



KWAZULU-NATAL PROVINCE
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ISIFUNDAZWE SAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY — BUITENGEWONE KOERANT — IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

Vol. 10

1 DECEMBER 2016
1 DESEMBER 2016
1 KUZIBANDLELA 2016

No. 1763

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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 129 OF 2016

ETHEKWINI MUNICIPALITY: SEWAGE DISPOSAL BY-LAW, 2015

NOTICE IS HEREBY GIVEN that the eThekwini Municipal Council has enacted, by way of resolution in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the Sewage Disposal By-law, 2015 contained hereunder.

Mr Sibusiso Sithole

City Manager

City Hall

Dr Pixley Kaseme Street

Durban

Dated:

eTHEKWINI MUNICIPALITY: SEWAGE DISPOSAL BY-LAW, 2015



Adopted by Council on the: 3 December 2015

SEWAGE DISPOSAL BY-LAW, 2015

To provide for efficient, affordable, economical and sustainable access to sanitation and sewage services; to provide for different mechanisms of sanitation; to provide for the management and regulation of sewage; to provide assistance to those who cannot afford to pay for sanitation and sewage services; to provide offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the eThekweni Municipal Council recognises that effective and sustainable sanitation and sewage services are essential to community life, business and the environment;

WHEREAS the Water Services Act establishes the Municipality as a water services authority and the Municipality's Water and Sanitation Unit as a water supply services provider for the Municipality's area of jurisdiction;

WHEREAS the eThekweni Municipal Council recognises that, as a water services authority, it has a duty to all customers or potential customers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to basic sanitation services;

WHEREAS the eThekweni Municipal Council has competence in terms of Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 relating to such matters as sanitation services;

WHEREAS the eThekweni Municipal Council has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 to make and administer By-laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS the eThekweni Municipality has a duty to make By-laws for the provision of water services in terms of section 21 of the Water Services Act;

NOW THEREFORE the eThekweni Municipal Council, acting in terms of section 156 read with Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996 and read

with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

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**CHAPTER 1
INTERPRETATION**

Definitions

1. In this By-law, unless the context indicates otherwise, any word or expression used has the meaning ascribed to it by the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), and—

“**approved**” means approved by an authorised official;

“**authorised official**” means a person authorised to implement the provisions of this By-law, including but not limited to—

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost deemed to be acceptable to society by the Municipality, in the long term as well as in the short term;

“borehole” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water;

“chemical toilet” means a toilet which uses chemicals to deodorize waste instead of storing it in a hole or piping it away to a sewage treatment plant where the effluent is fit to be disposed of at a municipal wastewater treatment works through a discharge point designed at the facility;

“connecting point” means the point at which a drainage installation joins a connecting sewer;

“connecting sewer” means a pipe owned and installed by the Municipality for the purpose of conveying sewage from a drainage installation on a premises to a sewer–

- (a) beyond the boundary of those premises;
- (b) within a servitude area; or
- (c) within an area covered by a wayleave or by agreement;

“conservancy tank” means a sealed tank that contains and stores sewage from premises and is required to be emptied on a regular basis;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Council” means the eThekweni Municipal Council, a municipal council referred to in section 157(1) of the Constitution;

“customer” means—

- (a) a person who is supplied with water by the Municipality; and
- (b) where water is supplied through a single water meter to a number of persons, the person to whom the Municipality has agreed to supply water;

“drain” means that portion of the drainage installation which conveys sewage within any premises;

“drainage installation” means a system which is used for, or intended to be used for or in connection with, the reception, storage, treatment or conveyance of sewage on any premises to the connecting point and includes—

- (a) drains;
- (b) fittings;
- (c) appliances;
- (d) septic tanks;
- (e) conservancy tanks;
- (f) pit latrines; and
- (g) private pumping installations forming part of, or ancillary to, such systems;

“duly qualified sampler” means a person who has been certified by a suitably competent municipal employee to take samples for analysis from the sewage systems, the stormwater disposal systems and from public waters;

“environmental cost” means the full cost of all measures necessary to restore the environment to its condition prior to a damaging incident;

“environmental impact assessment” means the process of identifying and evaluating the effects of development proposals on the environment before decisions and commitments are made toward that development;

“high strength sewage” means sewage with a strength or quality greater than standard domestic effluent;

“French drain” means a trench filled with suitable material which is used for the disposal of–

- (a) liquid effluent from a septic tank; or
- (b) wastewater;

“metering period” means the time interval between successive meter readings;

“Municipal Manager” means a person appointed in terms of section 54A of the Municipal Systems Act;

“Municipality” means the eThekweni Municipality, a category A Municipality as envisaged in terms of section 155(1) of the Constitution and established in terms of Provincial Notice No. 343 of 2000 (KZN);

“National Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“National Water Act” means the National Water Act, 1998 (Act 36 of 1998);

“occupier” means–

- (a) any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any; and
- (b) in the case of premises let to more than one tenant, the person who receives the rent payable by the tenants, whether for his or her own account or as an agent for a person entitled to the rent;

“on-site privately-owned sewage disposal system” means either a septic tank, a conservancy tank system or a low-volume sewage treatment plant owned by the owner of the premises on which it is situated;

“owner” means–

- (a) the person who is the registered owner of the premises in the relevant Deeds Office;
- (b) where the registered owner of the premises is insolvent or dead or is under any form of legal disability whatsoever, the person in whom the administration

and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

(c) where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings on the premises;

(d) where the premises concerned have been leased for a period of 30 years or longer, the lessee of the premises; or

(e) in relation to –

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986) as common property, the developer or the body corporate in respect of the common property; or

(ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of a person;

“person” means any natural person, juristic person, voluntary association or the trustees of any trust;

“premises” means any piece of land, with or without any building or structure thereon where–

(a), the external surface boundaries of which are delineated on–

(i) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937); or

(ii) a sectional plan registered in terms of the Section Titles Act, 1986 (Act No. 95 of 1986);

(b) there is an official document in respect of rural land or Ingonyama Trust land, which is situated within the area of jurisdiction of the Municipality; or

(c) a municipal service is rendered on land which is not specified on a plan, and a portion of such land which is not so delineated but which is connected to the sewage system or is capable of being so connected;

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

“public water” means any river, watercourse, bay, estuary, the sea and any other water which the public has a right to use or to which the public has the right of access;

“septic tank” means a tank designed to receive and retain sewage for such a time and in such a manner as to ensure adequate decomposition;

“sewage” means waste water, trade effluent, standard domestic effluent and other liquid waste, either separately or in combination, but excludes stormwater;

“Sewage Disposal By-laws of 1999” means the Durban Transitional Metropolitan Council Sewage Disposal By-law, MN No. 27 of 1999;

“sewage disposal system” means the structures, pipes, valves, pumps, meters or other associated items used in–

- (a) conveying sewage through the sewer reticulation system;
- (b) treating sewage at the treatment works under the control of the Municipality;
- and
- (c) the disposal of sewage,

including sea outfalls;

“sewer” means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for conveying sewage from the connecting sewer, but excludes any drain;

“standard domestic effluent” means domestic effluent which meets strength characteristics relating to chemical oxygen demand and settleable solids as prescribed by the Municipality from time to time as being appropriate to sewage discharges from domestic premises, but excludes trade effluent;

“stormwater” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

“trade effluent” means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any industrial, trade, manufacturing, mining or chemical process or any laboratory research or agricultural activity, and includes any liquid other than standard domestic effluent or stormwater;

“trade premises” means premises upon which trade effluent is produced;

“urine diversion toilet” means a toilet which–

(a) separates urine and faecal matter through the use of a special pedestal and separate urinal to divert urine to soak away in order that only faecal matter collects in the pit; and

(b) consists of–

- (i) two pits;
- (ii) a cover slab;
- (iii) a superstructure; and
- (iv) a vent pipe to each pit;

“**VIP**” means a ventilated improved pit latrine;

“**Water Services Act**” means the Water Services Act, 1997 (Act 108 of 1997);

“**working day**” means a day other than a Saturday, Sunday or public holiday.

“**1 in 50 year flood level**” means that level reached by flood waters resulting from a storm of a frequency of one in 50 years; and

“**1 in 50 year flood plain**” means the area subject to inundation by flood waters from a storm of a frequency of one in 50 years;

Interpretation of By-law

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

Objects of By-law

3. The object of this By-law is to regulate sewage disposal in a manner which–

- (a) progressively ensures efficient, affordable, economical and sustainable access to sanitation and sewage services;
- (b) regulates the duty of customers to pay for sanitation and sewage services;
- (c) provides various measures to assist those who are economically unable to meet normal service charges; and
- (d) complies with the Water Services Act.

Application of By-law

4. This By-law applies to all areas which fall under the jurisdiction of the eThekweni Municipality and is binding on all persons to the extent applicable.

**CHAPTER 2
GENERAL PROVISIONS****Provision of services to trade premises**

5. A person who wants to construct or cause to be constructed any building or development must, when undertaking an environmental impact assessment, ensure that provision is made for the treatment and disposal of domestic sewage, trade effluent and stormwater.

Objectionable discharge

6.(1) A person may not cause or permit, whether wilfully or negligently, any solid, liquid or gaseous substance other than stormwater to enter any—

- (a) stormwater drain, stormwater sewer or excavated or constructed watercourse;
- (b) river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act, 1998 (Act No. 36 of 1998);
- (c) street; or
- (d) premises.

(2) The Municipality may prescribe the minimum standards and criteria dealing with the discharge of sewage or any substance into the sewage disposal system.

(3) A person may not discharge or permit the discharge or entry into the sewage disposal system of any sewage or other substance—

- (a) which does not comply with the standards and criteria prescribed by the Municipality;
- (b) which—
 - (i) is offensive;
 - (ii) has an odour;
 - (iii) has fats;

(iv) has excessive foam; or

(v) has colour dyes,

and may cause an obstruction or public health nuisance in the inflow of any treatment works;

(c) which contains any substance in such concentration as will produce or is likely to produce any offensive or otherwise undesirable taste, colour, odour, obstruction or any foam in the final treated effluent—

(i) at any treatment works;

(ii) at any sea outfall discharge point; or

(iii) in any public water;

(d) which may prejudice the re-use of treated sewage or adversely affect any of the processes by which sewage is purified for re-use or treated to produce sludge for disposal;

(e) which contains any substance or thing which—

(i) is not amenable to treatment to a satisfactory degree at a treatment works; or

(ii) causes or is likely to cause a breakdown, pass-through or inhibition of the treatment processes in use at such works with the exception of an electrical conductivity below 95mS/m at the head of the treatment works;

(f) which contains any C.O.D, substance or thing which is of such strength or nature, or which is amenable to treatment only to a limited degree, and will result in effluent from the treatment works or discharge from a sea outfall being unable to comply satisfactorily with any requirements of or under the National Water Act;

(g) which may—

(i) cause danger to the health or safety of any person;

(ii) be injurious to the structure or materials of the sewage disposal system; or

(iii) prejudice the use of any ground used by the Municipality for the sewage disposal system,

other than in compliance with any permission issued in terms of this By-law; or

(h) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.

(4) No trade effluent may be allowed to enter a septic tank or a French drain.

(5) A person may not cause or permit any stormwater to enter the sewage disposal system.

(6) An authorised official may, by written notice, order the owner or occupier of any premises to conduct, at his or her own cost, periodic expert inspections of the premises in order to

identify precautionary measures which would ensure compliance with this By-law and to report such findings to an authorised official.

(7) An authorised official may by written notice order the owner or occupier of any premises to execute, at his or her own cost, any precautionary measures required by the Municipality to prevent any contravention of the provisions of this By-law.

(8) An authorised official may, by written notice, order a person who breaches this By-law or condition imposed in terms of this By-law to remedy such breach within a period specified in the notice at the persons own cost.

(9) If any person contravenes any provision of subsection (1) or (3), he or she must within 12 hours advise an authorised official of the details of the contravention and the reasons for it.

CHAPTER 3 USE OF SEWAGE DISPOSAL SYSTEM

Agreement to provide services

7. Subject to any applicable law an authorised official may enter into an agreement with any person on behalf of the Municipality to provide a sewage disposal service.

Application for use of sewage disposal system

8.(1) A person wishing to use the sewage disposal system must make application to the Municipality in the form required, accompanied by such information as the Municipality may require from time to time.

(2) An application for the use of the sewage disposal system which has been granted by the Municipality constitutes an agreement between the Municipality and the customer.

(3) The owner is liable for all the prescribed fees in respect of the use of the sewage disposal system granted to him or her until the agreement between the Municipality and the owner is terminated.

(4) Where premises have been connected to the sewage disposal system, or are reasonably capable of being so connected, it must be deemed for the purpose of this By-law that an agreement in terms of subsection (1) exists.

Special agreements for disposal of sewage

9.(1) The Municipality may enter into a special agreement for the disposal of sewage with a person—

- (a) inside the area of jurisdiction of the Municipality, if the disposal necessitates the imposition of conditions not contained in this By-law; or
- (b) outside the area of jurisdiction of the Municipality.

(2) A special agreement must be subject to any resolution passed by an authorised official.

(3) If the Municipality, in terms of a special agreement, provides a means of disposal of sewage to a person outside the area of jurisdiction of the Municipality, it may permit him or her to accept sewage for eventual disposal by the Municipality from other persons outside the area of jurisdiction of the Municipality, subject to such conditions as the Municipality deems fit.

Termination of agreement

10. A person may terminate an agreement referred to in section 8 or 9 by giving the Municipality not less than five working days' notice in writing of his or her intention to do so: Provided that the authorised official is satisfied with the manner in which sewage arising from the premises will be disposed of on the termination of the contract.

Provision of connecting sewer

11.(1) In the event that—

- (a) an agreement for the use of the sewage disposal system in accordance with section 8 or 9 exists; and
- (b) no connecting sewer exists in respect of the premises,

the owner or his or her agent must immediately make application on the prescribed form and pay the prescribed charge for the installation of a connecting sewer.

(2) If an application is made for use of the sewage disposal system for premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose.

(3) An authorised official may agree, at the request of any person and subject to such conditions as the authorised official may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises: Provided that the applicant must be responsible for—

- (a) any extension of the drainage installation to the connecting point designated by an authorised official; and
- (b) obtaining at his or her cost, such servitudes over other premises as may be necessary.

(4) A connecting sewer provided and installed by the Municipality must—

- (a) be located in a position determined by an authorised official;
- (b) terminate—
 - (i) at a connection point approximately one metre inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right; or
 - (ii) when subsection (3) applies, at the connecting point designated in terms of that subsection; and
- (c) be of a size determined by an authorised official.

(5) An owner or his or her agent must pay the connection charge prescribed by the Council.

(6) Where an owner or his or her agent is required to provide a sewage lift as contemplated in the National Building Regulations, the rate and time of discharge into the sewer are subject to the approval of an authorised official.

Acceptance of sewage delivered by road haulage

12.(1) An authorised official may, and subject to such conditions as he or she may specify, accept sewage for disposal delivered by road haulage to a specified treatment works facility of the Municipality.

(2)(a) A person may not discharge sewage into the facilities of the Municipality by road haulage, except with and in terms of the written permission of an authorised official.

(b) The charges for any sewage delivered for disposal to any Municipal facility must be assessed by an authorised official in accordance with the charges prescribed from time to time in terms of section 28.

(3) When delivery is by road haulage, the—

(a) time of delivery must be arranged with an authorised official; and

(b) nature and composition of the sewage must be established to the satisfaction of an authorised official prior to the discharge thereof,

: Provided that a person may not deliver sewage which does not comply with the standards laid down in accordance with this By-law.

(4) An authorised official may withdraw any permission to discharge sewage delivered: Provided that 14 days written notice is given to the permit holder, if the permit holder—

(a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule “A” or “B”, as applicable, or in the permit;

(b) fails or refuses to comply with any notice lawfully served on him or her in accordance with this By-law or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her; or

(c) fails to pay the assessed charges in respect of any sewage delivered.

CHAPTER 4

LEVELS OF SUPPLY: HOUSEHOLDS AND INFORMAL SETTLEMENTS

Levels of supply of sanitation to households

13.(1) The sanitation provided to domestic households must be in the form of one of the following methods:

(a) a privately owned urine diversion toilet;

(b) if a municipal waterborne sewerage reticulation system is available, connection to such system; or

(c) if a municipal waterborne sewerage reticulation system is not available, an on-site privately-owned sewage disposal system.

(2)(a) The sanitation must match the available water supply to the premises concerned.

(b) Where—

- (i) water supply to a household is limited to 300 litres per day via a ground tank or yard tap, sanitation must be provided in the form of a urine diversion toilet or an alternative approved by an authorised official; and
- (ii) either a semi-pressure supply or a full pressure water supply is provided by the Municipality, sanitation must be provided in the form of the municipal waterborne sewerage reticulation system or an on-site privately-owned sewage disposal system.

(3)(a) The Municipality may prescribe that a particular sanitation method must be applied in a particular area.

(b) Any form of sanitation other than that prescribed for an area as contemplated in paragraph (a) may be used only with the permission of an authorised official: Provided that the—

- (i) sanitation method matches the level of available water supply;
- (ii) sanitation method is implemented by the householder; and
- (iii) water supply system is able to sustain the level of water demand.

(4) The following sanitation methods for domestic households are not permitted without an authorised official's consent, which may only be granted under exceptional circumstances:

- (a) night soil pail;
- (b) a simple, unimproved pit latrine; and
- (c) a conventional VIP or chemical toilet.

Sanitation of informal settlements

14.(1) Sanitation to informal settlements must be provided by means of either—

- (a) an ablution block connected to the municipal waterborne sewerage reticulation system; or
- (b) a toilet block where no connection to the municipal waterborne sewerage reticulation system is available: Provided that each toilet must be equipped with its own VIP pit which must be emptied as and when required.

(2) The minimum level of access to sanitation provided in informal settlements must be an ablution block or toilet block within 200 meters of every household.

CHAPTER 5 DRAINAGE INSTALLATION

Drains in streets or public places

15. A person may not, for the purpose of conveying sewage, construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of an authorised official and subject to such conditions as he or she may deem fit.

Construction by Municipality on private premises

16.(1) The Municipality may, by agreement with the owner of any premises, construct drains on those premises at the cost of the owner.

(2) When agreeing with the owner of premises to construct drains on those premises, a term of the agreement must be that the owner will be liable for the full cost of construction as certified by an authorised official, either in advance or on demand.

Maintenance of drainage installation

17.(1) In the event that the owner or occupier of any premises fails to—

(a) provide a drainage installation and a sewer connection; or

(b) keep the drainage installation on those premises in proper working condition,

the Municipality may itself carry out any necessary work on the premises, and recover the full cost thereof from the owner or occupier.

(2) Any person who requests that a drainage installation be cleared by the Municipality is liable to pay the fee as prescribed.

(3) An authorised official may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section of the installation and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

Installation of pre-treatment facility

18.(1) Pre-treatment facilities must satisfy the requirements of the National Building Regulations and Building Standards Act, and must be provided in accordance with SANS 10400-P.

(2) Where necessary an authorised official, in his or her discretion, may require that new premises be provided with such additional pre-treatment facility of a type specified by him or her prior to such premises being connected to the sewage disposal system.

Protection from ingress of floodwaters

19. Where premises are situated in the 1 in 50 year flood plain, the top level of manholes, inspection chambers and gullies must be placed above the 1 in 50 year flood level, except in the case of manholes and inspection chambers, where the cover is secured in place by means approved by an authorised official.

**CHAPTER 6
DEVELOPMENTS****Sewage disposal in sectional title developments**

20.(1) The developer of a new sectional title development must, at his, her or its own cost, construct an approved sewage reticulation system, including any pump-stations and rising mains, which is adequate to serve each household and any common areas as required.

(2) Where the municipal waterborne sewage reticulation system is available to serve the development, the developer must at his, her or its own cost connect the internal sewage reticulation system to the municipal reticulation system.

(3) Where the municipal waterborne sewage reticulation system is not available to serve the development, the developer must install a suitable on-site privately-owned sewage disposal system.

Sewage disposal to mini-sub developments

21.(1) The developer of any new mini-sub development is required to construct, to the specifications of the Municipality, a sewage reticulation system, including any pump-stations and rising mains, to serve each freehold site and any common areas as required.

(2) Where the municipal waterborne sewage reticulation is available to serve the development, the developer must connect the internal sewage reticulation system to the municipal reticulation system.

(3) The Municipality may take over the reticulation, up to the connection point, at no cost to the Municipality once—

- (a) the sewage reticulation system has been completed to the satisfaction of the Municipality; and
- (b) a complete set of as-built drawings have been received from the developer.

(4) Where the municipal waterborne sewage reticulation is not available to serve the development, the developer may investigate the provision of a suitable on-site privately-owned sewage disposal system, subject to the home owner's association fulfilling its obligations as water services provider or water services intermediary.

CHAPTER 7

PRIVATELY-OWNED SEWAGE DISPOSAL SYSTEMS

Septic tanks

22. Septic tank systems must be designed in accordance with SANS 10400-P, or by a competent person as defined therein, to satisfy the requirements of Part P of the National Building Regulations and Building Standards Act.

Conservancy tanks

23.(1) A conservancy tank may only be installed on premises with the prior permission of an authorised official, which will only be granted in exceptional circumstances.

(2) If permission for a conservancy tank on premises is granted in areas where there is municipal waterborne sewerage, the following conditions apply:

- (a) the conservancy tank must–
 - (i) satisfy the requirements set out in Part P of the National Building Regulations and Building Standards Act; and
 - (ii) be designed in accordance with SANS 10400-P, or by a competent person as defined therein;
- (b) the scale of the proposed development must be limited;
- (c) the authorised official must be satisfied that adequate arrangements have been made for the required emptying service; and
- (d) for a–
 - (i) domestic application, the conservancy tank must have a minimum capacity of 7000 litres and a minimum retention capacity for seven days ; and
 - (ii) non-residential application, the conservancy tank must have a minimum capacity sufficient to hold four days retention of the potential flow generated.

Privately-owned sewage treatment plant

24.(1) A–

- (a) privately-owned sewage treatment plant may only be installed on premises; and
- (b) privately-owned low volume domestic sewage treatment plant may only be installed on domestic premises,

with the prior permission of an authorised official, which will only be granted in exceptional circumstances.

(2) If permission for a privately-owned low volume domestic sewage treatment plant on domestic premises is granted, the following conditions apply:

- (a) the plant must comply with the eThekweni guideline document: Package Plants for The Treatment of Domestic Wastewater, as published and amended from time to time;
- (b) the developer must appoint a professional engineer at the commencement of the project and such professional engineer–
 - (i) is responsible for the design and selection of the plant;
 - (ii) must supervise the construction, installation and commissioning of the plant; and
 - (iii) is responsible for the operational control, monitoring and maintenance of the plant for a period of five years in terms of a service contract to the satisfaction of an authorised official ; and
- (c) the developer must lodge a financial guarantee with the Municipality in an amount equal to 1,5 times the total cost of the plant for a period of five years.

(3) The Municipality may prescribe additional requirements for privately-owned low volume domestic sewage treatment plants.

(4) If the discharge from a privately-owned low volume domestic sewage treatment plant does not comply with the General Limit Values as set by the Department of Water Affairs and Forestry's General Authorisations in terms of Section 39 of the National Water Act, an authorised official may instruct the owner of such plant to discharge into an approved municipal facility on such conditions as an authorised official may prescribe.

(5) If it becomes apparent that a privately-owned low volume domestic sewage treatment plant does not meet the discharge standards set by the Department of Water Affairs as in subsection (4) above, an authorised official may instruct the owner of the plant to remove and replace the plant at his or her own cost.

CHAPTER 8 TRADE EFFLUENT

Permission to discharge trade effluent

25.(1) A person may not discharge, cause or permit to be discharged into the municipal sewage disposal system any trade effluent, except in terms of permission granted in accordance with—

- (a) this By-law;
- (b) any conditions relating to the permission granted; and
- (c) any standards and criteria prescribed by an authorised official from time to time.

(2) Any application for permission to discharge trade effluent into the sewage disposal system must be made in accordance with the requirements stipulated by an authorised official and against payment of the prescribed fee.

(3) An authorised official may grant an applicant permission to discharge trade effluent into the municipal sewage disposal system if, in his or her opinion, there is sufficient capacity in the sewage disposal system to permit the—

- (a) conveyance;

(b) effective treatment; and
(c) lawful disposal,
of the additional trade effluent.

(4) The person to whom permission has been granted in terms of this Chapter shall ensure that no trade effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedules "A" and "B" hereto.

(5) In granting permission to discharge effluent into the municipal sewage disposal system, an authorised official may—

- (a) specify the duration of the permission;
- (b) impose any conditions in addition to those which may be prescribed by an authorised official; and
- (c) relax or vary the standards set up in Schedules "A" and "B" or any conditions prescribed by an authorised official if he or she is satisfied that any relaxation or variation is the best practicable environmental option taking into account the following factors:
 - (i) whether the applicant's plant is operated and maintained at optimal levels;
 - (ii) whether the technology used by the applicant represents the best available technology to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (iii) whether the applicant is implementing a programme of waste minimisation which complies with waste minimisation or management standards prescribed in terms of applicable legislation;
 - (iv) the cost to the Municipality of granting the relaxation or variation; and
 - (v) the environmental impact, or potential impact, were the relaxation of variation to be granted and in doing so must apply a risk-averse and cautious approach.

(6) A duly qualified sampler may take test samples at any time to ascertain whether the trade effluent complies with the provisions of this By-law and any standard or condition prescribed by the permit from time to time.

(7) The authorised official may in the permit or at any time, by written notice, require a permit holder to—

- (a) subject trade effluent to any preliminary treatment that, in the opinion of the authorised official, ensures that such effluent conforms with this By-law and any

standard or condition prescribed by the authorised officer, and in Schedules “A” and “B” before being discharged into the municipal sewage disposal system;

(b) install equalising tanks, valves, pumps, appliances, meters and other equipment as, in the opinion of the authorised official, is necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed on the permit holder;

(c) install for the conveyance of his or her trade effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent, and may prohibit such permit holder from disposing of his or her—

(i) trade effluent at any other point; and

(ii) waste water and standard domestic effluent by means other than into a sewage disposal system;

(d) construct on any pipe conveying his or her trade effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the authorised official may require;

(e) provide all such information as may be required by the authorised official to enable him or her to assess the charges due to the Municipality in accordance with this By-law;

(f) provide adequate facilities to prevent a discharge into the sewage disposal system which is in contravention of the provisions of this By-law, including but not limited to level or overflow detection devices, standby equipment, overflow catchpits or other appropriate means;

(g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times laid down by the authorised official, and to forward copies of the calibration certificate to him or her; and

(h) cause his or her trade effluent to be analysed as often and in such manner as may be prescribed by the authorised official, and to provide the Municipality with returns of these tests when completed.

(8) The owner or occupier of any premises must at his or her own cost install precautionary measures to prevent the contravention of any provision of this By-law as contemplated in any guidelines set out by the Municipality relating to the approval of building plans, which include but are not limited to the following:

(a) installing an impermeable containing structure or bund around all liquid containers with a volume not less than the volume of the largest liquid container therein; and

(b) ensuring all containing structures are roofed with gutters to ensure that clean stormwater run-off is directed to the stormwater drainage system.

(9) The authorised official may grant a relaxation of the requirements set out in subsection (8) if the permit holder applies for such relaxation in writing and is able to—

- (a) prove that there would be no increased risk to the environment; and
- (b) demonstrate what other provisions he or she would put in place to minimise the risk.

(10) In the event of failure or a faulty recording meter or other device, the volume must be assessed by such means as an authorised official may decide.

(11) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in accordance with subsection (7) must be borne by the permit holder concerned.

(12) A permit holder must obtain the written permission of the authorised official for any proposed changes to the composition of trade effluent discharged into the sewage disposal system.

(13) If a permit holder discharges into the sewage disposal system any trade effluent which does not comply with the permit issued in respect of that process or premises, the permit holder or his or her agent must, within 12 hours of the discharge, notify an authorised official of the incident and the reasons for it.

(14) The authorised official may withdraw any permission to discharge trade effluent into the sewage disposal system if the permit holder—

- (a) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her;
- (b) fails to pay the assessed charges in respect of any trade effluent discharged; or
- (c) fails to ensure trade effluent quality complies with Schedules “A” and “B”,

: Provided that the permit holder must be given 14 days written notice.

(15) If the authorised official withdraws permission to discharge trade effluent, he or she may—

- (a) in addition to any steps prescribed in this By-law, and on 14 days written notice served on the permit holder, authorise the closing or sealing of the connecting sewer of

the premises concerned to any sewer for such charge as may be prescribed by the authorised official; and

(b) continue to refuse to accept any further trade effluent from the permit holder until he or she is satisfied that the permit holder concerned has taken adequate steps to ensure that the trade effluent to be discharged conforms with the standards prescribed in this By-law.

(16) If the authorised official authorises the reopening of the connection or seal after it being closed, the permit holder is liable for the charge in terms of the prescribed charges.

(17)(a) If it comes to the attention of the authorised official that a person is discharging trade effluent which has the potential, if allowed to continue, to seriously damage the sewage disposal system or the environment, he or she may immediately authorise the sealing of the sewer connection through which the trade effluent is being discharged.

(b) A person may not permit the opening of the connection contemplated in paragraph (a) until an authorised official is satisfied that the trade effluent will comply with the prescribed standards.

(18) The provisions of this section apply equally to trade effluent discharged into any of the sea outfalls of the Municipality, subject to applicable legislation, and further subject to the following provisions:

(a) where trade effluent is accepted for discharge into a sea outfall, it must be delivered to the point of acceptance approved by the authorised official by means of a pipeline constructed and maintained by the permit holder at his or her own expense;

(b) no trade effluent may be accepted for discharge into a sea outfall unless it complies with the standards and criteria set out in Schedule "B";

(c) trade effluent may not be accepted for discharge into a sea outfall unless it, whether alone or in combination with other substances, can be demonstrated to the satisfaction of the authorised official not to be toxic to marine fauna or flora and not to contain any—

(i) other constituents in concentrations which—

(aa) can create a nuisance on the beaches or in the sea, or a health hazard; or

(bb) may have an adverse effect on bathing or other recreational areas;

(ii) floating material;

(iii) substance which may be prejudicial or injurious to the sea outfalls of the Municipality and associated sumps, sewers, plant and equipment or to its employees;

- (iv) materials capable of creating a nuisance by frothing; and
 - (v) standard domestic effluent;
- (d) subject to the provisions of subsection (c), the authorised official may, in writing in the permission concerned, relax or vary the standards and criteria prescribed by Schedule "B";
- (e) the delivery pipeline from the premises concerned to the point of acceptance must be maintained in a proper condition and free from all leaks;
- (f) acceptance of the trade effluent must be subject to periodic review: Provided that such review may be made at any time if, in the opinion of the authorised official, special circumstances which may include but is not limited to, the pollution of the sea or beaches, the killing of fish, or other incidents, arise as a result of the acceptance thereof into a sea outfall;
- (g) a suitable sampling point to the satisfaction of the authorised official must be provided by the permit holder in respect of the trade premises concerned;
- (h) the above mentioned sampling point shall be labeled to the satisfaction of the authorised official; and
- (i) the authorised official must be notified of any proposed changes in the process of manufacture or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the trade effluent discharged: Provided that the permission of the authorised official must be obtained for the continued discharge of such effluent.

CHAPTER 9 PAYMENT FOR SERVICES

Payment for use of sewage disposal system

26.(1) Payment for the use of the sewage disposal system must be made—

- (a) in accordance with the prescribed tariff for the disposal of sewage;
- (b) in terms of a special agreement entered into between the Municipality and a person in terms of section 9; or
- (c) in terms of some other means as prescribed by the authorised official.

(2) Payment is due and payable on the due date stipulated in the account.

Trade effluent charge when sewage rates applied

27. When the charge for the use of the sewage disposal system is by means of sewage rates and a person holds a permit for the discharge of trade effluent in excess of the prescribed minimum volume of 'T' kilolitres per month, the permit holder is liable to charges in addition to that levied by means of sewage rates, calculated in accordance with section 28.

Trade effluent charges

28. The Municipality may prescribe trade effluent charges and amend such charges as it deems necessary.

Sewage disposal charge when tariff rates applied

29. When a charge for the use of the sewage disposal system is by means of prescribed tariff rates, charges for standard domestic effluent become payable by the customer when a premises—

- (a) is connected to the sewage disposal system or is reasonably capable of being so connected; or
- (b) receives a supply of water from the Municipality.

Trade effluent charge when tariff rates applied

30.(1) A person who holds a permit for the discharge of trade effluent in excess of the prescribed minimum volume of 'T' kilolitres per month, is liable for a minimum charge per kilolitre of trade effluent which is equivalent to the charge for the disposal of standard domestic effluent.

(2) In addition to the provisions of subsection (1), a permit holder who discharges a trade effluent with a strength or quality greater than standard domestic effluent is liable for an additional charge in respect of high strength sewage calculated in accordance with the provisions of section 28.

Volume of standard domestic effluent determined for payment purposes

31.(1) The volume of standard domestic effluent must be determined—

- (a) by a percentage of water supplied by the Municipality in accordance with any prescribed procedures;
- (b) on an assessment made by the authorised official based on criteria such as the number of employees at a premises, the number of shifts worked, number of meals served and the like; or
- (c) where premises are supplied with water from a source in addition to the water supply system of the Municipality, by river abstraction or partially or wholly by a borehole, on an assessment made by the authorised official based on such criteria as he or she deems relevant.

(2) Notwithstanding the provisions of subsection (1)(a), where the authorised official is of the opinion that the percentage applicable in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, he or she may reduce the percentage applicable to those premises to a figure which, in his or her opinion and in the light of information then available, more realistically reflects the proportion between the likely volume of sewage discharged from the premises and the quantity of water supplied thereto.

Volume of trade effluent determined for payment purposes

32. The volume of trade effluent discharged into the sewage disposal system or to sea outfalls must be determined in the following ways:

- (a) where direct measurements of the volume of trade effluent discharged from a premises are made, such volume must be used for the purposes of calculating the amount payable;
- (b) where no direct measurement of the volume of trade effluent discharged from the premises are made, then the volume must be determined as a percentage of water supplied by the Municipality in accordance with procedures prescribed by the Municipality;
- (c) where premises are supplied with water from a source in addition to the Municipality's water supply system, by river abstraction or partially or wholly by a borehole, the volume must be assessed by the authorised official based on such criteria as he or she may deem relevant; and
- (d) where a portion of the water supplied to a permit holder forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the authorised official may, in his or her

sole discretion, on application by the permit holder, reduce the assessed volume of trade effluent.

Other charges

33.(1) Notwithstanding anything to the contrary contained in this By-law, the authorised official may prescribe and levy the following charges:

- (a) a charge payable by any person in respect of a minimum volume of sewage;
- (b) a charge payable by any person in the form of a general surcharge on the prescribed charges for use of the sewage disposal system in the event that there is any prohibition or restriction in the consumption or use of water;
- (c) a charge for the recovery of costs incurred by the Municipality for trade effluent control and monitoring of permit holders who dispose of trade effluent into the sewage disposal system;
- (d) a charge payable by a person who disposes of an objectionable discharge as referred to in section 6 for the recovery of full costs incurred by the Municipality in tracing the source of such objectionable discharge and in remedying the effects thereof: Provided that such full cost must include the environmental cost;
- (e) a charge payable by any person at–
 - (i) the applicable prescribed tariff rate; or
 - (ii) if no tariff has been prescribed, the full cost for any other service rendered or goods sold;
- (f) additional charges for any charges relating to water quality that may be levied by the national government;
- (g) a charge payable by any person who exceeds the discharge limits as set out in Schedules “A” and “B”; and
- (h) charges in respect of the estimated volume of storm water discharged into sewer by the owner of any premises where storm water infiltration into the sewerage reticulation has been found: Provided that the volume of storm water entering the sewer system must be estimated by the authorised official.

(2) No person must establish or operate an industry or a commercial undertaking, producing waste or water containing waste in an area zoned for residential purposes.

Payment of deposit

34.(1) The authorised official may require any person to deposit with the Municipality a sum of money representing the cost of sewage disposal charges which in his or her opinion would be incurred by the person during a period specified by the Municipality.

(2) A deposit contemplated in subsection (1) must accompany the application submitted in accordance with section 8 or subsection (1).

(3) A deposit paid in accordance with subsection (1) may not be regarded as being in payment or part payment of a current account due for the disposal of sewage.

(4) Subject to the Credit Control and Debt Collection By-law the Municipality may, by notice in writing, require the person concerned to increase the deposit by an amount specified in such notice.

(5) Subject to the Credit Control and Debt Collection By-law the Municipality may of its own accord, or at the request of a customer, reduce the amount of a deposit or a guarantee required by him or her if the Municipality is satisfied that the reduction is justified by—

- (a) the present level of sewage disposal charges to the customer; or
- (b) a change in the circumstances pertaining to the assessment of the original amount of the deposit or guarantee.

Reduction of amount payable if water wasted or leakage undetected

35.(1) A person is entitled to a reduction of the amount payable for the disposal of sewage in the event that the water meter readings upon which the charge is calculated include any period during which—

- (a) water was wasted; or
- (b) a leakage was undetected,

: Provided that the customer demonstrates to the satisfaction of the authorised official that the water was not discharged into the sewage disposal system.

(2) The amount payable for the disposal of sewage may be reduced by an amount based on the volume of standard domestic effluent calculated from the volume of potable water lost through leakage or wastage during the leak period.

(3) The leak period must be either the metering period immediately prior to the date of repair of the leak or the metering period during which the leak is repaired, whichever results in the greater reduction of the amount payable.

(4)(a) The volume of lost water must be calculated as the consumption for the leak period less an average consumption, based on the preceding three months, for the same length of time.

(b) If—

(i) there is no previous consumption history existing; or

(ii) the average consumption is not considered representative by the authorised official, the average water consumption is that amount determined by him or her, after due consideration of all relevant information.

(c) There may be no reduction of the amount payable as a result of a loss of water directly or indirectly caused by or resulting from—

(i) subsidence or landslip;

(ii) refilling of swimming or other pools or ponds, whether following leakage or otherwise;

(iii) the deliberate act of the person who has suffered such loss or any person acting on his or her behalf if such act results in loss of water; or

(iv) water installations that do not conform to any installation guidelines of the Municipality.

Amendments to amount payable

36. If, for any reason, a person liable under this By-law is—

(a) not charged at all; or

(b) charged for sewage at a rate lower than that for which he or she is liable,

he or she may not be absolved from payment, and must on demand remit all sums due to the Municipality, calculated in accordance with the provisions of this By-law.

Amendments to prescribed charges

37. Where amendments to the prescribed tariff rates for disposal of sewage become operative on a date between meter readings, the customer must pay charges calculated on the same quantity of sewage as was disposed of in each period of 24 hours during the interval between meter readings.

CHAPTER 10 PROTECTION OF SEWAGE DISPOSAL SYSTEM

Trespassing on sewage disposal system

- 38.** Except with the prior authority of the authorised official, a person may not enter—
- (a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or where entry is prohibited by notice boards; or
 - (b) a structure used by the Municipality in connection with its sewage disposal system.

Interference with sewage disposal system

- 39.** Except with the prior authority of the authorised official, a person may not—
- (a) interfere or tamper with the sewage disposal system except under the provisions of section 43;
 - (b) make a connection to the sewage disposal system except under the provisions of section 11; or
 - (c) construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

Damage to sewage disposal system

40.(1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.

(2) A person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Municipality or over which it has a servitude or other right must, prior to commencement of such work, ascertain from the Municipality whether any part of the sewage disposal system is situated on the land.

(3) If work, which in the opinion of the authorised official could damage or endanger the sewage disposal system, is to be performed or is being performed on land contemplated in subsection (2), or on land adjacent thereto, he or she may by notice in writing require the person concerned not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

Consequential maintenance of sewers

41. Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of this By-law or otherwise, the authorised official may–

- (a) carry out such work, maintenance or repair as the authorised official considers necessary; or
- (b) remove the obstruction,

at the expense of such person and recover from that person the full cost of doing so.

Obstruction of access to sewage disposal system

42.(1) A person may not prevent or restrict access to the sewage disposal system.

(2) In the event that a person contravenes the provisions of subsection (1), the authorised official may–

- (a) by written notice require the person to restore access at his or her own cost within a specified period; or
- (b) if he or she is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full cost of doing so from the person.

Work by private persons

43.(1) The authorised person or his or her agents must lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's conditions of contract applicable to the work and the provisions contemplated in subsection (2).

(2) If the authorised official elects to allow another person to lay a sewer or connecting sewer, the work must be done in accordance with the standards and procedures approved by the Municipality for such work, including the following provisions:

- (a) any person carrying out work must, prior to commencement of such work, lodge with the authorised official a written indemnity to the satisfaction of the authorised official, indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;

(b) where a connection is to be made with any sewer, it must be made at a point indicated by the authorised official;

(c) whenever the surface of any street or road has been disturbed in the course of work, the restoration of the surface of the street or road must be undertaken solely by the Municipality at the expense of the person carrying out such work; and

(d) before disturbing the surface of any street or road, a deposit must be made with the Municipality which in the opinion of the authorised official is sufficient to cover the estimated cost of restoration: Provided that when the actual cost is greater or less than the amount deposited, any–

(i) excess must be recoverable from such person; or

(ii) balance must be refunded to him or her.

(3) All work must be carried out in accordance with the requirements, and to the satisfaction of, the authorised official.

CHAPTER 11 ENFORCEMENT

Entry by authorised official

44.(1) An authorised official may for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time–

(a) enter premises;

(b) request information;

(c) take samples; and

(d) make such inspection, examination and enquiry and carry out work,

as he or she may deem necessary, and for those purposes operate any component of the drainage installation.

(2) If an authorised official considers it necessary that work be performed to enable him or her to properly and effectively implement a function contemplated in subsection (1), he or she may–

(a) by written notice require the owner or occupier of the premises at his or her own cost to do specified work within a specified period; or

(b) if in his or her opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, the cost of which must be recovered from the owner or occupier.

(3) If the work contemplated in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is proved, the Municipality must bear the expense connected therewith together with that of restoring the premises to its former condition: Provided that in all other circumstances, the owner of the premises must bear such expense.

(4) All health and safety and access control policies and procedures in place at a premises must be amended to prevent any delays in the carrying out of a person's responsibilities in terms of this By-law.

(5) A person may not refuse access to, interfere with, hinder or obstruct an authorised official in the exercise of his or her powers in terms of the provisions of this By-law.

(6) An authorised official must, when entering any premises, produce a valid identification document issued to him or her by the Municipality, to the owner or occupier.

Powers of authorised officials

45. An authorised official may, when entering any premises—

- (a) inspect, monitor or investigate any part of those premises relating to the water system, sewage disposal system or other drainage system as well as where chemicals of any nature are handled, stored or disposed of;
- (b) question the owner or any occupier of the building;
- (c) take photos of the premises;
- (d) take samples;
- (e) seize pertinent evidence relating to water quality; or
- (f) do anything necessary to implement the provisions of this By-law.

Service of notices

46.(1) Whenever a compliance notice is required to be served on a person in terms of the provisions of this By-law, it is deemed to have been effectively and sufficiently served on that person—

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence, employment or business in the Republic of South Africa with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic of South Africa and an acknowledgement of the posting thereof is produced;
- (d) if his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in the Republic of South Africa in the manner contemplated in paragraphs (a), (b) or (c); or
- (e) if his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to a door, gate or in any other conspicuous place on the building.

(2) When a compliance notice is required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property—

- (a) it is not necessary to name him or her; and
- (b) he or she may be described as the owner or holder of such premises or other right, as the case may be.

Indemnity

47. The Municipality and any authorised official are not liable to any third party for any damage caused by anything lawfully done or omitted by the Municipality or any authorised official in carrying out any function or duty in terms of this By-law.

Lawful instructions

48. Failure to comply with a lawful request of an authorised official constitutes a contravention of this By-law.

Recovery of costs

49. If a person—

- (a) contravenes the provisions of this By-law or of any other By-law; or
- (b) fails or refuses to comply with a compliance notice issued in accordance with this By-law,

such person is guilty of an offence and the Municipality may take any steps required in the compliance notice itself and recover the costs from such person: Provided that such liability is in addition to any fine which may be imposed on such person.

Offences

50. A person who—

- (a) contravenes any provision of this By-law;
- (b) fails or refuses to comply with a compliance notice issued to him or her;
- (c) fails to comply with any lawful instruction given in accordance with this By-law;
- (d) contravenes any conditions imposed in the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of this By-law;
- (e) threatens, resists, interferes with or obstructs any authorised official in the performance of official duties or functions in terms of or under this By-law; or
- (f) deliberately furnishes false or misleading information to an authorised official,

is guilty of an offence.

Penalties

51. (1) Any person who is convicted of an offence under this By-law shall be liable to a fine of an amount not exceeding R300 000 or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

(2) Failure to comply with the terms of this By-law or any terms of any condition or notice shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each hour during which he or she fails to comply with such terms.

(3) A person who commits an offence stated in subsection (1) or (2) shall be liable, in addition to the penalties prescribed in this By-law and any other law, to such charges as an authorised officer may assess as the full cost including the environmental cost incurred by the Municipality as a result of that offence.

CHAPTER 12 MISCELLANEOUS PROVISIONS

Delegations

52.(1) Subject to the Constitution and applicable national and provincial laws, any–

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in accordance with subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the–

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

Appeals

53.(1) A person whose rights are affected by a decision taken by an authorised official in terms of this By-law may appeal against that decision in terms of the appeals provision contained in Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.

(3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(5) The appeal authority must furnish written reasons for its decision on all appeal matters.

(6) All appeals lodged are done so in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

Repeal of laws and savings

54.(1) The laws mentioned in the first and second columns of Schedule C to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.

(2) All notices published under the Sewage Disposal By-laws of 1999 remain in full force and effect as if the said By-law has not been repealed as contemplated in subsection (1).

(3) Any rights accrued or obligations incurred as contemplated in the laws referred to in subsection (2) remain in force, as if those laws have not been repealed.

Short title and commencement

55. This By-law is called the eThekweni Municipality: Sewage Disposal By-law, 2015 and takes effect on the date of publication thereof in the *Provincial Gazette*.

SCHEDULE A
ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE INTO THE SEWAGE
DISPOSAL SYSTEM

No trade effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

All analyses must be undertaken by a laboratory accredited by an authority recognised by the Municipality using methods applicable for the given matrix, suitable detection limits and ranges.

The effluent shall not contain concentrations of substances in excess of those stated below— Large Works' general quality limits are applicable when an industry's effluent discharges in a catchment leading to a sewage works of greater than 25 Mℓ/d capacity. Small Works' quality limits apply for catchments leading to sewage works with less than 25 Mℓ/d capacity.

GENERAL QUALITY LIMITS		LARGE WORKS > 25 Mℓ/d	SMALL WORKS < 25 Mℓ/d	UNITS
1.	Temperature (°C)	< 44°C	< 44°C	Degrees Celcius
2.	pH	6 < pH < 10	6,5 < pH < 10	pH units
3.	Oils, greases, waxes of mineral origin	50	50	mg/ℓ
4.	Vegetable oils, greases, waxes	250	250	mg/ℓ
5.	Total sugar and starch (as glucose)	1 000	500	mg/ℓ
6.	Sulphates in solution (as SO ²⁻⁴)	250	250	mg/ℓ
7.	Sulphides, hydrosulphides and polysulphides (as S ²⁻)	1	1	mg/ℓ
8.	Chlorides (as Cl ⁻)	1 000	500	mg/ℓ
9.	Flouride (as F ⁻)	5	5	mg/ℓ
10.	Phenols (as phenol)	10	5	mg/ℓ

11.	Cyanides (as CN ⁻)	20	10	mg/l
12.	Settleable solids	Charge	Charge	mg/l
13.	Suspended solids	2 000	1 000	mg/l
14.	Electrical Conductivity	400	400	mS/m
15.	Anionic Surfactants	—	500	mg/l
16.	C.O.D.	Charge	Charge	mg/l
Heavy Metal Limits				
17.	Copper (as Cu)	50	5	mg/l
18.	Nickel (Ni)	50	5	mg/l
19.	Zinc (Zn)	50	5	mg/l
20.	Iron (Fe)	50	5	mg/l
21.	Boron (B)	50	5	mg/l
22.	Selenium (Se)	50	5	mg/l
23.	Manganese (Mn)	50	5	mg/l
24.	Lead (Pb)	20	5	mg/l
25.	Cadmium (Cd)	20	5	mg/l
26.	Mercury (Hg)	1	1	mg/l
27.	Total chrome (Cr)	20	5	mg/l
28.	Arsenic (As)	20	5	mg/l
29.	Titanium (Ti)	20	5	mg/l
30.	Cobalt (Co)	20	5	mg/l
31.	Colour as measured by American Dye Manufacturer's Index	450	450	ADMI
32.	Benzene, Toluene, Ethyl Benzene and Xylene	4	4	mg/l

SPECIAL LIMITATIONS

1. No calcium carbide, radioactive waste or isotopes.
2. No yeast & yeast wastes, molasses spent or unspent.
3. No cyanides or related compounds capable of liberating HCN gas or cyanogens.
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21°C.
5. No substance discharged at a flow rate and concentration that will cause interference with any Treatment Works.

SCHEDULE B
ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE EITHER DIRECTLY OR
INDIRECTLY INTO SEA OUTFALLS

No trade effluent shall be accepted for discharge into the sea outfall unless it complies with the following conditions. The effluent shall not contain concentrations of substances in excess of those stated below—

SEA OUTFALL QUALITY LIMIT			UNIT
1.	Temperature	44	°C
2.	pH	5,5 < pH < 9,5	
3.	Settleable solids	2	mg/l
4.	Oils, greases and waxes of mineral origin	50	mg/l
5.	Arsenic (expressed as As)	5	mg/l
6.	Cadmium (expressed as Cd)	1,5	mg/l
7.	Total chromium (expressed as Cr)	3	mg/l
8.	Copper (expressed as Cu)	3	mg/l
9.	Lead (expressed as Pb)	5	mg/l
10.	Mercury (expressed as Hg)	0,05	mg/l
11.	Cyanides (expressed as CN)	10	mg/l
12.	Nickel (expressed as Ni)	10	mg/l
13.	Zinc (expressed as Zn)	20	mg/l
14.	Sulphide (expressed as S ²⁻)	1	mg/l
15.	Sulphates in solution (expressed as SO ₄)	250	mg/l
16.	Toxicity as Minimum Acceptable Toxicant Dilution	200	Number of dilutions
17.	Benzene, Toluene, Ethyl Benzene and Xylene	4	mg/l

**SCHEDULE C
LAWS REPEALED**

PART A: BY-LAWS

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Provincial Notice No. 87 of 1953 has been adopted by the Township of Amanzimtoti by Provincial Notice No. 198 of 1967	Drainage By-laws, Amanzimtoti	Chapter VIII
Provincial Notice No. 21 of 1942	Local Government Ordinance, Isipingo	Chapter VIII
Provincial Notice No. 87 of 1953 has been adopted by the Township of Isipingo by Provincial Notice No. 1 of 1972	Standard By-laws, Isipingo	Chapter III, Part C and Chapter VIII
Provincial Notice No. 39 of 1968	General Regulations, Lower Illovo Health Committee	Chapter 1
Provincial Notice No. 346 of 1953	General By-laws, Umbogintwini	Chapter 1
Provincial Notice No. 382 of 1958	General By-laws, Windenham Health Committee	Chapter 1
Provincial Notice No. 60 of 1957	General By-laws, SAICCOR Township Health Committee	Chapter 1
Provincial Notice No. 87 of 1953 has been adopted by the Township of Umkomaas by Provincial Notice No. 538 of 1971	Standard By-laws, Umkomaas	Chapter III, Part C
Provincial Notice No. 87 of 1953 has been adopted by the Township of Umkomaas by Provincial Notice No. 538 of 1971	Drainage By-laws, Umkomaas	Chapter VIII
Provincial Notice No. 380 of 1961	General Regulations, Canelands Health Committee	Chapter 1

Provincial Notice No. 87 of 1953	Standard By-laws, Mount Edgecombe	Chapter III, Part C and Chapter VIII
Provincial Notice No. 87 of 1953 has been adopted by the Township of Tongaat by Provincial Notice No. 276 of 1966	Standard By-laws, Tongaat	Chapter III, Part C and Chapter VIII
Provincial Notice No. 87 of 1953 has been adopted by the Township of Umhlanga Rocks by Provincial Notice No. 398 of 1966	Standard By-laws, Umhlanga Rocks	Chapter III, Part C
Provincial Notice No. 287 of 1963	General By-laws, Verulam	Chapter XIII, Section 2 and Chapter XXV
Provincial Notice No. 528 of 1973	General By-laws, Assagay Health Committee	Chapter 1
Provincial Notice No. 109 of 1948	General By-laws, Botha's Hill Health Committee	Chapter 1
Provincial Notice No. 397 of 1955	General By-laws, Cato Ridge Health Committee	Chapter 1
Provincial Notice No. 153 of 1990	Trade Effluent Regulations By-law	Whole
Provincial Notice No. 446 of 1955	General By-laws, Drummond Health Committee	Chapter 1
Provincial Notice No. 154 of 1971	General By-laws, Everton Health Committee	Chapter 1
Provincial Notice No, 755 of 1971	Conservancy Tank By-laws, Kloof	Whole
Provincial Notice No. 231 of 1985	Drainage By-laws, Kloof	Whole
Provincial Notice No. 565 of 1953	Standard By-laws, Mariannahill Health Committee	Chapter 1
Provincial Notice No. 196 of 1992	Industrial Effluent, Pinetown	Whole
Provincial Notice No. 407 of 1975	Industrial Effluent, Queensburgh	Whole

Provincial Notice No. 491 of 1955	General Regulations, Waterfall Health Committee	Chapter 1
Provincial Notice No. 179 of 1989	Drainage Regulations, Yellow Wood Park Health Committee	Chapter 1
Provincial Notice No. 466 of 1961	General Regulations, Yellow Wood Park	Chapter 1
Provincial Notice No. 27 of 1999	Sewage Disposal By-laws	Whole
Provincial Notice No. 87 of 1953 has been adopted by the Township of New Germany by Provincial Notice No. 305 of 1967	Standard By-laws, New Germany	Chapter VIII and Chapter X
Provincial Notice No. 236 of 1977	Conservancy Tank Regulations By-laws	Whole

ISAZISO SOMPHAKATHI**UMASIPALA WASETHEKWINI: UMTHETHO KAMASIPALA WOKUL AHLWA
KWENDLE, KA-2015**

NGALOKHU KUKHISHWA ISAZISO sokuthi uMkhandlu kaMasipala waseThekwini ngokwesinqumo esathathwa ngokwesigaba 12 soMthetho i-Local Government: Municipal Systems Act, 2000 (uMthetho No. 32 ka-2000), usushaye uMthetho kaMasipala Wokulahlwa Kwendle, ka-2015.

Sibusiso Sithole
iMenenja yeDolobha

City Hall
Dr Pixley Ka-Isaka Seme Street
eThekwini

Usuku:

UMTHETHO KAMASIPALA WASETHEKWINI WOKUL AHLWA KWENDLE, 2015



Wemukelwe uMkhandlu mhla ka: 3 December 2015

UMTHETHO KAMASIPALA WOKUL AHLWA KWENDLE, 2015

Wokuhlinzekela ukutholakala kalula kwezinhlelo zokuhlwa kwendle ezifanele, ezikhonekayo nezinokonga; wokuhlinzekela izinhlelo ezahlukene zokuhlwa kwendle; wokuhlinzekela ukuphathwa nokulawulwa kwemisebenzi yokuthuthwa kwendle; wokuhlinzekela ukusizwa kwalabo abangenawo amandla okukhokhela imisebenzi yokuthuthwa kwendle; wokuhlinzekela amacala nezigwebo; wokuhlinzekela imithetho echithwayo negcinwayo nokuhlinzekela okunye okuphathelene nalokho.

ISENDLALELO

NJENGOBA uMkhandlu kaMasipala waseThekwini ukuhlonipha ukuthi ukuhlinzekwa kwemisebenzi yokuthuthwa kwendle efanele nelindelekile kubalulekile empilweni yomphakathi, emabhizinisini nasemvelweni;

NJENGOBA uMthetho waManzi ugunyaza uMasipala ukuba ngumhlinzeki wamanzi futhi unikeza uMnyango kaMasipala wezaManzi nokuThuthwa kweNdle igunya lokuhlinzeka umphakathi ngamanzi endaweni engaphansi kukaMasipala;

NJENGOBA uMkhandlu kaMasipala waseThekwini ukwemukela ukuthi, njengoba unegunya lokuhlinzeka amanzi, unejoka futhi lokuqinisekisa ukuthi wonke amakhasimende nalabo abangaba ngamakhasimende endaweni engaphansi kwakhe bathola izidingo ngendlela efanelekile, ekhonekayo nelindelekile baphinde bahlomule kwimisebenzi yokuthuthwa kwendle;

NJENGOBA uMkhandlu kaMasipala waseThekwini unamandla ngokweNgxenye B kaSheduli 4 woMthethosisekelo weRiphabhliki yaseNingizimu Afrika, 1996 okulawula ngezindaba eziphathelene nemisebenzi yokuthuthwa kwendle;

NJENGOBA uMkhandlu kaMasipala waseThekwini unejoka, ngokwesigaba 156(2) soMthethosisekelo waseRephabhliki yaseNingizimu Afrika, 1996 lokushaya nokulawula imithetho kaMasipala yokulawula ngendlela izindaba onegunya lokuzilawula;

FUTHI NJENGOBA uMasipala waseThekwini enejojka lokwenza imithetho kaMasipala yokuhlinzeka amanzi ngokwesigaba 21 soMthetho waManzi;

NGAKHO KE, uMkhandlu kaMasipala waseThekwini ngokwesigaba 156 esifundwa neNgxenye B kaSheduli 5 woMthethosisekelo waseRephabhliki yaseNingizimu Afrika, 1996 futhi sifundwa nesigaba 11 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No.32 ka 2000), ushaya lo Mthetho kaMasipala olandelayo:

OKUQUKETHWE

ISAPHLUKO 1

UKUHUNYUSHWA

1. Izincazelo
2. Ukuhunyushwa koMthetho kaMasipala
3. Izinhloso zoMthetho kaMasipala
4. Ukusebenza koMthetho kaMasipala

ISAPHLUKO 2

OKWEJWAYELEKILE

5. Ukuhlinzeka ngamasevisi ezakhiweni zokuhwebela
6. Ukuchithwa kwendle okungavumelekile

ISAPHLUKO 3

UKUSETSHENZISWA KWEZINHLELO ZOKULAPHLWA KWENDLE

7. Isivumelwano sokuhlinzeka imisebenzi
8. Isicelo sokusebenzisa uhlelo lokulaphlwa kwendle
9. Izivumelwano ezikhethekile zokulaphlwa kwendle
10. Ukunqanyulwa kwesivumelwano
11. Ukuhlinzekela ukuxhunywa kwamapayipi endle
12. Ukwemukelwa kwendle ethuthwa ngezimoto

ISAPHLUKO 4

AMAZINGA OKUHLINZEKA: IMIZI NEMIJONDOLO

13. Amazinga okuhlinzeka ukulaphlwa kwendle emizini yabantu
14. Ukulaphlwa kwendle emijondolo

ISAPHLUKO 5

UKUXHUNYWA KWAMAPAYIPI ENDLE

15. Amapayipi emigwaqweni noma ezindaweni zomphakathi
16. Ukwakha kukaMasipala ezindaweni ezinabanikazi

17. Ukugcinwa kahle kwamapayipi endle
18. Ukufakwa kwesakhiwo sokuphehla
19. Ukuvikela ukungena kwamanzi emvula emapayipini

ISAHLUKO 6

EZAKHIWENI

20. Ukulahlwa kwendle ezakhiweni ezinetayitela elihlanganyele
21. Ukulahlwa kwendle ezakhiweni zesilungu

ISAHLUKO 7

IZINHLELO ZOKULAHLWA KWENDLE EZINABANIKAZI

22. Izitamukoko
23. Amathange agcina indle
24. Isiphehli samanzi angcolile sangasese

ISAHLUKO 8

UKUNGCOLA KWEZIMBONI

25. Igunya lokuchitha ukungcola kwezimbongi

ISAHLUKO 9

UKUKHOKHELA AMASEVISI

26. Izimali ezikhokhelwa ukusebenzisa uhlelo lokuthutha indle
27. Izimali zokungcola kwezimbongi ezibizwa ezindlekweni zokulahlwa kwendle
28. Imali ekhokhelwa ukungcola kwezimbongi
29. Imali ekhokhelwa ukulahlwa kwendle kumatharifu
30. Imali ekhokhelwa ukungcola kwezimbongi kumatharifu
31. Umthamo wokungcola okwejwayelekile kwasendlini okukhokhelwayo
32. Umthamo wokungcola kwezimbongi olukhokhelwayo
33. Ezinye izimali ezikhokhwayo
34. Imali yediphozi
35. Ukwehliswa kwemali uma ngabe kumosheke amanzi noma ukuvuza kungabonakalanga
36. Izichibiyelo ezimalini ekhokhwayo
37. Izichibiyelo ezimalini ezinqunyiwe

ISAPHLUKO 10**UKUVIKELWA KOHLELO LOKULAPHLWA KWENDLE**

38. Ukungena ngokungemthetho ohlelweni lokulaphlwa kwendle
39. Ukuphazamisa uhlelo lokulaphlwa kwendle
40. Ukulimaza uhlelo lokulaphlwa kwendle
41. Ukulungiswa okuyimpoqo kwepayipi lokuthutha indle
42. Ukuvimba ukutholakala kohlelo kokuthuthwa kwendle
43. Umsebenzi womuntu ozimele

ISAPHLUKO 11**UKUSEBENZA KOMTHETHO**

44. Ukungena komsebenzi ogunyaziwe
45. Amandla abasebenzi abagunyaziwe
46. Ukukhishwa kwezaziso
47. Ukuzihlangula
48. Imiyalelo esemthethweni
49. Ukuqoqwa kwezindleko
50. Amacala
51. Izinhlawulo

ISAPHLUKO 12**IZIHLINZEKO EZINGXUBEVANGE**

52. Ukudluliselwa kwamandla
53. Ukudluliswa kwamacala
54. Imithetho echithwayo negcinwayo
55. Isihloko esifingqiwe nokuqala kokusebenza komthetho

USHEDULI A:**UKWEMUKELEKA KOKUNGCOLA KWEZIMBONI OKUCHITHEKELA OHLELWENI
LOKULAPHLWA KWENDLE****USHEDULI B:****UKWEMUKELEKA KOKUNGCOLA KWEZIMBONI OKUCHITHELWA NGQO NOMA
NGANDLELA THILE OLWANDLE****USHEDULI C:****IMITHETHO KAMASIPALA ECHITHWAYO**

ISAPHLUKO 1 UKUHUNYUSHWA

Izincazelo

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile, igama noma isisho esisentshensisiwe sinencazelo efanayo naleyo etholakala kuMthetho wamaZinga oKwakha neMithethonqubo yoKwakha kaZwelonke, 1977 (uMthetho No.103 ka 1977), futhi, –

“okugunyaziwe” kushiwo lokho okugunyazwe umsebenzi ogunyaziwe;

“umsebenzi ogunyaziwe” kushiwo umuntu ogunyazwe ukulandela izimiso zalo mthetho okufaka phakathi kokunye –

(a) umsebenzi womthetho ochazwe esigabeni 334 soMthetho weNqubo yamaCala obuGebengu, 1977 (uMthetho No. 51 ka 1977);

(b) amaphoyisa kaMasipala njengoba echazwe eMthethweni wamaPhoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); kanye

(c) nalabo basebenzi, ama-ejenti, abadluliselwe amandla, izithunywa nabahlinzeka uMasipala ngomsebenzi: Kuncike ekutheni ngokwezinhloso zokusesha nokushaqa impahla, uma lowo muntu engesiyena umuntu womthetho, kufanele aphekezwe umuntu womthetho;

“indlela engcono engasetshenziswa kwezemvelo” kushiwo indlela ehlinzeka ngenzuzo enkulu noma edala umonakalo omncane emvelweni yonkana, ngenani elamukelekile emphakathini nguMasipala, esikhathini eside nasesikhathini esifushane;

“ipitsi” kushiwo umgodi osemhlabathini ngenhloso yokufaka, ukukhipha noma ukusebenzisa amanzi angaphansi komhlaba;

“indlu yangasese yamakhemikhali” kushiwo indlu yangasese esebenzisa amakhemikhali ukuhlamba indle esikhundleni sokuyigcina emgodini noma ukuyihambisa ngepayipi iyiswe endaweni lapho kulahlwa khona indle nokuyilapho khona indle isuke ifakwa uketshezi bese ithuthelwa endaweni yokulahlwa indle kaMasipala ngezinsinza ezisetshenziswa uma kulahlwa indle;

“indawo yokuxhuma” kushiwo lapho kuhlangukiswa khona ipayipi lendle nengqalazinda yendle;

“ipayipi elikhulu” kushiwo ipayipi likaMasipala elixhunywe nguye ngenhloso yokuthutha indle isuka emapayipini asendlini iye epayipini elikhulu –

- (a) elingaphandle kwemingcele yakuleyo ndawo;
- (b) elisendaweni eshiyelwe imisebenzi kaMasipala; noma
- (c) endaweni engenalutho noma okuvunyelwene ngayo;

“ithange lokugcina indle” kushiwo ithange elimumatha futhi ligcine indle evela ezakhiweni futhi okufanele lichithwe njalo nje;

“uMthethosisekelo” kushiwo uMthethosisekelo weRiphabhliki yaseNingizimu Afrika, 1996;

“umkhandlu” kushiwo uMkhandlu kaMasipala waseThekwini, umkhandlu kamasipala ohlongozwe esigabeni 157(1) soMthethosisekelo;

“ikhasimende” kushiwo –

- (a) umuntu ohlinzekwa ngamanzi nguMasipala; futhi
- (b) lapho khona amanzi ahlinzekwe ngemitha eyodwa kubantu abahlukene, lowo muntu ovumelene noMasipala ukuba amnikeze amanzi;

“ipayipi” kushiwo leyo ngxenye yepayipi lendle elahla indle kunoma isiphi isakhiwo;

“ipayipi lendle” kushiwo uhlelo olusetshenziselwa, noma oluhloswe ukusetshenziselwa, ukwamukela, ukugcina, ukuphehla noma ukudluliswa kwendle isuka kunoma isiphi isakhiwo lapho lixhunywe khona futhi kufaka –

- (a) amapayipi;
- (b) okuxhunyiwe;
- (c) izinto ezisebenza ngogesi;
- (d) izitamukoko;
- (e) Amathange agcina indle;
- (f) izindawo zokulahla indle; kanye
- (g) namaphampu angasese ayingxenye noma ahambisana nalezo zinhlelo;

“umsebenzi wamapayipi endle” kufaka noma imuphi umsebenzi othinta amapayipi endle, ukuxhunywa, amathuluzi okuhlinzekwa kwamanzi, imfucuza noma iliphi elinye

ipayipi noma umsebenzi ophathelene nokuthuthwa kukadoti owuketshezi noma oqinile epayipini lendle noma okuxhunywe epayipini lanoma isiphi isakhiwo;

“umthathi wamasampuli oqeqeshiwe” kushiwo umuntu oqinisekisiwe ngumsebenzi ofanelekile kaMasipala ukuba athathe amasampuli ukuze ayocwaningwa ohlelweni lwamapayipi endle, emapayipini okuhambisa amanzi emvula namanzi omphakathi;

“indlu yokuhlala” kushiwo indawo yokuhlala engumuzi womuntu –

- (a) enemitha yayo kagesi;
- (b) enesango layo; kanye
- (c) nekhishi elisetshenziswa kuphela abahlala kuwo;

“izindleko zezemvelo” kushiwo zonke izindleko zokukhokhela ukulungiswa kwemvelo ukuze ibuyele esimweni ebikuso ngaphambi kokuthi ilinyazwe;

“ucwaningo lomthelela wemvelo” kushiwo uhlelo lokuhlonza nokuhlola umthelela izicelo zokwakha ezizoba nawo kwimvelo ngaphambi kokuthathwa kwezinqumo nezibopho ngaleyo ntuthuko;

“i-French drain” kushiwo ipayipi elifakwe okuthile elisetshenziselwa ukulahlwa –

- (a) kokungcola kwezimboni esitamukokweni; noma
- (b) amanzi angcolile;

“iMenenja kaMasipala” kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho weziNhlelo zoMasipala;

“ipayipi lendle lomthamo omkhulu” kushiwo ipayipi elinamandla okumumatha umthamo ongaphezu kwamapayipi asendlini;

“isikhathi semitha” kushiwo izikhathi zokufundwa kwamamitha ezilandelanayo;

“uMasipala” kushiwo uMasipala weTheku, uMasipala okumkhakha A obalulwe esigabeni 155(1) soMthethosisekelo owasungulwa ngokweSaziso sesiFundazwe No. 43 sika 2000 (KZN);

"IMithethonqubo yoKwakha kaZwelonke" kushiwo iMithethonqubo yoKwakha kaZwelonke eyasungulwa ngokoMthetho wamaZinga oKwakha neNqubomgomo yoKwakha kaZwelonke, 1977 (uMthetho No. 103 ka 1977);

"UMthetho waManzi kaZwelonke" kushiwo uMthetho waManzi kaZwelonke, 1998 (uMthetho 36 ka 1998);

"umhlali" kushiwo –

(a) noma ubani, kubandakanya umnikazi, ohlala esakhiweni ngale kokuthi uhlala ngasiphi isizathu kuleso sakhiwo, uma ekhona; futhi

(b) uma kuqashe umuntu ongaphezu koyedwa, umuntu omukela irenti ekhokhwa abaqashi, eya kwi-akhawunti yakhe noma oyi-ejenti yalowo muntu omukela irenti;

"uhlelo lokulahlwa kwendle lwangasese olusesakhiweni" kushiwo phakathi kokunye isitamukoko, ithange eligcina indle noma indawo yokuphehla indle yomthamo omncane yomnikazi wesakhiwo lapho ikhona;

"umnikazi" kushiwo –

(a) umuntu ongunnikazi obhaliswe wesakhiwo ehhovisi lamatayitela;

(b) uma umnikazi obhaliswe wesakhiwo ecwile ezikweletini noma eshonile noma evinjelwe umthetho ngandlela thile, umuntu okunguyela olawula izindaba zesakhiwo njengondlalifa, umphatheli, umlawuli, umdayisi noma omunye umuntu womthetho;

(c) uma uMasipala ehluleka ukuthola lowo muntu, umuntu onegunya lokuzuza ekusebenzeni kwesakhiwo noma ibhilidi noma amabhilidi asesakhiweni;

(d) uma isakhiwo okukhulunywa ngaso siqashiswe isikhathi esiyizinyanga ezingama -30 (amashumi amathathu) noma ngaphezulu, lowo oqashile kuleyo ndawo, kanti

(e) mayelana –

(i) nesiqephu somhlaba esikwipulani yezakhiwo ezihlangene esibhaliswe ngokoMthetho wamaTayitela eZakhiwo eziHlangene, 1986 (uMthetho No.95 ka 1986) umhlaba ohlangene, umakhi noma abaphathi abengamele isakhiwo; noma

(ii) ingxenye njengoba ichaziwe kuMthetho wamaTayitela eZakhiwo eziHlangene, 1986 (uMthetho No.95 ka 1986) igama lomuntu okubhaliswe ngaye ilungelo ngaphansi kwetayitela laleso sakhiwo, futhi okufaka ne-ejenti eqokwe ngokusemthethweni yilowo muntu;

"umuntu" kushiwo umuntu qobo noma ngokomthetho, inhlango ezimele noma abanikazi banoma iyiphi ithrasti;

"izakhiwo" kushiwo isiqephu somhlaba esinesakhiwo noma esingenaso lapho –

(a), kunemingcele yangaphandle evelayo –

(i) kwipulani noma umdwebo obhaliswe ngokoMthetho wokuCwaningwa koMhlaba, 1927 (uMthetho No. 9 ka 1927), noma uMthetho wokuBhaliswa kwamaTayitela, 1937 (uMthetho. 47 ka 1937; noma

(ii) ipulani yezakhiwo ezihlangene ebhaliswe ngokoMthetho wamaTayitela eZakhiwo eziHlangene, 1986 (uMthetho No. 95 ka 1986); noma

(b) kunombhalo osemthethweni oqondene nomhlaba wasemakhaya noma weNgonyama Trust, osendaweni engaphansi kukaMasipala;

(c) amasevisi kamasipala enziwa emhlabeni ongacacisiwe eplanini; futhi ingxenye yalowo mhlaba ingachezile kodwa ixhunyiwe ohlelweni lokulahlwa kwendle noma ingakwazi ukuxhunywa.

"okunqunywe" kushiwo okunqunywe ngesivumelwano soMkhandlu esithathwa izikhathi ngezikhathi;

"isaziso somphakathi" kushiwo isaziso –

(a) esisephephandabeni okungenani ngezilimi ezimbili ezisemthethweni ezisetshenziswayo kuleyo ndawo okukhulunywa ngayo; futhi

(b) uma kwenzeka, sikhishwe ephephandabeni ngolimi olusentshenziswa kakhulu ukukhangisa isaziso;

"amanzi omphakathi" kushiwo umfula, ichibi, ichweba, umfula omkhulu, ulwandle kanye nanoma imaphi amanzi umphakathi onelungelo lokuwathola nokuwasebenzisa;

"isitamukoko" kushiwo ithange elakhelwe ukwamukela futhi ligcine indle isikhathi esithile futhi ngaleyo ndlela nokuqinisekisa ukuthi iyaboliswa;

"indle" kushiwo amanzi angcolile, ukungcola kwezimboni, indle yasendlini ejwayelekile kanye nanoma iluphi uketshezi olungcolile, ngisho luhlukene noma luhlangene, kodwa akuwafaki amanzi emvula;

"uMthetho kaMasipala WOKUL AHLWA kweNdle" kushiwo uMthetho woMkhandludolobha weTheku wesiKhashana WOKUL AHLWA kweNdle, MN No. 27 ka 1999;

"uhlelo lokulahlwa kwendle" kusho izinhlaka, amapayipi, amavalvu, amaphampu, amamitha nezinye izinto ezisetshenziselwa –

- (a) ukuthutha indle ngamapayipi okuthutha indle;
- (b) ukuphehla indle ezindaweni zikaMasipala zokuphehla indle; kanye
- (c) nokulahlwa kwendle,

kubalwa nasolwandle;

"ipayipi lendle" kushiwo noma iliphi ipayipi noma uhlelo oluyimpahla kaMasipala olungasetshenziselwa ukuthutha indle esuka kungqalasizinda yendle, kodwa akufaki noma iliphi ipayipi lendle lasendlini;

"ukungcola kwasendlini ejwayelekile" kushiwo udoti wasendlini ohlangabezana nezimpawu eziphathelene nodoti ongcolile nendle eqinile njengoba kunganquma uMasipala izikhathi ngezikhathi njengokufanelekile ukuthi kuthuthwe njengendle yasendlini kodwa akufaki ukungcola kwezimboni kwamakhemikhali;

"amanzi emvula" kushiwo amanzi avela emvelweni njengamanzi emvula, amanzi asemhlabathini noma omthombo;

"ukungcola kwezimboni" kushiwo noma ikuphi ukungcola kwezimboni okungamanzi noma okuqinile, ukuphuma ngesikhathi kwakhiwa, kukhiqizwa noma kwakhiwa amakhemikhali ezohwebo nezimboni noma alabhorethri noma kwezolimo futhi kufaka noma iluphi uketshezi ngaphandle kokungcola kwasendlini noma amanzi emvula;

"izakhiwo zohwebo" kushiwo izindawo ezikhiqiza ukungcola kwezimboni;

"indlu yangasese ehlukana umchamo" kushiwo indlu yangasese ekwazi–

- (a) ukuhlukana umchamo nokunye ukungcola ngokusebenzisa izindlela ezikhethekile zokuhlukanisa umchamo ukuze kuhlukaniseke umchamo nokunye ukungcola bese ungena emgodini; futhi
- (b) owakhiwe –
 - (i) imigodi emibili;
 - (ii) isilebhu;

- (iii) isakhiwo esiyindlu; kanye
- (iv) nepayipi lomoya emgodini ngamunye;

"I-VIP" kushiwo indlu yangasese ewumgodi engenisa umoya;

"uMthetho waManzi" kushiwo uMthetho waManzi, 1997 (uMthetho108 ka 1997);

"imboni yokusamanzi" kushiwo imboni ekhiqiza ukungcola kwezimboni;

"usuku lokusebenza" kushiwo noma iluphi olunye usuku olungewona uMgqibelo, iSonto noma iHolidi.

"izikhukhula ezifika kanye eminyakeni engu-50" kushiwo izinga okufinyelela kulona izikhukhula zemvula kanye eminyakeni engu-50; futhi

"ithafa lezikhukhula ezifika kanye eminyakeni engu-50" kushiwo indawo eqondile eyadalwa izikhukhula zemvula ezifika kanye eminyakeni engu-50;

Ukuhunyushwa koMthetho kaMasipala

2. Uma kunokushayisana phakathi kwalo Mthetho kaMasipala obhalwe ngesiNgisi nohunyushiwe, kuyolandelwa owesiNgisi.

Izinhloso zoMthetho kaMasipala

3. Izinhloso zalo Mthetho kaMasipala ukulawula ukulahlwa kwendle ngendlela —

- (a) ezoqinisekisa ukutholakala kalula kwezihlelo zokulahlwa kwendle ezanele, ezikhonekayo, ezinokonga nezamukelekile;
- (b) ezolawula ijoka lamakhasimende lokukhokhela amasevisi okuthuthwa kwendle;
- (c) ezohlinzekela izindlela ezahlukene zokusiza labo abangenamandla okukhokha izimali ezinqunyiwe zamasevisi; kanye
- (d) nokuhlonipha uMthetho waManzi.

Ukusebenza kwalo Mthetho kaMasipala

4. Lo Mthetho kaMasipala usebenza kuzo zonke izindawo ezingaphansi kukaMasipala waseThekwini futhi ubophezela wonke umuntu kukho konke ukusebenza kwawo.

ISAHLUKO 2 IZIHLINZEKO EZEJWAYELEKILE

Ukuhlinzekwa kwamasevisi ezindaweni zokudayisela

5. Umuntu ohlose ukwakha, ukuba kwakhiwe isakhiwo kumele, uma esehlola isimo sendawo, aqinisekise ukuthi unendawo ehlinzekiwe yokulahla indle yasendlini, ukungcola kwezimboni namanzi emvula.

Izindlela ezingavumelekile zokulahla indle

6.(1) Akekho umuntu ovumelekile ukuba adale noma avumele, ngabomu noma ngobudedengu, nanoma yimuphi udoti oqinile, owuketshezi noma osamafutha ngaphandle kwamanzi emvula ukuba ungene –

- (a) kwidreyini yamanzi emvula, epayipini lamanzi emvula noma emseleni ombiwe noma owakhiwe wamanzi;
- (b) emfuleni, emhosheni noma endaweni yomphakathi yokukha amanzi, yomile noma inamanzi, ngaphandle uma kuhambisana nezihlinzeko zoMthetho waManzi kaZwelonke, 1998 (uMthetho No. 36 ka 1998);
- (c) emgwaqeni; noma
- (d) esakhiweni.

(2) UMasipala anganquma amazinga nenqubo okumele ilandelwe yokulahlwa kwendle kanye nanoma yini elahlwa ohlelweni lokulahlwa kwendle.

(3) Akuvumelekile ukuba umuntu achithe noma avumele ukuba kuchithwe noma kufakwe ohlelweni lokulahlwa kwendle indle nanoma yini –

- (a) engahambisani namazinga nenqubo ebekwe uMasipala;
- (b) engaba –
 - (i) eyonakalisayo;
 - (ii) enephunga elibi;
 - (iii) enamafutha;
 - (iv) enegwebu; noma
 - (v) enodayi wombala,

Futhi engabangela ukuvimbeka kwepayipi noma izinkinga kwezempilo emphakathini nasekusebenzeni kwamapayipi;

(c) equkethe nanoma yiluphi uketshezi olungadala ukuba konakale, kube nephunga elibi, umbala, iphunga noma ukuphazamiseka noma igwebu emanzini angcolile aphehlwayo –

(i) kwisiphehli samanzi;

(ii) olwandle lapho kuchithekela khona amanzi angcolile;

(iii) nanoma ikumaphi amanzi omphakathi;

(d) engaphazamisa umsebenzi wokuhlanzwa kwamanzi angcolile noma uhlelo lokuwahlanza ukuze aphinde asetshenziswe futhi;

(e) equkethe nanoma yini –

(i) engahambisani nokuhlanzwa kwendle ngokwezinga elanelisayo kwisiphehli samanzi angcolile; noma

(ii) engabangela noma okungenzeka ibangele ukuphuka, ukuputshuka noma ukuxoveka kohlelo lokuphehla uma sekwenziwa lowo msebenzi ngaphandle uma kwenziwa umsebenzi kagesi ongaphansi kuka 95mS/m endaweni yokuphehla;

(f) equkethe nanoma iyiphi i C.O.D., noma okusaluketshazana oluqinile ngokwesimo, noma okungahambisani nohlelo lokuphehla ngandlela thile, futhi okungabangela ukuthi amanzi angcolile afakwa kwisiphehli noma achithelwa olwandle angabe esahlangabezana nezimfuno zoMthetho waManzi kaZwelonke;

(g) engabangela –

(i) ubungozi empilweni nasekuphepheni kwanoma imuphi umuntu;

(ii) kulimaze ingqalasizinda noma uhlelo lokulahlwa kwendle; noma

(iii) iphazamise ukusebenza kwendawo esetshenziswa nguMasipala eyisebenzisela ukuhlanzwa kwendle;

ngaphandle uma kulandelwa imvume ekhiswe ngokwalo Mthetho kaMasipala; noma

(h) engavimbela ukusebenza ngokukhululeka kohlelo lokulahlwa kwendle.

(4) Akukho kungcola kwezimboni okuyovunyelwa ukungena esitamukokweni noma kwi-French drain.

(5) Akekho umuntu ovumelekile ukuba adale noma avumele amanzi emvula ukuba angene ohlelweni lokulahlwa kwendle.

(6) Umsebenzi kaMasipala ogunyaziwe, ngesaziso esibhalwe phansi, angayalela umnini wesakhiwo nanoma ngubani osebenzisa isakhiwo ukuba, ngezindleko zakhe, aqhube uhlelo lokuhlolwa kwesakhiwo asisebenzisayo esebenzisa ochwepheshe balomkhakha izikhathi ngezikhathi ukuze kutholakale izindlela ezifanele zokugwema ubungozi ezizoqinisekisa

ukulandelwa kwalo Mthetho kaMasipala futhi abayobika kumsebenzi kaMasipala ogunyaziwe ngemiphumela yalokhu kuhlolwa.

(7) Umsebenzi kaMasipala ogunyaziwe, ngesaziso esibhalwe phansi, angayalela umnikazi wesakhiwo nanoma ngubani osebenzisa isakhiwo ukuba, ngezindleko zakhe, aqhube uhlelo lokuhlolwa kwendawo ayisebenzisayo ngochwepheshe balomkhakha izikhathi ngezikhathi ukuze kutholakale izindlela ezifanele zokugwema ukuphulwa kwemiyalelo yalo Mthetho kaMasipala.

(8) Umsebenzi kaMasipala ogunyaziwe, ngokwesaziso esibhalwe phansi, angayalela umuntu ophula lo Mthetho kaMasipala noma imibandela ebekwe ngokwalo Mthetho kaMasipala ukuba alungise lokho ngesikhathi esibekwe kwisaziso ngezindleko ezizokhokhelwa nguyena.

(9) Noma ngubani ophula okushiwo isigatshana (1) noma (3), kumele aqinisekise ukuthi emahoreni angu 12 wazisa umsebenzi ogunyaziwe kaMasipala ngemininingwane yokuphula kwakhe lo myalelo kanjalo futhi nezizathu zalokho.

ISAHLUKO 3

UKUSETSHENZISWA KOHLELO LOKULAHLWA KWENDLE

Isivumelwano sokuhlinzekwa kwamasevisi

7. Kuncike kwimithetho esebenzayo umsebenzi kaMasipala ogunyaziwe angangena esivumelwaneni nanoma ubani egameni likaMasipala ukuhlinzeka amasevisi okuthuthwa kwendle.

Isecelo sokusetshenziswa kohlelo lokulahlwa kwendle

8. (1) Umuntu ofisa ukusebenzisa uhlelo lokulahlwa kwendle kumele agcwalise ifomu elifanele alithumelele, elihambisana neminingwane edingwa uMasipala ezoyidinga isikhathi ngesikhathi.

(2) Isicelo sokusetshenziswa kohlelo lokulahlwa kwendle esigunyazwe nguMasipala sisho isivumelwano phakathi kukaMasipala nekhasimende.

(3) Umfakisicelo nguyena oyothwala izindleko ezibekiwe zokusetshenziswa kohlelo lokulahlwa kwendle kuze kube ukuphela kwesivumelwano phakathi kukaMasipala nekhasimende.

(4) Uma isakhiwo sesixhunyiwe ohlelweni lokulahlwa kwendle, noma sesingaxhumeka kumele kuthathwe ngokuthi ngokwezinhloso zalo Mthetho kaMasipala sesikhona isivumelwano esibalulwe kwisigatshana (1).

Izivumelwano eziyisipesheli zokulahlwa kwendle

9. (1) UMasipala angangena esivumelwaneni esikhethekile sokuthuthwa kwendle nomuntu –
(a) osendaweni engaphansi kukaMasipala, uma ukulahlwa kwendle kuphoqa ukuba kube nemibandela engale kwalena equkethwe kulo Mthetho kaMasipala; noma
(b) engale kwemingcele kaMasipala.

(2) Lesi sivumelwano esikhethekile sixhomeleke ekugunyazweni okumele kwenziwe ngumsebenzi kaMasipala ugunyaziwe.

(3) Uma uMasipala, ngokwesivumelwano esikhethekile, ehlinzeka ngohlelo lokulahlwa kwendle kumuntu ongale kwemingcele kaMasipala, angagunyazwa ukuba amukele ukuthuthelwa indle ngabanye abantu abangaphandle kukaMasipala, kuncike kwimibandela ethile uMasipala angayibeka.

Ukunqanyulwa kwesivumelwano

10. Umuntu anganqamula isivumelwano okukhulunywe ngaso esigabeni 8 noma 9 ngokunikeza uMasipala isaziso esibhalwe phansi esingekho ngaphansi kwezinsuku ezinhlanu zokusebenza futhi esicacisa ngalokho ahlose ukukwenza: Kuncike ekutheni umsebenzi kaMasipala ogunyaziwe wenelisekile ngendlela indle ezothuthwa ngayo uma inkontileka yalesi sivumelwano isinqamukile.

Ukuhlinzekelwa kokuxhunywa kwamapayipi endle

11. (1) Esimweni lapho –

(a) kunesivumelwano zokusetshenziswa kohlelo lokulahlwa kwendle ngokwesigaba 8 noma 9; futhi

(b) kungekho mapayipi endle axhunyiwe emagekeni alesi sakhiwo,

Umnikazi wesakhiwo noma i-ejenti yakhe kudingeka ngokushesha afake isicelo ngokugcwalisa ifomu futhi ikhokhe inani elibekiwe lokuxhunywa kwamapayipi endle.

(2) Uma kufakwa isicelo sokusebenzisa uhlelo lokulahlwa kwendle emagcekeni esakhiwo esiqhelile kangangokuthi kudingeka kwelulwe amapayipi endle ukuze axhunywe ohlelweni lokulahlwa kwendle, umsebenzi kaMasipala osemthemthweni angagunyaza ukuba kwenziwe lokhu kwelulwa kepha ngaphansi kwemibandela ethile angayibeka.

(3) Umsebenzi kaMasipala ogunyaziwe angavuma, uma kucela umfakisicelo futhi kuncike kwimibandela eyobekwa yilo msebenzi, ukuba kuxhunywe amapayipi endle kolunye uhlelo lokulahlwa kwendle ngale kwalolo oluvele lukhona: Kuncike ekutheni umfakisicelo kunguyena onejoka –

- (a) lokwelula uhlelo lwamapayipi asendlini kuze kuyofika lapho exhumana khona nohlelo lokulahlwa kwendle njengokukhomba komsebenzi ogunyaziwe; futhi
- (b) ngemali yakhe, oyokhokhela indawo enqamula kwezinye izakhiwo uma kunesidingo.

(4) Ipayipi okuyoxhunywa kulo elihlinzekwe nelixhunywe uMasipala –

- (a) liyoba sendaweni ezonqunywa ngumsebenzi kaMasipala ogunyaziwe;
- (b) liphelele –
 - (i) lapho lixhunywe khona ebangeni cishe eliyimitha elilodwa ngaphakathi kwamagceke esakhiwo kusuka emngceleni womhlaba kaMasipala noma lapho uMasipala enelungelo khona lokusebenzisa indawo; noma
 - (ii) uma kusebenza isigatshana (3), endaweni yokuxhumana eyalelwe ngokwalesi sigatshana; futhi
- (c) ibe yisikalo esigunyazwe ngumsebenzi kaMasipala.

(5) Umnikazi wesakhiwo noma i-ejenti yakhe kumele akhokhe izimali ezinqunyiwe zokuxhunyelwa nguMasipala.

(6) Uma umnikazi wesakhiwo noma i-ejenti yakhe elindelekile ukuba achithe amanzi angcolile emapayipini endle ngezikhawu njengokuyalela kweMithethonqubo yoKwakha kaZwelonke, umthamo kanye nesikhathi sokuchitha amanzi angcolile emapayipini endle siyogunyazwa umsebenzi ogunyaziwe kaMasipala.

Ukwemukelwa kwendle ethuthwa ngezinqola

12.(1) Umsebenzi kaMasipala ogunyaziwe, kuncike kwimibandela angayibeka, angemukela indle ethuthwa ngezinqola zomgwaqo esakhiweni sokuphehla indle esithile sikaMasipala.

(2)(a) Akekho umuntu ovumelekile ukuthuthela indle ngezinqola esakhiweni sikaMasipala ngaphandle kwemvume ebhalwe phansi ngumsebenzi kaMasipala;

(b) Izindleko ezikhokhelwa ukulethwa kwendle esakhiweni sikaMasipala kumele zinqunywe ngumsebenzi kaMasipala ogunyaziwe ngokuhambisana nezimali ezinqunywa izikhathi ngezikhathi ngokwesigaba 28.

(3) Uma indle ithuthwa ngezinqola –

(a) isikhathi sokulethwa kwendle kumele sihlelwe nomsebenzi kaMasipala ogunyaziwe; futhi

(b) uhlobo kanye nesimo sendle kumele sazeke futhi nomsebenzi ogunyaziwe aneliseke ngaphambi kokuba ayemukelwe:

Kuncike ekutheni umuntu akavumelekile ukuletha indle engahambisani namazinga anqunywe ngokweMithetho kaMasipala.

(4) Umsebenzi ogunyaziwe angahoxisa imvume yokulahla indle elethiwe: Kuncike ekutheni umnikazi wemvume unikezwe isaziso sezinsuku ezingama -14 esibhalwe phansi, noma umnikazi wemvume –

(a) ehluleka ukuqinisekisa ukuthi indle elethiwe iyahambisana namazinga abalulwe kuSheduli “A” noma u “B”, asebenzayo noma njengokusho kwemvume;

(b) ehluleka noma enqaba ukulandela nanoma yisiphi isaziso esisemthethweni anikezwe sona ngokuyalela kwalo Mthetho kaMasipala noma ephula izihlinzeko zalo Mthetho kaMasipala nanoma yimiphi imibandela abekelwe yona noma imvume ayitholile; noma

(c) ehluleka ukukhokha imali esemthweni yokulethwa kwendle.

ISAHLUKO 4**AMAZINGA OKUHLINZEKA: IMIZI NEMIJONDOLO****Amazinga okuhlinzekwa kokuthuthwa kwendle emizini**

13.(1) Uhlobo lokulahla kwendle oluhlinzekwa emakhaya kumele kube ngolunye lwalezi ezilandelayo:

- (a) izindlu zangasese ezihlukanisa umchamo;
- (b) uma kukhona uhlelo olusebenzisa amanzi lukaMasipala lokulahlwa kwendle, baxhunywe kulolo hlelo; noma
- (c) uma lungekho uhlelo olusebenzisa amanzi kaMasipala lokulahlwa kwendle, babe nohlelo lwabo lwangasese egcekeni lokulahlwa kwendle.

(2)(a) ukulahlwa kwendle kumele kuhambisane namazinga okuhlinzekwa kwamanzi aleso sakhiwo esithintekayo.

(b) Uma –

- (i) ukuhlinzekwa kwamanzi komuzi kugcina kumalitha angama -300 ngosuku ngethangi noma umpompi wasegcekeni, ukulahlwa kwendle kumele kube ngezindlu zangasese ezihlukanisa umchamo noma enye indlela egunyazwe umsebenzi ogunyaziwe; futhi
- (ii) amanzi ehlinzekwa uMasipala ngomfutho ongatheni noma ngomfutho omkhulu, ukulahlwa kwendle kumele kwenziwe ngohlelo lwamanzi lwamapayipi kaMasipala noma ngohlelo lwangasese lokulahlwa kwendle lwasegcekeni.

(3)(a) UMasipala angaqoka uhlobo oluthile lokulahlwa kwendle okumele lusetshenziswe endaweni ethile.

(b) Nanoma iluphi uhlobo lokulahlwa kwendle olunqunywe njengoba kubekwe endimeni (a) lungasetshenziswa kuphela ngemvume yomsebenzi ogunyaziwe: Kuncike ekutheni –

- (i) ukulahlwa kwendle kuyahambisana namazinga amanzi atholakalayo;
- (ii) indlela yokuthutha indle isetshenziswa ngumninimuzi; futhi
- (iii) umthamo wamanzi okhona kumele ukwazi ukuhlangabezana nesidingo samanzi.

(4) Lezi zindlela ezilandelayo zokuthutha indle ezisetshenziswa emakhaya azivumelekile ngaphandle kwemvume yomsebenzi kaMasipala ogunyaziwe, engakhishwa ngaphansi kwezimo ezithile:

- (a) ukugqiba ngenhlabathi;
- (b) imigodi eqondile engagunyaziwe; kanye
- (c) nemigodi yama-VIP engagunyaziwe noma izindlu zangasese zamakhemikhali.

Ukulahlwa kwendle emijondolo

14.(1) Ukulahlwa kwendle emijondolo kumele kwenziwe –

- (a) ngesakhiwo sezindlu zangasese esishaywayo esixhunywe emapayipini okuthuthwa kwendle kaMasipala; noma

(b) ngesakhiwo sezindlu zangasese esingaxhunyiwe emapayipini okuthuthwa kwendle kaMasipala: Kundcike ekutheni indlu yangasese ngayinye inomgodi we-VIP omncane okumele uhlanzwe njalo uma kunesidingo.

(2) Kumele okungenani ukutholakala kosizo lokulahlwa kwendle emijondolo kube yisakhiwo sezindlu zangasese esisebangeni elingamamitha angu 200 kumuzi ngamunye.

ISAPHLUKO 5 UKUFAKWA KWAMAPAYIPI

Ukufakwa kwamapayipi emigaqweni nasezindaweni zomphakathi

15. Akekho umuntu ovumelekile, ukuthi ngenhloso yokuthutha indle, axhume amapayipi emgaqweni noma ngaphansi komgwaqo, endaweni yomphakathi noma emhlabeni olawulwa, noma ongaphansi kukaMasipala ngaphandle uma enemvume ebhalwe phansi emgunyazayo evela kumsebenzi ogunyaziwe, kuncike kwimibandela ayibona ifanele.

Ukufakwa kwamapayipi nguMasipala ezakhiweni ezinabaninizo

16. (1) UMasipala, ngokuvumelana nomnikazi wesakhiwo, angaxhuma amapayipi esakhiweni ngezindleko zomnikazi wesakhiwo.

(2) Uma kuvunyelwana nomnikazi wesakhiwo ukuba kufakwe amapayipi esakhiweni sakhe, isivumelwano kumele sithi umnikazi wesakhiwo nguyena ozothwala izindleko zalo msebenzi njengoba ugunyazwe ngumsebenzi ogunyaziwe, lezi zindleko zingakhokhowa lo msebenzi ungakaqalwa noma uma zidingeka.

Ukunakekelwa kwamapayipi axhunyiwe

17.(1) Uma kwenzeka umnikazi wesakhiwo noma ubani ohlala esakhiwe ehluleka –

(a) ukufaka amapayipi nokuxhuma uhlelo lokulahlwa kwendle; noma

(b) ukugcina uhlelo lwamapayipi olukuleso sakhiwo lusebenza ngendlela,

uMasipala angenza yena umsebenzi okumele wenziwe emagcekeni, bese kuthi izindleko zalo msebenzi uzifune kumnikazi wesakhiwo noma kohlala esakhiweni.

(2) Noma ngubani ofaka isicelo sokususelwa amapayipi nguMasipala nguyena ozobhekana nalezo zindleko.

(3) Umsebenzi ogunyaziwe, ngesicelo esibhalwe phansi esivela kumnikazi wesakhiwo noma ngubani kohlala esakhiweni, angahlola ukufakwa kwamapayipi kwaleyo ndawo noma nanoma kuyiphi ingxenye yawo bese ebiza izindleko zalokho kuhlolwa kumnikazi wesakhiwo noma kohlala khona, ezibalwa ngenani elibekwe ngokwamatharifu.

Ukuxhunywa kwesiphehli esakhiweni

18. Umsebenzi ogunyaziwe, ngokubona kwakhe, anganxusa ukuba isakhiwo esisha sihlizekwe ngesiphehli esiwuhlobo olunganqunywa uyena ngaphambi kokuba lesa sakhiwo sixhunywe ohlelweni lokulahlwa kwendle.

Ukuvikelwa kokungena kwamanzi emvula

19. Uma isakhiwo sisendaweni eke yaba nezikhukhula eminyakeni engu-50, ingxenye ephezulu yamapayipi, ama-*inspection chambers* nama-*gullies* kumele abekwe ngaphezu komugqa wokuhamba kwamanzi ezikhukhula eminyakeni engamashuni ayisihlanu, uma amapayipi amakhulu nama-*inspection chambers*, izivalo zakhona zivikelekile ngendlela evunyelwe umsebenzi kaMasipala ogunyaziwe.

ISAPHLUKO 6

IZAKHIWO

Uhlelo lokulahlwa kwendle ezakhiweni ezinetayitela elihlanganyele

20.(1) Abakhi bezakhiwo ezinetayitela elihlanganyele kumele, ngezindleko zabo, bakhe uhlelo lokulahlwa kwendle, okubandakanya ama-pump stations, amapayipi amakhulu akhuphukayo anele ukubhekelela izidingo zomuzi nomuzi nezinye izindawo ezisetshenziswa abantu bonke njengoba kudingeka.

(2) Uma uhlelo lokulahlwa kwendle lwamanzi lukaMasipala lukhona kuleso sakhiwo, umakhi ngezindleko zakhe kumele axhume amapayipi angaphakathi okuthuthwa kwendle ohlelweni lukaMasipala lokulahlwa kwendle.

(3) Uma lungekho uhlelo lwamanzi lokulahlwa kwendle lukaMasipala kuleso sakhiwo, umakhi kumele axhume uhlelo lokulahlwa kwendle lwamanzi olufanele futhi oluzimele esakhiweni.

Uhlelo lokulahlwa kwendle kwizakhiwo ezincane

21.(1) Umakhi wezakhiwo ezincane ezintsha ulindeleke ukuba akhe, ngokwemiyalelo kaMasipala, uhlelo lokulahlwa kwendle, okubalwa kuko ama-pump stations namapayipi amakhulu akhuphukayo azohlinzeka isayithi ngayinye ezimele nezinye izindawo ezisetshenziswa uwonkewonke njengoba kudingeka.

(2) Uma uhlelo lwamanzi lwamapayipi endle lukhona kulezo zakhiwo, umakhi kumele ngezindleko zakhe axhume uhlelo lwangaphakathi lokulahla indle ohlelweni lokulahlwa kwendle lukaMasipala.

(3) UMasipala angenza umsebenzi wokufaka amapayipi kuze kufike lapho exhumana khona ngaphandle kokubiza imali kuMasipala uma –

- (a) uhlelo lokulahlwa seluphuthuliwe ngendlela eyenelisa uMasipala; futhi
- (b) isethi ephelile yemidwebo ibe isithunyeliwe ngumakhi wesakhiwo.

(4) Uma uhlelo lukaMasipala lokulahlwa kwendle lwamanzi lungekho kulezo zakhiwo, umakhi angaphenya ngokufakwa kohlelo oluzimele lokulahlwa kwendle lwesakhiwo, kuncike ekutheni inhlango yabanikazi nemizi iyawenza umsebenzi wayo njengabahlinzeki bamanzi.

ISAHLUKO 7**IZNHLELO ZANGASESE ZOKUL AHLWA KWENDLE****Izitamukoko**

22.(1) Isitamukoko kumele sibe nethange elibolisa indle lapho indle ibola idonswe umhlabathi noma yi-French drain.

(2) Kuvumeleke indle ewuketshezi yasezindlini kuphela ezitamukokweni.

(3) Izitamukoko kufanele zakhiwe ngumuntu oqeqeshiwe noma zilandele imikhombandlela kaMasipala waseThekwini yokwakhiwa nokugunyazwa kwezakhiwo zokulahla indle emakhaya.

Amathange okugcina indle

23. (1) Ithange lokugcina indle lingaxhunywa esakhiweni uma kunohlelo lokulahlwa kwendle lwamanzi lukamasipala, ngemvume kuqala yomsebenzi ogunyaziwe okuyimvume eyotholakala ezimweni ezikhethekile.

(2) Uma kutholakele imvume yethange lokugcina indle esakhiweni esinohlelo lokulahlwa kwendle lwamanzi lukamasipala, nansi imibandela esebenzayo:

(a) Ithange lokugcina indle kufanele –

(i) lihambisane nezidingo ezibekwe kwi-SABS 0400 Code of Practice, njengoba zichitshiyelwe ukuze kusetshenziswe iMithethonqubo yoKwakha kaZwelonke; futhi

(ii) lakhiwe ngunjiniyela okufundele lokho onolwazi lokuhlela nokwakha okokuthutha indle kwasegcekeni;

(b) ubungako bokwakha okuhlongozawyo kumele bube nemikhawulo;

(c) umsebenzi ogunyaziwe kufanele agculiseke ukuthi kwenziwe izinhlelo ezanele zokuthulula okudingekile; futhi

(d) –

(i) ezindaweni zokuhlala, ithange lokugcina indle kumele lingeqi ku-7000 wamalitha futhi likwazi ukuhlala izinsuku eziyisikkhombisa; futhi

(ii) ezindaweni okungezona ezokuhlala, ithange lokugcina indle kumele likwazi ukumumatha izinsuku ezine okugelezela kulo.

Isiphehli samanzi angcolile sangasese

24. (1) –

(a) Isiphehli samanzi angcolile sangasese singafakwa kuphela esakhiweni; futhi

(b) isiphehli samanzi angcolile sangasese somthamo omncane singafakwa kuphela endaweni ehlala abantu,

ngemvume yomsebenzi ogunyaziwe okuyimvume eyotholakala ezimweni ezikhethekile kuphela.

(2) Uma kukhishwe imvume yesiphehli samanzi angcolile sangasese somthamo omncane endaweni ehlala abantu, kuyosebenza le mibandela elandelayo:

(a) isiphehli kumele silandele umqulu weMikhombandlela kaMasipala: *i-Package Plants for The Treatment of Domestic Wastewater*, njengoba washicilelwa futhi uchitshiyelwe izikhathi ngezikhathi;

(b) umakhi kufanele aqoke unjiniyela oqeqeshiwe ekuqaleni kweprojekthi futhi lowo njiniyela oqeqeshiwe –

(i) unomthwalo wokudweba nokukhetha isiphehli;

(ii) kufanele aqaphe ukwakhiwa, ukuxhunywana nokugunyazwa nokusebenza kwesiphehli; futhi

(iii) unomthwalo wokulawula ukusebenza, wokuqapha nokukhanda isiphehli iminyaka emihlanu ngokwenkonteleka yesevisi ngendlela ezogculisa umsebenzi ogunyaziwe; futhi;

(c) umakhi kufanele afake isibambiso semali kwi-Akhawunti kaMasipala esilingana no-1,5 (okukodwa nengxenye) kwezindleko zesiphehli iminyaka emihlanu.

(3) UMasipala anganquma ezinye izidingo kwisiphehli samanzi angcolile sangasese somthamo omncane sezindawo zokuhlala abantu.

(4) Uma okuphuma kwisiphehli samanzi angcolile sangasese somthamo omncane kungawalandeli ama-General Limit Values abekwe kwizimvume ezejwayelekile zoMnyango wezaManzi namaHlathi ngokwesigaba 39 soMthetho wezaManzi kaZwelonke, umsebenzi ogunyaziwe angayalela umnikazi waleso siphehli ukuba asichithele endaweni egunyazwe ngumasipala ngaphansi kwemibandela ebekwe umsebenzi ogunyaziwe.

(5) Uma kusobala ukuthi isiphehli samanzi angcolile sangasese somthamo omncane asiwalandeli amaqophelo abekwe nguMnyango waManzi njengoba kubekwe esigatshaneni (4) ngenhla, umsebenzi ogunyaziwe angayalela umnikazi wesiphehli ukuba asisuse afake esinye ngezindleko zakhe.

ISAPHEHLI 8 UKUNGCOLA KWEZIMBONI

Imvume yokulahla ukungcola kwezimbongi

25. (1) Umuntu kavunyelwe ukuchitha, ukubangela noma ukuvumela ukuchithwa kokungcola kwezimbongi ohlelweni lokulahlwa kwendle lukaMasipala, ngaphandle uma –

(a) kungemvume ebhaliwe yomsebenzi ogunyaziwe; futhi

(b) kungokwalo Mthetho kaMasipala.

(2) Noma isiphi isicelo semvume yokuchitha ukungcola kwezimboni ohlelweni lokulahlwa kwendle lukamasipala kumele senziwe ngokwezidingo ezibekwe umsebenzi ogunyaziwe futhi kukhokhwe imali enqunyiwe.

(3) Umsebenzi ogunyaziwe anganikeza ofake isicelo imvume yokuchitha ukungcola kwezimboni ohlelweni lokulahlwa kwendle lukamasipala uma ngokubona kwakhe isimo sohlelo lukamasipala lokulahlwa kwendle luzokwazi –

- (a) ukuhambisa;
- (b) ukuphehla ngendlela; kanye
- (c) nokuchitha ngendlela esemthethweni,

Ukungcola kwezimboni okwengeziwe.

(4) Umuntu onikwe imvume ngokwalesi sahluko kumele aqinisekise ukuthi akukho ukungcola kwezimboni okufakwa ohlelweni lokulahlwa kwendle ngaphandle uma kulandela amaqophelo nemibandela ebekwe kumaSheduli "A" no"B" alapha.

(5) Ekukhipheni imvume yokuchithela ukungcola kwezimboni ohlelweni lokulahlwa kwendle lukamasipala, umsebenzi ogunyaziwe –

- (a) anganquma isikhathi semvume;
- (b) angabeka imibandela ngaphezu kwaleyo ebekwa umsebenzi ogunyaziwe; futhi
- (c) angathambisa noma ashintshe amaqophelo abekwe kumaSheduli "A" noma "B" nanoma imiphi imibandela ebekwe umsebenzi ogunyaziwe uma anelisekile ukuthi ukuthanjiswa noma ukushintshwa kuzoba wusizo kwimvelo kubhekelelwa:

- (i) ukuthi isiphehli somfakisicelo sisebenza futhi sigcinwa ngokuseqophelweni eliphezulu;
- (ii) ukuthi ubuchwepheshe obusetshenziswa ngofake isicelo bungobungcono kunabo bonke yini obukhona imboni yofake isicelo engabusebenzisa futhi uma kungenjalo ukuthi ukufakwa kwalobo buchwepheshe kungafaka ofake isicelo ezindlekweni ezingafanele yini;
- (iii) ukuthi ofake isicelo ulandela uhlelo lokukunciphisa ukungcola oluhambisana namazinga okunciphisa noma okulawula ukungcola njengoba ebekwe ngokomthetho osebenzayo;
- (iv) izindleko kuMasipala zokuthambisa noma sokushintsha; kanye
- (v) nomthelela emvelweni, noma umthelela ongenzeka uma kugunyazwa ukuthambisa noma ukushintshwa, futhi ngalokho kumele kubhekelelwe ubungozi futhi lokhu kwenziwe ngokuqikelela.

(6) Ukungcola kwezimboni kuyochithelwa ohlelweni lokulahlwa kwendle lukamasipala kuphela ngokwemvume ekhishwe –

- (a) ngokwalo Mthetho kaMasipala;
- (b) ngaphansi kwanoma imuphi umbandela oqondene nemvume ekhishiwe;
- (c) ngaphansi kwanoma iliphi iqophelo nemibandela ebekwe umsebenzi ogunyaziwe ngezikhathi ezithile.

(7) Umhloli wamasampuli oqeqeshiwe angahlola amasampuli ngezikhathi ezithile ukuqinisekisa ukuthi ukungcola kwezimboni kuyayilandela imibandela yalo Mthetho kaMasipala nanoma imuphi umbandela kumbe iqophelo elibekwe yimvume ngezikhathi ngezikhathi.

(8) Umsebenzi ogunyaziwe, ngemvume noma ngesaziso esibhaliwe, angayalela umnikazi wemvume ngezikhathi ezithile ukuba –

- (a) adlulise ukungcola kwezimboni ekuphehlweni kokuqala, ngokubona komsebenzi ogunyaziwe, okuzoqinisekisa ukuthi ukungcola kuyahambisana nalo Mthetho kaMasipala nanoma imaphi amanye amaqophelo noma umbandela onqunywe umsebenzi ogunyaziwe, futhi okumaSheduli “A” no“B” ngaphambi kokuthi kuchithwe ohlelweni lokulahlwa kwendle lukamasipala;
- (b) afake amathange okufanisa, amavalvu, amaphampu, okuxhunyiwe, amamitha nokunye ngokubona komsebenzi ogunyaziwe okudingekile ukulawula umfutho nesikhathi sokuchitha lapho kuchithwa khona ngokwemibandela ebekelwe umnikazi wemvume;
- (c) ukuze kufakwe ukungcola kwezimboni ohlelweni lokuthutha indle nganoma isiphi isikhathi, axhume amapayipi ahlukile kulawo okuthutha amanzi angcolile noma indle yasendlini futhi angenqabela umnikazi wemvume angachithi –
 - (i) ukungcola kwezimboni nomaphi kwenye indawo; kanye
 - (ii) namanzi angcolile nendle ejwayelekile yasendlini ngenye indlela ngale kohlelo lokulahlwa kwendle;
- (d) afake epayipini elithutha ukungcola kwezimboni isivalo noma ivalvu emi futhi eyakhiwe ngendlela egunyazwe umsebenzi ogunyaziwe;
- (e) anikeze ulwazi oludingwa umsebenzi ogunyaziwe ukuze akwazi ukuhlawumbisela izindleko okumele zikhokhelwe uMasipala ngokwalo Mthetho kaMasipala;
- (f) ahlinzeke izidingo ezanele zokuvimbela ukuchithekela kokungcola kwezimboni ohlelweni lokulahlwa kwendle okushayisanayo nemibandela yalo Mthetho kaMasipala okubandakanya phakathi kokunye okokuqapha ukugcwala ngokweqile, impahla emi ngomumo, imigodi yokuchichima nokunye okufanele;

- (g) ahlelele ukuba noma iliphi imitha, okokukala nanoma ikuphi okunye okufakwe ngokwalesi sigaba kuqoshwe ngozimele ngezindleko zomnikazi wemvume ngezikhathi ezinqunywe umsebenzi ogunyaziwe, nokuthumela kuso amakhophi esitifiketi sokuqopha; futhi
- (h) ahlelele ukuba ukungcola kwezimboni kuhlaziywe kaningi nangendlela enqunywe umsebenzi ogunyaziwe, nokunikeza uMasipala imiphumela yalokho kuhlolwa uma sekuphelile.
- (9) Umnikazi noma ohlala esakhiweni ngezindleko zakhe kufanele afake izinhlelo zokuqapha nokugwema ukwep hulwa kwanoma imuphi umbandela walo Mthetho kaMasipala njengoba kuhlangozwe noma kuyiphi imikhombandlela ebekwe ngumasipala maqondana nokugunyazwa kwamapulani okwakha, okubandakanya phakathi kokunye:
- (a) ukufaka isivalo esingawadedeli amanzi kukho konke okunamanzi okunomthamo ongengaphansi kowesitsha esinoketshezi esikhulu kunazo zonke; kanye
- (b) nokuqiniseka ukuthi zonke izakhiwo zinogadasi ukuqinisekisa ukuthi amanzi emvula ahlanzekile ageleza ayongena emapayipini amanzi emvula.
- (10) Umsebenzi ogunyaziwe angazixegisa izidingo ezibekwe esigatshaneni (9) uma umnikazi wemvume ebhale wafaka isicelo salokho futhi ekwazile –
- (a) ukuveza ubufakazi bokuthi ngeke kube khona bungozi obengezekile emvelweni; futhi
- (b) ekhombisa ukuthi yini enye azoyenza ukunciphisa ubungozi.
- (11) Uma kwenzeka imitha nanoma yini enye ifa noma ingasebenzi kahle, ubungako kufanele bukalwe ngendlela enqunywe umsebenzi ogunyaziwe.
- (12) Izindleko zokuphehla, zesiphehli, zomsebenzi noma ukuhlolwa okungadingeka kumnikazi wemvume ukuba akwenze, akwakhe noma akuxhume ngokwesigatshana (8) kufanele zibhekane nomnikazi wemvume.
- (13) Umnikazi wemvume kufanele athole imvume ebhaliwe yomsebenzi ogunyaziwe yanoma iziphi izinguquko ezihlongozwayo kwimikhiqizo equkethwe ukungcola kwezimboni okuchithelwa ohlelweni lokulahlwa kwendle.
- (14) Uma umnikazi wemvume echithela ohlelweni lokulahlwa kwendle noma ikuphi ukungcola kwezimboni okungahambisani nemvume leyo yakhe, yena uqobo noma lowo

amthumile kumele azise umsebenzi ogunyaziwe ngalokho asho nezizathu zalokho engakapheli amahora ali-12 kwenzekile.

(15) Umsebenzi ogunyaziwe angayihoxisa imvume yokuchithela ukungcola kwezimboni ohlelweni lokulahlwa kwendle uma umnikazi wemvume –

(a) engasilandeli noma enqaba ukulandela isaziso esisemthethweni asinikwe ngokwalo Mthetho kaMasipala noma ephula noma imiphi imibandela abekelwe yona ngokwemvume ayinikiwe; noma

(b) engazikhokhi izindleko ezibiziwe mayelana nokungcola kwezimboni okuchithwayo;

(c) engaqaqinisekisi ukuthi izinga lokungcola kwezimboni liyahambisana noSheduli “A” no“B”:

Kuncike ekutheni umnikazi wemvume unikwe isaziso esibhaliwe sezinsuku ezili-14.

(16) Uma umsebenzi ogunyaziwe eyihoxisa imvume yokuchitha ukungcola kwezimboni, –

(a) ngaphezu kwanoma iziphi izinyathelo ezinqunywe kulo Mthetho kaMasipala nasesazisweni sezinsuku ezingama -14 esinikezwe umnikazi wemvume, angagunyaza ukuvalwa noma ukuboshwa kwepayipi elixhuma amapayipi endle akuleso sakhiwo kwamanye amapayipi ngezindleko ezinganqunywa umsebenzi ogunyaziwe; futhi

(b) angaqhubeka nokwenqaba ukuqhubeka nokwamukela ukungcola kwezimboni okuvela kumnikazi wemvume aze aneliseke ukuthi usethathe izinyathelo ezanele ukuqiniseka ukuthi ukungcola kwezimboni okuzochithwa kulandela imibandela ebekwe kulo Mthetho kaMasipala.

(17) Uma umsebenzi ogunyaziwe egunyaza ukuphinda kuvulwe ipayipi noma ukuxhunywa obekuvaliwe, umnikazi wemvume kufanele athwale izindleko zalokho.

(18)(a) Uma umsebenzi ogunyaziwe ethola ukuthi umuntu ochitha ukungcola kwezimboni angase alimaze uhlelo lokulahlwa kwendle noma imvelo uma evunyelwa ukuba aqhubeke, umsebenzi ogunyaziwe angagunyaza ukuvalwa kwepayipi elixhumana nepayipi lokuthutha ukungcola kwezimboni.

(b) akukho muntu ongavumela ukuvulwa kwepayipi elishiwo esigatshaneni (a) kuze kwaneliseke umsebenzi ogunyaziwe ukuthi ukungcola kwezimboni kuyahambisana namaqophelo abekiwe.

(19) izihlinzeko zalesi sigaba zisebenza ngokufanayo ekungcoleni kwezimboni okuchithelwa olwandle ezindaweni zikaMasipala, kuncike kwimithetho esebenzayo, futhi kuncike kule mibandela elandelayo:

- (a) uma ukungcola kwezimboni kuvunywa ukuba kuchithelwe olwandle, kufanele kufike kuleyo ndawo evunywe umsebenzi ogunyaziwe ngepayipi elakhiwe futhi linakekelwa ngumnikazi wemvume ngezindleko zakhe;
- (b) akukho kungcola kwezimboni okuyovunyelwa ukuchithwa olwandle uma kungahambisani namaqophelo nenqubo ebekwe kuSheduli "B";
- (c) ukungcola kwezimboni angeke kwavunyelwa ukuchithelwa olwandle ngaphandle uma kuvezwa ubufakazi obugculisa umsebenzi ogunyaziwe bokuthi akunabuthi obungabulala izilwane nezihlahla olwandle kukodwa noma esekuxutshwe nokunye kungenazo –
- (i) izinto ezifakiwe noma eziyingxube –
 - (aa) ezingaba luhlupho emabhishi noma olwandle noma zibe yingozi empilweni; noma
 - (bb) ezingaba nemiphumela engemihle ezindaweni zokubhukuda kumbe ezokuzithokozisa;
 - (ii) izinto ezintantayo;
 - (iii) izinto ezingaba yingozi ezindaweni zikaMasipala zokuchitha olwandle nakwamanye amasampu, amapayipi athutha ukungcola, imishini nempahla noma nakubasebenzi bakhe;
 - (iv) izinto ezingadala isidina ngamagwebu; kanye
 - (v) nokungcola okwejwayelekile kwasendlini;
- (d) kuncike kwimibandela yesigatshana (c), umsebenzi ogunyaziwe angabhala axegise amaqophelo emvume noma aguqule inqubo ebekwe kuSheduli "B";
- (e) ipayipi elithumelayo lisuka ezakhiweni liya lapho kwemukelwa khona kumele lihlale lisesimweni esifanele lingavuzi;
- (f) ukuchithwa kokungcola kwezimboni kuyobuyezwa izikhathi ngezikhathi: Kuncike ekutheni lokho kubuyezwa kungenziwa noma inini uma ngokubona komsebenzi ogunyaziwe kunezimo eziphuthumayo ezibandakanya phakathi kokunye ukungcoliseka kolwandle noma amabhishi, ukufa kwezinhlanzi nezinye izigameko ezivele ngenxa yokuchithelwa kokungcola kwezimboni olwandle;
- (g) umnikazi wemvume kufanele ahlinzeke umsebenzi ogunyaziwe ngendawo efanele yokucaphuna amasampuli esakhiweni semboni;
- (h) indawo yokucaphuna isampuli ebalulwe ngenhla kufanele ikhonjiswe ngendlela egculisa umsebenzi ogunyaziwe;
- (i) kufanele kwaziswe umsebenzi ogunyaziwe ngezinguquko ezihlongozwayo ekukhiqizeni noma kwisamba noma uhlobo lwempahla esetshenziswayo okungenzeka kube nomthelela ohlobeni, ekwakhekeni nasemazingeni okungcola okukhiqizwa

yimboni: Kuncike ekutheni kutholakala imvume yomsebenzi ogunyaziwe yokuqhubeka nokuchitha lokho kungcola.

ISAPHLUKO 9 UKUKHOKHELA AMASEVISI

Ukukhokhela ukusebenzisa uhlelo lokulahlwa kwendle

26.(1) Ukukhokhela ukusebenzisa uhlelo lokulahlwa kwendle kumele kwenziwe –

- (a) ngokohlu olunqunyiwe lwezimali ezikhokhwayo zokulahlwa kwendle; noma
- (b) ngokwesivumelwano esikhethekile phakathi kukaMasipala nomuntu ngokwesigaba 9; noma
- (c) ngenye indlela njengokunquma komsebenzi ogunyaziwe.

(2) Inkokhelo isuke isifanele ukukhokhwa ngosuku olubhalwe kwi-akhawunti.

Ukukhokhelwa kokungcola kwezimboni ngokwamareyithi okuthuthwa kwendle

27. Uma ukukhokhelwa kokusetshenziswa kohlelo lokulahlwa kwendle kungamareyithi okuthuthwa kwendle kanti uma umuntu onemvume yokuchitha ukungcola kwezimboni esedlulile emthamweni ongu 'T' *kilolitres* ngenyanga, umnikazi wemvume uyena oyokhokha ezinye izimali ezingaphezu kwemali ejwayelekile yamareyithi okuthuthwa kwendle, ebalwa ngendlela ebekwe esigabeni 28.

Izimali zokungcola kwezimboni

28. UMasipala anganquma izimali ezikhokhelwa ukulahlwa kokungcola kwezimboni futhi achibiyele lezo zimali ezikhokhwayo uma ebona kunesidingo.

Izindlelo zokulahlwa kwendle uma zibalwa ngamatharifu

29. Uma izindleko zokusebenzisa uhlelo lokulahlwa kwendle zibalwa ngamatharifu, izindleko zokulahlwa kwendle ejwayelekile yasendlini zikhokhwa yikhasimende uma isakhiwo –

- (a) sixhumene nohlelo lokulahlwa kwendle noma singakwazi ukuxhunywisa; noma
- (b) sithola amanzi kuMasipala.

Izindlelo zokulahlwa kokungcola kwezimboni uma zibalwa ngamatharifu

30.(1) Umuntu onemvume yokuchitha ukungcola kwezimboni okungaphezu komthamo onqunyiwe ongu 'T' kilolitres ngenyanga, uyokhokha isamba esincane nge-kilolitre lokungcola kwezimboni esilingana nemali ekhokhwa uma kuchithwa ukungcola okujwayelekile kwasendlini.

(2) Ngaphezu kwezinhlinzeko zesigaba (1), umnikazi wemvume ochitha ukungcola kwezimboni okungumthamo noma okunezinga elingaphezu kwalelo lokungcola kwasendlini okwejwayelekile uyokhokhiswa ezinye izimali ngomthamo wokungcola akuchithayo ngokuhambisana nezihlinzeko zesigaba 28.

Umthamo wokungcola okwejwayelekile kwasendlini okunqunywa ngezinhloso zokukhokha

31.(1) Umthamo wokungcola okwejwayelekile kwasendlini kumele unqunywe –

- (a) ngephesenti lamanzi athunyelwa nguMasipala ngokwanoma iyiphi inqubo ebekiwe;
- (b) ngokuhlola komsebenzi ogunyaziwe okususelwa emibandeleni enjengesibalo sabasebenzi esakhiweni, esama-shift asetshenziwe, esezikhathi zokudla nokunye okunjalo; noma;
- (c) uma indawo inamanzi asuka kwenye indawo ngaphandle kwawohlelo lwamanzi kaMasipala, ngokudonswa emfuleni noma emgodini kancanyana kumbe ngokuphelele, ngokuhlola okwenziwe umsebenzi ogunyaziwe okususelwa emibandeleni ayibona ifanele.

(2) Ngale kokulandela imibandela yesigatshana (1)(a), uma umsebenzi ogunyaziwe ebona ukuthi iphesenti elisetshenziswayo esakhiweni elithile ledlulele, lapho kubhekwa inhloso amanzi asetshenziselwa yona kuleyo ndawo, angalehlisa iphesenti elisebenza kuleso sakhiwo ngokubona komsebenzi ogunyaziwe nangokubheka ulwazi olukhona ngaleso sikhathi libe yisibalo esikuveza kangcono ukuvumelana phakathi kwenani elingalindeleka lokulahlwa kwendle esakhiweni nelamanzi athunyelwa khona.

Umthamo wokungcola kwezimboni onqunywa ngezinhloso zokukhokha

32. Umthamo wokungcola kwezimboni okuchithelwa ohlelweni lokulahlwa kwendle noma olwandle kufanele unqunywe ngalezi zindlela ezilandelayo:

- (a) uma kwenziwa khona izilinganiso eziqonde ngqo zomthamo wokungcola kwezimboni okuchithwayo okuphuma esakhiweni, lowo mthamo kumele usetshenziselwe ukubala isamba okumele sikhokhwe;
- (b) lapho kungekho silinganiso khona esiqonde ngqo somthamo wokungcola kwezimboni ochithwayo ophuma esakhiweni, ubungako kufanele bubalwe njengephesenti lamanzi athunyelwa nguMasipala ngokwenqubo ebekwe nguye;
- (c) uma indawo inamanzi asuka kwenye indawo ngaphandle kwawohlelo lwamanzi kaMasipala, adonswa emfuleni noma emgodini kancane kumbe ngokuphelele, ubungako bamanzi kumele bunqunywe ngokuhlola okwenziwe umsebenzi ogunyaziwe okususekwa emibandeleni esiyibona ifanele; futhi
- (d) uma ingxenye yamanzi anikezwa umnikazi wemvume iyingxenye yomkhiqizo ngenkathi kukhiqizwa noma ishabalala ngenkathi kukhiqizwa kumbe noma ngasizathu sini esinye, umsebenzi ogunyaziwe ngokubona kwakhe uma umnikazi wemvume efake isicelo, angawunciphisa umthamo wokuhlola kwakhe ukungcola kwezimboni.

Ezinye izindleko

33.(1) Ngale kokulandela noma yini ephambanayo equkethwe kulo Mthetho kaMasipala, umsebenzi ogunyaziwe anganquma futhi akhokhise lezi zimali ezilandelayo:

- (a) imali ekhokhwa noma ngubani mayelana nomthamo omncane wendle ethuthwayo;
- (b) imali ekhokhwa noma ngubani njengezindleko ezijwayelekile kwezinqunyiwe zokusebenzisa uhlelo lokulahlwa kwendle uma kwenzeka kuba nokwenqatshelwa noma imikhawulo ekusetshenzisweni kwamanzi;
- (c) imali ekhokhelwa ukubuyisa eyezindleko uMasipala angene kuzo ngokulawula ukungcola kwezimboni nokwalusa abanikazi bezimvume abachitha ukungcola kwezimboni umasipala echitha khona uhlelo lokulahlwa kwendle;
- (d) imali ekhokhwa umuntu ochitha okungafanele okushiwo esigabeni 6 ukuze kukhokhwe zonke izindleko uMasipala angene kuzo elandela umsuka walokho kuchitha okungafanele elungisa nomphumela wakho: Kuncike ekutheni lezo zindleko eziphelele zibandakanya umthelela wemvelo;
- (e) imali ekhokhwa ngumuntu –
 - (i) ngokwesinqumo esibekiwe ohlwini lwamatharifu; noma
 - (ii) uma lungekho uhlu lwamatharifu, izindleko eziphelele zomsebenzi owenziwe noma okudayisiwe;
- (f) UMasipala angabiza ezinye izimali maqondana nezinga lamanzi engakhokhiswa nguhulumeni omkhulu;

(g) imali kumele ikhokhwe noma ngubani oweqe emthamweni onqunyiwe wokuchitha obekwe emaShedulini "A" no"B"; futhi

(h) umnikazi wendawo lapho kutholakele khona ukuthi amanzi emvula angena emapayipini endle kufanele akhokhiselwe ubungako obuhlawumbiselwe bamanzi emvula angene epayipini lendle: Kuncike ekutheni umsebenzi ogunyaziwe kuphela oyoahlawumbisela ubungako bamanzi ezikhukhula angene epayipini lokuthutha indle.

(2) Akukho muntu ongasungula noma aqhube imboni noma ibhizinisi elikhiqiza ukungcola namanzi angcolile endaweni eklanyelwe ukuhlala.

Ukukhokhwa kwediphozi

34.(1) Umsebenzi ogunyaziwe angayalela noma ngubani ukuba akhokhe kuMasipala isamba semali esiyidiphozi emele izindleko zokulahlwa kwendle ngokubona kwakhe esizokweletwa yilowo muntu kuMasipala ngemuva kwesikhathi esithile.

(2) Idiphozi eshiwo esigatshaneni (1) kumele iphelekezelwe isicelo esilethwa ngokwesigaba 8 noma isigatshana (1).

(3) Idiphozi ekhokhwa ngokwesigaba (1) ingethathwe njengenkohelo noma ingxenye yenkohlolo ye-akhawunti okumele ikhokhelwe ukulahlwa kwendle.

(4) Kuye ngoMthetho kaMasipala wokulawula izikweletu nokukhokhwa kwazo iCredit Control and Debt Collection By-law, ngesaziso esibhaliwe uMasipala angadinga ukuba umuntu ofanele akhuphule idiphozi ngesamba esikhonjwe kuleso saziso.

(5) Kuncike eMthethweni kaMasipala wokuLawula nokuKhokhwa kweziKweletu, uMasipala ngokubona kwakhe noma ngokucelwa yikhasimende angasehlisa isamba sediphozi noma isibambiso esidingekayo uma enlisekile ukuthi lokho kwehlisa kufanele ngenxa –

(a) yezindleko ezibizwa lelo khasimende zokulahlwa ngaleso sikhathi; noma

(b) yezinguquko esimweni esiqondene nokunqunywa kwesamba sasekuqaleni sediphozi noma sesibambiso.

Ukwehliswa kwemali uma kumosheke amanzi noma ukuvuza kungabonakalanga

35.(1) Umuntu unelungelo lokwehliselwa imali ekhokhelwa ukulahlwa kwendle uma ukufundwa kwemitha okuzonquma imali ezokhokhwa kubandakanya isikhathi lapho –

(a) amanzi eke achitheka ngaso; noma

(b) kube nokuvuza okungabonakalanga:

Kuncike ekutheni ikhasimende liveza ngendlela eyenelisa umsebenzi ogunyaziwe ukuthi amanzi kachithwanga ohlelweni lokulahlwa kwendle.

(2) Imali ekhokhelwa ukulahlwa kwendle ingehliswa ngesamba esisuselwa kubungako bokungcola okwejwayelekile kwasendlini ibalwe ngobungako bamanzi okuphuza achitheke ngenxa yokuvuza ngesikhathi obekuvuza ngaso.

(3)(a) Isikhathi sokuvuza kufanele kube ngesokufunda kwemitha ngaphambi kosuku noma sokulungiswa kokuvuza noma isikhathi sokufundwa kwemitha ukuvuza okulungiswe ngaso, kukhethwe okungayehlisa kakhulu imali ekhokhwayo.

(4)(a) Ubungako bamanzi achithekile kufanele bubalwe njengasebenzile ekuvuzeni kususwe ukusetshenziswa okwejwayelekile, kususelwe ezinyangeni ezintathu ezandulele ngesikhathi esifanayo ubude.

(b) Uma –

(i) kungekho mlendo wokusetshenziswa; noma

(ii) umsebenzi ogunyaziwe engakubheki njengenkomba ukusetshenziswa jikelele, ukusetshenziswa jikelele kwamanzi yisamba esikhonjwa umsebenzi ogunyaziwe ngemuva kokucubungula lonke ulwazi olufanele.

(c) Kungase kungabi nakwehliswa kwemali ekhokhwa ngenxa yokulahleka kwamanzi okudalwe –

(i) ukubhidlika komhlabathi noma ukucindezelwa yisisindo;

(ii) ukugcwaliswa kwamachibi okubhukuda kumbe amanye nje ngemuva kokuvuza noma kokunye nje;

(iii) amabomu omuntu olahlekelwe noma omunye umuntu egameni lakhe uma lokho kudale ukulahleka kwamanzi; noma

(iv) ukuxhunywa kwamanzi okungawulandeli umhlahlandlela wokuxhuma kaMasipala.

Izichibiyelo ezimalini okumele zikhokhwe

36. Uma noma ngasizathu sini ngokwalo Mthetho kaMasipala umuntu okufanele akhokhe –

(a) engakhokhiswa nhlobo; noma

(b) ekhokhiselwa ukulahlwa kwendle ngemali engaphansi kwaleyo okumele ayikhokhe, uyobe engaxolelwe ukuba akhokhe futhi uma eyalelwa ukuba akhokhe, kumele akhokhe yonke imali okumele kaMasipala ibalwa ngokwezihlinzeko zalo Mthetho kaMasipala.

Izichibiyelo ezimalini ezinqunyiwe

37. Lapho izichibiyelo ohlwini olubekiwe lwezimali ezikhokhwayo zokulahlwa kwendle ziqala ukusebenza ngosuku oluphakathi kokufundwa kwemitha, ikhasimende kufanele likhokhe imali ebalwe ngobungako bokungcola okuhanjiswa ngamanzi emapayipini obufana nobachithwa kumahora angu-24 phakathi kwezikhathi zokufundwa kwewashi lamanzi.

ISAHLUKO 10**UKUVIKELWA KOHLELO LOKUL AHLWA KWENDLE****Ukungena ngokungemthetho ohlelweni lokulahlwa kwendle**

38. Ngaphandle uma kutholakele imvume yomsebenzi ogunyaziwe kuqala, umuntu angeze angena –

- (a) endaweni esetshenziselwa uhlelo lokulahlwa kwendle ebiyelwe noma enezaziso ezithi kakungenwa; noma
- (b) esakhiweni esisetshenziswa nguMasipala mayelana nohlelo lokulahlwa kwendle.

Ukuphazamisa uhlelo lokulahlwa kwendle

39. Ngaphandle uma kutholakele imvume yomsebenzi ogunyaziwe kuqala, umuntu angeze –

- (a) aphazamisa noma akokotela uhlelo lokulahlwa kwendle ngaphandle uma kungokwezihlinzeko zesigaba 43;
- (b) axhuma ohlelweni lokulahlwa kwendle ngaphandle uma kungemibandela yesigaba 11; noma
- (c) akhe isakhiwo kumbe alayishe noma ambe umhlabathi endaweni eshiyelwe ukunqamula ipayipi lokulahlwa kwendle.

Ukulimaza ipayipi lokulahlwa indle

40. (1) Umuntu angeze adala umonakalo noma afake engozini uhlelo lokulahlwa kwendle noma abangele noma avumele ukuba kudaleke umonakalo noma lufakeke engozini.

(2) Umuntu ohlose ukwenza umsebenzi ongase udale umonakalo ohlelweni lokulahlwa kwendle emhlabeni kaMasipala noma ongaphansi kwakhe noma anelungelo kuwo noma

elinye nje ilungelo kufanele aqale ngokuqinisekisa kuMasipala ukuthi akukho ngxenye yini yohlelo lokulahlwa kwendle kamasipala enqamula lapho ngaphambi kokuqala umsebenzi.

(3) Uma ngokubona komsebenzi ogunyaziwe ukuthi kuzokwenziwa noma kwenziwa umsebenzi ongase ulimaze noma ubeke engozini uhlelo lokulahlwa kwendle emhlabeni oshiwo esitshaneni (2), noma emhlabeni oncike kuwo, ngesaziso esibhaliwe angase anxuse ukuba lowo muntu angaqali, noma ame angaqhubeki nomsebenzi kuze kube useyilandelile imibandela ebekwe kuleso saziso.

Ukulungiswa okuyimpoqo kwamapayipi okuthuthwa kwendle

41. Noma nini uma uhlelo lokulahlwa kwendle lwephukile noma luvalekile noma ludinga ukulungiswa ngenxa yokwenza okuthile noma yokungenzi okuthile komuntu, ngenxa yokuyingalandeli imibandela yalo Mthetho kaMasipala noma ngokunye, umsebenzi ogunyaziwe –

(a) angawenza yena lowo msebenzi, lokho kukhanda noma ukulungisa njengokubona kwakhe kufanele; noma

(b) akhiphe okuvimbile,

ngezindleko zalowo muntu futhi lowo muntu kumele azikhokhe zonke.

Okuvimbele ukudlula kohlelo lokulahlwa kwendle

42. (1) umuntu angeze avimbela noma aphazamise ukusebenza kohlelo lokulahlwa kwendle.

(2) Uma umuntu ephula imibandela yesigatshana (1), umsebenzi ogunyaziwe –

(a) angabhala isaziso efuna ukuba akulungise lokho ngezindleko zakhe singakapheli isikhathi esibekiwe; noma

(b) uma ebona ukuthi kuyaphuthuma, akulungise ukuphazamiseka ngale kwesaziso kuqala umuntu bese ekhokhiswa zonke izindleko zokwenza lokho.

Umsebenzi wabantu abazimele

43.(1) Umuntu ogunyaziwe noma lowo amqokile kufanele afake wonke amapayipi okuthuthwa kwendle nawokuxhuma ngaphandle uma ekhetha ukungakwenzi lokho, uma kunjalo-ke umsebenzi kufanele wenziwe ngokwemibandela yenkontileka kaMasipala maqondana nomsebenzi nokushiwo esigatshaneni (2).

(2) Uma umsebenzi ogunyaziwe ekhetha ukuvumela omunye umuntu ukuba afake ipayipi lokulahlwa kwendle noma elokuxhuma, umsebenzi kufanele wenziwe ngokweqophelo nenqubo evunyiwe nguMasipala kulowo msebenzi kanye nalokhu okulandelayo:

(a) noma ubani owenza umsebenzi kufanele aqale athumele incwadi ebhaliwe esemthethweni kumsebenzi ogunyaziwe ehlangula uMasipala ekukhokhiselweni noma iyiphi ingozi noma ukulimala noma ukulahlekelwa kwabantu nomonakalo empahleni okungaba ngumphumela ngqo noma ngandlela thile wokwakha;

(b) lapho ukuxhuma kuzoxhunywa epayipini lokulahlwa kwendle, kumele kwenziwe lapho kukhombe khona umsebenzi ogunyaziwe;

(c) nanini uma kuphazamiseke ingaphezulu lomgwaqo ngenkathi kwakhiwa, ukulungiswa kwalo kumele kwenziwe nguMasipala kuphela ngezindleko zomuntu owenza lowo msebenzi; futhi

(d) ngaphambi kokuphazamisa ingaphezulu lomgwaqo kufanele kufakwe idiphozi kuMasipala ngokubona komsebenzi ogunyaziwe eyanele ukubhekana nezindleko zokulungisa ezihlawumbiselwe: Uma izindleko zangempela zingaphezulu noma zingaphansi kwesamba sediphozi –

(i) imali eyeqile kufanele ikhishwe yilowo muntu; noma

(ii) esele abuyiselwe yona.

(2) Wonke umsebenzi kufanele wenziwe ngokwezidingo zomsebenzi ogunyaziwe futhi agculiseke.

ISAHLUKO 11

UKUPHOQELELWA KOMTHETHO

Ukungena komsebenzi ogunyaziwe

44. (1) Ngezikhathi okungalindeleka ngazo kumbe noma nini uma kuphuthuma, umsebenzi ogunyaziwe –

(i) angangena;

(ii) angacela ulwazi;

(iii) angathatha amasampuli; futhi

(iv) angahlola aphenye enze umsebenzi njengokubona kwakhe ngalokho asebenze noma ikuphi ukuxhunywa epayipini lokumunca, ngenhloso ephathelene nokulandela noma ukuphoqelela lo Mthetho kaMasipala.

(2) Uma umsebenzi ogunyaziwe ebona kufanele ukuba kwenziwe umsebenzi ukuze akwazi ukuwenza ngokuyikho nangempumelelo umsebenzi wakhe oshiwo esigatshaneni (1), –

(a) angabhala isaziso efuna ukuba umnikazi noma ohlala lapho enze lowo msebenzi okhonjiwe ngezindleko zakhe singakapheli isikhathi esinqunyiwe; noma

(b) uma ebona ukuthi kuyaphuthuma, awenze yena umsebenzi noma athumele wenziwe ngale kwesaziso kuqala bese kuthi umnikazi noma lowo ohlala khona akhokhiswe izindleko zokwenza lokho.

(3) Uma umsebenzi oshiwo esigatshaneni (2) wenziwa kuphela ngenhloso yokuthola ukuthi awephulwanga yini lo Mthetho kaMasipala kutholakale ukuthi ngempela kawephulwanga, uMasipala kufanele abhekane nezindleko eziphathelene nalokho kanye nezokulungisa isakhiwo sibuyele kwebesiyikho: Kukho konke okunye, ngumnikazi othwala lezo zindleko.

(4) Zonke izinqubomgomo nezinqubo zempilo nokuphepha nezokulawula ukungena ezisebenzayo endaweni kufanele zichitshiyelwe ukuvimbela ukulibaziseka ekuthwaleni umthwalo womuntu ngokwalo Mthetho kaMasipala.

(5) Umuntu angeze enqabela umsebenzi ogunyaziwe ukuba angene, angemphazamise, angemvimbe ekusebenziseni igunya lakhe ngokwemibandela yalo Mthetho kaMasipala.

(6) Uma umsebenzi ogunyaziwe engena esakhiweni, kufanele aveze incwadi esemthethweni ekhishwe nguMasipala echazayo ukuthi ungubani ayinike umnikazi noma ohlala lapho.

Amandla omsebenzi ogunyaziwe

45. Uma umsebenzi ogunyaziwe engena ebaleni –

(a) angahlola, aluse noma aphenye noma iyiphi ingxenye yebala maqondana nohlelo lwamanzi, uhlelo lokulahla ukungcola okuhanjiswa ngamapayipi nolunye uhlelo lokumunca kanye nanoma imaphi amakhemikhali asetshenziswayo, agciniwe kumbe alahlwayo;

(b) angabuza umnikazi noma ohlala lapho esakhiweni;

(c) angathatha izithombe zendawo;

(d) angacaphuna amasampuli;

(e) angashaqa ubufakazi obufanele obuqondene nezinga lamanzi; noma

(f) angenza noma yini efanele ukulandela imibandela yalo Mthetho kaMasipala.

Ukukhishwa kwezaziso

46.(1) Uma kudingeka ukuba kunikezwe umuntu isaziso sokulandela umthetho ngokwezihlinzeko zalo Mthetho kaMasipala, kuthathwa ngokuthi lowo muntu usitholile leso saziso uma –

- (a) enikezwe sona esandleni;
- (b) sishiywe lapho ehlala khona, esebenza khona noma enebhizinisi khona kwiRiphabhulikhi yaseNingizimu Afrika, ezandleni zomuntu oneminyaka engaphezu kwe -16;
- (c) siposelwe ekhelini elibhalisiwe noma elisemthethweni elaziwayo lalapho ehlala khona noma enebhizinisi khona kwiRiphabhulikhi yaseNingizimu Afrika futhi kunobufakazi bokuposwa kwaso;
- (d) uma lingaziwa ikheli lakhe kwiRiphabhulikhi yaseNingizimu Afrika, sithunyelwe kwi-ejenti noma kumuntu ommele kwiRiphabhulikhi yaseNingizimu Afrika ngendlela ebekwe ezindimeni (a), (b) noma (c); noma
- (e) uma ikheli lakhe noma le-ejenti yakhe lakwiRiphabhulikhi yaseNingizimu Afrika lingaziwa, uma sishiywe emnyango, esangweni nakunoma iyiphi enye indawo esobala esakhiweni.

(2) Uma isaziso sokuhlonishwa komthetho kudingeka ukuba sithunyelwe kumuntu ngenxa yokuthi ungumnikazi noma ubengumnikazi noma unelungelo elithile mayelana naleso sakhiwo esingenakususwa –

- (a) akudingeki ukuthi aze agagulwe ngegama; futhi
- (b) angachazwa njengomnikazi noma umlawuli waleso sakhiwo noma elinye ilungelo, njengoba kungaba njalo.

Ukuzihlangula

47. UMasipala nanoma imuphi umsebenzi ogunyaziwe angeke athwale icala komunye umuntu wesithathu ngenxa yomonakalo obangelwe yinoma isiphi isenzo esenziwe noma esingenziwanga ngokusemthethweni uMasipala noma umsebenzi ogunyaziwe ngesikhathi enza imisebenzi yakhe ngokwalo Mthetho kaMasipala.

Imiyalelo esemthethweni

48. Ukwehlukela ukuhlonipha umyalelo osemthethweni owunikezwa umsebenzi ogunyaziwe kusho ukwephula lo Mthetho kaMasipala.

Ukuqoqwa kwezindleko**49.** Uma umuntu –

- (a) ephula izihlinzeko zalo Mthetho kaMasipala nanoma imuphi omunye uMthetho kaMasipala; noma
- (b) ehluleka noma enqaba ukulandela isaziso esikhishwe ngokwalo Mthetho kaMasipala; noma
- (c) ehluleka ukulungisa indawo ayingcoilisile emva kokuba ecelwe ukuba enze njalo, lowo muntu uyothweswa icala kanti uMasipala angathatha noma iziphi ezinye izinyathelo ezidingekayo kwisaziso sokulandela umthetho futhi abize kulowo muntu zonke izindleko ezidalekile: Kuncike ekutheni lezo zindleko zingaphezu kwezindleko ezejwayelekile ezingabizwa kulowo muntu.

Amacala**50.** Umuntu –

- (a) owephula izihlinzeko zalo Mthetho kaMasipala;
- (b) owehluleka noma owenqaba ukulandela isaziso sokulandela umthetho asitholile;
- (c) owehluleka ukulandela noma imuphi umyalelo osemthethweni okhishwe ngokuhambisana nalo Mthetho kaMasipala;
- (d) owephula noma imiphi imibandela ebekwe ngesikhathi kugunyazwa isicelo, kukhishwa imvume, igunya, isivumelwano, umyalelo, imvume noma amandla ngokwalo Mthetho kaMasipala;
- (e) owesabisa, onqaba, ogxambukela noma ophazamisa umsebenzi ogunyaziwe ngesikhathi enza umsebenzi wakhe noamajoma akhe ngokwalo Mthetho kaMasipala; noma
- (f) onikeza ngabomu ulwazi olungamanga noma oludukisayo kumsebenzi ogunyaziwe, Uyothwala icala.

Izinhlawulo**51.** (1) Noma imuphi umuntu owephula loMthetho kaMasipala, uma elahlwa yicala, uyohlawuliswa –

- a) inhlawulo engafinyelela ku R10 000 ngecala lokuqala;
- b) inhlawulo engafinyelela ku-R50 000 uma engasaqali, noma ukubhadla ejele isikhathi esingaba unyaka, noma kokubili inhlawulo nejele.

(2) Uma umuntu eqhubeka nokwenza icala, kuyokwengezwa imali yenhlawulo ifike enanini elingekho ngaphezu kuka R10 000-00 noma abhadle ejele isikhathi esingekho ngaphezu kwezinsuku eziyi -10, ngosuku ngalunye aqhubeke ngalo nokwenza icala noma kokubili, inhlawulo nokubhadla ejele.

(3) Umuntu owenza icala elibekwe kwisigatshana (1) noma (2), ngaphezu kwezinhlawulo ezibekwe kulo Mthetho kaMasipala nakweminye imithetho, uyohlawuliswa ezinye izindleko ezinganqunywa umsebenzi ogunyaziwe uma esehlolile wathola ukuthi zingakanani ezinye izindleko ezidalekile ngokwezemvelo kuMasipala ngenxa yalelo cala.

ISAHLUKO 12

IZIHLINZEKO EZINGXUBEVANGE

Ukudluliselwa kwamandla

52.(1) Kuncike kuMthethosisekelo nakweminye imithetho kazwelonke neyesifundazwe esebenzayo, noma imaphi –

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

ngokwalo Mthetho kaMasipala, athweswe uMkhandlu, uhlaka lukaMasipala lwezombusazwe, izikhulu zezombusazwe, amakhansela noma abasebenzi bomkhandlu, angadluliselwa yilolo hlaka lwezombusazwe, izikhulu zezombusazwe, ikhansela, noma umsebenzi woMkhandlu ohlakeni noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla okuhambisana nesigatshana (1) kumele kwenzeke ngokohlelo lokudluliselwa kwamandla olwemukelwa uMkhandlu ngokuhambisana nesigaba 59(1) soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), kuncike kwinqubo ebekwe kwisigaba 59(2) salo Mthetho okukhunywa ngawo.

(3) Ukudluliselwa kwamandla okuhlongozwe kulesi sigaba kumele kuqoshwe kwiRejista yokuDluliselwa kwaMadla, okumele iqukathe ulwazi mayelana –

- (a) nohlaka noma umuntu odlulisela amandla;

- (b) okudluliselwa kuye amandla; kanye
- (c) nemibandela ehambisana nokudluliselwa kwamandla.

Ukudluliswa kwamacala

53.(1) Umuntu omalungelo akhe ayathikamezeka ngesinqumo esithathwe umsebenzi ogunyaziwe ngokwalo Mthetho kaMasipala angadlulisa lesi sinqumo ngokwezihlinzeko zokudluliswa kwamacala eziqukethwe isigaba 62 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000) ngokuthumela isaziso esibhalwe phansi ngokudlulisa kwakhe icala kwiMenenja kaMasipala ezinsukwini ezingama -21 kusukela osukwini aziswe ngalo ngesinqumo.

(2) IMenenja kaMasipala kumele ithumele ngokushesha incwadi yokudluliswa kwecala ohlakeni olubhekele ukudluliswa kwamacala.

(3) Uhlaka lokudluliswa kwamacala kumele lucubungule icala elidlulisiwe emasontweni ayisithupha bese luthatha isinqumo ngecala elidlulisiwe ngesikhathi esifanele.

(4) Uhlaka lokudluliswa kwamacala kumele luqinisekise, lushintshe noma luchithe isinqumo, kodwa akukho kuchithwa kwesinqumo okuyogudluka kumalungelo avele ngenxa yaleso sinqumo.

(5) Uhlaka lokudluliswa kwamacala kumele lukhiphe izizathu ezibhalwe phansi ngezinqumo zalo ngamacala adlulisiwe.

(6) Wonke amacala adluliswayo adlulisa kokwesigaba 62 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000) hhayi ngokwalo Mthetho kaMasipala.

Imithetho echithwayo negcinwayo

54.(1) Imithetho ebalulwe ohlwini lwesibili lukaSheduli C kulo Mthetho kaMasipala ngalokhu iyachithwa ubungako obubekwe ohlwini lwesithathu lwale Sheduli.

(2) Zonke izaziso ezishicilelwe ngaphansi koMthetho WOKULAHHLWA kweNdle ka 1999 ziyaqhubeka nokusebenza sengathi lowo Mthetho kaMasipala awuzange uchithwe ngokwesigatshana (1).

(3) Noma imaphi amalungelo atholakele, izibopho ezikhona ezibekwe imithetho okukhulunywe ngayo kwisigatshana (2) ziyaqhubeka nokusebenza sengathi le mithetho ayizange ichithwe.

Isihloko esifingqiwe nokuqala kokusebenza komthetho

55. Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala WOKUL AHLWA kweNdle, 2014 kanti uqala ukusebenza ngosuku oyoshicilelwa ngalo kwiGazethi yesiFundazwe saKwaZulu-Natali.

USHEDULI A

UKWEMUKELEKA KOKUNGCOLA KWEZIMBONI OKUCHITHEKELA OHLELWENI LOKUL AHLWA KWENDLE

Akukho kungcola kwezimbongi okuyovunyelwa ukuba kuchithekele ohlelweni lokulahlwa kwendle ngaphandle uma kuhangabezana nale mibandela elandelayo.

Konke ukuhlolwa kumele kwenziwe yilabhorethri egunyazwe ngendlela eyemukelwa uMasipala kusetshenziswa izindlela namasu anemiphumela edingekayo, ahlolekayo nafanelekile.

Ukungcola kwezimbongi akumele luhambisane nengxube yezinto ezingale kwalezi ezibekwe ngezansi —

Imikhawulo ejwayelekile yeMisebenzi eMikhulu iyosebenza uma ukungcola kwezimbongi okuchithekela ohlelweni lokulahlwa kwendle kungaphezu kuka 25 Mℓ/d. Imikhawulo yamazinga yeMisebenzi eMincane iyosebenza uma ukungcola kwezimbongi okuchithekela ohlelweni lokulahlwa kwendle kungaphansi kuka 25 Mℓ/d.

IMIKHAWULO YAMAZINGA EJWAYELEKILE		IMISEBENZI EMIKHULU > 25 Mℓ/d	IMISEBENZI EMINCANE < 25 Mℓ/d	ISIKALO
1.	Temperature (°C)	< 44°C	< 44°C	Degrees Celcius

2.	pH	6 < pH < 10	6,5 < pH < 10	pH units
3.	Oils, greases, waxes of mineral origin	50	50	mg/l
4.	Vegetable oils, greases, waxes	250	250	mg/l
5.	Total sugar and starch (as glucose)	1 000	500	mg/l
6.	Sulphates in solution (as SO_4^{2-})	250	250	mg/l
7.	Sulphides, hydrosulphides and polysulphides (as S^{2-})	1	1	mg/l
8.	Chlorides (as Cl^-)	1 000	500	mg/l
9.	Flouride (as F^-)	5	5	mg/l
10.	Phenols (as phenol)	10	5	mg/l
11.	Cyanides (as CN^-)	20	10	mg/l
12.	Settleable solids	Charge	Charge	mg/l
13.	Suspended solids	2 000	1 000	mg/l
14.	Electrical Conductivity	400	400	mS/m
15.	Anionic Surfactants	—	500	mg/l
16.	C.O.D.	Charge	Charge	mg/l
Imikhawulo yokusansimbi				
17.	Copper (as Cu)	50	5	mg/l
18.	Nickel (Ni)	50	5	mg/l
19.	Zinc (Zn)	50	5	mg/l
20.	Iron (Fe)	50	5	mg/l
21.	Boron (B)	50	5	mg/l
22.	Selenium (Se)	50	5	mg/l
23.	Manganese (Mn)	50	5	mg/l
24.	Lead (Pb)	20	5	mg/l
25.	Cadmium (Cd)	20	5	mg/l
26.	Mercury (Hg)	1	1	mg/l
27.	Total chrome (Cr)	20	5	mg/l
28.	Arsenic (As)	20	5	mg/l
29.	Titanium (Ti)	20	5	mg/l
30.	Cobalt (Co)	20	5	mg/l
31.	Colour as measured by	450	450	ADMI

	American Dye Manufacturer's Index			
32.	Benzene, Toluene, Ethyl Benzene and Xylene	4	4	mg/l

IMIKHAWULO EKHETHEKILE

- 1 Ayidingeki i-*calcium carbide*, nodoti one-*radiation*
- 2 Awufuneki udoti onoyisti, noketshezi olunamathelayo lusebenzile noma lungasebenzile
- 3 Awudingeki udoti one-*cyanides* noma okuthi makufane nayo okungaphehla igesi ye-*HCN* noma i-*cyanogen*
- 4 Aludingeki uketshezi lokususa amafutha, izipirithi, uketshenzi olokhelekayo nanoma ikuphi okungokheleka uma ukushisa kufika 21°C.
5. Akudingeki udoti ukuchithwa noma ukugeleza kwawo okuzophazamisa ukusebenza kwamapayipi okuthuthwa kwendle.

USHEDULI B

UKWEMUKELEKA KOKUNGCOLA KWEZIMBONI OKUCHITHELWA NGQO NOMA NGANDLELA THILE OLWANDLE

Akukho kungcola kwezimbongi okuyovumeleka ukuba kuchithelwe olwandle ngaphandle uma kulandelwe le mibandela elandelayo. Ukungcola kwezimbongi akumele kuhambisane nengxube yezinto ezingale kwalezi ezibekwe ngezansi —

IMIKHAWULO YOKUNGACHITHELWA OLWANDLE			ISIKALO
1.	Temperature	44	°C
2.	pH	5,5 < pH < 9,5	
3.	Settleable solids	2	mg/l
4.	Oils, greases and waxes of mineral origin	50	mg/l
5.	Arsenic (expressed as As)	5	mg/l
6.	Cadmium (expressed as Cd)	1,5	mg/l
7.	Total chromium (expressed as Cr)	3	mg/l
8.	Copper (expressed as Cu)	3	mg/l

9.	Lead (expressed as Pb)	5	mg/l
10.	Mercury (expressed as Hg)	0,05	mg/l
11.	Cyanides (expressed as CN)	10	mg/l
12.	Nickel (expressed as Ni)	10	mg/l
13.	Zinc (expressed as Zn)	20	mg/l
14.	Sulphide (expressed as S ²⁻)	1	mg/l
15.	Sulphates in solution (expressed as SO ₄)	250	mg/l
16.	Toxicity as Minimum Acceptable Toxicant Dilution	200	Number of dilutions
17.	Benzene, Toluene, Ethyl Benzene and Xylene	4	mg/l

**USHEDULI C
IMITHETHO ECHITHWAYO**

INGXENYE A: IMITHETHO KAMASIPALA

<i>Inombolo nonyaka woMthetho</i>	<i>Isihloko</i>	<i>Ubungako obuchithwayo</i>
Isaziso sesiFundazwe No. 87 sika 1953 esemukelwa iLokishi laseManzimtoti ngeSaziso sesiFundazwe No. 198 of 1967	UMthetho kaMasipala weMisele yaManzi eMvula, waseMamzimtoti	Isahluko VIII
Isaziso sesiFundazwe No. 21 sika 1942	I-Odinensi yoHulumeni baseKhaya, waseSiphingo	Isahluko VIII
Isaziso sesiFundazwe No. 87 sika 1953 esemukelwa ilokishi laseSiphingo ngeSaziso sesiFundazwe No. 1 sika 1972	UMthetho kaMasipala oJwayelekile, waseSiphingo	Isahluko III, Ingxenye C neSahluko VIII
Isaziso sesiFundazwe No. 39 sika 1968	Imithethonqubo ejwayelekile yeKomidi lezeMpilo e-Lower Illovo	Isahluko 1
Isaziso sesiFundazwe No. 346 sika 1953	UMthetho kaMasipala oJwayelekile, Umbogintwini	Isahluko 1

Isaziso sesiFundazwe No. 382 sika 1958	UMthetho kaMasipala oJwayelekile weKomidi lezeMpilo e-Windenham	Isahluko 1
Isaziso sesiFundazwe No. 60 sika 1957	UMthetho kaMasipala oJwayelekile, weKomidi lezeMpilo e-SAICCOR Township	Isahluko 1
Isaziso sesiFundazwe No. 87 sika 1953 esemukelwa ilokishi laseMkhomazi ngeSaziso sesiFundazwe No. 538 sika 1971	UMthetho kaMasipala oJwayelekile, eMkhomazi	Isahluko III, Ingxenye C
Isaziso sesiFundazwe No. 87 sika 1953 esemukelwa ilokishi laseMkhomazi ngeSaziso sesiFundazwe No. 538 sika 1971	UMthetho kaMasipala weMisele yaManzi eMvula, eMkhomazi	Isahluko VIII
Isaziso sesiFundazwe No. 380 sika 1961	Imithethonqubo eJwayelekile, yeKomidi lezeMpilo e-Canelands	Isahluko 1
Isaziso sesiFundazwe No. 87 sika 1953	UMthetho kaMasipala oJwayelekile, wase-Mount Edgecombe	Isahluko III, Ingxenye C neSahluko VIII
Isaziso sesiFundazwe No. 87 sika 1953 esemukelwa ilokishi lasoThongathi ngeSaziso sesiFundazwe No. 276 sika 1966	UMthetho kaMasipala oJwayelekile, wasoThongathi	Isahluko III, Ingxenye C neSahluko VIII
Isaziso sesiFundazwe No. 87 sika 1953 esemukelwa ilokishi laseMhlanga Rocks ngeSaziso sesiFundazwe No. 398 sika 1966	UMthetho kaMasipala oJwayelekile, waseMhlanga Rocks	Isahluko III, Ingxenye C
Isaziso sesiFundazwe No. 287 sika 1963	UMthetho kaMasipala oJwayelekile, wase-Verulam	Isahluko XIII, Isigaba 2 neSahluko XXV
Isaziso sesiFundazwe No. 528 sika 1973	UMthetho kaMasipala oJwayelekile, weKomidi lezeMpilo e-Assagay	Isahluko 1
Isaziso sesiFundazwe No. 109 sika 1948	UMthetho kaMasipala oJwayelekile, weKomidi lezeMpilo e-Botha's Hill	Isahluko 1
Isaziso sesiFundazwe No.	UMthetho kaMasipala oJwayelekile,	Isahluko 1

397 sika 1955	weKomidi lezeMpilo e-Cato Ridge	
Isaziso sesiFundazwe No. 153 sika 1990	uMthetho kaMasipala wokeTshezi oluLahlwayo	Wonke
Isaziso sesiFundazwe No. 446 sika 1955	UMthetho kaMasipala oJwayelekile, weKomidi lezeMpilo e-Drummond	Isahluko 1
Isaziso sesiFundazwe No. 154 sika 1971	UMthetho kaMasipala oJwayelekile, weKomidi lezeMpilo e-Everton	Isahluko 1
Isaziso sesiFundazwe No. 755 sika 1971	UMthetho kaMasipala weThangi eliKhulu, Kloof	Wonke
Isaziso sesiFundazwe No. 231 sika 1985	UMthetho kaMasipala weMisele yaManzi eMvula, wase-Kloof	Wonke
Isaziso sesiFundazwe No. 565 sika 1953	UMthetho kaMasipala oJwayelekile, weKomidi lezeMpilo e-Mariannahill	Isahluko 1
Isaziso sesiFundazwe No. 196 sika 1992	UMthetho woKetshenzi lokuNgcola leziMboni, wase-Pinetown	Wonke
Isaziso sesiFundazwe No. 407 sika 1975	UMthetho woKetshenzi lokuNgcola leziMboni, wase-Queensburgh	Wonke
Isaziso sesiFundazwe No. 491 sika 1955	UMthetho kaMasipala oJwayelekile, weKomidi lezeMpilo e-Waterfall	Isahluko 1
Isaziso sesiFundazwe No. 179 sika 1989	Imithethonqubo yeMisele yaManzi eMvula, eKomidi lezeMpilo e-Yellow Wood Park	Isahluko 1
Isaziso sesiFundazwe No. 466 sika 1961	UMthetho kaMasipala oJwayelekile, wase-Yellow Wood Park	Isahluko 1
Isaziso sesiFundazwe No. 27 sika 1999	UMthetho kaMasipala WOKUL AHLWA kweNdle	Wonke
Isaziso sesiFundazwe No. 87 sika 1953 esemukelwa ilokishi lase-New Germany ngeSaziso sesiFundazwe No. 305 sika 1967	UMthetho kaMasipala oJwayelekile, wase-New Germany	Isahluko VIII neSahluko X
Isaziso sesiFundazwe No. 236 sika 1977	UMthetho kaMasipala wokuLawula iThangi eliKhulu	Wonke

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065