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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE**NO. 3087****24 February 2023****LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2002****STANDARD DRAFT BY-LAWS FOR DEPLOYMENT OF ELECTRONIC COMMUNICATIONS FACILITIES**

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, in terms of section 14(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2002), and after complying with the procedural requirements in this section, hereby make the Standard Draft By-Laws for the Deployment of Electronic Communications and Facilities, in the Schedule hereto.

**DR NKOSAZANA DLAMINI ZUMA, MP****MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****DATE: 13.02.2023 .**

SCHEDULE

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Definitions

1. In these Standard Draft By-laws, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

“Electronic Communications Act” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“electronic communications facility” means electronic communications facility as defined in section 1 of the Electronic Communications Act;

“electronic communications network” means electronic communications network as defined in section 1 of the Electronic Communications Act;

“electronic communications network service” means an electronic communications network service as defined in section 1 of the Electronic Communications Act;

“Emergency Works” means (a) necessary works that are required to restore failures affecting multiple subscribers and end-users (both as defined in the Electronic Communications Act); (b) for which there is no workaround; and (c) does not comprise Minor Works;

“Minor Works” means maintenance or remedial work on electronic communications facilities or networks installed in terms of a Wayleave that (a) can be completed in less than 12 hours and (b) does not involve any of the following: damage or risk of damage to Municipal Property and/or third parties’ property, disruption to traffic, danger or risk of danger to the public;

“Municipality” means *[Description of Municipality]*;

“Municipal Area” means the area of jurisdiction of the Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

“Municipal Land Use Agreement” means an agreement entered into between the Municipality and the owner of electronic communications facilities deployed in a Road Reserve;

“Municipal Lease Agreement” means an agreement entered into between the Municipality and an entity in respect of works outside a Road Reserve or on Street Furniture;

“Municipal Property” means any property which the Municipality either owns or has personal rights to, such as, for example, the right to use, manage, occupy or control the property. Municipal Property includes Street Furniture and the Road Reserve and is located within the Municipal Area;

“Municipal Website” means the official website of the Municipality as required by section 21B of the Act;

“radio apparatus” means radio apparatus as defined in section 1 of the Electronic Communications Act;

“Road Reserve” means the space between cadastral lines either zoned for road use or set aside for road use in the title deed or a servitude registered over land;

“Street Furniture” means Municipal Property located on or alongside a Road Reserve, such as poles owned by the Municipality;

“the Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2002);

“Wayleave” means a document issued to a person setting out the terms and conditions upon which that person may deploy and maintain electronic communications facilities within a Road Reserve, excluding Street Furniture;

“Wayleave Holder” means the person to whom a Wayleave is issued and includes its agents and contractors;

“Wayleave issue date” means the date of issue of a Wayleave by the Municipality as indicated on the Wayleave; and

“Works” means the specific activity authorised in a Wayleave.

Objectives

- 2 (1)** The objectives of these Standard Draft By-laws are to—
- (a) facilitate the rapid deployment of electronic communications infrastructure; and
 - (b) ensure uniformity within the context of the competencies, laws and developmental obligations of Municipalities with regard to municipal planning in relation to electronic communications infrastructure.
- (2) The context for the implementation of these Standard By-laws is national policy on rapid deployment of infrastructure and electronic communications infrastructure, which allows universal access to affordable communications to all South Africans. This is a foundational element in creating a connected, digitally participative South Africa where people are connected to each other, to business and to their Government.

Application

- 3. (1)** These Standard By-laws must apply to all persons seeking to deploy or operate electronic communications facilities on, under or above Municipal Property.
- (2) These Standard By-laws cover the following activities and any combination thereof:
- (a) Trenching and micro trenching and related work in a Road Reserve.
 - (b) The siting and erection of poles and stringing of cable on Municipal Property.
 - (c) The stringing of cable on existing poles on Municipal Property.
 - (d) The erection of poles, base stations, towers or masts for the location of radio apparatus on Municipal Property, including micro-cell deployments on Street Furniture.

- (e) Maintenance and operational activities related to already-deployed electronic communications facilities.

Prohibitions and Minor Works

4. (1) Subject to by-law 4(4), no civil works for the deployment or maintenance of electronic communications facilities or the performance of Emergency Works may take place in a Road Reserve without a valid Wayleave being issued therefor.

(2) No deployment of electronic communications facilities attached to—

(a) Municipal Property; or

(b) Street Furniture,

shall be effected without the owner of the electronic communications facilities and the Municipality having first entered into a Municipal Lease Agreement, which contains, as a minimum, the provisions contemplated in Schedule B.

(3) All deployments of electronic communications facilities anywhere on, above or under a Municipal Area must have and comply with all other legally required permissions in addition to a Wayleave or Municipal Lease Agreement.

(4) No Wayleave shall be required for the execution of Minor Works.

Application Process: General

5. (1) The application for a Wayleave or an extension thereof must be made on a Wayleave application form substantially similar to the form contained in Annexure A.

(2) The Wayleave application form may be obtained—

(a) from the Municipality's head office; or

(b) online from the Municipal Website.

(3) Prior to submitting the Wayleave application form, the applicant must obtain any necessary approval from all relevant authorities and affected providers.

(4) Application fees for a Wayleave are as set out in the annual budgeting framework adopted by the Municipality in line with applicable legislation and policies.

(5) Current fees are available from the Municipal Website.

(6) Application fees are non-refundable.

(4) The order in which Wayleave applications will be processed will be as follows:

(a) Emergency Works;

(b) Extensions of current Wayleaves;

- (c) Standard works and maintenance works on a first-in-first-out basis, but subject to the Municipality's right to play an active role in co-ordinating overlapping applications to ensure efficient use of Municipal Property.

Application Process: Standard Works

6. (1) A completed Wayleave application form referred to in by-law 5(1) must include at least the following:

- (a) Drawings in digital format or three (3) copies of drawings of the proposed work clearly showing the following:
 - (i) The full extent of the deployment, including—
 - (aa) any deployment of electronic communications facilities on, under or over private land in the Municipal Area; and
 - (bb) the position and size of ancillary and supporting facilities (such as cabinets, containers, manholes, handholes and junction boxes).
 - (ii) The position of other services infrastructure already deployed in the area and any above-ground cable location or pilot holes undertaken must be done by prior arrangement with the Municipality, which shall have the right to supervise such activities.
 - (iii) The depth of all electronic communications facilities below the road where trenching is planned.
 - (iv) The distance of the Works from the boundary of the Road Reserve, where relevant.
 - (v) Where aerial fibre is planned, the dimensions and functionality of poles, where they are to be sited, and the height at which fibre will be strung.
- (b) The proposed reinstatement.
- (c) The proposed commencement date and expected duration of the Works.
- (d) Details of consents or permissions required from third parties for the planned deployment and proof that these have been obtained
- (e) Where applicable, a statement that the leasing of existing electronic communications facilities has been investigated and is not feasible.
- (f) Where applicable, evidence that the applicant has met the infrastructure sharing notification requirements set out in by-law 10.
- (g) A completed compliance statement as provided for in the Wayleave application form.
- (h) A Municipal Land Use Agreement between the owner/operator of the electronic communications network and the Municipality, which contains, as a minimum, the provisions contemplated in Schedule A.

(2) Completed application forms must be submitted to the designated point of contact in the Municipality.

(3) Submitted Wayleave application forms must be vetted by the Municipality for completeness, including payment of the application fee.

(4) The Municipality must notify the applicant in writing within five (5) working days of receipt of a Wayleave application form that—

- (a) the Wayleave application form is complete, and that all required information has been submitted and payments made. The date on this notice will be considered as the Wayleave submission date; or
- (b) the Wayleave application form is not complete and must be resubmitted, and such notice will specify the requirements which have not been met, and these must be complied with within a further fifteen (15) working days, failing which a completely new application will have to be submitted.

(5) A Wayleave application must be processed within thirty (30) working days from the Wayleave submission date, and if the Municipality requires additional time for processing the application, it will notify the applicant in writing prior to the expiry of the initial period that a maximum of a further fifteen (15) working days is required.

(6) The Municipality may, during the Wayleave application processing period, consult with the applicant regarding aesthetic considerations and concerns relating to planned works within the Municipal Area and may require that—

- (a) subject to sub-bylaw (7), the applicant conducts a public participation process in respect of affected persons; or
- (b) terms and conditions relating to the preservation of the aesthetic character of an area are included in a Wayleave issued.

(7) The requirement to conduct a public participation process shall not apply where—

- (a) the applicant is required to undertake a heritage impact assessment under the National Heritage Resources Act, 1999 (Act No. 25 of 1999), or an environmental impact assessment under the National Environmental Management Act, 1998 (Act No. 107 of 1998); or
- (b) a public participation process acceptable to the Municipality has already been conducted by the applicant.

Application Process: Emergency and Maintenance Works

7. (1) Processing of Wayleaves for Emergency Works ranks higher in priority than Wayleaves for standard works and maintenance works (which are equally ranked).

(2) Wayleaves for emergency or maintenance works may only be applied for in respect of electronic communications facilities deployed under a Wayleave issued by the Municipality.

(3) A completed application form must include at least the following:

- (a) Drawings in digital format or three (3) copies of drawings clearly indicating where Works will be conducted.
- (b) The nature of the emergency, in the case of Emergency Works.
- (c) The proposed commencement date and expected duration of the Works.
- (d) A completed compliance statement as provided for in the Wayleave application form.

(4) Completed application forms must be submitted to the designated point of contact in the Municipality.

(5) Submitted Wayleave application forms will be vetted by the Municipality for completeness, including payment of the application fee.

(6) The Municipality will notify the Wayleave Holder, as soon as practicable, that—

- (a) the Wayleave application form is complete, and all required information has been submitted. The date on this notice will be the Wayleave submission date; or
- (b) the Wayleave application form is not complete, and such notice must specify the requirements which have not been met, that these must be complied with within a further fifteen (15) working days, failing which a completely new application will have to be submitted.

(7) A Wayleave application must be processed as soon as practicable after the Wayleave submission date.

Application Process: Extension of Wayleave

8. (1) Immediately on becoming aware of circumstances reasonably beyond its control that cause a delay or which it reasonably anticipates will cause a delay in completion of the Works beyond the term of the Wayleave, the Wayleave Holder must submit a request for an extension of the Wayleave.

(2) A completed application form must include at least the following:

- (a) The original Wayleave number;
- (b) The original expiry date of the Wayleave for which an extension is sought;
- (c) The revised expiration date applied for; and
- (d) The circumstances necessitating an extension.

Obligations of Wayleave Holder

9 (1) A Wayleave Holder is required to maintain compliance with applicable law as set out in the Wayleave application form for the duration of the Wayleave.

(2) A Wayleave Holder is responsible for the acts and omissions of its agents and contractors in the performance of the Works.

(3) A Wayleave Holder must take steps necessary to verify the exact location and type of already-deployed services infrastructure prior to the commencement of the Works.

(4) A Wayleave Holder must commence with the Works within ninety (90) working days of the Wayleave issue date, and written notification of the date and location of planned commencement must be provided to the Municipality no less than twenty (20) working days prior to such date. Extensions to the planned commencement date and completion date may be approved by the Municipality on good cause shown.

(5) The Municipality may require a Wayleave Holder to—

- (a) publish a notice of the planned Works, which must include dates and routes, and areas for the benefit of potentially affected persons; and
- (b) display the name and contact details of the Wayleave Holder at the site of the Works.

(6) A Wayleave Holder must ensure that a physical copy of the Wayleave is kept on site at all times when the Works are being performed.

(7) All Works shall be undertaken between the hours indicated in the Wayleave. Different work hours may be set for Works that are—

- (a) noisy, invasive or disruptive; and
- (b) any other Works that do not create any disturbance or other risk to labour or the public.

(8) A Wayleave Holder must, within ten (10) working days of the date of the issue of a completion notice, provide the Municipality with as-built drawings and geographical information systems (GIS) information in respect of the completed Works, signed by a geomatics professional as defined in the Geomatics Profession Act, No. 19 of 2013.

(9) A Wayleave Holder shall maintain sufficient public liability and indemnity insurance, taking into account the nature and the extent of the Works.

Obligations of Municipality

10. (1) The Municipality shall process Wayleave applications—

- (a) for Emergency Works, in accordance with the severity of the emergency;
- (b) for extensions, on a first-come-first-served basis, subject to its right to play an active role in co-ordinating overlapping applications to ensure efficient use of Municipal Property; and

- (c) for standard and maintenance works on a first-come-first-served basis, subject to its right to play an active role in co-ordinating overlapping applications to ensure efficient use of Municipal Property; and
- (d) taking into account national policy relating to the rapid deployment of electronic communications facilities.

(2) Subject to by-law 22, the Municipality will provide the Wayleave applicant with such records as it possesses relating to potentially affected services, such as gas, water, electricity and other infrastructure providers and affected servitudes.

(3) This information contemplated in sub-bylaw (2) will be provided for information purposes only, and the Municipality disclaims any liability for reliance thereon: It remains the responsibility of the Wayleave Holder to verify the existence and location of the indicated infrastructure.

(4) The Municipality has the right to supervise the execution of the Works authorised by a Wayleave.

(5) The Municipality will issue a completion notice once it is satisfied that the Works have been completed and all necessary reinstatement and rehabilitation have been undertaken successfully.

(6) The Municipality will co-ordinate all users of Municipal Property, and to this end, the Municipality must—

- (a) keep up-to-date records of all infrastructure deployed on, under or above Municipal Property.
- (b) ensure that any third party applying to the Municipality to undertake work in, on or under the Municipal land or Municipal Property, which may impact on electronic communications facilities deployed by a Wayleave Holder, notifies that Wayleave Holder, in writing, in advance of any planned works and affords that Wayleave Holder a right of supervision.
- (c) notify Wayleave Holders of any works to be undertaken by the Municipality which may impact on electronic communications facilities deployed by that Wayleave Holder.

(7) The Municipality shall publish current information about the Wayleave process as provided for in these by-laws on the Municipal Website.

Efficient use of Municipal Property

11. (1) An applicant shall, prior to the submission of a Wayleave application, take reasonable steps to notify third-party infrastructure providers of its intention to apply for a Wayleave.

(2) Reasonable steps contemplated in sub-bylaw (1) must include—

- (a) the publication of a notice in the print and online version, if any, of a local newspaper; and
- (b) sending a notification to all members of any database established for this purpose,

of the intended application.

(3) A notice referred to in sub-bylaw (2) must—

- (a) provide details that are reasonably required for third parties to determine whether they wish to enter into a co-build or similar arrangement with the Wayleave Holder; and
- (b) allow no less than ten (10) working days for interested parties to respond.

(4) The Municipality may include a requirement in a Wayleave that the Wayleave Holder deploy additional duct space or dark fibre when trenching main routes or crossing roads to allow for facilities leasing and infrastructure sharing and avoid inefficient use of Municipal Property.

Standards and specifications

12. Standards and specifications applicable to the Works, rehabilitation and reinstatement must be set out in the Wayleave and Municipal Land Use Agreement or Municipal Lease Agreement and can be obtained from the Municipal Website.

Tariffs

13. (1) Tariffs relating to—

- (a) applications for Wayleaves or other permissions;
 - (b) the deployment and maintenance of electronic communications facilities on, under or above Municipal land or Municipal Property; and
 - (c) remedial work where there has been non-compliance by the Wayleave Holder,
- are formulated and reviewed annually under the Municipality's Tariff Policy.

(2) Current tariffs can be obtained from the Municipal Website.

Guarantees

14. (1) The Municipality will require that a Wayleave Holder provide it with an irrevocable bank or performance guarantee issued by a reputable financial institution intended to provide the Municipality with access to funds to remedy non-compliance by the Wayleave Holder and damage caused to Municipal Property.

(2) The bank or performance guarantee must be furnished to the Municipality prior to the commencement of Works and must set out the following:

- (a) A description of the events covered by the bank or performance guarantee and the manner in which the quantum of the guarantee has been calculated.

- (b) The term of the bank or performance guarantee, which shall be no longer than twelve (12) months from the Wayleave issue date.
- (c) The process for the Municipality to call on the bank or performance guarantee, which should allow for individual claims payable in no more than twenty (20) working days.
- (3) The Municipality will give the Wayleave Holder reasonable written notice of its intention to call on the bank or performance guarantee and afford it a reasonable opportunity of no less than fifteen (15) working days to make representations in this regard or to cure the non-compliance.
- (4) The Municipality reserves the right to require on good cause shown that the Wayleave Holder provide a further bank or performance guarantee for a reasonable period, and good cause in this context includes but is not limited to—
 - (a) the exhaustion of the bank or performance guarantee through claims against it by the Municipality prior to its expiry; and
 - (b) continuing engineering concerns about damage to Municipal Property.

Indemnity

15. Wayleave Holders are required to indemnify and hold harmless the Municipality, its staff and representatives in respect of—

- (a) any claims for damage caused to third-party infrastructure or interruption or the degradation of third-party services caused by the Wayleave Holder; and
- (b) any claims for damage caused by other holders of Wayleaves to the Wayleave Holder's electronic communications facilities or electronic communications network.

Sanctions for non-compliance

16. (1) In addition to tariffs setting out the charges levied by the Municipality where it is required to undertake remedial work, the Municipality has also determined sanctions to be imposed on Wayleave Holders that breach the terms and conditions of their Wayleave.

(2) Sanctions imposed are set out alongside the current tariffs and can be obtained from the Municipal Website.

(3) Where the Municipality determines that the Wayleave Holder is in breach of the terms of the Wayleave, then in addition to claims for remedial work and imposing a sanction as provided for, it reserves the right not to accept any further Wayleave applications until the Wayleave Holder is in good standing with the Municipality.

(4) The Municipality may further exercise its right to lodge a complaint with the Independent Communications Authority of South Africa where it is of the view that the Wayleave Holder or party

to a Municipal Land Use Agreement or Municipal Lease Agreement is an electronic communications network service licensee acting in contravention of its licence terms and conditions.

(5) The Municipality's exercise of a sanction or remedy is without prejudice to its rights to exercise any other sanction or remedy.

Ad hoc incentives

17. (1) The Municipality may, in its sole discretion, apply incentives for the deployment of electronic communications facilities in areas in the Municipality that are without access to affordable broadband services.

(2) In exercising its discretion under this by-law, the Municipality will have regard to national policy relating to the rapid deployment of electronic communications facilities and the transformative effect of inclusive access to affordable electronic communications.

Amendments of Wayleave terms and conditions

18. (1) The terms and conditions of a Wayleave may be amended only where—
- (a) an amendment thereof is reasonably required—
- (i) due to new information that was not in the Municipality's knowledge when the Wayleave was granted and which is material to the operation of the Wayleave;
 - (ii) to give effect to a law of general application; or
 - (iii) to give effect to a court order; or
- (b) the Municipality and the Wayleave Holder have consented thereto.
- (2) The Municipality will issue the Wayleave Holder with a revised Wayleave.

Removal or relocation of electronic communications facilities

19. (1) The Municipality is required to bear the cost of any alteration or removal of electronic communications facilities by a Wayleave Holder, which is necessary due to work undertaken by the Municipality.

(2) Where a Wayleave Holder believes that any tree or vegetation on Municipal Property obstructs, interferes with or is likely to interfere with the working or maintenance of deployed electronic communications facilities, it must provide notice, in writing, to the Municipality of the requirement for remedial action.

(3) If remedial action contemplated in sub-bylaw (2) is not completed within a reasonable period, a Wayleave Holder may itself take the required steps to remove the obstruction or

interference, and the Wayleave Holder shall bear the cost of any remedial action taken under this subsection.

(4) Where a Wayleave Holder requires the removal, alteration or relocation of Municipal Property, it must submit a request, in writing, to the Municipality for consideration by the Municipality.

(5) Where the Municipality consents to a request contemplated in sub-bylaw (4), the cost of the required work shall be borne by the Wayleave Holder.

(6) A Wayleave Holder shall—

- (a) consult with the Municipality regarding end-of-life or decommissioning of electronic communications facilities deployed;
- (b) comply with the reasonable instructions of the Municipality regarding the removal of the electronic communications facilities and rehabilitation or reinstatement, where applicable; and
- (c) bear the cost of any removal and rehabilitation or reinstatement, as the case may be.

Transferability of Agreement

20. Municipal Land Use Agreements and Municipal Lease Agreements are transferable, subject to the prior agreement, in writing, of the Municipality, which agreement shall not be unreasonably withheld or delayed.

Dispute resolution

21. (1) The Municipality will seek to resolve disputes arising from the implementation of these Standard Draft By-laws through negotiation and the involvement of government structures created to facilitate rapid deployment of electronic communications facilities, such as the Rapid Deployment Co-ordinating Committee.

(2) A failure by the Municipality to comply with the time periods for processing applications for Wayleaves must be reported to the Rapid Deployment Co-ordinating Committee. This can be done by either party by sending an email to rdcc@dcdt.gov.za.

(3) Nothing in this by-law restricts the right of the Municipality or the Wayleave Holder to approach a court of competent jurisdiction for relief on an urgent basis.

Confidentiality and protection of personal information

22. (1) All plans, drawings and other documents exchanged with a Wayleave Holder that are not in the public domain or should not properly be in the public domain shall be regarded as confidential information.

(2) Subject to sub-bylaw (3), the Municipality and a Wayleave Holder shall not share confidential information other than to the extent necessary for the Wayleave application and implementation processes or where there is a legal duty to do so.

(3) To the extent that any personal information, as defined in the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), is contained in a Wayleave application form or other communications between the Municipality and a Wayleave Holder, each party shall comply with its obligations under the said Act in the processing of that personal information.

Formal communications

23. (1) All communications between the parties relating to a Wayleave must be in writing.

(2) The Municipality and a Wayleave Holder shall each appoint a representative for the sending and receipt of formal communications under the Wayleave, and the contact details of the representative must be set out in the Wayleave.

(3) A representative may be changed on reasonable written notice to the Municipality or the Wayleave Holder as the case may be.

(4) All written communications delivered by hand or courier shall be deemed to have been received on the business day after the day of delivery, and all electronic communications delivered by facsimile or email shall be deemed to have been received on the business day after sending.

Review

24. These Standard Draft By-Laws shall be reviewed every two (2) years.

Annexure A

Wayleave Application Form

Completed application forms must be submitted to [the designated point of contact in the Municipality] [or through the online wayleave portal available at www.Municipality.gov.za/wayleave_management_portal].

Part A - Applicant (person to whom the Wayleave is issued)			
Registered Name:		Trading As:	
Company Registration Number:		Physical address:	
Telephone:		Email:	
Part B - Owner/operator of electronic communications facilities (person who will be operating the electronic communications facilities after deployment)			
Registered Name:		Trading As:	
Company Registration Number:		Physical address:	
Telephone:		Email:	
Part C - Details of the application			
Type of Wayleave	<input type="checkbox"/> Standard Works (complete Part D)	<input type="checkbox"/> Extension (Complete Part F)	<input type="checkbox"/> Emergency Works (Complete Part E)
Part D – Standard Works			
The proposed commencement date of the Works:			
The expected duration of the Works:			
Attach the following:			Attached
All applications	Drawings in digital format / Three (3) copies of drawings of the proposed work, clearly showing the full extent of the deployment, including: <ul style="list-style-type: none"> any deployment of electronic communications facilities on, under or over private land in the Municipal Area; and the position and size of ancillary and supporting facilities (such as cabinets, containers, manholes, handholes and junction boxes). the position of other services infrastructure already deployed in the area. Any above-ground cable location or pilot holes undertaken must be made by prior arrangement with and under the supervision of the Municipality. 		<input type="checkbox"/>
Trenching	Depth of all electronic communications facilities below the road. Distance of the Works from the boundary of the Road Reserve.		<input type="checkbox"/> <input type="checkbox"/>
Aerial	Where aerial fibre is planned, the dimensions and functionality of poles and where they are to be sited, as also the height at which fibre will be strung.		<input type="checkbox"/>
Details of consents or permissions required from third parties for the planned deployment and proof that these have been obtained.	Other municipal consents:		<input type="checkbox"/>
	Environmental:		<input type="checkbox"/>
	Heritage:		<input type="checkbox"/>
	Affected parties:		<input type="checkbox"/>
	Other		<input type="checkbox"/>
			<input type="checkbox"/>
		<input type="checkbox"/>	
Municipal Land Use Agreement			<input type="checkbox"/>
Sharing notification requirements set out in [by-law 9]			<input type="checkbox"/>
I, the undersigned _____, certify that I have confirmed with each of the parties having electronic communications facilities affected by the proposed Works that the lease of the affected party's facilities is:		<input type="checkbox"/> Feasible <input type="checkbox"/> Not feasible	
Part E – Emergency Works			

Original Wayleave reference:		
The proposed commencement date of the Works:		
The expected duration of the Works:		
Nature of emergency:		
Attach the following:		Attached
All applications	Drawings in digital format / Three (3) copies of drawings clearly indicating where Works will be conducted.	<input type="checkbox"/>
Part F – Extension		
Original Wayleave reference:		
Original expiration date:		
Extension required until (insert new expiration date):		
Reasons for extension:		

For Office Use:				
Application Fee Paid:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Decision:	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Declined
If declined – reasons:				
Reasons communicated to the applicant	Date:			
	Method:			
	Delivery confirmed:			

Schedule A**Framework Municipal Land Use Agreement**

1. Parties
 - (1) Municipality.
 - (2) [●] ("Network Operator").
2. Duration
 - (1) From Wayleave issue date to Network end-of-life.
3. Network Operator's rights
 - (1) Continued use and possession of Municipal Property in the Municipal Area.
 - (2) Receipt of prior notice of affecting Works.
4. Network Operator's obligation
 - (1) Act in good faith *vis-à-vis* other parties with infrastructure in proximity to the Network Operator's electronic communications facilities.
 - (2) Share infrastructure where economically and technically feasible to do so in accordance with the Facilities Leasing Regulations 2010, as published in Government Gazette No. R. 468 of 31 May 2010.
 - (3) Notify the Municipality of end-of-life of a network at least 12 months ahead of end-of-life.
5. Minor Works
6. Payment of charges
 - (1) Charges:
 - (2) Ongoing charges payable by the Network Operator.
 - (3) Payment terms.
 - (4) Escalations set in the MTREF.
7. Points of contact
 - (1) Municipality.
 - (2) Network Operator.
8. Assignment
 - (1) Will only assign the rights and obligations with written consent of the Municipality, which will not be unreasonably withheld.
9. Dispute resolution

- (1) Escalation to the RDCC.

Schedule B**Framework Municipal Lease Agreement****1. Parties**

- (1) Municipality.
- (2) [●] ("Lessee").

2. Description of lease area**3. Duration**

- (1) Lease commencement.
- (2) Lease duration.
- (3) Renewal.

4. Lessee's rights

- (1) Continued use and possession of leased area.

5. Lessee's obligation

- (1) Return leased area in good condition.
- (2) Pay lease amounts on due date.
- (3) *[Other relevant conditions]*.

6. Payment of lease amount

- (1) Lease amount.
- (2) Payment terms.
- (3) Escalations.

7. Minor Works**8. Points of contact**

- (1) Municipality.
- (2) Network Operator.

9. Assignment

Will only assign the rights and obligations with written consent of the Municipality, which will not be unreasonably withheld.

10. Dispute resolution:

- (1) Escalation to the RDCC.

**IZAZISO ZIKARHULUMENDE
UMNYANGO WOKUBUSA NGOKUBAMBISANA**

Isaziso Senomboro

2023

URHULUMENDE WENDAWO: UMTHETHO WAMARHERHO KAMASIPALA, WOMNYAKA WEE-2002

**UMLAMO WEMITHETHO KAMASIPALA EJWAYELEKILEKO YOKUSATJALALISWA
KWEZENZABULULA ZOKUTHINTANA NGE-ELEKTRONIKI**

Mina, uDorh. Nkosazana Dlamini Zuma, ongunNgqongqotjhe wezokuBusa ngokuBambisana neeNdaba zeNdabuko, ngokwesigaba 14(1) kuRhulumente weNdawo: umThetho wamaRherho kaMasipala, womnyaka wee-2000 (umThetho wama-32 womnyaka wee-2002), begodu nangemva kokuthotjelwa kweemfuneko zekambiso engaphakathi kwesigabesi, ngalokhu nangaphathi kweTjheduli le, ngenza imiLamo yemiThetho kaMasipala eJwayelekileko ngomnqopho wokuSatjalaliswa kweZenzabulula zokuThintana nge-Elektroniki,

NC Zuma

**UDORH. NKOSAZANA DLAMINI ZUMA, ILUNGA LEPALAMENDE
UNGQONGQOTJHE WEZOKUBUSA NGOKUBAMBISANA NEENDABA ZENDABUKO
ILANGA: 13.02.2023**

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linhlathululo

1. Ngaphakathi kwemiTlamo yemiThetho yaboMasipala eJwayelekileko, elinye nelinye igama nofana isitjho esiphiwe ihlathululo ngaphakathi komThetho lizakusebenzisa ihlathululo leyo, begodu ngaphandle kwalapho ubujamo butshwaya khona okuhlukileko—

“UmThetho wezokuThintana Nge-Elekthroniki” kuhlathulula umThetho wezokuThintana nge-Elekthroniki, womnyaka wee-2005 (umThetho wama-36 womnyaka wee-2005);

“izenzabulula zokuthintana nge-elekthroniki” kuhlathulula izenzabulula zokuthintana nge-elekthroniki njengokuhlathululwe esigabeni 1 somThetho wezokuThintana nge-Elekthroniki;

“ithungelelwano lokuthintana nge-elekthroniki” kuhlathulula ithungelelwano lezokuthintana nge-elekthroniki njengokuhlathululwe esigabeni 1 somThetho wezokuThintana nge-Elekthroniki;

“umsebenzi wethungelelwano lezokuthintana nge-elekthroniki” kuhlathulula umsebenzi wethungelelwano lezokuthintana nge-elekthroniki njengokuhlathululwe esigabeni 1 somThetho wezokuThintana nge-Elekthroniki;

“limsebenzi Erhabekileko” kuhlathulula (a) imisebenzi edingekako ukulungisa ubutjhapho obukhinyabeza abantu abanengi abazitlolisileko kanye nabasebenzisi (zombili njengokuhlathululwa kwazo ngaphakathi komThetho wezokuThintana nge-Elekthroniki); (b) lapho kungana ndlela enye yokuhlula isiqabo; begodu (c) nengakhinyabezi imisebenzi yesabelomali esincani;

“Imisebenzi Yesabelomali Esincani” kuhlathulula umsebenzi wokulungisa nofana umsebenzi wokulungiswa kwezenzabulula zokuthintana nge-elekthroniki nofana amathungelelelwano ahlonywe ngokwesiGunyazi sokusebenzisa ipahla (a) engaphethwa ngama-awara angaphasi kwali-12 begodu (b) ayibandakanyi nayinye yalezi ezilandelako: umonakalo nofana ubungozi bomonakalo epahleni kaMasipala nofana yamalunga wesithathu, ukuthikazisa ithrafiki, ubungozi emphakathini;

“uMasipalada” kuhlathulula [ihlathululo kaMasipalada];

“Indawo Kamasipala” kuhlathulula indawo engaphasi kwelawulo lamandla kaMasipaladi ngokuquntwe ngokuya ngokwakaRhulumende weNdawo: umThetho wokuHlukaniswa kweendawo, womnyaka we-1998 (umThetho wama-27 womnyaka we-1998);

“isiVumelwano sokuSetjenziwa kweNdawo kaMasipala” kuhlathulula isivumelwano esingenelwe nguMasipaladi kanye nomnikazi wezenzabulula zokuthintana nge-elekthroniki ezisatjalaliswe endaweni ebekelwe ukwakha indlela;

“isiVumelwano sikaMasipala sokuQatjhiswa” kuhlathulula isivumelwano esiphakathi kwakaMasipaladi kanye nekhampani ethinteka emsebenzini ongaphandle kwendawo ebekelwe ukwakha indlela nofana eensetjenzisweni zomphakathi ezisestradeni;

“iPahla kaMasipala” kuhlathulula nanyana ngiyiphi ipahla engeyakaMasipaladi nofana uMasipaladi anamalungelo kiyo, isibonelo, anelungelo lokuyisebenzisa, ukuyiphatha, ukuba kuyo nofana

ukuyilawula. IPahla kaMasipala ifaka hlangana iinsetjenziwa zomphakathi ezisestradeni kanye nendawo ebekelwe ukwakha indlela nenzinze endaweni kaMasipala;

“uBunzinzolwazi bakaMasipala” kuhlathulula ubunzinzolwazi obusemthethweni bakaMasipaladi ngokukhonjelwa sigaba 21B somThetho;

“imitjhini yokurhatjha nokuthintana”kuhlathulula imitjhini yokurhatjha nokuthintana njengokuhlathululwe esigabeni 1 somThetho wezokuThintana nge-Elekthroniki;

“iNdawo ebekelwe ukwakha indlela” kuhlathulula isikhala esiphakathi kwemida yangokomebhe ehlukaniselwe ukusetjenziwa kwendlela nofana ebekelwe ngeqadi ukusetjenziwa kwendlela e-ofisini lemitlolobunikazi bepahla engatjhidisekiko nofana kiloyo onamalungelo epahleni engatjhidisekiko otloliselwe endaweni leyo;

“iinsetjenziwa Zomphakathi Ezisestradeni” kuhlathulula iPahla kaMasipala ebekwe endleleni nofana magega nendawo ebekelwe ukwakha indlela, ekufana namapali wakamasipaladi;

“umThetho”kuhlathulula kuRhumulende weNdawo: umThetho wamaRherho kaMasipala, womnyaka wee-2000 (umThetho wama-32 womnyaka wee-2002);

“isiGunyazi sokusebenzisa ipahla” kuhlathulula umtloko okhutjelwe umuntu ukumndlela imigomo nemibandela yokuthi angazisabalalisa nofana azinakekele njani izenzabulula zokuthintana nge-elekthroniki endaweni ebekelwe ukwakha indlela, ngaphandle kweensetjenziweni zomphakathi ezisestradeni;

“Umnikazi wesiGunyazi sokusebenzisa ipahla” kuhlathulula umuntu okhutjelwe isiGunyazi sokusebenzisa ipahla begodu lokhu kufaka hlangana abajameli kanye nabosokontra bakhe;

“ilanga lokukhutjwa kwesiGunyazi sokusebenzisa ipahla” kuhlathulula ilanga lokukhutjwa kwesiGunyazi sokusebenzisa ipahla nguMasipaladi njengokutshwaywe kiso isiGunyazi sokusebenzisa ipahla; begodu

“Imisebenzi” kuhlathulula umsebenzi othileko ogunyazwe ngaphakathi kwesiGunyazi sokusebenzisa ipahla.

Iminqopho

2 (1) Iminqopho yemiTlamo yemiThetho kaMasipala eJwayelekileko le—

- (a) kukghonakalisa ukusatjalaliswa msinyana komthangalasisekelo wezokuthintana nge-elekthroniki; begodu
- (b) nokuqinisekisa ukufana naziza emakghonweni, emithethweni kanye neembopheni zetuthuko yaboMasipaladi ngokuphathelene nokuhlela kwakamasipala okumalungana nomthangalasisekelo wezokuthintana nge-elekthroniki.

(2) Indlela ekuphunyeleliswa ngayo imiThetho yakaMasipala eJwayelekileko le imthethomgomo welizwe wokusatjalaliswa msinyana komthangalasisekelo kanye nomthangalasisekelo wezokuthintana nge-elekthroniki, ovumela ukufinyelelwa kwendawo yoke nokuthintana okungabizi khulu kiwo woke amaSewula Afrika. Lesi sisekelo esiqakathekileko ekwakheni iSewula Afrika ethungeleleneko nezibandakanya kudijithali lapho abantu bakghona ukuthintana nabanye abantu, amarahwebo kanye noRhulumende.

Ukusebenza

3. (1) ImiThetho yakaMasipala eJwayelekileko le kufanele isebenze kibo boke abantu abafuna ukusabalalisa nofana ukusebenzisa izenzabulula zokuthintana nge-elekthroniki phezulu nofana ngaphasi kwePahla kaMasipala.

(2) ImiThetho kaMasipala eJwayelekileko le itjheja imisebenzi elandelako kanye enye nenye ihlanganisela yayo:

- (a) Ukwenziwa kweforo kanye nokusatjalaliswa kweentambo ngeforweni kanye nephathelene nomsebenzi osendaweni ebekelwe ukwakha indlela.
- (b) Ukwakhiwa kanye nokujanyiswa kwamapali nokudoswa kweentambo ePahleni kaMasipala.
- (c) Ukudoswa kweentambo emapalini ebeka vele akhone ePahleni kaMasipala.
- (d) Ukujanyiswa kwamapali, iintetjhi ezisisekelo, iimbhotjhongo nofana umlakalaka wombhotjhongo wokusiza ngokubamba amagagasi wemitjhini yokurhatjha nokuthintana ePahleni kaMasipala, ekufaka hlangana ukusatjalaliswa kwamaseli amancani eensetjenzisweni zomphakathi ezisestradeni.
- (e) Imisebenzi yokunakekela nokusebenza ephathelene nezenzabulula zokuthintana nge-elekthroniki.

Okungakavumeleki Nemisebenzi Yesabelomali Esincani

4. (1) Ngokulawulwa mthetho wakamasipala 4(4), akunamsebenzi wokwakha omalungana nokusatjalaliswa nofana ukunakekelwa kwezenzabulula zokuthintana nge-elekthroniki nofana ukwenziwa kwemiSebenzi Erhabekileko okuzakwenziwa endaweni ebekelwe ukhakhwa indlela kiyo ngaphandle kokukhutjelwa isiGunyazi sokusebenzisa ipahla esisebenzako.

(2) Akunazenzabulula zokuthintana nge-elekthroniki ezizakusatjalaliswa kokulandelako—

- (a) EPahleni kaMasipala; nofana
- (b) Iinsetjenziswa Zomphakathi Ezisestradeni,

ngaphandle kwemvumo yomnikazi wezanzabulula zokuthintana nge-elekthroniki kanye noMasipaladi onesiVumelwano sokuQatjhisa esimumethe ubuncani beenqalelelo ezihlathululwe eHlelweni B.

(3) Koke ukusatjalaliswa kwezenzabulula zokuthintana nge-elekthroniki kunanyana ngiyiphi indawo, phezulu, nofana ngaphasi kweNdawo kaMasipala kufanela kuthobele umthetho wazo zoke iimvumo ezikhonjelwa mthetho nezidingekako ngaphezu kwesiGunyazi sokusebenzisa ipahla nofana isiVumelwano sikaMasipala sokuQatjhisa.

(4) Asikho isidingo sokuba nesiGunyazi sokusebenzisa ipahla lokha nawenza umsebenzi wesabelomali esincani.

Ikambiso Yokufaka Isibawo: Zombebele

5. (1) Isibawo sesiGunyazi sokusebenzisa ipahla nofana ukululelelwa isikhathi sayo kufanele kwenziwe ngeforomu lesibawo sesiGunyazi sokusebenzisa ipahla elifana neforomu elimumethwe ngaphakathi kweSikhibelelo A.

(2) Iforomu lesibawo sesiGunyazi sokusebenzisa ipahla lingatholakala—

(a) e-ofisini eliligtja elikhulu lakaMasipaladi; nofana

(b) kubunzinzolwazi bakaMasipala nge-inthanedi.

(3) Ngaphambi kokuthi kuthunyelwe iforomu lesibawo sesiGunyazi sokusebenzisa ipahla, umfakisibawo kufanele athole imvumo enye nenye kibo boke abaphathimandla kanye nabaphakeli abathintekako.

(4) Imbadalo yesibawo sesiGunyazi sokusebenzisa ipahla njengokundlalwe ngaphakathi kwephahla lesabelomali somnyaka esivunyelwe nguMasipala ngokukhambisana nemithetho kanye neemthethomgolo esebenzako.

(5) Imbadalo zamuva nje zitholakala kuBunzinzolwazi bakaMasipala.

(6) Imbadalo zesibawo azibuyiselwa emuva.

(4) Indlela iimbawo zesiGunyazi sokusebenzisa ipahla ezizakusetjenzwa ngazo zingendle elandelako:

(a) Imisebenzi Erhabekileko;

(b) Ukululwa kwesikhathi sesiGunyazi sokusebenzisa ipahla yamuva nje;

(c) Imisebenzi ejwayelekileko kanye neyokulungisa isebenza ngokutjhejwa kwezidala qangi, kodwana nangokulawulwa lilungelo likaMasipala lokudlala indima esebenzako ekulungeleliseni iimbawo ezingakaphethwa ukuqinisekisa usetjenziswa okuhle kwePahla kaMasipala.

Ikambiso Yokufaka Isibawo: Imisebenzi Ejwayelekileko

6. (1) Iforomo lesibawo sesiGunyazi sokusebenzisa ipahla elizaliswe ngokupheleleko nelikhonjwe ngaphakathi komthetho kamasipala 5(1) ubuncani bakhona kufanele libe nokulandelako:

- (a) Imidwebo yangendlela yedijithali nofana amakhophi amathathu (3) wemidwebo yemisebenzi ehlongoziweko ekhombisa kuhle okulandelako:
 - (i) Ukusatjalaliswa okupheleleko okufaka hlangana—
 - (aa) okhunye nokhunye ukusatjalaliswa kwezenzabulula zokuthintana nge-elektroniki, ngaphasi nofana endaweni yangeqadi eseNdaweni kaMasipala; begodu
 - (bb) lapho kubekwe khona kanye nobukhulu besisekelo kanye nezinye izenzabulula ezisekelako (ezifana namakhabinedi, iimumathi, imigodi yokungena ngaphasi, imigodi eyanela isandla kanye namabhoksi athungelela iintambo).
 - (ii) Lapho kubekwe khona eminye imithangalasisekelo yemisebenzi esele isatjalaliswe endaweni kanye nenye indawo yeentambo ezisendaweni engaphezu kwehlabathi nofana imigojana eyenjiwa qangi kufanele kwenziwe ngaphambi kokulungiselelwa uMasipaladi, ozakuba nelungelo lokubeka ilihlo imisebenzi.
 - (iii) Ukutjhinga kwezenzabulula zokuthintana nge-elektroniki ngaphasi kweforo kuyahlelelwa.
 - (iv) Ibanga lalapho kwenziwa imisebenzi ukusukela emkhawulweni wendawo ebekwelwe ukwakha indlela, lapho kufaneleke khona.
 - (v) Lapho iintambo zefayibha ye-eriyeli zihlelelwe khona, ububanzi kanye nokusebenza kwamapali, lapho kufanele anzinziswe khona, begodu nokuphakama kwawo lapho ifayibha izabe ibotjhwe khona.
- (b) Ukubuyiselwa okuhlongoziweko.
- (c) Ilanga lokuthoma elihlongoziweko kanye nobude besikhathi obulindelekileko bemisebenzi.
- (d) Imininingwana yeemvumo ezidingekako zamalunga wesithathu zokusatjalaliswa okuhleliweko kanye nobufakazi bokuthi iimvumezo zitholakele.
- (e) Lapho kudingeka khona, isitatimende sokuqatjhiswa kwezenzabulula zokuthintana nge-elektroniki kuphenyiwe begodu akukghonakali.
- (f) Lapho kudingeka khona, ubufakazi bokuthi umfakisibawo uhlangabezane neemfuno zesaziso sokwabiwa komthangalasisekelo njengokundlalwe mthetho kamasipala 10.
- (g) Isitatimende esipheleleko sokuthobela umthetho njengokuqalelelwe ngaphakathi kweforomu lesibawo sesiGunyazi sokusebenzisa ipahla.

(h) IsiVumelwano sokuSetjenziswa kweNdawo kaMasipala esiphakathi komnikazi/umsebenzisi wethungelelwano lezokuthintana nge-elektroniki kanye noMasipaladi, esimumethe ubuncani bakhona, iinqalelelo ezihlathululwe ngaphakathi kweHlelo A.

(2) Iforomu lesibawo eligcwalisiweko kufanele lithunyelwe kilabo abakhethiweko ngaphakathi kwakaMasipaladi.

(3) Amaforomu wesibawo sesiGunyazi sokusebenzisa ipahla athunyelweko kufanele ahlolisise nguMasipaladi ukutjheja ukuthi aphethe koke okufunekako, ekufaka hlangu ubhadalwa kwembadalo yesibawo.

(4) UMasipaladi kufanele azise umfakisibawo ngomtlole emalungeni amahlanu (5) wokusebenza malungana nokufunyanwa kweforomu lakhe lesibawo sesiGunyazi sokusebenzisa ipahla bonyana—

(a) iforomu lesibawo sakhe se-Waleave liphelele, begodu nokuthi yoke imininingwana efunekako ithunyelwe begodu nembadalo ibhadelwe. Ilanga elisesazisweni lizakuthathwa njengelanga lokuthunyelwa kwesiGunyazi sokusebenzisa ipahla, nofana

(b) iforomu lesibawo sesiGunyazi sokusebenzisa ipahla alikhaphileli begodu kufanele lithunyelwe godu, begodu isazisweni sizakutshwaya iimfuneko ezingakahlangebezwa, begodu zizakufanele zibuthelelwe emalungeni alitjumi nahlanu angezelelweko (15) wokusebenza, ukuhluka ukwenza njalo, kuzakukatelela bonyana isibawo esitja sithunyelwe ngobutjha.

(5) Isibawo se-Waleave kufanele sisetjenzwe emalungeni amatjumi amathathu (30) wokusebenza ukusukela elungeni ekuthunyelwe ngalo isibawo sesiGunyazi sokusebenzisa ipahla, begodu nangabe uMasipaladi udinga isikhathi esingezelelweko sokusebenza isibawo, uzakwazisa umfakisibawo ngomtlole ngaphambi kokuphelelwa sikhathi ebegade sibekwe ekuthomeni ngokuthi kufuneka ubude obungezelelweko bamalanga alitjumi nahlanu wokusebenza.

(6) Ngesikhathi sokusebenza isibawo sesiGunyazi sokusebenzisa ipahla, uMasipaladi angathintana nomfakisibawo malungana nobuhle kanye nokutshwenyeka okuphathelele nemisebenzi ehlelelwe ukwenziwa eNdaweni kaMasipala—

(a) ngokulawulwa mthetjhwana kamasipala (7), umfakisibawo udlala indima yokubandakanyeka ekambisweni yomphakathi emalungana nabantu abathintekileko; nofana

(b) imigomo nemibandela ephathelele nokubulungwa kobuhle bomfanekiso wendawo ifakwe ngaphakathi kwesiGunyazi sokusebenzisa ipahla esikhutjiweko.

(7) Isifuneko sokubandakanyeka ekambisweni yomphakathi asikazokusebenza laphe—

(a) umfakisibawo ulindeleke bonyana ahlale umthelela wamagugu ngaphasi komThetho weenSetjenziswa zamaGugugu weNarha, womnyaka we-1999 (umThetho wama-25 womnyaka

we-1999), nofana ukuhlolwa komthelela webhoduluko ngaphasi komThetho wokuPhathwa kweBhoduluko weNarha, womnyaka we-1998 (umThetho we-107 womnyaka we-1998); nofana (b) ikambiso yokubandakanya umphakathi eyamukelekileko kuMasipaladi sele yenziwe mfakisibawo.

Ikambiso Yokufaka Isibawo: Imisebenzi Erhabekileko kanye Neyokunakekela

7. (1) Ukusetjenzwa kwesiGunyazi sokusebenzisa ipahla esimalungana nemiSebenzi eRhabekileko ithathelwa phezu ukudlula isiGunyazi sokusebenzisa ipahla yemisebenzi ejwayelekile neyokunakekela (nerenka ngokulinganako).

(2) IinGunyazi zokusebenzisa ipahla zemisebenzi erhabekileko nofana yokunakekela angafakelwa isibawo kwaphela ngokuphathelele nezenzabulula zokuthintana nge-elektroniki ezisatjaliswe ngaphasi kwesiGunyazi sokusebenzisa ipahla esikhutjhwe nguMasipaladi.

(3) Iforomu eligcwalisileko kufanele libe nobuncani bokulandelako:

(a) Imidwebo ngendlela yedijithali nofana amakhophi amathathu (3) wemidwebo atshwaya kuhle lapho imiSebenzi ezokwenziwa khona.

(b) Umhlobo womsebenzi orhabekileko, ebuja meneni bemiSebenzi eRhabekileko.

(c) Ilanga elihlingoziweko lokuthoma imisebenzi nobude besikhathi sawo.

(d) Isitatimende esipheleleko sokuthobela umthetho njengokuqalelelwe ngaphakathi kweforomu lesibawo sesiGunyazi sokusebenzisa ipahla.

(4) Iforomu lesibawo eligcwalisileko kufanele lithunyelwe kilabo abakhethiweko ngaphakathi kwakaMasipaladi.

(5) Amaforomu wesibawo sesiGunyazi sokusebenzisa ipahla athunyelweko kufanele ahloliswe nguMasipaladi ukutjheja ukuthi aphethe koke okufunekako, ekufaka hlangana ubhadalwa kwembadalo yesibawo.

(6) UMasipaladi uzakwasisa umnikazi wesiGunyazi sokusebenzisa ipahla, msinyazana nangendlela ekungakghonakala ngayo bonyana—

(a) iforomu lesibawo sesiGunyazi sokusebenzisa ipahla liphelele, begodu yoke imininingwana efunekako ithunyelwe. Ilanga lesaziso kuzakuba lilanga ekuthunyelwe ngalo isibawo sesiGunyazi sokusebenzisa ipahla; nofana

(b) iforomu lesibawo sesiGunyazi sokusebenzisa ipahla alikaphileli, begodu isazisweso kufanele sitshwaye neemfuneko ezingakhangabezwa, ukuthi kufanele zithotjelwe emalangeneni alitjhumini nahlanu (15) angezelweko wokusebenza, ukuhluleka ukwenza njalo kuzakukatelela bonyana isibawo esitja sithunyelwe ngobutjha.

(7) Isibawo se-Wayleabe kufanele sisetjenzwe msinyazana ngendlela ekungakghonakala ngayo ngemva kwelanga lokuthunyelwa kwesibawo sesiGunyazi sokusebenzisa ipahla.

Ikambiso Yokufaka Isibawo: Ukululwa Kwesikhathi sesiGunyazi sokusebenzisa ipahla

8. (1) Msinyazana ngemva kokuyelela ubujamo obungalawulekiko nobubangela ukuriyada nofana nekulindeleke bonyana bubangele ukuriyada ekuphethweni kwemiSebenzi ngemva kokuphela kwesikhathi sesiGunyazi sokusebenzisa ipahla, umnikazi wesiGunyazi sokusebenzisa ipahla kufanele athumele isibawo sokululelwa isikhathi sesiGunyazi sokusebenzisa ipahla.

(2) Iforomu lesibawo elipheleleko kufanele libe nobuncani bokulandelako:

- (a) Inomboro yokuthoma yesiGunyazi sokusebenzisa ipahla;
- (b) Ilanga lokuthoma isiGunyazi sokusebenzisa ipahla esiphelelwa sikhathi ngalo nekungileso ekufanelwe silulwe;
- (c) Ilanga elibuyekiweko lokuphelelwa sikhathi elifakelwe isibawo; begodu
- (d) Nobujamo obubangela ukululwa kwesikhathi.

Iimbopho Zomnikazi wesiGunyazi sokusebenzisa ipahla

9 (1) Umnikazi wesiGunyazi sokusebenzisa ipahla ulindeleke bonyana aqinisekise ukuthotjelwa kwemithetho efaneleko njengokundlalwe ngaphakathi kweforomu lesibawo sesiGunyazi sokusebenzisa ipahla bekube sekugqineni kokusebenza kwayo.

(2) Umnikazi wesiGunyazi sokusebenzisa ipahla unesibopho sezenzo kanye nokutjhiywa ngaphandle kwabajameli nabosokontraga bakhe ekwenzeni imiSebenzi.

(3) Umnikazi wesiGunyazi sokusebenzisa ipahla kufanele athathe amagadango afaneleko ukuqinisekisa indawo kanye nemihlobo yeensiza zomuthangalasisekelo esele zisatjalaliswe endaweni leyo ngaphambi kokwenza imisebenzi.

(4) Umnikazi wesiGunyazi sokusebenzisa ipahla kufanele athome imiSebenzi emalangenani amatjumi alithoba (90) wokusebenza ngemva kwelanga lokukhutjwa kwesiGunyazi sokusebenzisa ipahla, begodu nesaziso esitloliweko esitshwaya ilanga nendawo ehlelelwe ukwenziwa umsebenzi kufanele sisiwe kwaMasipala emalangenani angaphasi kwamatshumi amabili (20) wokusebenza ngaphambi kwelangelo elibekiweko. Ukululelwa kwelanga elihlelelwe ukuthoma umsebenzi kanye nelanga elihlelelwe ukuqedwa kungavunyelwa nguMasipaladi ngokuya ngonobangela omuhle okhonjisiweko.

(5) UMasipaladi angakhombela umnikazi wesiGunyazi sokusebenzisa ipahla bonyana—

(a) akhuphe isaziso semiSebenzi ehlelelweko, ekufanele sifake hlangana amalanga neendlela, kanye neendawo ukwenzela inzuzo yabantu abangahle bathinteki; begodu

(b) sikhombise negama kanye neminingwana yokuthintana yomnikazi wesiGunyazi sokusebenzisa ipahla endaweni yokwenzela imisebenzi.

(6) Umnikazi wesiGunyazi sokusebenzisa ipahla kufanele aqinisekise bonyana ikhophi eliphathekako lesiGunyazi sokusebenzisa ipahla lihlala likhona ngaso soke isikhathi endaweni yokusebenzela lokha nakusetjenzwako.

(7) Yoke imisebenzi izakwenziwa phakathi kwama-awara atshwaywe ngaphakathi kwesiGunyazi sokusebenzisa ipahla. Kungabekwa iinkhathi ezihlukahlukene zemisebenzi malungana nemisebenzi—

(a) ebanga itjhada, ephazamisako nethikazisako; begodu

(b) eminye neminye imisebenzi engaphazamisiko nofana umsebenzi onobungozi nofana osemphakathini.

(8) Emalungeni alitjumi (10) wokusebenza welanga lokukhutjwa kwesaziso sokuphethwa kokwakhiwa, umnikazi wesiGunyazi sokusebenzisa ipahla kufanele anikele uMasipaladi imidwebo ekhombisa bonyana kwakhiwe njani kanye namarherho weminingwana yalapho kwakhiwe khona (i-GIS) emalungana nemisebenzi ephethiweko, netlikitlwa sisazi sehlaziyo lesayensi njengokuhlathululwe ngayo ngaphakathi komThetho weSayensi yomSebenzi wokuhlaziya, we-19 womnyaka we-2013.

(9) Umnikazi wesiGunyazi sokusebenzisa ipahla uzakuba nobuziphendulela obaneleko emphakathini kanye netjhorensi yehlawulo, ngokutjheja umhlobo wemisebenzi kanye nendlela ekufanele wenziwe ngayo.

Iimbopho ZikaMasipaladi

10. (1) UMasipaladi uzakusebenza iimbawo zesiGunyazi sokusebenzisa ipahla —

(a) zemiSebenzi eRhabelekileko, ngokukhambisana nokuthi irhabeke kangangani;

(b) zokungezelelwa kwesikhathi, ngokusebenzisa indlela yokuthi ngubani ofike qangi, nangokulawulwa lilungelo lakhe lokudlala indima eqakathekileko ekulungeleliseni iimbawo ezidlulelanako ukwenzela ukuqinisekisa ukusetjenziswa okuhle kwePahla kaMasipala; begodu

(c) nemisebenzi ejwayelekileko kanye neyokulungisa ngokusebenzisa indlela yokuthi ngubani ofike qangi, nangokulawulwa lilungelo lakhe lokudlala indlela eqakathekileko ekulungeleliseni iimbawo ezidlulelanako ukwenzela ukuqinisekisa ukusetjenziswa okuhle kwePahla kaMasipala; begodu

(d) nangokuyelela umthethomgomo welizwe ophathelene nokusatjalaliswa msinyazana kwezenzabulula zokuthintana nge-elektroniki.

(2) Ngokulawulwa mthetho kamasipala 22, uMasipaladi uzakunikela umfakisibawo wesiGunyazi sokusebenzisa ipahla amarekhodi awaphetheko aphaathelene nemisebenzi engahle ithinteki, ekufana nerhasi, amanzi, igezi kanye nabanye abaphakeli bomthangalasisekelo kanye nabanamalungelo epahleni engatjhidisekiko abathintekako.

(3) Imininingwana ehlathululwe ngaphakathi komthetjhwana kamasipala (2) izakunikelwa ngomnqopho wokupha ilwazi kwaphela, begodu uMasipaladi uphaya nanyana ngisiphi isibopho sokuthembela kuye: Kusibopho somnikazi wesiGunyazi sokusebenzisa ipahla ukuqinisekisa ukuba khona kanye nendawo yomthangalasisekelo etshwayiweko.

(4) UMasipaladi unelungelo lokubeka ilihlo ukwenziwa kwemisebenzi egunyazwe siGunyazi sokusebenzisa ipahla.

(5) UMasipaladi uzakukhupha isaziso sokuphethwa komsebenzi nasele anelisekile ngemisebenzi ezabe iphethiweko kanye nakho koke ukubuyiselwa nokuvuselelwa okudingekako nasele kwenziwe ngepumelelo.

(6) UMasipaladi uzakulungelelisa boke abasebenzisi baPahla kaMasipala, begodu ukufikela la, uMasipaladi kufanele—

(a) agcine amarekhodi ngokuhleleka kwawo wayo yoke imithangalasisekelo esatjalaliseweko, ngaphasi nofana ngaphezu kwePahla kaMasipala.

(b) aqinisekise bonyana ilunga elinye nelinye lesithathu elifaka isibawo sokwenza umsebenzi kuMasipala, ngaphakathi, ngaphasi namkha ngaphezu kwendawo yePahla kaMasipala, okungahle kuthinteki izenzabulula zokuthintana nge-elektroniki ezisatjalaliswe mnikazi wesiGunyazi sokusebenzisa ipahla, lazisa umnikazi wesiGunyazi sokusebenzisa ipahla ngomtlo, nangaphambi kwesikhathi sokwenziwa komsebenzi ohlelelweko begodu kuphiwe umnikazi wesiGunyazi sokusebenzisa ipahla ilungelo lokubeka ilihlo.

(c) azise umnikazi wesiGunyazi sokusebenzisa ipahla ngananyana ngimiphi imisebenzi eyenziwa nguMasipaladi engahle ithinteki izenzabulula zokuthintana nge-elektroniki ezisatjalaliswe mnikazi wesiGunyazi sokusebenzisa ipahla.

(7) UMasipaladi uzakukhupha imininingwana yamuva nje yekambiso yesiGunyazi sokusebenzisa ipahla nangendlela eqalelelwe ngayo ngaphakathi kwemithetho kamasipala kubuNzinzolwazi bakaMasipala.

Ukusetjenziswa Kuhle kwePahla kaMasipala

11. (1) Umfakisibawo uzakuthatha amagadango afaneleko wokwazisa ilunga lesithathu eliphakakela ngomthangalasisekelo ngeminqopho yokufaka isibawo sesiGunyazi sokusebenzisa ipahla, ngaphambi kokuthumela isibawo sesiGunyazi sokusebenzisa ipahla.

(2) Amagadango afaneleko ahlathululwe ngaphakathi komthetho kamasipala (1) afaka hlangana—

(a) isaziso esikhutjwe ngokuphrintha kanye nange-inthanethi yephephandaba lendawo, nangabe ikhona; begodu

(b) nokuthunyelwa kwesazisweso kiwo woke amalunga asebuthelelwenilwazi elihlonyelwe umnqopho lo, wesibawo esihloselweko.

(3) Isaziso esikhonjwe emthetjwaneni (2) kufanele—

(a) sinikele iminingwana edingekako yamalunga wesithathu ukwenzeka ukuqunta bonyana linayo na itjisakalo yokubambisana ekwakheni nofana ehlelweni elifakano nomnikazi wesiGunyazi sokusebenzisa ipahla; begodu

(b) nalabo abanetjisakalo baphiwe amalanga angaphezu kwalitjumi (10) wokusebenza bonyana baphendule.

(4) UMasipaladi angafaka hlangana iimfuneko ngaphakathi kwesiGunyazi sokusebenzisa ipahla ezikhombela umnikazi wesiGunyazi sokusebenzisa ipahla bona asabalalise isikhala esingezelelweko sephayiphu lokukhambisa iintambo nofana nefayibha engakathomi ukusetjenziswa lokha nakemba iforo eendleleni ezikulu nofana epambanondlela ukwenzela ukuvumela ukuqatjhisela izenzabulula kanye nokwabiwa komthangalasisekelo begodu nokubalekela ukungasetjenziswa kuhle kwePahla kaMasipala.

Amazinga Neentlhadlhulo

12. Amazinga neentlhadlhulo ezifaneleko eMsebenzi, ukuvusesela kanye nokubuyisela kufanele andlalwe ngaphakathi kwesiGunyazi sokusebenzisa ipahla nangaphakathi kwesiVumelwano sokuSetjenziswa kweNdawo kaMasipala nofana ngaphakathi kwesiVumelwano sikaMasipala sokuQatjhisela begodo angatholakala kubuNzinzolwazi bakaMasipala.

Imithelo yepahla

13. (1) Imithelo yepahla ephathelene—

(a) neembawo zesiGunyazi sokusebenzisa ipahla nofana ezinye iimvumo;

- (b) nokusatjalaliswa kanye nokulungiswa kwezenzabulula zokuthintana nge-elekthroni, ngaphasi nofana ngaphezu kwendawo kaMasipala nofana ePahleni kaMasipala; begodu
 - (c) umsebenzi wokulungisa lapho engakhenge kuthotjelwe khona umthetho mnikazi wesiGunyazi sokusebenzisa ipahla, yakhiwa beyibuyekwezwe qobe mnyaka ngaphasi komThethomgomo wemiThelo kaMasipaladi.
- (2) Imininingwana yemithelo yamuva nje ingatholakala kubuNzinzolwazi bakaMasipala.

Isikhwama sesimetjhe

14. (1) UMasipaladi uzakukhombela umnikazi wesiGunyazi sokusebenzisa ipahla bonyana amnikelele isiqinisekiso sesikhwama sesimetjhe sebulungelomali esingatjhugulukiko nofana isithembiso sakasokontraga esikhutjhe liziko lezeemali elithembekileko ngehloso yokupha uMasipala ilungelo lokufinyelela isikhwamamali ukwenzela ukurarulula umraro wokungathobeli umthetho komnikazi wesiGunyazi sokusebenzisa ipahla kanye nomonakalo owenzeke ePahleni kaMasipala.

(2) UMasipaladi kufanele anikelwe isiqinisekiso sebulungelomali nofana isithembiso sakasokontraga ngaphambi ngokuthoma imisebenzi begodu kufanele sindlale okulandelako:

- (a) Ihlathululo yezinto ezitjhejwa siqinisekiso sebulungelomali nofana isithembiso sakasokontraga sokwenza umsebenzi begodu nangendlela isilinganiso semali yesiqinisekiso esibakwa ngayo.
- (b) Ubude besikhathi sesiqinisekiso sebulungelomali nofana besithembiso sakasokontraga sokwenza umsebenzi, nekufanele kungabi sikhathi esidlula iinyanga ezilitjhumini nambili (12) ukusukela ngelanga lokukhutjwa kwesiGunyazi sokusebenzisa ipahla.
- (c) Ikambiso yokuthi uMasipaladi athintane nesikhwama sesimetjhe sebulungelomali nofana isithembiso sakasokontraga sokusebenza, nekufanele ivumele amatleyimi ngayinye abhadaleka emalangenani angaphasi kwamatjhumini amabili wokusebenza.

(3) UMasipaladi uzakupha umnikazi wesiGunyazi sokusebenzisa ipahla isaziso esifaneleko ngomtlole sokuthintana nesikhwama sesimetjhe sebulungelomali nofana isithembiso sakasokontraga sokusebenza begodu amuphe ithuba elilingeneko elimalanga angaphasi kwalitjhumini nahlanu (15) bonyana enze izethulo kilokhu nofana zokuthi ararulule ukungakathotjelwa komthetho.

(4) UMasipaladi ugudla ilungelo lokukhombela nakunonobangela omuhle okhonjisiweko lokuthi umnikazi wesiGunyazi sokusebenzisa ipahla anikela isiqinisekiso sebulungelomali nofana isithembiso sakasokontraga sokusebenza esikhathini esingezelelweko, begodu unobangela omuhle kilokhu ufaka hlangana kodwana akapheleli kokulandelako—

- (a) ukuqedwa kwesikhwama sesimetjhe sebulungelomali nofana sokusebenza ngonobangela wamatleyimu enziwe nguMasipaladi ngaphambi kokudlulelwa sikhathi; begodu

- (b) neenlilo eziragako kwezobunjiniyere ezimalungana nokoniwa kwePahla kaMasipala.

Ilungelo Lokuhlawulisa

15. Abanikazi beenGunyazi zokusebenzisa ipahla balindeleke ukutlikitla itjhorensi yokuphaya ilungelo lokuhlawulisa begodu bangabi nokuthwesa umlandu kuMasipaladi, ebasebenzini kanye nebajamelini ngokuphathelene—

- (a) nananyana ngimaphi amatleyimu womonakalo owenzeke phezu komthangalasisekelo welunga lesithathi nofana ukuthikaziseka nofana ukukhinyabezeka kwemisebenzi yelungalesithathu ekubangelwe mnikazi wesiGunyazi sokusebenzisa ipahla; begodu
- (b) nananyana ngimaphi amatleyimu womonakalo obangelwe ngabanye abanikazi beenGunyazi zokusebenzisa ipahla phezu kwezanzabulula zokuthintana nge-elektroniki nofana ithungelelwano lokuthintana nge-elektroniki ezingezomnikazi wesiGunyazi sokusebenzisa ipahla yomunye.

Iinjeziso Zokungathobeli Umthetho

16. (1) Ngaphezu kwemithelo yepahla ebeka iindleko ezivela kuMasipaladi lapho kufuneka khona bonyana kwenzeke umsebenzi wokulungisa umonakalo, uMasipaladi sele abeke iinjeziso ezizokuthweswa abanikazi beenGunyazi zokusebenzisa ipahla abaphule imigomo nemibandela yeenGunyazi zokusebenzisa ipahla.

(2) Iinjeziso ezithweswako zindlalwe ngokukhambisana nemithelo yepahla yamuva nje begodu ingatholakala kubunzinzolwazi bakaMasipala.

(3) Lapho uMasipaladi aqunte khona bonyana umnikazi wesiGunyazi sokusebenzisa ipahla uphule imigomo nemibandela yesiGunyazi sokusebenzisa ipahla, nje-ke ngaphezu kwamatleyimu wokulungisa ubutjhapho bomsebenzi owenziweko kanye nokuthweswa isijeziso njengokuqalelelweko, uMasipaladi ugudla ilungelo lokungamukeli ezinye iimbawo zesiGunyazi sokusebenzisa ipahla ukufikela lapho umnikazi wesiGunyazi sokusebenzisa ipahla ararulule khona umrarwakhe noMasipala.

(4) UMasipaladi angaragela phambili nokusebenzisa ilungelo lakhe lokufaka isinghonyayo eBandleni eliziJameleko lezokuThintana leSewula Afrika lapho abonakhona bonyana umnikazi wesiGunyazi sokusebenzisa ipahla nofana ilunga lesiVumelwano sokuSetjenziswa kweNdawo kaMasipala nofana lesiVumelwano sokuQatjiswa elinelayisensi yethungelelwano lezokuthintana nge-elektroniki liphula imigomo nemibandela yelayisensi.

(5) Ukusebenzisa kukaMasipaladi ilungelo lakhe lokujezisa nofana lokulungisa ubutjhapho akulimazi amalungelwakhe wokusebenzisa elinye nelinye ilungelo lesijeziso nofana ukulungisa ubutjhapho.

Iinkhuthazo Ezibhadalwa Ngakanye

17. (1) Ngokusebenzisa amandla aphiwe wona, uMasipaladi angasebenzisa iinkhuthazo malungana nokusatjalaliswa kwezenzabulula zokuthintana nge-elektroniki eendaweni zikaMasipaladi ezinganazo iinsetjenziswa ze-inthanethi emsinya khulu ezingabizi khulu.

(2) UMasipaladi ekusebenziseni amandla aphiwe wona ngaphasi komthetho lo wakamasipala, usazokuthobela umthethomgomo welizwe ophathelene nokusatjalaliswa ngokurhabako kwezenzabulula zokuthintana nge-elektroniki kanye nokunetjhuguluko letuthuko enomthelela okwenzelwe woke umuntu malungana nokuthintana nge-elektroniki okungabizi khulu.

Ukukhitjelelwa Kwemigomo Nemibandela yesiGunyazi sokusebenzisa ipahla

18. (1) Imigomo nemibandela yesiGunyazi sokusebenzisa ipahla ingakhitjelelwa kwaphela lapho—

(a) ukukhitjelelokho kufunelwa—

(i) malungana nelwazi elitjha ebegade liphethwe nguMasipaladi lokha nakukhutjiswa isiGunyazi sokusebenzisa ipahla begodu nelisisekelo sokusebenza kwesiGunyazi sokusebenzisa ipahla;

(ii) ukupha umthetho amandla wokusebenza zombebele; nofana

(iii) ukupha umlayelo wekhotso amandla; nofana

(b) lokha uMasipaladi nomnikazi wesiGunyazi sokusebenzisa ipahla baphe imvumo yalokho.

(2) UMasipaladi uzakukhuphela umnikazi wesiGunyazi sokusebenzisa ipahla umhlobo obuyekeziweko wesiGunyazi sokusebenzisa ipahla.

Ukususwa nofana Ukutjhidiswa Kwezenzabulula Zokuthintana Nge-elektroniki

19. (1) UMasipaladi ulindeleke bonyana athwale iindleko zananyana ngikuphi ukutjhugululwa nofana ukususwa kwezenzabulula zokuthintana nge-elektroniki mnikazi wesiGunyazi sokusebenzisa ipahla, isidingo sakho esibangelwa msebenzi uMasipaladi awenzako.

(2) Lapho umnikazi wesiGunyazi sokusebenzisa ipahla akholelwa bonyana nanyana ngimuphi umuthi nofana isithelo esisePahleni kaMasipaladi sithikazisa, nofana sikhandela nofana

singahle sikhandele ukusebenza nofana ukulungiswa kwezenzabulula zokuthintana nge-elektroniki ezisatjalaliseweko, kufanele aphe isaziso ngomtlole kuMasipaladi ngesifundo sesenzo sokulungisa.

(3) Nangabe isenzo sokulungisa esihlathululwe emthethjwaneni kamasipala (2) asikhaphethwa esikhathini esifaneleko esibekiweko, umnikazi wesiGunyazi sokusebenzisa ipahla angathatha amagadango afunekako wokuthi azisusele isithakaziso nofana isikhandeli, begodu umnikazi wesiGunyazi sokusebenzisa ipahla kuzakuba nguyey othwala nanyana ngiziphi iindleko zesenzo sokususa okwenziwe ngaphasi kwesigatjanesi.

(4) Lapho umnikazi wesiGunyazi sokusebenzisa ipahla adinga bona kususwe, kutjhugululwe nofana kutjhidiwe iPahla kaMasipala, kufanele athumele isibawo ngomtlole kuMasipaladi bonyana uMasipaladi asiphose ilihlo.

(5) Lapho uMasipala avumela isibawo esihlathululwe ngaphakathi komthethjwana kamasipala (4), umnikazi wesiGunyazi sokusebenzisa ipahla kuzaba nguyey othwala iindleko zomsebenzi lo.

(6) Umnikazi wesiGunyazi sokusebenzisa ipahla —

- (a) uzakukhulumisana noMasipaladi malungana nokuphelelwa sikhathi sokusebenza nofana ukurhoqiswa kwezenzabulula zokuthintana nge-elektroniki ezisatjalalisiweko;
- (b) uzakuthobela umlayelo ofaneleko kaMasipaladi ophathelene nokususwa kwezenzabulula zokuthintana nge-elektroniki nofana ukuvuselelwa nofana ukubuyiselwa kwazo, lapho kufuneka khona; begodu
- (c) uzakuthwala iindleko zanyanyana ngikuphi ukususwa kanye nokuvuselelwa nofana ukubuyiselwa, ngokulawulwa sisimo.

Ukudluliswa Kwasivumelwano

20. IimVumelwano zokuSetjenziswa kweNdawo kaMasipala kanye neemVumelwano zikaMasipala zokuQatjiswa ziyadluliseka, ngokulawulwa sivumelwano, ngomtlole oyakuMasipaladi, nekusivumelwano esingekhe sabanjwa nofana siriyadiswe.

Ukusombululo Umbango

21. (1) UMasipaladi uzakufuna ukurarula iimbango equbuka ekuphunyelelisweni kwemiTlamo yemiThetho kaMasipala eJwayelekileko ngokubonisana kanye nokubandakanya iinjamiliso zikarhulumente ukwenzela ukukghonakalisa ukusatjalaliswa ngokurhabakileko kwezenzabulula zokuthintana nge-elektroniki ezifana neKomidi yokuLungelilelisa ukuSatjalaliswa okuRhabako.

(2) UMasipaladi nakahluleka ukuthobela iikhathi zokusebenza iimbawo zesiGunyazi sokusebenzisa ipahla kufanele abikele i-Komidi yokuLungelilelisa ukuSatjalaliswa okuRhabako. Lokhu kungenziwa mfakisibawo nofana nguMasipaladi ngokuthumela iposomomoya ku-rdcc@dcddt.gov.za.

(3) Umthetho kamasipala awukhandeli ilungelo likaMasipaladi nofana lomnikazi wesiGunyazi sokusebenzisa ipahla bonyana aye ekhotho elungeleko ukusebenzisa amandla ukuyokufumana isizo ngokurhabileko.

Ubufihlo Nokuvikeleka kwemininingwana yomuntu

22. (1) Woke amahlelo, imidwebo kanye neminye imitlole enikelwe umnikazi wesiGunyazi sokusebenzisa ipahla nengatholakaliko ekundleni yelwazi lomphakathi nofana engakafaneli ukuba sekundleni yelwazi lomphakathi ngendlela efaneleko izakuthathwa njengelwazi eliyifihlo.

(2) Ngokulawulwa mthetjhwana kamasipala (3), uMasipaladi kanye nomnikazi wesiGunyazi sokusebenzisa ipahla abakazokwabelana ngelwazi eliyifihlo ngaphandle kwalapho kunesidingo sokusiza ngesibawo sesiGunyazi sokusebenzisa ipahla kanye nokuphunyeleliswa kweekambiso nofana bakatelelwa mthetho bonyana benze njalo.

(3) Ngokuya ngehlathululo engaphakathi komThetho wokuVikelwa kwemiNiningwana yoMuntu, womnyaka wee-2013 (umThetho we-4 womnyaka wee-2013), ngendlela imininingwana yomuntu emumethwe ngaphakathi kweforomu lesibawo sesiGunyazi sokusebenzisa ipahla nofana okhanye ukuthintana okuphakathi kwakaMasipaladi kanye nomnikazi wesiGunyazi sokusebenzisa ipahla, amalunga womabili azakuthobela iimbopho zayo ngaphasi komThetho ekukhulunywa ngawo ekusebenzeni imininingwana yomuntu.

Ukuthintana Okusemthweni

23. (1) Koke ukuthintana okuphakathi kwamalunga amabili okuphathelene nesiGunyazi sokusebenzisa ipahla kufanele kube ngomtlole.

(2) UMasipaladi kanye nomnikazi wesiGunyazi sokusebenzisa ipahla bazakukhetha umuntu ngamunye ozakuba mjameli ozakuthumela begodu amukele ukuthintana okusemthethweni ngaphasi kwesiGunyazi sokusebenzisa ipahla, begodu imininingwanakhe kufanele indlalwe ngaphakathi kwesiGunyazi sokusebenzisa ipahla.

(3) Umjameli angatjhugululwa ngesaziso esifaneleko esiya kuMasipaladi nofana esiya kumnikazi wesiGunyazi sokusebenzisa ipahla ngokuya ngobujamo.

(4) Koke ukuthintana ngemitlole okusemthethweni nokulethwe ngesandla nofana ngesithuywa kuzakuthathwa njengokwamukelweko elangeni elilandela lelo ezilethwe ngalo, begodu

koke ukuthintana nge-elektroniki okulethwe ngefasimeli nofana ngeposomoya kuzakuthathwa njengokwamukelweko elangeni elilandela lelo okuthunyelwe ngalo.

Ukubuyekeza

24. ImiTlamo yemiThetho kaMasipala eJwayelekileko le izakubuyekezwa qobe eminyakeni emibili (2).
-

Isikhibelelo A

Iforomu Lesibawo SesiGunyazi sokusebenzisa ipahla

Amaforomu weebawo agcwalisiweko kufanele athunyelwe [emuntwini okhuthethelwe ukuwamukelwa kwaMasipaladi] [nofana ngokusebenzisa iphothali yesiGunyazi sokusebenzisa ipahla esebenza nge-inthanethi netholaka ku- www.Municipality.gov.za/wayleave_management_portal].

Ingcenywe A - Umfakisibawo (umuntu okhutjhelwa isiGunyazi sokusebenzisa ipahla)						
Igama Elitloliweko:			Urhweba Njengo:			
Inomboro Yekhamphani Etloliswe Ngayo:			Isiphande Somakhiwo:			
Umrhala:			Iposomoya:			
Ingcenywe B - Umnikazi/umsebenzisi wezenzabulula zokuthintana nge-elektroniki (umuntu ozabe asebenzisa izenzabulula zokuthintana nge-elektroniki ngemva kokusatjalaliswa kwazo)						
Igama Elitloliweko:			Urhweba Njengo:			
Inomboro Yekhamphani Etloliswe Ngayo:			Isiphande Somakhiwo:			
Umrhala:			Iposomoya:			
Ingcenywe C - Imininingwana yesibawo						
Umlhlobo wesiGunyazi sokusebenzisa ipahla	<input type="checkbox"/>	Imisebenzi Ejwayelekileko (Gcwalisa Ingcenywe D)	<input type="checkbox"/>	Ukululwa kwesikhathi (Gcwalisa Ingcenywe F)	<input type="checkbox"/>	Imisebenzi Erhabekileko (Gcwalisa Ingcenywe E)
Ingcenywe D - Imisebenzi Ejwayelekileko						
Ilanga elihlongozelwe ukuthoma kwemisebenzi:						
Ubude besikhathi esilindeleke ukuthathwa misebenzi:						
Namathisela okulandelako:					Kunanyat hiselwe	
Zoke limbawo	<p>Imidwebo ngendlela yedijithali/ amakhophi amathathu (3) wemidwebo yomsebenzi ohlongozelwe, okhombisa kuhle ukusatjalaliswa kwawo okupheleleko, ekufaka hlangana:</p> <ul style="list-style-type: none"> nanyana ngikuphi ukusatjalaliswa kwezenzabulula zokuthintana nge-elektroniki, eziphezulu nofana endaweni yangeqadi eseNdaweni kaMasipala; begodu indawo nesilinganiso sobukhulu besika kanye nezenzabulula ezisekelako (ezifana namakhabinethi, iimumathi, imigodi yokungena ngaphasi, imigojana eyanele isandla kanye namabhoksi wokuthungelela). indawo ekuhlaliswa khona imithangalasisekelo yeminye imisebenzi ebevele isatjalaliswe endaweni leyo. Iintambo ezikhakha ehlabathini nofana imigodi eyenziwa qangi kufanele yenjiwe ngaphambi kwesikhathi nangokubekwa ilihlo nguMasipaladi. 				<input type="checkbox"/>	
Ukwenjiwa kweforo	Ukutjha kwezenzabulula zokuthintana nge-elektroniki ezikhamba ngaphasi kwendlela.				<input type="checkbox"/>	
	Ibanga lemisebenzi ukusuka emkhawulweni wendawo ebekelwe ukwakha indlela.				<input type="checkbox"/>	

Ama-eriyali	Lapho iintambo zefayibha ye-eriyeli ihlelelwe khona, ububanzi kanye nokusebenza kwamapali nalapho ekufanele ahlaliswe khona, godu nokuphakama kwefayibha lapho izakudoswa khona.		<input type="checkbox"/>
Imininingwana yeemvumelwano nofana iimvumo ezifuneka emalungeni wesithathu malungana nokusatjalaliswa okuhlelelweko kanye nobufakazi bokuthi zitholakele.	Iimvumo ezinye zikamasipala:		<input type="checkbox"/>
	Zebhoduluko:		<input type="checkbox"/>
	Amagugu:		<input type="checkbox"/>
	Amalunga athintekileko:		<input type="checkbox"/>
	Okhunye		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
IsiVumelwano sokuSebenzisa iNdawo kaMasipala		<input type="checkbox"/>	
Ukwabiwa kwezaziso zeemfuno ezindlalwe [ngaphathi komthetho kamasipala 9]		<input type="checkbox"/>	
Mina, otlikitle la _____, ngifunga bonyana ngiqinisekise nelunga ngalinye leenzabulula zokuthintana nge-elektroniki elithintekako emisebenzini ehlongoziweko bona ukuqatjhiswa kwezanabulula zelungelo elithintekako:		<input type="checkbox"/> Kuyakghonak ali <input type="checkbox"/> Akukghonaka li	
Ingcenywe E – Imisebenzi Erhabekileko			
Ireferensi Yamambala yesiGunyazi sokusebenzisa ipahla:			
Ilanga elihlongozelwe ukuthoma kwemisebenzi:			
Ubude besikhathi esilindeleke ukuthathwa misebenzi:			
Umlambo womsebenzi orhabekileko:			
Namathisela okulandelako:			Kunanyat hiselwe
Zoke iimbawo	Imidwebo ngendlela yedijithali/ amakhophi amathathu wemidwebo ekhombisa kuhle lapho imisebenzi ezokwenzelwa khona.		<input type="checkbox"/>
Ingcenywe F – Ukululelwa isikhathi			
Ireferensi Yamambala yesiGunyazi sokusebenzisa ipahla:			
Ilanga lamambala lokuphelelwa sikhathi:			
Ukululelwa kwesikhathi kufuneka ukufikela (faka ilanga elitjha lokuphelelwa sikhathi):			
Iinzathu zokululelwa isikhathi:			

Ingcenywe Yokusetjenziswa Li-ofisi			
Imbadalo Yesibawo lbhadelwe:	<input type="checkbox"/> Iye	<input type="checkbox"/> Awa	
Isiqunto:	<input type="checkbox"/> Sivunyelwe	<input type="checkbox"/> Asikavunyelwa	
Nangabe asikavunyelwa – iinzathu:			
Iinzathu zithunyelwe kumfakisibawo:	Ilanga:		
	Indlela yokuthumela:		
	Isiqinisekiso sokwamukelwa:		

Itjhejula A**IPhahla lesiVumelwano sokuSebenzisa iNdawo kaMasipala**

1. Amalunga
 - (1) Umasipaladi.
 - (2) [●] ("Umsebenzisi Wethungelelwano").
2. Ubude besikhathi
 - (1) Ukusukela ngelanga lokukhutjwa kwesiGunyazi sokusebenzisa ipahla ukufikela ekuphelelweni sikhathi sokusebenza kwethungelelwano.
3. Amalungelo womsebenzisi wethungelelwano.
 - (1) Ukuragela phambili nokusebenzisa kanye nokuphathwa kwePahla kaMasipala eNdaweni kaMasipala.
 - (2) Ukufumana isaziso ngaphambi kwesikhathi ngemisebenzi ekhinyabezako.
4. Isibopho Somsebenzisi Wethungelelwano
 - (1) Ukusebenzisana ngokuthembeka namanye amalunga anomthangalasisekelo oseduze nezenzabulula zokuthintana nge-elektroniki zomsebenzisi wethungelelwano.
 - (2) Ukwaba umthangalasisekelo lapho ngokomnotho nangokwethekniki kukghonakala khona ukwenza njalo ngokukhambisana nemiThetholawulo yokuQatjhisa iZenzabulula wee-2010, njengokukhutjwa kwawo ngaphakathi kweGazedi kaRhulumente yeNomboro R. 468 yomhlaka 31 kuMrhayili 2010.
 - (3) Ukwazisa uMasipaladi ngokuphelelwa sikhathi sokusebenza kwethungelelwano eenyanga zobuncani obuli-12 ngaphambi kokuphelelwa sikhathi sokusebenzeso.
5. Imisebenzi Yesabelomali Esincani
6. Ukubhadalwa Kweendleko
 - (1) Iindleko:
 - (2) Iindleko ezibhadalwa Msebenzisi wethungelelwano qobe.
 - (3) Imigomo yokubhadala
 - (4) Ukukhuphuka okundlalwe ngaphakathi kwe-MTREF.
7. Abantu ekuthintanwa nabo
 - (1) UMasipaladi.
 - (2) Umsebenzisi Wethungelelwano.
8. Ukunikelwa amandla

- (1) Uzakunikelwa amalungelo neembopho kwaphela zikaMasipaladi ngemvumo emtlo kaMasipaladi, nekungekhe zabanjwa ngokungakafaneleki.
- 9. Ukusombululo umbango
 - (1) Ukudlulisela ku-RDCC.

Itjhejuli B**IPhahla LesiVumelwano Sokuqatjhiselana NoMasipala**

1. Amalunga

- (1) UMasipaladi.
- (2) [●] ("Umqatjhiselwa").

2. Ihlathululo yendawo eqatjhiswako

3. Ubude besikhathi

- (1) Ukuthoma kokuqatjha.
- (2) Ubude besikhathi sokuqatjha.
- (3) Ukuvuselelwa.

4. Amalungelo womqatjhiselwa

- (1) Ukuragela phambili nokusebenzisa kanye nokuba sendaweni eqatjhisweko.

5. Iimbopho zomqatjhiselwa

- (1) Ukubuyiswa kwendawo eqatjhisweko isese sebuja meneni obuhle.
- (2) Ukubhadala inani lemali yomqatjho ngesikhathi esibekiweko.
- (3) *[Eminye imibandela efaneleko].*

6. Ukubhadalwa kwenani lemali yomqatjho

- (1) Inani lemali yomqatjho.
- (2) Imibandela yokubhadala.
- (3) Ukukhuphuka phambili.

7. Imisebenzi yesabelomali esincani

8. Abantu Ekuthintanwa nabo

- (1) UMasipaladi.
- (2) Umsebenzisi Wethungelelwano.

9. Ukunikelwa amandla

Uzakunikelwa amalungelo neembopho kwaphela zikaMasipaladi ngemvumo emtlole kaMasipaladi, nekungekhe zabanjwa ngokungakafaneleki.

10. Ukusombulula umbango:

- (1) Ukudluliselwa ku-RDCC.

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