kwisoloty (a) naku (b), kuba ilawulwa kwaye iphethwe ngokusemthethweni ngokwezivumelwano zaye nawuphi na umntu kunye nesigqeba.

Kwaye imi kwindawo ephantsi korhulumente wasemakhaya.

...26.

INANI LWENDWENDWE ELIQINGQIWEYO

2. (1) Isigqeba sakuthi sigqibe ngenani lendwendwe elinokuthi ngexeshe elithile lingene kwindawo yoluntu ngamaxesha ahlukeneyo ngokwehlukana kwendawo ezo.
- (2) Lomanani axeliweyo kwisolotya (1) ayakuthi aziswe sisigqeba ngokwemiyalelo.

UKUNGENA KWINDAWO ZOLUNTU

3. (1) Indawo yoluntu, ngokulawulwa ziziphakamiso zalomthetho, uluntu lungayindwendwele ngamaxesha agqitywe sisigqeba ahlukeneyo ngokwendawo ezahlukeyo.
- (2) Akukho ndwendwe elakuthi lingene okanye liphume kwindawo yoluntu ngaphandle kwalo maxesha kugqitywa ngawo sisigqeba.

Lomaxesha nezo ndawo kubhekiswe kuzo kwisolotya (1) naku (2) ayakuthi aziswe sisigqeba ngokwemiyalelo.

IMALI YOKUNGENA

- 4 (1) Undwendwe kwindawo yoluntu lakuthi lihlawule imali yokungena egqitywe sisigqeba amathuba ngamathuba, lomali iyakwaziswa ngokwemiyalelo.
- (2) Imali zokungena ezahlukeyo zakuthi zibizwe ngokokwahlukana kobudala kondwendwe olo.

...27.

5. Akukho mntu oyakuthi enze okanye avumele ukwenziwe kwezizinto zilandelayo kwindawo yoluntu-

- (a) ukusentyenziswa kolwimi okanye ukwenziwa kwento enjonge ukuphazamisa nentlalo eyiyo.
- (b) Ukudubula ngemipu, imikhono yekati, iziqhushumbisi;
- (c) Ukutshiswa kwenkukuma;
- (d) Ukwenze amavumba anukayo;
- (e) Ukwenziwe komsi oyinkathazo; okanye
- (f) Ukuphazamisa ngokulwa, ukukhwaza, ukuxabana, ukucula, ukudlala nasiphi na isixhomo somculo, ixilongo lokukhwaza, unomathotholo, umabona kude nayiphi na into ebufuna.

IZINTO ZEMPILO

6. Akukho mntu oyakuthi kwindawo yoluntu-

- (a) alahle, awise okanye abeke inkukuma, into okanye avumele ukwenziwa ngaphandle kokuba ukwenza oko kwindawo esekelwe oko;
- (b) agcolise nawaphi na amanzi kwindawo yokuhlamba okanye yokugqubha, idami okanye umlambo okanye indawo ehamba amanzi;
- (c) angene kwindawo yokuhlamba okanye yokugqubha enesifo esasulelayo okanye enenxeba elivulekileyo emzimbeni wakhe;
- (d) anze nayiphi na into eyakuthi iphazamisane nempilo yalo naluphi na undwendwe kwindawo yoluntu.

IZAKHIWO

7. Akukho mntu uyakuthi ngaphandle kwemvume yesigqeba anze okanye akhe kwindawo yoluntu isakhiwo, indawo okanye

...28.

nantoni, ngaphandle kwekharaveni okanye intente eyenzelwe ukunkampa kwindawo eyenzelwe oko ngokomyalelo wesigqeba, kufuneka isicelo kwisigqeba sokuvunyelwa senziwe kwiphepha elenzelwe oko, kwintsuku ezinga 21 phambi kokokwakhiwa.

UTYWALA NOKUTYA

8.(1) Akukho mntu uyakuthi ngokungavumelani nomyalelo, angene kwindawo yoluntu notywala okanye nokutya nokuba kokunjani na.

(2) Akukho mntu oyakuthi kwindawo yoluntu ngokubhekiswe kwisolotya (1), apheke, okanye enze ukutya, ngaphandle kokuba yindawo esekelwe oko ngokomyalelo. Ngaphandle kokuba olopheko lwenziwa ngendlela ecocekileyo kungabikho msi okanye inkathazo ozanengozi eluntwini, ngaphandle kokuba futhi akukho zilwanyana ziphilayo okanye inkukhu okanye intlanzi ezibulawayo okanye ezixhelweyo kwindawo kawonke wonke.

IZILWANYANA

9 (1) Akukho mntu oyakuthi eze nesilwanyana, nentaka, intlanzi okanye inkukhu kwindawo yoluntu ngaphandle kokuba uza nazo ngokomyalelo wesigqeba

(2) Lomiyalelo kujongwe kuyo kwisolotya lo (1) iyakwaziswa ngokuphaphashwa.

UKUHAMBA NJE ISIPHASHU

10. Akukho mntu ohamba nje esiya apho angaziyo olivila olalala kwindawo kawonke wonke esitalatweni ohamba ecele amalizo ecele imali oyakuthi angene okanye afumaneka ekwindawo kawonke wonke.

...29.

INDIBANO NEMINGCELELE

11 (1) Akukho mntu uyakuthi ngaphandle kwemvume yesigqeba okanye ngokunxamnye nemigqaliselo eyakuthi ibekwe sisigqeba xa isenza imvume-

- (a) enze, abekho okanye aphumelele kulonwabo lasesidlangalaleni
- (b) aqokelele imali okanye impahla eyiqokelela amahlwempu okanye nayiphi na into endaweni kawonke wonke.
- (c) Avelise, asasaze uxhwebhu, umzobo, incwadi ebhaliweyo
- (d) Enze indibano
- (e) Enze umngcelele
- (f) Enze intengiso okanye ishishini
- (g) Aveze abonise ebonisele intengiso izinto
- (h) Enze intengiso yasesidlangalaleni
- (i) Alawule amaphupha ngemali

Kwindawo yoluntu

(2) ngokwalomthetho indibano yesesidlangalaleni okanye umngcelele wabantu abalishumi nambini (12) nangaphezulu

(3) Imvume ekubhekiselwe kuyo kwisolotya (1) kuyakwaliwa nayo xa isigqeba sicinga ukuba-

- (a) iyakwenza kubekho-
 - (i) uqhushululu lwasesidlangalaleni
 - (ii) izakuphazamisana nocwangco
 - (iii) izakwephula umthetho
- (b) ukuba iyakuba yingozi kumphakathi okanye kubasebenzisi okanye kwindwendwe kwindawo kawonke wonke okanye

...30.

- (4)Nawuphi na umntu ofuna imvume ebhaliweyo yesigqeba ngokubhekiselwe kwisolotya (1) uyakwenza isicelo esibhaliweyo intsuku zibe yi 21 phambi kwalondibano kuxhwebhu olwenzelwe oko.

UKHUSELEKO NONCWANGCO

- 12.(1) Akukho mntu oyakuthi, ngokubhekiselelwe kwisolotya (2),kwindawo yoluntu-

- (a) aqhekeze okanye amoshe nayiphi na into ekulondawo;
- (b) asebenzise okanye azame ukusebenzisa nayiphi na into ekulondawo ngenjongo ezinxamnye nezo yenzelwe zono ezikhankanyiweyo kwimiyalelo ebhaliweyo;
- (c) abase umlilo wokonja inyama ngaphandle kwendawo eyenzelwe oko
- (d) ajule aqengqe ilitye entabeni okanye endulini
- (e) ajule into etshayo
- (f) embe okanye agawule umthi, isityalo okanye ityatyambo
- (g) aziphathe ngendlela engavumelekanga okanye enobundlobongela
- (h) enze uphazamiseko
- (i) ahlambe, apolishe okanye alungise inqwelo mafutha, elisolotya aliyokuphathelela kwinqwelo elungiswa ngokunxamisekileyo
- (j) ahambe, ame, ahlale okanye alale kwindawo ekutyelwe intyatyambo
- (k) abulale, alimaze, alandele, aphazamise, aphaathe kakubi okanye abambe izilwanyane, intaka okanye intlanzi azisuse izindlu zentaka okanye amaqanda
- (l) ahambe, eme, ahlale okanye alale engceni ngokunxamnye kwimiyalelo

- (m) alale esitulweni okanye indawo yokuhlala okanye asebenzise ngohlobo lokuba abanye abantu bangakwazi ukuphinde bayisebenzise
 - (n) adlale okanye ahlala phezu kwento zokudlala ngaphandle kokuba lowo wenze oko ngumntwana ongaphantsi kwe 13 yeminyaka okanye
 - (o) agqubhe, ahambe okanye adlale ngendlela enxamnye nemiyalelo, kwindawo yentlanzi
- (2) Isigqeba singathi ngokwezasiso okanye imiyalelo sigunyazise ukwenziwa kwezizinto zikwisolotya (1)

AMANZI

13. Akukho mntu uyakuthi adlalalise ngamanzi okanye awangcolise amanzi kwindawo yoluntu.

IMPAHLA KUNYE NEZITYA

14. Akukho mntu uyakuthi kwindawo yoluntu ahlambe izitya okanye impahla okanye oneke impahla ngaphandle kokuba yindawo evunyelwe oko

INQWELO MAFUTHA

- 15(1) Akukho mntu oyakuthi eze nenqwelo mafutha nelori nesithuthuthu nayiphi inqwelo nokuba itsalwa zizilwanyana okanye abantu ibhaloni ngaphandle kokuba kungemiyalelo yesigqeba, okanye kwindawo yoluntu kwaye isigqeba sinokugqiba ngohlobo lwenqwelo oluvumelekileyo kwindawo ezahlukeneyo nohlobo olahlukileyo.

...32.

(2) Isigqeba singagqiba ngesantya esinokusentyenziswa esivumelekileyo kwindawo zoluntu kwaye sakwehluka ngokwendawo ngendawo.

(3) Izigqibo ekubhekiselelwe kuzo kwisolotya (1) kunye nesantya ekubhekeliswe kuso kwisolotya (2) lakuthi laziswe ngokwemiyalelo.

IMIDLALO

16. Akukho mdlalo owalulo naluphi na uhlobo oyakuthi udlalwe okanye uqhutywe kwindawo yoluntu nguye nawuphi umntu okanye abantu ngaphandle kwendawo esekelwe oko ngokomyalelo okanye ngokwesigqibo sesigqeba esakuthi saziswe.

INDLELA YOKUZIPHATHA ENGAVUMELEKENG

17 Akukho mntu oyakuthi kwindawo yoluntu-

- (a) enze ngendlela yokuziphatha engeyiyo ngokuveza okanye impawu okanye aphembelele indlela engeyiyo engavumelekanga
- (b) asebenziswe ulwimi olugwenxa
- (c) abhale, azobe okanye inze imizobo yamanyala
- (d) achame, azincede okanye akhulule, ngaphandle kokuba sisakhiwo esenzelwe oko ngokwemiyalelo okanye angene okanye asebenzise indlu yangasese elungiselelwe isini esithile abe yena engesiso esosini.

18. Indwendwe okanye abasebenzisi bendawo yoluntu ngawo onke amaxesha bayakuthi banxibe ngohlobo oluvumelekileyo.

...33.

AMAGUNYA ABANTU ABAPHETHEYO

19 Umntu onyulwe sisigqeba ukuba alawule indawo yoluntu angathi-

- (a) kwindawo yoluntu nangaliphi ixesha angene kulondawo, kulomhlaba okanye kwesosakhiwo enze uphando ngenjongo zokujonga ukuba eziziphakamiso zalo mthetho ziyathontyelwa;
- (b) ukwenzele ukuba akwazi ukwenza umsebenzi wakhe othwaliswe yena eze netoliki eyakuthi ngokusebenza phantsi kwimiyalelo yalomntu ibe namagunya afanayo nalomntu.

IZOHLWAYO

20. Nawuphi umntu othe-

- (a) waphula okanye akathobele eziziphakamiso zalomthetho okanye imiyalelo evunyelwe sisigqeba ngaphantsi kwalomthetho kwaye ethe yaziswa ngokwemiyalelo
- (b) ngenjongo waphazamisa umntu ekwenzeni umsebenzi wakhe okanye amagunya awanikiweyo ngokwalomthetho
- (c) wanikezela ngolwazi olububuxoki xa esenze isicelo ngokwalo mthetho

uyakuthi abewaphule umthetho athi xa efunyenwe etyala ohlwaywe ngodliwo wemali engakho ngaphezulu kwe R1000-00 okanye athothoze emjiva ithuba elingekho ngaphezulu kwenyanga ezintandathu (6) kwaye xa eqhubeleka, adliwe imali eyi R150-00 okanye athothoze ithuba elingekho ngaphezulu kwentsuku ezilishumi (10) ngalo lonke ithuba athe waphinda.

....34.

IMIMISELO EBHEKISELELE KUMANZI AMDAKA
EDOLOPHU
(by laws relating to sewerage)

INTSINGISELO

1. Kulo migaqo-

“umhlaba” uthetha umhlatyana, inxiwa, isiqithi okanye ifama leyo ivelayo kwisiqinisekiso sobunini ekhutshwa yiofisi yezobhaliso mhlaba;

“indawo yokuhlala” ithetha isakhiwo okanye indawana yesakhiwo eyenzelwe ukuhlala kwaye equka nendawo yokuhlala yabasebenzi kunye negaraji ayayame okanye oxokonyezelweyo kweso sakhiwo kodwa ayiquki igumbi elisetyenziselwe ukuqashisa likwatyisa okanye lingatyisi;

“iflethi” ithetha amagumbi adibeneyo kwisakhiwo njengegumbi lokulala igumbi lokutyela, ikitshi njalo njalo.

“esinye isakhiwo” siquka kodwa asiphelelanga kwi hotele, ishishini, ivenkile, iofisi, icawa, iholo kamasipala, igaraji, umzimveliso, indawo yokusebenzele, ikharavani, isibhedlele, njalo njalo.

INDLEKO ZAMANZI AMDAKA AHAMBA PHANTSI
KOMHLABA

2. Indleko zamanzi amdaka nje ngokuba ziqingqiwe sisigqeba ngokwezivumelwana ezikhethekileyo zakuthi zihlawulwe rhoqo ngonyaka ngabanikazi bendawo ezo, zine zinto ezongezelekileyo okanye zingenazo ezifakelwe sisigqeba.

...35.

UKWENZIWE KWENDLEKO ZONYAKA

- 3.(1) Indleko zonyaka zakuthi zivavanywe rhoqo ngonyaka ngokwe solotya 2 kwaye kufuneka zihlawulekile ngomhla wokuqala kwinyanga Ka Janywari wonyaka ngamnye.
- (2) Apho umhlaba wontu ufakelelwe kumapayiphi angasese enyakeni indleko zalo mhlaba zakuhlawuleka ngosuku lokugqibela kulo nyanga bezifakelwa ngayo, ukuba enyakeni apho olofakelo lwenziwe ngalo, isiqingatha esithile sendleko sakuthi sihlawuleke.
- (3) Ukuba indleko zonyaka azihlawulekanga de kuphele inyanga ezintandathu ukusukele kusuku apho kwakufaneleke ukuba zihlawulekile, inzala iyakuthi ifakelwe ukusukela kusuku olulandela ukuphele kwezo nyanga zintandathu ngendlela yokufakelela inzala evumelekileyo rhoqo ngonyaka ngenyanga nganye engahlawulelwanga, ngokwenjongo zalo mthetho intsukwana zakuthi zibalwe njengenyanaga, ukuba usuku lokugqibela luphele ngecawe okanye nge holide elothuba lakuphelelwa kusuku olulandelayo, lonzala eyiyi kufakelwa ukuba indleko zibhatalwa ngezavenge ngokwesolotya 4.

IMITHETHO EBHEKISELELE KUBAPHATHI KOKUTYA

Intsingiselo

1. Kulemigaqo ngaphandle kokuba into iyaphikisana nokuqulethiweyo-

“igosa eligunyazisiweyo” lithetha Igosa Lezempilo Lesebe Lezimpilo lika Masipala wase Qaukeni okanye nawuphi na umntu oyakuthi amaxesha ngamaxesha abambele igosa, okanye nawuphi umhloli wezempilo esebenza ku Masipala wase Qaukeni.

“Evumelekileyo” ithetha naliphi na igosa Lezempilo;

“okweneleyo” okanye “okusebenzayo” iyakuthetha ukuba ngokwezimvo zegosa lezempilo akube athebathela ingqalelo imfuno zempilo yabantu gabalala kulo mmeko ikhoyo ngeloxesha;

“ukutya” iyakuthetha into eyenziwe ngokusebenzisa isilwanyana, intlazi, iziqhamo, imifuno, isonka, iziselo kunye nayiphi na into ngaphandle kwesiyobisi okanye amanzi kodwa ifakelele nokhence kunye nayiphi na into eyenzelwe ukuba mayityiwe luluntu;

“ukuphatha” kuyakube kubhekiselele ekwenzeni kokutya, nokukulungisa, intengiso, nokukuhambisa, nokukugcina, nokuphaka kunye nayiphi into ehambisana nokutya;

“umanejali” uthetha nawuphi na umntu onguye ophethe ishishini ngeloxesha nokuba ubambele;

“umnikazi” kunye “nomntu onguye ongaphakathi” iyakuthetha ngokweziphakamiso zomthetho Wempilo Kawonke wonke engu 36 ka 1919;

...37.

“umhlaba” ithetha nawuphi na umhlaba okanye isiqingatha sawo esisetyenziselwa ushishino apho kuthengiswa ukutya apho lomhlaba uxokomezake kwisakhiwo kungafakelelanga nasiphi na isiqingatha esingasetyenziselwa ushishino, zingaquka nendawo apho ukutya kugcinwa khona (warehouse)

“umnini”(prorietor) iyakuthetha umntu lowo ishishini libhaliswe ngegama lakhe;

IMFUNeko KWIZAKHIWO NEMIHLABA

2. Akukho mntu oyakuthi aqhube ushishino okanye angene kwindawo ekukho uphatho lokutya ngaphandle kokuba ezimfuneko zilandelayo ngawo onke amaxesha zithathelwe ingqalelo-

- (1) Indawo leyo iyakuthi yakhiwe ngokwemigqaliselo yesigqeba yokwakha kwaye ngokwemigqaliselo ukuthintela izikrekrethi kwizakhiwo ezidolophini ngokuphapashwa Kwimiyalelo karulumente engu R1411 ka 1966
- (2) Ekupheleni kwexesha elichaziweyo kulomyalelo uthe wabe unikezelwe kumnikazi wendawo ngokwesolotya 172 womthetho ongu 19 ka 1951, okanye elothuba belongezelwe sisigqeba, indleko zonyaka zakuthi kufuneke zihlawulekile nokuba bekukho into efakelelweyo okanye ingekho;
- (3) Nawuphi na umnikizi wendawo uyakuthi, zingaphelelanga intsuku ezingamashumi amathathu enikwe umyalelo onombhalo ntsayino kamanejala kamasipala, enze kukwazeka ukuba kubalwe indleko zonyaka, ukuba uthe akaphumelele ukwenza oko kwezintsuku zingamashumi amathathu isigqeba siyakuthi sisebenzise indlela ecinga ukuba ifanelekile ukujonga indleko, kwaye lonto

...38.

- (4) ayikubangele ukuba isigqeba singalisebenzisi igunya l
aso lokutshutshisa lowo ngokungaphumelele ukunika
incaza.

INDLEKO ZOKUHLOLA

4. Imali eyi R20-00 iyakuthi ihlawulwe kwisigqeba ngaphambili
ngumnikazi wendawo ihlawulelwa uhlolo

UKUSUSWA KWEZINTO EZIPHAZAMISA AMAPHAYIPHI

- 5 (1) Isigqeba sakuthi sakube siceliwe ngumnikazi wendawo
okanye umntu ohlala kulondawo ivume ukususa izinto
eziphazamisa amaphayiphi kwaye lomsebenzi uyakuhlawulwa
kwisigqeba ngokwalendlela ikhankanywe apha-

- (a) Ukusukela ngoMvulo ukuya kutsho ngoLwesihlanu
iyakuba yi R250-00
- (b) Ngemigqibelo, NgeCawa okanye ngeholidi iyakuba yi
R300-00

- (2) Xa isicelo sokususa sifumanekile kwi Ofisi ka manajala
kamasipala ngamaxesha omsebenzi phambi kokuvala
kokwamkela imali kulo ofisi, imali leyo ikhankanyiweyo
iyakuthi ihlawulwe phambi kokuba umsebenzi wenziwe, apho
isicelo sifumanekile emveni kwaxesha omsebenzi, umnikazi
okanye umhlali owenza ososicelo uyakuthi anike umsebenzi
lowo into evumayo ukuba uzakuhlawula intsuku ezisixhenxe
zingaphelanga ukusukele kulo mhla, kwaye umsebenzi
awunokuqaliswa de kube kukho esosivumo.

- 6 (a) Izixhobo zokungenisa zikhuphe umoya zokuzenzela
ziyafuneka xa ezendalo zesakhiwo eso zingafikeli kwimfuno
zomgangatho wethermometa eyomileyo kunye inani

...39.

lethermometa emanzi kuyakufuneka zibengaphezu kwe 1.50 kodwa ngaphantsi kwalo umoya ufumaneka ngaphandle kwesosakhiwo.

- (b) Apho ukutya kuphekwa khona isibane sikagesi ngawo onke amexesha omsebenzi sibenokukhanyisa okungekho ngaphantsi kwe 250 lux
- (c) indonga zakwakhiwa ngezitena zesamente, okanye naluphi uhlobo oluvumelekileyo kwisigqeba, umgangatho uyakuthi ubempuluswa wegqunywe ngento ehlambekayo okanye nokuba yenziwe ngeplastiki inombhalo okhanyayo, ukuba kukho icala elithengisa inyama eluhlaza nentlanzi indonga zakuthi zigqunywe nge tiles enombala okhanyayo ezizi mita ezimbini ukwenyuka ukusuka emgangathweni.
- (d) Umgangatho wendawo eyokuthengisa ukutya kufuneka ibe ngowodaka lwesamente eqinileyo zingakwazi nezilwanyana ezinje ngempuku ukungena.
- (e) Isilingi nayo ngokunjalo kufuneka yenziwe ngento eqinileyo, esulungekileyo ekungangeni thuli kuyo.
- (f) Kulondawo kufuneka kubekho indawo eyaneleyo yokuhamba, kubekho igumbi lokugcina impahla elingenakungenwa zimpuku, enendlela yokungena umoya eyaneleyo nokukhanya. Indawo leyo yokugcina impahla iyakuthi ilingane umthamo lowo wempahla izakugcinwa kwaye umgangatho awuyibi kuba ngaphantsi kwezikwere mita ezilithoba (9 square meters).
- (g) Indawo leyo iyakuba namanzi awaneleyo angenakugcoliseke nasuku kwiziko lamanzi likamasipala.
- (h) Akukho nalinye isebe lalondawo elakuthi lithungelane ngokomnyango, ifestile, indawo yomoya okanye nayiphi na indawo evulekayo, nendawo yamanzi okanye yokuchama iyakuthi yakhiwe ngokwahlukeneyo ngepaseji ebethe umoya ngokwaneleyo ngokwendlela evumelekiyo ngokwemithetho yesigqeba yokwakha. ...40.

- (i) Akukho mnyango, festile okanyo indawo evulekileyo ayakuthi ibekwe ngaphantsi kwe mitha ezi 3 ngakwindlu yangasese engafakelwanga kumaphayiphi kamasipala yokuhambisa indle.
- (j) Indawo leyo iyakuthi ifakalelwe kumaphayiphi kamasipala wokuhambisa indle evumelekileyo nekwakhona, xa ingekho indlela yokumbisa leyo ithe yabe igunyazisiwe ligosa lezempilo.
- (k) Amagumbi angasese awamkelekileyo nawoneleyo ayakuthi abekho isini ngasinye sibe nelalo igumbi, abantu abaqeshiweyo nabasebenza kulondawo. Elogumbi langasese lakuthi ngawo onke amaxesha ligcinwe licocekile.
- (l) Umgangatha wangaphandle uyakwenziwa ngohlobo lokuba amanzi emvula ahambe kubekho nemisela yawo kwaye longangatho wakhiwa ngodaka lwesamente elakuba yi 9.25 yezikwere zemita ekungeneni nasekuphumeni kulomasango. Onke amasango ayakuba nendawo yokungena ngaphandle kokungena kwisakhiwo eso.
- (m) Kwindawo apho lemigaqo ibhekisele kuwo apho kukho abantu abangaphezulu kwesibini bezini zozibini, kuya kubakho indlu yokutshintsha yesini ngasinye enomgangatho engekho ngaphantsi kwezikwere zimita eziyi 6.67 ongaphazanyiswa nto, apho kungekho ndlu yokutshintsha inyanzeliswayo kubekho ikhabadi zezinki ezibekwe kwindawo evunywe ligosa lezempilo apho zakugcina impahla zabo nezihlangu akukho nayiphi na into enxitywayo enokuxhonywa kulondawo ngaphandle kokuba ikwezikhabhadi okanye kwigumbi lokutshintsha.
- (n) Londawo ayinakusetyenziselwa ukuhlala, ukulala kungekho ndawo injalo inokuxibelelana nayo ngaphandle kokuba uqala uphume phandle xa usiyakulo ndawo yokulala nokuhlala.

...41.

- (o) Kuyakubakho amanzi rhoqo ashushu nabandayo abelekayo abekwe kwinto ekhongozeleyo athi akwazi ukuphuma ngokulula ezenzelwe ukuhlamba izinto kwaye nazo zakuthi ngawo onke amaxesha zigcinwe zicocekile.
- (p) Kubekho indawo yokuhlambela izandla enamanzi ashushu nabandayo efakelweyo yesini ngasinye abantu abalishumi elinesihlanu kwindawo nganye, lendawo iyakubekwa kwindawo efikeleka lulu kubantu abaphatha ukutya. Ezondawo zokuhlamba izandla zakuthi zifakelwe amaphayiphi wokuchitha ngokwe migaqo yesigqeba ayakugcinwa ecocekile.
- (q) Udonga kuwo onke amacala alondawo yokuhlamba izandla lakufakwa amathayile akhanyayo ezakubanokuphakama nokuya emacaleni okuyi 300 mm.
- (r) Kuya kubakho isixhobo sokufaka amanzi ashushu ngalo lonke ixesha elivumelekileyo emaqondo obushushu ayi 76.7 .
- (s) Kuya kubakho apho ukutya kuphekelwa khona phezu kwesitovu ngasinye, ionti, into eluphahla eyegqume esositovu okanye ionti ngomlinganiselo oyi 300mm ngokwe siqumla sangqa. Kwaye ngaphezulu nokuba yeyiphi indlela evunywe ligosa lezempilo yokukhusela inkathazo okanye uphazamiseko komakhelwane, kuthi apho igosa lezempilo lanelisekile ukuba injongo zomoya ongenayo zifezekile olophahla lwegqume izitovu lungangenziwa.
- (t) Ngaphandle kwetafile apho abantu batyele baselele khona zonke itafile nayo yonke imigangatho esetyenziswa nokuphathwa kokutya iyakukwenziwa nge stainless steel okanye ngalonto ivunyiweyo ingathi ifunxe amanzi.
- (u) Apho ikhawuntari okanye itafile isetyenziswe kuyo nayiphi indawana yalondawo apho kwenziwa ukutya okanye apho kuthengiswa inyama eluhlaza nentlanzi indawo ephantsi kwekhawuntari okanye ephantsi

...42.

- (v) kwetafile ayinokusetyenziselwa ukugcina izinto, ngaphandle kokuba ikhawuntari ezo zenziwe ngezikhencezisi ezivalekileyo.
 - (w) Indawo apho kugcinwa into ezityiwayo iyakuthi ibe nesikhencezisi esinakuba namaqodo obushushu ayi 7,2.
 - (x) Kuya kubakho into ezaneleyo zokuqokolela inkukuma evumelekileyo.
 - (y) Umnikazi wendawo apho ukutya kuphathwayo uyakuthi ayigcine indawo icocekile, kwaye nangaphandle, akhe indawo zokubaleka amanzi emvula agcine ophayiphi bangasese bekungangatho omhle kwaye uyakuthi akuyalelwe ligosa lempilo ayipeyinte indawo yakhe.
 - (z) Umnikazi wendawo apho kuphathwa ukutya uyakuthi ayipeyinte umphakathi ngendlela efanekileyo xa eyalelwa ligosa lezempilo.
- (2) Igosa lempilo lingakunanzi ukungathathelwangqalelo kweziphakamiso zesoloty 2 (1) kwindawo ethe yabe ibikhona namgaphambi kokwenziwe kwalomthetho ukuba uzanelisile ukuba akukho ukuba ingakwazeka ukutshitshwa yakhiwe ngokweziziphakamiso londawo.

UXANDUVA LOMNIKAZI WENDAWO OKANYE UMPHATHI

7. Ukwenza okanye unkungenzi ezizinto zilandelayo kuyakuba ngokungekho mthethweni kwicala lomnikazi okanye umanejala weshishini apho ukutya kuphathwa khona, kwaye koba ngokungekho mthethweni ukuba umntu uvumela okanye enze ukuba kwenziwe lonto okanye ithi ibifanele ukuba yenziwe ingenziwa:-

- (a) avumele indawana yalo ndawo ephantsi kolawulo lakhe, izixhobo, isitya, isikhongozelo, umtshini, ibhasikiti, imoto okanye izinto ezifanelekileyo ezisetyenziswa malunga neshishini elo ibe kwisimo esingesiso esifanelekileyo, esicocekileyo kwaye esingenathuli, ubumdaka kunye nantoni na engacacanga.
- (b) Abenento okanye agcine kulondawo okanye athengise okanye anikise ngokutya okungacocekanga okunezifo
- (c) Apathhe ukutya okungegqunywanga, okuvuthiweyo, esele kulungele ukutyiwa ngaphandle kokuba usebenzisa into evumelekileyo ecocekileyo
- (d) Asebenzise ekufakeni ukutya izinto ezifana nezitya, izixhobo, izikhongozelo, okanye nayiphi na into esetyenziswayo engacocekanga okanye eruzukileyo okanye echachambileyo okanye eyaphukileyo
- (e) Asebenzisele ukujijela ukutya apho, iphepha kunye nantoni na engacocekanga okanye endibene nenye into nje okanye into leyo enokwesulela okokutya
- (f) Ahluleke ukukhusele konke ukutya ukuba kudibana nokungcola, uthuli, izinambuzana, rodents, vermini okanye into enukayo okanye e noxious
- (g) Ahluleke ukujonga ukuba izitya, okanye nantoni esetyenziswayo ibekwe okanye igcinwe kwindawo ephakathi kwangaphantsi kwekhawuntali okanye phezu kwetafile ngaphandle kokuba kubhekisiwe kwisoloty 2 (1) (v).
- (h) Kunikezelwe apho iziselo ziselwa khona, ngemicinga yokusela nokuba yinto ebufana engasongelwanga ngephepha elicoccekileyo okanye ngento evumelekileyo.
- (i) Unikezela ngomkhence ongenziwanga kulondawo okanye owenziwe kulo ndawo osele usetyenziselwe enye into
- (j) Ahluleke kukuthatha amanyathelo angqingqwa okutshabalalisa okanye ukhusele ukugcinakala okanye

- (k) ukwakheleke kwempukane, amaphele, izinambuzane, izikrekrethi okanye nabuphi na ubongozi.
- (l) Ahlulakale ukugcina ukutya okukhawulezayo ukubola ngokwezimvo zegosa lezempilo kwisibandisi okanye kwindlu ebandayo ekwanziyo ukugcina amaqondo engekho ngaphezu kwe 7.2, ngaphandle kokuba ikhutshelwe ukusetyenziswa okanye ukuhanjiswa kumthengi, kuxhomekeke ukuba iziqhamo nemifuno ayiyikubandakanyeke.
- (m) Agcine okanye avumele ukugcinwa kwento okanye isinxibo esingasetyenziswayo, singcinwe kwenye indawo ngaphandle kwegumbi lokutshintsha okanye ikhabadi zezinki.
- (n) Ahluleke ukunika isephu eyaneleyo, into zokucoca inzipho amalapha acecekileyo okanye into yokomisa ezakusetyenziselwa ukugcina ucoceko labasenzi abaphatha ukutya.
- (o) Ahluleke ukunikele ukusetyenziswa ngabantu abakhankanyiweyo kwisoloty 3(1) ngentla izinxibo zokusebenze ezicocekileyo ezinomnye kwimibala esibhozo okanye nayiphi into evumelekileyo yokunxiba kwaye ahluleke ukujonga ukuba ziyaxitywa ngabasebenzi abaphatha ukutya okanye ahluleke ukwenza ukuba ezizinxibo zibe zezicocekileyo.
- (p) Asebenzise okanye avumele igumbi lokutshintshela lisetyenziswe enye into ngaphandle kokutshintsha okanye lokuphumla abasebenzi, undawo yokutshintsha bangatyela kuyo abasebenzi xa londawo inganxibelelani ngqo ngomnyango, ngefesitile okanye nayiphi indawo evulekileyo nendlu yangasese.

- (q) Alale okanye ngenjongo zekhaya okanye avumele umntu alale okanye avumele kusetyenziswe enye yendawo apho kugcinwa, kwenziwa kutyelwe kuyo ukutya ngenjongo zokuhlala okanye uvumele ukutya kugcinwe kwigumbi lokulala, kwindlu yokuhlala okanye kwindawo ngaphandle kwaleyo ivumelekileyo.
- (r) Ukugcina isilwanyana okanye intaka okanye ivumele isilwanyana okanye intaka ingeniswe kwindawo apho ukutya kuphathwa, kugcinwa khona ngaphandle kokuba yinja ekhokhele imfama ebotshelelwe entanjeni.
- (s) Avelisele intengiso kulondawo izinto endaweni apho izinto zokutya ezivuthiweyo ekungafunekiyo zingcinwe kwisikhencezisi njengokuba kubalulwe kwisolotya 3(j) kwaye ezibotshwanga ngezinto ezivumelekileyo
- (t) Ukuvelisele intengiso ngaphandle kwendawo leyo okanye ekungenene iziqhamo, imifuno nayiphi na into ekukutya ngendlela enokuthi zingenwe zizifo ezozinto.
- (u) Ukugcina kwenye indawo ngaphandle kwegumbi lokugcina njengokuba kugunyaziwe kwisolotya 2(1)(f) ukutya ekungaveliselwanga intengiso kunye nayiphi na into engakufuneki kubathengi ngeloxesha.
- (v) Ahluleke ukwenza kubekho kulondawo amalaphu okubopha olimeleyo ukwenzele uncendo lokuqala ukuba ahleli echo efikeleleka kubaphathi kokutya.
- (w) Ukuphakitsha okanye ugcine izinto ngendlela apha eyenza abahloli bangakwazi ukuhlola ngamaxesha onke.

UXANDUVA LABANTU ABAPHATHA UKUTYA

8. Bonke abantu abasebenze kwishishini eliphatha ukutya bayakuthi ngalolonke ixesha:-

...46.

- (a) banxibe impahla ecocekileyo okanye into evumelekileyo ekhuselekileyo kwaye nabo nje ngamaxesha onke bakuzigcina becocekile;
- (b) bagcine impahla yabo yokunxiba, yokuthwala, izihlangu xa zingasetyenziswa kwikhabadi zezinki okanye kwigumbi lokutshintsha.
- (c) Bathi phambi kokuqalisa umsebenzi kunye naxa bebuya kwikhefu ngalinye elikugcolisa izandla zabo ingakumbi xa bebuya ngasese bahlambe izandla zabo ngezinto zokucoca inzipho, ngesephu nangamanzi;
- (d) Bazigcine izandla zabo zicocekile, inzipho zisikwe okanye zibemfutshane kwaye agcine amanxeba imirhuzuko igqunyiwe ngento efanelekileyo engangeni manzi;
- (e) Bakhulule izinxibo zokusebenze into zokuthwala phambi kokuba angene kwindlu yangasese;
- (f) Angatshayi okanye asebenzise icuba nangayiphi indlela, angapici ngaphakathi kwisakhiwo sokuphatha ukutya;
- (g) Angabeke ukutya apha ngendlela enokuthi indale ukuba kungcoliseke;
- (h) Angemi phezu, okanye ahlale angqiyame kwigqongo lobisi nakwinto yokutya ngaphandle kokuba lonto ivaleke ngokwaneleyo.

INTENGISO YOKUTYA KWINDOWO EYAKHIWEYO

- 9 Akukho mntu uyakuthi athengisele ukutya, ngaphandle kweziqhamo ezingaphekwanga nemifuno, amaqanda, iswiti, amanzi ankonxiweyo, ayisikrim ngaphandle kokuba ukuthengisa kwisakhiwo.

Abantu abanezifo ezasulelayo kwaye nabantu abanakuthi basuleleke abanakuvunyelwa kwindawo yokutya okanye bangaqesheshwa kushishino ngokutya.

- 10 (1) Akukho mnikazi okanye manajala weshishini elidibanisa nokuphathwa kokutya okanye apho eziziphakamiso zibhekesele khona oyakuvumele, ayeke umntu onesifo esesulelayo okanye onesilonda esivuzayo okanye okholeleka ukuba unesifo esasulelayo , okanye nawuphi na umntu obekhe wadibana nomntu onesifo esasulelekayo ongekafakelwa nto ichitha isifo eso, ukuba abekho kwindawo aphatha ithengise ukutya.
- (2) Bonke abasebenzi kwindawo yokutya, bayakuthi ngamaxesha afanelekileyo bavume bathabathe umyalelo wegosa lezempilo lokuba baye ekliniki okanye kugqirha ngenjongo zokuba bajongwe ukuba abanazifo zasulelayo na. Bangene nasegesini yesifuba ukujonga ukuba abanaso na isifo sephepha.

ABANTU ABANEZIFO EZASULELAYO
BAYAKUXILONGWA

- 11 Ngokwenjongo zesolotya 6 Igosa Lezempilo okanye ukugqirha, uyagunyaziswa ukuba axilongwe nabani orhanelwa ukuba unesifo esasulelayo okanye onesilonda esivuzayo okanye obekhe waphatha umntu onesifo nawuphi na umntu owalayo ukuba axilongwe uyakuthi abe wephule umthetho.

ISAZISO KUBANTU ABASULELEKILEYO

13. Xa kukho isaziso esibhaliweyo ligosa lezempilo esithe sabe sinikezelwe kumntu ophatha ukutya, esimazisayo ukuba igosa elo likholelwe okanye lirhanela ukuba yena unesifo esasulelayo okanye esivuzayo okanye usasaza isifo eso

- 14.sikhankanyiweyo ngasentla, lomntu uyakuthi ngeloxesha ayeke kulomsebenzi udibaniselana nokuphathwa kokutya nokuba uneziphambathiso zengqesho anazo, kwaye akanakuphinda kulomsebenzi ngaphandle kokuba igosa lezempilo likhuphe isiqinisekiso sokuba akasakholelwa okanye akanalurhanelo sokuba unesifo okanye usasaza isifo eso.

ISAZISO KUBAQESHI

- 15.Ikopi zezaziso neziqinisekiso ezikhankanyiweyo kwisolotya 12 zakuthi zisiwe kubaqeshi babantu abo bakhutshelwe zona, kwaye ngeloxesha lesosaziso okanye isiqisekiso sisekho, umqeshi akanovumela lomsebenzi ukuba aqhubeleke nomsebenzi wokuphatha ukutya.

IZIQINISEKISO ZOKUBA UMSEBENZI AKASULELEKANGA EZIYA KUBASEBENZI

- 16.Akukho mntu unesifo okanye ithayifodi (enteric or typhoid fever), ukubola komqala, isifo sephepha, isifo esosulelela ngokulalana, ifiva egwangqa, isilonda esinobubomvu okanye isisu segazi oyakuthi aqeshwe okanye aphinde aqeshwe kwindawo ephatha ukutya.

IZIQINISEKISO ZOKUBA UMSEBENZI AKASULELEKANGA KUBAQESHI

- 17.Akukho mntu uyakuthi aqeshe okanye aphinde aqeshe emsebenzini onento nokwenza nokuphathwa kokutya ekuthengisayo okuzokutyiwa ngabantu umntu onesifo esikhankanyiweyo kwisolotya 15 ngentla, nokuba

...49.

banezibhambhathiso zengqesho, ngaphandle kokuba ufumene isiqinisekiso kwigosa lempilo.

UGONYO LWABANTU ABAPHATHA UKUTYA

18. Umnikazi, umanejali okanye umntu ekunguye ojonge eloshishini lokutya lowo esisiphakamiso esibhekiselele kuye uyakuthi, apho athe kwatsho igosa lezempilo aqeshe okanye aqhubeke nokuqesha umntu ogonyiweyo egonyelwe ithayifodi, ipoliyo kunye nokubola komqala kweloshishini liphatha ukutya, nokuba kukho isibhambhathiso sengqesho, kwaye uyakuthi aveze isiqinisekiso esitshoyo.

UMGANGATHO WEMIMISELO EBHAKISELE EZITALATWENI

1. Kulemimiselo, ngaphandle kokuba into ethethe engeyiyo-

“umpathi wendawo” ithetha isigqeba sikamasipala sase Qaukeni;

“indawo yokuhamba esecaleni” ithetha indawana ephakathi konxhwema lwesitalato kunye nezakhiwo leyo yenzelwe abantu abahamba ngenyawo;

“isitalato” sithetha into enye naleyo ichaphazelweyo kwisolotya 2 Lomthetho womasipala ka 1974

“inqwelo mafutha” ithetha into enye naleyo icaciseweyo kuthetho Wezohambo Ngendlela ka 1996

INDAWO ESECALENI YOKUHAHAMBAMBA KUNYE NOKUGABADELA EZITALATWENI

2. Akukho mntu oyakuthi-

(a) akhe okanye abeke kwindawo yokuhamba esecaleni esitalatweni

(i) ngaphandle kokuba unemvume ebhaliweyo esuka kugunyaziwe wase makhaya, okanye

(ii) kungenjalo ngokwendlela ebekiweyo ngulogunyaziwe wasemakhaya

(b) akhe ivaranda, izitebhisi, udonga ezitebhisini okanye nantoni eveleleyo okanye akhe umbhalo esitalatweni ngaphandle kokuba unemvume yoko esuka kugunyaziwe wasemakhaya.

...51.

UKUPAPASHA INTENGISO EBONAKALA USESITALATWENI

3. (1) Akukho mntu oyakuthi avelisele intengiso isipapasho, ibhodi esitalatweni-

- (a) ngaphandle kokuba unemvume ebhaliweyo esuka kugunyaziwe wasemakaya
- (b) ngaphandle kokuba inemiqathango ebekwe ngugunyazisiwe wasemakaya

(2) Elisolotya alizichaphazeli izibonakalisi ezigunyazisiweyo ngumthetho ekuthiwa yi Standard By-Law ezibhekisele kwimibhalo yezaziso kunye Nokonakalisa umphambili wezitalato, ngokwazisiweyo kumthethmo wengingqi 593 ngo 26 Septemba ka 1958.

IZILWANYANA OKANYE IZINTO EZENZA UPHAZAMISO

4. Akukho mntu oyakuthi-

- (a) achithe okanye ashiye impahla okanye izinto esitalatweni ngaphandle kokuba uzishiyele ithuba elifanelekiyo xa esethula okanye elayisha impahla, okanye
- (b) aphazamise abantu abedlulayo kwindawo yokuhamba esecaleni kwendlela ngokuthi enze okanye avumele ukuziswa kwento okanye kwenqwelo mafutha ngaphandle kokuba situlo esinavili okanye yinqwelo esetyenziswa ekuhambiseni abantwana okanye abakhubazekileyo, okanye
- (c) adale okanye avumele into engabonakaliyo eyintambo ukuba ivelele esitalatweni-

...52.

- (i) ngaphandle kokuba unemvume evele kugunyazisiwe wase makaya
- (ii) ngaphandle kokuba yenziwe ngokwemiqathango egqitywe ngugunyazisiwe wasemakaya

IMITHI EZITALATWENI

5. (1) Akukho mntu oyakuthi-

- (a) atyale umthi okanye awukhulisele esitalatweni, okanye nangayiphi indlela agawule umthi okanye awususe, ngaphandle kokuba unemvume esuka kugunyaziwe wasemakaya;
- (b) akwele, okanye ephule okanye amoshe umthi okhula esitalatweni okanye umbhalo ntengiso,

(2) Nawuphi na umthi okanye ukhula elutyalwe esitalatweni lakuba yinto eyekagunyaziwe wasemakaya

IMITHI EYENZA UPHAZAMISEKO (INTERFERE & OBSTRUCT)

6. (1) Nanini na apho emzini okanye esizeni kukho nawuphi na umthi okanye into ekhule kwadlulisa ephazamisana negcingo ezijinga ngaphezulu okanye ingunobangela wokuchaphuka, ingozi okanye ingxaki ebantwini abasebenzise esositalato, ugunyaziwe wasemakaya angathi ngokomyalelo obhaliweyo kuminikazi ndawo okanye kumhlali lowo wokuba achebe okanye asuse umthi lowo okanye lonto ikhule kwadlulisa kwaye anikwe nethuba amakenze ngako oko.

- (2) Nawuphi na umntu oye wehlulakala ukuthobela lomyalelo ukutshwe ngokwesolotya lokuqala uyakubekwa ityala okanye athi abenetyala.
- (3) Ukuba nawuphi na umntu uyehlulakala ukuthobela lomyalelo kubhekiselwe kuwo kulamasolotya isigqeba eso sakuthi siwuchebe umthi okanye siwususe ngendleko zalomntu ubenikezelwe ngomyalelo.

INKUKUMA, INGCEBA ZENQWELO MAFUTHA, NENTO EZIMDAKA

7. Akukho mntu oyakuthi-

- (a) alahle, ashiye okanye ayeke kwakheleke inkukuma yesitiya, ingceba zenqwelo mafutha, amalungu asaleleyo wenqwelo mafutha okanye izinto ezimdaka, ubuvuvu esitalatweni okanye kwindawo kawonke wonke.
- (b) Avumele ukuba nantoni na ilahlwe okanye ibekwe esitalatweni okanye kwindawo kawonke wonke esuka kwindawo yakhe okanye ehlala yena.

Ngaphandle kokuba unemvume ebhaliweyo esuka kumasipala okanye ekwenze oko ngokwemiqathango ebekwe sisigqeba.

IZINTO EZINGENAKWENZIWE KWIZINTO
EZISESITALATWENI

8. Akukho mntu uyakuthi, esitalatweni

- (a) alungise imoto, ngaphandle kokuba kungenjongo zokuyisusa lomoto kulondawo apho ibisengozini okanye
- (b) acoce imoto okanye ahlambe, esule, omise okanye nokuba yeyiphi na into

IMIDLALO KUNYE NEZINYE IZINTO
EZINGENOKWENZIWA EZITALATWENI

9. Akukho mntu oyakuthi-

- (a) adlale umdlalo esitalatweni
- (b) enze nayiphi na into esitalatweni enekuthi ibeke ubomi ebungozini okanye ukhuseleko lakhe nawuphi na umntu, isilwanyana okanye into okanye ibe yinkathazo emphakathini

UKUSETYENZISWA KWEZIQUSHUMBISI

10. Akukho mntu uyakuthi asebenzise isiqhushumbisi okanye enze uqhushumbiso lendawo-

- (a) ngaphandle kokuba ukwenze oko ngemvume karhulumente wasekuhlaleni, kwaye
- (b) ekwenze oko ngokwemigqaliselo ebekiweyo ngulo rhulumente.

...55.

UTHUTHO LWEZIDUMBU ZEZILWANYANA KUNYE NAYIPHI INTO EMDAKA

11. Akukho mntu oyakuthi aphaathe okanye athuthe esitalatweni umzimba wesilwanyana esifileyo okanye ilindle, inkukuma, ubuvuvu okanye umgquba-

- (a) ngaphandle kokuba yegqunyiwe ngokufanelekileyo kwaye
- (b) ngaphandle kokuba ithuthwa ngesikhongozelo esingenokuvumela izinto ezinukayo ezingamanzi okanye lomthwalo ukuba ichithekele esitalatweni.

INGCINGO KWIMIDA YEZITALATO

12. Akukho mntu oyakuthi amise ngocingo oluhlabayo okanye naluphi na ucingo olunobungozi kumda wesitalato ngaphandle kokuba unemvume ebhaliweyo esuka kumasipala.

IZINTO ZOKWAKHA ESITALATWENI

13. Akukho mntu oyakuthi-

- (a) abhale okanye asike, agalele amanzi ekalikeneni okanye adibanisele izinto zokwakha esitalatweni, kwaye,
- (b) agcine okanye abeke into zokwakha esitalatweni okanye athuthe izinto zokwakha, zidityanisiwe okanye zingadityaniswanga esitalatweni ngendlela apha enokwanakalisa isitalato.

IVERANDA NEVERANDA EZIPHEZULU

14. Akukho mntu oyakuthi, ngaphandle kokuba unemvume ebhaliweyo esuka kumasipala-

- (a) asebenzise iveranda eyakhiwe kumda wesitalato ngenjongo zokuthengisa okanye ukugcina impahla, okanye ngenjongo zokuhlamba impahla okanye ukoneka impahla apho, okanye
- (b) avalele okanye ahlule iveranda okanye akhe iveranda ngaphaya komda wesitalato okanye asebenzise indawo yayo njenge ndawo yokuhlala okanye yokulala.

UKONEKA IMPAHLA ELUCINGWENI OLUSEMDENI WESITALATO

15. Akukho mntu oyakuthi omise okanye oneke impahla elucingweni olusemdeni wesitalato.

UKUKHULULELA ESITALATWENI

16. Akukho mntu oyakuthi akhululele okanye avume kukhululelwe nakwisiphi isitalato kwaye nayiphi na inqwelo etsalwa zizilwanyana okanye ashiye nakwisiphi na isitalato inqwelo erhuqwayo okanye inqwelo engazihambeliyo, kuxhomekeke ekubeni elisolotya alibhekiselelanga apho kulayishwayo okanye kusethulwayo kulo nqwelo.

UKHUSELO SOMPHEZULU WESITALATO

17 (1) Akukho mntu oyakuthi-

- (a) asebenzise inqwelo okanye avumele inqwelo isetyenziswe nakwisiphi isitalato ukuba lonqwelo imoshakele iyakwenza umonakalo esitalatweni.
 - (b) Aqhube, atshove, aqengqe, atsale okanye aqhube nayiphi na into, umatshini okanye nayipi na into, esitalatweni ngendlela okanye ngelolixa lomatshini ikwimo enokwanakalisa, yephule okanye itshabalalise umphezulu wesitalato nangayiphi na indlela.
- (2) Ukuba ugunyaziwe wasemakaya ubona umntu othe wamosha okanye watshabalalisa umphezulu wesitalato njengokuba kutshiwo kwisolotya (1), indleko zokulungisa lomonakalo ngokugqitywa ngungunyaziwe lowo zakuthi zihlawulwe ngulomntu uthe waphula umthetho.

UKONAKALISA IBHODI ZEMIYALEZO

17. Akukho mntu oyakuthi onakalise inkangeleko, onakalise okanye aphazamisane nebhodi yomyalezo, uphawu lendlela, ibhodi enegama lesitalato okanye naluphi uphawu olufanayo okanye naluphi na ubiyo lwamaplanga olwakhiwe esitalatweni ngokwemvume.

INKONGOZELO YASESITALATWENI KWAYE
NEYOKUNGENA KWIMNYANGO NGEMINYANGO

19. Akukho mntu oyakuthi-

- (a) aqokelele okanye azame ukuqokelela imali esitalatweni okanye alungiselele okanye nangayiphi na indlelaancedise kololungiselo lokokuqokelela, ngaphandle kokuba unemvume ebhaliweyo kamasipala enze oko ngokwemiqathango ebekwe ngumasipala, okanye
- (b) aqokelele kumnyango ngomnyango, acele amalizo, ngaphandle kokuba unemvume yoko.

UKUGRUMBA ESITALATWENI

20. Akukho mntu oyakuthi enze okanye enze ukuba kwenziwe ugrumbo okanye ukwembiwa okanye enze kwembiwe umsela, umgxuma esitalatweni-

- (a) ngaphandle kokuba unemvume esuka kugunyaziwe wasemakaya, kwaye
- (b) ngaphandle kokuba wembiwe ngokwe miqathango emiselwe ngumasipala.

ITYEFU ESITALATWENI

21. Akukho mntu oyakuthi ngaphandle kokuba uligosa likamasipala okanye umntu ogunyazisiweyo afaka izibulali lukhula ezivumelekileyo okanye ityefu oyakuthi afake ityefu esitalatweni.

IMINGCELELE

- 22 (10) Akukho mntu oyakuthi abambe, alungiselele, aqalise, aphaathe okanye angenele umngcelele, umboniso okanye indibano esitalatweni, okanye adanise okanye abonise okanye adlale inxilongo lomculo, okanye enze nayiphi na into enokwenza ukudibana kwabantu okanye ukuphazamiseka okanye ukuphazamiswa kwenqwelo kweso sitalato okanye asebenzise into yokukhwaza ngaphandle kokuba-
- (a) unemvume esuka kumasipala ngokwesolotya (2) kunye nele (3), kwaye
 - (b) lomvume okanye isigunyaziso sikamantyi.
- (2) Nawuphi na umntu ojonge ukwenza izinto ezikhankanyiweyo kwisolotya (1) esitalatweni uyakuthi afake isicelo esibhaliweyo semvume, eyakufika kulogunyaziwe kuzintsuku ezisixhenxe phambi kolusuku lalo mgcelele okanye indibano ukuba umququzeleli okanye umphathi uyifumene imvume esosicele sakuba nalemigqaliselo ilandelayo:
- (a) amagama agcweleyo, idilese kunye nomsebenzi walomntu ufaka isicelo;
 - (b) amagama agcweleyo wesitalato apho lomgcelele uzokwenziwa uzokuqala uphele khona kunye namaxesha okuqala nawokugqiba kunye namanani abantu abalindelekileyo
 - (c) nenjongo zomgcelele lowo uzakwenziwa;

- (3) Nasiphi na isicelo esifakwe ngokwesolotya (2) siyakuthi sijongwe ngugunyaziwe lowo ukuba enye yenjongo zomgcelele ibonakala izakuphazamisana nocwangco, nokhuseleko, ugunyaziwe lowo uyakuthi akhuphe imvume leyo ibenemiqathango ethile enjongo ikukufezekisa ucwangco nokhuseleko.
- (4) Ugunyaziwe wasemakaya angala ukunikezele imvume yokwenziwe enye yezi zinto zichaziweyo kwisolotya (1), ukuba lomboniso okanye ukukwenziwe kwalonto okanye izinto iyakuphazamisana nemfuno zocwangco, nendlela eyiyo yokuziphatha okanye ukhuseleko.
- (5) Ugunyaziwe angathi ayicime lomvume enikezelwe ngokwesolotya (3), ukuba uthe ngenxa yolwazi olufike mva, ubona lomboniso uzakuphazamisana nocwangco, nendlela yokuziphatha eyiyo okanye nokhuseleko.
- (6) Iziphakamiso zelisolotya azibhekiselele kwidibano yezenkolo okanye kumtshato okanye umgcelele wesingcwabo.

IZIHLANGU

EZINAMAVILI

NEBHODI

EZITYIBILIKISAYO

AZIVUMELEKANGA

ESITALATWENI

23. Akukho mntu oyakuthi, ngaphandle kokuba unemvume ebhaliweyo esuka kwamasipala aqhube esosihlangu sinamavili ibhodi esidlangalaleni okanye esitalatweni

ABANTU KUFUNKA BANXIBE ESITALATWENI
NGOKUFANELEKILEYO

24. Akukho mntu oyakuvela esitalatweni ngaphandle kokunxiba impahla ngohlobo olufanekileyo.

UKUCHITHEKELA KWAMANZI ESITALATWENI

25. Akukho mntu oyakuthi enze okanye avumele amanzi ngaphandle kwamanzi emvula ukuba achithekela esitalatweni nangaluphi na uhlobo olunokuthi lenze umonakalo esitalatweni.

ISIMO SOKUZIPHATHA ESITALATWENI

26. (1) Akukho mntu oyakuthi enze inkathazo kwabanye abantu ahamba hamba into angayaziyo, eme, ahlala okanye angqengqe esitalatweni

(2) Akukho mntu oyakuthi-

- a. Asebenzise ulwimi olonyelisayo, oluthukayo, oloyikisayo;
- b. alwe okanye enze into ngendlela enoqushululu;
- c. acenge okanye acele amalungu omphakathi imali
- d. acaphukise okanye axakekise nawuphi na umntu ngokungxola, ekwaza okanye esenza ingxolo nangaluphi na uhlobo;
- e. aye ngasese nangaluphi na uhlobo endaweni engeyiyo ngaphandle kwaleyo yenzelwe oko ekwayevunyiweyo sisigqeba sikamasipala;
- f. abongoze okanye akhathaze nawuphi na umntu ngenjongo zokuhenyuza okanye ukwenza okungendawo;
- g. Angcakaze ngemali;
- h. Asebenzise utywala;
- i. Apice

...62.

Esitalatweni okanye kwindawo kawonke wonke.

IZILWANYANA ZASENDLE

27. Akukho mnikazi okanye umntu onguye ojongene nasiphi na isilwanyana sasendle okanye esinobungongozi, inkawu okanye inkomo enempondo oyakuthi avumele esosilwanyana nangaliphi na ixesha ukuba singagcinwa ngokwaneleyo okanye sizihambe esitalatweni okanye agcine esosilwanyana ngendlela apha enobungozi okanye ecaphukisa eluntwini.

UKUBONISWA
EZINDAWENI

KWENOMBOLO

ZESITALATO

28. Ugunyaziwe wasemakaya engenza ngomyalelo obhaliweyo ukuba inombolo ezinikwe indawo nganye zithi ziboniswe kwezo ndawo, kwaye ingaphinde iyalele indawo emaziboniswe kuyo kwaye umnikazi nomntu enguye ohlala apho uyakuthi zingaphelanga intsuku ezinga 30 ukusukele kulomhla walo myalelo, abonise lonombolo kulondawo yakhe ngoko myalelo.

ULAWULO LWEZIKHUNDLA APHO KUTHENGISELWA
INTYATYAMBO KUNYE NASIPHI NA ISIVUNO
ESITHENGISWAYO

29. (1) Ugunyaziwe wasemakhaya angenza isigqibo kwaye ngendlela yokupapasha kwiphepha ndaba elithengiswa kulo ndawo amaxesha ngamaxesha abe izikhundla apho intyatyambo okanye izivuno zinokuthengiswa khona esitalatweni, kuxhomekeke ukuba londawo yezozikhundla kwangolo hlobo ingajikwa amaxesha ngamaxesha ngesigqibo kunye nolopapasho.

...63.

(2) Akukho mntu oyakuthi abonise okanye anikele intengiso esitalatweni intyatyambo okanye naziphi na izinto okanye isivuno ngaphandle kokuba kukwizikhundla ezabiwe ngungunyaziwe wasemakaya ngokwelisoloty kwaye ngaphandle kokuba ufumene imvume kwamasipala kwaye elisoloty alibhekiselele kwi zikhundla zethutyana ezisesitalatweni zokuthengisa ityatyambo nezivuno kucendiswa ngesisa indawo zikawonke wonke, apho imvume inikezelweyo ngumasipala, elisoloty alibhekiselele kubathengisi basesitalatweni abanelayisenisi.

IBULORO KUNYE NEMIJELO EWELELA NGAPHEZULU NENDAWO EZISECALENI KWENDLELA ZOKUHAMBA

30. Akukho nto yabucala iwelelayo, indlela, ibuloro okanye umjelo onqamleza phantsi kwendlela okanye eyakhiwe okanye phambi kwendawo yokuhlala esitalatweni okanye kwindawo kawonke wonke-

- (a) ngaphandle kwemvume ebhaliweyo esuka kugunyaziwe wasemakaya; kwaye
- (b) engokwemigqaliselo yemfuno ezibekwe ngulo ngunyaziwe

ULAWULO LWENIBOMISO YOLONWABO

31 (1) Akukho mntu uyakuthi enze okanye asebenzise isitalato sikawonke wonke esenzela isekisi, ukujikelezisa, iqonga elijikelezayo okanye nawuphi na umboniso okanye indlela yokonwaba yomphakathi-

- (a) ngaphandle kokuba unemvume ebhaliweyo kamasipala;
- (b) ngokwemigqaliselo egqitywe ngumasipala;
- (c) ngaphandle kokuba izindlu zangesese zabasebenzi zezini zozibini zithathelwe ingqalelo apho kwaye
- (d) ukuba ukusetyenziswa kunobungozi okanye alukhuselekanga

...64.

- (2) Igosa eligunyazisiweyo likamasipala okanye ilungu lamapolisa liyakuthi, ngejongo zokuhlola ngawo onke amaxesha afanelekileyo lingene kulo sekisi, ukujikelezisa, iqonga elijikelezayo okanye nawuphi na umboniso wasecaleni okanye isixhobo.

ULAWULO LWENQWELO EZITSALWA ZIZILWANYANA

32 (1) Akukho mntu oyakuthi-

- (a) ngexesha elinye aqhube okanye alawule iinqwelo ezingaphezulu kwesinye etsalwa zizilwanyana esitalatweni,
- (b) aqhube okanye alawule inqwelo etsalwa zizilwanyana esitalatweni ngelolixa engephantsi kweminyaka eli 16 yokuzalwa, okanye,
- (c) ukuba ulawula inqwelo etsalwa zizilwanyana esitalatweni, avumele umntu ominyaka ingaphantsi kwe 16 yokuzalwa ukuba aqhube okanye alawule lo nqwelo.

INQWELO KUFUNEKA NGALO LONKE IXESHA ZIBE PHANTSI KOLAWULO

33. Akukho mntu oyakuthi, esitalatweni, alale enqwelweni ngaphandle kokuba lonqwelo imise esitishini setaxi okanye isikhundla esisekwe ngumasipala

UGUNYAZIWE WASEMAKAYA ANGENZA KWAYE ABUYISE INDLEKO

34. Nokuba lithini na isolotya lalomthetho, ugunyaziwe wasemakaya anga-

- (a) apho imvume kangunyaziwe wasemakaya ifuneka phambi kokuba umntu anze isenzo esithile okanye akhe nayiphi na into, kwaye lomvume ayikafumaneki, kwaye
- (b) apho isolotya elo lenziwe phantsi kwemeko apho ulwaphulo lomthetho lungaphela ngokususwa kwesakhiwo okanye into.

Afake umyalelo obhaliwe kumnikazi wendawo okanye isaphuli mthetho eso, ukuba zehlukane nokwephula lomthetho, okanye kususwe lonto, okanye athathe amanyathelo lawo ugunyaziwe anokuwafuna ukulungisa olwaphulo mthetho zingaphelanga intsuku eziphawulwe kumyalelo lowo.

ISOHLWAYO

35. Nawuphi na umntu othe waphula nasiphi na isiphakamiso salomthetho uyakube waphule umthetho kwaye akufumaneka enetyala uyakuthi adliwe umdliwo mali ongekho ngaphezulu kwe R1200-00 okanye ukuba akakwazi ukuhlawula angene etolongweni inyanga ezingekho ngaphezukwesithandathu.

IMITHETHO YOKUTHENGISA ESITALATWENI

1.Inkcazelo

Kulemimiselo, ngaphandle kokuba indawo eyandulela nelandelayo ivera ngolunye uhlobo

“imvume” ithetha imvume yesigqeba sikamasipala

“igosa eligunyazisiweyo” ithetha igosa lesigqeba sikamasipala eligunyazisiweyo sisigqeba ukuba siphathe, senze kwaye sinyanzelise ukuthotyelwa kweziphakamiso zalomthetho;

“Inkonzo zesigqeba” ithetha naluphi uhlobo elwenziwe okanye lusenzelwe ugunyaziwe, lokuqokolela, lokuchitha inkukuma, ophayiphi bamanzi amdaka, amanzi emvula, okanye ukwenziwa, ukugcinwa okanye ukucocwa, ukunikezelwa ngamanzi, umbane okanye inkonzo zikamasipala;

“Imisebenzi yenkonzo zesigqeba” ithetha izinto okanye imisebenzi nayeluphi na uhlobo efunekayo okanye ngokungalindelekanga kwisigqeba;

“Izinto ezityiwayo” ithetha izinto ezityiwayo njengokuba zixeliwe kwisolotya Lemthetho Wezinto Ezityiwayo Zokuchokoza Umzimba kunye Nezibulala Ntsholongwane ka 1972 (Act No. 54 of 1972)

“Isitiya okanye ipaka” ithetha isitiya okanye ipaka apho umpakathi unelungelo lokungena.

“impahla” ithetha into ezinokususwa kwaye iquka nezinto eziphilayo;

...67.

“indlela ezinqamlezeneyo” ithetha indlela ezinqamlezeneyo njengoko zicacisiwe ngoko Mthetho wezendlela zelizwe, ka 1996 (Act No.93 of 1996)

“Inkukuma” inquka nasiphi na isitya, isikhongozelo okanye nenye into elahliweyo, engahoywanga okanye eshiywe ngemva esitalatweni ngomthengisi sitalatweni okanye ngabathengi bakhe;

“Umasipala” ithetha umasipala wase Qaukeni kwaye iquka isigqeba sikamasipala kunye naliphi na igosa eligunyazisiweyo okanye isebe lopolitiko, umntu obambe iofisi yopolitiko lukamasipala;

“inqwelo mafutha” ithetha inqwelo mafutha njengokuba icacisiwe kwisoloty lokuqala Lomthetho Wesizwe wezendlela ka 1996;

“ukumisela” ithetha into egqitywe ngesivumelwano sesigqeba sika Masipala amaxesha ngamaxesha;

“ipropati” ngokunxulumene nokushishina esitratweni, ithetha nayiphi na into, isikhongozeli, inqwelo okanye isakhiwo esisetyenziselwe okanye ekujongwe ukusetyenziselwe ngokunxulumene neshishini, kwaye iquka impahla leyo ashishina ngayo;

“Ilitye lesikhumbuzo likawonke wonke” ithetha naliphi ilitye lesikhumbuzo likawonke wonke kunye nenkumbulo njengokuba zicacisiwe oyi National Heritage Resources Act 1999 (Act No. 25 of 1999) okanye nawuphi na umthetho ofanayo.

“Indawo kawonke wonke” ithetha nasiphi na isikwere, ipaka, indawo yokuzonwabisa okanye indawo ephangaleleyo ephantsi kuka Masipala okanye apho umphakathi unelungelo yokusebenzisa okanye evelisiweyo kwi Plani yedoluphu egcinwe kwiofisi apho kubhaliswa iziqinisekiso zomhlaba okanye kwiofisi Yomcandi jikelele kwaye evumelekileyo ukuba isetyenziswe ngabantu okanye abanikazi bomhlaba;

“Indlela kawonke wonke” ithetha indlela kawonke njengokuba ichaziwe kwisolotya 1 le National Road Traffic Act 1996;

“thengisa” iquka

- (a) ananise, atshintsihise okanye aqheshise
- (b) abonise, avelise, anikezele okanye alungiselele intengiso
- (c) agcine endleleni okanye kwindawo kawonke wonke enejongo zokuthengisa okanye
- (d) enze inkonzo ngenjongo zenzuzo;

kwaye “intengiso” okanye “ukuthengisa” zithetha into efanayo;

“indawo yokuhamba ecalani kwendlela” ithetha njengoko kucacisiwe kumthetho we National Road Traffic Act, 1996

“ifanitshala yasesitalatweni” ithetha nayiphi na ifanitshala efakelwe sisigqeba esitalatweni ngenjongo zokuba isetyenziswe luluntu;

“umthengisi wasesitalatweni” ithetha umntu oshishina esitalatweni kwaye iquka nomsebenzi walo mntu;

“Umthetho” ithetha lowo uxelwe kumthetho wezoshishino ka 1991 (Act No 71 of 1991) kwaye iquka imigqaliselo emiselweyo apho; kwaye

“umda” ithetha umda njengokuba njengokuba uxeliwe kwisolotya lokuqala lwezo Hambo Ngendlela ka 1996

(b)Intsingiselo yamagama nembonakalo kumthetho wezoshishino afakelelweyo apha

Kwezizimiselo, ngaphandle kokuba kukho enye into, nawaphi amagama okanye izibonakaliso apho kukho intsingiselo enikezelwe ngumthetho wezoshishino ka 1991 (Act No 71 of 1991) iyakuba netsingiselo efanayo.

(3) Nasiphi na isenzo esinye siyakuba kukuthengisa esitalatweni

Ngokwenjongo zezimiselo nasiphi na isenzo esinye sokuthengisa, okanye ukunikezela okanye ukwenza inkonzo kwindawo kawonke wonke iyakuba kukushishina esitalatweni

(4)Uzekelisa emthethweni kuquka nozalwano olwenzwe apho

Ngokwenjongo zezimiselo ukubhekiselwa nakuwuphi na umthetho iyakuba kulo mthetho ewenziwe apho

(5) Ukunikezela ngamagunya womsebenzi kamasipala kumntu onikezela ngenkonzo, apho kukho umntu onjalo oqeshiweyo.

Ukuba naziphi na iziphakamiso zezimiselo sinika okanye sixhwayisa igunya, umsebenzi wesigqeba kumsebenzi wesigqeba kwaye elogunya, xanduva luthi ngokwesolotya 81(2) lomthetho woRhulumente Basemakhaya noMasipala ka 2000, okanye

...70.

nawuphi na umthetho, unikezelwe kumnikezeli ngenkonzo, xakubhekiselwe kumsebenzi kuyakufanwa nokuba kubhekiswe kumnikezeli ngenkonzo okanye nakumsebenzi womnikezeli ngenkonzo lowo.

(6) Indlela yokuziphatha engavumelekanga

[1] akukho mntu oyakuthi aqhube ishishini lokuthengisela esitalatweni-

[a] kwindawo okanye indawo ephawulwe sisigqeba ngokwesolotya 6A[2][a] lomthetho njengendawo apho ukuthengisela esitalatweni lungavumelekanga;

[b] esitiyeni okanye epakini apho umphakathi unelungelo lokungena;

[c] emdeni eyamene-

[i] nesakhiwo sikarhulumente okanye sesebe likarhulumente elingaphakathi okanye ngumasipala

[ii] icawe okanye nayiphi na indawo yokukhonzela

[iii] isakhiwo esiphawulwe njenge litye lesikhumbuzo likawonke wonke;

[iv] apho umtshini webhanki wokukhupha imali

[d] kwindawo apho kwenzeka ukuthinteleka-

[i] kwezicima mlilo

[ii] ekungeneni okanye ekuphemeni kwisakhiwo;

[e] kwindawo apho kunokuthinteleka ngamandla lohambo nqwelo;

...71.

- [f] kwindawo apho kunokuthinteleka kwabantu abasebenzisa indlela esecaleni;
- [g] kwihafu yendlela kawonke wonke eqhubeleka esakhiweni esisetyenziselwa ukuhlala, ukuba umnikazi okanye umntu eguye olawula, okanye nawuphi na umhlali kwesosakhiwo engakuvumeli oko kwaye okukwala kwazisiwe kulomthengisa sitalatweni ligosa eligunyazisiweyo
- [h] kwizikhundla, okanye kwindawo ephawulwe Sisigqeba ngokwesolotya 6A[3][b] lomthetho, ukuba lomntu akanavume ibhaliweyo ebonakalisa ukuba esosikhundla usiqashile okanye esosikhundla sinikezelwe kuye;
- [i] kuzimitha ezingakho ngaphezulu kwesihlanu (5) zokudibana kwendlela njengokuba kucacisiwe kwisiphakamiso 322 se Sohambo Ngendlela ka 1996; kwaye
- [ii] kwindawo yokuhamba eyameni nesakhiwo apho ushishino luqubelekayo, nguye nawuphi na umntu othengisa izinto ezifanayo nezo zithengiswayo kwindawo yokuhamba ngulomthengisi sitalatweni, ukuba impahla ezo zithengisayo zithengiswa ngaphandla kwemvume yalomntu kwaye igosa eligunyazisiweyo libe limxelele lomthengisi sitalatweni ukuba lomvume ayikho
- [i] ngaphandle kwelayisenisi ephuma kwiSigqeba kwaye/okanye engakhange anikezelwe sikhundla siSigqeba.

- [2] Umntu oqeshe isikhundla, okanye onikezelwe ngesikhundla siSigqeba ngokwesolotya [1][h], akanakushishina ngokuphikisanayo nemigqaliselo nemo zesosivumelano

INDLELA EZINGAVUMELEKANGA

Umntu oqhuba ushishino lasesitalatweni-

- (a) akanokulala ubusuku kulondawo aqhuba ishishini kulo
- (b) akanokwakha into ngenjongo zokuzenzela into yokumkhusela kwimimoya
- (c) akanobeka okanye athengise izinto zakhe kwindlela kawonke wonke okanye kwindawo kawonke wonke okanye ethengisela kwinqwelo okanye kwinqwelo erhuqwayo xa imiswe kwindlela okanye isitalato sikawonke wonke.
- (d) Kufuneka eqinisekile ukuba izinto zakhe okanye indawo leyo yokuthengisela ayiquki ndlela okanye indawo kawonke wonke engaphezu kwezikwere ezintadathu okanye ngaphandle kokuba ivunywe siSigqeba kwaye leyo ishiya indawo yokuhamba ingaphazamisekanga
- (e) Akanokuthengisela kwindawo yokumba ukuba ukuvuleka kwalondawo kungaphantsi kwe mithazi ezine;
- (f) Akanokubeka okanye apakishe into zakhe ngendlela apha enobungozi ebantwini okanye enokulimaza abantu okanye ilimaze izinto zabo;
- (g) Akanaveza izinto zakhe kwisakhiwo ngaphandla kwemvume yomnikazi okanye umntu lowo ungaphakathi okanye umntu ekunguye oselulawulweni;
- (h) Kufuneka xa ecelwa ligosa eligunyazisiweyo lesigqeba, okanye umntu osuka kwinkonzo zefonofono okanye

...73.

- (i) zombane okanye kwisigqeba, asuse izinto zakhe ukuze kusetyenzwe kulondlela, ndawo kawonke wonke;
- (j) Akanokubophela izinto zakhe nakanjani na kwesosakhiwo, donga, mthi, ipali yombane, indlu yefonofono, ibhokisi yeposi, uphawu, isitulo okanye nayiphi na ifanitshala yesitalato kwindlela kawonke wonke okanye kwindawo kawonke wonke.
- (k) Akanakuqhuba shishino ngendlela apho-

[i] enokwenza inkathazo;

[ii] amoshe okanye onakalise umphezulu wendlela okanye indawo kawonke wonke; okanye

[iii] enze uhambo kwaye/okanye ingozi empilweni okanye zombini

- (l) abase umlilo endleni okanye endaweni kawonke wonke;
- (m) akanakuphazamisane nokusetyenziswa kwendawo yokuhamba esecaleni ukubuka impahla ezixhonywe ezivekileni, aphazamise ezompahla ekubonweni;
- (n) aphazamise ukufikelele, okanye ukusebenziswa kwefanitshala yasesitalatweni kunye neqwelo okanye ukuhamba kwabantu;
- (o) aphazamise ukufikelele, okanye ukusetyenziswa kwefanitshala yasesitalatweni nayiphi na into eyenzelwe ukusetyenziswa luluntu ngokubanzi;
- (p) aphazamisane naluphi na uphawu lwesitalato oluveliswe ngokwemiyalelo yomthetho ngoHambo Lwezindlela ka 1996, okanye impawu, umyalelo okanye uphawu elwenziwe ngokweziphakamiso zalomthetho;

- (q) akanakuqhuba shishini, okanye ame ngokohlobo oluthile, okanye impahla zakhe kwindawana yendawo yokuhamba yasecaleni okanye indawo kawonke wonke ephazamisana nomyalelo okanye uphawu elobekiweyo okanye oluxhonywe sisigqeba ngekwenjongo zalomthetho;
- (r) akanakuyeka kwakheleke, alahle, achithe okanye agcine, okanye enze okanye avumele ukwakheleka, ukuchithwa, ukulahlwa, ukugcinwa kwalo naluphi uhlobo lwenkukuma emhlabeni okanye kwindawo okanye kwindlela kawonke wonke nakuwuphi na umhlaba kawonke wonke ngaphandle kokuba kukwinto evumelikileyo kwisigqeba;
- (s) akanakubeka kwindlela okanye kwindawo kawonke, impahla zakhe ezingenokwazi ukususwa lula kufuneka ziyokubekwe kwenye indawo kude nendawo okanye nendlela kawonke wonke ekupheleni kosuku lokushishina;
- (t) kufuneka akugqiba ukushishina ngolosuku asuse impahla zakhe azise kwindawo engeyiyo indawo okanye indlela kawonke wonke;
- (u) akanakugcina impahla yakhe emgxunyeni owenziweyo, emseleni wamanzi okanye indlu yangasese kawonke wonke, kwaye nakwindawo egqumatheleyo yokulinda ibhasi okanye emthini; kwaye
- (v) akanakuqhuba ishishini kwindawo apho ukwenze oko kukhabanayo neziphakamiso zesigqeba ngokwesolotya 6A[2][a].

....75.

8. UCOCEKO

Umthengisi wasesitalatweni kufuneka-

- [a] agcine indawo okanye inxiwa ahlala kulo ngenjongo zoshishino ngendlela ecocekileyo;
- [b] agcine impahla yakhe icocekile, igcinakele kakuhle;
- [c] alahle inkukuma esuka kolo shishino lakhe kwinto evumelekileyo kwisigqeba eyenzelwe oko;
- [d] angajuli inkukuma emgxunyeni owenziwe ngumntu, emseleni wamanzi okanye nakweyiphi na indawo enganzelwanga ukuchitha inkukuma;
- [e] kufuneka aqinisekise ukuba xa kuvalwa eshishinini ngolosuku, londawo okanye esosiza athengisele kuyo asinankukuma;
- [f] athathe amanyathelo ngethuba loshishino awaneleyo ukuthintele ukuchitheleke endleleni okanye kwindawo kawonke wonke, okanye emseleni wamanzi, amafutha, ioli okanye igilasi;
- [g] aqinisekise ukuba akukho simoko, vumba okanye ingxolo ephuma kokokushishina kwakhe nokwaluphi na uhlobo;
- [h] Akucelwa ligosa eligunyazisiweyo lesigqeba, asuse impahla yakhe ukwenzele ukuba kukwazeke ukucoca isiza apho athengisela khona, okanye ukwenza inkonzo zesigqeba.

...76.

9. IMPAWU EZIBONISA INDAWO EZITHINTEL WEYO

[a] Isigqeba sinokuphawula ngokwesivumelwano ukuba ,nayiphi na indawo ephantsi kwaso njengendawo apho ukuthengisa esitalatweni kungavumelekanga kwaye ukwenzelwe ukuthotyelwe koko, kwenziwe impawu okanye ibhodi ezibonakalisa oko;

[i] amaxesha acacileyo, indawo, impahla okanye inkonzo ezingavumelekanga ukuba kungathengiselwa ezitalatweni;

[ii] apho imida yendawo ezingavumelekanga;

[iii] imida yeziza ebekwe ecaleni ngenjongo zokuqhuba ushishino lwasesitalatweni;

[iv] into yokuba esosiza siqashisiwe okanye sinikezelwe umntu;

[v] naluphi na uthintelo okanye ukungavumeleki kokuthengisa esitalatweni ngokwalemimiselo.

[b] Isigqeba sinokubonisa nawuphi na umqondiso okanye uphawu okanye into ngobume apha kwaye nangendlela enokubonisa ezozithentelo kunye nokokungavumeleki kwaye okanye imida yesiza eso.

[c] Nawuphi na umqondiso owenziwe yilemimiselo okanye nawuphi na umthetho, uyakuthi abengumyalelo owaneleyo kumthengisi sitalatweni eyalelwa ngothintelo nangokungavumeleki; kwaye

...77.

- [d] nawuphi na umqondiso angalungiswa amaxesha ngamaxesha kwaye angabonakaliswa sisigqeba ngenjongo zalemimiselo, iyakuba nesiphumo esifanayo nemiqondiso yendlela ye National Raod Traffic Act 1996.

UKUSUSWA NOKUTHINJWA

- [1] Igosa eligunyazisiweyo lingasusa lithimbe nayiphi na impahla yalomthengisi sitalatweni-

[a] oranela ukuba lompahla isetyenziswa okanye kujongwe ukuba isetyenziswe okanye ikhe yasetyenziswa malunga nokuthengisa esitalatweni.

[b] leyo athe wayifumana endaweni apho uthengiso esitalatweni luthintelweyo okanye lungavumelekanga kwaye olaphula naliphi na isolotya lokuthintelwa nokungavumeleki nokuba ezinto zezakhe okanye ziphantsi kolawulo lakhe ngelothuba zisuswa okanye zithinjwa ngalo.

- [2] Naliphi na igosa eligunyazisiweyo elenze ngokwesolotya 1 ngasentla kufuneka likhuphele lomntu oqhuba ushishino lasesitalatweni irisithi nakuzo naziphi na impahla esusiweyo kwaye ethinjiweyo, ngaphandle kokuba lompahla ibishiywe yodwa, lo risithi kufuneka I-

[i] idwelise lompahla izakususwa kwaye izakuthinjwa;

[ii] ibeke nedilesi apho lompahla ithenjiweyo izakugcinwa khona, kunye nethuba ezizogcinwa khona;

[iii] itsho nemeko nemiqathango enokukhululwa phantsi kwazo ezompahla zithinjiweyo;

...78.

- [iv] itsho nemeko nemiqathango ebhekiselwe kuthengiso lwempahla engabangwanga ithengiswa esidlangalaleni;
- [v] itsho namagama nedilesi yegosa lesigqeba elo kunokuthi kuthethwe nalo ngokubhekisele kolo thimbo, kwaye nomhla nexesha enokwenziwe ngalo.

[3] Ukuba naziphi na impahla ezakuthinjwa idityaniswe kuyo nayiphi na into engenakusuka okanye isakhiwo, kwaye lomphahla iphantsi kolawulo lomntu okhoyo kulondawo, naliphi igosa eligunyazisiweyo lesigqeba linokuyalela lomntu ukuba asuse lomphahla, kwaye ukuba lomntu uyala okanye akaphumeleli ukuthobela lomyalelo uyakube wephule umthetho.

[4] Xa nawuphi na umntu engaphumeleli ukuthobela umyalelo wokususa impahla leyo kubhekiselwe kwisolotya[3], naliphi igosa eligunyazisiweyo lesigqeba lingathatha amanyathelo afanelekileyo lisuse lomphahla.

(b) UXANDUVA LOKWENZELELELA KOMNTU OQHUBA USHISHINO

[1] Apho umsebenzi womthengisi sitalatweni ephula iziphakamiso zezimiselo umqeshi oyakuthathwa ngokuba nguyeyophule umthetho ngaphandle kokuba lomqeshi uyayonelisa inkundla ukuba-

[a] khangela hambisane okanye avumele ololwaphulo mthetho kwaye;

[b] yena uthabathe amanyathelo aneleyo ukuthintelwa ololwaphulo mthetho.

- [2] Into yokuba umqeshi ukuphe umyalelo ukuthinteleka ololwaphulo mthetho ayinokuba yinto ebonakalisa lomanyathelo afanelekileyo.

12 UKWAPHULA MTHETHO NEZOHLWAYO

Nawuphi na umntu othe-

- [a] wephula okanye akaphumelele ukuthobela nasiphi na isiphakamiso salemimiselo;
- [b] ongaphumeleliyo ukuthobela umyalelo okhutshwe ngegunya lalemimiselo; okanye
- [c] ongaphumeleliyo ukuthobela umyalelo othe wabe uwunikiwe ngokwelemimiselo; okanye
- [d] waphuzamisa okanye wamela ngaphambile nawuphi na umntu ogunyazisiweyo omele isigqeba ekwenzeni umsebenzi wakhe phantsi kwale mimiselo;

Uyakube wephule umthetho kwaye akufunyaniswa enetyala angathi agwetywe udliwo mali olungekho ngaphezulu kwama R800-00 okanye xa engaphumeleli ukubhatala athothoze emjiva ithuba elingekho ngaphezulu kwenyanga ezintandathu (6), kwaye apho aqhubekayo nokwephula lomthetho. Aphinde agwetywe umdliwo olungekho ngaphezulu kwama R150-00 okanye xa engenakuyihlawula athothoze ithuba elingekho ngaphezulu kosuku, ngalo lonke usuku lokuqhubeke nokwaphula lomthetho, emveni komyolelo obhaliweyo ekhutshwe sisigqeba, kwaye sinikezelwe kolomntu, exelelwe ngokuyeka ukuqhubeke nokwaphula lomthetho.

INKQUBO KAMASIPALA WASEQAUKENI YEBHOKISI EZINKULU(CONTAINER POLICY)

1.1 Njengokuba kubonakele ukuba baninzi abantu ababeka ezibhokisi zinkulu kwaye kumhlaba omninzi kwaye kukho ingxaki ezimalunga nokubekwa kwazo, kuye kwakho imfuneko yokuba kubekho inkqubo yokubekwa kwezibhokisi ukwenzela ukuba amasebe ngamasebe ka Masipala abe nomhlahla ndlela xa ephethe imicimbi edibanisi nazo.

1.1.1 IMFUNEKO YOKUBEKWA KWEZIBHOKISI

Ibhokisi ezinkulu zokuthutha impahla zinganegalelo elibalulekileyo kakhulu kuphuhliso kwindawo ezihlelelekileyo. Zingavelisa amaziko wevenkile, wendawo zokusebenzela kwaye nezokugcina apho amathuba orwebo kunye nobuchule eluntwini olunqongopheleyo.

Ezibhokisi zizinto ezihlala zikhona kwindawo ZOMZANTSI AFKIKA ezihlelelekileyo. Ziye zabonakalisa zilulutho kuba ziyafikeleleka, zinobumvoco kwaye nokulunga kwamaziko ezingawo. Zingathi zenze ukuba negalelo kuphuhliso lwezorwebo kwezingingqi.

Ngaphandle kokulawula izicelo zokubeka kwezibhokisi zinkulu zokuthutha impahla inkqubo yokulawula ezibhokisi iyakuncendisa inkqubo zabucala, nezasekuhlaleni nezokuxhobisa ezenza ezibhokisi zifunyanwe zezondawo zihlelelekileyo.

1.2.7 ULWAPHULO MTHETHO NEZOHLWAYO

Nawuphi na umntu othe-

- (a) waphula okanye akaphumelela ukuthobela naso nasiphi isiphakamiso salemimiselo;
- (b) akaphumelela ukuthobela umyalelo okutshwe ngokwalemimiselo; okanye
- (c) akaphumelela ukuthobela nawuphi na umyalelo osemthethweni okhutshwe ngokwalemimiselo;
- (d) waphazamisana okanye athintele ummeli kamasipala ogunyazisiweyo xa esenza umsebenzi wakhe ngokukhokhelwa yimimiselo;

Ukuba wephule umthetho kwaye ekufunyanisweni kwakhe enetyala uyakuthi adliwe umdliwo ntlawulo engekho ngaphezu kwa R1500-00 okanye esahluleka ukuhlawula athothoze ithuba elingekho ngaphezulu kwenyanga ezintandathu, kwaye apho athe waqhubeleka adliwe imali enga R150-00, okanye xa engahlawuli athothoze ithuba elingekho ngaphezulu kosuku, ngalo naluphi na usuku lokuqhubeka nokokwaphula umthetho, emveni kokuba umyalelo obhaliweyo ukhutshiwe sisigqeba, kwaye usiwe kulomntu, umyalelo ukuba ahlukane nokwaphula umthetho.

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