

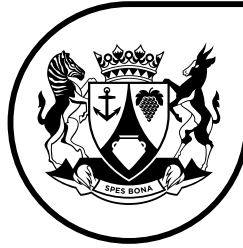


**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

MUNICIPAL PLANNING AMENDMENT BY-LAW, 2017

**APPROVED BY COUNCIL: 29 MARCH 2017
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PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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CONTENTS

INHOUD

IZIQULATHO

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Local Authority

Plaaslike Kennisgewing

IGunya loMmandla

City of Cape Town: Municipal Planning Amendment By-Law, 2017 2

Stad Kaapstad: Wysigingsverordening op Municipale Beplanning, 2017 7

Umthetho Kamasipala Wezilungiso Wocwanngciso lukamasipala, 2017nkuma, 2016 12

**CITY OF CAPE TOWN
MUNICIPAL PLANNING AMENDMENT
BY-LAW, 2017**

**CITY OF CAPE TOWN
MUNICIPAL PLANNING AMENDMENT BY-LAW, 2017**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BE IT ENACTED by the Council of the City of Cape Town, as follows:-

Amendment of section 74 of the City of Cape Town: Municipal Planning By-law, 2015

1. Section 74 of the City of Cape Town: Municipal Planning By-Law, 2015 (hereinafter referred to as the principal By-law) is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) within **[14]** Z days after receipt of the application or such further period as may be agreed in writing either –
(i) call for additional information or fees; or
(ii) notify the applicant that the application is complete.”.

Amendment of section 75 of the City of Cape Town: Municipal Planning By-law, 2015

2. Section 75 of the principal By-law is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The applicant must, within **[30]** 20 days or such further period agreed with the City Manager, provide the City with any additional information which the City Manager calls for.”.

Amendment of section 75 of the City of Cape Town: Municipal Planning By-law, 2015

3. Section 75 of the principal By-law is hereby amended by the substitution for words preceding paragraph (a) in subsection (2) of the following words:

“(2) If the applicant provides additional information or fees which the City Manager considers inadequate or non-compliant with an information specification, the City Manager may within **[14]** Z days or such further period as may be agreed, in writing either –”.

Amendment of section 76 of the City of Cape Town: Municipal Planning By-law, 2015

4. Section 76 of the principal By-law is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Within **[14]** Z days after receipt of any additional information which the City Manager called for and considers adequate and compliant with all information specifications, the City Manager must notify the applicant in writing that the application is complete.”.

Amendment of section 92 of the City of Cape Town: Municipal Planning By-law, 2015

5. Section 92 of the principal By-law is hereby amended by the substitution for the words preceding paragraph (a) in subsection (1) of the following words:

“(1) Within **[14]** Z days of the closing date for comment, the City Manager must provide the applicant with –”.

Amendment of section 92 of the City of Cape Town: Municipal Planning By-law, 2015

6. Section 92 of the principal By-law is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Within **[30]** 20 days of notification, or within an additional period of **[14]** 7 days if the City Manager approves an extension before expiry of the **[30]** 20 days, the applicant may submit to the City a written response to the comments, representations, objections and requirements.”.

Amendment of section 99 of the City of Cape Town: Municipal Planning By-law, 2015

7. Section 99 of the principal By-law is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) any applicable policy or strategy approved by the City to guide decision making, which includes the Social Development Strategy and the Economic Growth Strategy.”.

Amendment of section 99 of the City of Cape Town: Municipal Planning By-law, 2015

8. Section 99 of the principal By-law is hereby amended by the substitution for paragraph (g) of subsection (2) of the following paragraph:

“(g) other considerations prescribed in relevant national or provincial legislation, which includes the development principles as contained in section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013).”.

Amendment of section 102 of the City of Cape Town: Municipal Planning By-law, 2015

9. Section 102 of the principal By-law is hereby amended by the substitution for words preceding paragraph (a) in subsection (1) of the following words:

“(1) If an application complies with all the requirements of this By-Law and any other applicable legislation the decision-maker must decide on the application within **[180]** 90 days or such other period agreed with the applicant, calculated from –”.

Amendment of section 104 of the City of Cape Town: Municipal Planning By-law, 2015

10. Section 104 of the principal By-law is hereby amended by the substitution for the words preceding paragraph (a) in subsection (2) of the following words:

“(2) Within **[21]** 14 days of a decision in terms of this By-Law, the City must notify the persons contemplated in subsection (3) in writing of –”.

Substitution of Part 5 of Chapter 9 of the City of Cape Town: Municipal Planning By-law, 2015

11. The following part is hereby substituted for Part 5 of Chapter 9 of the principal By-law –

Part 5
Enforcement and investigative powers of an investigator
(s 135)

135 Powers and functions of an investigator

- (1) In this section, unless the context indicates otherwise –
(a) 'article' includes a structure, object, document, book, record or electronic information or extract, part or sample therefrom;

- (b) 'investigator' means a law enforcement officer appointed by the City or an official or other person contemplated in subsection (2);
- (c) 'place' means any land, building or premises, and includes a private dwelling.
- (2) The City Manager may, in writing, authorise an official to act as an investigator in terms of this section for the purposes of enforcing compliance and investigating any matter in connection with this By-law.
- (3) An investigator –
- (a) must produce proof that he or she is authorised as contemplated in subsection (2) or is a law enforcement officer on the request of a person being affected by the exercise of a power in terms of this section; and
- (b) may not investigate a matter in which he or she has a direct or indirect personal or private interest.
- (4) An investigator may enter and inspect a place for the purpose of enforcing or investigating compliance with this By-law without a warrant if –
- (a) consent is obtained from –
- (i) the resident or owner of a private dwelling, or
- (ii) the owner or person in control of the place;
- (b) the investigator on reasonable grounds believes that –
- (i) a warrant would be issued if the investigator applied for it; and
- (ii) the delay in obtaining the warrant may defeat the object of the entry and inspection; or
- (c) so authorised by this By-law or any other law.
- (5) If subsection (4) does not apply, then an investigator may enter and inspect a place for the purpose of enforcing or investigating compliance with this By-law only on the authority of a warrant.
- (6) An investigator is not required to seek the consent contemplated in subsection (4)(a) before exercising a power contemplated in subsection (5).
- (7) A judge in chambers may issue a warrant contemplated in subsection (5) on written application by an investigator if it appears from information under oath or affirmation that –
- (a) there are reasonable grounds for suspecting that a contravention of this By-law has occurred;
- (b) an inspection of the place is likely to yield information pertaining to the contravention; and
- (c) the inspection is reasonably necessary for the purposes of this by-law.
- (8) In enforcing or investigating compliance with this By-law, an investigator may –
- (a) be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection;
- (b) inspect any article or any work performed at the place or any condition prevalent at the place which may be relevant to the investigation;
- (c) examine, analyse, measure or make a copy of an article and remove it for examination, analysis, measurement, copying or extraction;
- (d) require a person to produce or to deliver at such time and place as may be determined by the investigator, an article for inspection;
- (e) seize an article which in his or her opinion may serve as evidence of a contravention of this By-law, provided that a person who so requests may, if possible, make a copy of such article before such seizure;
- (f) take a photograph or make an audio-visual recording of any person or anything for the purpose of his or her investigation;
- (g) question a person who, in the opinion of the investigator, may be able to furnish information on a matter to which this By-law relates; and
- (h) direct a person to appear before him or her at such time and place as may be determined by the investigator and question such person either alone or in the presence of any other person on a matter to which this By-law relates.
- (9) When an investigator removes or seizes an article, the investigator must issue a receipt to the owner or person in control thereof and return the article as soon as practicable after achieving the purpose for which the article was removed or seized.

- (10) An investigator who enters and inspects any place in terms of this section must conduct such inspection –
- (a) between 08:00 and 18:00, unless the person contemplated in subsection (4) consents to, or the warrant contemplated in subsection (5) in writing authorises, the inspection at another time; and
 - (b) with strict regard for each person's right to dignity, freedom, security and privacy.
- (11) When an investigator enters a place in terms of this section, a person who controls or manages the place must at all times provide such facilities as are reasonably required by the investigator and those accompanying him or her to enable them to perform their functions effectively and safely.

Short title

12. This By-law is called the City of Cape Town: Municipal Planning Amendment By-law, 2017.

**STAD KAAPSTAD
WYSIGINGSVERORDENING OP
MUNISIPALE BEPLANNING, 2017**

**STAD KAAPSTAD
WYSIGINGSVERORDENING OP MUNISIPALE BEPLANNING, 2017**

ALGEMENE VERKLARENDE AANTEKENING:

[] Woorde in vetdruk tussen blokhakies dui op skrappings uit bestaande bepalings.

_____ Woorde wat met 'n volstreep onderstreep is, dui op invoegings in bestaande bepalings

Die raad van die Stad Kaapstad VERORDEN hiermee soos volg:-

Wysiging van artikel 74 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

1. Artikel 74 van die Stad Kaapstad: Verordening op Munisipale Beplanning (hierna "die hoofverordening") word hiermee gewysig deur paragraaf (b) met die volgende paragraaf te vervang:

"(b) binne **[14]** Z dae na ontvangs van die aansoek, of sodanige verdere tydperk as waaroor skriftelik ooreengekom kan word, hetsy –

- (i) bykomende inligting aanvra of fooie versoek; of
- (ii) die aansoeker in kennis stel dat die aansoek volledig is."

Wysiging van artikel 75 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

2. Artikel 75 van die hoofverordening word hiermee gewysig deur subartikel (1) met die volgende subartikel te vervang:

"(1) Binne **[30]** 20 dae of sodanige verdere tydperk waaroor daar met die Stadsbestuurder ooreengekom kan word, moet die aansoeker die Stad van enige bykomende inligting voorsien wat die Stadsbestuurder aanvra."

Wysiging van artikel 75 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

3. Artikel 75 van die hoofverordening word hiermee gewysig deur die woorde voor paragraaf (a) in subartikel (2) met die volgende woorde te vervang:

"(2) Indien die aansoeker bykomende inligting of fooie voorsien wat die Stadsbestuurder as onvoldoende of uit pas met 'n inligtingspesifikasie beskou, kan die Stadsbestuurder binne **[14]** Z dae of sodanige verdere tydperk waaroor daar ooreengekom kan word, skriftelik hetsy –".

Wysiging van artikel 76 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

4. Artikel 76 van die hoofverordening word hiermee gewysig deur subartikel (2) met die volgende subartikel te vervang:

"(2) Binne **[14]** Z dae na ontvangs van enige bykomende inligting wat die Stadsbestuurder kan aanvra en as voldoende en in pas met alle inligtingspesifikasies beskou, moet die Stadsbestuurder die aansoeker skriftelik in kennis stel dat die aansoek volledig is."

Wysiging van artikel 92 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

5. Artikel 92 van die hoofverordening word hiermee gewysig deur die woorde voor paragraaf (a) in subartikel (1) met die volgende woorde te vervang:

"(1) Die Stadsbestuurder moet binne **[14]** Z dae na die sluitingsdatum vir kommentaar die aansoeker voorsien van –".

Wysiging van artikel 92 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

6. Artikel 92 van die hoofverordening word hiermee gewysig deur subartikel (2) met die volgende subartikel te vervang:

“(2) Die aansoeker kan binne **[30]** 20 dae na kennisgewing, of binne 'n verdere tydperk van **[14]** 7 dae indien die Stadsbestuurder voor die verstryking van die **[30]** 20 dae 'n verlenging goedkeur, 'n skriftelike reaksie op die kommentaar, verstoë, besware en vereistes by die Stad indien.”

Wysiging van artikel 99 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

7. Artikel 99 van die hoofverordening word hiermee gewysig deur paragraaf (c) van subartikel (2) met die volgende paragraaf te vervang:

“(c) enige toepaslike beleid of strategie van die Stad wat aanvaar is om besluitneming te rig, wat die strategie vir maatskaplike ontwikkeling en die strategie vir ekonomiese groei insluit;”

Wysiging van artikel 99 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

8. Artikel 99 van die hoofverordening word hiermee gewysig deur paragraaf (g) van subartikel (2) met die volgende paragraaf te vervang:

“(g) ander oorwegings wat in tersaaklike nasionale of provinsiale wetgewing voorgeskryf word, wat insluit die ontwikkelingsbeginsels in artikel 7 van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013).”

Wysiging van artikel 102 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

9. Artikel 102 van die hoofverordening word hiermee gewysig deur die woorde voor paragraaf (a) in subartikel (1) met die volgende woorde te vervang:

“(1) Indien 'n aansoek aan al die vereistes van hierdie verordening en enige ander toepaslike wetgewing voldoen, moet die besluitnemer die aansoek beslis binne **[180]** 90 dae of sodanige ander tydperk waaroor daar met die aansoeker ooreengekom word, wat bereken moet word vanaf –”

Wysiging van artikel 104 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

10. Artikel 104 van die hoofverordening word hiermee gewysig deur die woorde voor paragraaf (a) in subartikel (2) met die volgende woorde te vervang:

“(2) Binne **[21]** 14 dae na 'n besluit ingevolge hierdie verordening, moet die Stad die persone wat in subartikel (3) beoog word, skriftelik in kennis stel van –”

Vervanging van deel 5 van hoofstuk 9 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

11. Die volgende gedeelte vervang deel 5 van hoofstuk 9 van die hoofverordening –

Deel 5**Toepassings- en ondersoekende bevoegdhede van 'n ondersoekbeampte**

(art. 135)

135 Magte en bevoegdhede van 'n ondersoekbeampte

- (1) In hierdie artikel, tensy uit die samehang anders blyk –
 (a) sluit 'artikel' 'n struktuur, voorwerp, dokument, boek, rekord of elektroniese inligting of uittreksel, deel of monster daaruit in;

- (b) beteken 'ondersoekbeampte' 'n wetstoepassingsbeampte wat deur die Stad aangestel is, of 'n amptenaar of ander persoon wat in subartikel (2) beoog word;
- (c) beteken 'plek' enige grond, gebou of perseel, met inbegrip van 'n privaat woning.
- (2) Die Stadsbestuurder kan 'n amptenaar skriftelik magtig om ingevolge hierdie artikel as 'n ondersoekbeampte op te tree ten einde nakoming te verseker en enige aangeleentheid in verband met hierdie verordening te ondersoek.
- (3) 'n Ondersoekbeampte –
- (a) moet op versoek van 'n persoon wat deur die uitoefening van 'n bevoegdheid ingevolge hierdie artikel geraak word, bewys lewer dat hy of sy oor die magtiging beskik wat in subartikel (2) beoog word, of 'n wetstoepassingsbeampte is; en
- (b) mag nie 'n aangeleentheid ondersoek waarby hy of sy 'n direkte of indirekte persoonlike of privaat belang het nie.
- (4) 'n Ondersoekbeampte kan 'n plek sonder 'n lasbrief betree en inspekteer ten einde voldoening aan hierdie verordening te verseker of te ondersoek indien –
- (a) toestemming verkry word van –
- (i) die inwoner of eienaar van 'n privaat woning, of
- (ii) die eienaar of persoon in beheer van die plek;
- (b) die ondersoekbeampte redelike gronde het om te glo dat –
- (i) 'n lasbrief uitgereik sal word indien hy of sy daarom aansoek doen; en
- (ii) die vertraging om die lasbrief te bekom die doel van die betreding en inspeksie sal verydel; of
- (c) hy of sy deur hierdie verordening of enige ander wet daartoe gemagtig is.
- (5) Indien subartikel (4) nie van toepassing is nie, kan 'n ondersoekbeampte slegs kragtens 'n lasbrief 'n plek betree en inspekteer ten einde voldoening aan hierdie verordening te verseker of te ondersoek.
- (6) 'n Ondersoekbeampte hoef nie die toestemming te verkry wat in subartikel 4(a) beoog word voordat hy of sy 'n bevoegdheid uitoefen wat in subartikel (5) beoog word nie.
- (7) 'n Regter op kamerhof kan op skriftelike aanvraag van 'n ondersoekbeampte 'n lasbrief uitreik wat in subartikel (5) beoog word indien dit uit die inligting onder eed of bevestiging sou blyk dat –
- (a) daar redelike gronde is om te vermoed dat hierdie verordening oortree is;
- (b) 'n inspeksie van die plek waarskynlik inligting in verband met die oortreding aan die lig sal bring; en
- (c) die inspeksie redelikerwys noodsaaklik is vir die doeleindes van hierdie verordening.
- (8) Wanneer 'n ondersoekbeampte voldoening aan hierdie verordening verseker of ondersoek, kan hy of sy –
- (a) vergesel word van 'n tolk, 'n polisiebeampte of enige ander persoon wat met die inspeksie kan help;
- (b) enige artikel of enige werk wat by die plek uitgevoer is of enige toestand wat by die plek heers en wat met die ondersoek kan verband hou, inspekteer;
- (c) 'n artikel ondersoek, ontleed, meet of 'n afskrif daarvan maak en dit vir ondersoek, ontleding, meting en die maak van afskrifte of uittreksels verwyder;
- (d) 'n persoon versoek om 'n artikel vir inspeksie te oorhandig of af te lewer op 'n datum en plek wat die ondersoekbeampte bepaal;
- (e) op 'n artikel beslag lê wat na sy of haar mening as bewys kan dien van 'n oortreding van hierdie verordening, met dien verstande dat 'n persoon wat so versoek, voor beslaglegging 'n afskrif van sodanige item kan maak, indien dit moontlik is;
- (f) 'n foto neem of 'n oudiovisuele opname maak van enige persoon of enigiets vir die doel van sy of haar ondersoek;
- (g) 'n persoon ondervra wat na die ondersoekbeampte se mening dalk inligting kan voorsien oor 'n aangeleentheid waarop hierdie verordening betrekking het; en
- (h) 'n persoon opdrag gee om voor hom of haar te verskyn op sodanige tyd en plek as wat die ondersoekbeampte kan bepaal, en sodanige persoon hetsy alleen of in die teenwoordigheid van enige ander persoon ondervra oor 'n aangeleentheid waarop hierdie verordening betrekking het.
- (9) Wanneer 'n ondersoekbeampte 'n artikel verwyder of daarop beslag lê, moet hy of sy 'n ontvangsbewys aan die eienaar of persoon in beheer daarvan uitreik, en die artikel terugbesorg so gou prakties moontlik ná die bereiking van die doel waarvoor die artikel verwyder of op beslag gelê is.

- (10) Waar 'n ondersoekbeampte enige plek ingevolge hierdie artikel betree en inspekteer, moet hy of sy sodanige inspeksie uitvoer –
- (a) tussen 08:00 en 18:00, tensy die persoon wat in subartikel (4) beoog word daartoe toestem, of die lasbrief wat in subartikel (5) beoog word skriftelik daarvoor magtiging verleen, dat die inspeksie op 'n ander tyd geskied; en
 - (b) met deeglike inagneming van elke persoon se reg op menswaardigheid, vryheid, sekerheid en privaatheid.
- (11) Wanneer 'n ondersoekbeampte 'n plek ingevolge hierdie artikel betree, moet 'n persoon wat die plek beheer of bestuur te alle tye sodanige fasiliteite beskikbaar stel wat die ondersoekbeampte en diegene saam met hom of haar redelikerwys kan nodig kry om hulle bevoegdhede doeltreffend en veilig uit te voer.

Kort titel

12. Hierdie verordening is bekend as die Stad Kaapstad: Wysigingsverordening op Munisipale Beplanning, 2017.

**UMTHETHO KAMASIPALA
WEZILUNGISO WOCWANGCISO
LUKAMASIPALA, 2017**

**UMTHETHO KAMASIPALA WEZILUNGISO WOCWANGCISO LUKAMASIPALA
WESIXEKO SASEKAPA, 2017**

INGCACISO-GABALALA:

[] Amagama abhalwe ngqindilili akwizikwere abonisa oko kucinyiweyo kwimithetho ekhoyo.

_____ Amagama akrwelelwe umgca ongqindilili abonisa oko kufakelweyo kwimithetho ekhoyo.

NGOKO KE, MAWUMISELWE liBhunga leSixeko saseKapa ngolu hlobo lulandelayo:-

Ukwenziwa kwezilungiso kwicandelo 74 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

1. Icandelo 74 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015 (ekubhekiswe kuwo apha njengoMthetho-ngqangi) lenziwa izilungiso ngokufaka endaweni yomhlathi (b) kwalo mhlathi ulandelayo:

“(b) Kwiintsuku ezili-[14] ezisi-Z emva kokufumana isicelo okanye kwisithuba ekuvunyelwene ngazo ngembalelwano –
(i) afune iinkcukacha ezongezelelekileyo okanye iintlawulo; okanye
(ii) azise umfaki-sicelo ukuba isicelo siphela.”.

Ukwenziwa kwezilungiso kwicandelo 75 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

2. Icandelo 75 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yecandelwana (1) kweli candelwana lilandelayo:

“(1) Umfaki-sicelo kufuneka, zingaphelanga iintsuku ezingama-[30] 20 okanye eso sithuba kuvunyelwene ngaso noManejala weSixeko, anike iSixeko naziphi iinkcukacha ezongezelelekileyo ezifunwe nguManejala weSixeko.”.

Ukwenziwa kwezilungiso kwicandelo 75 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

3. Icandelo 75 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yamagama aphambi komhlathi (a) kwicandelwana (2) kwala magama alandelayo:

“(2) Ukuba umfaki-sicelo unikeza iinkcukacha ezongezelelekileyo okanye iintlawulo uManejala weSixeko azibona zinganelanga, okanye ezingahambelani neenkcukacha ezifuniweyo, uManejala weSixeko unokuthi kwiintsuku ezili-[14] ezisi-Z okanye eso sithuba kuvunyelwene ngaso, ngembalelwano, mhlawumbi –”.

Ukwenziwa kwezilungiso kwicandelo 76 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

4. Icandelo 76 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yecandelwana (2) kweli candelwana lilandelayo:

“(2) Kwiintsuku ezili-[14] ezisi-Z emva kokufumana naziphi iinkcukacha ezongezelelekileyo uManejala weSixeko azifunileyo yaye uzibone zanele yaye zihambelana nazo zonke iinkcukacha zolwazi, uManejala weSixeko kufuneka azise umfaki-sicelo ngembalelwano ukuba isicelo siphela.”.

Ukwenziwa kwezilungiso kwicandelo 92 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

5. Icandelo 92 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yamagama aphambi komhlathi (a) kwicandelwana (1) kwala magama alandelayo:

“(1) Kwiintsuku ezili-[14] ezisi-Z emva kokuvalwa kwethuba lokunika izimvo, uManejala weSixeko kufuneka anike umfaki-sicelo –“.

Ukwenziwa kwezilungiso kwicandelo 92 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

6. Icandelo 92 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yecandelwana (2) yeli candelwana lilandelayo:

“(2) Zingaphelanga iintsuku ezingama-[30] 20 zolwaziso, okanye kwisithuba esongeziweyo seentsuku ezili-[14] ukuba uManejala weSixeko uyalwamkela olo longezo lweentsuku phambi kokuphela kweentsuku ezingama-[30] 20 umfaki-sicelo angangenisa kwiSixeko impendulo ebhaliweyo kwizimvo nezichaso kunye neemfuno.”.

Ukwenziwa kwezilungiso kwicandelo 99 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

7. Icandelo 99 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yomhlathi (c) wecandelwana (2) kwalo mhlathi ulandelayo:

“(c) nawuphi umgaqonkqubo okanye isicwangciso esamkelweyo siSixeko ukukhokela ukwenziwa kwezigqibo, esibandakanya isicwangciso soPhuhliso loLuntu neSocwangciso soKhuliso loQoqosho;”.

Ukwenziwa kwezilungiso kwicandelo 99 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

8. Icandelo 99 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yomhlathi (g) wecandelwana (2) kwalo mhlathi ulandelayo:

“(g) nezinye iingqwalasela ezichazwe kwimithetho yephondo okanye yesizwe echaphazelekayo okanye, ebandakanya imiaqo-siseko yophuhliso njengoko iqulethwe kwicandelo 7 lomthetho iSpatial Planning and Land Use Management Act, 2013 (uMthetho nomb. 16 ka-2013).”.

Ukwenziwa kwezilungiso kwicandelo 102 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

9. Icandelo 102 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yamagama aphambi komhlathi (a) kwicandelwana (1) kwala magama alandelayo:

“(1) Ukuba isicelo sithobela zonke iimfuno zalo Mthetho kaMasipala kunye nawo nawuphi na umthetho ochaphazelekayo, umthathi-sigqibo kufuneka agqibe ngesicelo zingaphelanga iintsuku ezingama-[180] 90 okanye esinye isithuba ekuvunyelwene ngaso nomfaki-sicelo, esibalwa ukususela –“.

Ukwenziwa kwezilungiso kwicandelo 104 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

10. Icandelo 104 loMthetho-ngqangi lenziwa izilungiso ngokufaka endaweni yamagama aphambi komhlathi (a) kwicandelwana (2) kwala magama alandelayo:

“(2) Zingaphelanga iintsuku ezingama-[21] 14 zesigqibo ngokwalo Mthetho kaMasipala, iSixeko kufuneka sazise abantu abaxelwe kwicandelwana (3) ngembalelwano –“.

Ufakelo endaweni yoko kukwiSiqendu 5 seSahluko 9 soMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

11. Esi siqendu silandelayo singena endaweni yeSiqendu5 seSahluko 9 loMthetho-ngqangi –

Isiqendu 5

Amagunya onyanzeliso-mthetho nawophando omphandi

(s 135)

135 Amagunya nemisebenz yomphandi

- (1) Kweli icandelo, ngaphandle kokuba imeko ekubhekiswe kuyo ithetha enye into –
- (a) 'umhlathi' uthetha ubume, into, uxwebhu, incwadi, irekhodi okanye iinkcukacha ezisekhompyutheni okanye umhlathana, imxalenye yawo okanye isampula yawo;
- (b) 'umphandi' uthetha igosa lonyanzeliso-mthetho elityunjwe siSixeko okanye igosa okanye omnye umntu ochazwe kwicandelwana (2);
- (c) 'indawo' ithetha nawuphi na umhlaba, isakhiwo okanye indawo enesakhiwo yaye ibandakanya indlu yomntu.
- (2) Umanejala weSixeko angathi, ngembalelwano, agunyazise igosa ukuba lisebenze njengomphandi ngokweli candelo ngeenjongo zokunyanzelisa uthotyelo lwemithetho nokuphanda nawuphi na umba onento yokwenza nalo Mthetho kaMasipala.
- (3) Umpandi –
- (a) Makakhuphe ubungqina bokuba ugunyazisiwe njengoko kuxelwe kwicandelwana (2) okanye bokuba uligosa lonyanzeliso-mthetho xa ecelwe ngumntu ochatshazelwa lusetenziso lwamagunya ngokweli candelo; yaye
- (b) Akanakuphanda umba ochaphazela yena ngqo.
- (4) Umpandi angangena ahlole indawo ngeenjongo zokunyanzelisa umthetho okanye zokuphanda uthobelo lwalo Mthetho kaMasipala engaphethanga iphepha lamapolisa ukuba–
- (a) Ufumene imvume –
- (i) kumhlali okanye umnini wendlu leyo, okanye
- (ii) umnini okanye umntu olawula loo ndawo;
- (b) ngezizathu ezivakalayo, umphandi ukholelwa ukuba –
- (i) angakhutshwa amaphepha okuphanda ukuba umphandi ufake isicelo; yaye
- (ii) ukucotha kokufumana iimpepha zokuphanda kuya kuchaphazela injongo yokungena kwindawo afuna ukungena kuyo nohlolo lwendawo leyo; okanye
- (c) ugunyazisiwe nguloo Mthetho kaMasipala okanye nguwo nawuphi na umthetho.
- (5) Ukuba icandelwana (4) alisebenzi, umphandi angangena ahlole indawo ngeenjongo zokunyanzelisa umthetho okanye zokuphanda uthobelo lwalo Mthetho kaMasipala kuphela ngegunya alinikwe ziimpepha zokuphanda.
- (6) Umpandi akanyanzelekanga ukuba afumane imvume exelwe kwicandelwana (4)(a) phambi kokusebenzisa igunya elixelwe kwicandelwana (5).
- (7) Ijaji yenkundla ingakhupha iimpepha zokuphanda ezixelwe kwicandelwana (5) xa umphandi efake isicelo esibhaliweyo ukuba ngokweenkcukacha ezifungelweyo kubonakala ukuba –
- (a) kukho izizathu ezivakalayo ezikrokrelisa ukuba kukho ulwaphulo lwalo Mthetho kaMasipala;

- (b) uhlolo lwendawo luya kuza neenkukacha ezibubungqina bokophulwa komthetho; yaye
- (c) uhlolo luyadingeka ngeenjongo zalo Mthetho kaMasipala.
- (8) Ekunyanzeliseni umthetho okanye ekuphandeni uthotyelo lwalo Mthetho kaMasipala, umphandi angenza oku –
- (a) angakhatshwa yitoliki, ipolisa okanye nawuphi na omnye umntu onokuncedisa kolu hlolo;
- (b) Ahlole nawuphi umhlathi obhaliweyo okanye nawuphi umsebenzi owenziweyo endaweni okanye nayiphi na imeko eqhubeka kwindawo zinto ezo ezinokuba lulutho kuphando;
- (c) ahlole, ahlalutye, amete okanye enze ikopi yomhlathi obhaliweyo ze awuthathe uye kuhlolwa, uphononongwe, umetwe, ukotshwe okanye kucatshulwe kuwo;
- (d) afune ukuba umntu akhuphe ze anikeze umhlathi ekufuneka uhloliwe ngexesha nakwindawo exelwe ngumphandi umphandi;
- (e) athathe umhlathi awubona, ngokoluvo lwakhe, ukuba uza kusebenza njengobungqina bokophulwa kwalo Mthetho kaMasipala, ukuba ngaba umntu lowo ucelayo, angathi ukuba unakho, enze ikopi yaloo mhlathi phambi kokuba uthathwe;
- (f) athathe ifoto okanye arekhode ngesixhobo esinesandi sokurekhoda naye nawuphi na umntu okanye nantoni na ukulungiselela uphando;
- (g) abuze umntu, umphandi abona ukuba angakwazi ukumnika iinkukacha kumba onento yokwenza nalo Mthetho kaMasipala; yaye
- (h) angayalela umntu ukuba aye kuphendula kuye kwindawo nexesha eligqitywe ngumphandi ze abuze loo mntu eyedwa okanye kukho omnye umntu kumba onento yokwenza nalo Mthetho kaMasipala.
- (9) Xa umphandi esusa okanye ethatha umhlathi obhaliweyo, umphandi kufuneka anike umnini okanye umntu waloo mhlathi irisithi ze abuyisele loo mhlathi akugqiba ukusebenza ngawo.
- (10) Umphandi ongena ze ahlole nayiphi indawo ngokwemiqathango yeli candelo kufuneka enze olo hlolo –
- (a) phakathi ko-08:00 no-18:00, ngaphandle kokuba umntu oxelwe kwicandelwana (4) uyavuma ukuba kuhlolwe ngelinye ixesha okanye iimpepha zenkundla ezixelwe kwicandelwana (5) zivumela ukuba kuhlolwe ngelinye ixesha; yaye
- (b) kufuneka kuhlonitshwe ilungelo lomntu lesidima sakhe, inkululeko yakhe, ukhuseleko nelungelo leemfihlo zakhe.
- (11) Xa umphandi engena kwindawo ngokwemiqathango yeli candelo, umntu olawula loo ndawo kufuneka avumele umphandi kunye nabo ahamba nabo ukuba angene kuloo ndawo ahlole ezi zinto afuna ukuzihlola ukuze akwazi ukwenza umsebenzi wakhe ngempumelelo nangokukhuselekileyo.

Isihloko esifutshane

12. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weZilungiso woCwangciso: woMasipala weSixeko saseKapa, 2017.