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**KwAZULU-NATAL PROVINSIE**  
**ISIFUNDAZWE sAKwAZULU-NATALI**

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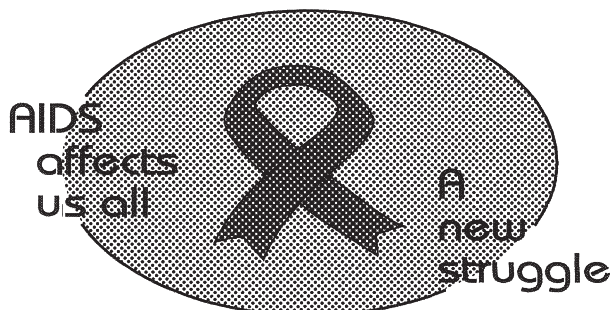
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## MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

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MUNICIPAL NOTICE 180 OF 2015

### UMNGENI LOCAL MUNICIPALITY

#### POLICY

#### FOR THE INFORMAL ECONOMY



**“Creating an enabling environment for the informal economy”**

## DEFINITIONS USED IN THIS DOCUMENT

**“informal economy”** refers only to legal informal economy activities.

**“informal economy” actor or player** refers to anyone who is actively involved in business operations falling within the informal economy.

**“licence”** means the authority, regardless of its specific title or form, issued for the purpose of granting authority to conduct business.

**“illegal goods”** means illegal goods as defined in the Consumer Protection Act, 2008

**“Local Economic Development”** refers to the ability of local areas to achieve both economic growth and economic redistribution, sometimes referred to as pro-poor economic growth.

**“Municipality”** refers to all categories (A, B and C) as per the Municipal Structures Act, Act no 117 of 1998.

**“necessity entrepreneur”** refers to any informal economy actor who got into business because he or she was pushed by pressure of having to ensure that there is food for household survival.

**“nuisance”** means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet.

**“opportunity entrepreneur”** refers to any informal economy actor who got into business because he or she identified business opportunity and capitalised on that opportunity. The main motive for commencing business in this case is economic opportunity rather than social pressure.

**“permit”** refers to a legal document giving official permission to do something. Along with business licenses, informal economy actors may need to obtain permits.

**“rental”** usually refers to payment for a place; in this document rental refers also to payment for the right to operate, whether at a fixed site, or as an itinerant or mobile worker.

**“small business”** has the meaning as set out in the National Small Business Act, 1996 (Act No. 102 of 1996).

**“approval”** means approval by an authorised official and “approve” has a corresponding meaning;

**“authorised official”** means an official of The Council to whom it has delegated a duty, function or power under this policy, in relation to the exercise or performance of that duty, function or power and includes an employee acting under the control and direction of such official;

**“Council”** means the council of The UMNGENI Municipality and in relations to the exercise of a power, the performance of duty or the carrying out of a function includes any Committee or official of the Council to whom such power, duty or function has been delegated;

**“demarcated stand”** means stand demarcated by Council for the purposes of street trading in terms of section 6(a)(3)(b) of the act;

**“ public places”** means a public place as defined in sect

**“goods”** means any movable property used in connection with street trading and ,without limiting the generality of the foregoing, including products for sale display table ,stands ,receptacles ,vehicles , structures or animals;

**“Public road”** means a public place road as defined in section 1 of the National Road traffic Act no.93 of 1996

**“roadway”** means a roadway as defined in section 1 if the national road traffic Act No 93 of 1996 but excludes a public place.

## **THE INFORMAL TRADING:**

### **DEFINITION AND INTRODUCTION**

Informal Trading is defined as the economic activity undertaken by entrepreneurs who sell legal goods and services within a space deemed to be public and private property within the informal sector. The informal economy makes an important contribution to the economic and social life of the UMNGENI Municipality. Due to the decline in formal employment and consequent increase in unemployment rate, many people seek alternative means of earning an income. It is generally accepted that the informal sector plays a significant role in the local economy more especially in the previously disadvantage areas. One of the main reasons for this is the inability of national economy's formal sector to create sufficient employment for the relatively fast-growing labour force. This inability leads to new entrants into the labour market being increasingly forced to turn into the informal sector, to earn a living.

This Policy covers the informal trading activities occurring within the UMNGENI Municipality. The policy formulation process involves consultation with a various stakeholders through public participation, as from 31 March 2014.

For the UMNGENI Area, Informal Trading is a positive development for the micro business sector as it contributes to the creation of jobs and has the potential to expand further the Council's economic base

### **LEGISLATIVE CONTEXT**

The White paper on Small Business (1995) grouped the small business sector into survivalist, micro, small and medium enterprises. It was estimated then that at least 3.5 million are in survivalist sector (which includes informal businesses) .The White paper suggested that support strategies be put in place for this sector. In 1996, the White Paper was enacted as the National Small Business Act.

The South Africa Constitution mandates local government to promote economic development. It is inherent in the IDP vision of the UMNGENI Municipality to acknowledge the increasing importance of the informal economy, i.e.: The UMNGENI area, as a town, will offer improved quality of life for all its citizens through sustainable development. It will be a renowned centre for: trade, tourism and nature lovers and coastal recreation, commerce: Industry and agriculture.

The survey of the Informal Trading sector within the UMNGENI in 2010 revealed that more than 90% of traders had chosen to engage in informal trading as a result of not having or losing a job. This indicates the significant role that Informal Trading plays in absorbing the unemployed. Also significant was the fact that majority of the traders were female; this form of business activity is increasing because of its flexible working hours as well as the opportunity it provides for additional income generation for the poor.

## **1. THE UMNGENI 'S APPROACH**

### **1.1 The reasons of having an Informal Trading Policy can be summarised as follows:**

- Defines an integrated and holistic approach for all departments within the UMNGENI Area.
- Clarifies the Council's policy to all relevant stakeholders.
- Forms the basis for the By-Law that will regulate Informal Trading in the municipality.
- Provides a basis for resource allocation decision.
- Establishment of the basis for a monitoring and evaluation process, with clearly defined key objectives.

## **2. THE UMNGENI INFORMAL ECONOMY**

There are different types of informal trading that takes place in the UMNGENI Municipality, namely:

- Street / kerbside trading
- Trading at transport interchanges
- Trading in Public Open Spaces
- Mobile Traders (roving, bakkies and containers)
- Intersection Trading
- Special events
- Car washers
- Hairdressers
- The Traditional Healers
- Market Vendors.
- Visual Art and crafts artisans
- construction workers
- Mining
- Livestock trading
- Woodworks
- Clothing and textile manufactures
- Motor mechanics
- Electrical and electronics services
- Catering services
- And others

## 2.2 Status quo

In the UMNGENI Municipal area all of the above types of trading are found at various localities. In a number of areas, trading is very concentrated resulting in pressures on the infrastructure available as well as cause for concern relating to the overall hygiene of some areas. These soled “hotspots” are found at the following localities:

- UMNGENI Main Taxi Rank.
- Along Harding Street
- Along Somme Street
- Along Morling Street and few traders along Bell street

Apart from the above mentioned areas, trading also occurs at numerous intersections, areas of attraction (e.g.) shopping centres and in containers.

## 2.3 Summary: Informal Economy Policy Statement for Support and Development of the Sector

UMNGENI Municipality acknowledges the relevance and contribution of the informal economy to the economic and social life of the town. Informal trading provides some income to those who are unemployed as well as providing an alternative to established traditional formal sector retail options. The UMNGENI aims to develop the sector and its participants into a commercially viable and dynamic economic sector, which contributes to the economic growth of the town and the quality of life of its citizens in a sustainable manner.

Appropriate infrastructure support and services, entrepreneurial development and spatial planning will be the cornerstones to achieving such a policy goal. Uncontrolled and unplanned growth of the informal economy sector will have a negative impact on the UMNGENI Area. Conflicts can arise between town officials and traders as well as between established Informal Economy actors and newcomers, because of uncertainty of each party's rights. If there is little official regulation and control, new sorts of informal control mechanisms may come in to fill the void with their own means of controlling prices and protection rackets.

The UMNGENI Municipality further affirms its obligation to assist the informal economy sector by way of mentoring and incubation as means to age them into a more formalised nature of economic activity. The envisaged period for new entrants to the market for them to graduate to formal economy is five (5) years.

### **Principles of Council's Approach:**

The Key Principles that govern the UMNGENI's approach to informal Economy are economic, social and spatial;

#### **2.3.1. Economic Principles** Economic growth in the informal trading sector will be facilitated through:

- Linking the development and growth of trading areas to commercial zones in orders to create viable hubs of business activity that mutually benefit formal and informal businesses.

- Providing a range of facilities, capacity building and business support a service that caters for the different levels of the Informal Economy Actors, from the weekly Saturday and small survivalist to larger informal economy Actors.
- Ensuring that the buildings and property owned by the UMNGENI are used for the maximum social and economic development of the community within which they are located.
- Targeting highly accessible and visible location for the promotion of tourist related trading in order to derive benefit for Informal Economy Actors from the tourism potential.

**2.3.2. Social Principles** The promotion of equity within the UMNGENI to create a dignified Town through:

- Spreading public spending in an equitable manner throughout the UMNGENI with an emphasis on the poorer parts of the town that have not historically benefited from public sector investment.
- Viewing the location of public investment as an opportunity to integrate public sector investment.
- Using the development of the informal trading infrastructure as an opportunity to improve the general environmental condition of the Historically Disadvantaged Areas of the UMNGENI.
- Providing basic services such as water and refuse facilities to all areas where public health and/or public safety is at risk

**2.3.3 Spatial Principles** Informal Economy contributes to the value of public places as amenities and places of dignity and has the potential to be a catalyst for generating positive public places through:

- Developing those areas that will have most significant impact on the largest number of people, e.g. areas with large flow of pedestrian traffic.
- Allocating space for informal trading areas in accordance with the broad Spatial Planning Framework of the UMNGENI and the local spatial development Framework.
- Providing minimal infrastructure for informal trading, that would vary depending on the type of activities.

## **2.4 Four Policy levers for change**

The ultimate goal of this Policy and Management Framework is sustainable urban management, which plans, designs and manages a town that is able to accommodate Informal Trading in designated streets, public open spaces markets.

The full integration of Informal Trading into the planning, design and management of the UMNGENI is therefore necessary in order to enhance the town promote economic development and expand employment opportunities. The first of departure in the policy for the informal economy is that local government should promote the creation of job opportunities and diverse economic and trading opportunities. The five key levers for change are planning, the allocations policy, the registration process, the rentals policy and the goods display, removal, impoundment and recovery policy.

### **2.4.1 Planning**

New markets and trading opportunities must be properly planned, bearing in mind the economic needs of Informal Economy Actors, the need for more vibrant land use and need for orderly town, spatial and transport planning, as well as health and safety. Existing markets should be managed properly and new market developments must be linked to emerging patterns of work in the areas they serve.

#### **2.4.2 Registration**

For management, maintenance and training reasons to name a few, it is important that all people working in public places register on a database with the UMNGENI. Registration (as well as the sustained payment of rentals) provides permission to operate, to services and support. This permission goes along with responsibilities.

The registration procedure should also work towards preventing fronting whereby site intended to support people with very small businesses and which are effectively subsidised by local government, are in fact controlled by wealthier established business people. The exploitation of traders should also be prevented.

Apart from detailing the activities of traders, socio-economic information is also needed from the traders, i.e. work experience, levels of education, number of dependents. The latter is important for deriving appropriate training modules as well as developing a better understanding of the second economy.

#### **2.4.3 Allocation Policy**

Allocation policy in respect of trading (bays, market, permits etc.) is central to the entire policy for the informal economy as it is the lever through which local government can steer management and support of the informal economy. This aim of the allocation Policy is to support growth and provide opportunities for new entrants, in an economically sustainable and socially useful way.

It can feed directly into the tourism industry, through achieving the appropriate tenant mix at tourist-related areas. The criteria for allocation will be negotiated locally with stakeholders; and the allocation of sites will then be done by officials.

Allocation policy attached as Annexure "A"

#### **2.4.4 Rentals Policy**

In the same way that build properly has a value placed on it, depending on where it is located, so it is important to place value on different informal trading sites. Value is placed on sites through a system of differentiated rentals. Rentals will be linked to the size of the site, desirability of location and the level of services provided. Levels will be determined by considering the cost to local government of providing the facility, bearing in mind the need to subsidise new opportunities in some areas. The tariff structure will allow for transparent subsidies in order to ensure cross-subsidisation and equity.

Rental tariff is attached as annexure "B"

### **2.4.5. Goods Display, Removal, Impoundment and Recovery Policy:**

Attached as annexure "C"

2.4.5 **Site Demarcation Plan** is attached hereto as **Annexure "D"**

2.4.6 **Penal Provisions** attached hereto as **Annexure "E"**

#### **2.4.4.1 Market grading**

The grading relates to the level of service available at any given market as well as the relative viability of the individual trading enterprises. The following market types must be identified:

##### **Type A markets**

Are well equipped, with electricity, water and fixed structures. They usually established where there is heavy pedestrian traffic. These markets provide all the advantages of a formal retail outlet, but at a more affordable price and with facilities appropriate to the purchasing patterns and choices of their main consumers.

##### **Type B markets**

Are linear markets that have a good basic structure on which traders can place their goods. These markets operate from business nodes, mostly along streets.

##### **Type C markets**

Are those that are mobile whether by foot, roving / mobile traders.

#### **2.4.4.2 Tariff Structure**

A trader does not hold a right of reserve over any trading site. Tariffs are set out in the Council's tariff schedule and approved annually. The inherent economic value of space/area must be accommodated in the allocation of permits and leases and tariffs to be changed. This tariff must take into account where the trading space is located as well as the balance of value added by informal trading. Rentals would be linked to the size of the site, desirability of location and the level of services provided. Levels will be determined by considering the cost to local government of providing the facility, bearing in mind the need to subsidise new opportunities in some areas. For street traders, a basic site rental should be set. Then differentiated rentals for different levels of service provision should be introduced. Components of a basic package of services are basic shelter, solid waste removal, water, toilets, lighting and storage facilities.

In areas that are managed by parties other than the UMNGENI and where services supplied are supplementary to those provided by the UMNGENI, an alternative tariff structure may apply in order to reflect the value of the additional services provided in the area.

## 2. ROLES and RESPONSIBILITIES

There are basically four key components to Informal Trading within the UMNGENI Municipality:

- Policy Formulation and Revision
- Regulation and Enforcement
- Developmental Responsibilities
- Management

### 2.1. Roles

Different departments / sections are dealing with informal traders namely:

#### **Local Economic Development**

- Coordinating and monitoring of all informal trading activities.
- Regular surveying of informal sector in selected area.
- Promoting business linkages (informal and formal).
- Lobbying and support for the informal sector.
- Availing facilities and premises and allocation.
- Policy formulation.

#### **Environmental Health**

- To promote hygiene in all areas of trade including home based business.
- Conduct health education to the sector.
- Conduct inspections and provide health certificates.

#### **Property administration Section**

- Provide land for trading purposes.
- Provision of lease agreement as per the Municipal rental policy.

#### **Waste Management Section**

- Provision of skips and or bins in all trading areas.
- Waste removal and cleaning of all trading facilities including ablution facilities provided for the sector actors.

#### **Law enforcement**

- Enforcement of the By-Law.
- Conduct inspections on daily basis in all trading areas.

#### **Spatial and Environmental Planning**

- Demarcation of new trading sites.
- Providing advice on the use of open space to Business Support.

#### **Building and Structure Section**

- Maintenance of market stalls.

#### **Municipal Informal Economy Chamber**

This body is the voice for the Informal economy actors, it advocates for all involved in the sector. The Municipal Informal Economy Chamber reports to the District Informal Economy Chamber which reports to the Provincial Informal Economy Chamber.

The LED Department is the contact section for the Informal Economy Chamber and will work with this body on any issues pertinent to the sector; amongst others and not limited to the following:

- Providing administrative support
- Providing transport logistics for official engagements
- Providing mentoring and training support.

### **5. OPERATIONAL ISSUES**

#### **5.1 Criteria for the allocation of the trading bays**

Central to equitable allocation of trading bays, is the compilation by the municipality of a database of all street traders in a particular area, which will include for each trader: ID number or any recognised form of identification, address, goods being sold, trading location and any other relevant information. Allocation of trading bays will be based on the following:

- Only bonafide informal traders including those in a position of a valid permit issued by the relevant permits issuing Authorities, will be eligible, not business that operates from a brick and mortar premises.
- Traders operating four days per week for at least 45 weeks of the year will get preference over occasional/casual traders.
- Only one bay will be allocated per trader/per family.
- Unemployed citizens of UMNGENI Municipality will get first preference over other applicants for permits to trade.

#### **5.2 Criteria to allocate permits**

##### **When issuing permits the following criteria should inform the allocation decisions:**

- Permits will be valid one year and renewable 30 days before expiry date.
- Preference will be given to Historically Disadvantaged Individuals defined as those who, although of legal age to vote, did not have the right to vote before 1994 in the South African Elections and they must have at least been trading within UMNGENI Area for 6 months prior the application.

- Unemployed individuals have first preference over others in application for a trading permit.
- The applicant must be in a possession of the valid South African identity document or work permit or a legal permit issued and vetted by the Department of Home Affairs immigration section.
- The trader must be able to trade at least four (4) days per week for at least 45 weeks of the year.
- There must be sufficient product diversity in an area to ensure the needs of consumers are appropriately met as well as ensuring sufficient market share for traders for them to operate profitably.
- Only one permit will be issued per trader / per family.
- In the case of food stuff, the trader must be in possession of the required Health certificate
- Permits will only be allocated in demarcated areas, provided there is a vacant trading bays.

### 5.3 Special Circumstances

**It is recognised that the following special circumstances may warrant a variation on the above:**

- Death of Principal Trader-where the inability to trade would undue hardship on the family of the Principal Trader, permission may be granted to another family member / assistant trader to continue trading until the end of the trading period as stipulated on the permit.
- Illness of Principal Trader or Religious Observances- a trader must report in writing to the informal traders committees. The period of incapability must be stipulated. A family member or assistant trader may trade in his/her place but for a period that does not extend beyond that which is stipulated on the permit, and all the particulars of the assistant or relief trader must be provided at the back the permit.
- If a Principal Trader or his/her family chooses not to make application for special consideration as outlined above, the permit must be returned to the Council to be allocated to the next person meeting the criteria on the waiting list.

### 5.4 Steps to obtain informal trading permit

#### 5.4.1 New Applications

- Application letter received from applicant (By LED official).
- The applicant is contacted by telephone/sms and invited to complete an application form, the applicant has to comply with the following:

#### 5.4.2 Requirements (existing traders)

- Be trading for at least 6 months, within UMNGENI Area, prior to application and this would be confirmed, in writing, by the informal Chamber.
- Citizens of UMNGENI will get first preference over any other applicant (proof of residence).
- Be unemployed.
- Must not be involved in any formal business sector.
- Agree to be screened for any previous convictions with SAPS.
- Agree for identification documents to be vetted by the Home Affairs department.

**5.4.3 Applicant to submit the following required documents:**

- Green bar coded ID book together with certified copy/ valid Home Affairs permit.
- Proof of residence.
- Two passport photos (plus those of an alternate).
- First preference is given to the residence of UMNGENI.
- Trailers and caravans must have valid license discs, fire extinguishers and registration number plates.

5.4.4 Complete application form (Informal Trading Officer).

5.4.5 Application granted.

5.4.6 Informal Traders trade on perishable food are sent for Environmental Health Trainings.

5.4.7 If there is a trading bay available a permit gets issued.

5.4.8 If application is not granted reply she / he should be given reasons for the decline.

**Renewal of permit**

- Set up date for the renewal of permits in various trading areas.
- Communicate such dates with Environmental Health Section and Law Enforcement as well as other relevant departments.
- Send messages via sms, put up posters and distribute flyers also inform committees.

**The following are the steps to follow when renewing permits:**

- **Step 1.** Fill in application
- **Step 2.** Check if applicant adheres to regulations and requirements.
- **Step 3.** Perishable food traders are trained and issued with health certificates.
- **Step 4.** Give information on Informal Trading bylaws.
- **Step 5.** Process the application form.
- **Step 6.** Trader to provide proof of payment

**5.6 Inspections**

- If trader does not adhere to Municipal Policies and Informal Trading bylaws, complaints must be sent to law enforcement section.

**5.7 Mobile/Roving Trading**

Subject to compliance with the relevant legislation, trading zones will be identified throughout UMNGENI and maximum number of mobile trading permits will be identified for each zone. These permits will be granted against the criteria established in the section entitled "Criteria for Allocation Permits". Permits will be valid for a one year period and renewable thirty days before lapse.

## 5.8 Special Event

These events are by their nature temporary and arrangements will depend upon the type of event and the geographical area in which it is taking place. Before any such event, approval must be obtained from the municipality, depending on the type of event. Example of special events: sport fixtures, night market and major events.

## 5.9 Special Consent

The special consent procedure is an effective way to consider application for any type of commercial activity on land that is not appropriately zoned for such purposes because all interested and affected parties are afforded the opportunity to comment or raise concerns. In addition, conditions can be prescribed and the special consent could be withdrawn if such conditions are not obeyed.

## 5.10 Enforcement and Monitoring

In order to enhance the UMNGENI image in the eyes of both its residents and visitors, the conduct of traders will be strictly monitored. Anti-social and other unruly behaviour will be viewed as misconduct.

- No trader will be permitted to carry on such business in a manner, which creates a nuisance, is a danger or threat to public health and safety, or damages or defaces any property.
- Disciplinary and Appeal Procedures will be dealt with as outlined on page 32, paragraph 62 in the Municipal Systems Acts, No.32 of 2000(see attached annexure).
- Where trader violates the permit conditions, he/she will be informed in writing of violation and course of action. Permit fees will not be refundable under any circumstances.
- Punitive measures could include a warning, a suspension for a specified period, or the total withdrawal of such trading permit.
- The trader will have the opportunity to put his/her case forward at an inquiry.
- In the case of a trader being refused a permit or having his permit revoked, the complaints procedure will be through the UMNGENI Informal Economy Chamber In terms of the Municipal Structures Act, should the complaint be about a Council Official, it must be referred to the Municipal Manager.
- Each trader will be assessed every year, prior to issuing of permit, to monitor the trader's position and movement along the developmental continuum.

## 5.11 Termination of Licence/Permit

**Council reserves the rights to withdraw or terminate the license/permit if:**

- The license/permit holder is not utilizing the trading stall for six weeks and more without properly communicating reasons thereof.
- The permit holder contravenes any Law of the Country or its By-laws;

- The permit holder is found in possession or trading in drugs or intoxicating substance (without the requisite licence;
- A trader has wilfully supplied incorrect information related to permit conditions;
- A trader, who is allocated a stall has sub-let or sold such a stall to a third party; and
- A trader does not comply with Municipal By-laws.
- If the trader is permanently employed elsewhere.
- If he/she operates in the formal business environment.

## **6. CONCLUSION**

For the past few years the UMNGENI has been proactive in planning strategically on managing and regulating the influx of the informal traders within UMNGENI.

The Municipality has reviewed the allocation policy and the Informal Trading Framework which is to be adopted by Council in 2014. The Development of the Informal Trading Policy would assist UMNGENI in establishing the basis for a monitoring and evaluation process, with clearly defined key objectives.

**ALLOCATION POLICY:****Annexure "A"****ALLOCATION OF MARKET STALLS (INFORMAL TRADING)****PURPOSE**

The provision of a street trading facility by Council is to enhance economic opportunities and job creation. This takes into consideration the broad principles of previously disadvantaged communities, gender, youth and the disabled. Citizens residing within the boundaries of UMNGENI Municipality, add to the preference points for the allocation of a stall.

The policy is based on prescriptions of Section 152 and 156 of the Constitution of the Republic of South Africa (Act 108 of 1996) and Section 11 of the Municipal Systems Act (Act 32 of 2000).

The policy aims to provide both business and job creation opportunities by ensuring support for both new entrants and existing traders in the economy. Implementation is without prejudice and is done in a manner that ensures harmony, growth and builds linkages among traders and between traders and their customers as well with the community at large and between traders and formal business.

Council through its relevant functionaries will ensure adherence to this policy at all times.

**GUIDING CONDITIONS FOR ALLOCATION OF STALLS**

Each stall shall be allocated its distinct number and will be allocated under the following conditions:

- One site per trader per household, and each trader must be in a position of a valid permit issued by the relevant Permits issuing Authorities, (refer to paragraph 5.1).
- Commitment to pay for stall rentals as per Annexure B (fees may escalate in terms of Council's Tariffs of Charges);
- One year non-transferable permit containing details of the street trader, products sold and the number of the market stall;
- The trader must be 18 years or older.
- The trader must operate within the structure allocated to him or her without putting any extensions to the original structure.
- The trader must not have any formal business or formal employment

- Permit will be renewed, thirty days before the expiry date of the existing permit.
- Failure to renew permit on time will result in penalties
- Only traders with a valid permit obtained from the Council shall be allowed to trade.
- No formal business will be allowed to operate as an informal trader i.e. even taking out staff member to apply for a trading permit.
- The Municipality will ensure that allocation of sites for Informal Economy does not infringe on the formal business sector.
- The municipality also has to ensure that allocation of sites needs to address viability of businesses per street and cater for diversified trade.
- No open fires are allowed on the streets unless so demarcated for.

**Permits will only be issued if the following requirements are met:**

- Two passport photos plus two of an alternate.
  - Copy of certified ID book / valid Home Affairs permit.
  - Proof of residence
  - Type of goods to trade
  - Applicant must be prepared to attend training offered by Council Officials.
  - Proof of unemployment issued by the department of Labour/Affidavit.
- 
- The LED Unit will promote management and control of the facility.
  - Contravention of any legal provisions including Council's Bylaws constitutes an offence.
- 
- An officer or designated official may remove and impound any goods, articles or receptacles which he/she reasonably suspects are being used or are intended to be used or have been used in contravention of Council's Street Trading Policy and Bylaws.

## **GENERAL RULES OF CONDUCT**

### **When trading, a person shall:**

- Not place or stack his/her property in such a manner that it constitutes a danger to any person or
- is likely to injure any person;
- Conduct his/her business in such a manner that it is not a danger or threat to public health or safety;
- Not display his/her goods in another person's stall without consent of the occupier of that stall;
- Not carry business in such a manner which will create a nuisance or damage/deface the facility or attach any object to the facility;
- comply with a reasonable request by an employee or agent of the Council or any supplier of telecommunication, electricity or other services, to move his/her property for the purposes of carrying out any work (including cleansing);
- Not make fire within the facility under any circumstances; not sleep overnight in any of the trading stalls;
- Keep the area occupied by him/her in a clean and sanitary condition;
- Not dispose litter in a manhole, storm water drain or any other place than in a place
- Intended for the disposal of litter;
- Remove his/her property from the facility on conclusion of the business at the end of the day;
- Not cook nor permit cooking to be done within the structure without the approval of Councils traffic and health units;
- Not sublet or permit rental of whatever nature;
- Not conduct hairdressing nor permit hairdressing to be conducted unless so demarcated.
- Not to be used as a front for any other person or business.

### **Prohibition**

#### **No street trader shall carry or undertake street trading on a verge contiguous to:**

- a building declared to be a national monument in terms owner in the central business district;
- a church or other place of worship, or
- of the National Monuments Act No. 28 of 1969;
- on any verge contiguous to a building in which business is being carried on.
- on that half of a public road contiguous to a building used for residential purposes.
- at any place where the carrying on of such business causes an obstruction to-

- the entrance to or exit from a building, or
- a fire hydrant;
- on a pedestrian side-walk unless so designated.
- in any declared area identified as such in terms of section 6a (2) of the act in respect of which the carrying on of the business of street trader has been prohibited by the Council, or
- restricted by the Council, unless such business is carried on in accordance with such restrictions at any place which has been set apart and demarcated as stands or areas by the Council in terms of section 6a (3) (b) of the act for the purposes of the carrying on of the business of street trader, unless such business is carried on in accordance with an agreement with the Council, or the allocation by the Council to the street trader of any area or stand; and in any public garden or park except with prior written consent of the Council

### **Restrictions**

#### **No person engaging in street trading shall:-**

- sleep overnight at the business site;
- erect any permanent structure in a public place or public road for the purpose of providing shelter, other than that which was approved by the municipality; or
- place or store any goods in such a manner or position as to constitute a danger to any person;
- carry on such business in such a manner as to-
- create a nuisance;
- damage or deface any public road or public place or any public or private property; or
- create a traffic hazard;
- obstruct access to a service or to service works of the Council or of the state or any statutory body;
- interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- obstruct access to a pedestrian arcade or mall;
- carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6a(2)(a) of the act;
- place or store his or her goods on or in a building, without the consent of the owner, lawful occupier, or
- person in control of such building make an open fire on a public road or public place interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop displayed window, or obscure such goods from view;
- obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic; and

- Obstruct or inhibit the use of street furniture and any other facility designed for the use of the general public.

### **Cleanliness**

Every street trader shall-

- Keep the area used by him or her for the purposes of street trading, as well as any goods used by him or her, in a clean and sanitary condition;
- At the request of any authorized official of the Council, move or remove his or her goods so as to permit the cleansing of the area where he or she is trading, or for the purpose of effecting Council Services;
- If his or her activities involve the cooking or other preparation of food take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure; and
- Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter

### **Display of goods**

- A street trader shall ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods:-
- is maintained in a good state of repair and in a clean and sanitary condition; and
- is not so placed or stored so as to constitute a danger to any person

**RENTALS POLICY**

(ANNEXURE "B")

In the same way that built property has a value placed on it, depending on where it is located, so it is important to place value on different informal trading sites, such as pavements. Value is placed on sites through a system of differentiated rentals. Rentals will be linked to site size, desirability of location and the level of services provided. Levels will be determined by considering the cost to local government of providing the facility bearing in mind the need to subsidize new opportunities in some areas. The tariff structure will allow for transparent subsidies in order to ensure cross-subsidization and equity.

**PROPOSED RENTAL FOR THE INFORMAL TRADING FACILITIES**

The proposed is the monthly rentals

STALL TYPE	STALL DESCRIPTION	PROPOSED TARRIF EXCL VAT	VAT	PROPOSED TARRIF TOTAL
A	Are well equipped, with electricity, water and fixed structures. They are usually established where there is heavy pedestrian traffic. These markets provide all the advantages of a formal retail outlet, but at a more affordable price and with facilities appropriate to the purchasing patterns and choices of their main consumers	R43	R7	R50
B	This type includes traders whose businesses, while not lucrative, are still reasonably viable. These markets have awnings and shelters and individual storage facilities.	R25.80	R4.20	R30
C	Are linear markets that have a good basic structure on which traders can place their goods. These markets operate from business nodes, mostly along streets.	R25.80	R4.20	R30

D	Are those merely demarcated with a painted out line to indicate trading spaces and have no physical features.	R8.60	R1.40	R10
E	Are those that are mobile whether by car or By foot, roving /mobile traders.	R8.60	R1.40	R10

ITEM	DETAILS	PROPOSED TARRIF EXL VAT	VAT	PROPOSED TARRIF TOTAL
1	Lost permit		R2.10	R15

## PROCESS

**In the event of a stall becoming vacant for any reason that may include disqualification, the following process will be followed:**

A circular will be issued to find a trader for the vacant stall\stalls; No waiting list will be drawn up;

Applicants will have to fulfil the guiding conditions and targets set through broad principles outlined below. The following points may be used to allocate a market stall:

Anyone from the disadvantaged group before 1994 = 2 points

Youth, female = 2 points

Disabled = 2 points

Value added product or skill = 2 points

Applicant is a resident of the UMNGENI Municipal Area = 2 points

**The following proof of residence is required:**

- Rates statement
- Letter from iNkosi
- Letter from the Councillor

NB: The Traders would be offered an opportunity to trade free for six (6) consecutive months from the date of permit and allocation of site\stall, and therefore the rental rates would apply.

## **TERMINATION OF TRADING P E R M I T S**

### **Council reserves the rights to withdraw or terminate the license\ permit if:**

- The licensee\ permit holder contravenes any Law of the Country or its Bylaws;
- The licensee\ permit holder is found in possession or trading legally prohibited goods\services.
- The permit holder is not utilizing the trading stall for six weeks and more ;
- The permit holder is found in possession or trading drugs or intoxicating substance;
- A trader has wilfully supplied incorrect information related to permit conditions;
- A trader, who is allocated a stall has sub-let or sold such a stall to a third party; and
- A trader does not comply with Municipal By-laws.
- If the trader is permanently employed elsewhere.
- If he/she operates in the formal business environment.

## **Goods removal and impoundment Policy**

## **Annexure “c”**

- An authorized officer may remove and impound any goods
- Which he reasonably suspects are being used or intended to be used or have been used in or connection with the carrying on of the business of a street trader, and
- which he finds at a place where the carrying on of such business is prohibited or restricted in
- Terms of this policy, whether or not such goods are in the possessions or under the control of any person at the time of such removal and impoundment.
- An authorized officer removing and impounding any goods shall -
- except in the case of goods which appear to have been abandoned or in respect of which the owner or person having control thereof cannot be found, issue to the owner or person having control of such goods a receipt for the removal and impoundment thereof and stating-
- the place where the goods shall be kept;
- the amount payable in respect of expenses incurred by the Council in impounding and removing the goods; and
- The date on or after which the goods will be sold or destroyed unless claimed and forthwith place such goods in safe custody.

**NB:** Neither the Council nor any authorized officer, or employee of the Council shall be liable for any loss or theft of nor damage to any goods removed and impounded in terms of this policy.

## **Disposal of Impounded goods**

### **Any good impounded in terms of these by-laws shall be dealt with as follows**

- if the goods are claimed, the street trader shall pay the expenses incurred by the Council for impoundment; and
- if the goods are not claimed within the period specified on the receipt issued in terms of this policy, the goods shall be sold to defray expenses incurred by Council in impounding and removing
- The goods.
- In the event that the goods-
- are not capable of being sold, they shall be destroyed after the period specified on the receipt issued in terms of these by-laws;
- Any perishable goods may be sold or destroyed as soon as may be necessary.
- If the proceeds contemplated by this section are insufficient to pay expenses incurred by Council, the owner shall be liable for any excess.

#### **ANNEXURE "D"**

Site demarcation plan as per GIS method including specifications for trading stall as per types of markets above.

#### **ANNEXURE "E"**

Penal provisions: Amount that you will fine offenders; as per below **(schedule of fines)**

<b>OFFENCE</b>	<b>PENALTY</b>
Failure to produce a trading permit upon request	R 50
Dealing in illegal/counterfeit goods	R1000 plus imprisonment
Failure to clean up site after trading	R20 each offence

**MUNICIPAL NOTICE 180 OF 2015**

**UMASIPALA WENDAWO UMNGENI**

**INQUBOMGOMO EMAQONDANA NEZOMNOTHO  
ONGABANJELWA NTELA**



**“Senza kubelula ukuqhuba ezomnotho ongabanjelwa ntela”**

**IZINCAZELO EZISETSHENZISIWE KULO SOMQULU**

**“Ilayisense”** kusho igunya, akukhathalekile ukuthi linhloboni, elikhishwa ngenhloso yokunikza ilungelo lokuqhuba ibhizinisi.

**“ibhizinisi elincane”** linencazelo njengoba ibekwe eMthethweni kaZwelonke Wamabhizinisi Amancane, 1996 (uMthetho No. 102 we-1996).

**“Impahla”** kusho nanoma iyiphi impahla esusekayo esetshenziselwa ukuhweba emgwaqeni futhi, ngaphandle kokunqinda incazelo ejwayelekile yalokhu okulandelayo, kubandakanya imikhiqizo edayiswayo, amatafula okubukisa, izitende, izitsha, izimoto, izakhiwo noma izilwane;

**“Imvume”** kusho incwadi esemthethweni enikeza igunya elisemthethweni lokwenza okuthile. Yize abathintekayo kwezomnotho ongabanjelwa ntela sebewatholile amalayisense amabhizinisi, kungadingeka ukuba bathole nezimvume.

**“Ingxenye yomgwaqo ephakathi”** kusho ingxenye yomgwaqo njengalokhu uchazwe esigabeni 1 soMthetho kaZwelonke Wezemigwaqo uMthetho no.93 wezi-1996 kodwa hhayi indawo yomphakathi.

**“Irenti”** ngokujwayelekile kusho inkokhelo yendawo, kulo mbhalo irenti isho inkokhelo yelungelo lokusebenza, kungabe kusendaweni engagudluki noma esakhiweni esingumahambanendlwana.

**“Isicefe”** kusho nanoma iyiphi indlela yokuziphatha edala noma engadala isimo esiyingozi kubantu empahleni yabanye abantu kumbe kuhazamiseke ukuhlala kahle, ukuthula noma uxolo.

**“Isitende esiklanyiwe”** kusho isitende esiklanywe nguMkhandlu ngenhloso yokuthi kuqhutshwe kuso uhwebo lwasemgwaqeni ngokwesigaba 6(a)(3)(b) soMthetho;

**“Izindawo zomphakathi”** kusho indawo yomphakathi njengalokhu ichazwe **esigabeni**

**“Izimpahla ezingekho emthethweni”** kusho izimpahla ezingekho emthethweni njengoba kuchazwe eMthethweni Wokuvikela Abathengi, 2008

**Othinteka “kwezomnotho ongabanjelwa ntela”** kusho nanoma ubani oqhuba ibhizinisi elingena ngaphansi kwezomnotho ongabanjelwa ntela.

**“Ukuvunywa”** kusho ukuvunywa ngumsebenzi ogunyaziwe kanti “ukuvuma” kunencazelo efanayo;

**“Ukuthuthukiswa Komnotho Wendawo”** kusho amandla ezindawo zemiphakathi okukwazi ukukhulisa aphinde asabalalise umnotho kuwo wonke umuntu, kanti kuphinde kusho nokukhula komnotho okuhlomulisa abampofu.

**“UMasipala”** kusho zonke izigaba (A, B kanye no- C) ngokoMthetho weziNhlaka zoMasipala, uMthetho No. 117 we-1998.

**“Umgwaqo womphakathi”** kusho umgwaqo womphakathi njengalokhu uchazwe esigabeni 1 soMthetho Kazwelonke Wezemigwaqo, no.93 wezi-1996

**“UMkhandlu”** kusho umkhandlu kamasipala UMNGENI kanti maqondana nokusetshenziswa kwamandla, ukwenziwa komsebenzi kubandakanya nanoma yiliphi iKomidi noma ilungu loMkhandlu elinikezwe amandla kumbe umsebenzi;

**“Umntho ongabanjelwa ntela”** kusho kuphela imisebenzi esemthethweni yezomnotho ongabanjelwa ntela.

**“Umsebenzi ogunyaziwe”** kusho umsebenzi woMkhandlu okudluliselwe kuye amandla okwenza umsebenzi, ukusebenzisa ukuphatha ngaphansi kwale nqubomgomo, mayelana nokwenziwa kwalowo msebenzi noma amandla kubandakanya nomsebenzi osebenza ngaphansi kwemithetho kanye nemiyalelo yomsebenzi ogunyaziwe;

**“usomabhizinisi ongosomathuba”** kusho nanoma ngubani othinteka kwezomnotho ongabanjelwa ntela ongena ebhizinisini ngoba ebone ithuba lebhizinisi wangabe esaliyeka. Inhlosongqangi yokuqala lelo bhizinisi kuba amathuba kwezomnotho kunengcindezi evela emphakathini.

**“Usomabhizinisi oyisidingo”** kusho nanoma ubani othinteka kwezomnotho ongabanjelwa ntela ongena ebhizinisini ngenxa yengcindezi yokuthi kumele athole ukudla ukuze ondle umndeni.

**UHWEDO OLUNGABANJELWA NTELA:****INCAZELO KANYE NESINGENISO**

Uhwebo Olungabanjelwa ntela luchazwa njengomsebenzi wezomnotho owenziwa osomabhezini abadayisa izinto ezisemthethweni endaweni yomphakathi kanye neyomnikazi ozimele emkhakheni wezohwebo olungabanjelwa ntela. Umnotho ongabanjelwa ntela unegalelo elikhulu emnothweni kanye nasenhlalweni yezakhamuzi zikaMasipala UMNGENI. Ngenxa yokuncipha kwamathuba emisebenzi nokwanda kwabangasebenzi, abantu abaningi bazama ezinye izindlela zokuziphilisa nokuthola imali. Kuyinto engephikwe ukuthi umnotho ongabanjelwa ntela ubambe elikhulu iqhaza ikakhulukazi ezindaweni ebezincishwe amathuba phambilini. Sekucacile ukuthi umkhakha wamabhezini amakhulu uyehluleka ukuvula amathuba enele omsebenzi labantu abafuna umsebenzi lingena emkhakheni womnotho ongabanjelwa ntela ukuze bekwazi ukuziphilisa.

Le nqubomgomo iqondene nakho konke okuphathelene nokuqhutshwa kohwebo olungabanjelwa ntela ngaphansi kukaMasipala UMNGENI. Uhlelo lokwakhiwa kwale nqubomgomo lubandakanya ukuxoxisana nezinhlela ezithintekayo ngokulalelwa kwezimvo zomphakathi kusukela mhla zingama-31 kuNdasawez-2014.

Uhwebo Olungabanjelwa ntela endaweni yaseMNGENI lusho inqubekela phambili ezinhlelweni zamabhezini ngoba lokhu kunegalelo ekudalweni kwamathuba emisebenzi futhi kwandisela uMkhandlu isizinda somnotho.

**UHLAKA LWEZOMTHETHO**

UMthetho Ohlongozwayo Wamabhezini Amancane (1995) waqoqela ndawonye umkhakha wamabhezini amancane wawafaka phansi kohlelo lwamabhezini okuziphilisa, amabhezini asafufusa amancane kanye naphakathi nendawo. Kwaze kwalinganiselwa ukuthi okungenani amabhezini ayizigidi eziyi-3, 5 angena ngaphansi komkhakha wamabhezini okuziphilisa (okubandakanya amabhezini amancane angabanjelwa ntela). UMthetho Ohlongozwayo Wamabhezini Amancane waphakamisa ukuthi kube namasu okuqhanyukwa nawo ukuze kwelekelelwe lo mkhakha. Ngowe-1996, kwashaywa uMthetho kaZwelonke Wamabhezini Amancane.

UMthethosisekelo waseNingizimu Afrika uphoqeleta uhulumeni wendawo ukuba athuthukise ezomnotho. UMbono woHlelo Lwentuthuko Edidiyele (IDP) lukaMasipala UMNGENI uyakuvuma ukubaluleka kwalo mkhakha wezomnotho ongabanjelwa ntela, okungukuthi: indawo yaseMNGENI, eyidolobha elincane, lizonikeza zonke izakhamuzi impilo engcono ngokuletha intuthuko esimeme. Lizokwaziwa njengesizinda: sezohwebo, sezokuvakasha, sabathandi bemvelo, sezokungcebeleka ogwini, sezomnotho: wezezimboni kanye nezolimo.

Ucwaningo maqondana nomkhakha Wohwebo Olungabanjelwa ntela eMNGENI olwenziwa ngowezi-2010 lwaveza ukuthi abahwebi abangama-90% bakhetha lo mkhakha ngoba bengasebenzi noma ngenxa yokudilizwa emsebenzini. Lokhu kuveza ngokusobala iqhaza elibalulekile elibanjwe uHwebo Olungabanjelwa ntela ekwehliseni izibalo zabangasebenzi. Okunye okwaphawuleka ukuthi abahwebi abaningi bangabesifazane; lolu hlobo lwebhezini ludlondlobala ngesivini ngenxa yokuthi isikhathi sivumela wonke umuntu futhi lunikeza nethuba lokwenza imali eyengeziwe kwabampofu.

## **1. INDLELA OWENZA NGAYO IZINTO UMASIPALA UMNGENI**

### **1.1 Izizathu zokuba neNqubomgomo Emaqondana Nohwebo Olungabanjelwa ntela zingafingqwa ngale ndlela elandelayo:**

- Ichaza indlela edidiyele futhi ehlanganisa konke kuyo yonke iminyango yendawo yaseMNGENI.
- Icacisa inqubomgomo yoMkhandlu kuzo zonke izinhlaka okusetshenziswa nazo.
- Yakha isisekelo soMthetho kaMasipala ozolawula uHwebo Olungabanjelwa Ntela.
- Inikeza isisekelo sezinqumo zokwaba izinsiza.
- Ukusungulwa kwesisekelo sohlelo lokuqashwa kanye nokuhlolwa komsebenzi, oluqukethe izinjongongqangi ezicacile.

## **2. UMNOTHO ONGABANJELWA NTELA WASEMNGENI**

### **Kunezinhlobo ezahlukene zohwebo olungabanjelwa ntela ezikhona kuMasipala UMNGENI, okuyilezi:**

- Uhwebo lwasemgwaqeni
- Uhwebo lwasemarenki lapho abagibeli begibela khona izithuthi
- Uhwebo lwasezindaweni zomphakathi ezivulekile
- Abahwebi bomahambanendlwana (abehla benyuka, abamaveni kanye nabamakhonteyna)
- Uhwebo lwasezimpambanweni zemigwaqo
- Emicimbini ekhethekile
- Abawasha izimoto
- Abacwala amakhanda
- Abelaphi Bomdabu
- Abahwebi basezimakethe
- Abahwebi bezobuciko bemisebenzi yezandla kanye nezamasiko
- Abesebenzi bezinkontileka
- izimayini
- Ukuhweba ngemfuyo
- Ukubaza
- Abathungi bezingubo kanye nokunye okuthungwayo
- Abakhandi bezimoto
- Imisebenzi yezikagesi kanye nezinto eziphathelele nangesi
- Ezokupheka
- Kanye nokunye nokunye

## 2.2 Isimo okuyisona njengamanje

Zonke lezi zinhlobo zohwebo ezibalwe ngenhla zitholakala ezindaweni ezehlukene zikaMasipala UMNGENI. Ezindaweni eziningi, kuminyene kakhulu lapho kuqhutshwa khona uhwebo kanti lesi simo sidala ingcindezi kwingqalasizinda esetshenziswayo kanye nokukhathazeka ngenhlanzeko jikelele kwezinye izindawo. Lezi zindawo “eziminyene” zithokala kulezi zindawo ezilandelayo:

- Irenki enkulu yamatekisi eMNGENI.
- Uma ugudla umgwaqo u-Harding Street
- Uma ugudla umgwaqo u-Somme Street
- Uma ugudla umgwaqo u-Morling Street kanye nabahwebi abambalwa maduze nomgwaqo u-Bell street

Ngaphandle kwalezi zindawo ezibalwe ngenhla, uhwebo luyaqhutshwa nasezimpambanweni zemigwaqo eziningi, ezindaweni ezinezinto ezihehayo (isibonelo) enxanxatheleni yezitolo nakumakhonteyna.

## 2.3 Ngokufingqiwe: Isitatimende seNqubomgomo yoHwebo Olungabanjelwa Ntela emaqondana Nokwelekelelwa kanye Nokuthuthukiswa kwalo Mkhakha

UMasipala UMNGENI uyakuqonda ukuthi likhulu iqhaza elibanjwe umnotho ongabanjelwa ntela kwezomnotho kanye nasenhlalweni yezakhamuzi zakuleli dolobha. Uhwebo olungabanjelwa ntela luhlinzeka labo abangasebenzi ngemali luphinde luhlinzeke lo mkhakha ngolunye uhlelo lwezohwebo abangalusebenzisa. UMNGENI uhlose ukuthuthukisa bonke ababambe iqhaza kulo mkhakha wohwebo nomnotho ukuze ube ngumkhakha wezomnotho ondlondlobele, okhulisa umnotho wedolobha kanye nezinga lempilo yezakhamuzi zalo.

Imisebenzi efanele yokweseka ingqalasizinda, ukuthuthukiswa kosomabhizinisi kanye nokuhlelwa kwezindawo, yikona okuyoba yisisekelo sokufezekiswa kwenhloso yale nqubomgomo. Ukudlondlobala okungalawulile nokungahleliwe komkhakha wohwebo olungabanjelwa ntela kuyoba nomthelela ongemuhele endaweni yaseMNGENI. Kungase kuqubuke izingxabano phakathi kwabasebenzi bakamasipala kanye nabahwebi ngokunjalo naphakathi kwabathinteka kwezomnotho ongabanjelwa ntela asebenkantshubomvu kanye nabasafufusa, ngenxa yokungaqondi amalungelo abanye. Uma ukulawula kanye nokwengamela okusemthethweni kungenele, kungavele kuqubuke abazogcwalisa leso sikhala ngolwabo uhlelo lokulawula intengo kanye nokuzivikela.

UMasipala UMNGENI uyazibophezela futhi ukwelekelela lomkhakha womnotho ongabanjelwa ntela ngokuwucathulisa kanye nokuwufukamela uze ukhule ube umnotho ohleleke kahle. Kubekwe isikhathi esiyiminyaka emihlanu (5) ukucathulisa laba abasangena kulo mkhakha ukuze nabo bafinyelele ezingeni lokuba ngosomabhizinisi abakhulu.

### **Imigomo Yendlela Eyenza Ngayo Izinto uMkhandlu:**

Nansi Imigomongqangi elawula indlela UMNGENI owenza ngayo izinto emkhakheni wezomnotho ongabanjelwa ntela, eyezomnotho; eyezenhlalo kanye nokuhlelwa kwezindawo;

#### **2.3.1. Imigomo Yezomnotho, ukukhula komnotho ongabanjelwa ntela kulo mkhakha kuyohlelwa:**

- Ngokulumbanisa ukuthuthukiswa kanye nokukhuliswa kwezindawo okuqhutshelwa kuzo uhwebo nezikhungo ezinkulu zezomnotho ukuze kwakhiwe izizinda zamabhizinisi ezisimeme

eziyohlomulisa umkhakha wamabhizinisi angabanjelwa ntela ngokunjalo namabhizinisi abanjelwa intela.

- Ngokuhlinzeka ngezinhlobonhlobo zezikhungo, ukuthuthukiswa kwamakhono, kanye nemisebenzi yokweseka amabhizinisi ebhekelela amazinga ahlukeni aBathinteka Emnothweni Ongabanjelwa ntela, kusukela kubahwebi abancane kuye kubaHwebi bomnotho ongabanjelwa asebeyizikhondlakhondla
- Ngokuqinisekisa ukuthi izakhiwo kanye nempahla okungekamasipala UMNGENI isetshenziswa ngokugcwele ukuthuthukisa ngokwenhlalo nangokomnotho imiphakathi ezindaweni eyakhe kuzo.
- Ngokusebenzisa izindawo okufinyeleleka kalula kuzona kanye nalezo ezibonakala kalula ekugqguzeleni uhwebo oluhambisana nezokuvakasha ukuze kuhlomule aBathinteka eMnothweni Ongabanjelwa ntela emathubeni omkhakha wezokuvakasha.

**2.3.2. Imigomo Yezenhlobo.** Ukukhuthaza ukulingana kuMasipala UMNGENI ukuze kwakhiwe iDolobha elihloniphekile ngokwenza lokhu okulandelayo:

- Ukusabalalisa ngokulinganayo ukusetshenziswa kwezimali zikahulumeni kuzo zonke izindawo zikaMasipala UMNGENI ikakhulukazi kulezo zingxenywe ezintula kakhulu futhi ezinomlando wokuthi azikaze zihlomule lutho emisebenzini kahulumeni.
- Ukubheka ukutshalwa kwezimali zikahulumeni kwezohwebo olungabanjelwa ntela njengethuba lokudidiyelwa kokutshalwa kwezimali zikahulumeni.
- Ukusebenzisa ukuthuthukiswa kwezohwebo olungabanjelwa ntela njengethuba lokuphucula isimo sezindawo zikaMasipala UMNGENI ngokoMlando Ezazincishwe Amathuba Phambilini.
- Ukuhlinzeka ngezidingongqangi okungamanzi kanye nokuthuthwa kwemfucuza kuzo zonke izindawo lapho kubonakala khona ukuthi impilo kanye /noma ukuphepha komphakathi kusengozini.

**2.3.3 Imigomo Yezendawo** Umnotho Ongabanjelwa Ntela ubamba elikhulu iqhaza ekuletheni isithunzi ezindaweni zomphakathi njengezikhungo kanye nezindawo ezihlonishwayo futhi ezikwazi ukuba ngumgudu wokuthi kwakhiwe izindawo eziyintandokazi kubantu ngokwenza lokhu okulandelayo:

- Ngokuthuthukisa lezo zindawo eziyoba nomthelela omkhulu kubantu abaningi, okungukuthi izindawo ezinesiminyamina sabantu abahamba ngezinyawo.
- Ngokwakha izindawo zabahwebi abangakhokhi ntela ngokulandela uHlaka lukaMasipala UMNGENI Lohlelo Olubanzi Lokuhlelwa Kwezindawo kanye Nohlaka lwezintuthuko.
- Ngokuhlinzeka ngengqalasizinda elingene kwezohwebo olungabanjelwa ntela eyoncika ekutheni umuntu uhweba ngani.

## 2.4 Izinsika ezine zenqubomgomo yoguquko

Inhlosongqangi yale Nqubomgomo kanye noHlaka Lokwengamela, ukulawulwa kwedolobha okusimeme, okuhlela, kudwebe kuphinde kwengamele idolobha elikwazi ukubhekelela uHwebo Olungabanjelwa Ntela ezitaladini ezihlonziwe, ezimakethe ezisezindaweni zomphakathi ezivulekile.

Ukudidiyelwa okugcwele koHwebo Olungabanjelwa Ntela ekuhlelweni, ekudwetshweni kanye nasekwenganyelweni kukaMasipala UMNGENI kubalulekile ukuze kwenziwe ngcono isithunzi sedolobha, kugqguzelwe ukuthuthukiswa komnotho kuphinde kwandiswe namathuba emisebenzi.

Iphuzu elibalulekile kule nqubomgomo yomnotho ongabanjelwa ntela ukuthi uhulumeni wendawo kumele akhuthaze ukudalwa kwamathuba emisebenzi kanye namathuba ezomnotho ngokunjalo nezohwebo ezinhlobonhlobo. Izinsika ezinhlanu zoguquko yilezi, ukuhlela, inqubomgomo yokwabiwa kwezindawo zokudayisa, uhlelo lokubhalisa, inqubomgomo yezerenti kanye nenqubomgomo yokukhangiswa, ukususwa, ukudliwa kwempahla iyogcinwa ephawundini kanye nokubuyiselwa kwayo.

#### **2.4.1 Ukuhlela**

Izimakethe ezintsha namathuba ezohweba kumele kuhlelwe kahle, ngokubhekela izidingo zezomnotho zalabo aBthintekayo Emnothweni Ongabanjelwa Ntela, isidingo sokusetshenziswa komhlaba ngendlela efanele ngokunjalo nesidingo sedolobha elihlelekile, ukuhlelwa kwemigwaqo kanye nezokuthutha ngokunjalo nezokuphepha kanye nezempilo. Izimakethe ezivele zikhona kumele zenganyelwe ngendlela ekahle bese kuthi lezi ezintsha ezithuthukiswayo zihambisane nohlobo lwemisebenzi yesimanje eyenziwe ezindaweni ezakhiwe kuyona.

#### **2.4.2 Ukubhalisa**

Ngezizathu zokubhekela ezokulawula, ukunakekela izinto zihlale zisemweni esihle nokuqeqesha, kumqoka ukuthi bonke abazonikezwa izindawo zokudayisa babhalise ohlwini lukaMasipala UMNGENI. Ukubhalisa (kanye nokuhlala njalo ukhokha irenti) kukunikeza imvume yokudayisa, ukuthola izidingo kanye nokwesekwa. Le mvume yokuhweba ihambisana nezibophezelo.

Inqubo yokubhalisa kufanele isize ekuvimbeni labo abacasha ngabanye ukuze lezi zakhiwo okuhloswe ngazo ukuthuthukisa osomabhizinisi abancane abesekwa uhulumeni wendawo, zingagcini sezilawulwa ngosomabhizinisi asebeyizikhondlakhondla. Ukuxhashazwa kwabahwebi kumele nakho kungandwe futhi.

Ngaphezu kokucacisa ngeminingwane yemisebenzi eyenziwa abahwebi, kumqoka futhi nokuthola ulwazi ngesimo sabo sezenhlalomnotho, okuyisipiliyoni somsebenzi, amazinga emfundo kanye nokuthi bondla abantu abangaki. Lokhu okokugcina kubalulekile ukuze sikwazi ukuthola ukuthi singabaqeqesha kanjani futhi sibathuthukise kanjani ukuze babe nolwazi ngokusebenza komnotho wesibili.

#### **2.4.3 Inqubomgobo yokwabiwa kwezindawo zokuhweba**

Inqubomgomo yokwabiwa kwezindawo zokuhweba (amatafula okudayiselwa kuwona, izimakethe, izimvume nokunye) ingumgogodla kule nqubomgomo yomnotho ongabanjelwa ntela ngoba iyona nsika uhulumeni wendawo ayokwazi ngayo ukwengamela aphinde axhase umnotho ongabanjelwa ntela. Inhlalo yenqubomgomo yokwabiwa kwezindawo zokuhweba ukuxhasa ukukhula kwebhizinisi kanye nokuhlinzeka ngamathuba kulabo abasaqala, ngendlela esimeme kanye nevumelana nezenhlalo.

Lokhu kungaba nomthelela ngqo embonini yezokuvakasha ngokuba nengxube efanele yabahwebi kulezo zindawo zokudayisa eziheha abavakashi. Uhlelo lokwabiwa kwezindawo luyodingidwa yibo

bonke abathintekayo kuleyo ndawo, kanti ukwabiwa kwezitende zokuhweba khona kuyokwenziwa abasebenzi bakaMasipala.

Inqubomgomo yokwabiwa kwezindawo zokudayisa inanyatheliswe yaba ufomu "A"

#### **2.4.4 Inqubomgomo Yezerenti**

Njengoba kwaziwa ukuthi izakhiwo zinamanani, kuye ngendawo ezakhiwe kuyo, kubalulekile ukubeka intengo ezindaweni ezahlukene zohwebo olungabanjelwa ntela. Inani lesitende litholakala ngokusebenzisa uhlelo lwamarenti ahlukeneyo. Imali yerenti iyosuselwa ekutheni sikhulu kangakanani isitende, sisendaweni eheha kangakanani kanye nezinga lemisebenzi ezohlinzekwa kuso. Amazinga ayosuselwa ekutheni kumbize malini uhulumeni wendawo ukwakha lezo zakhiwo, kungalibaleki ukuthi kunesidingo sokuweseka ukuvulwa kwamathuba amasha kwezinye izindawo. Uhlaka lwenkokhelo emisiwe luyovumela uxhasomali olusobala ukuqinisekisa ukunikezwa koxhaso ngokulinganayo.

Uhlu lwezinkokhelo ezimisiwe Uhlaka lwezimali zerenti lunanyatheliswe lwaba ufomu "B"

#### **2.4.5. Inqubomgomo Yokukhangiswa, Ukususwa, Ukudliwa kwempahla iyogcinwa ephawundini kanye Nokubuyiselwa Kwayo:**

Inanyatheliswe yaba ufomu- "C"

2.4.5 **Ipalani yokuklanywa Kweziza** inanyatheliswe yaba ufomu- "D"

2.4.6 **Izihlinzeko Eziphathelele Nokwepulwa Komthetho** zinanyatheliswe zaba ufomu- "E"

##### **2.4.4.1 Ukukleliswa Kwezimakethe**

Ukukleliswa kwezimakethe kuncike ezingeni lwemisebenzi olutholakala kuleyo naleyo makethe ngokunjalo nokusimama kwalelo nalelo bhizinisi lezohwebo. Nazi izinhlobo zezimakethe okumele zihlonzwe:

##### **Izimakethe eziwuhlobo-A**

Lolu hlobo lwezimakethe lufakwe konke okudingekayo, ugesi, amanzi kanye nezakhiwo ezingagudluki. Zivamise ukwakhiwa lapho kunabantu abaningi abahamba ngezinyawo. Lezi zimakethe zihlinzeka ngokuningi okutholakala ezitolo ngentengo ephansi kanye nezindawo ezihambelana nezidingo kanye nezinto ezithandwa ngabathengi.

##### **Izimakethe eziwuhlobo -B**

Lolu wuhlobo lwezimakethe olunemipheme nezindonga lapho abathengisayo bebeka khona abakudayisayo. Lezi zimakethe zivamise ukuba seduzane nezitolo ezinkulu ezigudle imigwaqo.

##### **Izimakethe eziwuhlobo- C**

Yilezo zimakethe zabahwebi ezingomahambanendlwana/ abazulazulayo/ abahamba ngezinyawo/ ngezinqola.

#### 2.4.4.2 Uhlaka Lwezinkokhelo Ezimisiwe

Umhwebi akanalo ilungelo lobunikazi banoma yisiphi isitende sokudayisa. Izinkokhelo ezimisiwe okufanele zikhokhwe zibekwa eshedulini yoMkhandlu yezinkokhelo ezimisiwe okumele zikhokhwe evunywa njalo ngonyaka. Inani lezomnotho wendawo kumele libhekwe ekukhishweni kwezimvume kanye namalungelo okurenta indawo ngokunjalo nalapho kuklanywa izinkokhelo ezimisiwe okumele zishintshwe. Le mali okumele ikhokhwe kufanele ibhekele indawo okuqhutshelwa kuyo uhwebo ngokunjalo nensalela yenani elengezwa uhwebo olungabanjelwa ntela. Imali yerenti iyohambisana nobukhulu besitende, yindawo esikuyo, kanye nezinga lemisebenzi ehlinzekwayo. Amazinga ayosuselwa ekutheni kumbize malini uhulumeni wendawo ukwakha lezo zakhiwo, kungalibaleki ukuthi kunesidingo sokweseka ukuvulwa kwamathuba amasha kwezinye izindawo. Abahwebi basezitaladini kuyomele banqunyelwe imali eyisisekelo yokurentela isitende. Kuyomele kuqaliswe uhlelo lwerenti ehlukani siwe yokuhlinzekwa kwemisebenzi eyahlukene. Izindawo zokuhweba kuyofanele zibe nompheme, ukuthuthwa kwemfucuza, amanzi, izindlu zangasese, ugesi kanye nezindawo zokubeka impahla.

Ezindaweni ezinganganyelwe UMNGENI nalapho izidingo ezihlizekwayo zingezokwengeza kulezo ezihlizekwa UMNGENI, kungasebenza olunye uhloko lwezimali ezikhokhwayo ukuze kuvele usizo lwezidingo zokwengeza ezihlizekwa kuleyo ndawo.

## 2. IQHAZA KANYE NEZIBOPHEZELO

Kuneminxa emine emqoka emaqondana noHwebo Olungabanjelwa ntela kuMasipala UMNGENI:

- Ukwakhiwa kweNqubomgomo kanye Nokubuyezwa kwayo
- UMthethonqubo kanye Nokuphoqelelwa kwayo
- Izibophezelo zezeNtuthuko
- Ukwengamela

### 2.1. Iqhaza

Nansi iminyango eyahlukene / izigaba ezahlukene ezibhekele uhwebo olungabanjelwa ntela:

#### UMnyango obhekele Ukuthuthukiswa Komnotho Wendawo (LED)

- Ukudidiyela kanye nokuqapha yonke imisebenzi yezohwebo olungabanjelwa ntela.
- Ukuhlolwa izikhathi ngezikhathi komkhakha wezohwebo olungabanjelwa ntela ezindaweni ezikhethiwe.
- Ukugqogquzela ukulunjani kwamabhizinisi (angabanjelwa ntela kanye nabanjelwa intela).
- Ukukhankasela kanye nokweseka umkhakha wezohwebo olungabanjelwa ntela.
- Ukuhlinzeka ngezikhungo kanye nezindawo zokusebenza ngokunjalo nokwabiwa kwazo.
- Ukwakhiwa kwenqubomgomo.

#### Ezempilo Yezemvelo

- Ukugqogquzela inhlazeko kuyo yonke imikhakha yezohwebo kubandakanya namabhizinisi aqhutshwa emakhaya.
- Ukufundisa abakulo mkhakha ngezempilo.

- Ukuhlola indawo kanye nokunikezela ngezitifiketi zezempilo.

**UPhiko olubhekele ukuphathwa kwendawo**

- Ukuhlinzeka ngomhlaba ngenhloso yokuba kuqhutshwe uhwebo kuwona.
- Ukuhlinzeka ngesivumelwano sokuqashiselana ngokwenqubomgomo kaMasipala yokurenti.

**UPhiko olubhekele Ukulawulwa Kwemfucuza**

- Ukuhlinzeka ngendawo yokulahla imfucuza kanye/ noma imigqomo kuzo zonke izindawo okuqhutshwa kuzo uhwebo.
- Ukususwa kwemfucuza kanye nokuhlanzwa kwazo zonke izakhiwo okuqhutshwa kuzo uhwebo kubandakanya nezindlu zangasese ezihlinzekelwe abathinteka kulo mkhakha.

**Ezokuphoqeelwa komthetho**

- Ukuphoqeelwa koMthetho kaMasipala.
- Ukuhlola usuku nosuku zonke izindawo okuqhutshwa kuzo uhwebo.

**Ezokuhlelwa Kwezindawo kanye Nezemvelo**

- Ukuklanywa kweziza ezintsha zezohwebo.
- Ukuhlinzeka aBeseka Abamabhizinisi ngezeluleko ezimaqondana nokusetshenziswa kwezindawo ezivulekile.

**UPhiko olubhekele Ezamabhilidi kanye Nezakhiwo**

- Ukugcinwa kwezindawo zokudayisa zisemweni esihle.

**INhlangano Ebhekele Ezomnotho Ongabanjelwa Ntela ezingeni lukaMasipala**

Le nhlangano iyizwi labathinteka emnothweni Ongabanjelwa Ntela, imele bonke ababandakanyekayo kulo mkhakha. INhlangano Ebhekele Ezomnotho Ongabanjelwa Ntela kuMasipala ingaphansi kweNhlangano Ebhekele Ezomnotho Ongabanjelwa Ntela ezingeni lesiFunda yona engaphansi kwesezingeni lesiFundazwe.

UMnyango Wezokuthuthukiswa Komnotho Wendawo yiwona okuxhunyanwa nawo mayelana nezindaba ezithinta iNhlangano Ebhekele Ezomnotho Ongabanjelwa Ntela futhi usebenza nale nhlangano uma ulungisa nanoma yiluphi udaba olumaqondana nalo mkhakha; phakathi kokunye kungabalwa lokhu okulandelayo:

- Ukuhlinzeka ngosizo kwezokuphatha
- Ukuhlinzeka ngezokuthutha uma kwenziwa umsebenzi osemthethweni
- Ukuhlinzeka ngosizo lokufundisa kanye nokuqeqesha.

**5. EZOKUQHUTSHWA KOMSEBENZI****5.1 Indlela elandelwayo uma kwabiwa izitende zokudayisa**

Umasipala wakha isigcinamininingwane esinohlu lwamagama lwabo bonke abantu abangabahwebi basemgwaqeni ngokwehlukana kwezindawo, okuyilona olusetshenziswayo ukuze kwabiwe izitende zokuhweba ngokulinganayo, lolu luhlu luyokuba nenombolo kamazisi yomdayisi ngamunye kumbe nanoma yini—ke enye ehlonza umdayisi, ikheli, izimpahla azidayisayo, indawo adayisela kuyona kanye nanoma yimiphi eminye imininingwane emqoka. Ukwabiwa kwezindawo zokudayisela kuyoncika kulokhu okulandelayo:

- Abadayisi basemgwaqeni kuphela abayonikezwa izindawo kubandakanya nalabo abanezimvume ezisemthethweni zokudayisa abazinikezwe yiziNhlaka ezisemthethweni, abanelungelo, hhayi ibhizinisi elisebenzela esakhiweni sezitini kanye nendawo eyakhiwe ngokusasemende.
- Abahwebi abasebenza izinsuku ezine ngesonto amasonto angama-45 ngonyaka yibona abayocatshangelwa kuqala kunabawebi abathi gqwa, gqwa.
- Umdayisi / umndeni ngamunye uyonikezwa isitende esisodwa kuphela.
- Izakhamuzi ezingaqashiwe ezihlala ngaphansi kukaMasipala UMNGENI yizona eziyocatshangelwa kuqala kunabanye abafake izicelo zezimvume zokuhweba.

## 5.2 Indlela elandelwayo uma kunikezelwa ngezimvume

### Uma kunikezelwa ngezimvume kufanele kulandelwe le ndlela elandelayo:

- Izimvume ziyosebenza ngokusemthethweni isikhathi esiwunyaka owodwa kuphela bese zivuselelwa ezinsukwini ezingama-30 ngaphambi kokuba ziphelelwe yisikhathi.
- Kuyocatshangelwa kuqala labo abanomlando wokuncishwa amathuba phambilini, ababegunyazwa yiminyaka yabo ukuthi bangavota, kodwa ababengenalo ilungelo lokuvota ngaphambi konyaka we-1994 okhethweni lwaseNingizimu Afrika futhi kufanele kube ngabantu abakade behweba endaweni engaphansi kukaMasipala UMNGENI isikhathi esiyizinyanga eziyi-6 ngaphambi kokuba bafake isicelo.
- Abantu abangaqashiwe yibona abacatshangelwa kuqala kunabanye ekufakweni kwezicelo zezimvume zokuhweba.
- Ofake isicelo kufanele abe nomazisi osemthethweni waseNingizimu Afrika noma imvume yokusebenza yakuleli noma imvume esemthethweni ekhishwe uMnyango Wezasekhaya.
- Umhwebi kufanele akwazi ukuhweba okungenani izinsuku ezine ngesonto okungenani amasonto angama-45 ngonyaka.
- Kufanele kube nengxubevange yemikhiqizo eyanele ukuqinisekisa ukuthi abathengi bathola konke abakudingayo ngokwehlukahlukana kwakho kanjalo nokuqinisekisa ukuthi impahla edayiswa ngabadayisi yanele emakethe ukuze bekwazi ukusebenza kahle.
- Umdayisi / umndeni ngamunye uyonikezwa imvume eyodwa kuphela.
- Uma ngabe umdayisi ehweba ngokudayisa ukudla, kufanele abe nesitifiketi sezeMpilo esimgunyazayo.
- Izimvume ziyokhishelwa izindawo eziklanyiwe kuphela, inqobo nje uma kukhona izitende zokuhweba ezingenamuntu.

## 5.3 Izimo Eziyisipesheli

**Kuyahlaluka ukuthi lezi zimo ezilandelayo zingenza ukuba kwenziwe izinto ngendlela eyehlukile kulokhu okubalwe ngenhla:**

- Ekushoneni koMhwebi ongumnikazi wemvume- uma kubonakala ukuthi ukungaqhubeki nokuhweba kuzokwenza impilo ibe nzima emndenini wakhe, imvume yokudayisa inganikezwa elinye ilungu lomndeni/ umsizi womhwebi kuze kuphele isikhathi esinqunyiwe kuyona imvume koMhwebi ongumnikazi wemvume noma ngesikhathi Semicimbi Yezenkolo- uma ngabe umhwebi egula noma ethathwe yizizathu ezimaqondana nenkolo kufanele abike ngokubhalela ikomidi elengamele abahwebi abangabanjelwa ntela. Kufanele futhi asho ukuthi kuzoba yisikhathi esingakanani engakwazi ukusebenza. Ilungu lomndeni noma umsizi wakhe angasebenza endaweni yakhe kodwa kungeqi esikhathini esisemvumeni yakhe yokuhweba, futhi yonke imininingwane yomsizi wakhe noma yomhwebi obambile kufanele ibhalwe ngemumva kwemvume.
- Uma ngabe uMhwebi Ongumnikazi wemvume/ umndeni wakhe ukhetha ukungasifaki isicelo sokuba kubhekiswe isimo somdayisi ngokuyisipesheli njengoba kuchaziwe ngenhla, imvume kufanele ibuyiselwe eMkhandlwini ukuze inikezwe omunye umuntu onelungelo lokuthola imvume osohlwini lwabalindele.

## **5.4 Izigaba okudlulwa kuzo ukuze uthole imvume yohwebo olungabanjelwa ntela**

### **5.4.1 Izicelo Ezintsha**

- Ofaka isicelo uthumela incwadi (eyamukelwa ngumsebenzi womnyango obhekele Ukuthuthukiswa Komnotho Wendawo (LED).
- Ofake isicelo ube esethintwa ngocingo/ ngomyalezo kamakhalekhukhwini acelwe ukuba azogcwalisa ifomu lokufaka isicelo, ofake isicelo kufanele ahambisane nalokhu okulandelayo:

### **5.4.2 Okudingekayo (kulabo asebevele bengabahwebi)**

- Makube ukuthi usedayise okungenani isikhathi esiyizinyanga eziyi-6, endaweni yaseMNGENI, ngaphambi kokuba afake isicelo futhi lokhu kuyomele kuqinisekiswa, ngokubhalwe phansi, yiNhlangothi yabahwebi boMnotho Ongabanjelwa ntela (Informal Chamber.)
- Abantu abayizakhamuzi zaseMNGENI bayocatshangelwa kuqala kunanoma yibaphi abanye abafake izicelo (kudingeka nencwadi eqinisekisa indawo yokuhlala).
- Akube umuntu ongasebenzi.
- Makungabi umuntu obambe iqhaza kunanoma yimuphi umkhakha wezohwebo olubanjelwa intela.
- Makube umuntu ozovuma kubhekwe umlando wakhe wobugebengu ukuthi akakaze aboshwe yini ngamaphoyisa phambilini.
- Avume ukuba umazisi wakhe nezinye izincwadi ezimchazayo zithathwe ziyiqinisekiswa nguMnyango Wezasekhaya.

- Umazisi wakhe oluhlaza onamagabelo kanye nekhophi eqinisekisiwe / imvume esemthethweni ekhishwe uMnyango Wezasekhaya.
- Incwadi eqinisekisa indawo ahlala kuyo.
- Izithombe zephasphothi ezimbili (kanye nezalowo ongumsizi wakhe).
- Abantu abayizakhamuzi zaseMNGENI bayocatshangelwa kuqala.
- Izingqola ezidonswa yizithuthi kanye namakharaveni kufanele kube namalayisense asemthethweni, okokucisha umlilo kanye nezinombolo okurejistwe ngazo.

5.4.4 Ofuna imvume ugcwalisa ifomu lokufaka isicelo. (Kumsebenzi Obhekele Uhwebo Olungabanjelwa Ntela)

5.4.5 Isicelo siyemukelwa.

5.4.6 Abahwebi abangabanjelwa ntela abadayisa ukudla bathunyelwa ukuba bayoqeqeshwa ngokwezeMpilo kanye nezenhlanzeko yendawo okusetshenzelwa kuyo.

5.4.7 Ofake isicelo ube esenikezwa imvume yokuhweba uma sikhona isitende sokuhweba esingenamuntu.

5.4.8 Uma enganikezwa imvume kufanele achazelwe ngezizathu zokuchithwa kwesicelo sakhe.

### **Ukuvuselelwa Kwemvume**

- Kuyohlelwa usuku lokuvuselelwa kwezimvume ezindaweni ezahlukene zokuhweba.
- Kube sekwaziswa uPhiko Lwezempilo Yezemvelo ngokunjalo Nabokugcinwa Komthetho kanye neminye iminyango ethintekayo.
- Kuyobe sekuthunyelwa imiyalezo kamakhalekhukhwini, kufakwe izingqwembe kuphinde kusatshalaliswe nezincwajana kwaziswe namakomidi.

### **Nazi izinyathelo ezilandelwayo uma kuvuselelwa izimvume:**

- **Isinyathelo 1.** Kugcwaliswa ifomu lesicelo
- **Isinyathelo 2.** Kubhekwa ukuthi ofake isicelo uyahambisana yini nemithethonqubo kanye nokunye okudingekayo.
- **Isinyathelo 3.** Abahwebi abadayisa ukudla okonakalayo kufanele baqeqeshwe bese bethola izitifiketi ezikhishwa wumkhakha obhekele ezempilo.
- **Isinyathelo 4.** Ukunikezela ngolwazi lwemithetho kamasipala emaqondana noHwebo olungabanjelwa ntela.
- **Isinyathelo 5.** Ukucutshungulwa kwefomu lesicelo.
- **Isinyathelo 6.** Umhwebi kumele alethe isiqinisekiso sokuthi ukhokhile.

### **5.6 Ukuhlola**

- Uma umhwebi engahambisani neziNqubogomo zikaMasipala kanye neMithetho Kkamasipala Yezohwebo Olungabanjelwa Ntela, izikhalo kumele zedluliselwe ophikweni olubhekele ukugcinwa komthetho.

### **5.7 Ukuhweba ngomahambanendlwana/ Ngokuzulazula**

Ngokuhambisana nemithetho ebekiwe, izindawo zokudayisa ziyohlonzwa kuzo zonke izindawo zaseMNGENI kanti-ke kuyohlonzwa isibalo esithile sezimvume zohwebo olungabanjelwa ntela lomahambanendlwana kuleyo naleyo ndawo. Lezi zimvume ziyokhishwa ngokulandela isigaba 6 esikhuluma “Ngendlela elandelwayo uma Kwabiwa Izimvume”. Izimvume ziyosebenza ngokusemthethweni isikhathi esiwunyaka kuphela futhi ziyovuselelwa kusele izinsuku ezingama-30 ngaphambi kokuba ziphelelwe yisikhathi.

### **5.8 Imicimbi eyisipesheli**

Le micimbi iba ngeyesikhashana futhi ukuhlelwa kwayo kuhambisana nohlobo lomcimbi kanye nendawo owenzelwa kuyo. Ngaphambi kokuba kwenziwe umcimbi, kufanele kutholakale imvume kumasipala, kuye ngokuthi yinhloboni yomcimbi. Isibonelo semicimbi eyisipesheli: eyezemidlalo, imakethe yasebusuku kanye nemicimbi emikhulu.

### **5.9 Imvume eyisipesheli**

Inqubo yemvume eyisipesheli yindlela ekahle yokucubungula isicelo sananoma yimuphi umcimbi wezohwebo ozokwenzelwa endaweni engabekelwe ukudayisa ngoba inikeza bonke abathintekayo ithuba lokuba baphawule noma bazwakalise izikhalo zabo. Ngaphezu kwalokhu, kungabekwa imibandela ethile okungathi uma ingalandeliwe ihoxiswe le mvume eyisipesheli.

### **5.10 Ukuphoqelelwa komthetho kanye nokuqapha**

Ukuziphatha kwabahwebi kuyoqashwa ngeso lokhozi ukuze kuqinisekise ukuhlonipheka kwesithunzi sikamasipala ezakhamuzini zawo kanye nasezivakashini. Ukuziphatha ngendlela engemukeleki kwabanye abantu kuyoba yicala.

- Akekho umhwebi oyovunyelwa ukuqhuba ibhizinisi lakhe ngendlela edala inkathazo, ngendlela enobungozi noma engase idale ingozi ngokwezempilo kanye nakwezokuphepha emphakathini, noma ngendlela enokucekela phansi impahla.
- Kuyolandelwa izinyathelo zokuqondiswa kwezigwegwe okuchazwe ngakho ekhasini lama-32, endimeni yama-62 ngaphansi koMthetho Wezinhlelo zoMasipala ongunombolo 32 yowezi-2000 (bheka isithasiselo esinanyathelisiwe).
- Uma umhwebi ephula imigomo yemvume, uyobhalelwa aziswe ngecala alenzile kanye nezinyathelo ezizothathwa. Angeke isabuyiselwe emuva imali ekhokhelwe imvume.
- Izinyathelo zokujeziswa zingabandakanya isexwayiso, ukumiswa isikhathi esinqunyiwe, noma ukuhoxiswa ngokuphelele kwemvume yokuhweba.
- Umhwebi uyoba nethuba lokwedlulisela udaba lwakhe phambili.
- Uma ngabe umhwebi echithiwe ekunikezweni imvume noma ihoxisiwe, angafaka isikhalo sakhe eNhlanguweni yabahwebi boMnotho ongaabanjelwa ntela kuMasipala UMNGENI ngokoMthetho Wezinhlelo zoMasipala, uma isikhalo sithinta uMsebenzi woMkhandlu, kufanele sedluliselwe eMenenjeni Kamasipala.
- Kuyocutshungulwa ukusebenza komhwebi ngamunye unyaka nonyaka, ngaphambi kokuba anikezwe imvume njengendlela yokuqapha isimo somhwebi kanye nendlela athuthuka ngayo jikelele.

### **5.11 Ukunqanyulwa kwelayisensi/ kwemvume**

**Umkhandlu unelungelo lokuhoxisa noma unqamule ukusebenza kwelayisense/ kwemvume uma:**

- Umnikazi wemvume engayisebenzisi indawo yokudayisa amasonto ayi-6 nangaphezulu ngaphandle kokunikeza izizathu zalokho.
- Umnikazi wemvume ephula nanoma yimuphi uMthetho Wezwe noma iMthetho kaMasipala;
- Umnikazi wemvume etholakala nezidakamizwa noma edayisa ngazo noma yini enye edakayo (engenayo imvume yalezi zinto);
- Umhwebi enikeze ngesibomu imininingwane engelona iqiniso maqondana nemvume;
- Umhwebi onikezwe isitende sokuqhuba uhwebo esiqashisa noma asidayisele omunye umuntu; noma
- Umhwebi engayigcini iMithetho kaMasipala.
- Umhwebi kukhona lapho eqashwe khona ngokugcwele.
- Umhwebi ebandakanyeka emabhizinisini amakhulu abanjelwa intela.

## **6. ISIPHETHO**

Eminyakeni emibalwa edlule UMNGENI ubulokhu wenza umsebenzi omuhle maqondana nokuhlela ngobuchule kanye nokulawula ukuthuthuleka kwabahwebi bohwebo olungabanjelwa ntela eMNGENI.

Umasipala sewubuyekeze inqubomgomo yokwabiwa kwezindawo zokuhweba kanye noHlaka Lwezohwebo Olungabanjelwa Ntela (Informal Trading Framework) okulindeleke ukuba lwamukelwe nguMkhandlu ngonyaka wezi-2014. Ukwakhiwa kweNqubomgomo Yezohwebo Olungabanjelwa Ntela kuzosiza UMNGENI ekubekeni isisekelo sohlelo lokuqapha kanye nokuhlola umsebenzi, kube nanezinjongongqangi ezichazwe ngokucacile.

**INQUBOMGOMO YOKWABIWA KWEZITENDE ZOKUDAYISA: Isithasiselo "A"****UKWABIWA KWEZITENDE ZOKUDAYISA EMAKETHE (UHWEBU OLUNGABANJELWA NTELA)****INJONGO**

Injongo yoMkhandlu ngokuhlinzeka ngendawo yokuhweba emgwaqweni ngukwenyusa amathuba ezomnotho kanye nokudala namathuba emisebenzi. Lapha kubhekelewa kakhulu leyo miphakathi eyayincishwe amathuba phambilini, ubulili, yintsha kanye nabaphila nokukhubazeka. Izakhamuzi ezakhe ngaphansi kukamasipala UMNGENI zona zithola amaphuzu okwenzelela uma kwabiwa izitende.

Inqubomgomo igxilise kokubalulwe eSigabeni 152 nasesigabeni 156 soMthethosisekelo Wezwe LaseNingizimu Afrika (uMthetho 108 we-1996) kanye nesigaba 11 soMthetho Wezinhlaka zoMasipala (uMthetho 32 wezi-2000).

Le nqubomgomo ihlose ukuhlinzeka ngamathuba ezamabhizinisi kanye nokudalwa kwamathuba emisebenzi ngokweseka labo bahwebi abasafika endimeni yezomnotho kanye nalabo asebevele bengabahwebi. Ukuqaliswa kokusebenza kwale nqubomgomo akubandlululi muntu futhi kwenziwa ngendlela eqinisekisa ukusebenzisana ngomoya omuhle, ukukhula futhi yenza kube khona ukuxhumana phakathi kwabahwebi bebodwa kanye namakhasimende abo ngokunjalo nomphakathi wonkana jikelele kanye nokuxhumana phakathi kwabahwebi kanye nabamabhizinisi amakhulu.

UMkhandlu uyosebenzisa izinhloko zawo ezifanele ukuqinisekisa ukuthi iyalandelwa le nqubomgomo ngaso sonke isikhathi.

**IMIBANDELA ELANDELWAYO UMA KWABIWA IZITENDE ZOKUHWABA**

Isitende ngasinye siyonikezwa inombolo yaso futhi siyokwabiwa ngaphansi kwale mibandela elandelayo:

- Kuyonikezwa isitende esisodwa kumdayisi ngamunye, umuzi ngamunye, kanti futhi kumele umhwebi ngamunye abe nemvume esemthethweni ekhishwe yiZiphathimandla ezinelungelo lokukhipha izimvume, (bheka endimeni-5.1).
- Ukuzibophezela ukukhokha irenti yesitende ngokweSithasiselo B (izimali zingenyuka ngokweZinkokhelo Ezimisiwe ezinqunywa ngayo uMkhandlu);
- Imvume yonyaka owodwa eingadluliselwa komunye umuntu eneminingwane yomhwebi, imikhiqizo ayidayisayo kanye nenombolo yesitende asebenzela kusona;
- Umhwebi kumele abe neminyaka yobudala eyi- 18 noma ngaphezulu.
- Umhwebi kufanele asebenzele endaweni ayinikeziwe, angazami ukuyinweba.
- Umhwebi akufanele abe nebhizinisi elibanjelwa intela noma umsebenzi aqashwe kuwo ngokugcwele.
- Imvume iyovuselelwa, kusasele izinsuku ezingamashumi amathathu ngaphambi kokuba iphelelwe yisikhathi.

- Ukwehluleka ukuvuselela imvume ngesikhathi esifanele kuyoholela ekuhlawulisweni.
- Ngabahwebi abanezimvume ezisemthethweni kuphela ezikhishwe uMkhandlu abayovunyelwa ukuba bahwebe.
- Akekho umuntu onebhizinisi elibanjelwa intela oyovunyelwa ukuba abe umhwebi ongabanjelwa ntela, okungukuthi akavunyelwe ngisho ukusebenzisa ilungu labasebenzi bakhe ukuba lifake isicelo semvume yokuhweba.
- UMasipala uyoqinisekisa ukuthi ukwabiwa kwezitende zomnotho ongabanjelwa ntela akuphazamisi abomkhakha wezamazibizini abanjelwa intela.
- UMasipala kufanele aphinde aqinisekise ukuthi ukwabiwa kwezitende kubhekelela ukusimama kwezamazibizini kulowo nalowo mgwaqo futhi kubhekelela nokuqhutshwa kwezinhlobo ezahlukeneyo zezohwebo.
- Akuvumelekile ukubaswa komlilo emgwaqeni ngaphandle uma kuyindawo eyenzelwe lokho.

**Izimvume ziyotholakala kuphela uma kuhlangelelwe nalezi zinto ezilandelayo:**

- Izithombe ezimbili zephaphathi kanye nezinye ezimbili zalowo ongumsizi wakhe.
  - Ikhophi kamazisi eqinisekisiwe /imvume ekhishwe uMnyango Wezasekhaya.
  - Isiqinisekiso sendawo ohlala kuyo
  - Uhlobo lwempahla ozohweba ngayo
  - Ofake isicelo kufanele akulungele ukuhambela uqeqesho olwenziwa ngabasebenzi boMkhandlu.
  - Incwadi efungelwe (i-afidavithi) efakazela ukuthi awusebenzi ephuma emnyangweni Wezemisebenzi.
- UPhiko lwe- LED luyogqogqezela ukuphathwa kanye nokulawulwa kwendawo.
  - Kuyicala ukwephula izihlinzeko zanoma yimuphi umthetho kubandakanya neMithetho yoMkhandlu kaMasipala.
  - Umsebenzi ojutshiwe angasusa nanoma iyiphi impahla, into noma amakhonteyna asola ukuthi ayasetshenziswa noma kuhloswe ukuba asetshenziswe kumbe asetshenziswe ngokuphambene nenqubomgomo yoMkhandlu emaqondana noHwebi Olungabanjelwa ntela kanye neMithetho kaMasipala elawula uHwebi Olungabanjelwa ntela, ayokugcina ephawundini.

## **IMITHETHO YOKUZIPHATHA EVAMILE**

### **Ngesikhathi ehweba; umuntu:**

- Akavumelekile ukuba abeke impahla yakhe ngendlela enobungozi kunanoma yimuphi umuntu noma enamathuba okuthi ingalimaza nanoma yimuphi umuntu;
- Kufanele enze umsebenzi wakhe ngendlela engenabungozi empilweni noma ukuphepha komphakathi;
- Akavumelekile ukuba akhangise ngempahla ayidayisayo esitendeni somunye umuntu ngaphandle kwemvume yomnikazi waso;
- Akavumelekile ukuba aqhube ibhizinisi ngendlela ezodala inkathazo noma ezolimaza/ezokonalisa indawo kumbe anamathisele nanoma yini endaweni yokuhweba;
- Kufanele ahloniphe isicelo sanoma yimuphi umsebenzi noma lowo omele uMkhandlu noma salowo ohlinzeka ngosizo lwezokuxhumana, ugesi kanye nanoma yiziphi ezinye izidingo, sokuba agudluze impahla yakhe ukuze kwenziwe nanoma yimuphi (kubandakanya nokuhlanzwa kwendawo);
- Akufanele abase umlilo esitendeni ngaphansi kwanoma yiziphi izizathu; akufanele alale kunanoma yisiphi isitende ebusuku;
- Kumele agcine indawo ayisebenzisayo ihlanzekile;
- Akufanele alahle imfucuza esitamkokweni samanzi noma kunanoma iyiphi enye indawo ngaphandle kwendawo ebekelwe ukuba kulahlwe kuyona;
- Kufanele athathe impahla yakhe uma eseqedile ukusebenza ekupheleni kosuku;
- Akufanele apheke noma avumele ukuba kuphekelwe esitendeni ngaphandle kokugunyazwa uphiko lwezempilo kanye nabezomgwaqo eMkhandlwini;
- Akufanele aqashise ngendawo noma avumele ukuba kurentwe nangayiphi indlela;
- Akufanele acwale izinwele noma avumele ukucwalwa kwezinwele endaweni ayisebenzisayo ngaphandle uma kuyindawo ebekelwe ukuba kucwalelwe kuyona izinwele.
- Akufanele avume ukusetshenziswa ngabanye abantu noma osomabhizinisi kube sengathi ibhizinisi elakhe kube kungesilona elakhe.

### **Okungavunyelwe**

Akekho umhwebi wasemgwaqweni oyovunyelwa ukudayisa noma ukuqhuba uhwebo lwasemgwaqeni onqenqemeni olugudle:

- ibhilidi elihlonzwe laba yisikhumbuzo ezweni ngokomnikazi enkabeni yedolobha;

- indlu yesonto kumbe enye indawo esetshenziselwa ukuba kukhonzelwe kuyona, noma
- indawo engena ngaphansi kwalezo ezingamagugu ezwe ngokoMthetho kaZwelonke Wezikhumbuzo kuZwelonke (National Monuments Act No. 28 of 1969);
- ibhilidi okuqhutshelwa kulona elinye ibhizinisi.
- engxenyeni ethile yomgwaqo womphakathi oncikene nendawo okuhlala kuyo abantu.
- nanoma iyiphi indawo lapho ukwenza khona umsebenzi wakhe kuphazamisa-
  - indawo okungenwa nokuphunywa kuyona esakhiweni, kumbe
  - isiteshi sezicishamlilo;
  - indawo ebekelwe abantu abahamba ngezinyawo ngaphandle uma iklanyelwe ukuba kuqhutshwe uhwebo kuyona.
  - nanoma iyiphi indawo ehlonzwe ngokwesigaba 6a (2) somthetho lapho ukuqhutshwa kwebhizinisi lokudayisa emgwaqenikungavunyelwe nguMkhandlu, kumbe
  - indawo uMkhandlu ongakuvumi ukuba kusetshenzelwe kuyona, ngaphandle uma lelo bhizinisi liqhutshwa ngokwenemigomo yoMkhandlu kunanoma iyiphi indawo ebekwe futhi yaklanywa nguMkhandlu ngokwesigaba 6a (3) (b) somthetho yaba yizitende noma yizindawo zokuqhuba ibhizinisi labahwebi basemgwaqeni, ngaphandle uma lelo bhizinisi liqhutshwa ngokwesivumelwano esenziwe noMkhandlu, noma umhwebi abelwe nguMkhandlu indawo kumbe isitende; kanye nakunanoma iyiphi indawo yomphakathi yokungcebeleka kumbe ipaki ngaphandle uma ezothola kuqala imvume ebhaliwe eMkhandlweni

### **Okungavumelekile**

### **Akekho umuntu ongumhwebi wasemgwaqweni:-**

- ovunyelwe ukulala ebusuku endaweni asebenzela kuyona;
- ovunyelwe ukwakha nanoma yiluphi uhlobo lwesakhiwo endaweni yomphakathi noma emgwaqweni womphakathi ngenhloso yokuzihlinzeka ngophahla, ngaphandle kwesakhiwo esagunyazwa umasipala; noma
- ukubeka nanoma iyiphi impahla ngendlela eyingozi kunanoma yimuphi omunye umuntu;
- ovunyelwe ukwenza umsebenzi ngendlela -
  - ebanga isicefe;
  - ovunyelwe ukulimaza noma ukonakalisa nanoma yimuphi umgwaqo womphakathi kumbe indawo yomphakathi kanye nanoma iyiphi indawo enomnikazi; noma
  - ukudala ubungozi ekuhambeni kwezimoto;

- ovunyonyelwe ukuvimba ukuba kufinyelelwe endaweni yoMkhandlu noma kaHulumeni ehlinzeka ngezidingo kanye nanoma iyiphi inhlango emiswe ngokusemthethweni;
- oyovimba umuntu ohamba eceleni komgwaqo ukuba abone izimpahla okukhangiswa ngazo emawindini ezitolo noma asithe lezo zimpahla zingabonakali;
- oyovimba iphaseji elingena abahamba ngezinyawo noma enxanxatheleni yezitolo;
- oyokwenza umsebenzi endaweni lapho uMkhandlu ongavumi khona kwenziwe lowo msebenzi ngokwesigaba 6a(2)(a) somthetho;
- oyobeka noma agcine izimpahla zakhe ebhilidini, ngaphandle kwemvume yomnikazi walo, kumbe lowo ohlala kulona ngokusemthethweni, futhi
- umuntu olawula lelo bhilidi akavunyelwe ukubasa umlilo emgwaqeni womphakathi noma enze ukuba umuntu ohamba ngezinyawo angaziboni izimpahla okukhangiswe ngazo emawindini ezitolo kumbe asithe lezo zimpahla okukhangiswe ngazo zingabonakali;
- oyovimba indawo lapho kweqa khona abantu abahamba ngezinyawo, indawo okupaka noma okulayishela kuyona izimoto kumbe nanoma iyiphi enye indawo esetshenziswa yizimoto kanye nabantu abahamba ngezinyawo; aphinde
- avimbe kumbe aqhwege ifenisha yasemgwaqeni kanye nanoma iyiphi impahla ebekelwe ukusetshenziswa wumphakathi wonke.

### **Inhlanzeko**

Yilowo nalowo mhwebi wasemgwaqweni -

- Uyogcina indawo ahwebela kuyona kanye nanoma yiziphi izimpahla azisebenzisayo, kusesimweni esihlanzekile;
- Uyogudluzana noma asuse impahla yakhe uma umsebenzi ogunyaziwe emcela ukuba enze njalo ukuze kuhlazwe indawo adayisela kuyona, noma ukuze kuqhutshwe imisebenzi yoMkhandlu;
- Uma umsebenzi wakhe ubandakanya ukupheka kumbe okanye ukulungiswa kokudla, kuyofanele athathe izinyathelo zokuqinisekisa ukuthi akukho mafutha noma ezinye izinto ezingcolisayo eziwela phansi lapho kuhamba khona abantu noma ezichaphazeleka ebhilidini noma esinye isakhiwo, futhi
- Kufanele angalahli imfucuzana noma angcolise izitamkoko kumbe nanoma iyiphi enye indawo engabekelwe ukuba kulahlwe kuyona.

### **Ukukhangiswa kwezimpahla**

- Umhwebi wasemgwaqeni uyoqinisekisa ukuthi nanoma yisiphi isakhiwo, ikhonteyna, indawo kumbe nanoma yikuphi okanye akusebenzisayo uma elungisa, ekhangisa egcina noma ethutha izimpahla:-
  - kuhlala kusesimweni esihle nesihlanzekile; futhi
  - akugciniwa noma akubekiwe ngendlela engaba nobungozi kunanoma yimuphi umuntu

**INQUBOMGOMO YEZERENTI****(ISITHASISELO "B")**

Njengoba kwaziwa ukuthi izakhiwo zinamanani, kuye ngendawo ezakhiwe kuyo, kubalulekile ukubeka intengo ezindaweni ezahlukene zohwebo olungabanjelwa ntela. Inani lesitende litholakala ngokusebenzisa uhlelo lwama-renti ahlukeneyo. Imali ye-renti iyosuselwa ekutheni sikhulu kangakanani isitende, sisendaweni eheha kangakanani kanye nezinga lemisebenzi ezohlinzekwa kuso. Amazinga ayosuselwa ekutheni ambize malini uhulumeni wasekhaya ukwakha lezo zakhiwo, kungalibaleki ukuthi kunesidingo sokuxhasa ukuvulwa kwamathuba amasha kwezinye izindawo. Uhlaka lokukhokha luyovumela uxhasomali olusobala ukuqinisekisa ukulinikezwa koxhaso ngokulinganayo.

**IRENTI EHLONGOZWAYO YEZAKHIWO ZOHWEBO OLUNGABANJELWA NTELA**

Nansi irenti yanyanga zonke ehlongozwayo

UHLOBO LWESITENDE	UBUNJALO BESITENDE	IMALI EYINKOKHELO EMISIWE OKUHLONGOZWA UKUBA IKHOKHWE INGAFAKIWE INTELA (VAT)	INTELA	ISAMBA SEMALI EYINKOKHELO EMISIWI ISYONK
A	Yizitende ezinakho konke okudingekayo, ezinogesi namanzi futhi eziyizakhiwo ezingagudluki. Zivame ukwakhiwa ezindaweni lapho kunesiminyamina khona sabahamba ngezinyawo. Lolu hlobo lwezimakethe lunamathuba amaningi, lunjengezitolo ezinkulu kodwa amanani abaphansi futhi lunika abathengi amathuba amaningi okuzikhethela	R43	R7	R50
B	Lolu hlobo lungolwabahwebi okuthi noma amabhizinisi abo engenzi inzuzo eningi, kodwa aqhubeke enze kahle. Lunemipheme kanye naseyili bokusitha ilanga nendawo yomdayisi ngamunye yokugcina izimpahla.	R25.80	R4.20	R30

C	Yizindawo ezilandelanayo zibe ulayini ezakhiwe lapho abadayisi bekwazi khona ukubeka izimpahla zabo. Lezi zisezindaweni zamabhizinisi, zivamise ukugudla umgwaqo.	R25.80	R4.20	R30
D	Yilezo ezehlukaniswe ngolayini abapendiwe ukukhombisa izindawo zokuhweba kanti azinazo izimpawu ezibonakalayo	R8.60	R1.40	R10
E	Yilezo ezingomahambanendlwana okungaba yimoto noma umdayisi ahambe ehla enyuka ngezinyawo.	R8.60	R1.40	R10

IMPAHLA	IMINININGWANE	IMALI OKUHLONGOZWA UKUBA IKHOKHWE INGAFAKIWE INTELA (VAT)	INTELA	ISAMBA SEMALI ISIVONKE
1	Imvume elahlekile		R2.10	R15

#### UHLELO OLULANDELWAYO

**Uma kwenzeka isitende sisala singenamnikazi nganoma yisiphi isizathu okungabandaknya ukuxoshwa komnikazi, nazi izinyathelo eziyolandelwa:**

Kuyokhishwa incwadi yokuzama ukuthola umhwebi ozoqasha leso sitende/ izitende ezingenabanikazi; Alukho uhla lokulinda oluyokwenziwa;

Abafake izicelo kuyofanele bahlangabezane nemigomo emisiwe nezinto ezidingekayo ezichazwe ngezansi. Kungasetshenziwa la maphuzu alandelayo uma kunikezelwa ngesitende:

Umuntu ovela emphakathini owawuncishwe amathuba ngaphambi konyaka we- 1994  
=amaphuzu ama- 2

Intsha, Umuntu Wesifazane = amaphuzu ama- 2

Ophila Nokukhubazeka = amaphuzu ama- 2

Ikhono lokusebenza ngomkhiqizo =amaphuzu ama-2

Umfakisiselo oyisakhamuzi kuMasipala UMNGENI =amaphuzu ama-2

**Nakhu okudingekayo njengesiqinisekiso sendawo yokuhlala:**

- Isitatimende seNtela kaMapala (ama- Rates)
- Incwadi Yenkosi
- Incwadi yeKhansela

QAPHELA: Abahwebi bayonikwa ithuba lokuhweba izinyanga eziyi- (6) ezilandelanayo bengakhokhi kusukela osukwini lokutholakala kwemvume kanye nabanikezwa ngalo izitende, bese kuthi emva kwalokho kusebenze izilinganiso zerenti.

**UKUNQANYULWA KWEZIMVUME ZOKUHWEDA**

**Umkhandlu unelungelo lokuhoxisa noma unqamule ukusebenza kwelayisense/ kwemvume uma:**

- Umnikazi welayisense/ wemvume ephula nanoma yimuphi uMthetho weZwe noma iMithetho kaMasipala;
- Umnikazi welayisense/ wemvume etholakala nezimpahla noma edayisa ngezimpahla ezingavumelekile.
- Umnikazi welayisense/ wemvume engayisebenzisi indawo ayinikeziwe kuze kuphele amasonto aysithupha nangaphezulu;
- Umnikazi welayisense/ wemvume etholakala nezidakamizwa noma ethengisa izidakamizwa kumbe nanoma yini enye edakayo;
- Umhwebi, ngenhloso, enikezele ngeminingwane engelona iqiniso maqondana nemvume yakhe;
- Umhwebi eqashisela noma edayisela omunye umuntu isitende; futhi
- Umhwebi engayigcini iMithetho kaMasipala.
- Umhwebi kukhona lapho eqashwe khona ngokugcwele.
- Umhwebi enebhizinisi elibanjelwa intela

## **Inqubomgomo yokususwa kanye nokudliwa kwempahla iyogcinwa ephawundini**

### **Isithasiselo “c”**

- Umsebenzi ogunyaziwe angasusa aphinde ayise ephawundini nanoma iyiphi impahla
  - asola ukuthi zisetshenziswa noma kuhloswe ukuba zisetshenziselwe kumbe zisetshenziselwa ukuqhuba ibhizinisi lomhwebi wasemgwaqeni, futhi
  - azithola endaweni lapho kungavunyelwe khona ukuba kuqhutshwe lelo bhizinisi ngokwale nqubomgomo, kungakhathaleki noma leyo mpahla izobe ikumuntu othile noma cha ngesikhathi sokususwa kwayo iyogcinwa ephawundini.
- Umsebenzi ogunyaziwe osusa impahla ayiyise ephawundini-
  - Uyonikeza umnikazi wempahla iphepha elichaza ngokususwa kwayo iyiswa ephawundini, ngaphandle uma kucaca ukuthi yimpahla elahliwe noma uma umnikazi engatholakali -
  - Leli phepha liyobe lisho ukuthi iyogcinwaphi leyo mpahla;
  - Leli phepha liyobe lisho inani lemali eyizindleko uMkhandlu ongene kuzo ngokususa impahla uyiyisa ephawundini okufanele ikhokhwe; kanye
  - Nosuku izimpahla eziyodayiswa ngalo, noma eziyobe sezidayisiwe ngalo noma zicekelwe phansi ngaphandle uma umnikazi ezithatha azigcine endaweni ephephile.

**QAPHELA:** UMkhandlu kumbe nanoma yimuphi umsebenzi ogunyaziwe, noma umsebenzi woMkhandlu akanakubekwa icala ngokulahleka; ukuntshontshwa noma ukulimala kwanoma iyiphi impahla ethathiwe yasiwa ephawundini ngokwale nqubomgomo.

### **Ukulahlwa kwezimpahla ezidliwe zayogcinwa ephawundini**

### **Nakhu okuyokwenziwa ngananoma iyiphi impahla eyiswe ephawundini ngokwale mithetho kamasipala**

- uma umnikazi wempahla eyilanda, uyokhokha izindleko uMkhandlu ongene kuzona ngokugcina leyo mpahla ephawundini; kanti

- uma engazilandi umnikazi wazo izimpahla kuze kuphele isikhathi esibekiwe erisidini ngokwale nqubomgomo, ziyodayiswa ukuze kubuyiswe izindleko uMkhandlu ongene kuzo ngokuzisusa uyozigcina ephawundini
- Uma ngabe izimpahla -
  - zingadayiseki, ziyocekelwa phansi emva kwesikhathi esibekiwe erisidini elikhishwa ngokwale mithetho kamasipala;
- Izimpahla ezonakala kalula ziyodayiswa noma zicekelwe phansi ngesikhathi esifanele.
- Uma imali okukhulunywa ngayo kulesi sigaba ingenele ukukhokha izindleko zoMkhandlu kuyofanele umnikazi wempahla ayigcwalisele le mali.

#### ISITHASISELO “D”

Ipulani yokuklanywa kweziza kusetshenziswa indlela ye- GIS kubandakanya nobunjalo bezitende zokuhweba ngokwehlukana kwezimakethe okukhulunywa ngazo ngenhla.

#### ISITHASISELO “E”

Izihlinzeko zezinhlawulo: Inani lenhlawulo eyokhokhiswa abephula umthetho; njengoba kuchaziwe ngezansi (isheduli yzinhlawulo)

ICALA	INHLOWULO
Ukwehluleka ukuveza imvume yokuhweba uma ifuneka	R 50
Ukudayisa izimpahla ezingekho emthethweni noma ezingombombayi	R1000 kanye nokubhadla ejele
Ukungayihlanzi indawo emva kokuyisebenzisa	R20 njalo usuku ngalunye uma ungayihlanzanga indawo osebenzela kuyona

**MUNICIPAL NOTICE 181 OF 2015****PARKS, GARDENS AND ENVIRONMENT  
TECHNICAL SERVICES  
UMNGENI MUNICIPALITY****TREE PLANTING, FELLING AND PRUNING POLICY****1. Purpose**

The purpose of the policy is to provide a guideline for tree planting (on verges, in public open spaces, cemeteries, and on municipal land) as well as a maintenance and removal plan that will act as a stewardship by promoting a healthy, sustainable tree scape for the benefit of uMngeni Municipality.

**2. Background**

Over the years issues relating to, in particular, requests for removal of trees, have become emotive. Although there was a process which had to be followed in terms of adjacent and opposite neighbours granting consent and such consent being submitted by the applicant, perceptions were that there was a need for the adoption of a more formalized policy. This policy has been formulated using that of the eThekweni Municipality as a guideline.

**3. DISCUSSION**

- 3.1** A uniform policy to govern tree removal, tree planting and pruning/maintenance care of trees on municipal land (including verges, parks, public open spaces, cemeteries and municipal facilities).

- 3.2** Trees are of both environmental and ornamental importance; with the mandate for local municipalities to enhance biodiversity, indigenous trees, in particular, need protection; encouraging planting of indigenous trees in the 'replacement' clause is important. The benefit of shade, noise reduction, screening, Carbon absorption, and vegetation cover are of significance environmentally. The ornamental aspect in respect of the ambience of an area, as well as historic association of certain trees in respect of local culture, needs to be considered in policy formulation relating to trees.
- 3.3.** Only land within the jurisdictional boundaries of uMngeni Municipality will fall under authority of uMngeni Council.
- 3.4** No protection programme to recognize mature trees that have heritage or landmark value on Council and public properties is in place.
- 3.5** No protection or regulations exist to stop severe pruning or removal of mature trees by private property owners, agencies or service providers (e.g. Eskom, Telkom) and to ensure clearing of the sites where such work is authorized to be undertaken.
- 3.6** Lack of clear legislation leaves trees vulnerable to a multitude of frivolous reasons to cut them down, including the following:
- Accommodating construction vehicles, buses (e.g. Greyhound Bus requests).
  - Fear of falling trees damaging persons or property.
  - Planned development.
  - Nuisance factor of dropping leaves and fruit.
  - The perception that trees compromise security.
  - Compromised views.

However trees may also be a disadvantage (particularly on verges) in respect of:

Interference/obstruction in reticulation networks below ground level (e.g. sewerage or water lines) or service lines above ground level (e.g. overhead power and telecommunication lines).

Compromised visibility from exits into roadworks (overhanging branches, or inconvenient position of tree), damage to roads, kerbs and channeling, paving and stormwater drains (caused by roots) or damage to property (private or otherwise), through invasion of roots and from falling branches.

- 3.7** The need to encourage cooperative interaction amongst relevant departments and members of the public when designing and engineering development needs are initiated.

## **RECOMMENDATIONS**

That the following policy be adopted by Council

### **A. BEST MANAGEMENT PRACTICES / POLICY**

1. Planting practices
2. Tree pruning
3. Tree removal
4. Species selection
5. Tree maintenance

### **B. PLANTING PRACTICES**

Trees on verges to be planted with prior permission from Council, subject to the consideration of factors such as infra structural services, safety, traffic flow impact and the remedy or mitigation of adverse impacts.

- 1 Planting on verges, servitudes, in parks, cemeteries, conservation areas or open spaces or on municipal property must have the written approval of uMngeni Municipality, Parks, Gardens and Environment, Technical Services Department, being endorsed by the Municipal Manager.
- 2 Council may plant trees on request, to replace street trees that need to be removed, or as part of an organised project or precinct planting.
- 3 Plans for verge and other tree planting will take into account, inter alia:
  - \* shading, loss of views, root damage to pavements and adjacent properties, overhanging branches and traffic safety;
  - \* the width of the verge at the proposed location;
  - \* the effects trees will have on underground and overhead services;
  - \* landscape considerations; and
  - \* neighbours living immediately adjacent to proposed verge tree planting sites and people who are significantly affected by new verge trees will be consulted as part of the planning process for such planting.
- 4 Only species listed in the appendices to this Policy will be planted by uMngeni Municipality.
- 5 Verge trees will only be planted where :
  - \* pedestrian and driver sight lines are not unduly obscured; and
  - \* Underground services and overhead services are unlikely to be unduly affected.

### **C. STANDARDS FOR PLANTING**

- One metre back from face of curb
- One and a half metres from underground services
- Three metres from driveways
- Ten metres from streetlights

- Fifteen metres from intersecections.

#### **D. PRUNING**

Parks, Gardens and Environment, Technical Services Department to be responsible for the management of verge trees (whether by way of requisitioning of contractors through Supply Chain Management, or in-house), except in the case where line maintenance pruning is to be carried out by the Provider of such services (e.g. overhead power or telecommunication lines).

All applications to plant or remove and modify verge trees must be in writing, so that

Council has a permanent record of the application.

Where essential, trees may be pruned periodically to remove dead and/or diseased wood, maintain the shape of the tree in an acceptable and safe condition, provide adequate clearance for motor vehicles and pedestrians.

#### **E. REMOVAL/FELLING**

Council will consider the following issues when making decisions about verge tree nuisances. Trees will only be removed if one of the following conditions pertain:

any actual or potential danger to people's life or health or applicant's property, particularly in terms of dead, diseased or decayed trees;  
hazards to any pedestrian or motorist in as much as the pedestrian has to walk in a  
carriageway or the motorist's vision is obscured;  
structural damage to a property and root pruning has proved to be ineffective in overcoming the problem.

Furthermore, should the location of the tree(s) be inappropriate, given potential size and growth habit, or be planted too closely to allow other trees to develop fully, trees may be removed.

Every effort should be made to adjust planned development to preserve trees, particularly indigenous trees, wherever possible, but should this not be possible, the cost of removal of any trees and appropriately located replacement trees shall be shared equally by the Municipality and developer/resident.

When verge trees are required to be removed to permit the development of roads, for the provision of services or for the development of property and in the event of objection to any removal, a report shall be submitted to the Council for consideration by the initiator of the removal request.

In considering undue interference by verge trees, uMngeni Municipality will consider the following factors :

the interests of the public in the maintenance of an aesthetically pleasing environment for the area;  
the desirability of protecting certain trees;  
the value of the tree as a public amenity;  
the historical, cultural or scientific significance of the tree;  
the likely effect of the removal of the tree on ground stability, water table, energy use, wildlife habitat, airborne pollution, property values and airborne pollutants.

Physical works on uMngeni Municipality-owned trees will be carried out by approved contractors or trained officials.

#### **F. SPECIES SELECTION IN TERMS OF PLANTING OF TREES**

Having established the role of the verge/other tree on municipal land, and the particular design parameters for an individual area the most appropriate tree species will be considered.

#### **G. CONSULTATION: FELLING AND PLANTING**

The proposed species selected for any replacement or new trees shall be confirmed through public consultation, via an ad hoc committee comprising relevant stakeholders and officials and Councillors, with the same process being applicable in terms of requests received for felling or pruning, except where there is an emergency where non-removal may result in serious damage to property or injury to members of the public (in such instance a report will be submitted to Council).

In respect of planting, only indigenous trees/shrubs may be planted.

#### **H. CRITERIA RELATING TO SELECTION OF TREES FOR PLANTING**

Trees should be able to tolerate harsh growing conditions, including drought, heat, contaminated compacted soils, poor aeration and drainage, etc.

Attain a clear trunk to at least 2.5 metres over pedestrian carriageway and 4.5 metres over vehicular lanes.

Have a rooting system that is unlikely to lift curbs and paving.

Does not have fruit or seeds likely to create a hazard or which is toxic to humans.

Trees can be planted at an advanced size so that they are less prone to vandalism and provide an immediate visual impact.

Species selection should give consideration to the effective shade canopy of the tree (i.e. density of foliage and crown spread).

Species chosen should not be prone to drop branches or suffer branch shear.

The final selection of trees could depend on availability at all times.

#### GENERAL CODE OF CONDUCT WITH REGARD TO TREE PROTECTION

No person shall commit the following acts, intentionally or otherwise, without prior written consent of the Council :

- a. Remove, prune, disturb, cut above or below ground, or alter in any way on public property, a public tree;
- b. Deposit, place store or maintain on public property any stone, brick, sand, concrete, soil or any material or equipment that may impede the free passage of water, air or nutrients to the roots of a public tree;
- c. Fasten any sign, bill, notice, wire, rope, nail or other object to, around or through any public tree in any manner; or around or through the stakes and/or posts that protect any such tree;
- d. Cause or permit any gaseous liquid or solid substance which is harmful or toxic to any public tree, to come in contact with any public tree on public property;
- e. Set fire to or permit any fire to burn, which such fire, or the heat thereof, will injure any portion of any public tree;
- f. Interfere with fences, boxes or other protective devices placed around any public tree;
- g. Alter or change soil levels on public property in the vicinity of any public tree in a manner likely to cause injury to the tree;
- h. Excavate any ditch, tunnel, trench or lay any walkway or driveway on public property within the drip line of a public tree;
- i. Any person or persons found guilty of these acts will be subjected to a payment to the uMngeni Municipality for the cash value of the tree and a fine levied by the Council.

## APPENDIX 1

## NOTES ON TREE MAINTENANCE

**1 TREE WATERING**

- 1.1 To ensure that newly planted trees have optimal growing conditions to become established, watering is essential. Increased growth will result if watering is done for two growing seasons after planting.
- 1.2 The recommended industry standard is that each newly planted tree should receive 2.5 cm (1 inch) of water each week.

**2 TREE FERTILIZING**

- 2.1 The application of fertilizer will increase the growth and vigour of trees. In general, when trees are in a healthy state, problems caused by insects and diseases will be minimised. The application of fertilizer will help trees overcome the effects of street bark damage, root loss, transplant shock and insect and disease damage.
- 2.2 The recommended industry standard states that newly planted trees should be fertilized annually for 2 years after planting and then once every three years.
- 2.3 Existing trees should be fertilized as required, especially when a stress factor occurs, e.g. bark removal due to trauma, excavation around the root system for utilities, grade changes, etc.

**3 SMALL STREET TREE MAINTENANCE**

- 3.1 The first few years after planting are the most crucial in terms of maintenance, to ensure good growth and the development of a strong, well-balanced tree.
- 3.2 Tree stakes must be removed before the tree ties girdle the tree trunks, normally one or two years after planting. When stakes are loose or broken, replacement is required.
- 3.3 To improve water penetration and reduce competition from weeds and grass, maintenance around the tree base is required.
- 3.4 The recommended industry standard states that newly planted trees should be inspected by a maintenance crew once a year for three years after planting, and any required maintenance should

be performed.

## **GLOSSARY**

Approved Contractor - will have sufficient experience and knowledge to work on Council trees. This will include knowledge of tree work methods, tree health and safety requirements.

Crown Lifting	Remove lower branches for better access to light or visibility.
Crown Reduction	Selective removal of peripheral branches to reduce size, for powerline clearance or to mitigate growth.
Crown Thinning	Selective branch removal to lighten heavy limbs beneficial for tree vitality and safety.
Formative Pruning	Establishment of firm and sound structure. Best performed on trees that are young to minimise wound size.
Pollarding	The annual removal of previous growth to same point of the tree structure, resulting in a flush of slender shoots and branches.
Topping	Practice that involves the removal of strong leader branches, cut usually on a horizontal plane. Topping may lead to the death of the branches. It impacts on the natural form of the tree and reduces aesthetic value.

## ANNEXURE A

## RECOMMENDED LIST OF TREES

NOTE: MANY BOTANICAL/SCIENTIFIC NAMES HAVE CHANGED RECENTLY

## LARGE INDIGENOUS TREES

Botanical Name and Common Name	Deciduous Evergreen	Height M	Spread M	Flowers	Comments
<i>Croton sylvaticus</i> Forest Feverberry	E	8m	14m	Cream to pale yellow	Dense, rounded crown of soft, green foliage
<i>Kirkia acuminata</i> White Syringa	D	13m	12m	Spray of small white flowers	Stunning autumn foliage
<i>Acacia sieberana</i> Paperbark Thorn	E	12m	12m	Balls of creamy pale yellow	Magnificent wide spreading crown
<i>Podocarpus falcatus</i> Outeniqua Yellowwood	E	15m	10m		Attractive evergreen
<i>Podocarpus henkelii</i> Henkel's Yellowwood	E	15m	10m		Glossy, drooping foliage and neat
<i>Ekebergia capensis</i> Cape Ash	E	10m	12m	Small, white	Roots non-aggressive; large, spreading, round crown
<i>Ficus sur</i> Cape Wild Fig	E	12m	10m	Red / yellow	Root system aggressive
<i>Calodendrum capense</i> Cape Chestnut	E	9m	12m	Maroon	Round canopy
<i>Acacia xanthophloea</i> Fever Tree	D	15m	12m	Golden yellow	Round, spreading crown; bark lemon

Botanical Name and Common Name	Deciduous Evergreen	Height M	Spread M	Flowers	Comments
<i>Sclerocarya birrea</i> Marula	D	10m	12m	Yellow	Round to spreading crown
<i>Bridelia micrantha</i> Mitzeeri; Coastal Golden Leaf	S/D	10m	10m	Creamy yellow	Excellent shade tree
<i>Olinia emarginata</i> Hard Pear	E	12m	10m	Pinkish red	Round neat growth; attractive
<i>Trichilia emetica</i> Natal Mahogany	E	8m	12m	Creamy green	Round, wide-spreading crown Neat shade tree
<i>Azelaia quanzensis</i> Pod Mahogany	E	10m	10m	Green with reddish petal	Leaves drooping Wide spreading crown
<i>Rauvolfia caffra</i> Quinine Tree	E	10m	12m	Wax white	Good shade; decorative for larger areas
<i>Protorhus longifolia</i> Red Beech	E	10m	10m	Greenish white	Makes stunning tree; neat; prune early age
<i>Combretum erythrophyllum</i> River Bushwillow	S/D	10m	12m	Greenish white	Used as a street tree successfully Round crown
<i>Millettia grandis</i> Umzimbeet	S/D	10m	10m	Mauve	Need pruning to form straight stems Useful street tree

**RECOMMENDED LIST OF TREES****MEDIUM INDIGENOUS TREES**

<b>Botanical Name and Common Name</b>	<b>Deciduous Evergreen</b>	<b>Height M</b>	<b>Spread M</b>	<b>Flowers</b>	<b>Comments</b>
<i>Acacia karroo</i> Sweet Thorn	D	8m	8m	Sweet scented, golden yellow	Widespread trees for South Africa
<i>Bolusanthus speciosus</i> Tree Wisteria	D	7m	6m	Mauve, pearl-like	Graceful and neat
<i>Celtis africana</i> White Stinkwood	D	10m	14m	Tiny, yellowish	Striking pale grey trunk
<i>Euclea natalensis</i> Natal Guarri	E	10m	10m	Small, cream, bell- shaped, scented	Dense spreading rounded crown
<i>Ptaeroxylon obliquum</i> Sneezewood	D	10m	8m	Lemon/yellow	Handsome shade tree; moderately growing
<i>Schotia brachypetala</i> Tree Fuchsia	D	12m	12m	Deep crimson	
<i>Syzygium cordatum</i> Umdoni	E	11m	12m	Cream, pale pink	Aggressive; neat; well shaped with spreading crown
<i>Vepris lanceolata</i> White Ironwood	E	7m	6m	Yellow	Tall; graceful; rounded crown; shiny foliage
<i>Olea europaea</i> Wild Olive	E	9m	10m	White to green	Roots aggressive; neatly shaped; dense foliage
<i>Harpephyllum caffrum</i>	E	12m	12m	Whitish	Neat; compact; rounded

Botanical Name and Common Name	Deciduous Evergreen	Height M	Spread M	Flowers	Comments
Plum Tree					
<i>Erythrina lysistemon</i> Coral Tree	D	8m	8m	Scarlet	Fast growing; drought resistant
<i>Ziziphus mucronata</i> Buffalo Thorn	D	9m	12m	Yellow-green	Well shaped; widely spreading
<i>Rhus lancea</i>	E	7m	9m	Greenish-yellow	Drooping crown; glossy, olive green foliage
<i>Rhus pendolina</i>	E	8m	8m	Greenish-yellow	Willow-like habit, dropping leaves
<i>Berchemia zeyheri</i> Red Ivory	S/D	8m	8m	Star shade green	Attractive specimen; makes neat tree

**RECOMMENDED LIST OF TREES****SMALL INDIGENOUS TREES**

Botanical Name and Common Name	Deciduous Evergreen	Height M	Spread M	Flowers	Comments
<i>Acacia Robusta</i> Ankle Thorn	D	7m	12m	Cream, yellow balls	Irregularly rounded; spreading crown
<i>Cordia caffra</i> Septe Tree	D	6m	8m	Cream, bell shaped	Attractive spreading crown
<i>Euclea crispa</i> Blue Guarri	E	6m	5m	Yellow-green	Neat; well shaped
<i>Heteropyxis natalensis</i> Lavender Tree	D	6m	6m	Cream to yellow	Handsome, neat; attractive crown
<i>Dombeya rotundifolia</i> Common Wild Pear	D	6m	4m	Cream, white	Ideal avenue tree; neat, well shaped
<i>Rhus leptodictya</i> Mountain Karee	D	6m	7m	Tiny yellow flowers	Well shaped; dependable. Excellent for street; non aggressive root system
<i>Calpurnia aurea</i> Wild Laburnum	E	5m	4m	Bright yellow flowers	Tremendous horticultural potential; neat for street tree; round crown

**TREES MOST SUITABLE FOR UMNGENI MUNICIPAL AREAS**

**List available from files, compiled in conjunction with conservationists.**

<http://www.environment.act.gov.au/general/yourenvironment/wp/treemgtpol/treemgtpol/treefactsh.htm>

**MUNICIPAL NOTICE 182 OF 2015**

**UMngeni Municipality informal Economy and street trading Bylaw**



Informal Economy



And Street Trading

Bylaw

The Municipal Manager of UMGENI Local Municipality hereby, in terms of section 156 of the constitution. 1996 (Act No.108 of 1996), read in 11 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-laws.

### **INFORMAL ECONOMY AND STREET TRADING BY-LAWS**

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**DEFINITIONS**

1. In this By-Law, unless the context otherwise indicates-

**“Approval”** means approval by the Council and “approved” has a corresponding meaning;

**“Authorized Official”** means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of this By-Law;

**“Council”** means -

(a) the Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.

**“Council Services”** means any system conducted by or on behalf of a local authority, for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services;

**“Council Service Works”** means all property or works of whatever nature necessary for or incidental to any Council services;

**“Demarcated stand”** means a stand demarcated by Council for the purposes of street trading in terms of section 6(a)(3)(b) of the Act;

**“Foodstuff”** means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

**“Garden or Park”** means a garden or park to which the public has a right of access;

**“Goods”** means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

**“Informal Economy”** means activities as defined in the KZN Policy on Informal Economy, 2010.

**“Intersection”** means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“Litter”** includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

**“Motor Vehicle”** means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

**“Prescribed”** means determined by resolution of the Council from time to time;

**“Property”**, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

**“Public Building”** means a building belonging to or occupied solely by the State or the Council;

**“public monument”** means any one of the “public monuments and memorials” as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

**“Public Place”** means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);

**“Public Road”** means a public road as defined in section 1 of the National Road Traffic Act, 1996;

**“Roadway”** means a roadway as defined in section 1 of the National Road Traffic Act, 1996;

**“Sell”** includes

- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward; and “sale” or

**“Selling”** has a corresponding meaning;

**“Sidewalk”** means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

**“Street Furniture”** means any furniture installed by the Council on the street for public use;

**“Street Trader”** means a person who carries on the business of street trading and includes any employee of such person;

**“Street Trading”** means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;

**“the Act”** means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder; and

**“Verge”** means a verge as defined in section 1 of the National Road Traffic Act, 1996;

#### **MEANING OF WORDS AND EXPRESSIONS IN BUSINESSES ACT INCORPORATED IN THIS BY-LAW**

2. In this By-Law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), shall have a corresponding meaning in this By-Law.

Draft LE Bylaw

### 3. SINGLE ACT CONSTITUTES STREET TRADING

For the purpose of this By-Law a single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.

### 4. REFERENCE TO LEGISLATION INCLUDES REGULATIONS MADE THEREUNDER

For the purpose of this By-Law a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.

### 5. ASSIGNING POWERS OF A COUNCIL EMPLOYEE TO EMPLOYEE OF A SERVICE PROVIDER, WHERE A SERVICE PROVIDER HAS BEEN APPOINTED

If any provision in this By-Law vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

### 6. PROHIBITED CONDUCT

(1) No person shall carry on the business of a street trader –

(a) at a place or in an area declared by the Council in terms of section 6A (2) (a) of the Act as a place or area in which street trading is prohibited;

(b) in a garden or a park to which the public has a right of access;

(c) on a verge contiguous to –

(i) a building belonging to, or occupied solely by, the State or the Council;

(ii) a church or other place of worship;

(iii) a building declared to be a Public monument;

(iv) an auto teller bank machine; banking premises

(d) at a place where it causes an obstruction in front of –

(i) a fire hydrant;

(ii) an entrance to or exit from a building;

(e) at a place where it could obstruct vehicular traffic;

(f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;

(g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorized official;

(h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Business Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her;

(i) within 5 (five) metres of any intersection as defined in Regulation 322 of the National Road Traffic Act 1996; and

(j) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorized official has informed the street trader that such consent does not exist.

(2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1) (h), may not trade in contravention of the terms and conditions of such lease or allocation.

## **7. RESTRICTED CONDUCT**

A person carrying on the business of a street trader -

(a) may not sleep overnight at the place of such business;

(b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;

(c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996; so authorised by council as a specially designated area for trading as per Informal Economy policy.

(d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;

(e) may not trade on a sidewalk where the width of such sidewalk is less than four meters;

(f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;

(g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

- (h) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) may not carry on such business in such a manner as to
- (i) create a nuisance;
  - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
  - (iii) create a traffic and/or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place; unless demarcated so by council.
- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this By-Law;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of this By-Law;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and

(u) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A (2) (a) of the Act.

(v) may not use substance or any materials that can harm the health of the public.

(w) may not act as agent or sell on behalf of any other individual or business.

## **8. CLEANLINESS**

A street trader must-

(a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;

(b) Keep his or her property in a clean, sanitary and well maintained condition;

(c) Dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;

(d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;

(e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;

(f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;

(g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;

(h) On request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

## **9. SIGNS INDICATING RESTRICTED AND PROHIBITED AREAS.**

(a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-

(i) specified hours, places, goods or services in respect of which street trading are restricted or prohibited;

(ii) the locations of boundaries of restricted or prohibited areas;

(iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;

(iv) the fact that any such stand or area has been let or otherwise allocated; and

(v) any restriction or prohibition against street trading in terms of these Bylaws;

(b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;

(c) Any sign erected in terms of this By-Law or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and

(d) Any sign may be amended from time to time and displayed by the Council for the purpose of this By-Law, and shall have the same effect as a road sign in terms of the National Road Traffic Act 1996.

(e) No other signage or advertising boards shall be permitted unless approved so by council.

#### 10. REMOVAL AND IMPOUNDMENT

(1) A peace officer / authorized official may remove and impound any property of a street trader-

(a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and

(b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.

2) A peace officer / authorized official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-

(i) itemize the property to be removed and impounded;

(ii) provide the address where the impounded property will be kept, and the period thereof;

(iii) state the conditions for the release of the impounded property;

(iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and

(v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.

(3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.

(4) When any person fails to comply with an order to remove the property referred to in subsection 3 (5), A peace officer / authorized official of the Council may take such steps as may be necessary to remove such property.

(6) The owner of any goods other than perishable foodstuffs already dealt with by the municipality in terms of subsection (1) who wishes to claim the return thereof must, within a period of one month of the date of the impoundment thereof, apply to the municipality and must present the receipt contemplated in subsection 2, failing which the goods may be sold by the municipality, and in the event of a sale thereof the provision of subsection (1).

#### 11. VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS

(1) When an employee of a street trader contravenes a provision of this By-Law the employer shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that-

(a) he or she neither connived at nor permitted such contravention and;

(b) he or she took reasonable steps to prevent such contravention.

(2) The fact that the employer issued instructions prohibiting such contravention shall not in itself constitute sufficient proof of such reasonable steps.

#### 12. OFFENCES AND PENALTIES

Any person who –

(a) Contravenes or fails to comply with any provision of this By-Law;

(b) fails to comply with any notice issued in terms of this By-Law; or

(c) fails to comply with any lawful instruction given in terms of this By-Law; or

(d) who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under this By-Law - is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to a further fine not exceeding R50 per day, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

#### (e) SCHEDULE OF FINES

OFFENCE	PENALTY
Failure to produce a trading permit upon request	R50
Dealing in illegal / counterfeits good	R1000 plus imprisonment

Penalty fee for impounded goods	R50
Failure to clean up site after trading	R20 each offence

### 13. Short title and commencement

This bylaw be cited as uMngeni Municipality Informal Economy and Street Trading Bylaw and commences on the date of approval by the Council.

Draft IE Bylaw

## MUNISIPALE KENNISGEWING 182 VAN 2015

IMithetho kaMasipala emayelana noMnotho Ongabanjelwa Ntela kanye Nokuhweba  
Emgwaqeni kuMasipala uMngeni



UMnotho  
Ongabanjelwa Ntela



Kanye Nokuhweba  
Emgwaqeni

IMithetho  
kaMasipala

IMenenja kaMasipala kuMasipala Wendawo UMNGENI lapha, ngokweSigaba 156 soMthethosisekelo, we- 1996 (uMthetho No. 108 we-1996), ufundwa engxenyeni 11 kanye no-98 yoMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 (uMthetho No. 32 wezi - 2000), yenze le Mithetho kaMasipala elandelayo.

**IMITHETHO KAMASIPALA EMAYELANA NOMNOTHO ONGABANJELWA NTELA KANYE  
NOKUHWABA EMGWAQENI**

**OKUQUKETHWE**

1. Izincazelo
2. Incazelo yamagama kanye nezisho eziseMthethweni Wezamabhizinisi 71, we- 1991 (uMthetho no 71 we- 1991, njengalokhu uchitshiyelwe) zisetshenzisiwe kulo Mthetho kaMasipala
3. Isenzo esisodwa senza kube ngukuhweba emgwaqeni kanye nomnotho ongabanjelwa ntela
4. Ukubheka emthethweni kubandakanya imithethonqubo esuselwe kuyo
5. Ukunikezelwa kwamandla omsebenzi womkhandlu kumsebenzi wohlinzeka ngemisebenzi esimweni lapho kusuke kuqokwe khona ozohlinzeka ngemisebenzi
6. Indlela yokuziphatha engavumelekile
7. Indlela yokuziphatha ethibelwe
8. Inhlanzeko
9. Izimpawu ezikhombisa izindawo ezinezithibelo nokungavumelekile ukuba kuzo
10. Ukususwa kanye nokuboshwa kwempahla
11. Umsebenzi wokucacisa/ Isibopho sabantu abaqhuba ibhizinisi
12. Amacala kanye nezinhlawulo
13. Isihloko esifushane

**IZINCAZELO**

1. Kule Mithetho kaMasipala, ngaphandle uma ingqikithi ikhomba okunye-

**“Ukuvuma”** kusho ukuvuma koMkhandlu kanti **“okuvunyiwe”** kunencazelelo efanayo;

**“UMsebenzi Ogunyaziwe”** kusho nanoma yimuphi umsebenzi woMkhandlu ogunyazwe yiwo ukuba aphaathe, aqalise ukusebenza futhi aphoqebele izihlinzekelo zalo Mthetho kaMasipala;

**“Umkhandlu”** kusho -

(a) uMasipala owasungulwa ngeSaziso sesiFundazwe No. 6766 sowezi – 2000 samhla lu- 1 kuMfumfu wezi – 2000, njengalokhu sichitshiyelwe, osebenzisa igunya eliphezulu ngokomthetho usebenzisa uMkhandlu wawo kamasipala; noma

(b) abalandelayo ngokwezikhundla; noma

(c) uhlaka noma umuntu osebenzisa amandla awanikeziwe kumbe owenza njengokomyalelo, lapho kwedluliselwe khona nanoma yimaphi amandla noma kwedluliselwe amandla edlulisiwe akulo Mthetho kaMasipala, kumbe kukhishwe umyalelo, njengokuninga kwesigaba 59 soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 (uMthetho No. 32 wezi – 2000); noma

(d) ohlinzeka ngemisebenzi owenza umsebenzi ngaphansi kwalo Mthetho kaMasipala, ngokujutshelwa kuwo ngokwesigaba 81(2) soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000, kumbe nanoma yimuphi omunye umthetho, kuzoya ngesimo.

**“Imisebenzi yoMkhandlu”** kusho nanoma yiluphi uhlelo olwenziwa yisiphathimandla sendawo kumbe egameni laso, lokuqoqwa, ukuthuthwa, ukuphathwa noma ukulahlwa kwemfucuzo, izitamkoko noma amanzi ezikhukhula kumbe lokuhlanganiswa, ukuboshwa kwempahla, ukugcinwa noma ukuhlanzwa kumbe ukuphakelwa kwamanzi, igesi noma ugesi kumbe imisebenzi kamasipala;

**“Imisebenzi yoMkhandlu yokuSevisa”** kusho yonke impahla noma imisebenzi yanoma yiluphi uhlobo enesidingo noma ethuka seyikhona kunanoma yimiphi imisebenzi yoMkhandlu;

**“Isitende esiklanyiwe”** kusho isitende esiklanywe nguMkhandlu ngenhloso yokuthi kwenziwe kuso umsebenzi wokuhweba engwaqeni ngokwesigaba 6(a) (3) (b) soMthetho;

**“Okudliwayo”** kusho okudliwayo njengalokhu kuchazwe esigabeni 1 soMthetho Wezokudliwayo, Izimonyo kanye Nokokubulala Amagciwane, we- 1972 (uMthetho No. 54 we- 1972);

**“Ingadi noma iPaki”** kusho ingadi noma ipaki umphakathi onelungelo lokungena kuyo;

**“Izipahla”** kusho nanoma iyiphi impahla esusekayo esetshenziselwa ukuhweba emgwaqeni futhi, ngaphandle kokuvimbela okuningi okungahlekubalwe, kubandakanya imikhiqizo edayiswayo, amatafula okubukisa, izitende, izitsha, izimoto, izakhiwo noma izilwane;

**“Umnotho ongabanjelwa ntela”** kusho imisebenzi njengoba ichazwe kwiNqubomgomo Yomnotho Ongabanjelwa Ntela e-KZN, yowezi - 2010.

**“Impambanamgwaqo”** kusho impambanamgwaqo njengalokhu kuchazwe kwimithethonqubo emenyezelwe ngokoMthetho Kazwelonke Wezemigwaqo, we- 1996 (uMthetho No. 93 we- 1996);

**“Udoti”** kusho noma yisiphi isitsha kumbe nanoma yintoni elahliwe, yashiywa ngumhwebi wasemgwaqeni kumbe abathengi bakhe;

**“Imoto”** kusho imoto njengoba ichazwe esigabeni 1 soMthetho Kazwelonke Wezemigwaqo, we- 1996;

**“Okunqunyiwe”** kusho okunqunyiwe ngesinqumo soMkhandlu izikhathi ngezikhathi;

**“Impahla”**, maqondana nomhwebi wasemgwaqeni, kusho nanoma yini, isitsha, imoto noma isakhiwo esisetshenziswa kumbe okuhloswe ukuba sisetshenziswe maqondana nalelo bhizinisi, futhi ibandakanya nezimpahla azidayisayo;

**“Isakhiwo somphakathi”** kusho isakhiwo okungesikaHulumeni noma soMkhandlu kumbe esisetshenziswa ngue/yiwo kuphela;

**“Itshe lesikhumbuzo lomphakathi”** kusho nanoma “yimaphi amatshe ezikhumbuzo omphakathi kanye nezikhumbuzo” njengalokhu kuchazwe eMthethweni Kazwelonke Wezinsiza Zezamagugu, we- 1999 (uMthetho No. 25 we- 1999);

**“Indawo yomphakathi”** kusho indawo yomphakathi njengalokhu ichaziwe esigabeni 2 se-Odinensi yezoHulumeni Basekhaya, ye- 1939 (I-Odinensi No. 17 ye- 1939);

**“Umgwaqo womphakathi”** kusho umgwaqo womphakathi njengalokhu uchazwe esigabeni 1 soMthetho Kazwelonke Wezemigwaqo, we- 1996;

**“Ingxenye yomgwaqo ephakathi”** kusho umgwaqo njengalokhu uchazwe esigabeni 1 soMthetho, Kazwelonke Wezemigwaqo we- 1996;

**“dayisa”** kubandakanya:

- (a) ukushintshiselana noma ukuqashisa;
- (b) ukukhangisa, ukuveza, ukunikezela noma ukulungisela ukudayisa;
- (c) ukugcina emgwaqeni womphakathi noma endaweni yomphakathi ngenhloso yokudayisa; noma
- (d) ukuhlinzeka ngomsebenzi ukuze kutholakale inzuzo; kanye “nendali” noma

**“Ukudayisa”** kunencazela efanayo;

**“Indlela yezinyawo eseceleni komgwaqo”** kusho indlela yabahamba ngezinyawo eseceleni komgwaqo njengalokhu ichaziwe eMthethweni Kazwelonke Wezemigwaqo, we- 1996;

**“Impahla yaseMgwaqeni”** kusho impahla egxunyekwe nguMkhandlu emgwaqeni ukuze isetshenziswe ngumphakathi;

**“UMhwebi waseMgwaqeni”** kusho umuntu oqhuba ibhizinisi lokuhweba emgwaqeni futhi kubandakanya nanoma ngubani oqashwe yilowo muntu;

**“UkuHweba eMgwaqeni”** kusho ukudayisa nanoma iyiphi impahla noma ukusabalalisa kumbe ukufisa ukusabalalisa nanoma yimuphi umsebenzi ngenhloso yokuzuza, emgwaqeni womphakathi noma endaweni yomphakathi, okwenziwa ngumuntu ohweba emgwaqeni;

**“UMthetho”** kusho uMthetho Wezamabhizinisi, we – 1991 (uMthetho No. 71 we- 1991) futhi ubandakanya imithethonqubo emenyezelwe lapha; kanti

**“Unqenqema”** kusho unqenqema njengalokhu luchazwe esigabeni 1 soMthetho Kazwelonke Wezemigwaqo, we- 1996;

**IZINCAZELO ZAMAGAMA KANYE NEZISHO EZISEMTHETHWENI WEZAMABHIZINISI  
ZISETSHENZISIWE KULE MITHETHO KAMASIPALA**

2. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi ikhomba okunye, nanoma yiyiphi incazelo enikezwe igama kumbe isisho eMthethweni Wezamabhizinisi, we- 1991 (uMthetho No. 71 we- 1991), iyokuba yincazelo efanayo nakule Mithetho kaMasipala.

### **3. ISENZO ESISODWA SENZA KUBE NGUKUHWIBA EMGWAQENI KANYE NOMNOTHO ONGABANJELWA NTELA**

Ngokwezinhloso zale Mithetho kaMasipala isenzo esisodwa sokudayisa noma sokufisa kumbe ukwenza umsebenzi emgwaqeni womphakathi noma endaweni yomphakathi kumele siyosho ukuhweba emgwaqeni.

### **4. UKUBHEKA EMTHETHWENI KUBANDAKANYA IMITHETHONQUBO ESUSELWE KUYO**

Ngokwezinhloso zale Mithetho kaMasipala ukubheka kunoma yimuphi umthetho kuyoba ukubheka kulowo mthetho kanye nemithethonqubo emenyezelwe ngaphansi kwawo.

### **5. UKUNIKEZELWA KWAMANDLA OMSEBENZI WOMKHANDLU KUMSEBENZI OHLINZEKA NGEMISEBENZI ESIMWENI LAPHO KUSUKE KUQOKWE KHONA OZOHLINZEKA NGEMISEBENZI**

Uma nanoma yiziphi izihlinzekelo ezikule Mithetho kaMasipala zinikeza nanoma yimaphi amandla noma umsebenzi woMkhandlu kongumsebenzi woMkandlu, lawo Mandla noma umsebenzi anikezwa ngokwesigaba 81(2) soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000, kumbe nanoma yimuphi omunye umthetho kohlinzeka ngemisebenzi, ukubheka izihlinzekelo ezinjalo kulowo msebenzi kumele zifundwe njengalokhu zifundelwa ohlinzeka ngemisebenzi kumbe lapho kunesidingo khona umsebenzi oqashwe ngohlinzeka ngemisebenzi futhi agunyazwe yizo.

### **6. INDLELA YOKUZIPHATHA ENGAVUMELEKILE**

(1) Akukho muntu oyoqhuba ibhizinisi lomhwebi wasemgwaqeni –

(a) endaweni noma engxenyeni emenyezelwe nguMkhandlu ngokwesigaba 6A (2) (a) soMthetho yaba yindawo okungavumelekile ukuhweba emgwaqeni kuyo;

(b) engadini noma epaki lapho umphakathi unelungelo lokungena khona;

(c) onqengemeni oluncikene –

(i) nesakhiwo okungesikaHulumeni noma somkhandlu kumbe esisetshenziswa yiwo kuphela;

(ii) nesonto kumbe enye indawo yokudumisa;

(iii) nesakhiwo esimenyezelwe saba yindawo yeSikhumbuzo Somphakathi;

(iv) nomshini wokukhipha imali; namagceke ebhange

(d) endaweni lapho lidala khona ukusithenga ngaphambi –

(i) kwepayipi elikhulu lamanzi okucisha imililo;

(ii) endaweni yokungena noma yokuphuma esakhiweni;

- (e) endaweni lapho lingavimbela khona ukuhamba kwezimoto;
- (f) endaweni lapho lingacina selivimbela khona abahamba ngezinyawo ekusebenziseni indlela eseceleni komgwaqo;
- (g) kuleyo ngxenye yomgwaqo womphakathi encikene nesakhiwo esisetshenziselwa ukuhlalisa abantu, uma umnikazi noma umuntu osilawulayo, kumbe nanoma ngubani ohlala kuso ephikisana nakho futhi lokho kuphikisana azisiwe ngakho umdayisi wasemgwaqeni ngumsebenzi ogunyaziwe;
- (h) esitendenini kumbe kunoma iyiphi indawo eklanywe nguMkhandlu ngokwesigaba 6A(3)(b) soMthetho WezamaBhizinisi, uma engenabo ubufakazi obubhaliwe bokuthi usiqashile lesi sitende kumbe indawo eMkhandlwini, noma bokuthi lesi sitende sinikezwe yena nganoma iyiphi indlela;
- (i) endaweni engamamitha amahlanu ( 5 ) anoma iyiphi impambanamgwaqo njengalokhu kuchaziwe kuMthethonqubo 322 woMthetho Kazwelonke Wezemigwaqo, we- 1996; kanye
- (j) nasendleleni eseceleni komgwaqo encikene nesakhiwo okuqhutshwa kuso ibhizinisi, ngunoma ngubani odayisa izimpahla ezifanayo noma eziwuhlobo olufanayo nalezo ezidayiswa endleleni eseceleni komgwaqo ngumhwebi wasemgwaqeni, uma izimpahla zidayiswa ngaphandle kokuqala ngokuthola imvume kulowo muntu futhi umsebenzi ogunyaziwe esemazisile umhwebi wasemgwaqeni ukuthi ayikho leyo mvume.
- (2) Umuntu oqashe isitende eMkhandlwini noma onikezwe isitende nguMkhandlu ngokwesigatshana
- (1) (h), angeke ahwebe ngokwephula imigomo nemibandela yaleso sivumelwane sokuqashiselana noma sokunikezelwa indawo.

## 7. INDELELA YOKUZIPHATHA ETHIBELWE

Umuntu oqhuba ibhizinisi lomhwebi wasemgwaqeni -

- (a) akumele alale ubusuku bonke endaweni yalelo bhizinisi;
- (b) akumele agxumeke isakhiwo ngenhloso yokwenza umpheme, ngaphandle kwalokho okuvunywe nguMkhandlu;
- (c) akumele abeke impahla yakhe emgwaqeni womphakathi noma endaweni yomphakathi, ngaphandle kwemoto kumbe inqola yakhe adayisela kuyo, futhi inqobo uma leyo moto noma inqola ingaphazamisi abahamba ngezinyawo kanye nokuhamba kwezimoto, futhi ihambisana nezihlinzekelo zoMthetho Kazwelonke Wezemigwaqo we- 1996; egunyazwe kanjalo nguMkhandlu yaba yindawo eklanyelwe ukudayise ngokwenqubomgomo yoMnotho Ongabanjelwa Ntela.
- (d) kumele aqinisekise ukuthi impahla yakhe noma indawo asebenzela kuyo ayiweleli endaweni esemgwaqeni womphakathi noma endaweni yomphakathi enobubanzi obungaphezu kwama-square metre ayisithupha (isilinganiso sobude singamamitha amathathu) kumbe uma kuvunywe nguMkhandlu, futhi kungukukhethi kunoma iyiphi indlela eseceleni komgwaqo ushiye indawo engaphazamiskile yabahamba ngezinyawo, ubude bendawo asebenzela kuyo noma bempahla ayisebenzisayo ingabi ngaphansi kwamamitha ayi – 1,5 ububanzi, ikalwa kusuka esakhiweni

esincikene nayo kuya endaweni evimbekile; futhi indawo evimbekile, ubude bendawo asebenzela kuyo kumbe impahla ayisebenzisayo, ingabi ngaphansi kwamamitha ayi-0,5 ububanzi, ikalwa kusuka onqenqemeni lomgwaqo;

(e) akumele ahwebe endleleni eseceleni komgwaqo enobubanzi obungaphansi kwamamitha amane;

(f) akumele abeke noma anqwabelanise impahla yakhe ngendlela engadala ingozi kunoma ngubano kumbe esakhiweni noma ebukeya sengathi ingadala ingozi kunanoma yisiphi isakhiwo;

(g) akumele akhangise izimpahla zakhe noma enye impahla esakhiweni, ngaphandle kokuthola imvume yomnikazi, yalowo ohlala kuso ngokusemthethweni kumbe yomuntu olawula lesi sakhiwo kumbe umhlaba;

(h) kumele asuse impahla yakhe uma ecelwa umsebenzi woMkhandlu ogunyaziwe noma abahlinzeka ngempahla yezokuxhumana ngocingo kumbe yiogesi noma eminye imisebenzi yomkhandlu ukuze bakwazi ukuqhubeka benze umsebenzi wabo omaqondana nomgwaqo womphakathi kumbe umsebenzi onjalo;

(i) akumele anathisele nanoma iyiphi impahla yakhe nganoma iyiphi indlela esakhiweni, endaweni yabahamba ngezinyawo eseceleni komgwaqo, esihlahleni, emitheni lokupaka, esigxitsheeni selambu, esigxitsheeni, esigujini socingo, ebhokisini leposi, kuphawu lomgwaqo, ebhentshini kumbe nakunoma iyiphi impahla yasemgwaqeni esemgwaqeni womphakathi noma endaweni yomphakathi.

(j) akumele aqhube ibhizinisi elinjalo ngendlela

(i) ezobanga isicefe;

(ii) ezolimaza noma yonakalise iphansi lanoma yimuphi umgwaqo womphakathi, kumbe indawo yomphakathi, kumbe nanoma iyiphi indawo kahulumeni noma enomnikazi wayo; noma

(iii) ezodala isiminyamina sezimoto kanye/noma ubungozi kwezempilo noma ibeke impilo ebucayini kumbe ikwenze kokubili.

(k) akumele abase umlilo ovulelekile emgwaqeni womphakathi kumbe endaweni yomphakathi; ngaphandle uma uMkhandlu leyo ndawo uyiklamele lokho.

(l) akumele avimbele abantu abasebenzisa indlela eseceleni komgwaqo ukuthi bakwazi ukubona izimpahla ezikhangiswe efasiteleni lesitolo kumbe avimbele lezo zimpahla ukuthi zingabonakali.

(m) akumele avimbele ukufinyelela endaweni yokuwela abahamba ngezinyawo, indawo yokupaka noma yokulayisha impahla kumbe enye indawo ehamba izimoto noma yabahamba ngezinyawo;

(n) akumele aphazamise ukufinyelela, noma ukusetshenziswa kwempahla yasemgwaqeni kanye nanoma iyiphi enye indawo eyenza impilo ibe lula elungiselwe ukuba isetshenziswe ngumphakathi;

(o) akumele avimbele nanoma yiluphi uphawu lomgwaqo olubekwe ngokoMthetho Kazwelonke Wezemigwaqo we- 1996, kumbe nanoma yimuphi umaka, isaziso noma uphawu olukhonjiswe noma olwenziwe ngokwale Mithetho kaMasipala;

- (p) akumele aqhubeke nebhizinisi, noma ame kumbe abeke impahla yakhe engxenyeni yendlela eseceleni komgwaqo noma endaweni yomphakathi ngendlela eiphikisana nesaziso noma uphawu okugxunyekwe kumbe olukhangiswe nguMkhandlu ngokwezinhloso zale Mithetho kaMasipala;
- (q) akumele anqwabelanise, alahle, agcine, kumbe ashiye, noma adale kumbe avumele ukuba kunqwabenaliswe, kulahlwe, kugcinwe noma kushiwe nanoma yimuphi udoti kunoma iyiphi indawo noma amagceke kumbe umgwaqo womphakathi noma indawo yomphakathi kumbe esakhiweni sikahulumeni, ngaphandle uma kusemgqonyeni kadoti ovunywe kumbe ohlinzekwe nguMkhandlu;
- (r) akumele abeke emgwaqeni womphakathi noma endaweni yomphakathi, impahla yakhe engeke ikwazi ukususeka kalula iyobekwa endaweni yokuyigcina ekude nalowo mgwaqo womphakathi kumbe indawo yomphakathi uma kuphela usuku lokusebenza;
- (s) kufanele ekupheleni komsebenzi wosuku asuse impahla yakhe, ngaphandle kwanoma yisiphi isakhiwo esivinyelwe nguMkhandlu, ayiyise endaweni engeyona ingxenye yomgwaqo womphakathi kumbe indawo yomphakathi;
- (t) akumele agcine impahla yakhe epayipini elikhulu elihamba amanzi, emseleni wamanzi ezikhukhula, ezindlini zangasese zomphakathi, endaweni yokukhosela uma kulindwe ibhasi noma esihlahleni; futhi
- (u) akumele aqhube ibhizinisi endaweni ephikisana nanoma yikuphi okungavunyelwe kumbe okuthibelwe okuvunywe nguMkhandlu ngokwesigaba 6A (2) (a) soMthetho.
- (v) akumele asebenzise izinto kumbe okuthile okungaba nobungozi kwezempilo yomphakathi.
- (w) akumele abe yisithunywa kumbe adayisele omunye umuntu kumbe elinye ibhizinisi.

## 8. INHLANZEKO

Umhwebi wasemgwaqeni kumele-

- (a) agcine indawo noma isiza asisebenzisayo ngenhloso yalelo bhizinisi sihlanzekile futhi sisesimweni esikhombisa impilo;
- (b) agcine impahla yakhe ihlanzekile, inesimo esikhomba impilo futhi igcinwe kahle;
- (c) alahle wonke udoti odalwe nguye noma yibhizinisi lakhe kunoma yisiphi yimuphi umgqomo ohlinzekelwe umphakathi nguMkhandlu noma endaweni yoMkhandlu okulahlwa kuyo;
- (d) angalahli udoti epayipini elikhulu elihamba amanzi, epayipini elihamba amanzi ezikhukhula kumbe kunoma iyiphi enye indawo engakhelwe ukuthi kulahlwe kuyo udoti;
- (e) aqinisekise ukuthi ekupheleni kosuku, indawo noma isiza asebenzela kuyo ukudayisa ayinadoti;
- (f) aqaphele ukuthi ngesikhathi eqhuba ibhizinisi lakhe njengalokhu kufanele, uvimbela ukuba kungachithekelo emgwaqeni womphakathi noma endaweni yomphakathi kumbe emseleni wamanzi ezikhukhula nanoma yimaphi amafutha, uwoyela noma u-grease;

(g) aqinisekise ukuthi ukukho ntuthu, ukushunqa noma okunye okunjalo , iphunga noma umsindo oqhamuka emsebenzini wakhe odala ukungcola kwanoma yiluphi uhlobo;

(h) uma ecelwa ngumsebenzi woMkhandlu ogunyaziwe, asuse impahla yakhe ukuze kuhlazwe indawo noma isiza adayisela kuso kumbe kwenziwe umsebenzi woMkhandlu.

#### **9. IZIMPAWU EZIKHOMBISA IZINDAWO EZINEZITHIBELO NOKUNGAVUMELEKILE UKUBA KUZO**

(a) UMkhandlu ngesinqumo nangokwesigaba 6A(2) soMthetho, ungamemezela nanoma iyiphi indawo esendaweni engaphansi kwawo ukuba ibe yindawo okungavumelekile kumbe okuthibelwe kuyo ukuhweba kwasemgwaqeni, futhi kumele wenze kube lula ukulandela imigomo ngokuthi ubeke noma wakhe izimpawu , omaka noma izinto ezikhombisa -

(i) amahora anqunyiwe, izindawo, izimpahla noma imisebenzi engavunyelwe kumbe ethibelwe ukuba kuhwetshwe ngayo emgwaqeni;

(ii) izindawo lapho kunemingcele yezindawo okungavunyelwe kumbe okuthibelwe kuzo;

(iii) imingcele yesitende noma indawo ebekwe eceleni ngenhloso yokuqhuba ibhizinisi lokuhweba emgwaqeni;

(iv) ukuthi nanoma yisiphi isitende kumbe indawo iqashiwe kumbe inikezelwe ngandlela thile; futhi

(v) nanoma yikuphi ukungavumeleki kumbe ukuthibelwa kokuhweba emgwaqeni ngokwale Mithetho kaMasipala;

(b) UMkhandlu ungakhangisa nanoma yiluphi uphawu olunjalo, umaka noma yini enye ngendlela ezokhombisa nanoma yikuphi ukungavumeleki noma ukuthibelwa kanye / noma indawo noma imingcele yendawo noma isitende esithintekayo;

(c) Nanoma yiluphi uphawu olugxunyekwe ngokwale Mithetho kaMasipala kumbe nanoma yimuphi omunye umthetho, oluyosebenza lube isaziso ngokwanele kumhwebi wasemgwaqeni maqonda nokungavumeleki kumbe ukuthibelwa kwaleyo ndawo ethintekayo; futhi

(d) Nanoma yiluphi uphawu lungacitshiyelwa izikhathi ngezikhathi bese lukhangiswa nguMkhandlu ngokwenhloso yale Mithetho kaMasipala, futhi luyoba nomthelela ofanayo nowophawu lomgwaqo ngokoMthetho Kazwelonke Wezemigwaqo we- 1996.

(e) Azikho ezinye izimpawu noma amabhodi okukhangisa azovunyelwa ngaphandle uma evunye nguMkhandlu.

**10. UKUSUSWA KANYE NOKUBOSHA KWEMPAHLA**

(1) UMsebenzi ogunyaziwe angasusa futhi abophe nanoma iyiphi impahla yomhwebi wasemgwaqeni-

(a) uma esola ukuthi isetshenziselwa noma kuhloswe ukuba isetshenziselwe kumbe ibisetshenziselwa noma ihlobene nokuhweba kwasemgwaqeni; futhi

(b) uma eyithola endaweni lapho kungavunyelwe noma kuthibelwe khona ukuhweba kwasemgwaqeni futhi kubukeka kungukweqa lokho kungavumeleki nokuthibela kungakhathalekile ukuthi leyo ndawo inomnikazi kumbe ilawulwa ngumuntu othile noma cha ngesikhathi salokho kususwa kumbe ukuboshwa kwempahla.

2) Nanoma yimuphi umsebenzi ogunyaziwe osebenza ngokwesigatshana 1 ngenhla kumele anikeze umhwebi wasemgwaqeni irisidi yanoma iyiphi impahla esusiwe noma eboshiwe, ngaphandle uma izimpahla zishiyiwe noma zilahliwe, leyo risidi kumele-

(i) ibalule impahla okumele isuswe futhi iboshwe;

(ii) ihlinzeke ikheli lapho kuzogcinwa khona impahla eboshiwe, kanye nesikhathi ezosihlala;

(iii) isho imibandela yokukhululwa kwempahla eboshiwe;

(iv) isho imigomo nemibandela emaqondana nokufakwa endalini kwempahla engalandwanga lapho kudayiselwa khona umphakathi ngendlela yokubhida; futhi

(v) ihlinzeke igama kanye nekheli lomsebenzi womkhandlu okungenziwa kuye nanoma yiziphi izethulo ezimayelana nokuboshwa kwempahla, usuku kanye nesikhathi ezingenziwa ngaso.

(3) Uma kungukuthi nanoma iyiphi impahla osekumele iboshwe inanyatheliswe esakhiweni esingagudluki, futhi leyo mpahla kucaca ukuthi ilawulwa ngumuntu okhona lapho, nanoma yimuphi umsebenzi woMkhandlu ogunyaziwe angayalela lowo muntu ukuba asuse impahla, uma lowo muntu enqaba noma ehluleka ukulalela, uyotholakala enecala.

(4) Uma nanoma ngubani ehluleka ukulandela umyalelo wokususa impahla okukhulunywe ngayo esigatshaneni (3),

(5) Nanoma yimuphi umsebenzi womkhandlu ogunyaziwe angathatha izinyathelo ezingadingeka zokuba asuse leyo mpahla.

(6) Umnikazi wezimpahla ngaphandle kwezibolayo ngokucacisa kwesigatshana 1 ofisa ukuthola izimpahla zakhe eziboshiwe kumele esikhathi esingangenyaka eyodwa kusukela ngosuku okuboshwe ngalo izimpahla angafaka isicelelo kuMkhandlu sokubuyiselwa izimpahla akhombise incwajana ebalulwe esigatshaneni 2, uma umnikazi ehluleka ukuveza leyoncwajana zimpahla ziyodayiswa.

**11. UMSEBENZI WOKUCACISA/ ISIBOPHO SABANTU ABAQHUBA IBHIZINISI**

(1) Uma umsebenzi osebenzela umhwebi wasemgwaqeni ephula izihlinzekelo zale Mithetho kaMasipala kuyothathwa ngokuthi umqashi nguyena owephule umthetho, ngaphandle uma lowo msebenzi eyanelisa inkantolo ukuthi-

(a) akakhanga uzungu noma akavumelanga ukuba kwephulwe umthetho, futhi;

(b) uthathe izinyathelo ezifanele ukugwema lokho kwephulwa komthetho.

(2) Ukuthi lowo mqashi ukhiphe imiyalelo engavumelani nalokho kwephulwa komthetho, lokho ngeke ngokwakho nje kube ubufakazi obanele bokuthi zithathiwe izinyathelo ezifanele.

## 12. AMACALA KANYE NEZINHLAWULO

Nanoma ngubani –

(a) owephula noma owehluleka ukulandela nanoma yiziphi izihlinzekelo zale Mithetho kamasipala;

(b) owehluleka ukulandela nanoma yisiphi isaziso esikhishwe ngokwale Mithetho kaMasipala; noma

(c) owehluleka ukulandela nanoma yimuphi umyalelo osemthethweni okhishwe ngokwale Mithetho kaMasipala; noma

(d) ovimbela kumbe ophazamisa nanoma yimuphi umkhulumeli woMkhandlu ogunyaziwe ekwenzeni imisebenzi yakhe ngaphansi kwale Mithetho kaMasipala - unecala futhi angabhekana nesigwebo sokukhokha inhlawulo noma uma ehluleka ukukhokha, aboshwe isikhathi esingevile ezinyangeni ezintathu, futhi uma kutholakala ukuthi uyaqhubeka nokwenza icala, angakhokha enye inhlawulo engokho ngaphezu kwama-R50 ngosuku, kumbe uma ehluleka ukukhokha, aboshwe isikhathi esingekho ngaphezu kosuku, njalo ngosuku aqhubeka ngalo ukwenza icala, emva kokuba uMkhandlu ukhiphe isaziso esibhalwe phansi, wasidlulisela kumuntu othintekayo, esicela ukuba ayeke ukwenza lelo cala.

### (e) ISHEDULI YEZINHLAWULO

ICALA	INHLAWULO
Ukwehluleka ukuveza imvume yokuhweba uma icelwa	Ama- R50
Ukudayisa izimpahla ezingekho emthethweni /eziyimikokotelo	Ama- R1000 kanye nokugqunywa ejele
Ukwehluleka ukuhlanza indawo emva kokuhweba	Ama- R20 icala ngalinye
Inhlawulo yokukhipha izimpahla eziboshiwe	Ama – R50

## 13. Isihloko esifushane kanye nokuqalisa

Le Mithetho kaMasipala izobizwa ngokuthi iMithetho kaMasipala emayelana noMnotho Ongabanjelwa Ntela kanye Nokuhweba Emgwaqeni kuMasipala uMngeni futhi izoqala ukusebenza ngosuku eyovunywa ngalo nguMkhandlu.

Draft IE Bylaw








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  3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
  4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
  5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
  6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
  7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
  8. All re-submissions by customers will be subject to the above cut-off times.
  9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
  10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).

