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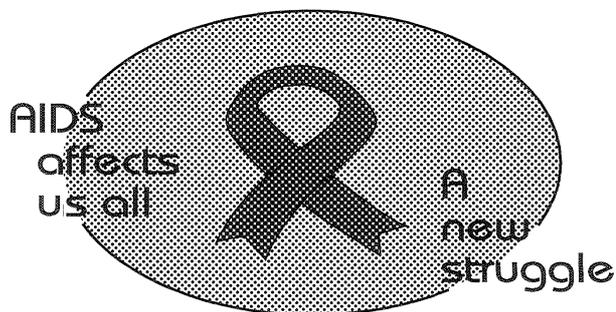
Vol. 6

PIETERMARITZBURG,

31 AUGUST 2012
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No. 812

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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MUNICIPAL NOTICE—ISAZISO SIKAMASIPALA

No. 81**31 August 2012****UMZINYATHI DISTRICT MUNICIPALITY
ENVIRONMENTAL HEALTH BY-LAW****DEFINITIONS**

In this by-law, unless the context indicates otherwise:-

"accommodation establishment" means any premises in or upon which the business of supplying lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include any such premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals per day and has fewer than five beds available for occupation, or which provides no meals and has fewer than three rooms that are let or intended for letting;

"agent" means a person specifically or generally appointed to attend to the affairs of another;

"animal" means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, indigenous animal and other wild or exotic animal, but excludes dogs and cats kept as domestic pets;

"boarder" means any person to whom lodging or both lodging and meals in an accommodation establishment is or are supplied by the proprietor for reward or gain;

"carcass" means the remains of any animal or poultry;

"cattery" means any establishment where cats are bred or boarded;

"child care facility" means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State;

"communicable disease" means any disease which can be communicated directly or indirectly from any person suffering there from or who is a carrier thereof to any other person;

"cost" means the amount determined by a duly authorized employee of the Council;

"Council" means the Council of the Umzinyathi District Municipality or its duly authorized employee, councilor, committee or agent;

"generator" means a person who generates medical waste;

"hairdresser or barber" means a natural person who carries on business by cutting, shaving, shampooing, curling, straightening or otherwise treating or removing people's hair or beards or providing beauty treatment for reward or gain;

"health nuisance" means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is/are in the opinion of the Council or a duly authorized council employee potentially injurious or dangerous to health or which is/are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

"kennel" means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

"medical certificate" means a certificate signed by a medical practitioner;

"medical practitioner" means a person registered as such under the laws relating to the registration of persons as medical practitioners;

"medical waste" includes -

- (a) any waste, whether infected or not, resulting from a medical, surgical, veterinary or laboratory procedure on humans or animals, such as blood, body fluids, tissue, organs, body parts, extracted teeth, corpses (excluding corpses intended for burial in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992));
- (b) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy- and catheter-bags, gloves, drip bags, administration lines and tongue depressors;
- (c) contaminated and uncontaminated sharps, including clinical items which can cause a cut or puncture or injection, such as needles, syringes, blades and microscope slides;
- (d) pharmaceutical products which have become outdated or contaminated or have been stored improperly or are no longer required, such as human and animal vaccines, medicines and drugs;
- (e) genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source;

“night soil” means human excrement not disposed of in an approved sanitary convenience;

“objectionable material” means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused machinery, motor cars or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being deposited on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become a nuisance or which materially interferes with the ordinary comfort or convenience of the public;

“occupier” in relation to any premises means and includes -

- (a) any person in actual occupation of those premises; or
- (b) any person legally entitled to occupy those premises; or
- (c) any person having the charge or management of those premises, and includes the agent of any such person when he is absent from the Republic of South Africa or his whereabouts are unknown;

“offensive” means a state of affairs which is a health hazard or which has the potential to result in a health hazard;

“overcrowding” means -

- (a) a residential occupancy in excess of 12 occupants per sanitary convenience; and/or
- (b) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) for sleeping purposes where such occupation exceeds 1 adult person per 4 m and/or 1 child under 10 years of age per 2 m;

“owner” includes -

- (a) the person or persons in whom from time to time shall be vested the legal title to any immovable property;
- (b) in any case where a property is subject to a registered lease the lessee of such property;
- (c) in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator;
- (d) in cases where the owner as above described is absent the agent or person receiving the rent of the property in question;
- (e) in any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property;

“permit” means the written permission granted by the Council in terms of this by-law;

“person” includes any sphere of government; natural and juristic person, person includes any sphere of government; natural and juristic persons;

“poultry” means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock and/or peahen or bird whether domesticated or wild;

“premises” means any building, tent or any other structure, together used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat;

“proprietor”, in relation to an accommodation establishment, means the natural person who carries on or who is charged with carrying on business by supplying lodging or both lodging and meals for reward or gain and includes an owner of said property;

“structure” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for the keeping, housing or enclosing of animals and poultry;

“styptic” means a substance applied to stop bleeding;

“trades” for purpose of this by-law is restricted to the following: accommodation establishments, hairdressers and barbers, tattooing and body piercing of humans and child care facilities;

“transporter” means any person who removes medical waste from the premises of a generator or who transports medical waste or both;

“verminous” means being infested with vermin which includes but is not limited to lice, fleas and any organism which may infest or be parasitic on a person.

PART 1

PREVENTION AND SUPPRESSION OF HEALTH NUISANCES

1. No owner or occupier of any shop or business premises or vacant land adjoining a shop or business premises shall use, cause or permit to be used such shop or business premises, vacant land or any portion thereof which is open to the public, for the purpose of storing, stacking, or keeping any waste material, refuse, crates, cartons, containers or any other articles of like nature in such a way as to cause a health nuisance.

2. Notwithstanding the provision of any other By-law or legislation no person shall -

- (a) allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community;
- (b) fail to maintain the sewers, drains, water fittings, waste water fittings, water closet fittings, and all other sanitary accessories forming part or attached to any building or structure in good and sound repair;
- (c) deposit, keep, cause or permit to be deposited or kept any nightsoil on any premises, except in a proper sanitary convenience approved by the Council;
- (d) keep, cause or suffer to be kept upon any premises any sanitary convenience of such nature or in such condition that it is a health nuisance;
- (e) carry, convey or permit to be carried through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become a health nuisance, unless such objectionable material or thing is covered with suitable material in order to prevent the creation of any health nuisance;
- (f) cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises to that owned or occupied by him or of which he is in charge to be or to become so foul or in such a state or to be so situated or constructed so as to be a health nuisance;
- (g) cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises to that owned or occupied by another person, whether occupied for trade, business, manufacturing, dwelling or other purposes, onto any land or into and storm water, river or canal system;
- (h) commit, cause or permit to be committed any act which may pollute water to which inhabitants of the area of jurisdiction of the council have the right of use or access.

3.(1) Where any objectionable material, article or matter of whatsoever nature has been accumulated or stored on any erf, street, thoroughfare, public square or commonage or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 1 and 2(a) the Council may serve a notice to abate such health nuisance on -

- (a) the person directly or indirectly responsible for such accumulation or storing; or

- (b) the owner of such material, article or thing, whether or not he is responsible for such accumulation, or storing; or
- (c) the owner of the erf on which such accumulation or storing takes place, whether or not he is responsible therefore; or
- (d) the owner of the erf on which there is an overgrowth of bush, weeds, grass, or vegetation.

(2) In the event of the recipient failing to comply with the requirements of a notice served on him in terms of section 3(1) within the time specified in such notice, the Council may, at the expense of the recipient, together with any assistants and advisors it may require, forthwith enter upon such premises and clear from such premises any such trees, bushes, weeds, grass, stones and rubble or objectionable matter. The cost of such work shall be recoverable by the Council in any court of competent jurisdiction from the person in default.

4. No person shall occupy or cause or suffer to be occupied any premises for habitable purposes so as to be a health nuisance, whether by overcrowding or otherwise.

5. The owner of any premises which is let or sublet to more than one tenant, shall maintain at all times in a clean sanitary condition every part of such premises as may be used in common by more than one tenant.

6. No person shall keep, cause or suffer to be kept any factory or trade premises so as to cause or give rise to smells or effluvia that constitute a health nuisance.

7. Every person who is the occupier or in charge of any premises or the owner of any vacant land in the area of jurisdiction of the Council, shall take all possible precaution to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of mosquitoes, flies, fleas, bug, cockroaches or other vermin pests. An authorized person employed by council may serve upon such owner, occupier or person in the charge a notice in regard to the prevention or eradication of any such vermin or pest and specify a time period within which such vermin and/or pest must be eradicated.

8. No person shall keep, cause or suffer to be kept on any premises any accumulation or deposit of filth, rubbish, refuse, manure, other offensive matter, or objectionable material or thing so as to be a health nuisance.

9. No person shall, without the written permission of the Council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description on unserviced land except on an authorized camping or caravan site.

10. Any person who contravenes or fails to comply with any provisions of this Part or fail to comply with any notice lawfully given there under shall be guilty of an offence.

PART 2

KEEPING OF ANIMALS AND POULTRY

11. In order to promote public health no person shall keep or permit to be kept on any premises or property any animal or poultry without the permission of the Council.

12.(1) For the purpose of promoting public health and restricting public nuisance, the Council may from time to time determine the number, kinds and sex of animals or poultry that may be kept per unit area and the areas within which such animals or poultry shall be prohibited.

(2) The Council may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Council for such purposes.

(3) Permits issued in terms hereof are not transferable and shall only be valid for the specific property in respect of which the application was made.

13.(1) The Council may require an application in terms of section 12(2) to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.

(2) The Council may require detailed plans and specifications of structure wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of section 12(2).

(3) Notwithstanding anything to the contrary contained in this by-law, the Council may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals or poultry.

(4) No structure that accommodates animals shall be sited -

- (a) within 15 m of any boundary of the erf which abuts another residential erf;
- (b) within 6 m of any boundary of the erf which abuts any road or public open space; and
- (c) within 4,5 m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.

(5) Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least 4,5 m from such habitable room and must not be under the same roof space as the habitable room.

(6) No structure in which poultry is kept shall be sited -

- (a) within 1,5 m from any boundary of a residential erf; and
- (b) within 1,5 m from any dwelling servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.

(7) All structures in which animals or poultry are kept shall be suitably screened from any street to the satisfaction of the Council.

(8) No structure in which poultry is kept shall have a height in excess of 3,5 m.

(9) Notwithstanding the aforementioned provisions, the Council may after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, waive any or all of the requirements of this part and impose other conditions if appropriate.

14.(1) All manure resulting from the keeping of animals and poultry shall, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises.

(2) All feed shall be stored in a rodent proof place, container or storeroom for the keeping of animals and poultry.

(3) The premises for keeping of animals and poultry shall be kept in such condition as not to attract or provide harbourage for rodents.

(4) Carcasses are to be disposed at the owner's expense and in a manner approved by the Council.

15. The Council may from time to time determine that a fly and rodent proof manure store and feed store of adequate size and constructed of permanent material, is required on premises where animals are kept.

16. No person shall keep a kennel or cattery unless the following requirements are complied with:

(1) Dogs and cats shall be kept in separate enclosures -

(a) constructed of durable material and with adequate access for cleaning, disinfecting and de-vermination purposes;

(b) with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall drain into a gully connected to the Council sewer system by means of a pipe of approved material with a minimum diameter of 100 mm or to another approved disposal system;

(c) with a kerb 150 mm high along the entire length of the channel referred to in subparagraph (b), to prevent storm water from such area from entering the channel.

(2) Every enclosure referred to in section 16(1) shall contain a roofed shelter for the accommodation of dogs and cats of which -

(a) every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints;

(b) the floor shall be of concrete or other impervious and durable material brought to smooth finish without cracks or open joints and surface between the floor and the walls of a permanent structure shall be covered.

(3) In the case of dogs, a dog kennel of moulded fibre cement or other similar material which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in section 16(2) and if the base or such kennel is not rendered waterproof, a raised sleeping board which will enable the dog to keep dry shall be provided in every such kennel.

(4) A concrete apron at least 1 m wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded to allow for the drainage of water away from the enclosure.

(5) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to every enclosure.

(6) Separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Council.

(7) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

17. All structures shall at all times be kept in a proper state of repair by the owner or occupier of the premises.

18.(1) If, in the opinion of the Council, any animals kept on any property in terms of which a permit has been issued by the Council under this By-law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorized in the permit issued, the Council may serve written notice on the holder of the permit, or in his absence the person in charge, to remove or cause to be moved such nuisance or danger or excess number of animals within a specified period.

(2) The holder of a permit or the person in charge, on receiving a notice in terms of section 18(1), shall comply with the requirements as specified by the Council in such notice, failing which the Council may at its discretion -

(a) cancel the permit to keep animals on such property; or

(b) amend the permit.

19. The holder of a permit shall, when requested by the Council to do so, return the permit issued to him for amendment or cancellation, as the case may be.

20. No person shall alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.

21.(1) Any premises on which animals or poultry are already being kept shall be exempted from complying with requirements in respect of accommodation for animals for a period of 12 months from date of coming into operation of this By-law.

(2) All permits, authorizations and concessions to keep animals or poultry granted in terms of any By-law or regulation repealed by section 42 shall be deemed to have been granted in terms of this By-law.

22. Any person who contravenes any of the provisions of this Part or fails to comply with any notice lawfully given thereunder shall be guilty of an offence.

PART 3

MEDICAL WASTE MANAGEMENT

23.(1) Generators must handle and store medical waste in a safe manner that poses no threat to human health or to the environment and are under a duty to ensure that medical waste is removed from their premises, transported and disposed of in accordance with this By-law.

(2) Without limiting the generality of the duty in subsection (1), generators must comply with the following requirements:

- (a) separate medical waste from other waste at the point at which it is generated;
- (b) store medical waste in leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition, rigid and puncture-resistant;
- (c) label each medical waste container indelibly and in large, legible lettering with -

- (i) the name and address of the generator;
 - (ii) the words “Danger: Medical Waste”, “Gevaar: Mediese Afval” and “Ingozi: Imfucuza Yezinto Zokwelapha”, and the international bio-hazard logo; and
 - (iii) the date on which the medical waste container is removed from the generator’s premises;
- (d) prevent public access to medical waste containers which are in use;
- (e) store filled medical waste containers in controlled, secure areas which are reserved for the storage of medical waste;
- (f) make arrangements for the removal of medical waste from their premises and for the transportation of medical waste to a disposal site by a person who transports medical waste in terms of this By-law and who is registered as a transporter as contemplated in section 26 of this By-law;
- (g) make arrangements for the disposal of medical waste by a person permitted to dispose of medical waste in terms of this By-law.
- (3) Generators may apply in writing to the Council for permission to handle store and otherwise deal with their medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Generators may transport and dispose of medical waste; provided that they do so in terms of this By-law.
- (6) Generators must -
- (a) maintain an up-to-date written record of medical waste removed from their premises in the format as prescribed from time to time by the Council;
 - (b) acquire from the disposer of the medical waste written notification that the medical waste has been disposed of and, on receiving such notification, indicate in their written records that the medical waste has been thus disposed of;
 - (c) keep written records referred to in (a) and the notification referred to in (b) for a period of one year after the removal from their premises of the medical waste.

24.(1) Transporters must remove medical waste from the premises of generator, transport, store and deliver such medical waste to the site at which it will be disposed of in a safe manner which poses no threat to human health or the environment.

(2) Without limiting the generality of the duty in subsection (1), transporters must comply with the following requirements:

- (a) not remove medical waste from the containers in which the generator has stored the medical waste;
- (b) transport and store medical waste in such a way that no member of the public can gain access to the medical waste or the containers in which it is stored;
- (c) transport medical waste in vehicles which are -
 - (i) capable of containing the medical waste;
 - (ii) designed to prevent spillage;
 - (iii) constructed of materials which are easy to clean and to disinfect;
 - (iv) capable of being secured in order to prevent unauthorized access;
- (d) deliver medical waste only to a person and site permitted to dispose of medical waste in terms of section 25.

(3) Transporters may apply in writing to the Council for permission to remove, transport, store and deliver medical waste in a manner which does not comply with the requirements set out in subsection (2).

(4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.

(5) Transporters may dispose of medical waste, provided that they do so in terms of this By-law.

(6) Transporters must maintain a written record in respect of each collection and delivery of medical waste, which they must update simultaneously with each collection and delivery, and such record must be in the format as prescribed from time to time by the Council and must keep such record for a period of one year from the date on which the medical waste is delivered. Transporters must keep a copy of the relevant record in the vehicle used for the transportation of the medical waste.

25.(1) Medical waste only be disposed of by a person -

(a) who holds a permit to operate a hazardous waste site in terms of section 20 of the Environmental Conservation Act, 1989 (Act No. 73 of 1989), or who is authorized to incinerate medical waste by means of equipment which has been approved in terms of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), or both; and

(b) who complies with all terms and conditions attached to such permit and authorization.

(2) A person permitted in terms of subsection (1) to dispose of medical waste must do so at the site at which the permit or authorization, or both, permits him or her to dispose of medical waste and may not dispose of medical waste at any other place.

(3) Persons who dispose of medical waste must -

(a) maintain an up-to-date written record of each delivery of medical waste to the disposal site in the format as prescribed from time to time by the Council;

(b) keep such record for a period of one year from the date on which the medical waste is disposed of.

26.(1) Every generator must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.

(2) Every transporter must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.

(3) Generators and transporters must advise the Council of any changes to the information provided in terms of subsections (1) and (2) as soon as such change takes place.

27. Any person who contravenes any provision of this Part or fails to comply with any notice lawfully given hereunder commits an offence.

PART 4

DOGS

28. No person shall keep within the area -

- (a) any dog which is ferocious, vicious, or has a propensity to rush at pedestrian, motor cars, motor cycles, horse and pedal cyclists, for the purpose of this By-law, a dog which has bitten or attempted to bite a person or animal other than in defense of its self or its custodian, in any place other than on the premises where it habitually is kept, shall be deemed to be vicious;
- (b) more than three dogs on any premises, without the written consent of the Environmental Health Practitioner, which consent may be given subject to conditions, and may be withdrawn by the Environmental Health Practitioner;
- (c) any bitch in season, unless he keeps such bitch under proper control so as to prevent a nuisance to neighbours or to the public. A duly authorized officer may by notice in writing require the owner or person in control of such bitch to remove it to a place which is suitable accommodation provided for its housing and shall be there until it is out of season;
- (d) any dog over the age of six months which is not vaccinated against rabies and for which valid documentary proof of vaccination cannot be produced.

29. No person being the owner or in charge of any dog shall keep on any premises within the area any dog which by reason of its barking, howling or whining creates a nuisance or disturbs the public peace.

30. No person shall allow any dog being his property or in his charge to be in a street or place to which public have access unless it is properly controlled to ensure it will not in any circumstance endanger the safety of any person or traffic making use of such street.

PART 5

TRADES

31. *Accommodation Establishments*

- (1) Every accommodation establishment shall comply with the following requirements:

(a) The premises intended to be used or already in use as an accommodation establishment shall be in good structural order and repair, both internally and externally.

(b) All furniture, linen, utensils, fittings and equipment provided by the proprietor shall be clean and in good order and sufficient for the purpose thereof.

(c) Every room shall be provided with adequate means of lighting and ventilation so as to enable such room to be used at all times without detriment to health or safety or causing a nuisance.

(d) It shall be provided with a sufficient number of refuse receptacle with close-fitting lids.

(e) An adequate number of bathrooms and toilets, suitably equipped, shall be provided on the premises.

(f) Separate bathrooms and toilets shall be provided for male and female boarders and for employees, and shall be so located that they are easily accessible to those persons they are intended to serve; provided, however, that where the number of boarders does not exceed twelve (12), separate facilities for the different sexes need not be supplied.

(g) Baths, showers and washbasins on the premises shall be served at all times with running hot and cold water.

(h) It shall be provided with a suitable yard, paved and drained to the satisfaction of the Council.

(i) If ten (10) or more boarders can at any one time be lodged on the premises, shall have -

(i) a suitable sitting room or sitting rooms so furnished and of such capacity as to meet the reasonable requirements of the boarders; and

(ii) where meals are provided, a suitable dining room or dining rooms which shall provide seating accommodation on the basis of not less than one (1) square meter for each boarder;

(j) where meals are provided, or cooking takes place, an adequately equipped kitchen to be provided.

(2) The proprietor of an accommodation establishment shall be responsible for the due compliance with and observation of the provisions of this By-law, and further he shall be responsible for the acts, omissions and defaults of his employees or agents in such regard,

and any breach of this by-law himself, by any member of his family or by any of his employees or agents shall be deemed to be a breach by the proprietor personally of this By-law.

(3) The proprietor of an accommodation establishment shall, to the satisfaction of the Council, at all times -

- (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
- (b) keep the furniture, utensils, linen and equipment in a sound condition and clean state;
- (c) supply only wholesome food to the boarders and other persons on the premises; and
- (d) not knowingly cause or permit any person suffering from a communicable disease to be employed in or on the premises unless he is in possession of a medical certificate to the effect that such person is fit to continue his employment.

(4) The proprietor of an accommodation establishment shall not -

- (a) allow any portion of the premises other than an approved bedroom to be used by any person for sleeping purposes; provided that the aforesaid prohibition shall not apply to any boarder occupying a bedroom in so far as it consists of a stoep or porch which has been suitably converted;
- (b) accommodate any boarder in the same bedroom with another person unless such persons are of the same family or both of them given have given their consent thereto; and
- (c) conduct the business of the said accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties;
- (d) permit cooking in a living room or an area designated as a living room;
- (e) permit the premises to become overcrowded.

(5) Notwithstanding compliance with all of the proceeding provisions, no person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto, and in compliance with all applicable laws.

32. *Hairdresser and barbers*

(1) No person shall conduct the business of hairdresser or barber in any premises within the municipal area unless -

- (a) all parts of the premises are effectively lit and ventilated;
- (b) washbasins with hot and cold running water and fitted with trapped waste pipe have been provided in the proportion of at least one basin for every two persons engaged at the same time in cutting, dressing or shampooing hair or shaving any person or in any operation pertaining to the business of hairdresser or barber;
- (c) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non-corroding material;
- (d) the floor is even and suitably covered with impervious material or constructed with a smooth, impervious surface, maintained so that it may be easily swept and thoroughly cleansed; and
- (e) he has provided a sufficient number of readily portable refuse receptacles with close-fitting lids made of impervious material in such a manner that they can be readily washed and cleaned.

(2) Every person carrying on the business of barber or hairdresser shall ensure that -

- (a) the premises in which such business is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;
- (b) all cut hair is immediately swept up and placed in a covered refuse receptacle provided for the purpose;
- (c) every hairbrush used or intended to be used in the business is kept in a clean condition at all times and washed and thoroughly cleansed at least once a day;
- (d) every towel which has been used upon any person is adequately laundered before being used upon any other person;
- (e) precautionary steps are taken to prevent direct contact between the head or neck of any client and the chair in which he sits;
- (f) every brush, comb, razor, scissors, clippers or other instruments, appliance or implement which has or have been used upon any person in such a way as to have come into contact with some exposed portion of such person's body has, or have,

before being used upon any other person, been disinfected in one of the following ways:

- (i) immersion in boiling water; or
 - (ii) immersion in a disinfectant solution;
 - (iii) treatment in an approved disinfecting apparatus in an approved manner.
- (g) a sufficient number of each kind of instrument, appliance or implement has been provided;
- (h) no person is subjected to shaving, haircutting or any other operation connected with such business in that part of the premises in which the business of hairdresser or barber is ordinarily conducted, if such person appears to be verminous or to be suffering from any disease of the skin or hair and, should any such person have been subjected to any such operation, that all towels, instruments and other things used in connection with such operation have, notwithstanding anything to the contrary herein contained, immediately thereafter been sterilized by immersion in boiling water for at least fifteen minutes;
- (i) no soap other than liquid, powder or tubed soap or shaving cream is used when any person is shampooed or shaved or is subjected to any other operation connected with the business of hairdresser or barber;
- (j) no styptic substance other than in liquid or powder form and applied as a spray or by means of a clean, new piece of cotton-wool is used on any person;
- (k) no person whose person or clothing is in a dirty condition engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected;
- (l) no person engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected without washing his hands immediately before doing so;
- (m) no person suffering from any communicable disease take part in or is permitted or suffered to take any part operation connected with the conducting of the business of hairdresser or barber or unless such person has produced a medical certificate to the effect that he is fit so to take part;
- (n) where waxing is practiced, the wax used in such a procedure may only be used for one application;

(3) The provisions of this By-law shall apply *mutatis mutandis* to any beauty treatment, manicuring or similar treatment.

33. *Tattooing and Body Piercing of Humans*

(1) Only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle set may be used for applying permanent tattoos or body piercing.

(2) All clip cords and spray bottles must have triggers, grasp areas must also be protected by a plastic covering which must be disposed of after used on each client.

(3) Work surfaces must be smooth and impervious and disinfected after rendering services to each client.

(4) Equipment and supplies must be stored in clean, designated storage cabinets.

(5) Instruments and equipment used for any procedure must be sterilized after each client.

(6) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.

(7) A person responsible for tattooing or piercing must wash his hands with soap and hot water before attending to a client and new latex or nitrile examination gloves must be worn by the operator for the duration of the procedure for each client.

34. *Childcare facilities*

(1) No childcare facility may be operated without the written approval of the Municipal Manager or his authorized representative, which approval may be subject to conditions.

(2) Written approval in terms of subsection (1) does not exempt any person from the requirements of any other law related to the care of children and/ or the use of the premises concerned.

35. Any person who contravenes any of the provisions of this Part shall be guilty of an offence.

PART 6

THE CONVEYING AND HANDLING FOR SALE OF MEAT INTENDED FOR HUMAN CONSUMPTION

36. No person shall convey or cause or suffer to be conveyed any meat for sale and intended for human consumption, save in accordance with the following requirements:

(a) If the conveyance is a vehicle of 1 ton or over -

- (i) its internal walls, floor and roof shall be continuously lined with corrosion resistant metal or other approved impervious suitable material. Such lining shall be rounded at all corners, junctions and intersections, and all joints shall be seamless. The vehicle shall be maintained externally, internally and mechanically in good order and repair;
- (ii) its body shall be insulated in such a way that the temperature of the meat shall not rise more than 5° C per hour;
- (iii) the rear end or sides of its body shall be fitted with a closely fitting metal door or doors, the interior of which shall also be of non-corrodible metal and be as far as possible free of objections and ledges;
- (iv) a fixed observation panel of glass in the partition between the driver's cab and the body of the vehicle is permissible;
- (v) a non-corrodible metal bar or bars with fixed or movable non-corrodible metal hooks, shall be fitted to the roof of the vehicle, and all carcasses, or portions of carcasses shall be hung there from during transit. Such bar or bars shall be fixed high enough to ensure that carcasses hang clear of the floor;
- (vi) all chains or bars used for stabilizing the load shall be of non-corrodible metal and so installed that they can be easily removable for cleaning, shall be provided inside the vehicle for conveying offal, and no offal shall be conveyed in such vehicle except in such container. Such container that will protect its contents from contamination, and it can be easily removed for cleaning;
- (vii) a loose non-corrodible container, approved by the Municipal Manager or his authorized representative, and easily removable for cleaning, shall be provided inside the vehicle for conveying offal, and no offal shall be conveyed in such vehicle except in such container. Such container may be carried on the outside of the vehicle, provided it is fitted into another container that will protect its contents from contamination, and it can be easily removed for cleaning.

(b) If the conveyance is a trailer, it shall comply with the provisions of subsection (a)(i), (ii), (iii), (v), (vi) and (vii).

(c) If the conveyance is a vehicle of under 1 ton -

(i) it shall comply with the requirements of subsection (a)(i) and (iii);

(ii) it shall be permissible for retail butchers to convey therein meat from an abattoir to their trading premises without hanging such meat, provided that it is conveyed in non-corrodible containers of adequate size, approved by the Municipal Manager or his authorized representative, and easily removable for cleaning and that no offal is conveyed in any container used for conveying meat, but is conveyed in a separate container complying with the requirements of (a)(vii) above.

(d) If the conveyance is a vehicle, conveying meat to a retail customer the provisions of the subsection (a)(i) and (iii) shall be complied with.

(e) Cooked or prepared meats shall be conveyed in non-corrodible containers approved by Council or their authorized representative and shall be wrapped or covered so as to prevent contamination.

(f) Save as provided in subsection (c)(ii) and (e), no meat shall be conveyed on the floor of any vehicle.

(g) No person, animal or article liable to contaminate meat shall be carried in any vehicle used for conveying for sale any meat intended for human consumption.

(h) The name and the address of the owner and the trade name, if any, of his business shall be printed in clear letters and figures, so as to be easily seen and legible, on both sides of every used vehicle used for conveying meat for sale for human consumption.

37.(1) All persons engaged in the bulk handling for sale of meat intended for human consumption shall wear clean protective covers of a material approved by the Municipal Manager or his authorized representative over their heads, necks and shoulders, so as to prevent contact between the meat and any part of their bodies, except their hands.

(2) All employers of such persons shall provide them with such covers and shall ensure that the provisions of subsection (1) are complied with.

38. For a period of four years after the date of promulgation of this By-law, the provisions of section 33(a)(i), (ii), (iii), (v) and (vi), 33(b) except the provision that the trailer should comply with section 33(a)(vii) and 33(d) of this regulation, shall not apply to any vehicle already lawfully in use at such date for conveying meat for sale intended for human consumption.

39. The provisions of this Part shall in addition to, and not in substitution for, the provisions of any other regulations of the Council relating to food intended for sale, except in so far as such regulations may be repugnant to or inconsistent with this regulation, in which case the provisions of this regulation shall prevail.

40. Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence.

PART 7

GENERAL PROVISIONS

41. Right of entry and inspection

(1) Any duly authorized employee of the Council is authorized to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.

(2) When entering premises in terms of subsection (1), the authorized employee must on request by any person, identify him-/herself by producing written proof of authorization.

(3) The authorized employee may be accompanied by a person reasonably required to assist in conducting the inspection.

42. *Service of documents and process*

(1) Whenever any notice, order, demand or other document is authorized or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person -

- (a) when it has been delivered to him personally;
- (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to his last known residential or business address in the Republic and acknowledgment of the posting thereof is produced;
- (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c);
or
- (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates;

(2) When any notice, order, demand or other document as aforesaid is authorized or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

43. *Penalties*

(1) Any person convicted of an offence under this By-law shall be liable to a fine and/or imprisonment for a period not exceeding two years.

(2) In the case of continuing offence an additional fine and/or imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed.

(3) In addition to any penalty imposed in terms of sections (1) and (2), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

44. *Exemptions*

Notwithstanding the provisions of this By-law, the Council may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

45. *Interpretation*

In the event of a conflict between the English, isiZulu and Afrikaans versions of this By-law, the English version shall be decisive.

46. *Short title and commencement*

This By-law shall be known as the Environmental Health By-law and come into operation on the date of publication in the *Provincial Gazette*.

No. 81

31 kuNcwaba 2012

**UMASIPALA WESIFUNDA WASEMZINYATHI
UMTHETHO KAMASIPALA WOKUNAKEKELWA KWEMVELO**

IZINCAZELO

Kulo mthetho kamasipala, ngaphandle uma ingqikithi isho okwehlukile –

“indawo yokuhlala” kushiwo noma yiziphi izakhiwo okuqhutshwa kuzona noma okuhloswe ukuthi kuqhutshwe kuzona ibhizinisi elinenzuzo lokuhlalisa abantu bathole isidlo esisodwa ngosuku noma ngaphezulu noma bangasitholi, kodwa akubandakanyi izakhiwo ezibhaliswe njengehhotela ngaphansi kwanoma yimuphi umthetho ophathelene nokubhaliswa kwamahhotela, noma ohlinzekela ukuhlalisa abantu bathole isidlo esisodwa ngosuku noma ngaphezulu noma bangasitholi futhi ezinemibhede engaphansi kwemihlanu okungalalwa kuyona, ezingahlinzeki ngokudla futhi ezinamakamelo angaphansi kwamathathu aqashisayo noma okuhloswe ukuthi aqashise;

“i-ejenti” kushiwo umuntu oqashelwe ukubhekelela izindaba zomunye umuntu;

“isilwane” kushiwo ihhashi, iponi, umnyuzi, imbongolo, inkomo, ingulube, isiklabhu, ikameli, isilwane esihamba ngesisu, isilwane esitholakala kuleyo ndawo nesinye isilwane sasendle noma esingandile, kodwa akubandakanyi izinja, amakati okufuywe ekhaya;

“ibhoda” kushiwo noma imuphi umuntu ohlala noma ohlala aphinde adle endaweni yokuhlala noma ohlinzekelwa umnikazi waleyo ndawo ngoba ezothola inzuzo;

“isidumbu” kushiwo izinsalela zanoma yisiphi isilwane noma zenkukhu;

“indawo yokufuya amakati” kushiwo indawo ehlala noma okufuywa kuyona amakati;

“indawo yokunakekela izingane” kushiwo noma yisiphi isakhiwo esigcinelwe noma esisetshenziselwa, ukwenza inzuzo noma ukungayenzi, sokunakekela okwesikhashana izingane ezineminyaka engaphansi kweyi-18 ubudala ezingahlali nabazali bazo, kodwa akubandakanyi isikole sezingane ezifunda ziphinde zihlale kusona, ihostela lesikole

nanoma yisiphi isikhungo esisetshenziselwa ukufunda noma ukuqeqesha izingane futhi esilawulwa noma esibhaliswe noma esivunywe uhulumeni;

“isifo esithathelanayo” kushiwo noma yisiphi isifo esingathathelana ngokuqondile noma ngandlela thize sisuka kumuntu onaso siya komunye umuntu;

“izindleko” kushiwo inani elinqunywe yisiphathimandla esigunyaziwe soMkhandlu;

“uMkhandlu” kushiwo uMkhandlu kaMasipala wesiFunda waseMzinyathi noma isiphathimandla sawo esigunyaziwe, ikhansela, ikomidi noma i-ejenti;

“umkhiqizi” kushiwo umuntu okhiqiza imfucuza yezinto zokwelapha;

“umcwalizinwele noma umgundi” kushiwo umuntu oqhuba ibhizinisi elenza inzuzo lokugunda, loshefa, lokugeza ikhanda, lokuphema nokusetha, lokwelula izinwele noma lokulungisa izinwele noma lokuphuca ikhanda noma lokususa intshebe noma lokucwala isikhumba;

“isimo esinobungozi kwezempilo” kushiwo noma isiphi isenzo, umbandela, izakhiwo kanye nanoma yini, egobhozayo, umhwamuko amaphunga, amakhemikhali, umswakama, umsindo, ukundindizela, ukukhishwa kwemisebe, imfucuza, izinto ezilahliwe, ukungcola, amagciwane adala izifo, ubuthi, izimila, ukuminyana, ukungcola, ukungena komoya, ukukhanya, indlela okwakhiwe ngayo isimo esikhona noma maqondana nezinye izimbangela nokunye, ngokubona kweMeneja kaMasipala noma kwesiphathimandla esigunyaziwe somkhandlu kamasipala izinto ezinobungozi kwezempilo noma ezingamukelekile, kuhlanganisa, ngaphandle kokuphikisana nalokhu osekushiwo, noma iyiphi indawo yokugcina noma yokuphaka noma yokuphathwa kwamanzi okungenzeka ukuthi asetshenziswe abantu emakhaya noma bawaphuze, kuhlanganisa nalawo manzi, angcolile nanamagciwane;

“indawo yokugcina izinja” kushiwo noma yisiphi isakhiwo okuqhutshwa kusona ibhizinisi lokufuya, lokuqeqesha noma lokuhlalisa izinja futhi kuhlanganisa nezikidi ezilawulwa nguHulumeni nalezo angazilawuli;

“incwadi kadokotela” kushiwo incwadi esayinwe udokotela;

“udokotela” kushiwo umuntu obhalise kanjalo ngaphansi kwemithetho ephathelene nokubhaliswa kwabantu njengodokotela;

“imfucuza yezinto zokwelapha” kubandakanya –

(a) noma iyiphi imfucuza, noma ngabe enamagciwane noma engenawo, edalwa ukwelashwa noma ukuhlinzwa kwezilwane noma kwabantu, efana negazi, noketshezi oluphuma emzimbeni, nezicubu, nezingxenye zomzimba, namazinyo akhishiwe, nezidumbu (ngaphandle kwezidumbu ezizongcwatshwa ngokoMthetho wokuBhaliswa kwabaZelwe nabaShonile, 1992 (uMthetho No. 51 ka 1992));

(b) ukusetshenziswa kwezinsiza zezempilo kanye nokunye kokwelapha okungadala noma okungabhebhethekisa izifo, noma okungadala noma okungabhebhethekisa ukuthelelana ngezifo, okufana namabhandishi, nezindwangu zokwesula, nezikhwama zegazi, nemfucuza yaselabhorethri, namapayipi okuqoqa igazi, nezikhwanyana zokuzikhulula, namagilavu, nezikhwama zamadriphu, namapayipi amadriphu kanye nezinkezwana ezibekwa olimini uma kuhlolwa umlomo;

(c) izinto ezicijile esezisebenzile nezingakasebenzi, kuhlanganisa nezinto zokwelapha zokusika zokuqhubuza noma zokujovala, ezifana nezinaliti, imijovo, izinsingo, kanye nezingcezwana zemayikhroskophu;

(d) imikhiqizo yokwelapha engasasebenzi noma esiyonakele noma engagcinwanga ngendlela efanele noma engasadingeki, efana nemijovo yabantu noma yezilwane, imithi nemishanguzo;

(e) imfucuza enobuthi bamakhemikhali obekuhlolwa noma obekuxilongwa ngayo noma evele nganoma iyiphi enye indlela;

“itshe lentaba” kushiwo indle engahlwanga ngendlela eyamukelekile nefanele;

“udoti” kushiwo udoti wasengadini, imfucuza, okungadingeki, izibi, izingcezu zathayela, into, imishini engasasebenzi, izikorokoro nezinye izimoto, kanye nezingxenye zazo ezingasasebenzi, udoti wokwakha, nanoma yimuphi udoti olahlwe kunoma yiziphi izakhiwo, kuhlanganisa nezimpahla ezindala noma ezintsha zokwakha ezingadingeki

kulokho kwakha, futhi kuhlanganisa noma iyiphi igesi esaluketshezi noma eqinile eyinkathazo noma engadala inkathazo noma ethikameza inhlalakahle yomphakathi;

“umhlali” maqondana nanoma yiziphi izakhiwo kushiwo futhi kuhlanganisa –

- (a) nanoma imuphi umuntu ohlala kulezo zakhiwo;
- (b) nanoma imuphi umuntu onelungelo lokuhlala kulezo zakhiwo;
- (c) nanoma imuphi umuntu ophethe noma olawula lezo zakhiwo, futhi kuhlanganisa ne-ejenti yalowo muntu uma engekho kwiRiphabhulikhi yaseNingizimu Afrika noma uma engaziwa lapho ekhona;

“okunobungozi” kushiwo isimo esiyingozi kwezempilo noma esingadala ingozi kwezempilo;

“ukugcwala ngokweqile” kushiwo –

- (a) ukuhlala esakhiweini kwabantu abangaphezu kwabayi-12 lapho kunendlu yangasese eyodwa;
- (b) ukuhlala emakamelweni (emakamelweni wonke ngaphandle kwamakhishi, kwezindlu zokugezela kanye nezindlu zangasese) ngenhloso yokulala lapho kuhlala khona umuntu omdala ekamelweni elingamamitha amane (4 m) kanye/noma nengane eneminyaka engaphansi kweminyaka eyishumi ekamelweni elingamamitha amabili (2 m);

“umnikazi” kuhlanganisa –

- (a) umuntu noma abantu emva kwesikhathi abayoba ngabanikazi betayitela lempahla engenakususwa;
- (b) uma kuyisakhiwo esiqashiswe ngokusemthethweni, umqashi waleyo ndawo;
- (c) uma umuntu ongumnikazi wetayitela ecwile ezikweletini noma eseshonile noma engaphilile kahle ngokomqondo noma ephathelwe ifa lakhe, umuntu olawula izakhiwo obekwe njengommeli, njengomphatheli nanjengomlawuli;
- (d) uma umnikazi ochazwe ngenhla engekho, i-ejenti noma umuntu owamukela irenti yalezo zakhiwo;
- (e) noma isiphi isimo lapho umhlaba usetshenziselwa ukwenza inzuzo ngokwelungelo lokusetshenziswa noma ngokwelungelo elifanayo umuntu osebenzisa lezo zakhiwo;

“imvume” kushiwo imvume ebhaliwe ekhishwe uMkhandlu ngokwalo mthetho kamasipala;

“umuntu” kuhlanganisa noma iluphi uhlaka lukahulumeni, umuntu uqobo kanye nomuntu ngokomthetho;

“izinkukhu” kushiwo noma iyiphi impaka, ikewu, idada, ijuba, impangele, ipigogo, inyoni, intshe, ikalikuni, isikhukhukazi sepigogo noma ngabe efuyiwe noma eyasendle;

“izakhiwo” kushiwo noma isiphi isakhiwo, itende nanoma iluphi uhlaka, kanye nanoma imuphi umhlaba ongenazakhiwo noma ongenatende, futhi kuhlanganisa nanoma isiphi isithuthi, inqola, umkhumbi noma isikebhe;

“umnini” maqondana nendawo yokuhlala, kushiwo umuntu uqobo oqhuba ibhizinisi noma oqashelwe ukuqhuba ibhizinisi lokuhlinzeka ngendawo yokuhlala noma indawo yokuhlala nokudla ebese ethola umvuzo futhi kuhlanganisa nomnikazi waleyo ndawo;

“uhlaka” kushiwo noma isiphi isitebele, ishede, isibaya sezingulube, isibaya sezinkomo, indlu yokufuyela izinyoni, idlelo elinocingo, uhlaka olwemboziwe, isilugu sezinkukhu, indawo evalekile, ibhilidi noma elisetshenziselwa ukufuya noma ukuvalela izilwane noma izinkukhu;

“umuthi wokuqeda ukopha” kushiwo umuthi ogcotshwayo oqeda ukopha;

“uhwebo” ngokwezihloso zalo mthetho kamasipala kushiwo lokhu okulandelayo:
izindawo zokuhlala, zabacwalizinwele nabagundayo, zabenza ama-tatoo kanye nokubhobosa umzimba wabantu kanye nezindawo zokunakekela izingane;

“umthuthi” kushiwo noma imuphi umuntu othutha imfucuza yezinto zokwelapha ezakhiweni zomkhiqizi noma othutha imfucuza yezinto zokwelapha noma okwenza kokubili lokhu;

“nezintwala” kushiwo ukuba nezintwala okuhlanganisa kodwa kungacini nje ngokuba nezintwala, neminoyi nanoma yiziphi ezinye izilwanyanakazana ezinyakazayo ezilumayo.

INGXENYE 1**UKUNQANDWA NOKULWA NOKUYINGOZI KWEZEMPILO**

1. Akukho mnikazi noma umuntu osebenzisa isitolo noma oqhuba ibhizinisi noma onomhlaba okungakhiwe kuwona oyosebenzisa noma oyovumela ukuthi kusetshenziswe leso sitolo noma lelo bhizinisi noma lowo mhlaba nanoma iyiphi ingxenye yakho evuleleke emphakathini, ngenhloso yokugcina, yokutaka noma yokubeka imfucuzo, udoti, amakhreyithi, amakhathoni, iziqukathi nanoma yini enye ethi ayifane nalokho ngendlela engadala ubungozi kwezempilo.

2. Ngaphandle kokuphikisana nezinhlinzeka zanoma yimuphi omunye umthetho kamasipala noma umthetho, akukho muntu -

(a) oyovumela noma isiphi isiza ukuthi sibe nezihlahla ezinkulu, nokhula noma notshani obukhulu nezinye izimila, ngaphandle kwezihlahla ezitshaliwe notshani, ngendlela yokuthi, ngokubona koMkhandlu, ingacasha imihambima, izilwane zasendle noma amagundane noma ingaba nobungozi kwezempilo noma ingathikameza ukuphepha kwanoma iliphi ilungu lomphakathi;

(b) oyohluleka ukunakekela amapayipi endle, amapayipi emvula, amapayipi amanzi, amapayipi adoti, nokunye okuyingxenye noma okunamathiselwe kunoma isiphi isakhiwo esakheke kahle noma esilungisiwe;

(c) oyolahla, oyogcina, oyovumela ukuthi kulahlwe noma kugcinwe itshe lentaba kunoma iziphi izakhiwo, ngaphandle kwasendaweni efanele evunywe uMkhandlu;

(d) oyogcina noma oyovumela ukugcinwa ezakhiweni kwanoma yini engaba nobungozi kwezempilo;

(e) oyothwala, oyothutha noma oyovumela ukuthwalwa noma ukuthuthwa kunoma isiphi isitaladi, kwanoma iyiphi imfucuzo, into, okusaluketshezi noma okuqinile okuyingcozi noma okungaba yingcozi kwezempilo, ngaphandle uma leyo mfucuzo imbozwe ngendlela efanele ukuze ingabi nobungozi kwezempilo;

(f) oyovumela noma imuphi umhoshu, ixhaphozi, umsele, ipayipi, ugadasi, usinki, ubhovu, ithange lamanzi, indawo yokushobinga kunoma imuphi umhlaba

nakunoma iziphi izakhiwo akhelene nazo ukuthi zingcole, zibe sesimweni, zakhiwe noma zakheke ngendlela yokuthi zingaba nobungozi kwezempilo;

(g) oyovumela noma imaphi amanzi angcolile noma ukutshezi olungcolile noma imfucuzwa ukuthi igelezele ezakhiweni okungezomunye umuntu noma ahlala kuzona, noma ngabe zisetshenziswa njengendawo yokuhweba, njengebhizinisi, njengefemu, njengendawo yokuhlala noma zisetshenziselwa okunye, kunoma imuphi umhlaba noma ipayipi lamanzi emvula, umfula noma umgudu wamanzi;

(h) oyokwenza noma oyovumela ukuthi kwenziwe noma yini engangcolisa amanzi abahlali bakuleyo ndawo yomkhandlu abanelungelo lokuwasebenzisa.

3.(1) Uma kugcinwe noma kuqoqwe noma iyiphi imfucuzwa noma udoti wanoma iluphi uhlobo kunoma isiphi isiza, isitaladi, indlela, indawo yomphakathi noma uma kunesiza esinezihlahla ezinganqunyiwe, kunotshani obukhlulu, kunokhula noma ezinye izimila ngendlela ephikisana nesigaba 1 no 2(1) uMkhandlu ungathumela isaziso ukulungisa lesa simo esinobungozi kwezempilo -

(a) kumuntu olawula ngqo noma ngenye indlela lokho kuqoqwa noma lokho kugcinwa;

(b) kumnikazi waleyo mpahla noma waleyo nto, noma ngabe uyena oyiqoqile noma oyigcinile noma cha;

(c) kumnikazi wesiza okugcinwe noma okuqoqelwe kusona noma ngabe kwenziwe uyena noma cha;

(d) kumnikazi wesiza esinezihlahla ezinganqunyiwe, esinokhula, esinotshani obukhulu noma ezinye izimila.

(2) Uma umuntu othola isaziso ehluleka ukuhambisana nezimfuneko zesaziso asinikwe ngokwesigaba 3(1) ngesikhathi esinqunyiwe kuleso saziso, uMkhandlu, ngezindleko zalowo muntu, kanye nabasizi nabeluleki ongabadinga, ungangena kulezo zakhiwo ususe lezo zihlahla, ukhula, amatshe kanye nodoti noma imfucuzwa. Izindleko zalowo msebenzi ziyofunwa uMkhandlu kulowo muntu kunoma iyiphi inkantolo yakuleyo ndawo.

4. Akukho muntu oyohlala noma oyovumela ukuthi kuhlalwe ezakhiweni okuhlalekayo kuzona, ngenhloso yokudala ubungozi kwezempilo, ngokuhlalisa abantu abeqile esibalweni esivumelekile noma ngenye indlela.

5. Umnikazi wanoma iziphi izakhiwo eziqashiselwe umuntu ongaphezu koyedwa, ngazo zonke izikhathi uyogcina leyo ngxenye yezakhiwo esetshenziswa yibo bonke abaqashi ihlanzekile.
6. Akukho muntu oyogcina noma oyovumela ukuthi kugcinwe ezakhiweni zanoma iyiphi ifemu noma zendawo yokuhweba okuyokhipha iphunga noma intuthu okungaba nobungozi kwezempilo.
7. Wonke umuntu ongumhlali noma olawula noma iziphi izakhiwo noma ongumnikazi womhlaba okungakhiwe kuwona endaweni engaphansi koMkhandlu, uyoqikelela ukuthi uvimbela izimo ezingadala ukwanda komiyane, kwezimpukane, kwezimbungulu, kwamagciwane, kwamakokoroshe nezinye izilokazane noma izinambuzane. Umuntu ogunyaziwe oqashwe umkhandlu angathumela isaziso kulowo mnikazi, kulowo mqashi noma kulowo muntu olawulayo mayelana nokuvimbela nokunqanda noma iziphi izilokazane noma izinambuzane futhi anqume nesikhathi okumele lokho kwenziwe ngaso.
8. Akukho muntu oyogcina noma oyovumela kunoma iziphi izakhiwo ukulahlwa noma ukunqwabelana kwadoti, kwemfucuza, komquba nanoma yini engalungile, noma kwemfucuza noma kwento engaba nobungozi kwezempilo.
9. Akukho muntu, ngaphandle kwemvume ebhaliwe yoMkhandlu, oyohlala noma oyovumela ukuthi kuhlaliswe abantu kwikharaveni, etendeni noma kokuthi akufane nalokho endaweni engenamanzi, namapayipi endle nogesi ngaphandle kwasendaweni egunyaziwe yokukhempa noma yokuhlala amakharaveni.
10. Noma imuphi umuntu ophula noma ohluleka ukuhambisana nezinhlizeko zale Ngxenye noma ohluleka ukuhambisana nanoma isiphi isaziso esikhishwe ngaphansi komthetho uyothweswa icala.

INGXENYE 2

UKUFUYWA KWEZILWANE NEZINKUKHU

11. Ukuze kugqugquzelwe ukuphepha komphakathi akukho muntu oyofuya noma oyovumela ukufuywa kunoma iziphi izakhiwo nakunoma imuphi umhlaba noma iziphi izilwane noma izinkukhu ngaphandle kwemvume yoMkhandlu.

12.(1) Ngokwenhloso yokugqugquzela ukuphepha komphakathi nokunciphisa ubungozi kwezempilo, uMkhandlu njalo emva kwesikhathi unganquma isibalo, izinhlobo nobulili bezilwane noma bezinkukhu ezingafuywa endaweni ethile kanye nezindawo lapho ukufuywa kwalezo zilwane nalezo zinkukhu kwenqatshelwe.

(2) UMkhandlu njalo emva kwesikhathi esithile, unganquma izinhlobo zezilwane nezinkukhu okudingeka imvume ukuze zifuywe kanye nemali yokufaka isicelo saleyo mvume ekhokhwa njalo ngonyaka. Izicelo zalezo zimvume kumele zenziwe efomini elinqunyiwe elitholakala eMkhandlwini.

(3) Imvume ekhishwe ngokwalesi sigaba ayinakudluliselwa komunye umuntu futhi iyosebenza kuleyo ndawo isicelo esiqondene nayo kuphela.

13.(1) UMkhandlu ungadinga ukuthi isicelo ngokwesigaba 12(2) sihambisane nepulani yendawo ekhombisa zonke izakhiwo ezikhona noma ezihlongozwayo kanye ncingo olubiye leyo ndawo okudingeka kuyona imvume.

(2) UMkhandlu ungadinga amapulani kanye neminye imicikilisho yezakhiwo okuzofuywa kuzona izilwane nezinkukhu, ukuze kucutshungulwe ukuthi imvume yesicelo esifakwe ngokwesigaba 12(2) ikhishwe noma ingakhishwa.

(3) Ngaphandle kokuphikisana nanoma yini equkethwe kulo mthetho kamasipala, uMkhandlu ungenqaba ukwamukelwa isicelo noma ukukhipha imvume kuncike kule mibandela uma, ngokubona kwayo, indawo ngenxa yokuthi ikuphi noma ngendlela emi ngayo noma ngobungako bayo, ayifanele ukuthi kungafuywa izilwane noma izinkukhu.

(4) Akukho sakhwiwo okuyofuywa kusona izilwane esiyokwakhiwa:

- (a) emamitheni ayishumi nanhlanu (15 m) kusuka kunoma yimuphi umngcele wesinye isiza;
- (b) emamitheni ayisithupha (6 m) kusuka kunoma imiphi umngcele wesiza esixhumana nanoma imuphi umgwaqo noma indawo evulekile yomphakathi;
- (c) emamitheni amane nengxenywe (4,5 m) kusuka kunoma iyiphi indlu okuhlalwa kuyona, endlini yomuntu osizayo, endlini engaphandle ehlala umuntu noma eyisitolo noma endlini okwenziwa, okudayiswa noma okugcinwa kuyona ukudla.

(5) Uma isakhwiwo okufuywe kusona izilwane siyinxenye yendlu engaphandle esetshenziselwa ukuhlala abantu, leso sakhwiwo kumele sakhwiwe okungenani emamitheni amane nengxenywe (4,5 m) kusuka kuleyo ndlu futhi akumele sibe nophahla olulodwa naleyo ndlu.

(6) Akukho sakhwiwo okuyofuywa kusona izinkukhu esiyokwakhiwa:

- (a) kwimitha nengxenywe (1,5 m) kusuka kunoma imuphi umngcele wesinye isiza;
- (b) kwimitha nengxenywe (1,5 m) kusuka kunoma iyiphi indlu okuhlalwa kuyona, endlini yomuntu osizayo, endlini engaphandle ehlala umuntu noma eyisitolo noma endlini okwenziwa, okudayiswa noma okugcinwa kuyona ukudla.

(7) Zonke izakhwiwo okufuywa kuzona izilwane noma izinkukhu ziyosithwa kunoma isiphi isitaladi ngendlela egculisa uMkhandlu.

(8) Akukho sakhwiwo okuyofuywa kusona izinkukhu ubude baso obuyoba ngaphezu kwamamitha amathathu ngengxenywe (3,5 m).

(9) Ngaphandle kokuphikisana nokubekiwe kwizinhlinzeko ezingenhla, uMkhandlu emva kokucubungula imibandela yesakhwiwo esithile futhi kuncike ekutheni awutholanga ziphikiso komakhelwane abaseduze, unгахoxisa ezinye noma zonke izimfuneko zale ngxenywe bese ubeka eminye imibandela uma kunesidingo.

14.(1) Wonke umquba odalwe ukufuywa kwezilwane nezinkukhu, ngesikhathi ungakususwa ezakhiweni, uyogcinwa ngaphansi kompheme eziqukathini ezingadonsi

izimpukane futhi uyolahlwa njalo ukuze ungabi nobungozi kwezempilo, kuncike ekutheni lokho kulahlwa angeke kubandakakanye ukuwugqiba ezakhweni.

(2) Konke ukudla kwezilwane nezinkukhu ezifuyiwe kuyogcinwa endaweni engenamagundane, esiqukathini noma endlini yokugcina izinto.

(3) Izakhiwo okufuywe kuzona izilwane nezinkukhu ziyogcinwa zihlanzekile ukuze zingabi namagundane.

(4) Izidumbu zezilwane nezinkukhu ezifile kumele zilahlwe ngezindleko zomnikazi nangendlela evunyiwe uMkhandlu.

15. UMkhandlu njalo emva kwesikhathi unganquma ukuthi indawo yokugcina umquba nokudla kwezilwane nezinkukhu eyakhiwe ngempahla ethile, iyadingeka ezakhiweni okufuywe kuzona izilwane nezinkukhu.

16. Akukho muntu oyokuba nendawo yokugcina izinja noma amakati ngaphandle kokuhambisana nale mibandela alandelayo:

(1) Izinja namakati ziyogcinwa ezindaweni ezivalekile ezihlukene:

(a) ezakhiwe ngempahla eqinile ngendlela yokuthi kungeneke kalula uma zihlanzwa, kubulawa amagciwane nezilokazane;

(b) ezinephansi elakhiwe ngokhonkolo noma ngempahla eqinile futhi engabambi amanzi nebushelelezi ngaphezulu futhi evulwe umsele ongamamilimitha ayikhulu (100 mm) ububanzi, emboza ubude bephansi laleyo ndawo evalekile, lowo msele oyothululela kwigali exhumene nepayipi lamanzi loMkhandlu ngepayipi elivunyiwe elakhiwe ngempahla engamamilimitha ayikhulu (100 mm) ubukhulu noma ngolunye uhlelo lokuchitha amanzi oluvunyiwe;

(c) ezinonqenqema olungamamilimitha ayikhulu namashumi amahlanu (150 mm) ubude olulinganiselene nobude bomsele olushiwo kwindinyana (b), ukuvimbela amanzi emvula akuleyo ndawo ukuthi angene emseleni.

(2) Zonke izindawo ezivalekile okugcinwa kuzona izinja namakati ezishiwo esigabeni 16(1) ziyoba nophahla:

(a) izindonga zazo ziyokwakhiwa ngezitini, ngamatshe, ngokhonkolo, noma ngenye impahla eqinile futhi ingaphakathi liyoba bushelelezi lingaqhekeki futhi lingavuleki emajoyintini;

(b) iphansi liyoba ukhonkolo noma enye impahla engabambi amanzi futhi eqinile libe bushelelezi lingaqhekeki futhi lingavuleki emajoyintini futhi ingaphezulu eliphakathi kodonga nephansi kwesakhiwo liyovalwa.

(3) Uma kuyindawo okugcinwa kuyona izinja, indawo eyakhiwe ngosimende obunjiwe nokunye okufana nalokho okusukayo futhi okubekwe kokuthile okwakhiwe ngokhonkolo noma ngenye impahla eqinile ehlanzeka kalula, engaqhekekile futhi engavulekile emajoyintini ingahlinzekwa esikhundleni sendawo ehlongozwe esigabeni 16(2) futhi isisekelo saleyo ndawo kungesona esingabambi amanzi ibhodi lokulala eliphakeme eliyovikelainja ekubeni manzi liyohlinzekwa kulezo zindawo zokugcina izinja.

(4) Indawana eyakhiwe ngokhonkolo okungenani eyimitha (1 m) iyohlinzekwa ekungeneni kwendawo evalekile, le ndawana iyohlelwa kahle ukuze ichithele amanzi ngaphandle.

(5) Ukuphakwa kwamanzi ahlanzekile, anele okuphuza nawokuhlaza, kuyohlinzekwa endaweni evalekile noma eceleni kwayo.

(6) Izindawo eziseceleni zezinja ezigulayo namakati agulayo ziyohlinzekwa ngendlela egculisa uMkhandlu.

(7) Uma kuhlinzekwa amakheji okugcina amakati, lawo makheji kumele kube aqinile, angabambi amanzi futhi akhiwe ngendlela yokuthi kube lula ukuwahlanza.

17. Zonke izakhiwo kumele zihlale zisesimweni esigculisayo zilungiswe umnikazi noma umqashi wakulezo zakhiwo.

18.(1) Uma, ngokubona koMkhandlu, noma iziphi izilwane ezisezakhiweni ezikhishelwe imvume nguMkhandlu ngaphansi kwalo mthetho kamasipala zidala ubungozi kwezempilo

noma zibeka ukuphepha komphakathi engcupheni noma uma kugcinwe izilwane ezingaphezu kwesibalo esivumelekile kwimvume eyakhishwa, uMkhandlu unganikeza umnikazi welayisensi isaziso esibhaliwe, noma uma engekho, umuntu ophethe, sokususa noma sokuqinisekisa ukulungiswa kwaleso simo esingaba nobungozi noma sokwehlisa lesi sibalo eseqile sezilwane ngesikhathi esinqunyiwe.

(2) Umnikazi welayisensi noma umuntu ophethe, uma ethola isaziso ngokwesigaba 18(1), uyohambisana nezimfuneko njengoba kubeke uMkhandlu kuleso saziso, uma ehluleka uMkhandlu ngokubona kwawo -

- (a) ungesula leyo mvume yokugcina zilwane kulezo zakhiwo; noma
- (b) uchibiyele imvume.

19. Umnikazi wemvume, uma ecelwa uMkhandlu ukuba enze njalo, uyobuyisela imvume ayinikwa ukuze ichitshiyelwe noma isulwe, njengoba kungaba njalo.

20. Akukho muntu oyoguqula noma oyosebenzisa isakhiwo sokufuya izilwane noma izinkukhu ngenye indlela ngaphandle kwalokho okubhalwe kwimvume.

21.(1) Noma iziphi izakhiwo osekufuywe kuzona izilwane nezinkukhu ziyokhululwa ekuhambisaneni nezimfuneko maqondana nokugcinwa kwezilwane isikhathi esiyizinyanga eziyishumi nanhlanu kusukela ngosuku lokuqala kokusebenza kwalo mthetho kamasipala.

(2) Zonke izimvume namagunya okufuya izilwane noma izinkukhu okukhishwe ngokwanoma imuphi umthetho kamasipala noma umthethonqubo ochithwe ngokwesigaba 42 kuyothathwa ngokuthi kukhishwe ngokwalo mthetho kamasipala.

22. Noma imuphi umuntu ophula noma iziphi izinhlinzeko zale Ngxenyane noma ohluleka ukuhambisana nanoma isiphi isaziso esikhishwe lapha uyothweswa icala.

INGXENYE 3**UKUPHATHWA KWEMFUCUZA YEZINTO ZOKWELAPHA**

23.(1) Abakhiqizi kumele baphathe futhi bagcine imfucuza yezinto zokwelapha ngendlela ephephile engenabungozi empilweni yabantu noma kwezemvelo futhi babe khona ukuqinisekisa ukuthi imfucuza isuswa ezakhiweni zabo, ithuthwa futhi ilahlwa ngokuhambisana nalo Mthetho kaMasipala.

(2) Ngaphandle kokuphikisana nalokhu okushiwo kwisigatshana (1), abakhiqizi kumele bahambisane nalezi zimfuneko ezilandelayo:

- (a) bahlukanise imfucuza yezinto zokwelapha lapho ikhiqizwa khona;
- (b) bagcine imfucuza yezinto zokwelapha eziqukathini ezingavuzi, ezivalekayo futhi baqinisekise ukuthi iziqukathi ezisetshenziselwa izinto ezicijile nokunye kokwelapha kokusika noma kokuqhubuza noma imijovo, ngaphezu kwalokho ziqinile futhi angeke ziqhumbuzeke;
- (c) babhale isiqukathi semfucuza yezinto zokwelapha ngepeni elingacisheki, ngamagama amakhulu -
 - (i) igama nekheli lomkhiqizi;
 - (ii) la magama "Danger: Medical Waste", "Gevaar: Mediese Afval" kanye nokuthi "Ingozi: Imfucuza Yezinto Zokwelapha", kanye nelogo yomhlaba wonke jikelele yezinto zezempilo ezinobungozi;
 - (iii) usuku isiqukathi semfucuza yezinto zokwelapha esisuswe ngalo ezakhiweni zomkhiqizi;
- (d) bavimbele umphakathi ukuba ufinyelele eziqukathini zemfucuza yezinto zokwelapha;
- (e) bagcine iziqukathi zemfucuza yezinto zokwelapha ezigcwele ezindaweni ezilawulwayo neziphephile ezibekelwe ukugcinwa kwemfucuza yezinto zokwelapha;
- (f) benze amalungiselelo okususwa kwemfucuza yezinto zokwelapha ezakhiweni nokuthuthwa kwayo iyolahlwa endaweni efanele ngumuntu othutha imfucuza yezinto zokwelapha ngokwalo mthetho kamasipala futhi obhalise njengomthuthi njengoba kuhlangozwe esigabeni 26 salo mthetho kamasipala;
- (g) benze amalungiselelo okulahlwa kwemfucuza yezinto zokwelapha ngumuntu ovunyelwe ukulahla imfucuza yezinto zokwelapha ngokwalo mthetho kamasipala.

(3) Abakhiqizi bangafaka izicelo ngokubhaliwe eMkhandlwini zemvume yokuphatha, yokugcina noma yokuziphathela imfucuza yabo yezinto zokwelapha ngendlela engahambisani nezimfuneko ezibekwe kwisigatshana (2).

(4) UMkhandlu ngokubhaliwe ungakhipha imvume eshiwo kwisigatshana (3), kuncike ekutheni ingakhipha leyo mvume kuncike kwimibandela ethile.

(5) Abakhiqizi bangathutha futhi balahle imfucuza yezinto zokwelapha, kuncike ekutheni benza lokho ngokwalo mthetho kamasipala.

(6) Abakhiqizi kumele -

- (a) bagcine irekhodi lemfucuza yezinto zokwelapha esuswe ezakhiweni zabo ngendlela enqunywe uMkhandlu njalo emva kwesikhathi esithile;
- (b) bafune kumuntu olahla imfucuza yezinto zokwelapha isaziso esibhaliwe sokuthi imfucuza yezinto zokwelapha ilahliwe, bese kuthi uma sebesitholile lesa saziso, babhale kumarekhodi abo ukuthi imfucuza yezinto zokwelapha isilahliwe;
- (c) bagcine irekhodi elibhaliwe elishiwo ku (a) nesaziso esishiwo ku (b) isikhathi esingangonyaka emva kokususwa kwemfucuza yezinto zokwelapha ezakhiweni zabo.

24.(1) Abathuthi kumele basuse imfucuza yezinto zokwelapha ezakhiweni zomkhiqizi, bathuthe, bagcine futhi bahambise leyo mfucuza yezinto zokwelapha endaweni lapho izolahlwa khona ngendlela ephephile engenabungozi empilweni yabantu nakwezemvelo.

(2) Ngaphandle kokuphikisana nokushiwo kwisigatshana (1), abathuthi kumele bahambisane nalezi zimfuneko ezilandelayo:

- (a) bangakhiphi imfucuza yezinto zokwelapha eziqukathini umkhiqizi afake kuzona imfucuza yezinto zokwelapha;
- (b) bathuthe futhi bagcine imfucuza yezinto zokwelapha ngendlela yokuthi akukho lungu lomphakathi elingakwazi ukufinyelela kwimfucuza yezinto zokwelapha noma esiqukathini egcinwe kusona;
- (c) bathuthe imfucuza yezinto zokwelapha ezithuthini -
 - (i) ezikwazi ukuthwala imfucuza yezinto zokwelapha;
 - (ii) ezakhelwe ukuvimbela ukuchitheka;

- (iii) ezakhiwe ngempahla ehlanzeka kalula futhi nokulula ukuthi ibulawe amagciwane;
 - (iv) ezivikelekile ukuze kunqandwe ukungena kwabangafanele;
- (d) bahambise imfucuzo yezinto zokwelapha kumuntu ovunyelwe nasendaweni evunyelwe ukulahla imfucuzo yezinto zokwelapha ngokwesigaba 25.

(3) Abathuthi kumele bafake izicelo ezibhaliwe eMkhandlwini zemvume yokususa, yokuthutha, yokugcina neyokuhambisa imfucuzo yezinto zokwelapha ngendlela engahambisani nezimfuneko ezibekwe kwisigatshana (2).

(4) UMkhandlu ngokubhaliwe ungakhipha imvume eshiwo kwisigatshana (3), kuncike ekutheni ingakhipha leyo mvume kuncike kwimibandela ethile.

(5) Abathuthi bangalahla imfucuzo yezinto zokwelapha, kuncike ekutheni benza lokho ngokwalo mthetho kamasipala.

(6) Abathuthi kumele bagcine irekhodi elibhaliwe maqondana nokuthutha nokuhambisa imfucuzo yezinto zokwelapha, okumele baligcwalise ngokushesha njalo uma bethutha futhi behambisa leyo mfucuzo, futhi lelo rekhodi kumele libhalwe ngendlela enqunywe uMkhandlu futhi kumele bagcine lelo rekhodi isikhathi esingangonyaka kusukela ngosuku okuhanjiswe ngalo imfucuzo yezinto zokwelapha. Abathuthi kumele bagcine ikhophi yerekhodi elithintekayo ezithuthini ezisetshenziselwa ukuthutha imfucuzo yezinto zokwelapha.

25.(1) Imfucuzo yezinto zokwelapha ingahlwa kuphela umuntu -

- (a) onemvume yokulawula indawo okulahlwa kuyona imfucuzo enobungozi ngokwesigaba 20 soMthetho woKongiwa kweMvelo, 1989 (uMthetho No. 73 ka 1989), noma ogunyaziwe ukushisa imfucuzo yezinto zokwelapha ngempahla evunyelwe ngokoMthetho wokuVimbela ukuNgcoliswa koMoya, 1965 (uMthetho No. 45 ka 1965), noma kokubili; futhi
- (b) ohambisana nayo yonke imigomo nemibandela ehambisana naleyo mvume noma nalelo gunya.

(2) Umuntu onemvume ngokwesigatshana (1) yokulahla imfucuza yezinto zokwelapha kumele enze lokho endaweni lapho imvume noma igunya, noma kokubili, okumvumela ukuthi alahle khona imfucuza yezinto zokwelapha futhi angeke alahle imfucuza yezinto zokwelapha kunoma iyiphi enye indawo.

(3) Abantu abalahla imfucuza yezinto zokwelapha kumele -

(a) bagcine irekhodi elibhaliwe lokuhanjiswa kwemfucuza yezinto zokwelapha endaweni elahlwa kuyona ngendlela enqunywe uMkhandlu;

(b) bagcine lelo rekhodi isikhathi esingangonyaka kusukela ngosuku imfucuza yezinto zokwelapha eyahlwa ngalo.

26.(1) Umkhiqizi ngamunye kumele abhalise noMkhandlu ezinyangeni eziyisithupha lo Mthetho kaMasipala uqale ukusebenza ngokugcwalisa alethe isaziso esibhaliwe eMkhandlwini ngendlela enqunyiwe.

(2) Umthuthi ngamunye kumele abhalise noMkhandlu ezinyangeni eziyisithupha lo Mthetho kaMasipala uqale ukusebenza ngokugcwalisa alethe isaziso esibhaliwe eMkhandlwini ngendlela enqunyiwe.

(3) Abakhiqizi nabathuthi kumele bazise uMkhandlu nganoma iziphi izinguquko kwimininingwane ehlinzekwe ngokwezigatshana (1) no (2) ngokushesha emva kokuthi kube noguquko.

27. Noma imuphi umuntu ophula noma iziphi izinhlinzeko zale Ngxenyane noma ohluleka ukuhambisana nanoma isiphi esinye isaziso esikhishwe ngokomthetho uphula umthetho.

INGXENYE 4

IZINJA

28. Akukho muntu oyofuya endaweni -

(a) noma iyiphiinja ekhonkothayo, enolaka noma ejaha abahamba ngezinyawo, izimoto, izikuta, amahashi, abahamba ngamabhayisikili, ngokwenhloso yalo Mthetho kaMasipala,inja elume noma ezame ukuluma umuntu noma izilwane

ngaphandle uma izivikela noma ivikela umnikazi wayo, kunoma iyiphi indawo ngaphandle kwalapho ifuywe khona, iyothathwa njengenolaka;

(b) injinza ezingaphezu kwezintathu, ngaphandle uma kwemvume ebhaliwe yesiPhathimandla sokuNakekelwa kweMvelo, leyo mvume engakhishwa kuncike kwimibandela ethile, futhi engahoxiswa isiPhathimandla sokuNakekelwa kweMvelo;

(c) injinza yensikazi ngesikhathi sokukhelwana kwezinjani, ngaphandle uma egcina leyo njinza yensikazi kahle ngendlela eyivimbela ukuba yinkathazo komakhelwane noma emphakathini. Isiphathimandla esigunyaziwe ngesaziso esibhaliwe singacela umnikazi noma umuntu ogade injinza ukuthi asuse leyo njinza yensikazi ayihambise endaweni ehlinzekelwe ukuyigcina lapho kuze kudlule leso sikhathi;

(d) noma iyiphi injinza engaphezu kwezinyanga eziyisithupha ubudala engagonyelwe amarabi futhi engenabo ubufakazi obubhaliwe bokuthi igonyiwe.

29. Akukho muntu ongumnikazi noma ogade noma iyiphi injinza oyofuya kunoma iziphi izakhiwo, noma iyiphi injinza ngenxa yokukhonkotha noma yokuphazamisa kwayo ngenhloso yokudala inkathazo noma yokuthikameza ukuthula emphakathini.

30. Akukho muntu oyovumela noma iyiphi injinza yakwakhe noma ayigadile ukuthi ibe sesitaladini esihamba umphakathi ngaphandle uma eyigadile ukuqinisekisa ukuthi akwenzeki ibeke ukuphepha kwabanye abantu engcupheni noma iphazamise ukuhamba kwezimoto kuleso sitaladi.

INGXENYE 5

UKUHWABA

31. *Izindawo zokuhlala*

(1) Indawo yokuhlala ngayinye iyohambisana nalezi zimfuneko ezilandelayo:

(a) Izakhiwo okuhloswe ukuthi zisetshenziswe noma esezisetshenziswa njengendawo yokuhlala kumele zibe sesimweni esihle nesigculisayo, ngaphandle nangaphakathi.

(b) Yonke ifenisha, izinto zokulala, izinto zokudla, okufakiwe kanye nemphahla ehlinzekwa umnikazi kumele ihlanzeke futhi ibe sesimweni esihle nesigculisayo futhi yanele ngokwaleyo nhloso.

(c) Igumbi ngalinye liyohlinzekwa ngokukhanya okwanele nezintuba zokungenisa umoya ukuze lelo gumbi likwazi ukusetshenziswa ngaso sonke isikhathi ngaphandle kokuba nobungozi kwezempilo noma kwezokuphepha.

(d) Iyohlinzekwa ngesibalo esanele semigqomo kadoti enezivalo ezivala ngci.

(e) Izakhiwo ziyohlinzekwa ngesibalo esanele sezindlu zokugezela nezindlu zangasese, ezinakho konke okudingekayo.

(f) Izindlu zokugezela nezindlu zangasese ezehlukene ziyohlinzekelwa amabhoda esilisa nawesifazane kanye nabasebenzi, futhi ziyoba sendaweni abayofinyelela kalula kuyona, kuncike ekutheni, uma isibalo samabhoda singeqile kwayishumi nambili (12), izindawo ezehlukene zobulili obungafani asikho isidingo sokuthi zihlinzekwe.

(g) Obhavu, amashawa nosinki okusezakhiweni ngazo zonke izikhathi kuyoba namanzi ashisayo nabandayo.

(h) Iyohlinzekwa ngegceke elifanele, elikhonkiwe nelimisele yamanzi ngendlela egculisa uMkhandlu.

(i) Uma kunamabhoda ayishumi (10) ngesikhathi esisodwa ahlala ezakhiweni, iyokuba -

(i) negumbi lokuphumula noma namagumbi okuphumula anefenisha namakhulu ngokwanele ukuhlangabezana nezidingo zamabhoda; futhi

(ii) uma kuhlinzekwa ukudla, negumbi lokudlela noma namagumbi okudlela ayokuba nendawo yokuhlala engekho ngaphansi kwe-*square metre* yebhoda ngalinye.

(j) Uma kuhlinzekwa ukudla noma kuphekwa, kuyohlinzekwa ikhishi elinazo zonke izimfanelo.

(2) Umnikazi wendawo yokuhlala uyokuba nesibopho sokuhambisana nesokuhlonipha izinhlinzeko zalo Mthetho kaMasipala, futhi uyothwala ngezenzo, nangamaphutha abasebenzi bakhe, ama-ejenti akhe, futhi noma yikuphi ukwepulwa kwalo mthetho kamasipala nguye uqobo, ngabasebenzi bakhe, ngamalungu omndeni wakhe, ngama-ejenti akhe kuyothathwa ngokuthi kwenziwe nguye uqobo.

(3) Umnikazi wendawo yokuhlala, ngendlela egculisa uMkhandlu -

- (a) uyogcina indawo yokuhlala ihlanzekile;
- (b) uyogcina ifenisha, izinto zokudla, izinto zokulala kanye nempahla kusesimweni esigculisayo futhi kuhlanzekile;
- (c) uyohlinzeka amabhoda nabanye abantu abasezakhiweni ngokudla okunomsoco;
- (d) ngenhloso, angeke avumele noma yimuphi umuntu onesifo esithathelanayo ukuthi aqashwe ezakhiweni ngaphandle uma enencwadi kadokotela echazayo ukuthi lowo muntu ukulungele ukuqhubeka nomsebenzi.

(4) Umnikazi wendawo yokuhlala angeke -

- (a) avumele noma iyiphi ingxenye yezakhiwo ngaphandle kwegumbi lokulala elivunyiwe ukuthi lisetshenziswe yinoma imuphi umuntu njengendawo yokulala, kuncike ekutheni lokho kwenqatshelwa okushiwo angeke kusebenze kunoma iliphi ibhoda elisebenzisa igumbi lokulala elinesitubhi noma novulandi okuguqulwe ngendlela efanele;
- (b) ahlalise noma iliphi ibhoda egumbini lokulala nomunye umuntu ngaphandle uma kungabantu bandawonye noma uma bona bobabili bevumile; futhi
- (c) aqhube ibhizinisi lokuhlalisa abantu ngendlela engadala inkathazo noma engacunula izakhamizi ezingomakhelwane;
- (d) avumele ukuthi kuphekwe egumbini lokuphumula noma endaweni eyakhelwe ukuba yigumbi lokuphumula;
- (e) avumele izakhiwo ukuthi zigcwele ngokweqile.

(5) Ngaphandle kokuphikisana nokuhambisana nezinhlinzeko ezingenhla, akukho muntu ongaqhuba ibhizinisi lokuhlalisa abantu ngaphandle uma leso sakhiwo siklanywe ngendlela efanele ngokuhambisana nohlelo lokuklanywa kwezindawo olukhona, nangokuhambisana nayo yonke imithetho ekhona.

32. *Abacwalizinwele nabagundi*

(1) Akukho muntu oyoqhuba ibhizinisi lokucwala izinwele nelokugunda kunoma iziphi izakhiwo ezisendaweni kamasipala ngaphandle -

- (a) uma zonke izingxenye zezakhiwo zikhanyisiwe futhi zingena umoya ngendlela efanele;
- (b) uma kuhlinzekwe osinki abanamanzi abandayo nashisayo futhi benamapayipi okuchitha amanzi, usinki owodwa kube ngowabantu ababili ngesikhathi esisodwa abagunda, abacwala izinwele noma abageza ikhanda noma abashefa noma yimuphi umuntu noma abenza noma imuphi umsebenzi ophathelene nokucwala izinwele nokugunda;
- (c) uma wonke amatafula namashalofu okubekwa kuwona amathuluzi akhiwe noma embozwe ngengilazi, ngemabuli, namathayili acwebezelayo noma ngokunye okubushelelezi, okungabambi amanzi, okuqinile nokungakhumuzeki;
- (d) iphansi kumele lilingane futhi limbozwe ngempahla engabambi amanzi noma lakhiwe libe bushelelezi ngendlela yokuthi lingabambi amanzi, ligcinwe ngendlela yokuthi ligezeke futhi lihlanzeke kalula;
- (e) uma ehlinzeke imigqomo eyanele kadoti ephathekayo enezivalo ezivala ngci ezakhiwe ngempahla engabambi amanzi futhi egezeka kalula.

(2) Wonke umuntu oqhuba ibhizinisi lokugunda noma lokucwala izinwele uyoqinisekisa ukuthi -

- (a) izakhiwo aqhuba kuzona ibhizinisi nawo wonke amathuluzi, izinto zokusebenza, izinto zokudla nokunye okungokwakhe noma okusetshenziselwa ibhizinisi, kuhlala kuhlanzekile futhi kusesimweni esigculisayo ngaso sonke isikhathi;
- (b) zonke izinwele ezigundiwe zishanelwa ngokushesha futhi zifakwe emgqonyeni kadoti ohlinzekelwe lokho;
- (c) wonke amabhurashi asetshenzisiwe noma azosetshenziswa ebhizinisini agcinwa ehlanzekile ngaso sonke isikhathi futhi agezisiwe okungenani kanye ngosuku;
- (d) wonke amathawula asetshenzisiwe kunoma imiphi umuntu ayawashwa ngaphambi kokusetshenziswa komunye umuntu;
- (e) kuthathwa izinyathelo zokuvimbela ukuthintana ngqo kwekhanda lomuntu noma komqala wakhe nesitulo ahlala kusona;

(f) wonke amabhurashi, amakamu, izinsingo, izikere, imishini yokugunda nokunye okusetshenziswe kunoma imuphi umuntu ngendlela yokuthi kuthinte ingxenywe yomzimba wakhe evulekile, ngaphambi kokuthi isetshenziswe kokunye umuntu, zibulawe amagciwane ngalezi zindlela ezilandelayo:

(i) zicwiliswe emanzini abilayo; noma

(ii) zicwiliswe kwingxube yesibulalamagciwane;

(iii) zifakwe emshinini wokubulala amagciwane ngendlela efanele;

(g) kuhlinzekwa isibalo esanele sawo wonke amathuluzi nezinto zokusebenza;

(h) akukho muntu oyoshefwa, oyogundwa izinwele noma oyokwenziwa noma yini ephathelene nebhizinisi kuleyo ngxenywe yezakhiwo okuqhutshwa kuzona ibhizinisi lokucwala izinwele noma lokugunda, uma lowo muntu ebonakala egula noma enesifo sesikhumba noma sezinwele, futhi uma lowo muntu enziwe okuthile, wonke amathawula, wonke amathuluzi nokunye okusetshenzisiwe kade enziwa ikhanda, ngaphandle kokuphikisana nokuqukethwe lapha, ngokushesha emva kwalokho zicwiliswa emanzini abilayo okungenani imizuzu eyishumi nanhlanu;

(i) akukho nsipho ngaphandle kwewuketshezi, kweyimpuphu noma kweyiqhuzu noma kwakhilimu wokushefa eyosetshenziswa uma noma imuphi umuntu egezwa noma eshefwa noma enziwa noma yini ephathelene nokucwala ikhanda nokugunda;

(j) akukho muthi wokuqeda ukopha ngaphandle kowuketshezi noma koyimpuphu ogcotshwa njengesifutho noma ngovolo omusha ohlanzekile osetshenziswa kumuntu;

(k) akukho muntu ongcolile noma ogqoke izimpahla ezingcolile oyogunda, oyocwala noma oyogeza izinwele zanoma imuphi omunye umuntu noma ashefe lowo muntu, noma amenze noma yini ephathelene nokucwala izinwele nokugunda;

(l) akukho muntu oyogunda, oyocwala izinwele noma oyogeza izinwele zanoma yimuphi omunye umuntu noma oyokwenza noma yini ephathelene nebhizinisi lokucwala izinwele noma lokugunda ngaphandle kokugeza izandla ngaphambi kokwenza lowo msebenzi;

(m) akukho muntu onanoma isiphi isifo esithathelanayo oyobamba iqhaza noma oyovunyelwa ukubamba iqhaza kunoma imuphi umsebenzi ophathelene nokucwala izinwele noma nokugunda ngaphandle uma lowo muntu enencwadi kadokotela eshoyo ukuthi ukulungele ukwenza lowo msebenzi;

(n) uma kususwa uboya ngeweksi, iweksi esetshenziswayo ingasetshenziswa kanye kuphela.

(3) Izinhlinzeko zalo Mthetho kaMasipala ziyosebenza ngezinguquko ezidingekayo kunoma yikuphi ukucwalwa kwesikhumba, ukucwalwa kwezinzipho nokunye okufanayo.

33. *Ukwenziwa kwama-tattoo nokubhobosa umzimba*

(1) Imishini esemthethweni yokwenza ama-tattoo nokubhobosa umzimba eyakhiwe futhi yahlanganiswa ngendlela evimbela ukuthwala amagciwane kwesethi yezinaliti ecwiliswe kwisibulalamagciwane kuphela engasetshenziswa uma kwenziwa ama-tattoo angasuki noma uma kobhotshozwa umzimba.

(2) Zonke izintambo zemishini nezamabodlela ezifutho kumele zibe namaqhoshana acindezelwayo, izindawo ezibanjwayo kumele zimbozwe ngoplastki okumele ulahlwe emva kokusetshenziswa kwikhasimende ngalinye.

(3) Izindawo zokusebenzela kumele zibe bushелеlezi futhi zingabambi amanzi futhi zibulawe amagciwane emva kokusizwa kwekhasimende ngalinye.

(4) Amathuluzi nokunye kumele agcinwe emakhabetheni ahlanzekile nafanele.

(5) Amathuluzi nezinto zokusebenza ezisetshenziselwa noma yini kumele zibulawe amagciwane emva kokusetshenziswa kwikhasimende ngalinye.

(6) Wonke amashubhu nezinaliti kumele kugcinwe ngakunye, kungenamagciwane, esikhwameni esivalekile okumele sivulwe phambi kwekhasimende.

(7) Umuntu owenza ama-tattoo noma obhobosa umzimba kumele ageze izandla ngensipho namanzi ashisayo ngaphambi kokusiza ikhasimende futhi afake amagilavu erabha amasha kuze kube uqeda lokho akwenza ikhasimende.

34. *Izindawo zokunakekela izingane*

(1) Akukho ndawo yokunakekela izingane engaqhutshwa ngaphandle kwemvume ebhaliwe yeMeneja kaMasipala noma yogunyazwe iyona, leyo mvume iyokhishwa ngemibandela ethile.

(2) Imvume ebhaliwe ngokwesigatshana (1) ayikhululi muntu ezimfunekweni zanoma imuphi umthetho ophathelene nokunakekelwa kwezingane noma nokusetshenziswa kwezakhiwo ezithintekayo.

(3) Noma imuphi umuntu ophula noma iziphi izinhlinzeko zale Ngxenye uyothweswa icala.

INGXENYE 6

UKUTHUTHWA NOKUPHATHWA KWENYAMA EDAYISAYO OKUHLOSWE UKUTHI IDLIWE ABANTU

36. Akukho muntu oyothutha noma oyovumela ukuthi kuthuthwe noma iyiphi inyama eyodayiswa noma okuhloswe ukuthi idliwe abantu, ngaphandle kokuhambisana nalezi zimfuneko ezilandelayo:

(a) Uma isithuthi kuyimoto eyithani noma ngaphezulu:

(i) izindonga zayo, iphansi layo kanye nophahla lwayo kumele njalo kundlalelwe ngemethali engakhumuzeki noma okunye okungabambi amanzi. Lokho kwendlalelwa kuyokwenziwa nakuwo wonke amakhona, lapho kulangana khona bese kuthi wonke amajoyinti ngeke abonalake lapho ehlangana khona. Imoto iyogcinwa isesimweni esikahle ngaphandle, ngaphakathi futhi iphila;

(ii) umzimba wayo uyombozwa ngendlela yokuthi izinga lokubanda nelokushisa lingadluli ku 5° C ngehora;

(iii) isinqe sayo noma izinhlangothi zomzimba wayo ziyofakwa isivalo semethali esivala ngci, ingaphakathi liyoba yimethali engakhumuzeki futhi kuqinisekiswa ukuthi alinazo izinto ezilengayo namashalofu namabhentshi;

(iv) iphaneli yengilazi yokuhlola enamathiselwe lapho kuhlukana khona inqola yomshayeli nomzimba wemoto ivumelekile;

(v) intonga yemethali engakhumuzeki enamahhuku anamathele noma akhumukayo emethali engakhumuzeki iyofakwa ophahleni lwemoto, bese kuthi yonke inyama iyolengiswa kuyona ngesikhathi ithuthwa. Leyo ntonga noma lezo zintonga ziyonamathiselwa phezulu kakhulu ukuqinisekisa ukuthi inyama elengayo ayithinti phansi;

(vi) wonke amaketanga noma izintonga ezisetshenziselwa ukubamba umthwalo unganyakazi kuyokuba ngokwemethali engakhumuzeki futhi kuyofakwa ngendlela yokuthi kube lula ukukukhipha ukuze kuhlanzwe;

(vii) isiqukathi esizimele, esivunywe iMeneja kaMasipala noma ogunyazwe iyona, futhi esisuka kalula ukuze sihlanzwe, siyohlinzekwa ngaphakathi kwemoto sithuthe inyama yangaphakathi, futhi akukho nyama yangaphakathi eyothuthwa kuleyo moto ngaphandle kokufakwa kuleso siqukathi. Lesi siqukathi singathwalwa ngaphandle kwemoto, kuncike ekutheni sifakwe kwesinye isiqukathi esizosivikela ukuthi okuphakathi kungangenwa amagciwane, futhi sikwazi ukususwa kalula ukuze sihlanzwe.

(b) Uma isithuthi kuyinqola, iyohambisana nezinhlinzeko zesigatshana (a)(i), (ii), (iii), (v), (vi) no (vii).

(c) Uma isithuthi kuyimoto engaphansi kwethani:

(i) iyohambisana nezimfuneko zesigatshana (a)(i) no (iii);

(ii) kuyovumeleka ukuthi abanikazi bezilaha bathuthe ngayo inyama besuka emadeleni beya ezakhiweni abahwebela kuzona ngaphandle kokuyilengisa leyo nyama, kuncike ekutheni ithuthwa ngeziqukathi ezingakhumuzeki ezinkulu ngokwanele, ezivunywe yiMeneja kaMasipala noma ogunyazwe iyona, futhi ezisuka kalula ukuze zihlanzwe futhi inyama yangaphakathi ingathuthwa ngesiqukathi esisetshenziselwa ukuthutha inyama, kodwa ithuthwe ngesinye isiqukathi esihambisana nezimfuneko zesigatshana (a)(vii) ngenhla.

- (d) Uma isithuthi kuyimoto, ethuthela ikhasimende elidayisayo inyama, izinhlinzeko zesigatshana (a)(i) no (iii) kumele zilandelwe.
- (e) Inyama ephekiwe nelungisiwe iyothuthwa ngeziqukathi ezingakhumuzeki ezivunywe yiMeneja kaMasipala noma ogunyazwe iyona futhi iyosongwa noma imbozwe ukuze ingangenwa amagciwane.
- (f) Ngaphandle kokuhlinzekelwe kwizigatshana (c)(ii) no (e), akukho nyama eyothuthwa ibekwe phansi emotweni.
- (g) Akukho muntu, silwane noma nto ongafaka amagciwane enyameni oyothwalwa kunoma iyiphi imoto esetshenziselwa ukuthutha inyama edayisayo okuhloswe ukuthi idliwe abantu.
- (h) Igama nekheli lomnikazi noma igama lokuhweba, uma likhona, lebhizinisi liyoqoshwa ngamagama nezinombolo okugqamile, ukuze libonakale kalula futhi lifundeke, kuzo zonke izinhlangothi zemoto esetshenziselwa ukuthutha inyama edayiselwa ukuthi idliwe abantu.

37.(1) Bonke abantu abasebhizinisini lokuphatha inyama edayisayo okuhloswe ukuthi idliwe abantu bayogqoka izimpahla zokwemboza zokuzivikela ezivunywe yiMeneja kaMasipala noma ogunyazwe iyona, emakhanda, emiqaleni nasemahlombe, ukuze inyama ingathintani nemizimba yabo, ngaphandle kwezandla.

(2) Bonke abaqashi balabo bantu bayobahlinzeka ngalezo zimpahla zokwemboza futhi bayoqinisekisa ukuthi izinhlinzeko zesigatshana (1) ziyalandelwa.

38. Esikhathini esiyiminyaka emine emva kokushicilelwa kwalo Mthetho kaMasipala, izinhlinzeko zezigaba 33(a)(i), (ii), (iii), (v) no (vi) no 33(b), ngaphandle kwenhlinzeko yokuthi inqola kumele ihambisane nesigaba 33(a)(vii) no 33(d) salo mthethonqubo, angeke zisebenze kunoma iyiphi imoto evele isisebenza ngokusemthethweni ngalolo suku lokuthutha inyama edayisayo okuhloswe ukuthi idliwe abantu.

39. Izinhlinzeko zale Ngxenye ziyokwengezwa, angeke zifakwe esikhundleni sezinhlinzeko zanoma imiphi eminye imithethonqubo yoMkhandlu ephathelene nokudla okuhloswe ukuthi kudayiswe, ngaphandle uma kunoshayisana noma ukungahambisani naleyo mithethonqubo, izinhlinzeko zalo mthethonqubo yizona eziyosebenza.

40. Noma imuphi umuntu ophula noma ohluleka ukuhambisana nezinhlinzeko zale Ngxenye uyothweswa icala.

INGXENYE 7

IZINHHLINZEKO EZIJWAYELEKILE

41. *Ilungelo lokungena nelokuhlola*

(1) Noma imuphi umsebenzi ogunyaziwe woMkhandlu unegunya lokuhlola noma iziphi izakhiwo ezisendaweni kamasipala ukuze anqume ukuthi ngabe ziyalandelwa izinhlinzeko zalo Mthetho kaMasipala noma cha.

(2) Uma engena ezakhiweni ngokwesigatshana (1), umsebenzi ogunyaziwe kumele ecelwa noma imuphi umuntu, azihlonze ngokuveza ubufakazi obubhaliwe bokugunyazwa kwakhe.

(3) Umsebenzi ogunyaziwe angaphelezela umuntu okunesidingo sokuthi amsize ngesikhathi ehlola.

42. *Ukuthunyelwa kwemibhalo nohlelo*

(1) Noma yinini uma kumele kuthunyelwe noma isiphi isaziso, umyalelo nanoma imiphi omunye umbhalo ngokwalo Mthetho kaMasipala, kuyothathwa ngokuthi sithunyelwe ngendlela efanele kulowo muntu:

(a) uma sinikezwe yena uqobo;

(b) sishiywe lapho ehlala khona noma emsebenzini wakhe kwiRiphabhulikhi kumuntu oneminyaka engaphezu kweyishumi nesithupha noma oneminyaka eyishumi nesithupha;

(c) uma siposwe ngeposi elirejistiwe noma eliqinisekisiwe ekhelini okwaziwa ukuthi uhlala kulona noma lalapho esebenza khona elikwiRiphabhulikhi futhi kunobufakazi bokuthi siposiwe;

(d) uma ikheli lakhe lakwiRiphabhulikhi lingaziwa, uma sithunyelwe kwi- ejenti yakhe noma kummeli wakhe kwiRiphabhulikhi ngendlela ehlinzekwe yindima (a), (b) noma (c); noma

(e) uma ikheli lakhe noma le-ejenti yakhe kwiRiphabhlikhi kungaziwa, uma siposelwe ekhelini lempahla engenakususwa elaziwayo (uma likhona) esimayelana nayo.

(2) Uma isaziso noma umyalelo noma imuphi omunye umbhalo njengoba kubekwe ngenhla ugunyaziwe noma kudingeka ukuthi uthunyelwe kumuntu ngoba engumnikazi noma ayengumnikazi noma umhlali noma enegunya elithile maqondana nempahla engenakususwa, angeke kube nesidingo sokumgagula ngegama kodwa kuyobe kwanele ukumchaza njengomnikazi, njengomhlali noma njengonelungelo kuleyo mpahla engenakususwa, njengoba kungaba njalo.

43. *Izinhlawulo*

(1) Noma imuphi umuntu othweswe icala ngaphansi kwalo Mthetho kaMasipala uyokhokha inhlawulo noma aboshwe isikhathi esingeqile eminyakeni emibili.

(2) Uma eqhubeka nokuphula umthetho kuyokwengezwa enye inhlawulo noma aboshwe isikhathi esingeqile ezinsukwini eziyishumi usuku ngalunye aqhubeke ngalo ukwephula umthetho.

(3) Ngaphezu kwanoma iyiphi inhlawulo ekhishwe ngokwezigatshana (1) no (2), umuntu othweswe licala uyohlawula izindleko zokulungisa noma imuphi umonakalo odalekile noma izindleko zokulungisa umonakalo odalwe yilokho kwephulwa komthetho.

44. *Ukukhululwa*

Ngaphandle kokuphikisana nezinhlinzeko zalo Mthetho kaMasipala, uMkhandlu ungakhulula noma imuphi umuntu noma isigaba sabantu kunoma yiziphi noma kuzo zonke lezi zimfuneko futhi ungabeka ezinye izimfuneko ozibona zifanele.

45. *Ukahunyushwa*

Uma kunokushayisana phakathi kombhalo wesiNgisi, wesiZulu nowesiBhunu walo Mthetho kaMasipala, umbhalo wesiNgisi yiwona oyosebenza.

46. Isihloko esifingqiwe nokuqaliswa

Lo Mthetho kaMasipala uyobizwa ngoMthetho kaMasipala wokuNakekelwa kweMvelo futhi uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kwiGazethi yesiFundazwe.
