UMTHETHO KAMASIPALA WOMASIPALA WASE-CAPE AGULHAS OMALUNGA

NEENTSUKU KUNYE NEEYURE ZOKUTHENGISA UTYWALA

Phantsi kwemigaqo yecandelo le-156 loMgaqo-siseko weRiphablikhi yoMzantsi Afrika, ka-1996, iBhunga likaMasipala loMasipala waseCape Agulhas liphumeza oku kulandelayo:

ISINDULULO

Nangona icandelo 156(1) loMgaqo-siseko lisithi oomasipala ngabo abaphethe bekwanelungelo lokulungiselela imiba yorhulumente wendawo. 'Ulawulo lwesibophelelo sokuthengisela uluntu utywala;

Nangona icandelo 156(1) loMgaqo-siseko linika umasipala igunya lokwenza uze ulungiselele ukulandelwa kwemithetho kamasipala ukwenzela ukuphatha kakuhle imicimbi anelungelo lokuyiphatha;

Nangona urhulumente wePhondo leNtshona Koloni ekwazi ukulandela umthetho ngokunxulumene neelayisenisi zokuthengisa utywala;

Yaye nangona uMthetho ka-2007 wotywala weNtshona Koloni uvuma ukuba umasipala abeke iiyure okuthengisa utywala kumthetho kamasipala

KUPHUNYEZWA nguMasipala waseCape Agulhas ngolu hlobo –

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ISAHLUKO SOKU-1

UKUTOLIKWA NOKUSETYENZISWA

1. UKUTOLIKWA

Kulo mthetho kamasipala kuya kuthathwa oko kubhalwe ngesiNgesi xa kukho ukungqubana naloo nto ibhalwe ngeAfrikaans okanye ngesiXhosa, yaye ngaphandle kokuba umxholo uthetha enye into–

"ibhari", ithetha isakhiwo soshishino esimsebenzi wawo uphambili ikukuthengisa utywala ukuze buselelwe kwalapho, ndawo leyo inokuthengisa nokutya xa loo ndawo inelayisenisi efanelekileyo yaloo nto okanye inike ezolonwabo;

"igosa eligunyazisiweyo", lithetha umsebenzi oqeshwe nguMasipala waseCape Agulhas nogunyaziswe nguMasipala waseCape Agulhas ukuba anyanzelise uMthetho kaMasipala woMasipala waseCape Agulhas omalunga neeNtsuku kunye neeYure zokuThengisa uTywala, igosa elibekelwe imicimbi yezotywala kwiNkonzo yesiPolisa yaseMzantsi Afrika okanye umhloli onyulwe ngokwecandelwana 73(4) loMthetho wezoTwala weNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008) ohlaziyiweyo;

"ihotele", ithetha indawo eyakhelwe yaza yaphuhliselwa ukuhlalisa iindwendwe ezidlulayo, isetyenziswa njengendawo yokuhlala yethutyana yeendwendwe ezidlulayo, apho kuhlawulelwa khona ukulala, ukutya kunye nezinye iinkonzo zeendwendwe ezinikwayo, yaye iquka:

(a) indawo yokutyela okanye iindawo zokutyela ezineelayisenisi ezifanelekileyo zokupheka zithengise ukutya, ndawo ezo ziyinxalenye yaloo hotele;
(b) iindawo zokubambela iinkomfa nezolonwabo ezinika iinkonzo zikwancedisa owona umsebenzi uphambili wokusetyenziswa kwaloo ndawo njengehotele;
(c) iindawo ezinelayisenisi yokuthengisa utywala obuza kuselelwa apho, kodwa **aziyibandakanyi** indawo yokuselela engekho kuloo hotele, indawo ethengisa utywala, isakhiwo sokugcina iindwendwe zethutyana, indlu yokuhlala okanye iyunithi ekuhlalwa kuyo;

"iindawo ezineelayisenisi", zithetha iindawo ekuveliswa kuzo utywala ngezinga eliphantsi, buthengiswe, buselwe okanye bugcinwe, ngokwendlela ebekwe kuMthetho ohlaziyiweyo wezoTywala weNtshona Koloni, ka-2008 (uMthetho wesi-8 ka-2008);

"iklabhu yezemidlalo neyoluntu", ithetha indawo okanye isakhiwo esisetyenziselwa ukudibanisa uluntu okanye imibutho yasekuhlaleni, iiklabhu zezemidlalo okanye ezinye iiklabhu zasekuhlaleni okanye zolonwabo, isebenza kakhulu njengeziko elingenzi nzuzo, yaye inokuquka iiklabhu zeenkonzo zoluntu kunye namaziko oluntu okanye iindawo ezinjalo, kodwa ayiziquki iiklabhu zolonwabo lwasebusuku;

"ilayisenisi yotywala", ithetha ilayisenisi yokuthengisa utywala njengoko icaciswe kwicandelo lama-33 loMthetho ohlaziyiweyo wezoTywala weNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008);

"indawo", ithetha nayiphi inxenye yomhlaba ekwindawo ephantsi kolawulo loMasipala waseCape Agulhas, emida yayo ingaphande ibekiweyo kwiplani gabalala okanye kumzobo okanye iplani yetayitile yecandelo elithile, ebhaliswe ngokwemithetho efanelekileyo, yaye iquka isakhiwo esakhiwe kuloo mhlaba;

"indawo yezamashishini amancianane", ithetha indawo eyacandelwa ukusetyenziswa njengendawo yamashishini amancinane okanye ukusetyenziselwa ukucandwa okunxulumene noko, ngenjongo yokwakhiwa kweepropati ezincinane zasezilalini, ndawo leyo inokusetyenziselwa ezolimo, urhwebo, ishishini elingephi okanye enye into ekumila kunjalo, kodwa inokusetyenziswa njengendawo yokuhlala kwimeko ebufana neyeelali;

"indawo yezokhenketho", ithetha izakhiwo ezilungiselelwe abakhenkethi, ezinje ngamagumbi okufundsela, iivenkile zokutyela ezineelayisenisi ezifanelekileyo zokupheka zithengise ukutya, iivenkile zokuthengisa iimveliso zotywala nezinto ezenziwa kuloo ndawo, iivenkile zezipho kunye namagumbi angasese, kodwa azizibandakany iindawo zokuchithela ubusuku;

“indawo yokuhlala”, ithetha indawo ecandelwe ngokukodwa ukusetyenziselwa ukuhlala okungekho sikweni, okwamasoka/abantu abangatshatanga okanye ukuhlala gabalala kungenjalo isetyenziselwe nakuphi okunye ukucandwa okunjalo, ngenjongo yokulungiselela iiyunithi zokuhlalisa iintsapho ezingatshatanga ezikwindawo engaxinananga kakhulu, ngokunjalo nendawo yokuhlala exinene kakhulu, equka amathuba alawulwayo engqesho yasekhaya, ezinye iindawo ezongezelelweyo kunye nokuphuhliselwa ukusetyenziswa okuxutyiweyo okungenangxinano;

“indawo yokushishinela”, ithetha ipropati ekuthengiselwa kuyo, yaye ingaquka ivenkile yokutyela, yokuhlala etyisayo, ibhari okanye inkanti okanye esinye isakhiwo esisetyenziselwa umsebenzi onjal, kodwa ayiyiquki indawo yolonwabo, indawo yokuhlalisa iindwendwe, ihotele, iklabhu yezemidlalo okanye yoluntu;

“indawo yokutyela”, ithetha isakhiwo esinelayisenisi efanelekileyo, esiphekela siphakele abathengi ukutya neziselo, ezilungiswa, ziphakwe zize zityelwe okanye ziselelwe kuloo ndawo, kodwa kusenokuquka ukutya okuthengelwa ukuya kutyiwa ekhaya kunye neenkonzo zokuziswa kokutya;

“indawo yokwenzela iwayini”, iquka iindawo okanye izakhiwo ezisetyenziselwa ukuvelisa iwayini okanye nasiphi isiselo esinxilisayo esenziwe ngeziqhamo okanye enye imveliso yezolimo; yaye loo ndawo okanye eso sakhiwo sinokuquka iindawo zokumfaxaza iidiliya okanye ezinye iimveliso zezolimo ezinjalo, ukuvundisa nokutsalisa iwayini okanye imveliso enjalo, amagumbi okungcamla, amagumbi okufaka ezibhotileni, amagumbi amatanki, iilebhu okanye iiofisi kunye nezinye izinto okanye ezincedisa ekuvelisweni kwewayini okanye iziselo ezinxilisayo, nezinokuquka–

(a) indawo yokutyela okanye ezinye iinkonzo zokutya ezineelayisenisi ezifanelekileyo zokupheka zithengise ukutya;
(b) iindawo zolonwabo nezokubambela inkomfa;
(c) iindawo zokubambela imitshato;
(d) amashishini athengisa iimveliso zaloo ndawo; okanye
(e) iindawo eziphantsi kwayo ezithengisela abakhenkethi okanye iindwendwe;

“indawo yolimo”, ithetha indawo eyayicandelwe ezolimo okanye nakuphi okunye ukucandwa okuhambelana noko, oko kusenzelwa ukukhuthaza nokukhusela izenzo zezolimo efama, njengesixhobo esibalulekileyo sezoqoqosho, ezendalo kunye nezenkcubeko, apho kulungiselelwe ngokukodwa uukusetyenziselwa ezolimo ukuze kunikwe abanini baloo propati ithuba lokwandisa amandla ezoqoqosho kwiipropati zabo, kungazi kwenzeka futhe libi litheni kwimisebenzi nezixhobo ezilungiselelwe ezolimo;

“indawo yolonwabo”, ithetha indawo esetyenziselwa kakhulu ulonwabo oluhlawulelwayo, nenokunika umdla ifake inani elikhulu labantu, ndawo leyo isebenza ngaphandle kweeyure zokusebenza eziqhelekileyo okanye enengxolo yomculo okanye yolonwabo amaxesha ngamaxesha, nequka isinema, ithiyetha, indawo yolonwabo, iholo yokudanisa, ijimnaziyam, indawo yokubheja, iholo yokungcakaza, ikhasino, ikhariyokhi kunye neklabhu yolonwabo lwasebusuku;

“indawo yorhwebo”, ithetha indawo ecandelwe ngokukodwa ukusetyenziselwa urhwebo gabalala okanye nawuphi omnye umsebenzi ecandelwe wona ohambelana nawo, kujongwe zonke iintlobo zokurhweba ngokuhlalisa iindwendwe okwethutyana, kuquka imisebenzi yokuvelisa nokulungiswa kweemveliso okunxulumene noko, kodwa ayizibandakanyi izenzo zorhwebo eziyingozi okanye ezisemngciphekweni;

“indawo yoshishino gabalala’’, ithetha indawo eyacandelwa ukuba yeyoshishino gabalala okanye nakuphi okunye ukucandwa okunxulumene noko, ijonge ukukhuthaza ezoqoqosho kwindawo yoshishino okanye kwindawo enxulumanisa iindawo ezimbini, equka uluhlu olubanzi lokusetyenziswa komhlaba okufana nokusetyenziselwa ushishino, ukuhlala okanye iindawo zoluntu;

“isakhiwo sokuhlalisa iindwendwe”, sithetha indawo esetyenziswa njengendawo yokuhlala yethutyana, yaye iquka ukunika iinkonzo zokulalisa, ukutya kunye nezinye iinkonzo ezinikwa iindwendwe, loo ndawo mayibe nelayisenisi efanelekileyo yokupheka nokuthengisela ukutya ezo ndwendwe zidlulayo zize zihlawule imali, yaye ikwaquka indawo yokuhlalisa abakhenkethi abaphatha izinto zabo ngoobhaka, isakhiwo esilalisayo sityise isidlo sakusasa, indawo yeendwendwe zethutyana okanye ifama yeendwendwe zethutyana kungenjalo indawo ehlalisa iindwendwe eziziphekelayo, ngokunjalo neendawo

zokuchophela iintlanganiso zoshishino, iinkomfa, imicimbi okanye iiseshoni zoqeqesho lweendwendwe ezidlulayo, kodwa ingabiyohotele;

“ishishini lendawo okanye indawo yeshishini elikufutshane”, ithetha indawo ecandelwe ngokukodwa ukusetyenziselwa ushishino lwendawo okanye ukusetyenziswa okuxutyiweyo kungenjalo okunye ukucandelwa okunye ukusetyenziswa okufana noko, eyona njongo iphambili ikukulungiselela ukusetyenziselwa urhwebo olukwizinga eliphantsi kunye noluxubileyo, inceda iimfuno zabahlali baloo ndawo ngempahla ezisetyenziswa rhoqo, iinkonzo zomntu ngamnye okanye izenzo zoshishino oluncinane okanye indawo enceda ngokunxulumanisa ushishino gabalala kunye neendawo zorhwebo, ngokunjalo nendawo emelene nendawo yokuhlala;

“isikim sokucanda umhlaba”, sithetha isikim sokucanda umhlaba esifanelekileyo nesisebenzayo kwindawo ethile kuloo ndawo iphantsi kolawulo lukaMasipala waseCape Agulhas.

“ithaveni”, ikwabizwa ngokuba “yibhari”;

“iwayini ehlwahlwazayo”, ithetha iwayini ehlwahlwazayo, ngenxa yeediliya (iigreyiphu) ezivundisiweyo, nokuba loo nto yenziwe ngokwendalo okanye ngenkqubo encediswayo, yaye iquka itshampeyini;

“izakhiwo zabakhenkethi” zithetha izakhiwo ezakhelwe abakhenkethi okanye iindwendwe, ezinjengamagumbi okufundisela, iivenkile zokutyela, iivenkile zezipho, amagumbi angasese okanye izakhiwo zolonwabo, kodwa azizibandakanyi iindawo zokuchithela ubusuku;

“ocandiweyo”, uthetha indlela yokulawulwa kophuhliso, ebonisa iindlela ezivumelekileyo zokusebenzisa loo mhlaba ukuloo ndawo, ngokwemigaqo nemithetho yokuhlela umhlaba ngokokusetyenziswa nangokwenjongo yawo, oko kukwimigaqo yesikim sokucanda imihlaba kaMasipala waseCape Agulhas, yaye **“ukucandwa”** kukwanentsingiselo efanayo;

“ugunyaziwe wezotywala”, uthetha uGunyaziwe wezoTywala weNtshona Koloni owasekwa ngokwecandelwana 2(1) loMthetho ohlaziyiweyo wezoTywala weNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008);

“ukuziswa kokutya egumbini”, kuthetha ukuziswa kweziselo nokutya emagumbini eendwendwe ezidlulayo, kwiindawo ekuhlala kuzo iindwendwe ezidlulayo;

“uMasipala”, uthetha uMasipala waseCape Agulhas, yaye uquka ukuthunyelwa kuwo onawaphi amagosa afanelekileyo kunye / okanye nonyuliweyo kunye / okanye nabahambisi beenkonzo ngokwezivumelwano zokunikwa kweenkonzo zoMasipala waseCape Agulhas;

“umnini-layisenisi”, uthetha nawuphi umntu okanye ishishini okanye iziko lezorhwebo, elikhutshelwe ilayisenisi nelinikwe ilayisenisi yokuthengisa utywala ngokoMthetho ohlaziyiweyo wezoTywala weNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008), yaye uquka nayiphi indawo, ishishini, indawo yotywala okanye umhlaba osetyenziselwa onelayisenisi ekunokuthengiswa kuwo utywala, umntu okanye iarhente yomnini-layisenisi kungenjalo umaneja womnini-layisenisi ocaciswe kwicandelwana 52(1) loMthetho ohlaziyiweyo wezoTywala weNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008), okanye nawuphi umntu oqeshelwe ukusebenzela loo mnini-layisenisi okanye iarhente kungenjalo umaneja wakhe;

“uMthetho”, uthetha uMthetho ohlaziyiweyo wezoTywala weNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008, kunye nemigaqo ebhengezwe ngokwalo mthetho;

“utywala”, buthetha nayiphi na into engamanzi okanye ekumila kunjalo, njengoko icaciswe kwicandelo loku-1 loMthetho olaziyiweyo wezoTywala weNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008);

2. UKUSETYENZISWA

Lo mthetho kamasipala usebenza kubantu neendawo ezithengisela uluntu utywala, kwindawo elawulwa nguMasipala.

3. IZITHINTELO GABALALA

Umnini-layisenisi akanakubuthengisa utywala obuza kuselelwa ngaphakathi okanye obungazi kuselelwa kwindawo enelayisenisi–

(a) ngayo nayiphi indlela engahambelani noko kukulo mthetho kamasipala;

(b) ngaphaya kweentsuku neeyure ezibekwe nguMasipala; okanye

(c) engenalayisenisi isebenzayo yokuthengisa utywala ekhutshwe ngale ndlela icaciswe ngokoMthetho.

4. UKUBEKWA KWENDAWO EFANELEKILEYO KUHLELO OLUTHILE

Apho ngokweShedyuli lungacacanga okanye luxoxisayo kungenjalo kunzima ukulubona uhlelo okanye indawo leyo ingacandwanga ngokufanelekileyo, awona malungelo asekwe ngokucandwa komhlaba, ukuvunyelwa kokusetyenziswa okanye ukungalandelwa kwemigaqo ebandakanyeka kwilayisenisi yaloo ndawo kuya kuba kuko okuphambili ekujongeni olona hlelo lufanelekileyo.

ISAHLUKO SESI-2

IIYURE ZOKUTHENGISA ZESIQHELO

5. IINTSUKU NEEYURE ZOKUTHENGISA UTYWALA OBUZA KUTHENGISWA BUSELWE KWINDAWO ENELAYISENISI

(1) Umnini-layisenisi angathengisa utywala obuza kuselwa kwindawo enelayisenisi, ngezi ntsuku nezi yure–

(a) ngalo naluphi usuku lweveki; kunye

(b) nangeeyure zokuthengisa ezibekwe kwiShedyuli

(2) Nangona imigaqo yecandelwana 5(1) lalo mthetho kamasipala isithi ihotele okanye indawo yokuhlalisa iindwendwe ezidlulayo enelayisenisi yokuthengisa utywala ingabuzisa utywala egumbini nangaliphi ixesha losuku.

(3) Nangona ngokwemigaqo yalo mthetho kamasipala umnini-layisenisi ocaciswe kwicandelwana 5(1) lalo mthetho kamasipala, enokuthengisa iwayini ehlwahlwazayo–

(a) ukususela ngo-08:00 ukuya ngo-11:00 iintsuku ezisixhenxe zeveki;

(b) njengenxalenye yesidlo; yaye

(c) nakwiindwendwe ezithatha inxaxheba kumcimbi olungiselelweyo ekungenwa kuwo ngokuzazisa.

(4) Iintsuku neeyure zokuthengiswa nokuselwa kotywala kuwo nawuphi umcimbi okanye indawo enelayisenisi yethutyana, ziya kuba ngokuhambelana nale Shedyuli.

(5) Ikhasino enelayisenisi utywala ingabuthengisa iiyure ezingama-24 ngemini neentsuku ezisi-7 ngeveki.

(6) Umnini-layisenisi othengisa utywala obuselelwa kwindawo enelayisenisi–

(a) angangakuvumeli nakuphi na ukuselelwa kotywala kuloo ndawo inelayisenisi, nangaliphi na ixesha ekungavunyelwanga ngalo ukuthengiswa kotywala kuloo ndawo; yaye

(b) angangavumi ukuba kuphunywe nabo utywala kuloo ndawo inelayisenisi.

(7) Umnini-layisenisi wehotele okanye indawo yeendwendwe zethutyana–

(a) unokufaka utywala obufakwa phambi kokuba udwendwe lungene egumbini, ukuze busetyenziswe ludwendwe oluza kuhlala kwelo gumbi; yaye

(b) usenokungaphindi afake tywala kwelo gumbi ngeeyure obungavumelekanga ukuthengiswa ngazo utywala.

(8) Umnini-layisenisi yehotele okanye indawo yeendwendwe zethutyana usenokungaziniki utywala iindwendwe okanye abatyeleli bazo xa ingeloxesha liqhelekileyo lokuthengiswa kotywala kolo hlobo lwendawo enelayisenisi, ngaphandle kokuba obo tywala bunikwa ngokwemigaqo ebekwe kwicandelwana 5(2) kunye necandelwana 5(3) lalo mthetho kamasipala.

(9) Umnini-layisenisi unokufaka kuMasipala isicelo sokwandiselwa ngokusisigxina iiyure zokuthengisa utywala obuza kuselelwa kuloo ndawo inelayisenisi de kube ngentsimbi yesi-04:00 ngosuku olulandelayo, ukuba nje loo mnini-layisenisi unelayisenisi yotywala esebenzayo yaloo ndawo.

6. IINTSUKU NEEYURE ZOKUTHENGISA UTYWALA OBUZA KUTHENGISWA BUNGASELELWA KWINDAWO ENELAYISENISI

(1) Umnini-layisenisi yotywala obungaselelwa kwindawo enelayisenisi unokuthengisa utywala nanini na evekini, ngaphandle kwangeCawa.

(2) Umnini-layisenisi oshishina ngendawo yabakhenkethi unokuthi, nangona kubekiwe kwicandelwana 6(1) kulo mthetho-kamasipala, athengise utywala obungazi kuselelwa kwindawo enelayisenisi, ngalo naluphi usuku lweveki ukususela ngo-09:00 ukuya ngo-18:00.

(3) Umnini-layisenisi angathengisa utywala obuza kuselwa kwindawo enelayisenisi, ngezi ntsuku nezi yure–

(a) NgoMvulo ukuya ngoLwesihlanu ngo- 09:00 de kube ngo-18:00;

(b) NgoMgqibelo ukususela ngo-09:00 de kube ngo-18:00; yaye

(c) akuvumelekanga ukuthengiswa kotywala ngeeCawa nangeKrismesi, ngokuxhomekeke ekubeni ezi zithintelo ayiyi kuzichaphazela iindawo zewayini kunye nendawo yabakhenkethi, enokuthengisa ukususela ngo-09:00 ukuya ngo-18:00 ngezi ntsuku.

(4) Umnini-layisenisi unokufaka kuMasipala isicelo sokwandiselwa ngokusisigxina iiyure zokuthengisa utywala kwindawo enelayisenisi de kube ngentsimbi yesi-20:00, ukuba nje loo mnini-layisenisi unelayisenisi yotywala esebenzayo yaloo ndawo.

ISAHLUKO SESI-3

IIYURE ZOKUTHENGISA EZONGEZELELWEYO

7. UKUFAKA ISICELO SEEYURE ZOKUTHENGISA EZONGEZELELWEYO

(1) Umnini-layisenisi unokufaka kuMasipala isicelo esibhaliweyo sokongezelwa iiyure zokuthengisa, elungiselela uhlobo oluthile lwelayisenisi okanye uluhlu lwendawo yoshishino, ngokuxhomekeke kwezi meko zilandelayo–

(a) apho ilayisenisi yokuthengisa utywala obuza kuselelwa ngaphandle kwendawo enelayisenisi, acelele ukuvula ukususela ngo-09:00 ukuya ngo-20:00; yaye

(b) apho ilayisenisi yokuthengisa utywala obuza kuselelwa kwindawo enelayisenisi, acelele ukuvula ukususela ngo-11:00 ukuya ngo-04:00.

(c) isicelo seeyure zokuthengisa ezongezelelweyo sinokuvunyelwa kumceli–

(i) njengemvume esisigxina, ukuba nje umnini-layisenisi unelayisenisi yotywala engaphelelwanga yaloo ndawo;

(ii) ithuba lonyaka om-(1);

(iii) ithuba elingaphantsi konyaka om-(1); kunye

(iv) nomcimbi okhethekileyo.

(2) UMasipala angasivuma isicelo sokwandiswa kweeyure zokuthengisa utywala okanye avume inxenye yaso kungenjalo asale eso sicelo sokwandiswa kweeyure zokuthengiswa kotywala, yaye nawuphi umntu ofake isicelo unelungelo lokubhena ngokwemigaqo yecandelo lesi-8 lalo mthetho kamasipala.

(4) Akukho malungelo aya kwandiselwa umceli ocela ukwandiselwa iiyure zokuthengisa utywala, de kube kufunyenwe imvume ebhaliweyo evela kuMasipala.

(5) UMasipala unokubhalela umceli isaziso apho ambekela imiqathango yokuthengisa ngethuba leeyure ezongezelelweyo, ngokuxhomekeke ekubeni loo miqathango ibekiweyo iya kuzinza, isetyenziswe ngokufanelekileyo yaye ibe nobulungisa kubo bonke abaceli, yaye akuyi kubakho meko ziqala zibekwe.

(6) Phambi kokuba uMasipala asijonge isicelo sokwandiswa kweeyure zokuthengisa utywala, umceli kufuneka afake kuMasipala ezi nkcukacha zilandelayo kunye namaxwebhu azixhasayo–

(a) isiphumo seengxoxo ezibanjwe kunye nabanini kunye nabahlali beendawo ezimelene naloo ndawo inelayisenisi, bantu abo baza kuchatshazelwa seso sicelo;

(b) ifutho elinokubakho kwindalo erhangqe elo shishini;

(c) ukumelana kwaloo ndawo inelayisenisi neendawo zokuhlala ezikufutshane, iindawo zezenkcubeko, ezenkolo kunye nezemfundo;

(d) ithuba elithile esifakelwa lona isicelo eso, okanye ukuba eso sicelo seseeyure zokuthengisa ezongezelelweyo ezisisigxina na okanye hayi;

(e) iilayisenisi ezikhe zarhoxiswa, ukulungiswa kweelayisenisi okanye ukurhoxiswa kwezicelo zokwandisa iiyure zokuthengisa, ezo layisenisi izezale ndawo inye inelayisenisi;

(f) izizathu ezibangela ukuba kube semdleni woluntu ukuvuma kunye / okanye ukunika ukwandiswa kweeyure zokuthengisa;

(g) amazwi axhasayo ajongene–

(i) nefuthe lemingcipheko yengxolo kubanini-mhlaba, abahlali kunye nabantu abahlala kwezo ndawo zikufutshane; kunye

(ii) iindlela zokulungisa zokunceda ekulawulweni nasekuthinteleni imingcipheko kunye / okanye neziphazamiso;

(h) iimfuno zokuucandwa komhlaba kamasipala kunye nemiqathango yaloo ndawo inelayisenisi;

(i) ubungqina bokuba lelayisenisi yotywala yangoku isasebenza, kwanokuba iakhawunti kamasipala yaloo ndawo ibhatelwe yonke;

(j) izimvo kunye neziphakamiso ezimalunga neso sicelo, ezikaGunyaziwe wezoTywala wePhondo leNtshona Koloni, iGosa lezoTywala leNkonzo yesiPolisa yaseMzantsi Afrika kunye neSebe lokuNyanzeliswa koMthetho kulo Masipala; kunye

(k) apho kuyimfuneko, nokuba ezo layisenisi zamanye amashishini zisasebenza na.

(7) Umasipala unokukurhoxisa nakuphi ukuvunywa kokwandiswa kweeyure zokuthengisa utywala, xa umnini-layisenisi engayilandeli imiqathango yoko kwandiswa kwexesha okanye nanini na apho kunikwa ubungqina kuMasipala ukuba ezo yure zokuthengisa zongezelelweyo azisafanelekanga.

ISAHLUKO SESI-4

IMIGAQO GABALALA

8. IZIBHENO

Nawuphi umntu onamalungelo achatshazelwa sisigqibo sikaMasipala ngokwamagunya abekiweyo, unokufaka isibheno esilwa neso sigqibo, ngokwecandelo lama-62 loRhulumente weNdawo: uMthetho ohlaziyiweyo weeNdlela zokuSebenza zikaMasipala, ka-2000 (uMthetho wama-32 ka-2000), ngokuthi anike isaziso esibhaliweyo esifaka isibheno esilwa esi sigqibo kunye nezizathu zeso sibheno, esifaka kuMlawuli kaMasipala, zingedlulanga iintsuku ezingamashumi amabini ananye (21) ukususela ngomhla wokufakwa kwesaziso seso sigqibo.

9. UKURHOXISWA, UKUHLAZIYWA NOKOHLUTHWA KWELUNGELO LEEYURE EZONGEZELELWEYO ZOKUTHENGISA UTYWALA

(1) Igosa eligunyazisiweyo linokuthi emva kokuba limsele isaziso esibhaliweyo umnini-layisenisi okanye loo mntu uphethe loo ndawo inelayisenisi, lizirhoxise ngoko nangoko iyure ezongezelelweyo zokuthengisa utywala zomnini-layisenisi xa umnini-layisenisi engayilandeli imigaqo ekulo Mthetho, kungenjalo loo migaqo ibhalwe kulo mthetho, okanye nayiphi imiqathango yelayisenisi yotywala okanye yemvume yokwandiswa kweeyure zokuthengisa utywala.

(2) Eso saziso sibhaliweyo kuthethwe ngaso kwicandelwana 9(1) lalo mthetho kamasipala, kufuneka sibeke isizathu soko kurhoxiswa kunye nethuba okuya kusebenza ngalo oko kurhoxiswa kweeyure ezongezelelweyo zokuthengisa utywala.

(3) Eso saziso sibhaliweyo kuthethwe ngaso kwicandelwana 9(1) lalo mthetho kamasipala, kufuneka siyalele umnini-layisenisi ukuba anike zonke izizathu ezibhaliweyo zokuba yintoni enokubangela ukuba ezo yure zongezelelweyo zokuthengisa utywala zingohluthwa ngokupheleleyo.

(4) Elo gosa ligunyazisiweyo liya kuthi, ngokubhaliweyo, linike ingxelo kugunyaziwe okanye oogunyaziwe abalithumileyo, apho liya kuba lixela nakuphi ukurhoxiswa kweeyure ezongezelelweyo zokuthengisa utywala.

(5) UMasipala uya kuthi, emva kokujonga loo ngxelo yokurhoxisa yelo gosa ligunyazisiweyo, kunye noko kuvela kumnini-layisenisi–

(a) ukubuyiselwa, ukuhlaziywa okanye ukohluthwa kweeyure zokuthengisa ngokunxulumene naloo ndawo yoshishino ibandakanyekayo, leyo ifanelekileyo, yaye kunokubekwa eminye imiqathango eyongezelelweyo ayibona ifanelekile uMasipala; yaye

(b) anike ingxelo kuGunyaziwe wezoTywala weNtshona Koloni, malunga naso nasiphi isigqibo sokubuyisela, ukuhlaziya okanye ukohlutha iiyure ezongezelelweyo zokuthengisa.

(6) Akukho mnini-layisenisi uya kuqhubeka ethengisela uluntu utywala ngelo thuba zisarhoxisiweyo iiyure ezongezelelweyo zokuthengisa utywala.

(7) UMasipala akanakuthwaliswa xanduva malunga nako nakuphi ukulahlekelwa yingeniso okwehlele umnini-layisenisi ngalo naliphi ithuba lokurhoxiswa kweeyure zokuthengisa.

10. AMATYALA NEZOHLWAYO

Nawuphi umntu owaphula okanye angalandeli imigaqo yalo mthetho kamasipala, okanye ongakwaziyo ukulandela inothisi ayinikwe ngokwalo mthetho, kungenjalo angalandeli nawuphi umyalelo wegosa eligunyazisiweyo okanye ibhodi yesaziso exhonyiweyo, uya kuba netyala yaye unokugwetywa–

(a) intlawulo okanye avalelwe entolongweni, okanye oko kuvalelwa okungenantlawulo, kungenjalo zombini intlawulo nokuvalelwa entolongweni;

(b) apho aphindelelayo okanye aqhubelekayo ukona, ngaphezu kwaloo ntlawulo yongezelelweyo okanye elinye ithuba elongezelelweyo lokuvalelwa entolongweni, okanye elo thuba longezelelweyo lingenantlawulo, okanye kokubini, loo ntlawulo yongezelelweyo kunye noko kuvalelwa kongezelelweyo, ngosuku ngalunye aqhubeka ngalo ukona; yaye

(c) naliphi elinye ixabiso elingumyalelo wenkundla wokubuyisa iindleko, ezilingana nazo naziphi iindleko nenkcitho ebekwe yiNkundla njengechithwe nguMasipala njengxa yoko kwaphulwa kwemiqathango.

11. UKUZISELWA ISAZISO KUNYE NAMANYE AMAXWEBHU

(1) Isaziso, umyalelo, ileta efuna imali, okanye olunye uxwebhu olukhutshwa nguMasipala ngokwalo mthetho kamasipala, luya kuthathwa njengolukhutshwe ngokusemthethweni xa lusayinwe ligosa eligunyazisiweyo likaMasipala.

(2) Nasiphi isaziso, umyalelo, ileta efuna imali, okanye olunye uxwebu oluthunyelelwa umntu ngokwalo mthetho kamasipala, luya kuthathwa njengoluhanjiswe ngokufanelekileyo nangokulungileyo–

(a) xa lusiwe ngumntu kuloo mntu lubhalelwe yena;

(b) xa lushiywe endlwini ahlala kuyo okanye ishishini laloo mntu elilapha kwiRiphablikhi yoMzantsi Afirka, abe loo mntu ebonakala engaphezu kweminyaka elishumi elinesithandathu;

(c) xa luthunyelwe kwidilesi ebegqityelwe ehlala kuyo okanye ethengisa kuyo loo mntu, ngerejista okanye iposi eqinisekisiweyo apha kwiRiphablikhi yoMzantsi Afrika, kuze kunikwe ubungqina boko kuposa;

(d) ukuba ayaziwa idilesi yalapha kwiRiphablikhi yoMzantsi Afrika yaloo mntu, xa lusiwe kwiarhente okanye ummeli waloo mntu apha eMzantsi Afrika ngendlela exelwe kwicandelwana 11(2)(a), 11(2)(b) okanye 11(2)(c) walo mthetho kamasipala;

(e) ukuba ayaziwa idilesi yaloo mntu neyearhente okanye ummeli wakhe okwiRiphablikhi yoMzantsi Afrika, xa ibekwe kwindawo ecacileyo kuloo propati okanye kuloo ndawo inxulumene nayo; okanye

(f) kwimeko yequmrhu, xa luye lwasiwa kwiofisi ebhalisiweyo okanye indawo yoshishino yelo qumru.

(3) Xa kukho nasiphi isaziso, umyalelo, ileta efuna imali, okanye oluney uxwebhu lunikwa umntu ngowalo mthetho kamasipala, kwanele oko njengendlela yokunika eso saziso, loo myalelo, loo leta ifuna imali, okanye olunye uxwebhu, olucacisela loo mntu ubhalelwa isaziso, umyalelo, ileta efuna imali okanye olunye uxwebhu, njengomnini, umhlali okanye umntu onamalungelo kuloo propati, yaye akuyomfuneko ukumxela loo mntu.

(4) Isaziso, umyalelo, ileta efuna imali, okanye olunye uxwebhu luya kuthi lusayinwe nguMasipala ngokufanelekileyo, ukwenzela ukuba lubonakale njengoloqobo.

12. UKUNGQUBANA KWEMITHETHO

Xa nakuphi okubekwe kulo mthetho kamasipala kungqubana nomthetho okanye imigaqo kazwelonke neyephondo, loo mthetho okanye loo migaqo kazwelonke neyephondo iya kuba yiyo ethathwa njengeyamkelekileyo.

13. UKUBHANGISWA KWALE MITHETHO KAMASIPALA

(1) Imigaqo yayo nayiphi imithetho kamasipala ebikhe yabhengezwa nguMasipala okanye nabaphi oomasipala ababesakubakho kodwa ngoku abasele bephantsi kwalo masipala, iyabhangiswa ngokunxulumene nemiba ekulo mthetho kamasipala.

(2) Ngoko ke iyabhangiswa le mithetho kamasipala yoMasipala waseCape Agulhas–

Igama lomthetho kamasipala	Umhla opapashwe ngawo	Xa uwonke okanye inxeny
UMthetho kamasipala omalunga neentsuku kunye neeyure zokuthengisa utywala	uPG 7155 womhla wesi-2 kaAgasti 2013	Xa uwonke

14. ISHEDYULI EYINXALENYE YALO MTHETHO KAMASIPALA

Le Shedyuli yalo mthetho kamasipala iyinxalenye yomthetho kamasipala kuko konke ukusetyenziswa kwayo

15. ISIHLOKO ESIFUTSHANE

Lo mthetho kamasipala ubizwa ngokuba nguMthetho kaMasipala woMasipala waseCape Agulhas omalunga neeNtsuku neeYure zokuThengiswa koTywala.

16. UMHLA OYA KUSEBENZA NGAWO

Lo mthetho kamasipala uya kuqala ukusebenza ngomhla wokupapashwa kwawo

ISHEDYULI

IINTSUKU NEEYURE ZOKUTHENGISA UTYWALA OBUZA KUTHENGISWA BUSELWE KWINDAWO ENELAYISENISI

Uhlelo lwendawo nohlobo lwendawo enelayisenisi	Ezona yure zininzi zivunyelweyo zokuthengisa
1. Iindawo zokuhlala	
Iindawo ezihlalisa iindwendwe ezidlulayo	NgoMvulo – ngoMgqibelo: 11:00 – 24:00 NgeCawa: 11:00 – 24:00
Indawo yolonwabo	
Ibhari / Ithaveni / Indawo yokutyela	
Ibhari	
Indawo ecandelwe ushishino	NgoMvulo – ngoMgqibelo 11:00 – 24:00
Iklabhu yezemidlalo nezountu (Ngaphandle kwemicimbi ekhethekileyo efuna iilayisenisi zethutyana)	NgoMvulo – ngoMgqibelo: 11:00 – 24:00 NgeCawa: 11:00 – 24:00
Ihotele	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00
2. Iindawo zamashishini endawo okanye akufutshane - kuquka neendawo ezinemisebenzi exutyiweyo	
Iindawo ezihlalisa iindwendwe ezidlulayo	NgoMvulo – ngoMgqibelo: 11:00 – 24:00 NgeCawa: 11:00 – 24:00
Ibhari / Ithaveni / Indawo yokutyela	
Ibhari	
Indawo yolonwabo	
Indawo ecandelwe ushishino	NgoMvulo – ngoMgqibelo 11:00 – 24:00
Iklabhu yezemidlalo nezountu - ngaphandle kwemicimbi ekhethekileyo efuna iilayisenisi zethutyana	NgoMvulo – ngoMgqibelo: 11:00 – 24:00 NgeCawa: 11:00 – 24:00
Ihotele	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00
3. Iindawo zoshishino gabalala	
Iindawo ezihlalisa iindwendwe ezidlulayo	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00
Ibhari / Ithaveni / Indawo yokutyela	
Indawo yolonwabo	
Ihotele	
Indawo ecandelwe ushishino	NgoMvulo – ngeCawa 11:00 – 24:00
Iklabhu yezemidlalo nezountu – ngaphandle kwemicimbi ekhethekileyo efuna iilayisenisi zethutyana	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00

4. Iindawo zorhwebo	
Indawo ecandelwe ushishino	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00
Indawo yolonwabo	
Iklabhu yezemidlalo nezountu (Ngaphandle kwemicimbi ekhethekileyo efuna iilayisenisi zethutyana)	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00
5. Iindawo zolimo / zasezilalini	
Iindawo ezihlalisa iindwendwe ezidlulayo	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00
Indawo yolonwabo	
Iindawo zewayini / Iindawo zezokhenketho	
Ihotele	
Indawo ecandelwe ushishino	NgoMvulo – ngeCawa 11:00 – 24:00
Iklabhu yezemidlalo nezountu (Ngaphandle kwemicimbi ekhethekileyo efuna iilayisenisi zethutyana)	NgoMvulo – ngoMgqibelo: 11:00 – 02:00 ngosuku olulandelayo NgeCawa: 11:00 – 24:00

6. Iindawo zamashishini amancinane	
Iindawo ezihlalisa iindwendwe ezidlulayo	NgoMvulo – ngeCawa 11:00 – 24:00
Indawo yolonwabo	
Iindawo zewayini / Iindawo zezokhenketho	
Iklabhu yezemidlalo nezountu (Ngaphandle kwemicimbi ekhethekileyo efuna iilayisenisi zethutyana)	NgoMvulo – ngeCawa 11:00 – 24:00
Indawo ecandelwe ushishino	NgoMvulo – ngeCawa 11:00 – 24:00
7. Ezinye iindawo zethutyana	
Izithuthi okanye iindawo ezilungiselelwe abakhenkethi okanye ezolonwabo ngokwengcaciso "yesindululo" kwisahluko soku-1 salo Mthetho, ngaphandle kwalapho uMthetho kaMasipala woMasipala waseCape Agulhas uthetha ngenye indlela.	NgoMvulo – ngeCawa 11:00 – 24:00
Imicimbi ekhethekileyo okanye indawo enelayisenisi yethutyana.	Njengoko kubekiweyo luhlelo lwendawo
8. ImiCimbi eKhethekileyo	Njengoko ixelwe luhlelo lwelayisenisi kunye nokucandwa kwendawo